Draft Environmental Assessment

Lexington Wireless Communications Tower

Lexington, Holmes County, Mississippi

Mississippi Interoperable Communications Grant Program

FEMA 2008-MS-MX-0001, MSWIN 30203 B

July 2011

FEMA

U.S. Department of Homeland Security
Washington, DC 20472

Document Prepared for DHS-FEMA

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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 400-foot self supporting 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 "Lexington North, Mississippi," dated 1982. The site is located in the southwest ¼ of the northwest ¼ of Section 20, Township 15 North, Range 2 East, Holmes County, Mississippi, at latitude 33° 08' 52.571" north and longitude 90° 07' 17.746" west (Figure 1). The site consists of a proposed 100-foot by 100-foot lease area and a proposed access road located off of Mississippi Highway 12 near Lexington, Mississippi. The site consists of an open field currently utilized as a livestock pasture with herbaceous vegetation and slopes gently down toward the northwest. The proposed access road extends northeast from Highway 12 for approximately 35 feet to the site. Proposed activities consist of construction of a 400-foot self-supporting 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. Maps depicting the site location are included as Figures 1 through 3.

The proposed tower facility would be accessed via locked gate off of Mississippi Highway 12. 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 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 2010 aerial photograph depicting the site layout has been included as Figure 4 and site photographs have been included as Figures 5 through 8. 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 Cockfield Formation of Tertiary Age. The Cockfield Formation consists of irregularly-bedded, more or less laminated ligniticclay, sand, and lignite; sparingly glauconitic. 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 information available at the USDA's Web Soil Survey Internet website, site soils are classified as Memphis silt loam, 12 to 40 percent slopes, eroded. This is a steep, well-drained soil type formed from loess deposits. This soil is typically comprised of silt loam from zero to seven inches, silty clay loam from 7 to 48 inches, and silt loam from 48 to 72 inches.

Based on information available at the United States Department of Agriculture Natural Resource Conservation Service (NRCS) Web Soil Survey Internet website, Memphis silt loam, 12 to 40 percent slopes, eroded is not classified as prime farmland.

EEI submitted information regarding the proposed project to the USDA NRCS office in Jackson, Mississippi via letter dated April 7, 2011. The NRCS responded via letter dated April 14, 2011 stating "The planned activity will not significantly impact or permanently alter the site condition. No FPPA determination is required." Copies of the correspondence to and from the NRCS are included as Appendix B.

The proposed communications facility would have no significant impact on soils protected by the FPPA because the NRCS does not consider the action to be a permanent conversion of farmland to non-agricultural use.

4.1.2 Air Quality

The Clean Air Act (CAA) was established in 1970 (42 U.S.C. § 7401 *et seq.*) to reduce air pollution nationwide. The US Environmental Protection Agency (EPA) has developed primary and secondary National Ambient Air Quality Standards (NAAQS) under the provisions of the CAA. The EPA classifies the air quality within an air quality control region (ACQR) 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 150 miles northwest of the DeSoto National Forest. Therefore, the proposed communications facility would have no impacts 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 (MSDEQ) 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 0.23 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 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 a portion of the Digital National Wetlands Inventory map depicting the site location has been included as Figure 9.

A site reconnaissance which included observations to determine if the subject site or immediately adjacent property contained any jurisdictional wetlands (as defined by the United States Army Corps of Engineers) was conducted on March 22, 2011 by Environmental Engineers, Inc. No potential jurisdictional wetland indicators were noted on the site at the time of site reconnaissance.

Information regarding the proposed project was submitted to the United States Army Corps of Engineers (USACE) for review. The USACE responded via letter dated April 19, 2011 stating "Based upon the information provided and the information available to this office, it appears that a Department of the Army permit, pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act will not be required for the proposed activities. In the event that project plans are changed, or if you anticipate any additional construction, please contact this office for a reevaluation of permit requirements and refer to identification no. MVK-2011-372 when submitting the information." Copies of the correspondence submitted to and response from the USACE are included as Appendix C. The proposed communications facility would have no impacts to wetlands.

4.2.4 Floodplain Information

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

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

According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) "Panel 100 of 250, Holmes County, Mississippi (Unincorporated Areas)" effective date September 22, 1999, the site is located in Zone X (no shading) which is described as areas 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 will 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 10.

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 200 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 24, 2011 stating "There is one terrestrial listed species, the Louisiana black bear (*Ursus americanus luteolus*), that is found in Holmes County. Bear habitat includes large tracts of forested land, especially bottomland hardwoods. Since the proposed tower site is located in an open field/pasture and not in bottomland hardwood forest, the Service anticipates no impacts to occur to listed species as a result of the proposed project." Therefore, the proposed communications facility would have no impact on threatened or endangered species. Copies of the correspondence to and the response from the USFWS are included as Appendix D.

4.4.2 Migratory Birds

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

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

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

A basic principal of radio communication coverage is increasing the height extends signal range. Effective coverage is a function of height so to lower each site to less than 199 feet increases the potential to wer 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 medium intensity flashing white obstruction lights (white strobes in both day and night).

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

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

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

potential impacts of towers on migratory birds. The implementation of the Avian Mitigation Plan will lower the potential for the MSWIN program to have adverse cumulative impacts on migratory birds.

4.4.3 Wildlife and Fish

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

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

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

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

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

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

Based on a review of information available at the USFWS Internet website and at the Nationalatlas.gov Internet website, the site is not located within the boundaries of, or adjacent to, any wildlife refuges. Therefore, the proposed communications facility 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 grassed land. The total area of vegetation to be impacted at this site is approximately 0.23 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 March 16, 2011. The FCC assigned Notification I.D. #74 709 to the notification submitted for this proposed wireless telecommunications tower. The FCC sent an electronic mail notification to our office on March 30, 2011 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, and the Tunica-Biloxi Indians of Louisiana. A description of the follow-ups to and responses from each of these Indian tribes are included in Sections 4.5.5.1 through 4.5.5.5. Copies of the TCNS notifications and list of Indian tribes and SHPOs are included in Appendix G.

4.5.4 State Historic Preservation Officer

MRS Consultants, LLC and Environmental Engineers, Inc. completed the FCC Form 620 required for submittal to the SHPO and to those Indian tribes requesting additional information regarding the

proposed wireless telecommunications tower. MRS Consultants, LLC personnel satisfy the United States Secretary of the Interior's Professional Qualification Standards. A copy of the FCC Form 620 prepared for this site is included in Appendix H.

No historic resources were identified in the area of potential effect (APE) for this project.

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 13, 2011 stating "…we concur that no cultural resources listed in or eligible for listing in the National Register of Historic Places will be directly or visually affected. Therefore, we have no reservations with the undertaking." Copies of the correspondence to and from the MDAH are included in Appendix I.

4.5.5 Indian Tribal Consultation

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

4.5.5.1 Alabama-Coushatta Tribe of Texas

Mr. Bryant Celestine of the Alabama-Coushatta Tribe of Texas provided comment via electronic mail dated June 21, 2011 regarding TCNS #74709 stating "On behalf of Mikko Osocla Clayton Sylestine and the Alabama-Coushatta Tribe, our appreciation is expressed on your efforts to consult us regarding TCNS #74709 (JSE01P1110) in Holmes County…Upon review of your May 23, 2011 submission, no known impacts to religious, cultural, or historical assets of the Alabama-Coushatta Tribe of Texas are anticipated in conjunction with this proposal. 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 our 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 June 14, 2011 stating that "The Choctaw Nation of Oklahoma has reviewed the above cell tower 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 stones, 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 March 30, 2011 and the end of the 30-day period indicated by the Kialegee Tribal Town was April 29, 2011. Environmental Engineers, Inc. has not received a response from the Kialegee Tribal Town as of the date of this report. 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 May 23, 2011 and the end of the 30-day period indicated by the Mississippi Band of Choctaw Indians was June 22, 2011. Environmental Engineers, Inc. has not received a response from the Mississippi Band of Choctaw Indians as of the date of this report. 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 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 our contacting him, the project can proceed. We contacted Mr. Barbry regarding this site via electronic mail on May 23, 2011, and the end of the 30-day response period as indicated by Mr. Barbry was June 22, 2011. We have not received a response from Mr. Barbry as of the date of this report. 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 30203 B communications tower site in March 2011 (EEI Project No.: JSE01P1110) did not indicate the presence of hazardous materials or petroleum products at the site at that time. The equipment (including the emergency generator and associated propane/natural gas tank) that would be installed at the site would meet local, state, and federal regulations regarding hazardous materials. The Phase I ESA is included in Appendix K. The antennae and equipment that would be installed at the site would meet local, state, and federal regulations regarding radiofrequency emissions. Lastly, this project is intended to provide better communications between emergency response personnel which would have a beneficial effect on human health and safety. Therefore, the proposed communications facility would have no significant impacts to human health and safety.

4.6.2 Environmental Justice

Section 1-101 of EO 12898 states "To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands."

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

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

4.6.3 Noise

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

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

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

4.6.4 Infrastructure, Utilities, Transportation, and Waste Management

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

No significant impacts are anticipated to infrastructure, utilities, transportation, or waste management from the proposed communications facility. Traffic to and from the site would be minimal and would be associated with maintenance and repair of equipment at the site. Minimal waste would be generated at the site during maintenance activities. All waste generated at the site would be disposed of in compliance with federal, state, and local regulations. The project is intended to provide enhanced communications services for emergency response personnel. This could have a beneficial effect on the ability to identify and correct problems with infrastructure, utilities, transportation, and waste management.

4.6.5 Aesthetics and Visual Impacts

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

The proposed project will not impact national scenic or historic trails. There are no national scenic or historic trails located in Holmes County, Mississippi.

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

Lastly, the site is not located within the boundaries of any state or national park, national forest, or wildlife management area. No city or other community parks are depicted within 1,000 feet of the proposed project on the USGS Topographic Quadrangle "Lexington North, 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**			None
Floodplains	**X**			None
Coastal Resources	**X**			None
Threatened and Endangered Species	**X**			None
Migratory Birds		**X**		Tower lighting would be in accordance with USFWS recommendations; tower design would allow for future collocation; requirements of the Avian Mitigation Plan would be followed.
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 Holmes County Chancery Clerk was contacted regarding the proposed wireless communications tower via letter dated March 29, 2011. No response was received from the Holmes County Chancery Clerk as of the date of this report. A public notice was published in the *Holmes County Herald* on March 24, 2011 requesting comment regarding potential impacts to historical or archaeological properties by the proposed wireless communications tower. No comments have been received as of the date of this report in response to the public notice. Copies of the correspondence to and from the Holmes County Chancery Clerk and a copy of the public notice are included in Appendix L. In addition, notice of availability of this draft Environmental Assessment will be published in *Holmes County Herald*.

6.0 LIST OF PREPARERS

- Mindy Manners, Environmental Engineers, Inc.
- Anne B. Gilbert, Environmental Engineers, Inc.

- Science Kilner, FEMA

7.0 INFORMATION SOURCES

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

1. Review of the portion of the 2010 aerial photograph depicting the site location available through Maptech.

2. Review of the site survey prepared by SMW Engineering, Inc.

3. Review of information regarding National Scenic Trails and All-American Roads available on the Mississippi Department of Transportation Internet website.

4. State and county maps available through the Mississippi Department of Transportation Internet website.

5. Review of information regarding wild and scenic rivers in the vicinity of the proposed project available at Rivers.gov.

6. Review of the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission.

7. Correspondence to and from the United States Army Corps of Engineers regarding potential impacts to jurisdictional wetlands by the proposed project.

8. Review of information available on the USFWS National Wetlands Inventory Internet website regarding potential jurisdictional wetlands on or adjacent to the site.

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, and the Tunica-Biloxi Indians of Louisiana regarding wireless telecommunications projects.

15. Review of the portion of the FEMA Flood Insurance Rate Map depicting the site location regarding flood zone designations for the site.

16. Information regarding the MSWIN system provided by Towers of Mississippi.

17. Soil information from the USDA's Web Soil Survey Internet website.

18. 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.

19. A reconnaissance of the subject property.

Figures

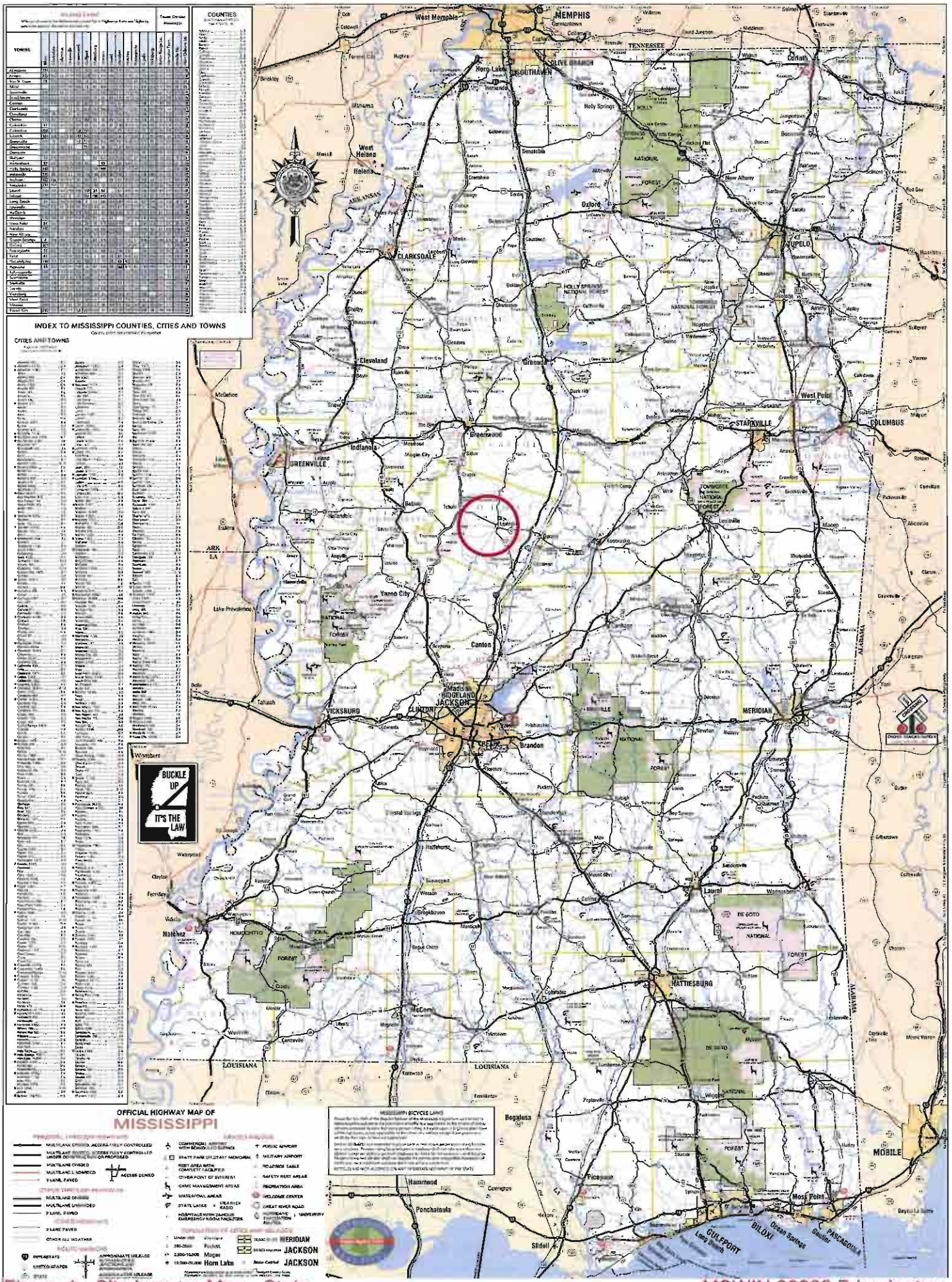


Figure 1 - Site Locator Map - State

MSWIN 30203 B Lexington

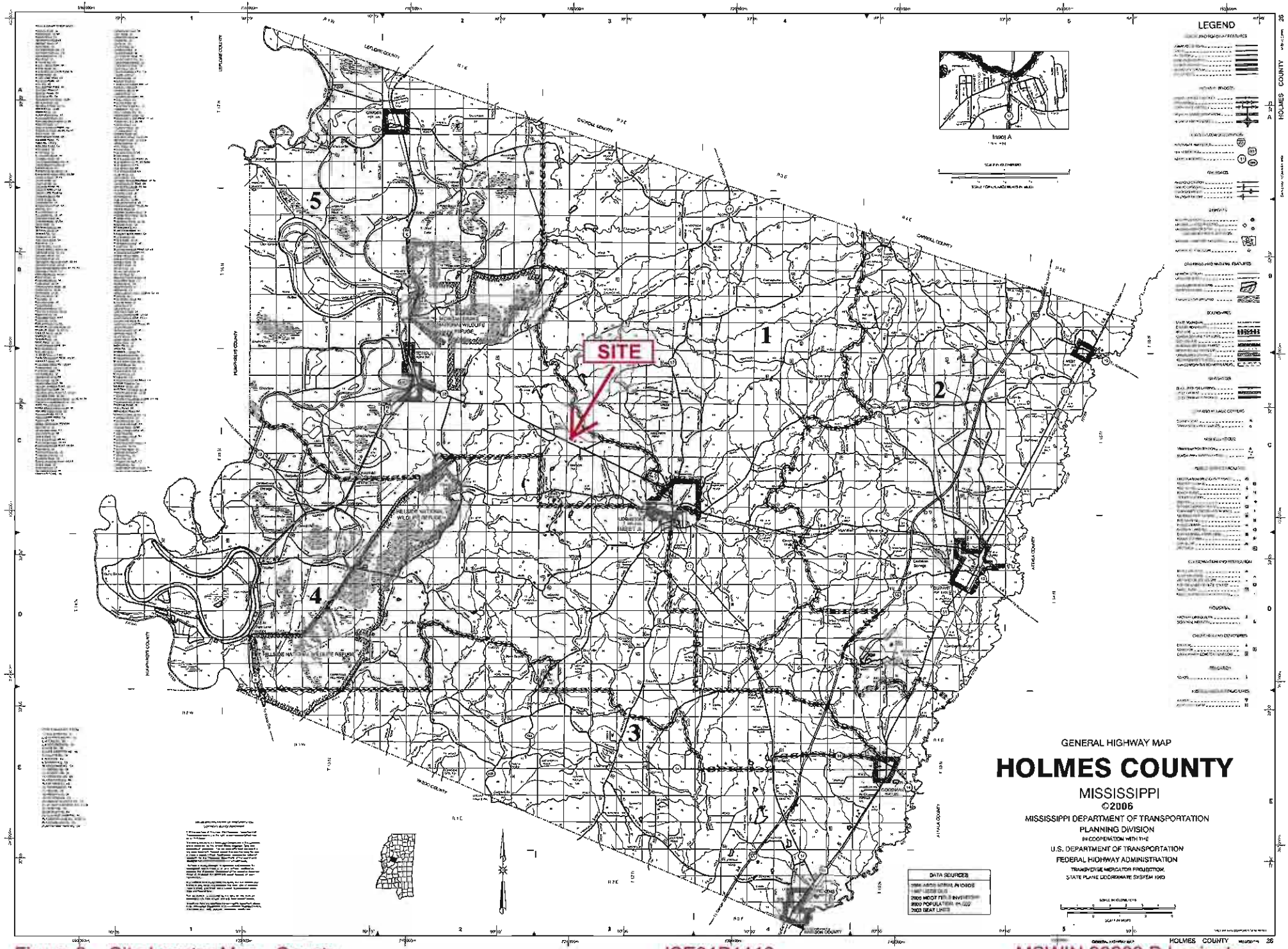
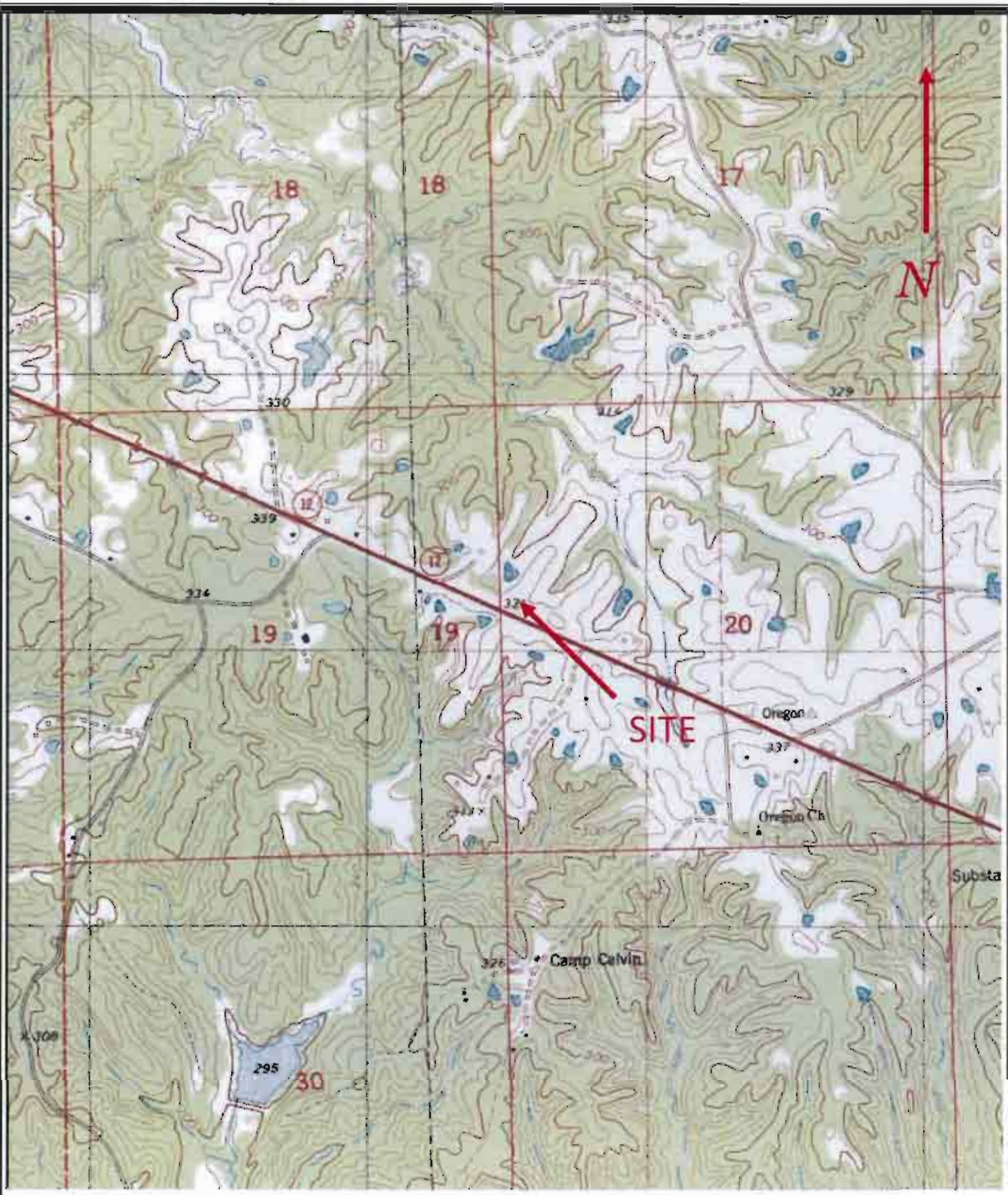


Figure 2 - Site Locator Map - County

JSE01P1110

MSWIN 30203 B Lexington



Environmental Engineers, Inc.

Subject:
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Figure 3

Site Location Map

Environmental Engineers, Inc.

Subject: MSWIN 30203 B Lexington Communications Facility Lexington, Holmes County, Mississippi Environmental Engineers, Inc. Project No.: JSE01P1110	Figure 4 2010 Aerial

View from the center of the proposed tower looking toward the north.

View from the center of the proposed tower looking toward the east.

Environmental Engineers, Inc.

Subject:
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Figure 5

Site Photographs

View from the center of the proposed tower looking toward the south.

View from the center of the proposed tower looking toward the west.

Environmental Engineers, Inc.

Subject: MSWIN 30203 B Lexington Communications Facility Lexington, Holmes County, Mississippi Environmental Engineers, Inc. Project No.: JSE01P1110	Figure 6 Site Photographs

View of the proposed access road looking north from Mississippi Highway 12.

View across the site from northeast to southwest.

Environmental Engineers, Inc.

Subject: MSWIN 30203 B Lexington Communications Facility Lexington, Holmes County, Mississippi Environmental Engineers, Inc. Project No.: JSE01P1110	Figure 7 Site Photographs

View across the site from southeast to northwest.

Environmental Engineers, Inc.

Subject: MSWIN 30203 B Lexington Communications Facility Lexington, Holmes County, Mississippi Environmental Engineers, Inc. Project No.: JSE01P1110	Figure 8 Site Photographs

U.S. Fish and Wildlife Service

National Wetlands Inventory

JSE01P1110

Jun 24, 2011

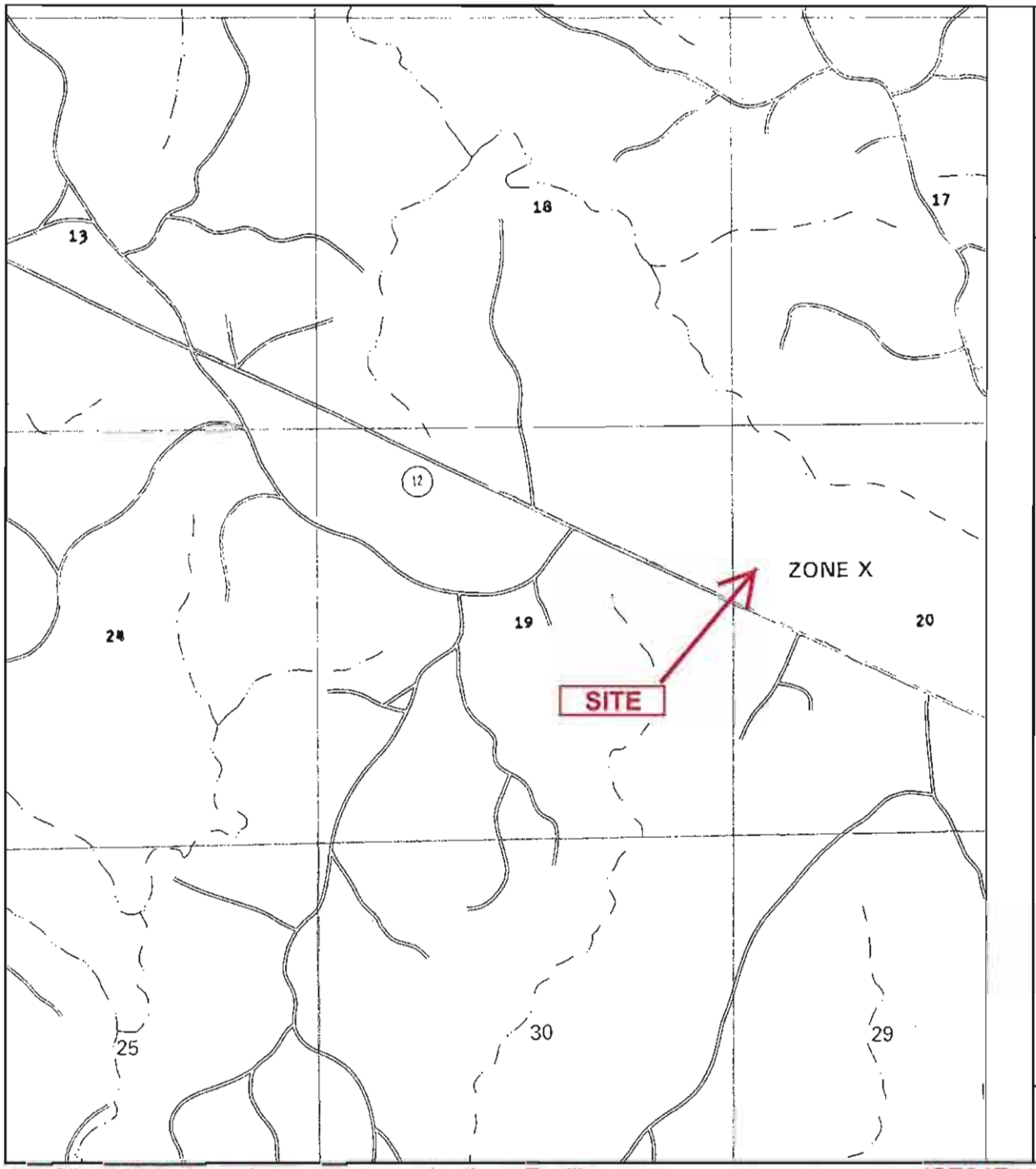
Wetlands

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

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

User Remarks:

MSWIN 30203 B Lexington Facility



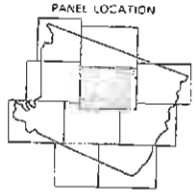
NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

HOLMES COUNTY, MISSISSIPPI
(UNINCORPORATED AREAS)

PANEL 100 OF 250
(SEE MAP INDEX FOR PANELS NOT PRINTED)

PANEL LOCATION



COMMUNITY-PANEL NUMBER
280211 0100 D

MAP REVISED:
SEPTEMBER 22, 1999

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' SELF SUPPORTING

LATITUDE: 33°08'52.571"NORTH
(NAD83)
LONGITUDE: 90°07'17.746"WEST
GROUND ELEVATION: 332.3' ABOVE MEAN SEA LEVEL
(NAVD88)

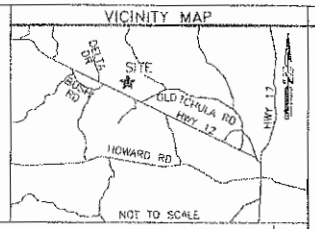
MISSISSIPPI - WEST
GRID - NORTH

GRID TO TRUE NORTH CONVERGENCE
0°06'

TRUE NORTH TO MAGNETIC DECLINATION
0°24' W

GPS SCALE FACTOR
0.999954809

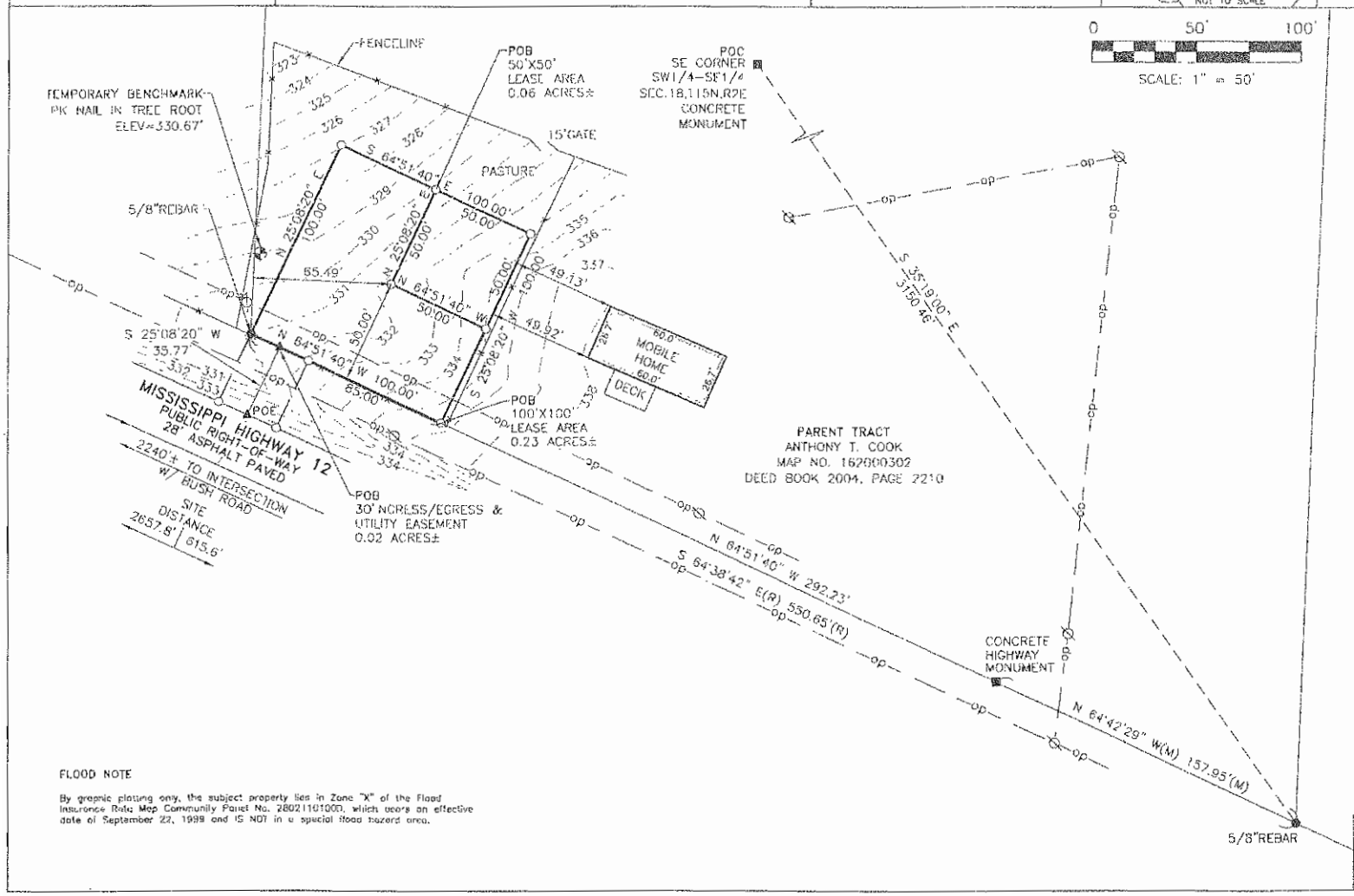
VICINITY MAP



LEGEND

- ○ = 5/8" CAPPED REBAR SET (SMW LS 02859)
- ● = FOUND PROPERTY MARKER
- ■ = CONCRETE MONUMENT
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- POE = POINT OF ENDING
- ▲ = CALCULATED POINT
- (R) = RECORDED INFORMATION
- = POWER POLE
- = GUY ANCHOR
- = POWER BOX
- = TELEPHONE PEDESTAL
- = RIGHT-OF-WAY
- = OVERHEAD POWER

0 50' 100'
SCALE: 1" = 50'



FLOOD NOTE

By graphic plotting only, the subject property lies in Zone "X" of the Flood Insurance Rate Map Community Panel No. 28021101000, which bears an effective date of September 22, 1999 and IS NOT in a special flood hazard area.

LEXINGTON
30203B
NW 1/4, SEC. 20, T-15-N, R-2-E
HOLMES COUNTY, MISSISSIPPI

NO	REVISION	DATE	BY

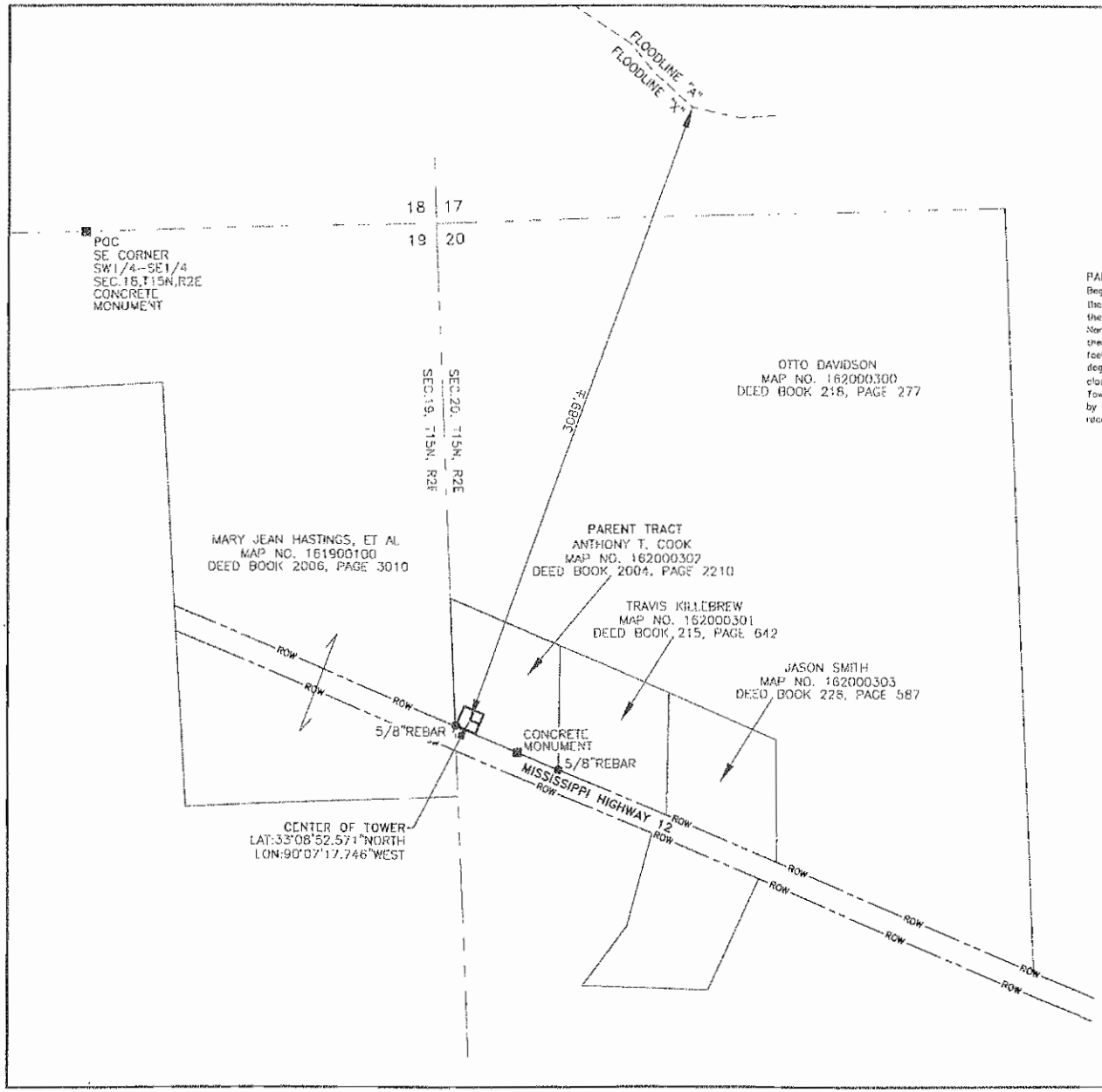
PROJECT NO.
11-0126

DRAWN BY: TJS
CHECKED BY: AJK
FIELD CREW: WHSP
APPROVED BY: WHS
DATE: 03/13/11
SCALE: 1" = 50'
SHEET 1 OF 3

RAWLAND TOWER SURVEY

ENVIRONMENTAL ENGINEERS
1578 U.S. HIGHWAY 411
CEDARVILLE, AL 35120

SMW Engineering Group, Inc.
1550 Woods of Riverchase Drive
Suite 150
Hoover, Alabama 35244
Ph: 205-252-6585
www.smwengi.com



PARENT TRACT LEGAL DESCRIPTION (DEED BOOK 2004 AT PAGE 2210)

Begin at an iron pin located 2795.46 feet North and 2120.93 feet West of a concrete marker on the Southwest corner of the SE1/4 of Section 20, Township 15 North, Range 2 East, and run thence North 2 degrees 27 minutes 50 seconds East for a distance of 600.91 feet, thence run North 64 degrees 38 minutes 42 seconds West for a distance of 550.65 feet to an old fence, thence run South 2 degrees 27 minutes 50 seconds West along said fence for a distance of 600.91 feet to the Northern boundary of Mississippi Highway 12; thence run along said boundary South 64 degrees 38 minutes 42 seconds East for a distance of 550.65 feet to the POINT OF BEGINNING and close, containing 7 acres, more or less, being situated in the SW1/4 of the NW1/4 of Section 20, Township 15 North, Range 2 East, being part of the Cleveland Place conveyed between the grantors by deed dated June 25, 1999, and recorded in Deed Book 214 at Page 331 of the Holmes County records.

LEXINGTON
30203B
NW 1/4, SEC. 20, T-15-N, R-2-E
HOLMES COUNTY, MISSISSIPPI

NO.	REVISION	DATE	BY

PROJECT NO
11-0126

DRAWN BY: TJS
CHECKED BY: MK
FIELD CREW: WHSY
APPROVED BY: WHS
DATE: 03/04/11
SCALE: N/A
SHEET 2 OF 3

RAWLAND TOWER SURVEY

FOR:

ENVIRONMENTAL ENGINEERS
11878 U.S. HIGHWAY 411
GEORGES, AL 35120

SMW Engineering Group, Inc.
1560 Woods of Riverchase Drive
Suite 103
Hoover, Alabama 35244
Ph: 205-252-6995
www.smweng.com

100' X 100' LEASE AREA (AS SURVEYED)

A lease area being a portion of that certain tract of land as described in Deed Book 2004 at Page 2210, as recorded in the Office of the Chancery Court for Holmes County, Mississippi, lying in NW1/4 of Section 20, Township 15 North, Range 2 East and being more particularly described as follows:

Commence at a concrete monument, found in place of the Southeast corner of the SW1/4 of the SE1/4 of Section 18, Township 15 North, Range 2 East; thence run S 35°19'00" E for a distance of 3150.46 feet to a found 5/8" rebar, found in place of the Southeast corner of said certain tract of land described in Deed Book 2004 at Page 2210 and on the Northerly right of way of Mississippi Highway 12, thence run N 64°42'29" W for a distance of 157.95 feet to a found concrete highway monument; thence run N 64°51'40" W for a distance of 292.23 feet to set 5/8" capped rebar (SMW LS#02859) and the POINT OF BEGINNING; thence run N 64°51'40" W for a distance of 100.00 feet to a found 5/8" rebar, found in place of the Southwest corner of said certain tract of land described in Deed Book 2004 at Page 2210; thence run N 25°08'20" E for a distance of 100.00 feet to a set 5/8" capped rebar (SMW LS#02859); thence run S 64°51'40" E for a distance of 100.00 feet to a set 5/8" capped rebar (SMW LS#02859); thence run S 25°08'20" W for a distance of 100.00 feet and the POINT OF BEGINNING.

The above described parcel of land contains 0.23 acres, more or less.

50' X 50' SUBLEASE AREA (AS SURVEYED)

A lease area being a portion of that certain tract of land as described in Deed Book 2004 at Page 2210, as recorded in the Office of the Chancery Court for Holmes County, Mississippi, lying in NW1/4 of Section 20, Township 15 North, Range 2 East and being more particularly described as follows:

Commence at a concrete monument, found in place of the Southeast corner of the SW1/4 of the SE1/4 of Section 18, Township 15 North, Range 2 East; thence run S 35°19'00" E for a distance of 3150.46 feet to a found 5/8" rebar, found in place of the Southeast corner of said certain tract of land described in Deed Book 2004 at Page 2210 and on the Northerly right of way of Mississippi Highway 12, thence run N 64°42'29" W for a distance of 157.95 feet to a found concrete highway monument; thence run N 64°51'40" W for a distance of 292.23 feet to set 5/8" capped rebar (SMW LS#02859); thence run N 64°51'40" W for a distance of 100.00 feet to a found 5/8" rebar, found in place of the Southwest corner of said certain tract of land described in Deed Book 2004 at Page 2210, thence run N 25°08'20" E for a distance of 100.00 feet to a set 5/8" capped rebar (SMW LS#02859); thence run S 64°51'40" E for a distance of 50.00 feet to a set 5/8" capped rebar (SMW LS#02859) and the POINT OF BEGINNING; thence continue S 64°51'40" E for a distance of 50.00 feet; thence run S 25°08'20" W for a distance of 50.00 feet to a set 5/8" capped rebar (SMW LS#02859); thence run N 64°51'40" W for a distance of 50.00 feet to a set 5/8" capped rebar (SMW LS#02859), thence run N 25°08'20" E for a distance of 50.00 feet to the POINT OF BEGINNING.

The above described parcel of land contains 0.06 acres, more or less

30' INGRESS/EGRESS & UTILITY EASEMENT (AS SURVEYED)

An easement being a portion of that certain tract of land as described in Deed Book 2004 at Page 2210, as recorded in the Office of the Chancery Court for Holmes County, Mississippi, lying in NW1/4 of Section 20, Township 15 North, Range 2 East and being more particulary described as follows:

Commence at a concrete monument, found in place of the Southeast corner of the SW1/4 of the SE1/4 of Section 18, Township 15 North, Range 2 East; thence run S 35°19'00" E for a distance of 3150.46 feet to a found 5/8" rebar, found in place of the Southeast corner of said certain tract of land described in Deed Book 2004 at Page 2210 and on the Northerly right of way of Mississippi Highway 12; thence run N 64°42'29" W for a distance of 157.95 feet to a found concrete highway monument; thence run N 64°51'40" W for a distance of 292.23 feet to set 5/8" capped rebar (SMW LS#02859); thence run N 64°51'40" W for a distance of 85.00 feet to the POINT OF BEGINNING of an Ingress/Egress and Utility Easement being 30 feet in width and lying 15 feet on each side of the following described centerline. thence run S 25°08'20" W feet to the Northerly edge of asphalt of said Mississippi Highway 12, and the POINT OF ENDING.

The bounds of said described easement to adjoin lease area and right-of-way contiguously, and contain 0.02 acres, more or less.

LESS AND EXCEPT any and all rights of way of Mississippi Highway 12 over and across the above described easement

SURVEYOR'S NOTES

1. this is a Rowland Tower Survey, made on the ground under the supervision of a Mississpi Registered Land Surveyor. Date of field survey is March 3, 2011.
2. The following surveying instruments were used at time of field visit: Nikon NPL-352, Total Station, Reflectorless and Hipe: + Legacy E RTK, GD HP2
3. Bearings are based on Mississippi West State Plane Coordinates NAD 83 by GPS observation.
4. No underground utilities, underground encroachments or building foundations were measured or located as a part of this survey, unless otherwise shown. Trees and shrubs not located, unless otherwise shown.
5. Benchmark used is a Continuously Operating Reference Station, PID DI3431. Onsite benchmark is as shown hereon. Elevations shown are in feet and refer to NAVD 88.
6. This survey was conducted for the purpose of a Rowland Tower Survey only, and is not intended to delineate the regulatory jurisdiction of any federal, state, regional or local agency, board, commission or other similar entity.
7. Attention is directed to the fact that this survey may have been reduced or enlarged in size due to reproduction. This should be taken into consideration when obtaining scaled data.
8. This Survey was conducted without the benefit of an Abstract Title search.
9. Surveyor hereby states the Geodetic Coordinates and the elevation shown for the proposed centerline of the tower are accurate to within +/- 15 feet horizontally and to within +/- 3 feet vertically (FAA Accuracy Code 1A).
10. Survey shown hereon conforms to the Minimum Requirements as set forth by the State Board for a Class "A" Survey
11. Field data upon which this map or plat is based has a closure precision of not less than one-foot in 15,000 feet (1':15,000') and an angular error that does not exceed 10 seconds times the square root of the number of angles turned. Field traverse was not adjusted.
12. This survey is not valid without the original signature and the original seal of a state licensed surveyor and mapper.
13. This survey does not constitute a complete boundary survey of the Parent Tract. Any parent tract property lines shown hereon are from supplied information and may not be field verified. The parent tract legal description shown hereon is for informational purposes only
14. At the time of this survey, Holmes County, Mississippi does not have any zoning districts or requirements that may affect subject property.

SURVEYOR'S CERTIFICATE

I, William H. Sommerville, III, DO HEREBY CERTIFY TO Federal Aviation Administration, Stewart Title Guaranty Company, The State of Mississippi and Towers of Mississippi II, LLC, that this survey was made on the ground under my personal supervision and that this plat is a true, correct, and accurate representation of the facts as found at the time of the survey, and more specifically, I so hereby certify that the survey conforms to the conditions and stipulations as checked (X) below

(x) 1. The boundary lines and dimensions of the Lease Parcel and Access and Utilities Easements ("Easement") indicated hereon is correct.

(x) 2. To the extent the Lease Parcel and Easement indicated hereon is part of a parent parcel, such Lease Parcel and Easement are located within the boundaries of the record title legal description of such parent parcel. The location of said Lease Parcel and Easement relative to an approximation of the location of the boundaries of the parent tract is illustrated on the insert shown hereon.

(x) 3. Capped iron pins are set at each Lease Parcel corner unless otherwise indicated hereon.

(x) 4. The distance from the nearest intersecting public street or road is as shown hereon

(x) 5. Correctly shows the location and dimension of all alleys, streets, road, rights-of-way, easement and other matters of record which the surveyor has been advised affects the Lease Parcel and Easement (each has been identified by instrument volume and page number if available).

(x) 6. Except as shown, there are no visible easements, rights-of-way, party walls or conflicts affecting the Lease Parcel and Easement, further, this survey is not subject to any easements or rights-of-way not visible on the ground.

(x) 7. The location of all buildings, structures and other improvements of visible items affecting the Lease Parcel and Easement, if shown, are as indicated hereon. The location of all other buildings, structures and other improvements of visible items on the parent tract, if shown hereon, are approximate in nature, except that the Lease Parcel and Easement are entirely located within the boundaries of the parent parcel, as shown on the tract.

(x) 8. Except as shown, there are no visible protrusions on adjoining premises, streets or alleys by any building, structure or other improvements situated on the Lease Parcel and Easement.

(x) 9. Except as shown, there are no visible encroachments onto the Lease Parcel and Easement by any building, structure or other improvements situated on adjoining premises.

(x) 10. By graphic plotting only, the subject property lies in Zone "X" of the Flood Insurance Rate Map Community Panel No 28021101000, which bears an effective date of September 22, 1999 and IS NOT in a special flood hazard area.

(x) 11. Correctly describes and shows the location of all public streets and roads visibly providing access to and from the subject property, and correctly sets forth the municipal address of the subject property.

(x) 12. Correctly depicts the latitudinal and longitudinal coordinates of the tower(s) location(s), to the nearest tenth of a second, the elevation above mean sea level of the base and tip of each tower, plus or minus 20 feet, the elevation of the top of each tower as measured from ground level, and additionally, the elevation of the top of the highest appurtenance on the tower as measured from ground level, if such appurtenance is higher in elevation than the highest point of the tower structure itself, to the nearest foot, on the survey drawing and on a separate 8 1/2 X 11 certified letterhead

(x) 13. Survey of the Lease Parcel and Easement meets or exceeds the minimum technical standards for Land Boundary surveys set forth by Mississippi State Law.

(x) 14. If the survey is developed electronically (CAD File), it is essential that a disk be provided/sent with the survey.

William H. Sommerville, III
Mississippi License No. 02859

LEXINGTON
30203B
NW 1/4, SEC. 20, T-15-N, R-2-E
HOLMES COUNTY, MISSISSIPPI

NO.	REVISION	DATE	BY

PROJECT NO
11-0126

DRAWN BY: TGS
CHECKED BY: AJC
FIELD CREW: WHSW
APPROVED BY: WHS
DATE: 03/25/11
SCALE: N/A
SHEET 3 OF 3

FOR: RAWLAND TOWER SURVEY

ENVIRONMENTAL ENGINEERS
11578 U.S. HIGHWAY 411
GADSDEN, AL 35140

SMW Engineering Group, Inc.
1550 Woods of Riverchase Drive
Suite 100
Hoover, Alabama 35244
Ph: 205-252-8885
www.smwengineering.com

Appendix B

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

April 7, 2011

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
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

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 Holmes 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 "Lexington North, Mississippi," dated 1982. The site is located in the southwest ¼ of the northwest ¼ of Section 20, Township 15 North, Range 2 East, Holmes County, Mississippi, at latitude 33° 08' 52.571" north and longitude 90° 07' 17.746" west. The site consists of a proposed 100-foot by 100-foot lease area and a proposed access road located off of Mississippi Highway 12 near Lexington, Mississippi. The site consists of an open field currently utilized as a livestock pasture with herbaceous vegetation and slopes gently down toward the northwest. The proposed access road extends northeast from Highway 12 for approximately 35 feet to the site. Proposed activities consist of construction of a 400-foot self-supporting 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. The proposed project is located in an area described as Zone X (no shading) of the Flood Insurance Rate Map Community Panel No. 280211 0100 D which bears effective date of September 22, 1999 and is in an area outside the 500-year flood plain. I have included a site location map, site photographs, and the portion of the 2010 aerial photograph depicting the site location 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 (JSE01P1110) 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 agilbert@envciv.com, or U.S. mail at the letterhead address if you have any questions or comments.

Sincerely,

ENVIRONMENTAL ENGINEERS, INC.

Chad Stinnett / for

Anne B. Gilbert, P.E.
Principal Engineer

Attachments Site Location Map, Site Photographs, 2010 Aerial Photograph

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Sent To: Dr. Homer L. Wilkes, State Cons.

Street, Apt. No.; or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2006 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:

Dr. Homer L Wilkes, State Conservationist
U.S. Dept of Ag, NRCS
100 W Capital Street
Suite 1321 Federal Bldg
Jackson, MS 39269

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Kay Armstrong ☐ Agent ☐ Addressee

B. Received by (Printed Name): Kay Armstrong
C. Date of Delivery: 4-11-2011

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

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4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7010 0290 0003 5724 3669

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

United States Department of Agriculture

NRCS

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

JSE01 P1110

April 14, 2011

Environmental Engineers Inc.

APR 27 2011

RECEIVED

Anne Gilbert
Principal Engineer
Environmental Engineers, Inc.
11578 US Highway 411
Odenville, AL 35120

Dear Ms. Gilbert:

This is in response to your letter dated April 7, 2011, regarding the Request for Project Review Proposed MSWIN 30203 B Lexington Communications Facility in Lexington in Holmes County, Mississippi.

The planned activity will not significantly impact or permanently alter the site condition. No FPPA determination is required.

Sincerely,

Delaney B. Johnson
State Soil Scientist

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

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Appendix C

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

April 7, 2011

Mr. David Lofton, Section Chief
U.S. Army Corps of Engineers/Regulatory Division
Vicksburg District Office
4155 E. Clay Street
Vicksburg, Mississippi 39183

Subject:
Request for Project Review
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Dear Mr. Lofton:

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 Holmes 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 "Lexington North, Mississippi," dated 1982. The site is located in the southwest ¼ of the northwest ¼ of Section 20, Township 15 North, Range 2 East, Holmes County, Mississippi, at latitude 33° 08' 52.571" north and longitude 90° 07' 17.746" west. The site consists of a proposed 100-foot by 100-foot lease area and a proposed access road located off of Mississippi Highway 12 near Lexington, Mississippi. The site consists of an open field currently utilized as a livestock pasture with herbaceous vegetation and slopes gently down toward the northwest. The proposed access road extends northeast from Highway 12 for approximately 35 feet to the site. Proposed activities consist of construction of a 400-foot self-supporting 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. The proposed project is located in an area described as Zone X (no shading) of the Flood Insurance Rate Map Community Panel No. 280211 0100 D which bears effective date of September 22, 1999 and is in an area outside the 500-year flood plain. Based on information provided by the USDA's Web Soil Survey Internet website, site soils are classified as Memphis silt loam, 12 to 40 percent slopes, eroded. I have included a site location map, site photographs, and the portion of the 2010 aerial photograph depicting the site location for your review.

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

The responsible official for this project is:

Mr. Taylor Robinson
Towers of Mississippi
31560 Blakely Way
Spanish Fort, Alabama 36532
Telephone (205) 266-4466

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 (JSE01P1110) 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 agilbert@envciv.com, or U.S. mail at the letterhead address if you have any questions or comments.

Sincerely,

ENVIRONMENTAL ENGINEERS, INC.

Chad S Tinnett /for
Anne B. Gilbert, P.E.
Principal Engineer

Attachments Site Location Map, Site Photographs, 2010 Aerial Photograph

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Sent To: Mr. David Lofton, Section Chief

Street, Apt. No.; or PO Box No.

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PS Form 3800, August 2006 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. David Lofton, Section Chief
U.S. Army Corps of Engineers
Regulatory Division
Vicksburg District Office
4155 E. Clay Street
Vicksburg, MS 39183

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
[signature] 4/11/11

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

2. Article Number
(Transfer from service label) 7010 0290 0003 5724 3621

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

DEPARTMENT OF THE ARMY

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

REPLY TO
ATTENTION OF:

April 19, 2011

Operations Division

SUBJECT: Project Number: JSE01P1110 Proposed Construction of a Wireless Communications Tower

Environmental Engineers Inc.

APR 25 2011

RECEIVED

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

Dear Mr. Robinson:

This letter is in response to the April 7, 2011, letter from Ms. Anne Gilbert of Environmental Engineering Incorporated concerning proposed plans for the construction of a wireless communications tower and associated structures in Holmes County, Mississippi. The location of the activity is depicted on the enclosed map (enclosure 1).

Based upon the information provided and the information available to this office, it appears that a Department of the Army permit, pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act will not be required for the proposed activities. In the event that project plans are changed, or if you anticipate any additional construction, please contact this office for a reevaluation of permit requirements and refer to identification no. MVK-2011-372 when submitting the information.

This determination of Department of Army regulatory requirements was based upon a preliminary jurisdictional determination that there are no jurisdictional areas being impacted by the proposed work on the property subject to regulation pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or to Section 404 of the Clean Water Act. An appeals form for this preliminary jurisdictional determination has been enclosed for your review (enclosure 2).

This determination 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.

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 postcard (enclosure 3).

If we may be of any further assistance in this matter, please contact Ms. Brandy Morrow of this office, telephone (601) 631-5499, fax (601) 631-5459, or e-mail address: regulatory@usace.army.mil.

I am forwarding a copy of this letter to Ms. Anne Gilbert, Principal Engineer, Environmental Engineers, Incorporated, 11578 United States Highway 411, Odenville, Alabama 35120.

Sincerely,

David Lofton

David Lofton
Chief, Permit Section
Regulatory Branch

Enclosures

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

April 7, 2011

Mr. David Lofton, Section Chief
U.S. Army Corps of Engineers/Regulatory Division
Vicksburg District Office
4155 E. Clay Street
Vicksburg, Mississippi 39183

Subject:
Request for Project Review
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

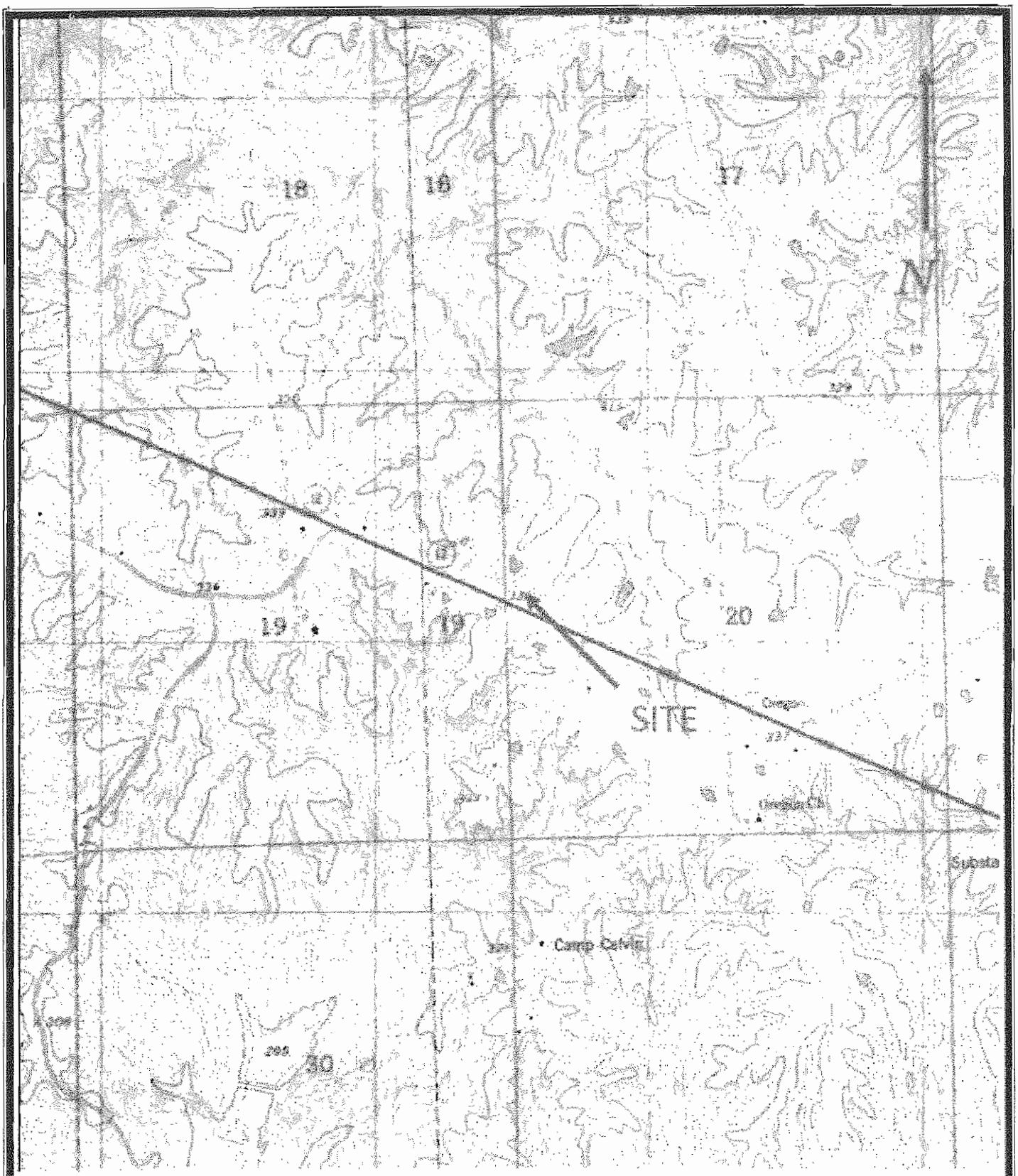
Dear Mr. Lofton:

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 Holmes 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 "Lexington North, Mississippi," dated 1982. The site is located in the southwest ¼ of the northwest ¼ of Section 20, Township 15 North, Range 2 East, Holmes County, Mississippi, at latitude 33° 08' 52.571" north and longitude 90° 07' 17.746" west. The site consists of a proposed 100-foot by 100-foot lease area and a proposed access road located off of Mississippi Highway 12 near Lexington, Mississippi. The site consists of an open field currently utilized as a livestock pasture with herbaceous vegetation and slopes gently down toward the northwest. The proposed access road extends northeast from Highway 12 for approximately 35 feet to the site. Proposed activities consist of construction of a 400-foot self-supporting 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. The proposed project is located in an area described as Zone X (no shading) of the Flood Insurance Rate Map Community Panel No. 280211 0100 D which bears effective date of September 22, 1999 and is in an area outside the 500-year flood plain. Based on information provided by the USDA's Web Soil Survey Internet website, site soils are classified as Memphis silt loam, 12 to 40 percent slopes, eroded. I have included a site location map, site photographs, and the portion of the 2010 aerial photograph depicting the site location for your review.

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

MVK-2011-00372 TB



Environmental Engineers, Inc.

Subject:
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc Project No JSE01P1110

Figure 1
Site Location Map

Scale: 1" = 2000'

Appendix D

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

March 29, 2011

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

Subject:
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Dear Mr. Ricks:

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

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Lexington North, Mississippi," dated 1982. The site is located in the southwest ¼ of the northwest ¼ of Section 20, Township 15 North, Range 2 East, Holmes County, Mississippi, at latitude 33° 08' 52.571" north and longitude 90° 07' 17.746" west. The site consists of a proposed 100-foot by 100-foot lease area and a proposed access road located off of Mississippi Highway 12 near Lexington, Mississippi. The site consists of an open field currently utilized as a livestock pasture with herbaceous vegetation and slopes gently down toward the northwest. The proposed access road extends northeast from Highway 12 for approximately 35 feet to the site. Proposed activities consist of construction of a 400-foot self-supporting 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 have included a site location map, site photographs, and the portion of the 2010 aerial photograph depicting the site location for your review.

Environmental Engineers, Inc. appreciates the opportunity to provide this information. Please reference the Environmental Engineers, Inc. project number (JSE01P1110) in correspondence regarding this site. Thank you for your time and assistance and we look forward to your response. Please call us at (205) 629-3868 if you have any questions or comments.

Sincerely,

ENVIRONMENTAL ENGINEERS, INC.

Anne B. Gilbert for

Chad Stinnett
Senior Project Scientist

Attachments Site Location Map, Site Photographs, and 2010 Aerial Photograph

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

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City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

Mr. Stephen Ricks
USF&WS
6578 Dogwood View Pkwy
Jackson, MS 39213

COMPLETE THIS SECTION ON DELIVERY

A. Signature
x N Davis ☐ Agent ☐ Addressee

B. Received by (Printed Name) D. Davis
C. Date of Delivery 4/1/11

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

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☐ Registered ☐ Return Receipt for Merchandise
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2. Article Number (Transfer from service label) 7010 0290 0003 5724 3317

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Mississippi Field Office
6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 39213

June 24, 2011

IN REPLY REFER TO:
2011-I-484

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

Dear Mr. Stinnett:

The Fish and Wildlife Service (Service) has received your letter dated March 29, 2011, regarding construction of a 400 foot self-supporting telecommunications tower and fenced tower compound located off of Highway 12 near Lexington, 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 is one terrestrial listed species, the Louisiana black bear (*Ursus americanus luteolus*), that is found in Holmes County. Bear habitat includes large tracts of forested land, especially bottomland hardwoods. Since the proposed tower site is located in an open field/pasture and not in bottomland hardwood forest, the Service anticipates no impacts to occur to listed species as a result of the proposed project. However, due to adverse impacts these towers can have on migratory birds, we are attaching our recommended guidelines to reduce migratory bird mortality.

Thank you for the opportunity to comment on this project. Please contact Terri Jacobson of this office if your project plans change or if you have any questions. She can be reached at (601) 321-1129. For a current list of endangered species, check out our web page at www.fws.gov/mississippiES/endsp.html.

Sincerely,

FOR Stephen Ricks
Field Supervisor

Appendix E

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

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

1. Co-locate communications equipment on an existing communication tower or other structure (*e.g.*, billboard, water tower, or building mount). Depending on tower load factors, from 6 to 10 providers may collocate on an existing tower.

2. If co-location is not feasible and a new tower or towers are to be constructed, towers should be no more than 199 feet above ground-level (AGL), use construction techniques which do not require guy wires (*e.g.*, use a lattice structure, monopole, etc.). Towers should be unlighted if Federal Aviation Administration regulations permit.

3. If constructing multiple towers, consider the cumulative impacts of all towers to migratory birds and threatened and endangered species as well as the impacts of each individual tower.

4. If at all possible, new towers should be sited within existing "antenna farms" (clusters of towers). Towers should not be sited in or near wetlands, other known bird concentration areas (*e.g.*, state or Federal refuges, staging areas, rookeries), in known migratory or daily movement flyways, or in habitat of threatened or endangered species. Towers should not be sited in areas with a high incidence of fog, mist, and low ceilings.

5. If taller (>199 feet AGL) towers requiring lights for aviation safety must be constructed, the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA should be used. Unless otherwise required by the FAA, only white (preferable) or red strobe lights should be used at night, and these should be the minimum number, minimum intensity, and minimum number of flashes per minute (longest duration between flashes) allowable by the FAA. The use of solid red or pulsating red warning lights at night should be avoided. Current research indicates that solid or pulsating (beacon) red lights attract night-migrating birds at a much higher rate than white strobe lights. Red strobe lights have not yet been studied.

6. Tower designs using guy wires for support which are proposed to be located in known raptor or waterbird concentration areas or daily movement routes, or in major diurnal migratory bird movement routes or stopover sites, should have daytime visual markers on the wires to prevent collisions by these diurnally moving species. (For guidance on markers, see *Suggested Practices for Avian Protection on Power Lines: The State of the Art in* 2006 - a profile of the research and safeguards available to remedy the issue of avian electrocutions. Copies can be obtained from Edison Electric Institute by calling 1-800-334-5453 or via the Internet at http://www.eei.org/products_and_services/descriptions_and_access/index.htm.

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

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.

2. Site construction incorporates limited road improvements and site fencing to reduce land disturbance.

3. Tower locations are placed to avoid known bird rookeries and nesting grounds, and inspection of tower sites post-construction will help identify instances of avian injuries and deaths.

4. Towers are designed to allow for future use of other radio systems to reduce the number of towers required in the area. The average height of MSWIN towers is 425 feet allowing MSWIN to provide coverage of 97% of Mississippi's land area with only 135 RF sites.

5. Security lighting for on ground equipment is designed to focus in the secure compound to minimize disturbance of surrounding areas.

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

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

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

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

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

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
Jomar 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: Wednesday, March 16, 2011 11:12 AM
To: towerinfo@envciv.com
Subject: Proposed Tower Structure Info - Email ID #2758069

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: 03/16/2011

Notification ID: 74709
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: UTOWER - Unguyed - Free Standing Tower
Latitude: 33 deg 08 min 52.5 sec N
Longitude: 90 deg 07 min 17.7 sec W
Location Description: Near 16677 Hwy 12
City: Lexington
State: MISSISSIPPI
County: HOLMES
Ground Elevation: 101.3 meters
Support Structure: 121.9 meters above ground level
Overall Structure: 121.9 meters above ground level
Overall Height AMSL: 223.2 meters above mean sea level

Henry Fisher

From: towernotifyinfo@fcc.gov
Sent: Wednesday, March 30, 2011 2:34 PM
To: towerinfo@envciv.com
Cc: tcns.fccarchive@fcc.gov; Celestine.bryant@actribe.org
Subject: Reply to Proposed Tower Structure (Notification ID: 74709) - Email ID #2768586

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 Historic Preservation Officer Bryant J Celestine of the Alabama-Coushatta Tribe of Texas in reference to Notification ID #74709:

If your firm has not already done so, please forward a copy of your Form 620/621 in accordance with our pre-notification statement. Thank You!

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

Notification Received: 03/16/2011
Notification ID: 74709
Tower Owner Individual or Entity Name: Towers of Mississippi / State of Mississippi
Consultant Name: Henry A Fisher
Street Address: 11S78 U.S. Highway 411
City: Odenville
State: ALABAMA
Zip Code: 35120
Phone: 205-629-3868
Email: towerinfo@envciv.com

Structure Type: UTOWER - Unguyed - Free Standing Tower
Latitude: 33 deg 8 min 52.5 sec N
Longitude: 90 deg 7 min 17.7 sec W
Location Description: Near 16677 Hwy 12
City: Lexington
State: MISSISSIPPI
County: HOLMES
Ground Elevation: 101.3 meters
Support Structure: 121.9 meters above ground level
Overall Structure: 121.9 meters above ground level
Overall Height AMSL: 223.2 meters above mean sea level

74809 TOM

Henry Fisher

From: towernotifyinfo@fcc.gov
Sent: Friday, March 25, 2011 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 #2760609

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 by email 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. IF YOU HAVE NOT RECEIVED THIS BY 15DAYS, PLEASE INQUIRE.
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. If you have not received our determination within 25 days, PLEASE INQUIRE.
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 withour Tribe ARE NOT complete until we have forwarded our written response indicating our determination.
5. If the applicant/tower builder decides to withdraw a proposal, please advise our office as soon as possible to avoid an outstanding balance in the future and any unnecessary research by our office.

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 interestin 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. 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 Interiorand a site location map along with pictures for each project.

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

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

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

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

None

The information you provided was also forwarded to the following SHPOs in the State in which you propose to construct and neighboring States. The information was provided to these SHPOs as a courtesy for their information and planning. You need make no effort at this time to follow up with any SHPO that does not respond to this notification. Prior to construction, you must provide the SHPO of the State in which you propose to construct (or the Tribal

Historic Preservation Officer, if the project will be located on certain Tribal lands), with a Submission Packet pursuant to Section VII.A of the NPA.

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

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

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

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

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

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

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

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

Notification Received: 03/16/2011
Notification ID: 74709
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: UTOWER - Unguyed - Free Standing Tower
Latitude: 33 deg 8 min 52.5 sec N
Longitude: 90 deg 7 min 17.7 sec W
Location Description: Near 16677 Hwy 12
City: Lexington
State: MISSISSIPPI

County: HOLMES
Ground Elevation: 101.3 meters
Support Structure: 121.9 meters above ground level
Overall Structure: 121.9 meters above ground level
Overall Height AMSL: 223.2 meters above mean sea level

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

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

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

Thank you,
Federal Communications Commission

Appendix H

FCC Form 620

FCC Wireless Telecommunications Bureau
New Tower ("NT") Submission Packet

Approved by OMB
3060 – 1039
See instructions for
public burden estimates

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 II / 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@vucancompany.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?	(X) Yes ( ) No

34) Areas of Professional Qualification:

(X) Archaeologist

( ) Architectural Historian

( ) Historian

( ) Architect

( ) Other (Specify) _____

Additional Staff

35) Are there other staff involved who meet the Professional Qualification Standards of the Secretary of the Interior?	( ) Yes (X) No

If "Yes", complete the following:

36) First Name:	37) MI:	38) Last Name:	39) Suffix:
40) Title:			

41) Areas of Professional Qualification:

( ) Archaeologist

( ) Architectural Historian

( ) Historian

( ) Architect

( ) 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: 74709

Site Information

2) Site Name: Lexington (MSWIN-30203-B)		
3) Site Address: 16677 Highway 12		
4) City: Lexington	5) State: MS	6) Zip Code: 39095
7) County/Borough/Parish: Holmes		
8) Nearest Crossroads: State Route 12 and Oregon Road		
9) **NAD 83** Latitude (DD-MM-SS.S): 33-08-52.571	(X) **N** or ( ) **S**	
10) **NAD 83** Longitude (DD-MM-SS.S): 90-07-17.746	( ) **E** or (X) **W**	

Tower Information

11) Tower height above ground level (include top-mounted attachments such as lightning rods): 400 (X) Feet ( ) Meters

12) Tower Type (Select One):

( ) Guyed lattice tower

(X) Self-supporting lattice

( ) Monopole

( ) Other (Describe):

Project Status

13) Current Project Status (Select One):

(X) Construction has not yet commenced

( ) Construction has commenced, but is not completed — Construction commenced on: ____/____/____

( ) Construction has been completed — Construction commenced on: ____/____/____

Construction completed on: ____/____/____

Site Information Attachments required – See instructions for details.

Determination of Effect

14) Direct Effects (Select One):

(X) 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):

(X) 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 cultura significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(X) Yes ( ) No

2a) Tribes/NHOs contacted through TCNS Notification Number: 74709 Number of Tribes/NHOs: 5

2b) Tribes/NHOs contacted through an alternate system: Number of Tribes/NHOs: None

None

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:

4) Tribe/NHO Name:

Alabama-Coushatta Tribe of Texas

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 3 / 16 / 11 11) Date Replied 3 / 30 / 11

( ) No Reply

( ) Replied/No Interest

(X) Replied/Have Interest

( ) 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 cultura significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(X) Yes ( ) No

2a) Tribes/NHOs contacted through TCNS Notification Number: 74709 Number of Tribes/NHOs: 5

2b) Tribes/NHOs contacted through an alternate system: Number of Tribes/NHOs: None

None

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:

4) Tribe/NHO Name:

Choctaw Nation of Oklahoma

Contact Name

5) First Name: Terry	6) MI: D	7) Last Name: Cole	8) Suffix:

9) Title: Director of Cultural Resources and THPO

Dates & Response

10) Date Contacted 3 / 16 / 11 11) Date Replied ____/____/____

(X) No Reply

( ) Replied/No Interest

( ) Replied/Have Interest

( ) 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 cultura significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(X) Yes ( ) No

2a) Tribes/NHOs contacted through TCNS Notification Number: 74709 Number of Tribes/NHOs: 5

2b) Tribes/NHOs contacted through an alternate system: Number of Tribes/NHOs: None

None

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 3 / 16 / 11 11) Date Replied ___/___/___

(X) No Reply

( ) Replied/No Interest

( ) Replied/Have Interest

( ) 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 cultura significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(X) Yes ( ) No

2a) Tribes/NHOs contacted through TCNS Notification Number: 74709 Number of Tribes/NHOs: 5

2b) Tribes/NHOs contacted through an alternate system: None Number of Tribes/NHOs: None

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:

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

Contact Name

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

Dates & Response

10) Date Contacted 3 / 16 / 11 11) Date Replied ___/___/___

(X) No Reply

( ) Replied/No Interest

( ) Replied/Have Interest

( ) 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 cultura significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(X) Yes ( ) No

2a) Tribes/NHOs contacted through TCNS Notification Number: 74709 Number of Tribes/NHOs: 5

2b) Tribes/NHOs contacted through an alternate system: Number of Tribes/NHOs: None

None

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:

4) Tribe/NHO Name:

Tunica-Biloxi Indians of Louisiana

Contact Name

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

Dates & Response

10) Date Contacted 3 / 16 / 11 11) Date Replied ___/___/___

(X) No Reply

( ) Replied/No Interest

( ) Replied/Have Interest

( ) 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):
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?	( ) Yes (X) No
2) Has the identification process located archaeological materials that would be directly affected, or sites that are of cultura or religious significance to Tribes/NHOs?	( ) Yes (X) No
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.	( ) Yes (X) No

Historic Property

4) Property Name:See attached cultural resources survey.
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: _____	( ) Yes ( ) No
12) Is this property eligible for listing on the National Register? Source: _____	( ) Yes ( ) No
13) Is this property a National Historic Landmark?	( ) Yes ( ) No

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: Holmes County

Contact Name

3) First Name: Dorothy	4) MI: J	5) Last Name: Ford-Smith	6) Suffix:
7) Title: Chancery Clerk			

Contact Information

8) P.O. Box: 239	And /Or	9) Street Address:	
10) City: Lexington		11) State: MS	12) Zip Code: 39095
13) Telephone Number: ( )		14) Fax Number: ( )	
15) E-mail Address:			
16) Preferred means of communication: ( ) E-mail (X) Letter ( ) Both			

Dates & Response

17) Date Contacted 3 / 29 / 11	18) Date Replied ___/___/___
(X) 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?	( ) Yes (X) No

Consulting Party

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

Contact Name

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

Contact Information

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

Dates & Response

18) Date Contacted ____/____/____ 19) Date Replied ____/____/____

( ) No Reply

( ) Replied/No Interest

( ) Replied/Have Interest

( ) Replied/Other _____

Additional Information

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

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

Designation of SHPO/THPO

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

SHPO/THPO

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

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

SHPO/THPO Name: _____

SHPO/THPO Name: _____

SHPO/THPO Name: _____

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

Certification

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

Party Authorized to Sign MRS Consultants, LLC. Principal Investigator

First Name: Beth	MI: A	Last Name: Ryba	Suffix:

Signature: [signature] Date: 4 / 5 / 11

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: Wednesday, March 16, 2011 11:12 AM
To: towerinfo@envciv.com
Subject: Proposed Tower Structure Info - Email ID #2758069

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: 03/16/2011

Notification ID: 74709
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: UTOWER - Unguyed - Free Standing Tower
Latitude: 33 deg 08 min 52.5 sec N
Longitude: 90 deg 07 min 17.7 sec W
Location Description: Near 16677 Hwy 12
City: Lexington
State: MISSISSIPPI
County: HOLMES
Ground Elevation: 101.3 meters
Support Structure: 121.9 meters above ground level
Overall Structure: 121.9 meters above ground level
Overall Height AMSL: 223.2 meters above mean sea level

Henry Fisher

From: towernotifyinfo@fcc.gov
Sent: Wednesday, March 30, 2011 2:34 PM
To: towerinfo@envciv.com
Cc: tcns.fccarchive@fcc.gov; Celestine.bryant@actribe.org
Subject: Reply to Proposed Tower Structure (Notification ID: 74709) - Email ID #2768586

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 Historic Preservation Officer Bryant J Celestine of the Alabama-Coushatta Tribe of Texas in reference to Notification ID #74709:

If your firm has not already done so, please forward a copy of your Form 620/621 in accordance with our pre-notification statement. Thank You!

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

Notification Received: 03/16/2011
Notification ID: 74709
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: UTOWER - Unguyed - Free Standing Tower
Latitude: 33 deg 8 min 52.5 sec N
Longitude: 90 deg 7 min 17.7 sec W
Location Description: Near 16677 Hwy 12
City: Lexington
State: MISSISSIPPI
County: HOLMES
Ground Elevation: 101.3 meters
Support Structure: 121.9 meters above ground level
Overall Structure: 121.9 meters above ground level
Overall Height AMSL: 223.2 meters above mean sea level

74809 TOM

Henry Fisher

From: towernotifyinfo@fcc.gov
Sent: Friday, March 25, 2011 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 #2760609

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.S). 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 by email 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. IF YOU HAVE NOT RECEIVED THIS BY 15DAYS, PLEASE INQUIRE.
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. If you have not received our determination within 25 days, PLEASE INQUIRE.
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 withour Tribe ARE NOT complete until we have forwarded our written response indicating our determination.
5. If the applicant/tower builder decides to withdraw a proposal, please advise our office as soon as possible to avoid an outstanding balance in the future and any unnecessary research by our office.

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 interestin 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. 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 Interiorand a site location map along with pictures for each project.

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

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

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

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

None

The information you provided was also forwarded to the following SHPOs in the State in which you propose to construct and neighboring States. The information was provided to these SHPOs as a courtesy for their information and planning. You need make no effort at this time to follow up with any SHPO that does not respond to this notification. Prior to construction, you must provide the SHPO of the State in which you propose to construct (or the Tribal

Historic Preservation Officer, if the project will be located on certain Tribal lands), with a Submission Packet pursuant to Section VII.A of the NPA.

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

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

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

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

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

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

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

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

Notification Received: 03/16/2011
Notification ID: 74709
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: UTOWER - Unguyed - Free Standing Tower
Latitude: 33 deg 8 min 52.5 sec N
Longitude: 90 deg 7 min 17.7 sec W
Location Description: Near 16677 Hwy 12
City: Lexington
State: MISSISSIPPI

County: HOLMES
Ground Elevation: 101.3 meters
Support Structure: 121.9 meters above ground level
Overall Structure: 121.9 meters above ground level
Overall Height AMSL: 223.2 meters above mean sea level

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

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

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

Thank you,
Federal Communications Commission

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

March 29, 2011

Ms. Dorothy Jean Ford-Smith, Chancery Clerk
Holmes County
P.O. Box 239
Lexington, MS 39095

Subject:
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Dear Ms. Ford-Smith:

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) and Section 106 of the National Historic Preservation Act (NHPA) 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 Holmes County, Mississippi.

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Lexington North, Mississippi," dated 1982. The site is located in the southwest ¼ of the northwest ¼ of Section 20, Township 15 North, Range 2 East, Holmes County, Mississippi, at latitude 33° 08' 52.571" north and longitude 90° 07' 17.746" west. The site consists of a proposed 100-foot by 100-foot lease area and a proposed access road located off of Mississippi Highway 12 near Lexington, Mississippi. The site consists of an open field currently utilized as a livestock pasture with herbaceous vegetation and slopes gently down toward the northwest. The proposed access road extends northeast from Highway 12 for approximately 35 feet to the site. Proposed activities consist of construction of a 400-foot self-supporting 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 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 (JSE01P1110) 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 cstinnett@envciv.com if you have any questions or comments. You can also send a response to us via facsimile at (877) 847-3060.

Sincerely,

ENVIRONMENTAL ENGINEERS, INC.

Anne B. Gilbert for

Chad Stinnett
Senior Project Scientist

Attachments: Site Location Map

7010 0290 0003 5724 3935

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	$	3/30/11
Certified Fee		
Return Receipt Fee (Endorsement Required)		Postmark Here
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	$ 5.54	JSE 04/11/11

Sent To: Ms. Dorothy Jean Ford-Smith
Street, Apt. No.; or PO Box No.
City, State, ZIP+4

PS Form 3800, August 2006 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:
Ms. Dorothy Jean Ford-Smith,
Chancery Clerk
Holmes County
P.O. Box 239
Lexington, MS 39095

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Jean Smith ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
Jean Smith 4-1-11

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

2. Article Number (Transfer from service label) 7010 0290 0003 5724 3935

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PROOF OF PUBLICATION

HOLMES COUNTY HERALD

LEXINGTON, MISSISSIPPI

STATE OF MISSISSIPPI,
HOLMES COUNTY

Personally appeared before me, the undersigned authority, Chancery Clerk of said County and State, Bruce Hill, publisher of a public newspaper called the Holmes County Herald established in 1959 and published continuously since that date in said County and State, who, being duly sworn, deposed and said that the notice, of which a true copy is hereto annexed, was published in said paper for 1 times, as follows, to wit:

Towers of Mississippi, the State of Mississippi, and the Federal Emergency Management Agency (FEMA) are requesting comment regarding construction of a 400 foot self supporting communications tower to be located near 16677 Hwy 12, Lexington, Holmes County, Mississippi, 39095 at latitude 33° 08' 52.571" north and longitude 90° 07' 17.746" 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 JSE01P1110 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@envcly.com, via telephone at (205) 629-3888, or via facsimile at (877) 847-3060.

3-24b

Environmental Engineers Inc.

MAR 26 2011

RECEIVED

Vol. 53, No. 12 the 24TH day of MARCH, 2011

Vol. _____, No. _____ the _____ day of _____, 2011

Vol. _____, No. _____ the _____ day of _____, 2011

Vol. _____, No. _____ the _____ day of _____, 2011

Vol. _____, No. _____ the _____ day of _____, 2011

Vol. _____, No. _____ the _____ day of _____, 2011

Bruce Hill
Publisher

CHANCERY CLERK
MY COMMISSION EXPIRES
JANUARY 2, 2012
HOLMES COUNTY, MISS.

Witness my hand and seal at Lexington, Mississippi this the 24 day of March 2011

Dorothy J. Jed-Smith Chancery Clerk

by Charlie Lockett D.C.

152 words 1 times Amount $ 21.24

Appendix I

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

May 23, 2011

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

Subject:
Section 106 Review
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Dear Mr. Williamson:

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 (JSE01P1110) 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: (205) 629-3868 Origin ID: CZCA
HENRY FISHER
ENVIRONMENTAL ENGINEERS, INC
11578 U.S. Highway 411

Odenville, AL 35120

FedEx Express

J11151102250225

Ship Date: 23MAY11
ActWgt: 2.0 LB
CAD: 4760346/INET3130

Delivery Address Bar Code

SHIP TO: (601) 359-6940 BILL SENDER

Mr. Greg Williamson
MS Dept of Archives & History
100 S STATE ST

JACKSON, MS 39201

Ref # JSE1101,04,10,13,14
Invoice #
PO #
Dept #

TUE - 24 MAY A2
STANDARD OVERNIGHT

TRK# 7971 2856 4013
0201

XX JANA

39201
MS-US
MEM

50DG1/1577/EFB

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

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

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Cheryl Johnson

From: TrackingUpdates@fedex.com
Sent: Tuesday, May 24, 2011 11:43 AM
To: cjohnson@envciv.com
Subject: FedEx Shipment 797128564013 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:	JSE1101,04,10,13,14
Ship (P/U) date:	May 23, 2011
Delivery date:	May 24, 2011 11:33 AM
Sign for by:	S.DELOSIER
Delivery location:	RICHLAND, MS
Delivered to:	Receptionist/Front Desk
Service type:	FedEx Standard Overnight
Packaging type:	FedEx Pak
Number of pieces:	1
Weight:	3.00 lb.
Special handling/Services:	Deliver Weekday

Tracking number: 797128564013

Shipper Information	Recipient Information
HENRY FISHER	Mr. Greg Williamson
ENVIRONMENTAL ENGINEERS, INC	MS Dept of Archives & History
11578 U.S. Highway 411	100 S STATE ST
Odenville	JACKSON
AL	MS
US	US
35120	39201

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 11:38 AM CDT on 05/24/2011.

To learn more about FedEx Express, please visit our website at fedex.com.

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at fedex.com.

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

Thank you for your business.

MISSISSIPPI DEPARTMENT of ARCHIVES AND HISTORY

MDA&H

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

June 13, 2011

Environmental Engineers Inc.

JUN 15 2011

RECEIVED

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

RE: Proposed MSWIN 30202 B Telecommunications Tower in Lexington (EE Project No. JSEL01P1110), MDAH Project Log #05-128-11 (Report #11-0293), Holmes County

Dear Henry:

We have reviewed your May 23, 2011, cultural resources assessment request and April 5, 2011, cultural resources survey report by Beth Ryba, Principal Investigator, received on May 25, 2011, 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 directly 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,

Greg

Greg Williamson
Review and Compliance Officer

FOR: H.T. Holmes
State Historic Preservation Officer

Appendix J

Henry Fisher

From: Henry Fisher <hfisher@envciv.com>
Sent: Monday, May 23, 2011 2:33 PM
To: Bryant J. Celestine (celestine.bryant@actribe.org)
Subject: MSWIN 30203 B Lexington Communications Facility TCNS 74709
Attachments: FCC Form 620 MSWIN 30203 B TCNS 74709.pdf

Mr. Bryant Celestine
Alabama-Coushatta Tribe of Texas

Subject:
TCNS 74709
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Dear Mr. Celestine:

I am requesting comment on behalf of Towers of Mississippi II, 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 Holmes County, Mississippi. This project was also submitted through the FCC TCNS on March 16, 2011 (TCNS ID # 74709).

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Lexington North, Mississippi," dated 1982. The site is located in the southwest ¼ of the northwest ¼ of Section 20, Township 15 North, Range 2 East, Holmes County, Mississippi, at latitude 33° 08′ 52.571″ north and longitude 90° 07′ 17.746″ west. The site consists of a proposed 100-foot by 100-foot lease area and a proposed access road located off of Mississippi Highway 12 near Lexington, Mississippi. The site consists of an open field currently utilized as a livestock pasture with herbaceous vegetation and slopes gently down toward the northwest. The proposed access road extends northeast from Highway 12 for approximately 35 feet to the site. Proposed activities consist of construction of a 400-foot self-supporting 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 have attached the FCC Form 620 prepared for this project.

Environmental Engineers, Inc. appreciates the opportunity to provide this information. Please reference the Environmental Engineers, Inc. project number (JSE01P1110) 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: Tuesday, June 21, 2011 4:03 PM
To: 'Henry Fisher'
Subject: RE: MSWIN 30203 B Lexington Communications Facility TCNS 74709

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 #74709 (JSE01P1110) in Holmes County.

Our Tribe maintains ancestral associations within the state of Mississippi despite the absence of written records 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 May 23, 2011 submission, no known impacts to religious, cultural, or historical assets of the Alabama-Coushatta Tribe of Texas are anticipated in conjunction with this proposal. 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 our 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: Monday, May 23, 2011 2:35 PM
To: Caren Johnson (cjohnson@choctawnation.com)
Subject: MSWIN 30203 B Lexington Communications Facility TCNS 74709
Attachments: FCC Form 620 MSWIN 30203 B TCNS 74709.pdf

Mr. Terry Cole
Choctaw Nation of Oklahoma

Subject:
TCNS 74709
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Dear Mr. Cole:

I am requesting comment on behalf of Towers of Mississippi II, 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 Holmes County, Mississippi. This project was also submitted through the FCC TCNS on March 16, 2011 (TCNS ID # 74709).

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Lexington North, Mississippi," dated 1982. The site is located in the southwest ¼ of the northwest ¼ of Section 20, Township 15 North, Range 2 East, Holmes County, Mississippi, at latitude 33° 08′ 52.571" north and longitude 90° 07′ 17.746" west. The site consists of a proposed 100-foot by 100-foot lease area and a proposed access road located off of Mississippi Highway 12 near Lexington, Mississippi. The site consists of an open field currently utilized as a livestock pasture with herbaceous vegetation and slopes gently down toward the northwest. The proposed access road extends northeast from Highway 12 for approximately 35 feet to the site. Proposed activities consist of construction of a 400-foot self-supporting 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 have attached the FCC Form 620 prepared for this project.

Environmental Engineers, Inc. appreciates the opportunity to provide this information. Please reference the Environmental Engineers, Inc. project number (JSE01P1110) 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: Tuesday, June 14, 2011 10:35 AM
To: towerinfo@envciv.com
Cc: tcns.fccarchive@fcc.gov; cjohnson@choctawnation.com
Subject: Reply to Proposed Tower Structure (Notification ID: 74709) - Email ID #2822306

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 Director of Historic Preservation / THPO Terry D Cole of the Choctaw Nation of Oklahoma in reference to Notification ID #74709:

The Choctaw Nation of Oklahoma has reveiewed the above cell tower 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 epose buried archaeological or building materials such as chipped stones, 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 immediatley @ 1-800-522-6170 ext. 2137.

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

Notification Received: 03/16/2011
Notification ID: 74709
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: UTOWER - Unguyed - Free Standing Tower
Latitude: 33 deg 8 min 52.5 sec N
Longitude: 90 deg 7 min 17.7 sec W
Location Description: Near 16677 Hwy 12
City: Lexington
State: MISSISSIPPI
County: HOLMES
Ground Elevation: 101.3 meters
Support Structure: 121.9 meters above ground level
Overall Structure: 121.9 meters above ground level
Overall Height AMSL: 223.2 meters above mean sea level

Henry Fisher

From: Henry Fisher <hfisher@envciv.com>
Sent: Monday, May 23, 2011 2:36 PM
To: 'Carleton, Ken' (KCarleton@choctaw.org); 'choctawhp@gmail.com' (choctawhp@gmail.com)
Subject: MSWIN 30203 B Lexington Communications Facility TCNS 74709
Attachments: FCC Form 620 MSWIN 30203 B TCNS 74709.pdf

Mr. Ken Carleton
Mississippi Band of Choctaw Indians

Subject:
TCNS 74709
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Dear Mr. Carleton:

I am requesting comment on behalf of Towers of Mississippi II, 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 Holmes County, Mississippi. This project was also submitted through the FCC TCNS on March 16, 2011 (TCNS ID # 74709).

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Lexington North, Mississippi," dated 1982. The site is located in the southwest ¼ of the northwest ¼ of Section 20, Township 15 North, Range 2 East, Holmes County, Mississippi, at latitude 33° 08' 52.571" north and longitude 90° 07' 17.746" west. The site consists of a proposed 100-foot by 100-foot lease area and a proposed access road located off of Mississippi Highway 12 near Lexington, Mississippi. The site consists of an open field currently utilized as a livestock pasture with herbaceous vegetation and slopes gently down toward the northwest. The proposed access road extends northeast from Highway 12 for approximately 35 feet to the site. Proposed activities consist of construction of a 400-foot self-supporting 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 have attached the FCC Form 620 prepared for this project.

Environmental Engineers, Inc. appreciates the opportunity to provide this information. Please reference the Environmental Engineers, Inc. project number (JSE01P1110) 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: Earl Barbry, Jr. [earlii@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: Monday, May 23, 2011 2:31 PM
To: earlii@tunica.org
Subject: MSWIN 30203 B Lexington Communications Facility TCNS 74709

Mr. Earl Barbry
Tunica-Biloxi Indians of Louisiana

Subject:
TCNS 74709
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Dear Mr. Barbry:

I am requesting comment on behalf of Towers of Mississippi II, 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 Holmes County, Mississippi. This project was also submitted through the FCC TCNS on March 16, 2011 (TCNS ID # 74709).

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Lexington North, Mississippi," dated 1982. The site is located in the southwest ¼ of the northwest ¼ of Section 20, Township 15 North, Range 2 East, Holmes County, Mississippi, at latitude 33° 08′ 52.571" north and longitude 90° 07′ 17.746" west. The site consists of a proposed 100-foot by 100-foot lease area and a proposed access road located off of Mississippi Highway 12 near Lexington, Mississippi. The site consists of an open field currently utilized as a livestock pasture with herbaceous vegetation and slopes gently down toward the northwest. The proposed access road extends northeast from Highway 12 for approximately 35 feet to the site. Proposed activities consist of construction of a 400-foot self-supporting 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.

Environmental Engineers, Inc. appreciates the opportunity to provide this information. Please reference the Environmental Engineers, Inc. project number (JSE01P1110) 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

March 29, 2011

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

Subject:
Phase I Environmental Site Assessment
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

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.

Chad Stinnett

Chad Stinnett
Senior Project Scientist

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
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

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

March 29, 2011

Prepared by:
ENVIRONMENTAL ENGINEERS, INC.

Chad Stinnett
Senior Project Scientist

Anne B. Gilbert, P.E.
Principal Engineer

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

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EXECUTIVE SUMMARY

Mr. Taylor Robinson of Towers of Mississippi authorized a Phase I Environmental Site Assessment (ESA) for a proposed telecommunications facility located off of Mississippi Highway 12 near Lexington, 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 and a proposed access road located off of Mississippi Highway 12 near Lexington, Mississippi. The site consists of an open field currently utilized as a livestock pasture with herbaceous vegetation and slopes gently down toward the northwest. The proposed access road extends northeast from Highway 12 for approximately 35 feet to the site. Proposed activities consist of construction of a 400-foot self-supporting 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.

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 30203 B Lexington Communications Facility located off of Mississippi Highway 12 near Lexington, 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 "Lexington North, Mississippi," dated 1982. The site is located in the southwest ¼ of the northwest ¼ of Section 20, Township 15 North, Range 2 East, Holmes County, Mississippi, at latitude 33° 08' 52.571" north and longitude 90° 07' 17.746" west (Figure 1).

This site is referred to as the proposed MSWIN 30203 B Lexington Communications Facility and is located off of Mississippi Highway 12 near Lexington, Mississippi. The current property owner is listed by the Holmes County Tax Assessor's Office as Anthony Cook, and the tax number for the parcel containing the site is 162000302.

2.0 SUMMARY OF PREVIOUS ENVIRONMENTAL SITE ASSESSMENTS

Environmental Engineers, Inc. is unaware of any previous environmental assessments for this 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 and a proposed access road located off of Mississippi Highway 12 near Lexington, Mississippi. The site consists of an open field currently utilized as a livestock pasture with herbaceous vegetation and slopes gently down toward the northwest. The proposed access road extends northeast from Highway 12 for approximately 35 feet to the site. Proposed activities consist of construction of a 400-foot self-supporting 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.

3.2 SITE RECONNAISSANCE

Environmental Engineers, Inc. conducted a site reconnaissance on March 22, 2011. 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 5.

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

A circle of stressed vegetation was noted near the center of the proposed tower compound but was determined to be the result of livestock activities that would not adversely affect site soils or groundwater.

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 northwest toward an unnamed tributary of Long Creek. Groundwater beneath the site is inferred to flow toward the northwest and may be present at perhaps greater than 20 feet below ground surface (bgs).

3.4.2 Geology

According to the Geological Survey of Mississippi, Geologic Map of Mississippi, dated 1969 and reprinted in 1985, the site is underlain by the Cockfield Formation of Tertiary Age. The Cockfield Formation consists of irregularly-bedded, more or less laminated lignitic clay, sand, and lignite; sparingly glauconitic.

3.4.3 Soils

Based on information available at the USDA's Web Soil Survey Internet website, site soils are classified as Memphis silt loam, 12 to 40 percent slopes, eroded. This is a steep, well-drained soil type formed from loess deposits. This soil is typically comprised of silt loam from zero to seven inches, silty clay loam from 7 to 48 inches, and silt loam from 48 to 72 inches.

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

4.0 CURRENT AREA CHARACTERISTICS

4.1 ADJACENT PROPERTIES

Properties adjacent to the site were observed to determine if there was any visible evidence of off-site land uses that might adversely affect the site. A mobile home is located immediately east of the site, and the remaining surrounding properties consist of open fields.

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 properties surrounding the site in all directions are listed below:

North: Open fields then a manmade pond, livestock barn, and wooded land

East: Single-family residences and open fields

South: Mississippi Highway 12, then open fields and wooded land

West: Open fields and single-family residences

4.3 AREA GEOLOGY AND HYDROLOGY

According to the Geological Survey of Mississippi, Geologic Map of Mississippi, dated 1969 and reprinted in 1985, the area surrounding the site is underlain by the Cockfield Formation of Tertiary Age. The Cockfield Formation consists of irregularly-bedded, more or less laminated lignitic clay, sand, and lignite; sparingly glauconitic.

Based on topographic interpretation, surface water run off and groundwater beneath the area surrounding the site are expected to flow northwest toward unnamed tributaries of Long Creek or south toward unnamed tributaries of Black Creek.

5.0 SITE HISTORY – 1936 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 Holmes County Courthouse in Lexington, Mississippi is listed in the table below. It should be noted that this information does not constitute a formal chain-of-title.

Property Ownership Information	
Years of Ownership	**Property Owner**
2004 - present	Anthony T. Cook
1999 - 2004	Larry Watkins
1999 Jam	es Killebrew
1950 - 1999	O.A. Cleveland and Heirs
1946 - 1950	E.E. Shaw
1944 - 1946	W.R. Thompson
1941 - 1944	H.L. and Louie Nichols
1939 - 1941	James H. Moore
1936 - 1939	W.H. Brewer
Prior to 1936	E.W. Johnson

5.2 AERIAL PHOTOGRAPHS

Aerial photographs dated 1979, 1985, 1996, 2003, 2007, and 2010 including the subject site were examined. All aerial photographs reviewed depict the site to be an open field. Copies of the portions of the aerial photographs examined that depict the site location 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. Anthony Cook, current property owner, regarding ownership, use, and history of the site. Mr. Cook said that he has owned the property containing the site for approximately eight years and the site has been utilized exclusively for livestock pasture since he purchased it. Mr. Cook stated that the site was an existing livestock pasture when he purchased the property and that he was not aware of any fuel or chemical storage in the vicinity of the site. Mr. Cook stated that the circle of stressed vegetation on the site is from walking/training horses, and the vent pipes east of the site are for the septic system from his house.

6.0 AREA HISTORY – 1979 TO PRESENT

6.1 AERIAL PHOTOGRAPHS

Aerial photographs dated 1979, 1985, 1996, 2003, 2007, and 2010 including properties surrounding the site were examined. All aerial photographs reviewed depict Mississippi Highway 12 south of the site with the remaining properties consisting of open fields, wooded land, and single-family residences. A single-family residence is first visible to the immediate east of the site in the 2003 aerial photograph. The portions of the aerial photographs examined are included in Appendix B.

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

A telephone interview was conducted with Mr. Gyrome Granderson, the Holmes County Emergency Management Agency (EMA) Director, regarding information on any known hazardous material or other environmental emergency responses in the area of the site. Mr. Granderson stated that he has been with the EMA since 2001 and is not aware of any such incidents in the vicinity of the site.

8.0 ASTM/AAI USER QUESTIONAIRE

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 30203 B Lexington Communications Facility located off of Mississippi Highway 12 near Lexington, 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 "Lexington North, Mississippi," dated 1982.

3. Soils information available at the USDA's Web Soil Survey Internet website.

4. Property ownership information and deed records available at the Holmes County Courthouse in Lexington, Mississippi.

5. Aerial photographs available at the USDA Service Center in Lexington, Mississippi, Google Earth, and the Mapcard.com Internet website.

6. Review of environmental regulatory report for the site prepared by FirstSearch Technology Corporation, having Project Number JSE01P1110 and dated March 24, 2011.

7. Telephone interview with Mr. Anthony Cook, current site owner, regarding site ownership, history and land use.

8. Telephone interview with Mr. Gyrome Granderson, Holmes County EMA Director, regarding information on any known hazardous material or other environmental emergency responses in the area of the site.

9. Review of AAI Questionnaire results provided by Mr. Taylor Robinson of Towers of Mississippi.

11.0 SPECIAL TERMS AND CONDITIONS

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

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

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

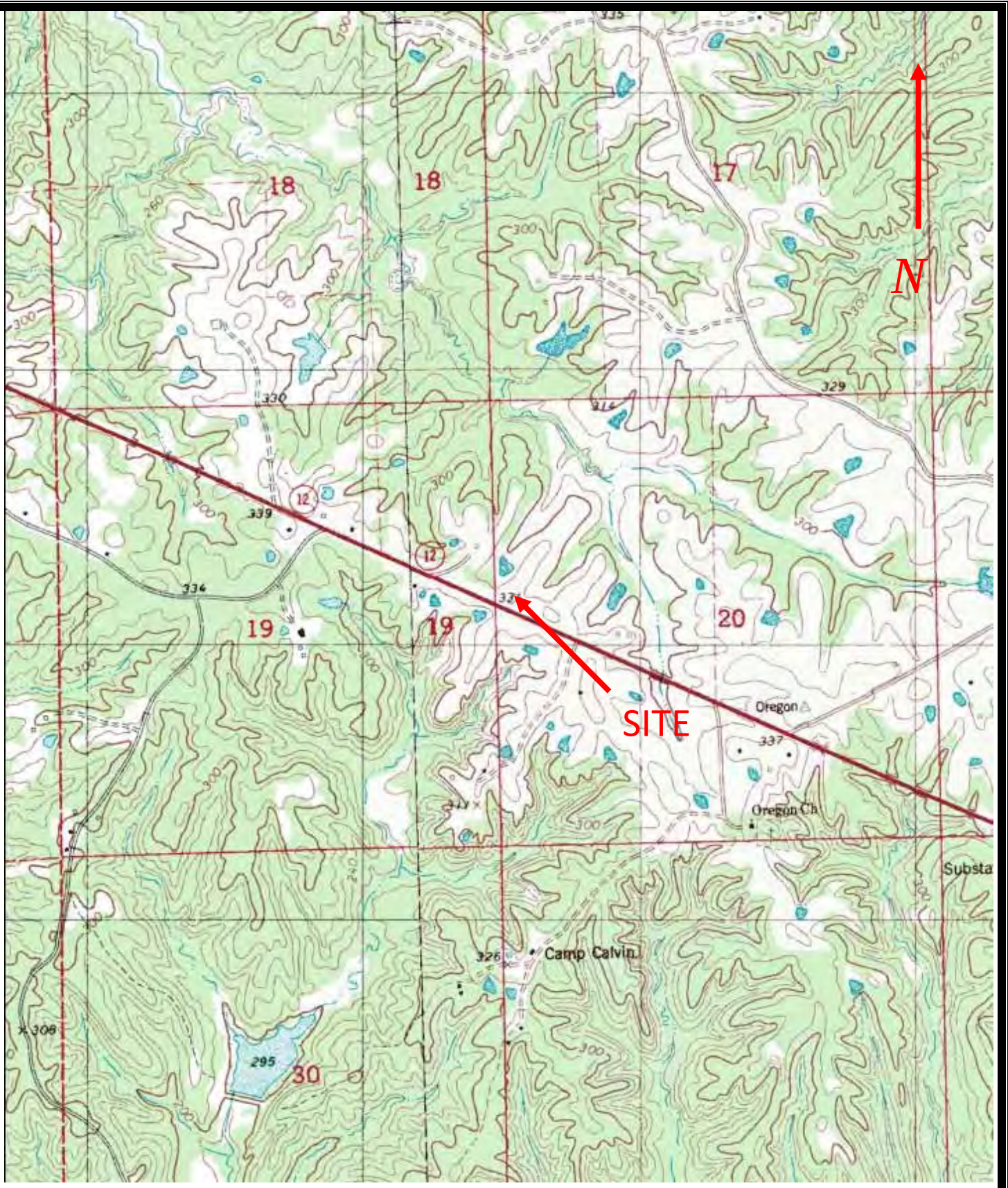
Services not within the scope of this study include, but are not limited to, the following:

- an investigation of mining structures under the project site;
- an investigation of potential asbestos-containing materials at the site;
- an investigation for potential jurisdictional wetlands on the site;
- an investigation for potential mold in any onsite structures;
- an investigation of the likelihood of sinkhole activity around the site; and
- an investigation for the presence of unacceptable levels of radon-producing elements in surface soils on the project site.

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

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

Figures



Environmental Engineers, Inc.

Subject:
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Figure 1
Site Location Map

Scale: 1" ≈ 2000'

View from the center of the proposed tower looking toward the north.

View from the center of the proposed tower looking toward the east.

Environmental Engineers, Inc.

Subject: MSWIN 30203 B Lexington Communications Facility Lexington, Holmes County, Mississippi Environmental Engineers, Inc. Project No.: JSE01P1110	Figure 2 Site Photographs

View from the center of the proposed tower looking toward the south.

View from the center of the proposed tower looking toward the west.

Environmental Engineers, Inc.

Subject:
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Figure 3

Site Photographs

View of the proposed access road looking north from Mississippi Highway 12.

View across the site from northeast to southwest.

Environmental Engineers, Inc.

Subject:
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Figure 4

Site Photographs

View across the site from southeast to northwest.

Environmental Engineers, Inc.

Subject:
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Figure 5

Site Photographs

Appendix A

Chad Stinnett
Senior Project Scientist

EXPERTISE:

Responsible for activities related to US Army Corps of Engineers (USACE) jurisdictional areas. Extensive experience conducting USACE standard wetland delineations and forensic wetland delineations. Broad knowledge related to planning and conducting USACE permitting activities and USACE compensatory mitigation.

Experience conducting soil/groundwater sampling and site remediation activities along with many years of experience conducting NPDES inspections, permitting, and sampling.

Experience conducting Phase I Environmental Site Assessments and completing National Environmental Policy Act Assessments.

PROJECT EXPERIENCE:

- Performed wetland delineations throughout the States of Alabama, Florida, Georgia, and Mississippi.
- Conducted and managed US Army Corps of Engineers permitting for residential, commercial, and governmental projects.
- Implemented and maintained US Army Corps of Engineers compensatory stream and wetland mitigation areas throughout Alabama.
- Performed numerous protected terrestrial species surveys throughout Alabama, Florida, and Mississippi.
- Conducted and managed complete EA's for sites in Jefferson, Shelby, and St. Clair counties in Alabama.
- Performed NPDES compliance inspections, permitting, and sampling for construction sites in Chilton, Jefferson, Shelby, St. Clair, and Tuscaloosa counties in Alabama.
- Conducted and managed the efficient operation of groundwater remediation systems throughout Alabama.
- Conducted and managed Phase I Environmental Site Assessments for real estate transactions throughout Alabama, Florida, Louisiana, and Mississippi.

EMPLOYMENT HISTORY:

Staff Scientist, Spectrum Environmental, Inc. Alabaster, AL
06/2004 - 09/2007

Natural Resources Manager, Spectrum Environmental, Inc. Alabaster, Alabama
09/2007 – 03/2010

Senior Project Scientist, Environmental Engineers, Inc. Odenville, Alabama
03/2010 - Present

EDUCATION:

Bachelor of Science in Environmental Science, 2003 from Auburn University.

CERTIFICATIONS:

Qualified Credentialed Stormwater Inspector, 2005
Wetland Delineation and Management, 2005
40-Hour OSHA Training, 2004

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

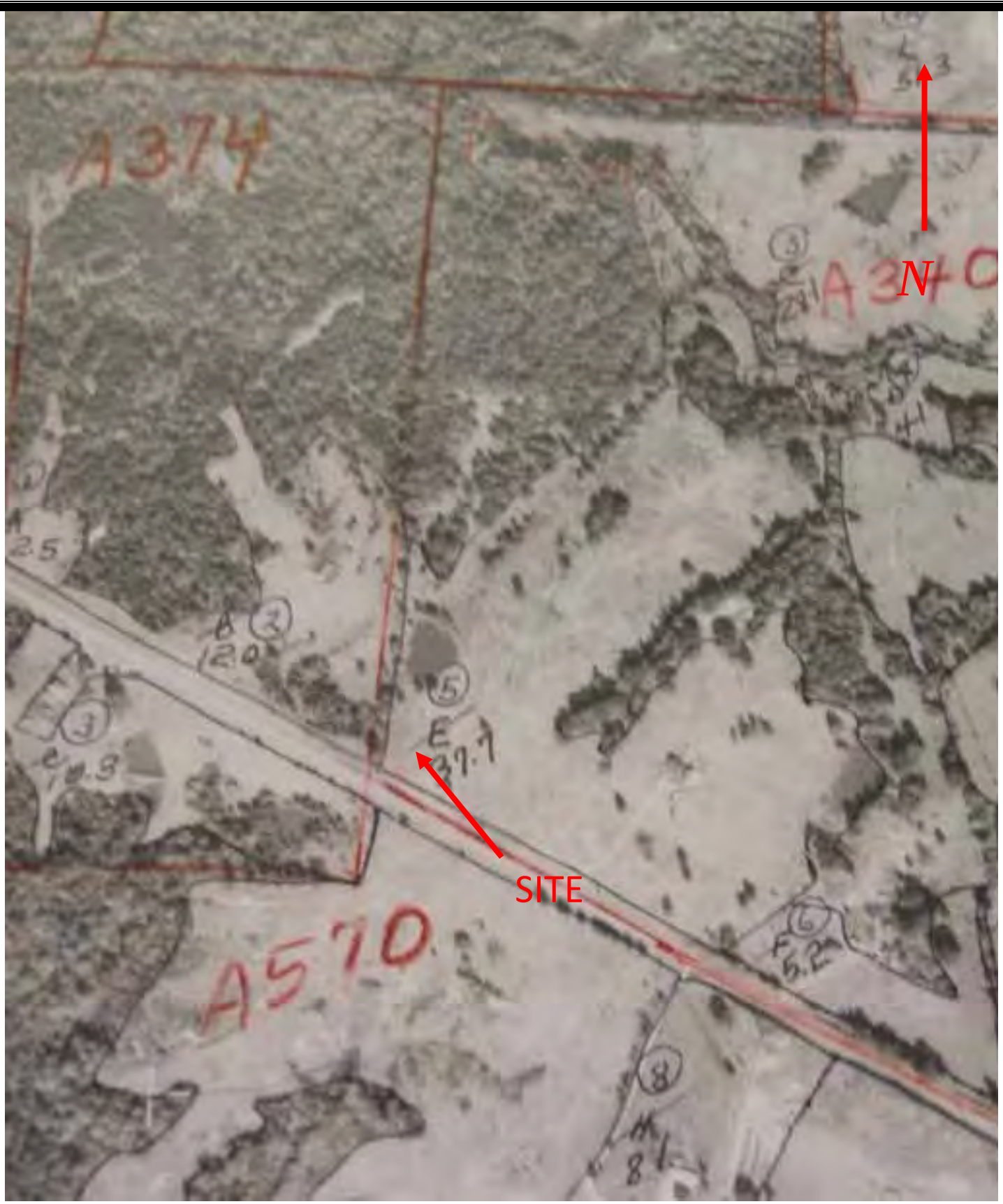
EDUCATION

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

Appendix B

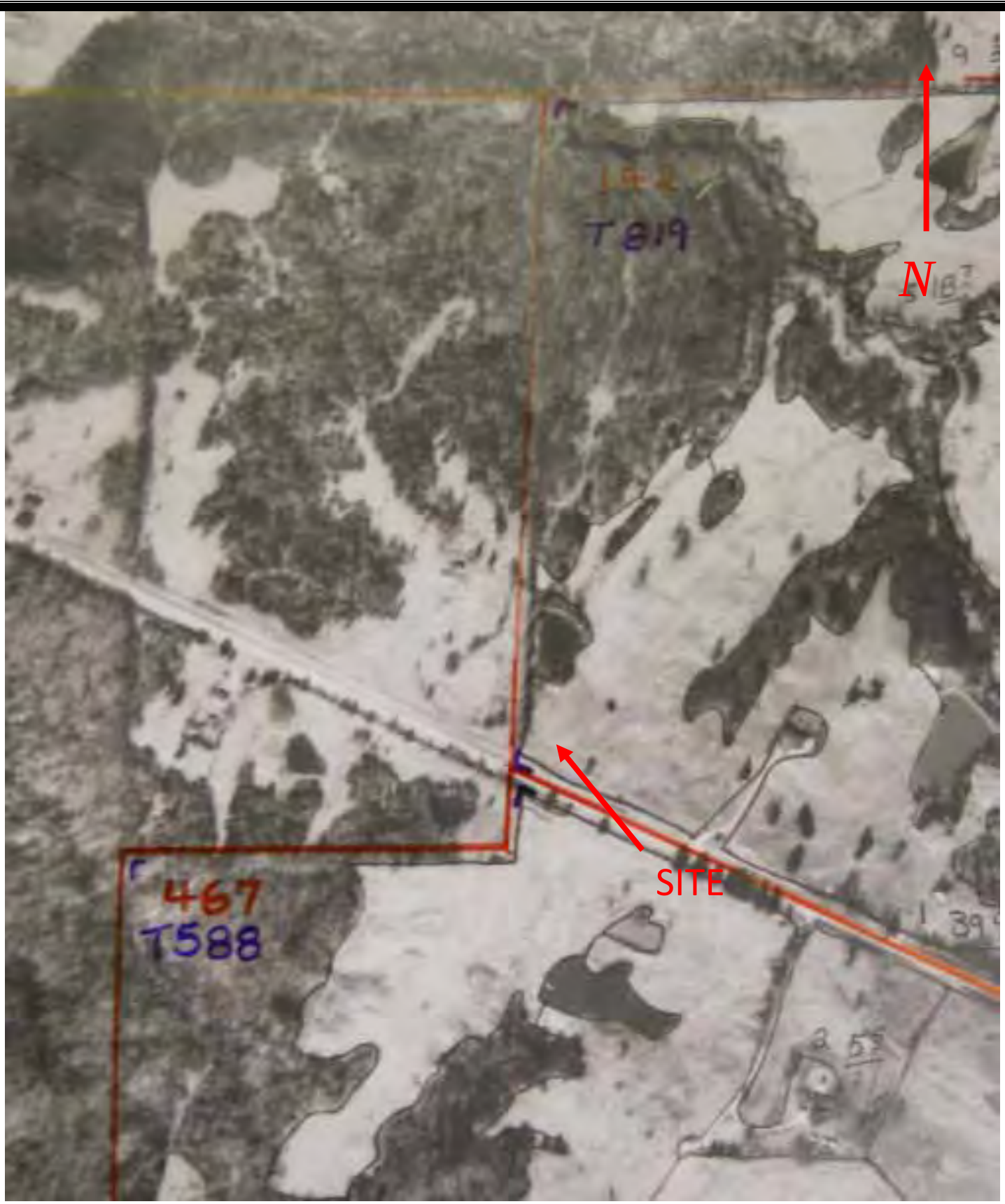


Environmental Engineers, Inc.

Subject:
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Appendix B

1979 Aerial

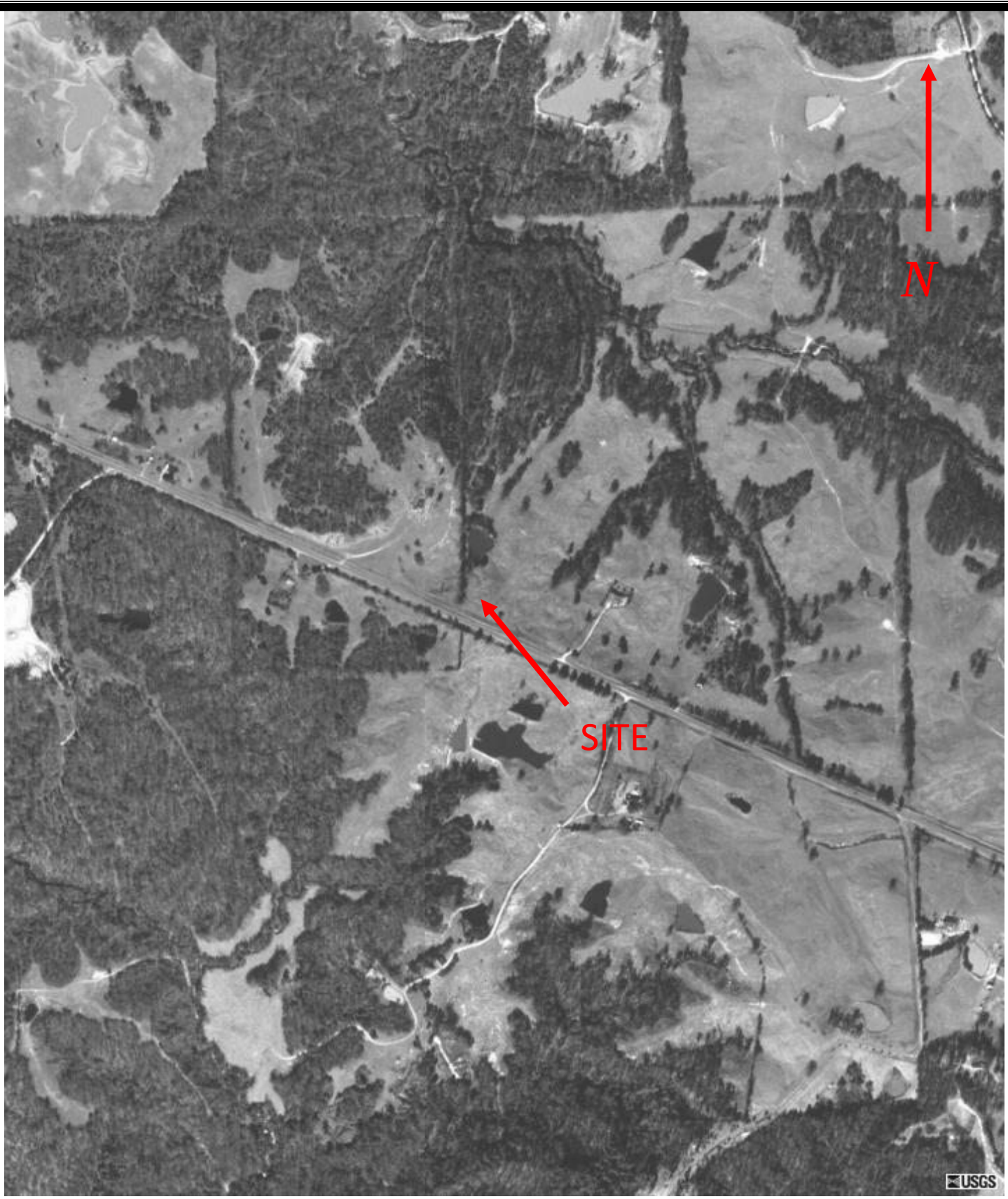


Environmental Engineers, Inc.

Subject:
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Appendix B

1985 Aerial



Environmental Engineers, Inc.

Subject:
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Appendix B

1996 Aerial

Environmental Engineers, Inc.

Subject:
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Appendix B

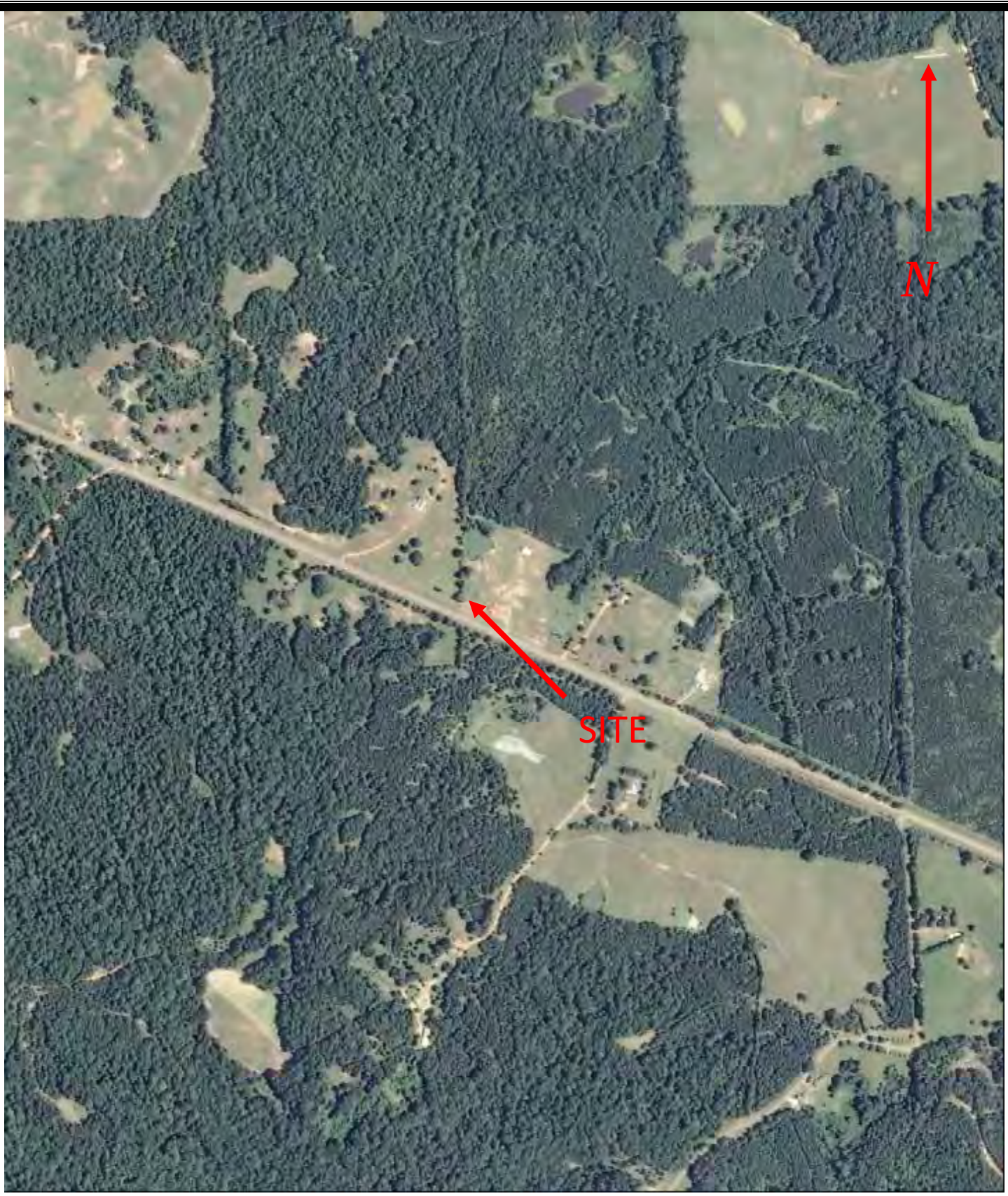
2003 Aerial

Environmental Engineers, Inc.

Subject:
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Appendix B

2007 Aerial



Environmental Engineers, Inc.

Subject: MSWIN 30203 B Lexington Communications Facility Lexington, Holmes County, Mississippi Environmental Engineers, Inc. Project No.: JSE01P1110	Appendix B 2010 Aerial

Appendix C

FirstSearch Technology Corporation

Environmental FirstSearch™ Report

Target Property: MSWIN30203 B LEXINGTON

MISSISSIPPI 12 HWY

LEXINGTON MS 39095

Job Number: JSE01P1110

PREPARED FOR:

Environmental Engineering, Inc.

11578 US Highway 411

Odenville, AL 35120

03-24-11

Tel: (407) 265-8900 *Fax: (407) 265-8904*

Environmental FirstSearch is a registered trademark of FirstSearch Technology Corporation. All rights reserved.

Environmental FirstSearch
Search Summary Report

Target Site: MISSISSIPPI 12 HWY
LEXINGTON MS 39095

FirstSearch Summary

Database	Sel	Updated	Radius	Site	1/8	1/4	1/2	1/2>	ZIP	TOTALS
NPL	Y	10-21-10	1.00	0	0	0	0	0	0	0
NPL Delisted	Y	10-21-10	0.50	0	0	0	0	-	0	0
CERCLIS	Y	11-30-10	0.50	0	0	0	0	-	0	0
NFRAP	Y	11-30-10	0.50	0	0	0	0	-	0	0
RCRA COR ACT	Y	11-10-10	1.00	0	0	0	0	0	0	0
RCRA TSD	Y	11-10-10	0.50	0	0	0	0	-	0	0
RCRA GEN	Y	11-10-10	0.25	0	0	0	-	-	0	0
RCRA NLR	Y	11-10-10	0.25	0	0	0	-	-	0	0
Federal Brownfield	Y	12-10-10	0.50	0	0	0	0	-	0	0
ERNS	Y	01-24-11	0.15	0	0	0	-	-	0	0
Tribal Lands	Y	01-01-96	1.00	0	0	0	0	0	1	1
State/Tribal Sites	Y	12-01-10	1.00	0	0	0	0	0	0	0
State Spills 90	Y	NA	0.25	0	0	0	-	-	0	0
State/Tribal SWL	Y	07-27-07	0.50	0	0	0	0	-	2	2
State/Tribal LUST	Y	12-15-10	0.50	0	0	0	0	-	2	2
State/Tribal UST/AST	Y	12-15-10	0.25	0	0	0	-	-	0	0
State/Tribal EC	Y	12-01-10	0.50	0	0	0	0	-	0	0
State/Tribal IC	Y	12-01-10	0.25	0	0	0	-	-	0	0
State/Tribal VCP	Y	12-01-10	0.50	0	0	0	0	-	0	0
State/Tribal Brownfields	Y	10-01-10	0.50	0	0	0	0	-	0	0
State Other	Y	01-01-07	0.25	0	0	0	-	-	0	0
Federal IC/EC	Y	11-04-10	0.50	0	0	0	0	-	0	0
- TOTALS -				0	0	0	0	0	5	5

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:	03-24-11	**Search Type:**	COORD
Requestor Name:	Chad Stinnett	**Job Number:**	JSE01P1110
Standard:	AAI	**Filtered Report**	

Target Site: MISSISSIPPI 12 HWY
LEXINGTON MS 39095

Demographics

Sites:	5	**Non-Geocoded:**	5	**Population:**	NA
Radon:	NA				

Site Location

	Degrees (Decimal)	Degrees (Min/Sec)		UTMs
Longitude:	-90.121596	-90:7:18	**Easting:**	768490.542
Latitude:	33.147936	33:8:53	**Northing:**	3671185.307
Elevation:	328		**Zone:**	15

Comment

Comment:

Additional Requests/Services

Adjacent ZIP Codes: 0 Mile(s)

ZIP Code	City Name	ST	Dist/Dir	Sel

Services:

	Requested?	Date
Fire Insurance Maps	Yes	03-24-11
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: MISSISSIPPI 12 HWY
LEXINGTON MS 39095

JOB: JSE01P1110

TOTAL: 5 **GEOCODED:** 0 **NON GEOCODED:** 5 **SELECTED:** 0

Map ID	DB Type	Site Name/ID/Status	Address	Dist/Dir	ElevDiff	Page No.
	TRIBALLAND	BUREAU OF INDIAN AFFAIRS CONTA BIA-39095	UNKNOWN MS 39095	NON GC	N/A	N/A
	LUST	BOCO 67 10058/CLOSED	335 DEPOT ST LEXINGTON MS 39095	NON GC	N/A	N/A
	LUST	AM and PM 930/CLOSED	HIGHWAY 12 LEXINGTON MS 39095	NON GC	N/A	N/A
	SWL	NLS ASSOCIATES LANDFILL RUB-C-26/CLOSED	UNKNOWN LEXINGTON MS 39095	NON GC	N/A	N/A
	SWL	CITY OF LEXINGTON DUMP RUB-C-25/CLOSED	UNKNOWN LEXINGTON MS 39095	NON GC	N/A	N/A

Environmental FirstSearch Descriptions

NPL: ***EPA*** NATIONAL PRIORITY LIST - The National Priorities List is a list of the worst hazardous waste sites that have been identified by Superfund. Sites are only put on the list after they have been scored using the Hazard Ranking System (HRS), and have been subjected to public comment. Any site on the NPL is eligible for cleanup using Superfund Trust money.
A Superfund site is any land in the United States that has been contaminated by hazardous waste and identified by the Environmental Protection Agency (EPA) as a candidate for cleanup because it poses a risk to human health and/or the environment.
FINAL - Currently on the Final NPL
PROPOSED - Proposed for NPL

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

CERCLIS: ***EPA*** COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY INFORMATION SYSTEM (CERCLIS)- CERCLIS is a database of potential and confirmed hazardous waste sites at which the EPA Superfund program has some involvement. It contains sites that are either proposed to be or are on the National Priorities List (NPL) as well as sites that are in the screening and assessment phase for possible inclusion on the NPL.
PART OF NPL- Site is part of NPL site
DELETED - Deleted from the Final NPL
FINAL - Currently on the Final NPL
NOT PROPOSED - Not on the NPL
NOT VALID - Not Valid Site or Incident
PROPOSED - Proposed for NPL
REMOVED - Removed from Proposed NPL
SCAN PLAN - Pre-proposal Site
WITHDRAWN - Withdrawn

NFRAP: ***EPA*** COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY INFORMATION SYSTEM ARCHIVED SITES - database of Archive designated CERCLA sites that, to the best of EPA's knowledge, assessment has been completed and has determined no further steps will be taken to list this site on the National Priorities List (NPL). This decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be a potential NPL site.
NFRAP – No Further Remedial Action Plan
P - Site is part of NPL site
D - Deleted from the Final NPL
F - Currently on the Final NPL
N - Not on the NPL
O - Not Valid Site or Incident
P - Proposed for NPL
R - Removed from Proposed NPL
S - Pre-proposal Site
W – Withdrawn

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

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

RCRA GEN: ***EPA/MA DEP/CT DEP*** RESOURCE CONSERVATION AND RECOVERY INFORMATION SYSTEM GENERATORS - Database of hazardous waste information contained in the Resource Conservation and Recovery Act Information (RCRAInfo), a national program management and inventory system about hazardous waste handlers. In general, all generators, transporters, treaters, storers, and disposers of hazardous waste are required to provide information about their activities to state environmental agencies. These agencies, in turn pass on the information to regional and national EPA offices. This regulation is governed by the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984.
Facilities that generate or transport hazardous waste or meet other RCRA requirements.
LGN - Large Quantity Generators
SGN - Small Quantity Generators
VGN – Conditionally Exempt Generator.
Included are RAATS (RCRA Administrative Action Tracking System) and CMEL (Compliance Monitoring & Enforcement List) facilities.
CONNECTICUT HAZARDOUS WASTE MANIFEST – Database of all shipments of hazardous waste within, into or from Connecticut. The data includes date of shipment, transporter and TSD info, and material shipped and quantity. This data is appended to the details of existing generator records.
MASSACHUSETTES HAZARDOUS WASTE GENERATOR – database of generators that are regulated under the MA DEP.
VQN-MA = generates less than 220 pounds or 27 gallons per month of hazardous waste or waste oil.
SQN-MA = generates 220 to 2,200 pounds or 27 to 270 gallons per month of waste oil.
LQG-MA = generates greater than 2,200 lbs of hazardous waste or waste oil per month.

RCRA NLR: ***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.
Facilities not currently classified by the EPA but are still included in the RCRAInfo database. Reasons for non classification:
Failure to report in a timely matter.
No longer in business.
No longer in business at the listed address.
No longer generating hazardous waste materials in quantities which require reporting.

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 AFFIARS 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 havebeen released into the environment and there is no federal environmental program which canhandle 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.

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

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

RCRA NLR: ***EPA*** Environmental Protection Agency

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

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

Updated when available

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

Target Property: MISSISSIPPI 12 HWY
LEXINGTON MS 39095

JOB: JSE01P1110

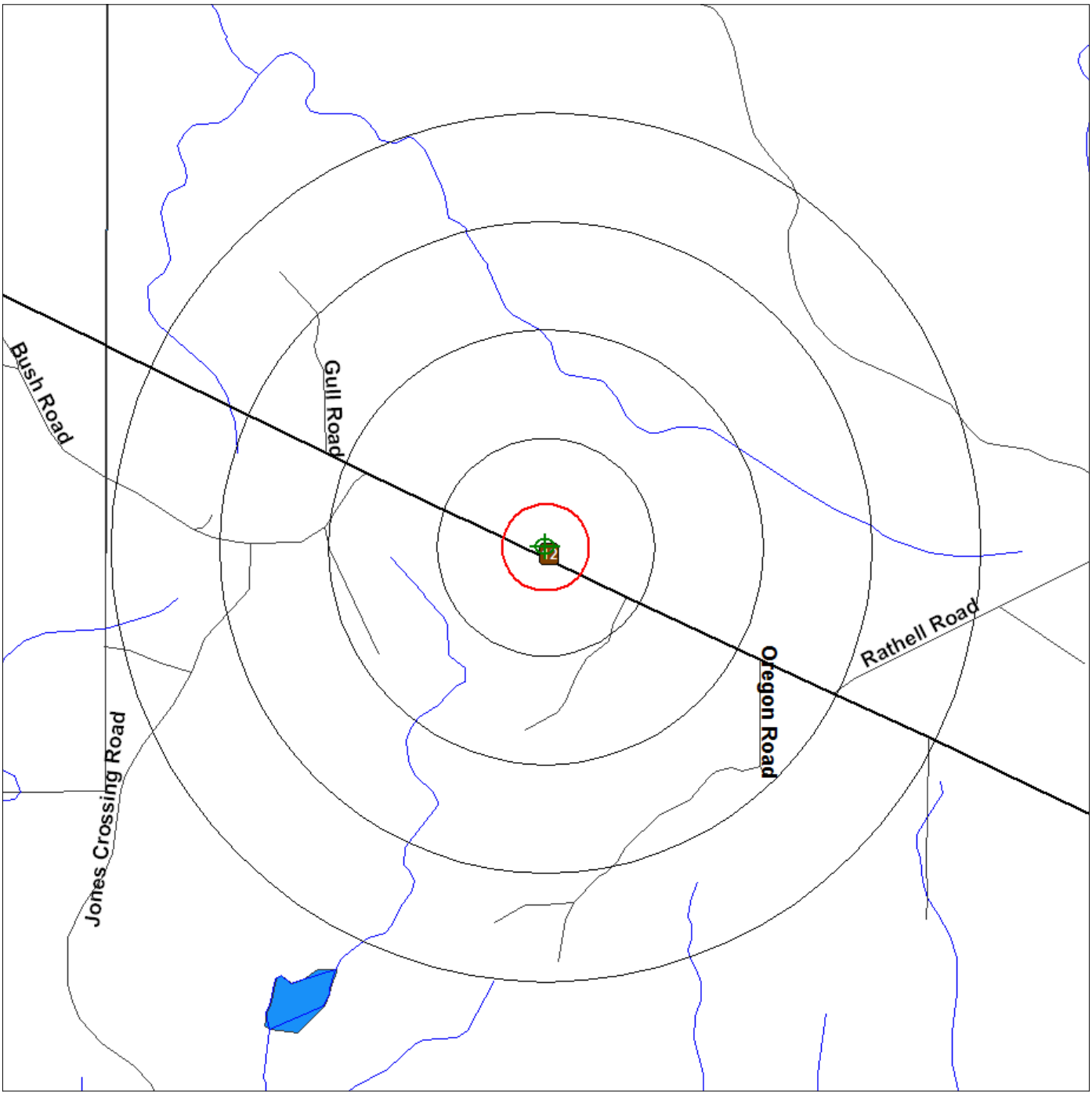
Street Name	Dist/Dir	Street Name	Dist/Dir
State Highway 12	0.02 SW		

Environmental FirstSearch

1 Mile Radius

ASTM Map: NPL, RCRACOR, STATE Sites

MISSISSIPPI 12 HWY, LEXINGTON MS 39095



Source: 2005 U.S. Census TIGER Files

Target Site (Latitude: 33.147936 Longitude: -90.121596) .....

Identified Site, Multiple Sites, Receptor .....

NPL, DELNPL, Brownfield, Solid Waste Landfill (SWL), Hazardous Waste

Triballand.....

Railroads .....

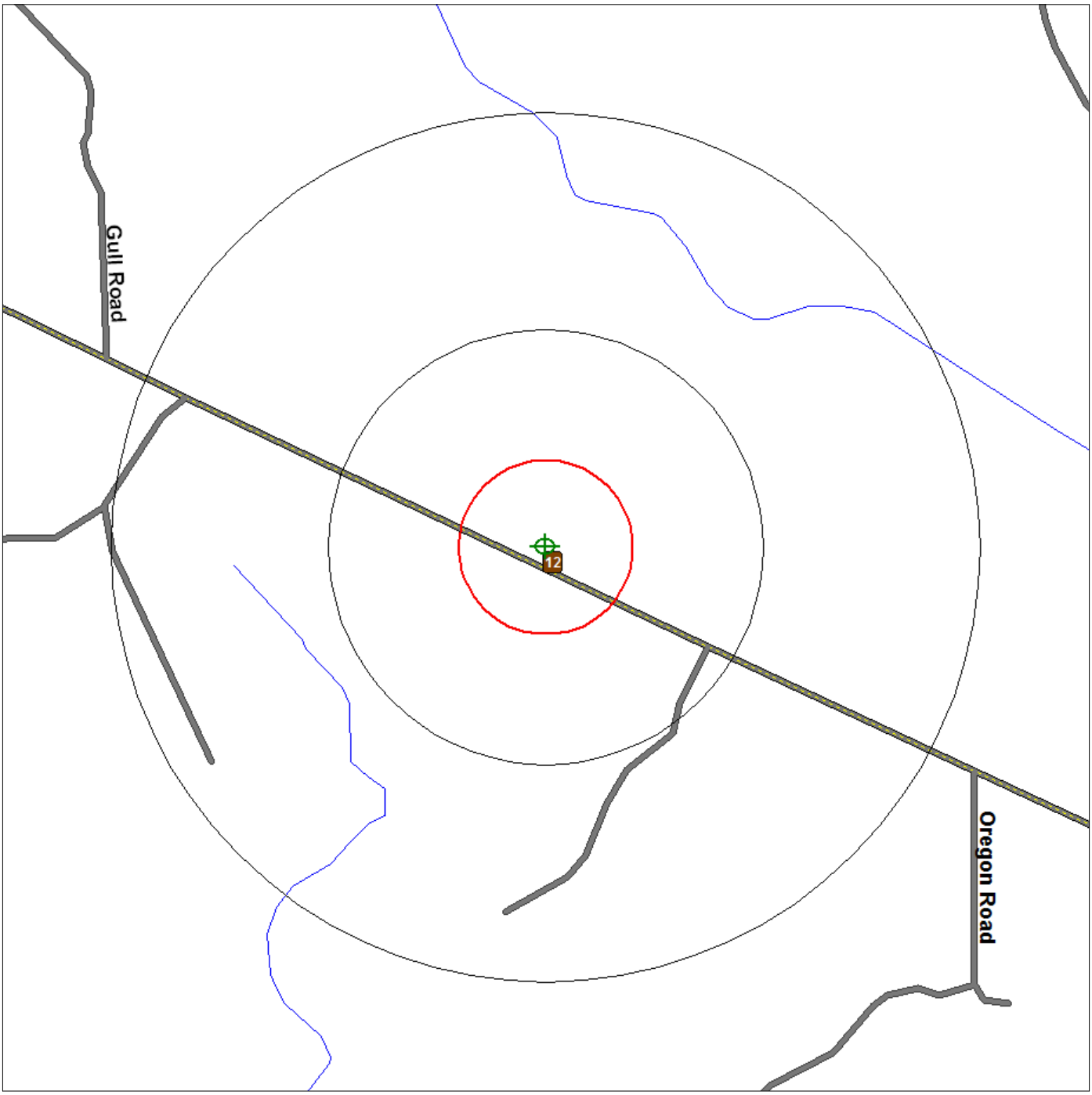
Black Rings Represent 1/4 Mile Radius; Red Ring Represents 500 ft. Radius

Environmental FirstSearch

.5 Mile Radius

ASTM Map: CERCLIS, RCRATSD, LUST, SWL

MISSISSIPPI 12 HWY, LEXINGTON MS 39095



Source: 2005 U.S. Census TIGER Files

Target Site (Latitude: 33.147936 Longitude: -90.121596) .....

Identified Site, Multiple Sites, Receptor .....

NPL, DELNPL, Brownfield, Solid Waste Landfill (SWL), Hazardous Waste

Triballand.....

Railroads .....

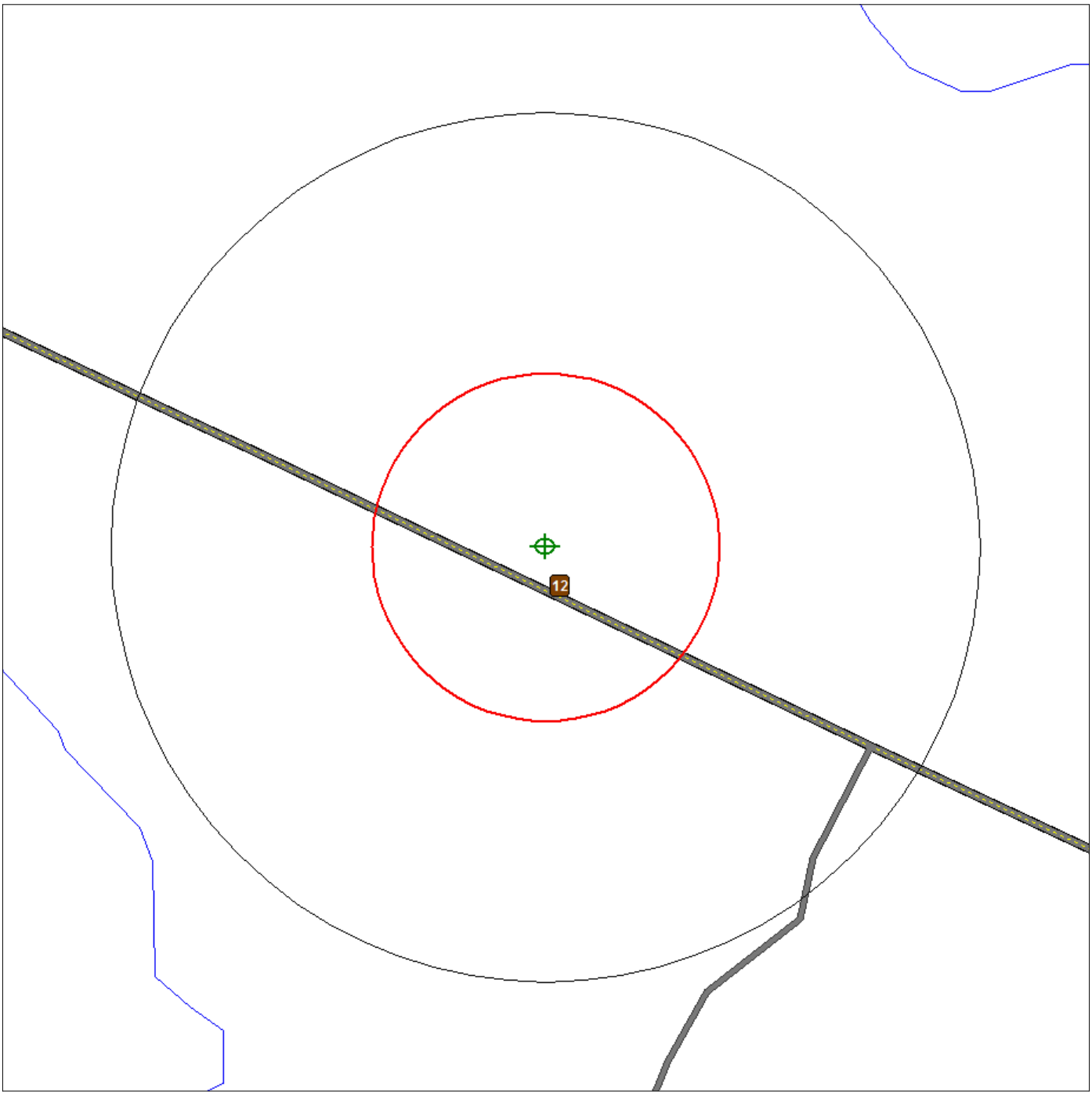
Black Rings Represent 1/4 Mile Radius; Red Ring Represents 500 ft. Radius

Environmental FirstSearch

.25 Mile Radius

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

MISSISSIPPI 12 HWY, LEXINGTON MS 39095



Source: 2005 U.S. Census TIGER Files

Target Site (Latitude: 33.147936 Longitude: -90.121596) .....

Identified Site, Multiple Sites, Receptor .....

NPL, DELNPL, Brownfield, Solid Waste Landfill (SWL), Hazardous Waste

Triballand.....

Railroads .....

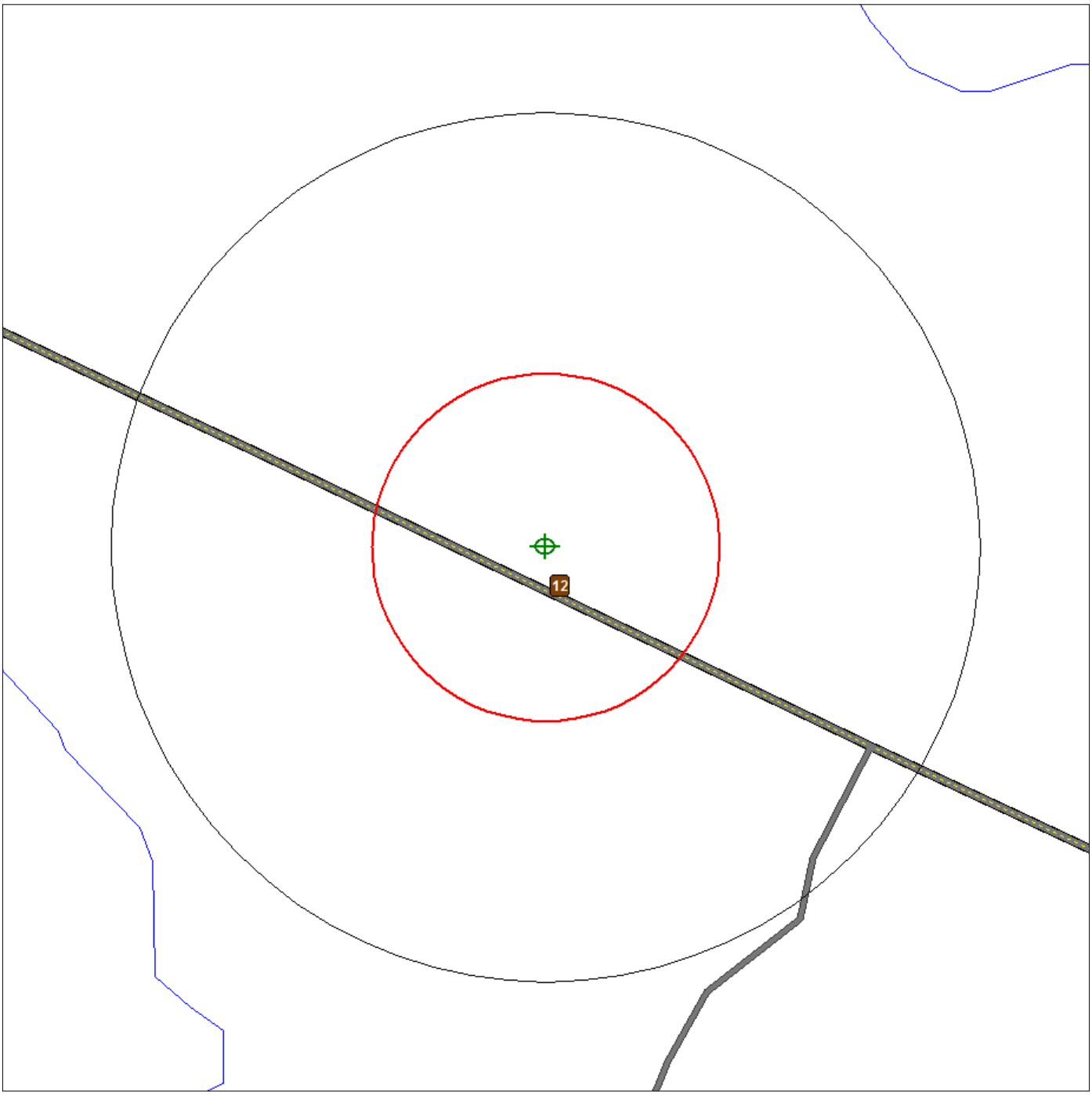
Black Rings Represent 1/4 Mile Radius; Red Ring Represents 500 ft. Radius

Environmental FirstSearch

.25 Mile Radius

Non-ASTM Map: No Sites Found

MISSISSIPPI 12 HWY, LEXINGTON MS 39095



Source: 2005 U.S. Census TIGER Files

Target Site (Latitude: 33.147936 Longitude: -90.121596) .....

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

HISTORICAL FIRE INSURANCE MAPS

NO MAPS AVAILABLE

Report Date: 3/24/2011
Client Job Number: JSE01P1110
FirstSearch Index Number: 259203
Site Address(es): MISSISSIPPI 12 HWY
LEXINGTON, MS 39095

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 LLC obtained through online access to the Library of Congress as well as the result of a review of the other fire insurance map microfilm collections available via various local libraries.

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FirstSearch Technology Corporation *10 Cottage Street, Norwood, MA 02062*
Tel: 781-551-0470 Fax: 781-551-0471

Appendix D

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 th 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 WARRANT 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 principle place of business is located and Client waives the right to remove the action to any other county or judicial jurisdiction; and (c) The prevailing party will be entitled to recovery of all reasonable costs incurred, including staff time, court costs, attorney's fees, and expert witness fees, and other claim-related expenses.

Discovery of Unanticipated Pollutants Risks – If, while performing the services, pollutants are discovered that pose unanticipated risks, it is hereby agreed that the scope of services, schedule, and the estimated project cost will be reconsidered and that this contract shall immediately become subject to re-negotiation or termination. In the event that the Agreement is terminated because of the discovery of pollutants posing unanticipated risks, it is agreed that Consultant shall be paid for total charges for labor performed and reimbursable charges incurred to the date of termination of this Agreement, including, if necessary, any additional labor or reimbursable charges incurred in demobilizing. Client also agrees that the discovery of unanticipated hazardous substances may make it necessary for Consultant to take immediate measures to protect health and safety. Consultant agrees to notify Client as soon as practically possible should unanticipated hazardous substances or suspected hazardous substances be encountered. Client authorizes Consultant to take measures that in Consultant's sole judgment are justified to preserve and protect the health and safety of Consultant's personnel and the public. Client agrees to compensate Consultant for the additional cost of working to protect employees' and the public's health and safety.

Disposition of Samples and Equipment – No samples of unpolluted soil and rock will be kept by Consultant longer than thirty (30) days after submission of the final report unless agreed otherwise in the event that samples and/or materials contain or are suspected to contain substances or constituents hazardous or detrimental to health, safety, or the environment as defined by federal, state, or local statutes, regulations, or ordinances. Consultant will, after completion of testing (1) return such samples and materials to client, or (2) reach an agreement in writing to have such samples and materials properly disposed in accordance with applicable laws. Client agrees to pay all costs associated with the storage, transport, and disposal of samples and materials. Client recognizes and agrees that Consultant is acting as a bailee and at no time assumes title to said waste. All laboratory and field equipment contaminated in performing the required services will be cleaned at Client's expense. Contaminated consumables will be disposed of and replaced at Client's expense. Equipment (including tools) which cannot be reasonably decontaminated shall become the property and responsibility of Client. All such equipment shall be delivered to Client or disposed of in a manner similar to that indicated for hazardous samples. Client agrees to pay the fair market value of any such equipment which cannot reasonably be decontaminated.

Reports, Recommendations, and Ownership of Documents – Reports, recommendations, and other materials resulting from Consultant's efforts are intended solely for purposes of this Agreement; any reuse by Client or others for purposes outside of this Agreement or any failure to follow Consultant's recommendations, without Consultant's written permission, shall be at the user's sole risk. Client will furnish such reports, data, studies, plans, specifications, documents, and other information deemed necessary by Consultant for proper performance of its services. Consultant may rely upon Client-provided documents in performing the services required under this Agreement; however, Consultant assumes no responsibility or liability for their accuracy. Client-provided documents will remain property of Client. All reports, field notes, calculations, estimates, and other documents which are prepared, as instruments of service, shall remain Consultant's property and Consultant shall retain copyrights to these materials. Consultant will retain all pertinent records relating to services performed for a period of six years following submission of a report during which period the records will be made available to Client at all reasonable times.

Termination – This Agreement may be terminated by either party by seven (7) days written notice in the event of substantial failure to perform in accordance with the terms of the Agreement by the other party through no fault of the terminating party. If this Agreement is terminated, it is agreed that Consultant shall be paid for total charges for labor performed to the termination notice date, plus reimbursable charges.

Force Majeure – Neither party to this Agreement will be liable to the other party for delays in performing the services, nor for the direct or indirect cost resulting from such delays that may result from labor strikes, riots, war, acts of governmental authorities, extraordinary weather conditions or other natural catastrophes, or any cause beyond the reasonable control or contemplation of either party.

Severability and Survival – Any element of this Agreement later held to violate a law shall be deemed void, and all remaining provisions shall continue in force. However, Client and Consultant will in good faith attempt to replace any invalid or unenforceable provision with one that is valid and enforceable, and which comes as close as possible to expressing the intent of the original provision. All terms and conditions of this Agreement allocating liability between Client and Consultant shall survive the completion of the services hereunder and the termination of this Agreement.

Assignment – Consultant shall not delegate any duties, nor assign any rights or claims under this Agreement, nor sub any part of the work authorized, without prior consent of Client.

Appendix L

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

March 29, 2011

Ms. Dorothy Jean Ford-Smith, Chancery Clerk
Holmes County
P.O. Box 239
Lexington, MS 39095

Subject:
MSWIN 30203 B Lexington Communications Facility
Lexington, Holmes County, Mississippi
Environmental Engineers, Inc. Project No.: JSE01P1110

Dear Ms. Ford-Smith:

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) and Section 106 of the National Historic Preservation Act (NHPA) 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 Holmes County, Mississippi.

The site is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Lexington North, Mississippi," dated 1982. The site is located in the southwest ¼ of the northwest ¼ of Section 20, Township 15 North, Range 2 East, Holmes County, Mississippi, at latitude 33° 08' 52.571" north and longitude 90° 07' 17.746" west. The site consists of a proposed 100-foot by 100-foot lease area and a proposed access road located off of Mississippi Highway 12 near Lexington, Mississippi. The site consists of an open field currently utilized as a livestock pasture with herbaceous vegetation and slopes gently down toward the northwest. The proposed access road extends northeast from Highway 12 for approximately 35 feet to the site. Proposed activities consist of construction of a 400-foot self-supporting 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 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 (JSE01P1110) 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 cstinnett@envciv.com if you have any questions or comments. You can also send a response to us via facsimile at (877) 847-3060.

Sincerely,

ENVIRONMENTAL ENGINEERS, INC.

Anne B. Gilbert for

Chad Stinnett
Senior Project Scientist

Attachments: Site Location Map

7010 0290 0003 5724 3935

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	$	3/30/11
Certified Fee		
Return Receipt Fee (Endorsement Required)		Postmark Here
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	$ 5.54	JSEA1P1110

Sent To: Ms. Dorothy Jean Ford-Smith
Street, Apt. No.; or PO Box No.
City, State, ZIP+4

PS Form 3800, August 2006 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:
Ms. Dorothy Jean Ford-Smith,
Chancery Clerk
Holmes County
P.O. Box 239
Lexington, MS 39095

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Jean Smith ☐ Agent ☐ Addressee

B. Received by (Printed Name) Jean Smith C. Date of Delivery 4-1-11

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

2. Article Number (Transfer from service label) 7010 0290 0003 5724 3935

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PROOF OF PUBLICATION

HOLMES COUNTY HERALD

LEXINGTON, MISSISSIPPI

STATE OF MISSISSIPPI,
HOLMES COUNTY

Personally appeared before me, the undersigned authority, Chancery Clerk of said County and State, Bruce Hill, publisher of a public newspaper called the Holmes County Herald established in 1959 and published continuously since that date in said County and State, who, being duly sworn, deposed and said that the notice, of which a true copy is hereto annexed, was published in said paper for 1 times, as follows, to wit:

Towers of Mississippi, the State of Mississippi, and the Federal Emergency Management Agency (FEMA) are requesting comment regarding construction of a 400 foot self supporting communications tower to be located near 16677 Hwy 12, Lexington, Holmes County, Mississippi, 39095 at latitude 33° 08' 52.571" north and longitude 90° 07' 17.746" 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 JSE01P1110 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.

3-24b

Environmental Engineers Inc.

MAR 26 2011

RECEIVED

Vol. 53, No. 12 the 24TH day of MARCH, 2011

Vol. _____, No. _____ the _____ day of _____, 2011

Vol. _____, No. _____ the _____ day of _____, 2011

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Vol. _____, No. _____ the _____ day of _____, 2011

Bruce Hill
Publisher

CHANCERY CLERK
MY COMMISSION EXPIRES
JANUARY 2, 2012
HOLMES COUNTY, MISS.

Witness my hand and seal at Lexington, Mississippi this the 24 day of March 2011

Martha J. Ford-Smith Chancery Clerk

by Charlene Lockett D.C.

152 words 1 times Amount $ 21.24