

Draft Environmental Assessment Report

Prepared for: **Bexar County and Bandera County**  
(by Archer, Inc., Keller, Texas)

## **Medina Children's Home Tower Site, Bandera County, Texas**

2009 Homeland Security Grant Program (HSGP)  
Project/Grant# 2009-SS-T9-0064 (9976)

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**FEMA**

**Federal Emergency Management Agency**  
**Department of Homeland Security**  
500 C Street, SW  
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## **1.0 Introduction**

### **1.1 Project Description**

Bexar County proposes to construct a 180-foot tall (top of structure) self-support telecommunications tower (the Proposed Action) at Latitude 29.880944, Longitude -99.274889, at 21300 State Highway 16 North, Medina, Bandera County, Texas. Bexar County has been awarded funding under the 2009 Homeland Security Grant Program (HSGP) to fund the Proposed Action. The funding grant number is 2009-SS-T9-0064 (9976). Upon completion of construction, the facility will be owned by Bexar County but will be loaned to and managed, on a permanent basis, by Bandera County as a lease agreement. This program provides funding to public safety agencies to construct and implement equipment and programs that will increase and protect critical communications infrastructure in the event of a natural disaster, terrorism event, as well as during routine operations.

### **1.2 NEPA Requirements**

This Environmental Assessment (EA) has been prepared in accordance with the National Environmental Policy Acts (NEPA) of 1969, the President's Council on Environmental Quality regulations to implement NEPA (40 Code of Federal Regulations Parts 1500-1508), and the Federal Emergency Management Agency (FEMA) regulations implementing NEPA (44 CFR Part 10). FEMA is required to consider potential environmental impacts before funding or approving actions and projects. The purpose of this EA is to analyze the potential environmental impacts of the Proposed Action. 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).

## **2.0 Purpose And Need**

### **2.1 Purpose**

Bexar County objective is to have complete communication coverage throughout the area. This would involve managing routine daily radio traffic as well as emergency incident radio traffic for Bandera County.

### **2.2 Need**

Bexar County needs to provide radio communications coverage for public safety agency communication in areas that currently lack coverage or lack adequate coverage.

## **3.0 Alternatives**

### **3.1 No Action Alternative**

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Under the No Action Alternative, no telecommunications tower would be constructed. This alternative would jeopardize public safety by allowing the continuation of the existing, inadequate level of radio communications for public safety agencies.

### **3.2 Proposed Action**

The Proposed Action will consist of the construction of a 180-foot total height self-support telecommunications tower at Latitude 29.880944, Longitude -99.274889, at 21300 State Highway 16 North, Medina, Bandera County, Texas. The Proposed Action would be used to manage routine daily radio traffic as well as emergency incident radio traffic.

Additional, follow-on actions under future, alternate funding, will include:

- Placement of an approximate six foot by eight foot telecommunications equipment building at the base of the tower.
- Installation of electronic telecommunications equipment within the telecommunications equipment building.
- Installation of cabling leading from the telecommunications equipment building to the radio antennas.
- Installation of two way radio antennas mounted near the top of the tower.
- Placement of a propane-powered emergency electrical generator and associated above-ground storage tank outside of the telecommunications equipment building.
- An existing 16-foot wide access road to the tower site will be improved within the existing footprint by the Bandera County Road and Bridge Department.

Upon completion of construction, the facility will be owned by Bexar County but will be loaned to and managed, on a permanent basis, by Bandera County as a lease agreement. The access road leading to the tower site is not part of this grant request. However, it is being included in the Proposed Action because of the proposed improvements to facilitate tower access.

The Proposed Action area is located on top of a hill located south of, and on the campus of, the Medina Children's Home (also known as Arms of Hope) in a wooded area. The Medina Children's Home address is 21300 State Highway 16 North, Medina, Bandera County, Texas.

Photographs of the Proposed Action area are included in Exhibit 1. A vicinity map of the Proposed Action area is included in Exhibit 2.

### **3.3 Alternatives Considered And Dismissed**

Alternative actions that were considered included colocation on existing telecommunications towers and colocations on existing buildings or other non-telecommunications structures such as elevated water tanks, freeway overpasses, and electrical transmission line support structures. These alternatives proved not to be feasible because of the following considerations:

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- With regard to colocation on existing telecommunications towers, no towers of sufficient height were located within a target radius that would afford adequate coverage.
  - With regard to colocation on existing non-tower structures, no structures of adequate height were identified that would enable adequate coverage.

These dismissed alternatives will not be discussed any further in this EA.

## **4.0 Affected Environment And Potential Impacts**

### **4.1 Physical Resources**

#### **4.1.1 Geology, Soils, And Seismicity**

Under the No Action alternative, there would be no short or long-term impacts to soils, geologic resources, or seismic features.

The Proposed Action area is located on top of a hill behind the Medina Children's Home, in a wooded area.

According to the United States Department of Agriculture, National Resources Conservation Service, the dominant soil type in the area of the Proposed Action consists of "Eckrant-Kerrville association," characterized at the soil surface as rocky with cobbles, stones or boulders. In the area of the Proposed Action, the native soil profile consists of a cobbly clay from zero to four inches, a very cobbly clay from four to seven inches, bedrock from seven to ten inches, and depth of up to 20 inches to a restrictive structure of lithic bedrock. The parent material for the soil group is listed as Residuum weathered from limestone. Based on field observations, the proposed tower site is to be placed on an area of exposed bedrock.

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

The elevation of the Proposed Action site is approximately 1,974 feet above mean sea level. The topography of the Proposed Action area is characterized as natural slopes ranging from approximately 20 to 40 percent. There are no published indications of faults in the vicinity of the site. Archer identified no groundwater during site investigations. The vegetation at the Proposed Action site consists of juvenile growth Juniper trees with sparse Oak growth with an open hilltop canopy.

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Ground disturbance under this grant would be confined to the boring of the tower footings. The engineering for the proposed tower footings and shelter foundation has not yet been completed as of the date of this report. Typical tower footings are of poured concrete, and are typically approximately three to four feet in diameter, and thirty to forty feet in depth. Although an existing road will be improved for tower access, all proposed construction work will occur within the existing roadway footprint. Utilities exist on the site and will not require any additional trenching. There are no proposed Best Management Practices for soil erosion because the entire site is bedrock and talus with no exposed soil. Any hazardous materials encountered or generated on site will be disposed of off-site according to current Federal and state regulations. Therefore, the Proposed Action will not have significant impacts on geologic resources or soils.

A copy of the Soil Survey is included in Exhibit 3; a topographic map is included in Exhibit 4.

#### **4.1.2 Air Quality**

Under the No Action alternative, there would be no short- or long-term impacts to air quality.

Air quality is regulated by the Clean Air Act (CAA) of 1970 (42 U.S.C. § 7401 *et seq.*) Air quality is further regulated through primary and secondary National Ambient Air Quality Standards (NAAQS) under the CAA. Air quality control regions (AQCR) are classified by the US Environmental Protection Agency (EPA) based on whether the region meets or exceeds Federal primary or secondary NAAQS. There are seven criteria air pollutants classified by the EPA: carbon monoxide, lead, nitrogen dioxide, coarse particulates, fine particulates, ozone, and sulfur dioxide. An AQCR, or portion thereof, may be classified as being in attainment, non-attainment, or it can be unclassified for any one of the criteria pollutants.

The Proposed Action site is located in Bandera County. Bandera County is not listed as a non-attainment area county.

The use of heavy equipment and construction activities at the Proposed Action area may result in short term and de minimis impacts on air quality at or near the Proposed Action area. De minimis condition generally does not present a threat to human health or the environment and generally would not be subject to a regulatory enforcement action. Construction-related air quality impacts may include dust from excavation activities and emissions from construction equipment and vehicles. The impacts will be limited to construction operation hours for the construction period and will not likely increase air pollutants. However, episodic impacts to air quality could occur once the proposed emergency backup generator is installed. Impacts to air quality are anticipated to be minimal because the emergency backup generator will run on propane fuel that produces negligible greenhouse gas emissions. Based on the limited area of disturbance for the Proposed Action and the limited construction timeline, the Proposed Action will have no significant impact to air quality resulting from construction activities.

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### **4.1.3 Climate Change**

Under the No Action alternative, there would be no short- or long-term impacts to climate change.

The Proposed Action area is located on top of a hill behind the Medina Children's Home, in a wooded area.

The Proposed Action will not involve the clearing of woodland. All proposed work will occur in existing open areas. Construction activities at the Proposed Action area may result in a temporary increase in vehicle traffic only during the Proposed Action construction. The increase in vehicle traffic may temporarily increase vehicle emissions in the Proposed Action area. Once operational, the Proposed Action area will be powered by electricity. However, episodic impacts to air quality could occur once the proposed emergency backup generator is installed. Impacts to air quality are anticipated to be minimal because the emergency backup generator will run on propane fuel that produces negligible greenhouse gas emissions. Based on the limited size of the Proposed Action area, the temporary nature of the construction activities, and the limited potential for emissions at the Proposed Action area, the Proposed Action would have no significant impact to climate change.

## **4.2 Water Resources**

### **4.2.1 Water Quality**

Under the No Action alternative, there would be no short- or long-term impacts to water resources.

The Clean Water Act (CWA) established the National Pollutant Discharge Elimination System (NPDES) in order to regulate wastewater discharges from point sources into water resources. Construction sites resulting in greater than one acre of disturbance are required under the NPDES to obtain EPA and/or state permits. The Texas Commission on Environmental Quality is the state agency that has assumed NPDES permitting for the State of Texas. Activities at the Proposed Action area will be below the one acre land disturbance limitation for NPDES permitting. There are no proposed Best Management Practices for soil erosion because the entire site is bedrock and talus with no exposed soil.

The Proposed Action area is located on top of a hill behind the Medina Children's Home, in a wooded area. No bodies of water are located on the Proposed Action area. Any hazardous substances encountered or used during construction activities for the Proposed Action will be disposed of off-site at an appropriate facility. Based on the lack of water bodies and the proposed proper disposal of hazardous materials off-site with regard to the Proposed Action area, the Proposed Action would have no significant impacts on water quality.

### **4.2.2 Wetlands**

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Under the No Action alternative, there would be no short- or long-term impacts to wetlands.

The Proposed Action area is located on top of a hill behind the Medina Children's Home, in a wooded area.

Executive Order 11990 of the CWA (40CFR 230.3) defines wetlands as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated conditions. Wetlands generally include swamps, marshes, bogs and similar areas."

Aarcher reviewed National Wetlands Inventory wetlands maps from the United States Fish and Wildlife Services (USFWS) website: <http://www.fws.gov/wetlands/redirect.html>, to determine if the subject property is located within a wetland. In addition, Aarcher reviewed soil data from the U.S. Department of Agriculture website: <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. The soil type for the Proposed Action area does not meet the characteristics of a hydric soil, a necessary component of a wetland. Based on the map review and soil data, the Proposed Action will have no impacts on wetlands.

A copy of the U.S. FWS Wetlands map is included in Exhibit 5.

### **4.2.3 Floodplains**

Under the No Action alternative, there would be no short- or long-term impacts to floodplain areas.

Executive Order 11988, Floodplain Management, requires federal agencies to take action to minimize occupancy and modification of the floodplain. Specifically, Executive Order 11988 prohibits federal agencies from funding construction in the 100-year floodplain (500-year floodplain for critical facilities) unless there are no practicable alternatives. The National Flood Insurance Program (NFIP) floodplain maps are used to identify the regulatory 100-year Floodplain.

According to NFIP Floodplain map 48019C0075E (Effective Date February 4, 2011), the Proposed Action area is not located within the 100-year floodplain (Zone X). Zone X is defined as areas determined to be outside the 0.2% annual chance floodplain. Based on the map information, the Proposed Action would not impact or be impacted by the 100-year floodplain.

A copy of the FEMA floodplain map is included in Exhibit 6.

## **4.3 Coastal Resources**

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Under the No Action alternative, there would be no short- or long-term impacts to coastal resources.

The Coastal Zone Management Act was established in 1972 to preserve, protect, and (where possible) restore or enhance the resources of the coastal zones of the United States.

The Proposed Action area is located on top of a hill behind the Medina Children's Home, in a wooded area. The Proposed Action is not located within a coastal resource area, nor would it have an impact on a coastal resource area. The Proposed Action does not require a coastal use permit.

#### **4.4 Biological Resources**

##### **4.4.1 Threatened And Endangered Species And Critical Habitats**

Under the No Action alternative, there would be no short- or long-term impacts to threatened or endangered species or critical habitats.

Federal agencies are directed under Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536a2) to utilize their authorities to enforce and carry out programs for the conservation of listed threatened and endangered species or designated critical habitats. Section 7 of the Act also sets out the consultation process, which is further implemented by regulation (50 CFR 402).

The Proposed Action area is located on top of a hill behind the Medina Children's Home, in a wooded area. U.S. Fish and Wildlife Service (USFWS) Threatened and Endangered Species lists for the Proposed Action area county were reviewed at the USFWS website: <http://www.fws.gov/angered>. The Proposed Action area setting was compared to the profile of characteristic habitat for threatened and endangered species known to exist within the Proposed Action area county. USFWS information was reviewed to determine if the Proposed Action might affect designated critical habitats. State fish and wildlife agencies defer to the USFWS for evaluations of the presence of federally-listed threatened and endangered species resources.

The following threatened or endangered species or critical habitats may be found in Bandera County:

- Black-Capped Vireo: Habitat consists of dense low thickets and oak scrub, mostly on rocky hillsides or steep ravine slopes in rugged terrain. The vegetation in the Proposed Action area consists of juvenile growth Juniper forest with little to no dense scrub.
- Golden-Cheeked Warbler: Habitat consists of Ashe juniper-scrub oak in broken terrain in canyons and slopes and closed canopy stands with plenty of old junipers and a sufficient proportion of deciduous oaks in the canopy containing junipers at least 40 years old. The vegetation at the Proposed Action area consists of juvenile growth Juniper trees with

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sparse Oak growth with an open hilltop canopy. There is no old growth juniper or canopy level Oak at the Proposed Action area.

- Tobusch Fishhook Cactus: Habitat consists of alkaline soils in areas of herbaceous cover. The vegetation at the Proposed Action area consists of juvenile growth Juniper trees with sparse Oak growth with an open hilltop canopy. The immediate area of the Proposed Action has been largely cleared and consists of mostly hard limestone outcrops.

Based on the comparison of the Proposed Action area setting and the characteristic habitat of the above-listed threatened or endangered species, FEMA has determined that the Proposed Action would have no impact on threatened or endangered species or critical habitats.

A list of threatened and endangered species or critical habitats found in the Proposed Action area county is included in Exhibit 7. A copy of the documents submitted to the USFWS and the USFWS response are included in Exhibit 8.

#### **4.4.2 Wildlife And Fish**

Under the No Action alternative, there would be no short- or long-term impacts to wilderness areas or wildlife preserves.

The Proposed Action area is located on top of a hill behind the Medina Children's Home, in a wooded area.

National Atlas on-line cartographic resources were reviewed at <http://nationalatlas.gov/mapmaker> to determine if the Proposed Action area is located in an officially designated wilderness area or wildlife preserve. The National Atlas comprises lands designated as wilderness areas and wildlife preserves by the Bureau of Land Management, the U.S. Fish and Wildlife Service, the U.S. Department of Agriculture Forest Service, or the National Park Service. Based on review of these resources, the Proposed Action will have no impact on wilderness areas of wildlife preserves.

A copy of the National Atlas map search and the USFWS submittal response are included in Exhibit 8.

#### **4.4.3 Migratory Birds**

Under the Migratory Bird Treaty Act, taking, killing or possessing migratory birds is unlawful. Migratory birds are a federal trust resource that the USFWS is authorized to protect, and has put forth recommendations for communication tower design and height to mitigate collision-related mortality. Mitigation measures outlined in the USFWS Interim Guidelines For Recommendations On Communications Tower Siting, Construction, Operation and Decommissioning issued by the USFWS will be implemented as practical for this Proposed Action.

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Construction of the Proposed Action has been determined to be the best option because co-locating the communications equipment on an existing tower or other structure is not an available option. The Proposed Action will be a self-support tower and will not require guy wires.

According to resource reviews, this Proposed Action location will not be sited in or near wetlands, other known bird concentration areas, in known migratory or daily movement flyways, or in habitat of threatened or endangered species.

Based on the existing environmental conditions and the proposed tower design, the Proposed Action would have no impact migratory birds.

## **4.5 Cultural Resources**

### **4.5.1 Historic Properties**

Under the No Action alternative, there would be no short- or long-term impacts to historic properties.

Federal agencies are required by Section 106 of the National Historic Preservation Act of 1966 (NHPA, 16 U.S.C. §§ 470 et seq.) and “Protection of Historic Properties” (36 CFR Part 800) to evaluate for potential effects of Proposed Actions on Historic properties.

The FCC adopted the Nationwide Programmatic Agreement through order FCC 04-222 regarding the Section 106 National Historic Preservation Act Review Process. The order was signed on October 5, 2004 by the Advisory Council on Historic Preservation (ACHP) and the National Conference of State Historic Preservation Officers and amended Section 1.1307(a) (4) of the Commission's rules, 47 C.F.R. §1.1307(a) (4).

In order for a new antenna support structure to be constructed, the FCC Form 620 New Tower Submission Packet must to be completed by or on behalf of Applicants. Before any construction or other installation activities at the Proposed Action area begin, the Packet (including Form 620 and attachments) is to be submitted to the State Historic Preservation Office (“SHPO”) or to the Tribal Historic Preservation Office (“THPO”), as appropriate. If the Applicant fails to provide the Submission Packet and complete the review process under Section 106 of the NHPA prior to start of construction this may result in violation of NHPA and the Commission’s rules. This process is not as a substitute for the “Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission,” dated September 2004, and the relevant rules of the FCC (47 C.F.R. §§ 1.1301-1.1319) and the ACHP (36 C.F.R. Part 800).

The Proposed Action area is located on top of a hill behind the Medina Children’s Home, in a wooded area. Archer consulted the National Park Service NRIS data system, which inventories National Register of Historic Places-listed sites; reviewed the Texas Historical Commission on-line listings for Texas historic sites, performed a reconnaissance of the Area of Potential Effect,

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performed an archaeological field test, and submitted to the Texas Historical Commission (SHPO) FCC Form 620 to support an NHPA Section 106 Review. Based on this research and the determination by the SHPO that the Proposed Action will have no effect on historic resources, the Proposed Action would have no impact on districts, sites, buildings, structures or objects significant in American history, architecture, archeology, engineering or culture, which are listed or are eligible for listing, in the National Register of Historic Places.

In the event that archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted and the applicant shall stop all work immediately in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The applicant will inform FEMA immediately, FEMA will consult with the SHPO or THPO, and Tribes and work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act.

A copy of the SHPO response letter is included in Exhibit 9.

#### **4.5.2 American Indian/Religious Sites**

Under the No Action alternative, there would be no short- or long-term impacts to American Indian Tribes or Religious Sites.

Consultation with Native American tribal groups and native Hawaiian organizations (NHO) regarding proposed projects and potential impacts to Native American religious sites is required under Section 106 of the NHPA and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800) and the Nationwide Programmatic Agreement on the Collocation of Wireless Antennas (adopted March 16, 2001), as well as the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission effective March 7, 2005. On October 6, 2005 the FCC released a Declaratory Ruling (FCC 05-176) which clarified portions of the Nationwide Programmatic Agreement (NPA), addressing situations where a federally recognized Indian Tribe or Native Hawaiian Organization (NHO) has not responded to a Tower Construction Notification System (TCNS) notification, or to the applicant's and Commission's efforts to determine whether the Indian Tribe or NHO has an interest in participation in the review of the proposed project.

The Proposed Action area is located on top of a hill behind the Medina Children's Home, in a wooded area. Archer submitted inquiries to Indian Tribal authorities in the form of TCNS Submittal Number 75594. In addition, Archer sent follow-up letters to, telephoned, and/or e-mailed those tribes which had set their geographic preferences to determine if the proposed action would have an effect on Indian religious sites. Based on e-mail responses, letter responses, review of lists provided by tribes which detail the counties that they have an interest in

and telephone interviews with tribal authorities, the Proposed Action would have no impact on Indian religious sites.

In the event that archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted and the applicant shall stop all work immediately in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The applicant will inform FEMA immediately, FEMA will consult with the SHPO or THPO, and Tribes and work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act.

Copies of the TCNS filing and tribal correspondence are included in Exhibit 10.

## 4.6 Socioeconomic Resources

### 4.6.1 Environmental Justice

Under the No Action Alternative, there would be no short- or long-term impacts to environmental justice.

The Proposed Action area is located on top of a hill behind the Medina Children’s Home, in a wooded, very sparsely-populated area.

Under Executive Order 12898, Federal agencies are required to environmental and human health condition in low-income and minority level communities. The purpose of EO 12898 is to enact Environmental Justice to prevent and correct the disproportionate and adverse effect of a Federal action on the low-income or minority level populations.

The following demographics information was obtained from the U.S. Census Bureau website <http://quickfacts.census.gov/qfd/index.html>. Unemployment statistics were obtained from the United States Department of Labor Bureau of Labor Statistics website <http://www.bls.gov/lau/>.

**TABLE 1 - Family Income and Poverty Rates**

<b>Location:</b>	<b>Bandera County</b>	<b>Texas</b>
2010 Population	20,485	25,145,561
Percent White	80.9%	70.4%
Percent African American	0.5%	11.8%
Percent Hispanic or Latino	16.7%	37.6%
Percent all other race and 2 or more races	2.9%	7.3%
Percent less than 18 years old	19.6%	27.3%
Percent 65 years old and over	20.1%	10.3%
2009 Per Capita Income	\$23,055	\$24,318
2009 Poverty Rate (Percent below poverty level income)	14.2%	17.1%
2011 Unemployment Rate (Percent of civilian labor force)	7.2%	8.5%

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The Proposed Action area is not located within a low income or minority community. The Proposed Action would have no impact on environmental justice in the Proposed Action area. The Proposed Action would be a major step in improving telecommunications infrastructure, enabling better communication between emergency and first responders in the event of an emergency. Consequently all residents would benefit from the Proposed Action.

#### **4.6.2 Hazardous Materials**

The Proposed Action area is located on top of a hill behind the Medina Children's Home, in a wooded area.

Under the No Action alternative, there would be no short- or long-term impact to the Proposed Action area with regard to hazardous materials.

Use of hazardous materials at the Proposed Action area will be limited to the following action:

- Fuel for heavy equipment and vehicles used during the construction process. Minimal wastes may be generated at the Proposed Action area during tower maintenance and construction. Any wastes generated will be properly disposed of off-site according to federal and state regulations. Based on the limited timeline for construction activities at the Proposed Action area and the limited potential for hazardous material releases and waste generation during construction and maintenance activities, the Proposed Action will have no significant impact with regard to hazardous materials.

#### **4.6.3 Noise**

Under the No Action alternative, there would be no short- or long-term impact to the Proposed Action area with regard to any increase in noise.

Noise is generally referred to as unwanted sound which interferes with work, rest, communication, recreations, or sleep. During construction activities at the Proposed Action area, short-term noise increase from heavy equipment and vehicles involved in construction activities is to be expected. The Proposed Action area is located on top of a hill behind the Medina Children's Home, in a very sparsely populated area. Once construction is completed, long-term noise is expected to be minimal and result primarily from site maintenance and the occasional backup power generator activation. Based on the limited timeline of construction activities and the limited noise production after construction is completed, the Proposed Action would have no significant impact with regard to any increase in noise at the Proposed Action area.

#### **4.6.4 Traffic**

Under the No Action alternative, there would be no short- or long-term impact to the Proposed Action area with regard to any increase in traffic.

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The Proposed Action area is located on top of a hill behind the Medina Children's Home, in a wooded area. During construction activities at the Proposed Action area, short-term traffic increase from heavy equipment and vehicles involved in construction activities is to be expected. Once construction is completed, long-term traffic is expected to be minimal and result primarily from site maintenance. Based on the limited timeline of construction activities and the minimal traffic expected after construction is completed, the Proposed Action would have no significant impact with regard to any increase in traffic at the Proposed Action area.

#### **4.6.5 Public Services And Utilities**

Under the No Action alternative, there would be no short- or long-term impact to public services and utilities.

The Proposed Action area is located on top of a hill behind the Medina Children's Home, in a wooded area, with public utilities currently limited to electricity. During construction activities at the Proposed Action area, short-term interruption of public and utility service has the potential to occur. In the long-term, the telecommunications infrastructure and communication utilities will be improved with the completion of the Proposed Action and follow-on actions.

Construction related interruptions do not have the potential to cause long-term interruptions in public services and utilities. Based on the limited potential of short-term utility and public service interruptions, the Proposed Action will not have a significant impact on public services or utilities. The construction contractor will be responsible for adhering to the Texas One-Call Law.

#### **4.6.6 Public Health And Safety**

Under the No Action alternative, no telecommunication tower would be constructed, thereby limiting communications between first responders and hindering aid to those affected by an emergency event. Under the No Action alternative there would be an impact on public health and safety.

The Proposed Action area is located on top of a hill behind the Medina Children's Home, in a wooded area. During construction activities at the Proposed Action area, potential health and safety concerns include the potential for workplace accidents. All OSHA regulation will be strictly adhered to during construction activities. Proper fencing and signage will be used in an effort to prevent accident or injury to the public or workers on site. Based on the use of preventive measures during construction at the Proposed Action area, the Proposed Action would have no significant impact on public health and safety. After construction has been completed, the Proposed Action would improve communication between emergency and first responders in the event of an emergency. Based on the potential for the Proposed Action to improve emergency communications, the Proposed Action would have a beneficial impact on public health and safety.

## Summary Table

**Table 2 – Summary of Impacts**

Affected Environment/Resource Area	Impacts	Agency Coordination/Permits	Mitigation/Best Management Practices
<b>Geology, Soils, Seismicity</b>	No Significant Impact	N/A	None
<b>Air Quality</b>	No Significant Impact	N/A	None
<b>Climate Change</b>	No Significant Impact	N/A	None
<b>Water Quality</b>	No Significant Impact	N/A	None
<b>Wetlands</b>	No Impact	N/A	None
<b>Floodplains</b>	No Impact	N/A	N/A
<b>Coastal Resources</b>	No Impact	N/A	N/A
<b>Threatened and Endangered Species/Critical Habitats</b>	No Impact	U.S. Fish and Wildlife consultation	None
<b>Wildlife and Fish</b>	No Impact	N/A	N/A
<b>Migratory Birds</b>	No Impact	N/A	Adoption of U.S. Fish and Wildlife Service mitigation measures as listed in <i>Recommendations On Communications Tower Siting, Construction, Operation, and Decommissioning.</i>
<b>Historic Properties</b>	No Impact	Texas State Historic Preservation Office Consultation	N/A
<b>American Indian/Religious Sites</b>	No Impact	Native American Tribal Consultation	N/A
<b>Environmental Justice</b>	No Impact	N/A	N/A
<b>Hazardous Materials</b>	No Significant Impact	N/A	None
<b>Noise</b>	No Significant Impact	N/A	None
<b>Traffic</b>	No Significant Impact	N/A	None
<b>Public Service and Utilities</b>	No Significant Impact	N/A	Construction contractor will adhere to the Texas One-Call Law.
<b>Public Health and Safety</b>	No Impact (potential beneficial impact)	N/A	OHSA regulation followed at Proposed Action site, fencing and signage.

### 5.0 Cumulative Impacts

Under the No Action alternative, there would be no short- or long-term cumulative impacts at the Proposed Action area.

Cumulative impacts are the impact on the environment which results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions.

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There would be no cumulative impacts to geology, soil, seismicity, water resources, wetlands, floodplains, coastal resources, wildlife and fish, threatened or endangered species, migratory birds, historic properties, American Indian or religious sites, air quality, noise, infrastructure, utilities, traffic, waste management or socioeconomic resources. Long-term benefits of the Proposed Action include improving communication between emergency and first responders in the event of an emergency, natural disaster or terrorist action.

## **6.0 Agency Coordination, Public Involvement, And Permits**

The following agencies were contacted and invited to comment regarding the Proposed Action:

- The Southern Ute Tribe, Ignacio, CO
- The Comanche Nation, Lawton, OK
- The Wichita and Affiliated Tribes, Anadarko, OK
- The Tonkawa Tribe, Tonkawa, OK
- The Mescalero Apache Tribe, Mescalero, NM
- The Department of Arkansas Heritage
- The Oklahoma Historical Society
- The Texas Historical Commission
- The U.S. Fish and Wildlife Service
- The Texas State Historic Preservation Office
- Bexar County, Office of Emergency Management
- Bandera County, Office of Emergency Management
- Texas Parks and Wildlife Commission

Public involvement occurred in the form of a Public Notice posted in the Bandera Bulletin on April 20, 2011. The Public Notice asked residents to notify Archer of any impact the Proposed Action may have on historic properties. Archer received no response to the Public Notice regarding historic properties.

The availability of this EA will be advertised by public notice in the local weekly newspaper. Copies of the EA will be available locally. The public comment period will extend for a period of fifteen (15) days. The EA can also be viewed and downloaded from the FEMA's website at <http://www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm>. If no substantive comments are received, the EA will become final and the initial public notice will also serve as the final public notice. The EA will then be archived on FEMA's website at <http://www.fema.gov/library/>.

No Bandera County permits are required for the Proposed Action.

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## 7.0 References

1. United States Department of Agriculture, National Resources Conservation Service  
Web Soil Survey: <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>
2. U.S. Fish and Wildlife Service  
National Wetlands Inventory: <http://www.fws.gov/wetlands/redirect.html>  
Endangered Species Program: <http://www.fws.gov/endangered/>
3. FEMA  
Floodplain Map Service Center:  
<http://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>
4. National Atlas of the United States  
Mapmaker: <http://nationalatlas.gov/mapmaker>
5. U.S. Department of the Interior, National Parks Service  
National Register of Historic Places:  
<http://nrhp.focus.nps.gov/natreghome.do?searchtype=natreghome>
6. Texas Historical Commission  
Historic Sites Atlas: <http://atlas.thc.state.tx.us/>
7. U.S. Census Bureau  
Quick Facts: <http://quickfacts.census.gov/qfd/index.html>
8. Federal Communications Commission, Universal Licensing System:  
Tower Construction Notification System: <http://wireless.fcc.gov/uls/index.htm?job=home>
9. United States Department of Labor  
Bureau of Labor Statistics: <http://www.bls.gov/lau/>

## 8.0 List Of Preparers

- **Bruce Hanford** is the Regional Manager of Archer's Southwest Regional Office, where he is responsible for client satisfaction and oversight of all company projects. He currently serves as Program Manager for Phase One Environmental Site Assessments and NEPA Evaluations in the Southwest Region, and provides oversight for all Archer Phase I Environmental Site Assessments performed throughout the U.S. With over 16 years of Environmental Consulting experience, Mr. Hanford has managed and/or performed over 3000 Phase I Environmental Site Assessments in nine states. In addition, Mr. Hanford serves as an internal consultant assessing for liability under CERCLA regulations. Mr. Hanford has

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performed Federal and state environmental regulation compliance audits at U.S. Army and National Guard facilities throughout the continental United States, and previously served as Project Manager and consultant for CERCLA potentially responsible party searches on behalf of the EPA and the Texas Commission on Environmental Quality. Mr. Hanford is a National Park Service Qualified Architectural Historian and exceeds the EPA's qualifications for an Environmental Professional [40 CFR Part 312].

- **Erin Heinemann** is a Project Manager/Quality Control Manager for Archer's Southwest Regional Office. Ms. Heinemann performs and manages Phase I Environmental Site Assessments, NEPA Screening Assessments, and visual site inspections. Ms. Heinemann has managed over 300 such assessments across Texas, Oklahoma, Louisiana, and Arkansas. She evaluates for effects to threatened and endangered species and their habitats and evaluates for effects to cultural resources. She has prepared FCC Form 620 and Form 621 submittals for the State Historic Preservation Offices and prepared NEPA Environmental Assessment Reports. In addition, she serves as liaison with State Historic Preservation Officers and tribal authorities in ten states, establishing with those parties protocols for evaluating the possible effects of proposed telecommunication tower projects. Ms. Heinemann holds a Bachelor of Science degree in Environmental Conservation. Ms. Heinemann worked for four years in various environmental laboratories in accordance with NELAC regulations. While at the laboratories, she performed various analyses of Metals and General Chemistry samples and co-wrote and updated Standard Operating Procedure documents.
- **Brandi McTee** is a Project Leader for Archer's Southwest Regional Office. Ms. McTee performs Phase I Environmental Site Assessments and NEPA Environmental Screening Reports. She has performed over 200 such assessments in three states. Her duties include evaluating the complexity of project assignments and determining the required cartography and level of historical research. She issues Freedom of Information Act and Texas Open Records Act requests and evaluates federal and state technical environmental reports. Ms. McTee manages vendors and contractors who support Archer projects. Ms. McTee holds a Bachelor of Science degree in Environmental Science.

#### ***Government Contributors***

- **Kevin Jaynes**, CHMM, Regional Environmental Officer, FEMA Region 6
- **Alan Hermely**, Environmental Specialist, FEMA Region 6

# **Exhibit 1**



1. View from the proposed tower site, to the south.



2. View from the proposed tower site, to the east.



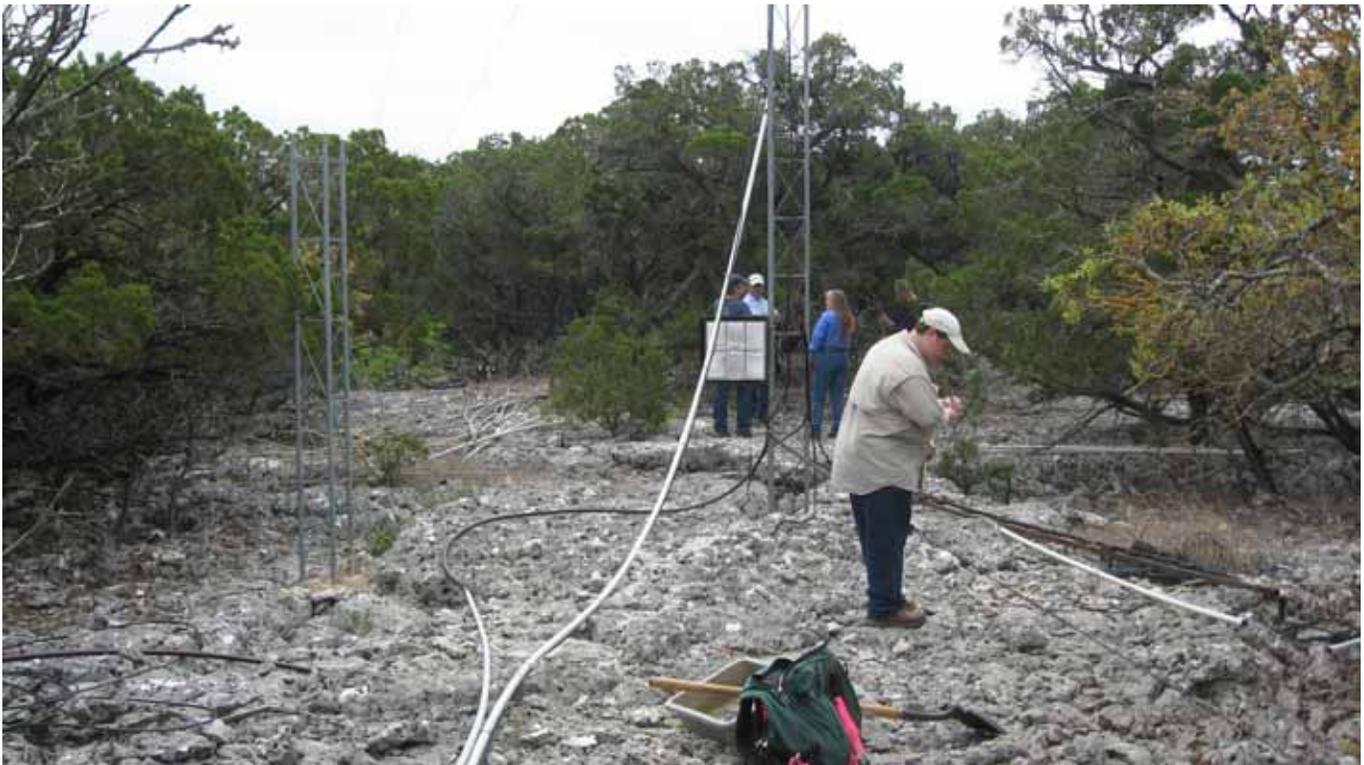
3. View from the proposed tower site, to the north.



4. View from the proposed tower site, to the west.



5. Proposed tower site (facing northwest).



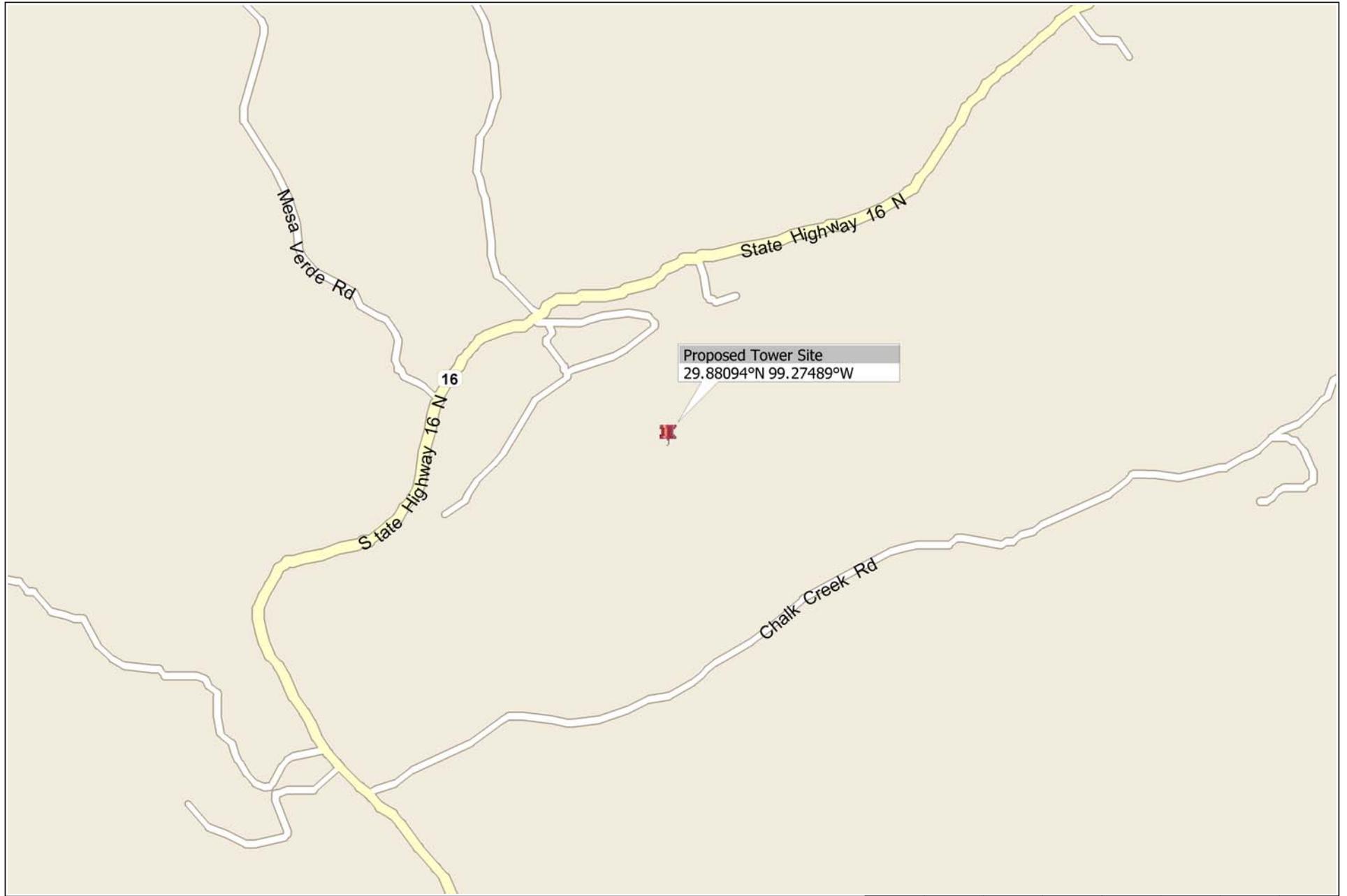
6. Proposed tower site (facing south-southeast).



7. Proposed path of 400 feet of new road.

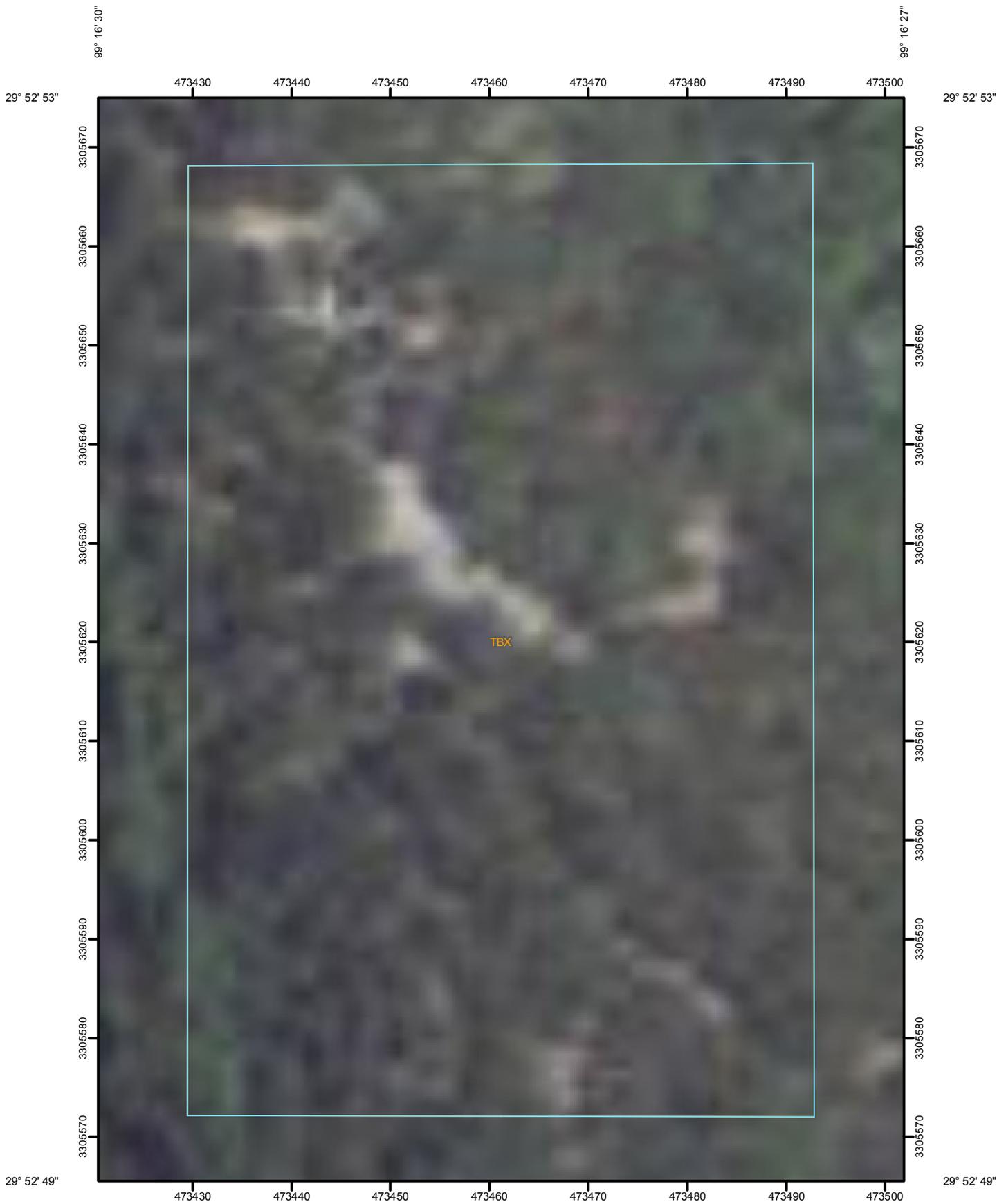
## **Exhibit 2**

# vicinity map



# **Exhibit 3**

Soil Map—Bandera County, Texas



Map Scale: 1:522 if printed on A size (8.5" x 11") sheet.



## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Units

### Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot

 Very Stony Spot

 Wet Spot

 Other

### Special Line Features

-  Gully
-  Short Steep Slope
-  Other

### Political Features

 Cities

### Water Features

 Streams and Canals

### Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

## MAP INFORMATION

Map Scale: 1:522 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
 Coordinate System: UTM Zone 14N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Bandera County, Texas  
 Survey Area Data: Version 8, Oct 26, 2009

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Bandera County, Texas (TX019)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
TBX	Eckrant-Kerrville association, steep	1.5	100.0%
<b>Totals for Area of Interest</b>		<b>1.5</b>	<b>100.0%</b>

## Bandera County, Texas

### TBX—Eckrant-Kerrville association, steep

#### Map Unit Setting

*Elevation:* 1,000 to 2,400 feet  
*Mean annual precipitation:* 22 to 32 inches  
*Mean annual air temperature:* 64 to 70 degrees F  
*Frost-free period:* 210 to 240 days

#### Map Unit Composition

*Eckrant and similar soils:* 50 percent  
*Kerrville and similar soils:* 25 percent  
*Minor components:* 25 percent

#### Description of Eckrant

##### Setting

*Landform:* Ridges  
*Landform position (two-dimensional):* Backslope, footslope  
*Landform position (three-dimensional):* Base slope, side slope  
*Down-slope shape:* Convex  
*Across-slope shape:* Convex  
*Parent material:* Residuum weathered from limestone

##### Properties and qualities

*Slope:* 20 to 40 percent  
*Surface area covered with cobbles, stones or boulders:* 0.1 percent  
*Depth to restrictive feature:* 4 to 20 inches to lithic bedrock  
*Drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water*  
*(Ksat):* Moderately low to moderately high (0.06 to 0.57 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 8 percent  
*Maximum salinity:* Nonsaline (0.0 to 2.0 mmhos/cm)  
*Available water capacity:* Very low (about 0.6 inches)

##### Interpretive groups

*Land capability (nonirrigated):* 7s  
*Ecological site:* Steep Rocky 29-35" PZ (R081CY363TX)

##### Typical profile

*0 to 4 inches:* Cobbly clay  
*4 to 7 inches:* Very cobbly clay  
*7 to 10 inches:* Bedrock

#### Description of Kerrville

##### Setting

*Landform:* Ridges  
*Landform position (two-dimensional):* Backslope, footslope  
*Landform position (three-dimensional):* Base slope, side slope

*Down-slope shape:* Convex  
*Across-slope shape:* Convex  
*Parent material:* Residuum weathered from limestone

**Properties and qualities**

*Slope:* 20 to 30 percent  
*Surface area covered with cobbles, stones or boulders:* 0.1 percent  
*Depth to restrictive feature:* 20 to 40 inches to lithic bedrock  
*Drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately low to high (0.06 to 1.98 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 90 percent  
*Available water capacity:* Low (about 3.4 inches)

**Interpretive groups**

*Land capability (nonirrigated):* 7s  
*Ecological site:* Steep Adobe 29-35" PZ (R081CY362TX)

**Typical profile**

*0 to 6 inches:* Clay loam  
*6 to 14 inches:* Clay loam  
*14 to 40 inches:* Clay loam  
*40 to 60 inches:* Bedrock

**Minor Components**

**Unnamed, minor components**

*Percent of map unit:* 25 percent

**Data Source Information**

Soil Survey Area: Bandera County, Texas  
Survey Area Data: Version 8, Oct 26, 2009

## Hydric Rating by Map Unit

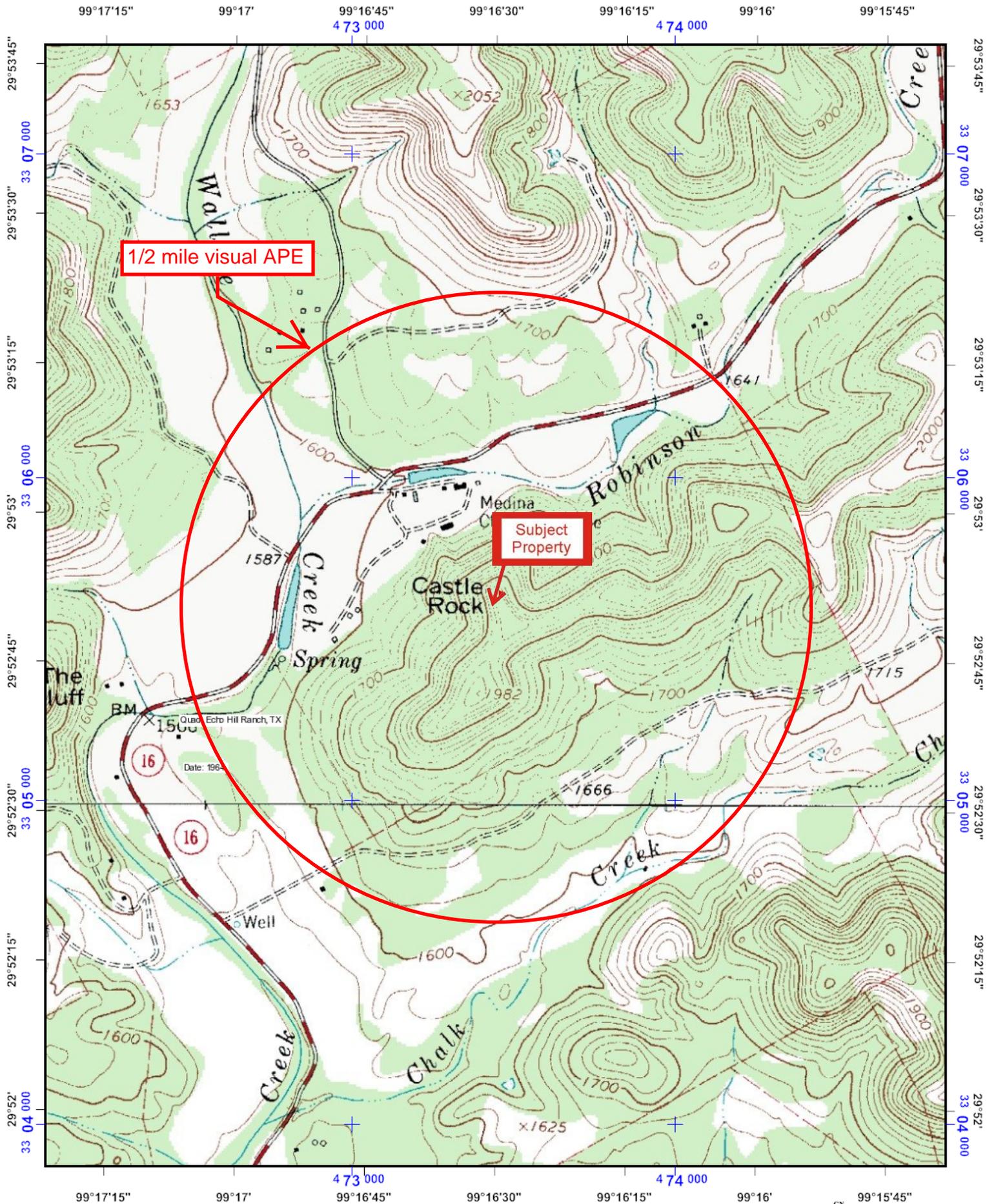
Hydric Rating by Map Unit— Summary by Map Unit — Bandera County, Texas (TX019)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
TBX	Eckrant-Kerrville association, steep	Not Hydric	1.5	100.0%
<b>Totals for Area of Interest</b>			<b>1.5</b>	<b>100.0%</b>

### Rating Options

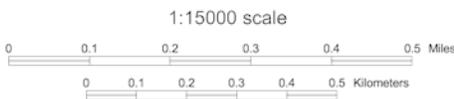
*Aggregation Method:* Absence/Presence

*Tie-break Rule:* Lower

# **Exhibit 4**



Universal Transverse Mercator (UTM) Projection Zone 14  
 North American Datum of 1983  
 1000 meter UTM / USNG / MGRS  
 Grid Zone Designation: 14R  
 100,000-m Squares: MU



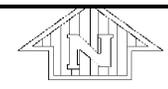
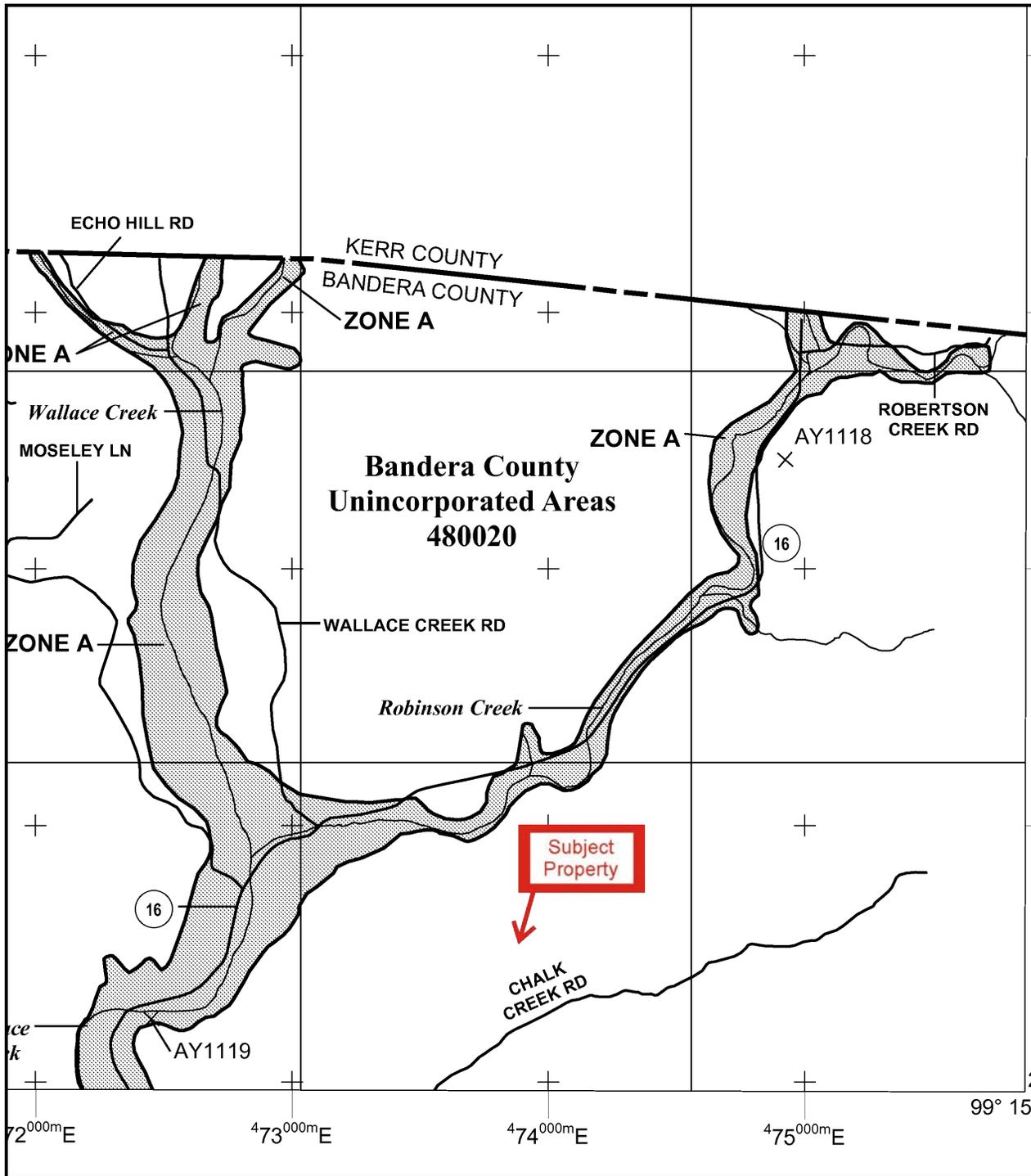
GN  
 TN  
 MN  
 S

Magnetic declination of SE at center of map  
 on March 17, 2011

# **Exhibit 5**



# **Exhibit 6**



MAP SCALE 1" = 2000'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0075E

**FIRM**  
**FLOOD INSURANCE RATE MAP**  
**BANDERA COUNTY,**  
**TEXAS**  
**AND INCORPORATED AREAS**

PANEL 75 OF 550

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BANDERA COUNTY, UNINCORPORATED AREAS	480020	0075	E

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



**MAP NUMBER**  
**48019C0075E**

**EFFECTIVE DATE**  
**FEBRUARY 4, 2011**

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](http://www.msc.fema.gov)

## **Exhibit 7**



# Species Reports

Environmental Conservation Online System

## Species By County Report

The following report contains Species that are known to or are believed to occur in this county. Species with range unrefined past the state level are now excluded from this report. If you are looking for the Section 7 range (for Section 7 Consultations), please visit the [IPaC](#) application.

County: **Bandera, TX**

<a href="#">Group</a>	<a href="#">Name</a>	<a href="#">Population</a>	<a href="#">Status</a>	<a href="#">Lead Office</a>	<a href="#">Recovery Plan Name</a>	<a href="#">Recovery Plan Action Status</a>	<a href="#">Recovery Plan Stage</a>
Birds	<a href="#">Black-capped Vireo (<i>Vireo atricapilla</i>)</a>		Endangered	<a href="#">Arlington Ecological Services Field Office</a>	<a href="#">Black-capped Vireo (<i>Vireo atricapillus</i>) Recovery Plan</a>	<a href="#">View Implementation Progress</a>	Final
	<a href="#">Golden-cheeked warbler (=wood) (<i>Dendroica chrysoparia</i>)</a>		Endangered	<a href="#">Austin Ecological Services Field Office</a>	<a href="#">Golden-cheeked Warbler</a>	<a href="#">View Implementation Progress</a>	Final
Flowering Plants	<a href="#">Tobusch fishhook cactus (<i>Ancistrocactus tobuschii</i>)</a>		Endangered	<a href="#">Austin Ecological Services Field Office</a>	<a href="#">Tobusch Fishhook Cactus</a>	<a href="#">View Implementation Progress</a>	Final

Export options: [CSV](#) | [EXCEL](#) | [XML](#) | [PDF](#)

Last updated: November 16, 2011

[ECOS Home](#) | [Contact Us](#)

# **Exhibit 8**



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
10711 Burnet Road, Suite 200  
Austin, Texas 78758  
512 490-0057  
FAX 490-0974



MAY 11 2011

Thank you for your request for threatened and endangered species information in the Austin Ecological Services Field Office's area of responsibility. According to Section 7(a)(2) of the Endangered Species Act and the implementing regulations, it is the responsibility of each Federal agency to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any federally listed species.

Please note that while a Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment, the Federal agency must notify the U.S. Fish and Wildlife Service (Service) in writing of such designation. The Federal agency shall also independently review and evaluate the scope and contents of a biological assessment prepared by their designated non-Federal representative before that document is submitted to the Service.

A county by county listing of federally listed threatened and endangered species that occur within this office's work area can be found at <http://www.fws.gov/southwest/es/EndangeredSpecies/lists/default.cfm>. You should use the county by county listing and other current species information to determine whether the direct or indirect effects of your action could affect listed species or their critical habitat off-site as well as on-site. A qualified individual should conduct surveys to determine potential effects to listed species.

After completing a habitat evaluation and/or any necessary surveys, you should evaluate the project for potential effects to listed species and make one of the following determinations:

- **No effect** – the proposed action will not affect federally listed species or critical habitat. A “no effect” determination does not require section 7 consultation and no coordination or contact with the Service is necessary. However, if the project changes or additional information on the distribution of listed or proposed species becomes available, the project should be reanalyzed for effects not previously considered.
- **May affect, but is not likely to adversely affect** – the project may affect listed species and/or critical habitat; however, the effects are expected to be discountable, insignificant, or completely beneficial. Certain avoidance and minimization measures may need to be implemented in order to reach this level of effects. The Federal agency or the designated non-Federal representative should seek written concurrence from the Service that adverse effects are not likely. Be sure to include all of the information and documentation used to reach your decision with your request for concurrence. The Service must have this documentation before issuing a concurrence.

TAKE PRIDE<sup>®</sup>  
IN AMERICA 

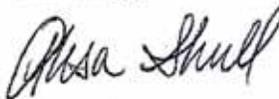
- **Is likely to adversely affect** – adverse effects to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable, insignificant, or beneficial. If the overall effect of the proposed action is beneficial to the listed species but also is likely to cause some adverse effects to individuals of that species, then the proposed action “is likely to adversely affect” the listed species. An “is likely to adversely affect” determination requires the Federal action agency to initiate formal Section 7 consultation with this office.

Regardless of your determination, the Service recommends that you maintain a complete record of the evaluation, including steps leading to the determination of affect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related articles.

The Service’s Consultation Handbook is available online to assist you with further information on definitions, process, and fulfilling Endangered Species Act requirements for your projects at [http://www.fws.gov/endangered/esa-library/pdf/esa\\_section7\\_handbook.pdf](http://www.fws.gov/endangered/esa-library/pdf/esa_section7_handbook.pdf)

If we can further assist you in understanding a federal agency’s obligations under the Endangered Species Act, please contact Tanya Sommer at 512/490-0057 extension 222.

Sincerely,



Adam Zerrenner  
Field Supervisor

*acting for*



LoneStar Overnight

April 15, 2011

Attn: Field Supervisor  
U.S. Fish and Wildlife Service  
Austin Ecological Services Field Office  
10711 Burnet Road, Suite 200  
Austin, Texas 78758

21450-2011-TA-0191  
21450-2011-CPA-0076

FS
AFS
ALL

Page 5.  
MONI  
Sec 7 letter  
FCC

Re: Proposed Cell Tower Threatened/Endangered Species Review, Bandera County, Texas

Dear Madam or Sir:

The purpose of this letter is to request that, as a commenting agency under the National Environmental Policy Act (NEPA), you comment on our evaluation, under the National Environmental Policy Act, concerning the potential impact of a proposed telecommunications tower project located on the hillside behind the Medina Children's Home located at 2130 State Highway 16N, north of Medina, in Bandera County Texas.

Please find attached the U.S. Fish and Wildlife Service Tower Site Form. An aerial photograph, topographic map, and site photographs are attached to the form.

Thank you for your assistance in this matter.

Sincerely,

Bruce Hanford  
Aarcher, Inc.

BH/eh  
Enclosures

cc: File

030011.03.0001

## TOWER SITE EVALUATION FORM

1. Location (Provide maps if possible):

State: Texas County: Bandera Latitude/Longitude/GPS Grid: 29-52-51.4 North  
99-16-29.6 West Datum: NAD 83

City and Highway Direction: Hillside behind Medina Children's Home, 2130 State Highway 16N, north of Medina, Bandera County, Texas.

2. Elevation above mean sea level: 1974 feet

3. Will the equipment be co-located on an existing FCC licensed tower or other existing structure (building, billboard, etc.)? (y/n) No If yes, type of structure:           
If yes, no further information is required.

4. If no, provide proposed specifications for new tower:

Height: 180 feet Construction type (lattice, monopole, etc.): lattice

Guy-wired? (y/n) N No. bands:          Total No. Wires:         

Lighting (Security & Aviation): Minimum required by FCC/FAA. Not yet determined by FCC/FAA

If tower will be lighted or guy-wired, complete items 5-19. If not, complete only items 19 and 20.

5. Area of tower footprint in acres or square feet: Tower footprint will measure about 1000 square feet

6. Length and width of access road in feet: An existing two-lane track to the south will be improved with gravel to approximately 20-foot wide and extended to the tower compound.

7. General description of terrain - mountainous, rolling hills, flat to undulating, etc. Photographs of the site and surrounding area are beneficial: steep hills limestone outcropping on the hilltop.

8. Meteorological conditions (incidence of fog, low ceilings, etc.): No noteable or unusual conditions.

9. Soil type(s): Eckrant-Kerrville association, fractured limestone bedrock

10. Habitat types and land use on and adjacent to the site, by acreage and percentage of total:

- Site is near the top of a forested hill. The hill is completely forested, with a few trails for hiking.
- At the base of the hill is the Medina Children's Home, a facility for disadvantaged children and families.

11. Dominant vegetative species in each habitat type: Trees –Juniper, less than 5% Oak Hilltop open canopy.

12. Average diameter breast height of dominant tree species in forested areas: 10 inches.

13. Will construction at this site cause fragmentation of a larger block of habitat into two or more smaller blocks? (y/n) No If yes, describe:

14. Is evidence of bird roosts or rookeries present? (y/n) No If yes, describe:

15. Distance to nearest wetland area (forested swamp, marsh, riparian, marine, etc.), and coastline if applicable: nearest wetland is approximately 1200 feet to the northeast at the bottom of the hill.

16. Distance to nearest telecommunications tower. The FCC offers an Antenna Structure Registration search feature on their website that allows you to search for registered towers within a specified radius of any proposed tower location. This search feature can be accessed at: <http://wireless2.fcc.gov/UlsApp/AsrSearch/asrRegistrationSearch.jsp>

Additionally, a search feature at <http://www.berkana.com/tower.php3> allows users to search for all towers registered with the FCC based on specified search criteria such as city and state. The site will display maps as well as company name, address, latitude, longitude, elevation, height, etc., of towers registered with the FCC. The *nearby matches* link will find towers that are within approximately 10, 20, 50, and 100 miles of a particular tower. Nearest tower is located more than five miles to the southeast of the proposed tower site.

17. Is there any potential for co-location of antennas on existing towers or other structures? If no, please explain why co-location would not be feasible: No. The tower is located more than five miles from the proposed tower site is not conducive to a collocation situation. No other suitably-tall buildings or other structures are located in the vicinity.

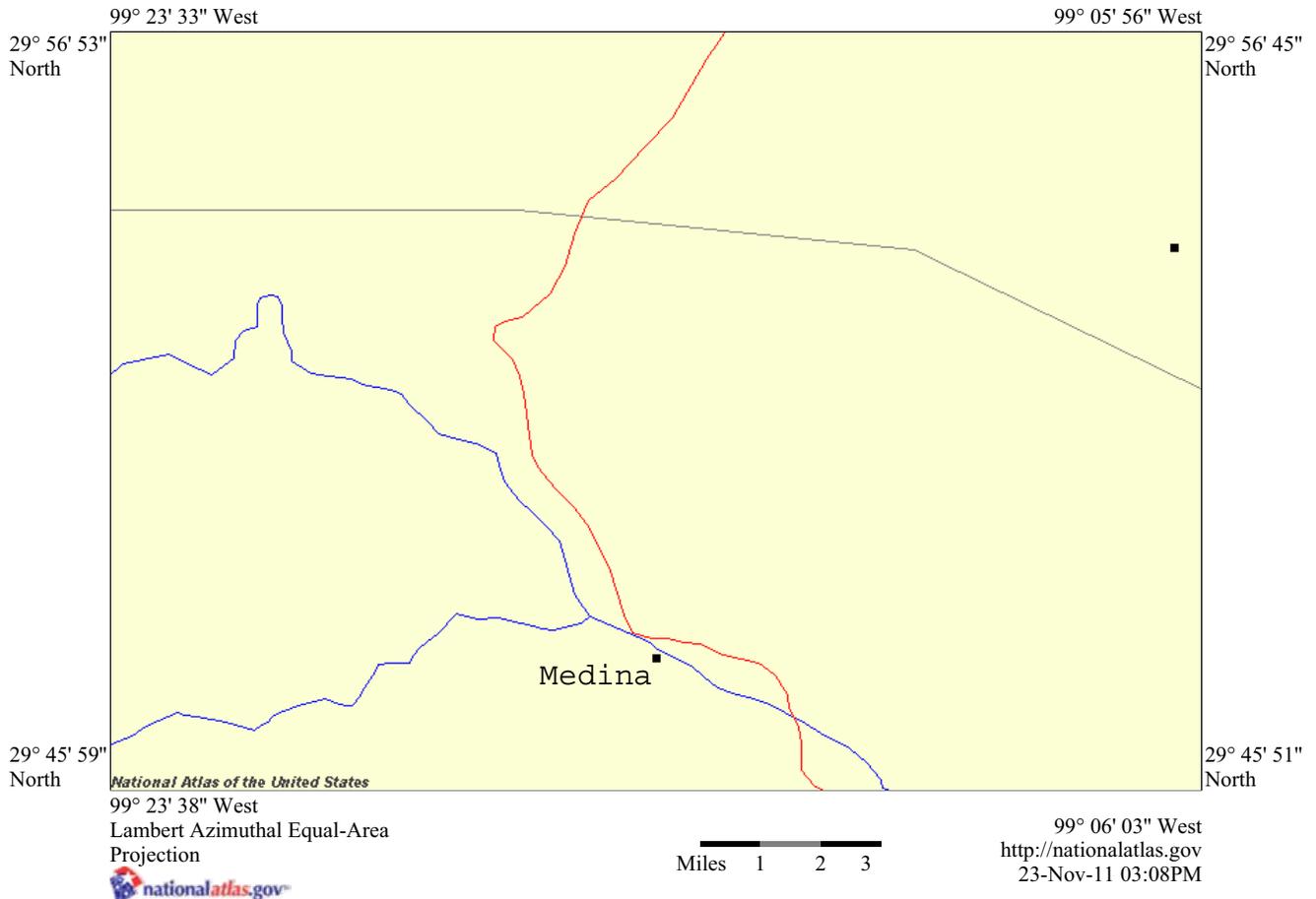
18. Have measures been incorporated for minimizing impacts to migratory birds? Yes. If yes, describe: 1) minimum amount of FCC/FAA-required lighting will be used, and, if permitted by FCC/FAA, white (low-intensity) strobe lighting (at the lowest frequency of flashes) will be used. 2) Tower will not be sited in an area of high incidence of fog, mist, or low ceiling. 3) Best management practices will be used to minimize tower construction footprint. The tower compound will be limited in size. 4) Tower will be engineered to support collocation of multiple additional tenant/carriers. 5) Any security lighting will be down-shielded. 6) Service personnel or researches will be permitted access to the site for bird study. 7) Should the tower be determined to be obsolete it will be removed within 12 months of cessation of use.

19. Would the proposed facility likely affect listed or proposed endangered or threatened species or their habitats? This evaluation is required by section 7 of the Endangered Species Act and by FCC regulation at 47 CFR 1.1307(a)(3). When the Federal action agency (FCC) or their designated non-Federal representative determines that a proposed project **will not** affect any federally-listed species or designated critical habitat, further consultation with the Service is not required. In the event that the federal agency determines that its action “**may affect**” a listed

threatened or endangered species or designated critical habitat, the agency is required to consult with the Service regarding the degree of impact, and measures available to avoid or minimize the adverse effects. Concurrence from the Service should be sought when the Federal action agency or their designated representative determines that the project "may affect" but is "not likely to adversely affect" listed species.

(y/n) No If yes, present findings:

20. Additional information required:



Boundaries

Counties

Source: [U.S. Geological Survey](http://www.usgs.gov)

Counties

States

Source: [U. S. Geological Survey](http://www.usgs.gov)

States

Indian Lands

Source: [U. S. Geological Survey](http://www.usgs.gov)

Layer partially covered by another layer

Indian Lands

- Indian Reservation
- National Forest
- National Historic Park
- National Monument
- National Park
- National Wildlife Refuge
- Public Domain Land
- Water

Federal Lands

Source: [U. S. Geological Survey](http://www.usgs.gov)

Layer partially covered by another layer

- Bureau of Land Management
- Bureau of Reclamation
- Department of Defense
- Forest Service
- Fish and Wildlife Service
- National Park Service
- Tennessee Valley Authority
- Other

Wilderness Preservation System Areas  
Source: [U. S. Geological Survey](#)  
Layer partially covered by another layer



Public Land Survey System  
Source: [U. S. Geological Survey](#)

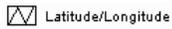


Map Reference

Cities and Towns  
Source: [U.S. Geological Survey](#)

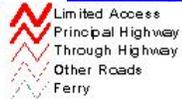


Latitude/Longitude  
Source: [U.S. Geological Survey](#)



Transportation

Roads  
Source: [U.S. Geological Survey](#)

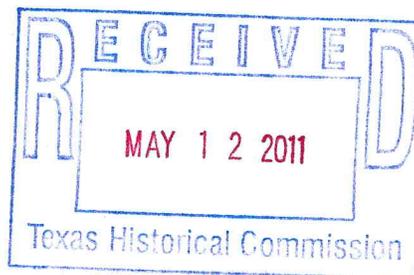


Water

Streams and Waterbodies  
Source: [U.S. Geological Survey](#)



# **Exhibit 9**



LONE STAR

May 11, 2011

Attn: Linda Henderson  
Texas Historical Commission  
P.O. Box 12276  
Austin, Texas 78711-2276

Re: FCC Form 620, Wireless Telecommunication Facility Undertaking in Respect to Section 106 of the National Historic Preservation Act of 1966.

Dear Ms. Henderson:

Aarcher, Inc. is submitting under cover of this letter FCC Form 620, submitted to you for NHPA Section 106 Review for construction of a new Bandera County telecommunications tower. The proposed tower project, named Bandera County, will be a 180-foot total height self-support lattice tower located on the hillside behind the Medina Children's Home at 2130 State Highway 16N, Medina, Bandera County, Texas.

Please address your response to Aarcher, Inc. at 200 Rufe Snow North, Suite 103; Keller, Texas 76248.

If you have any questions or need additional information, please do not hesitate to contact me at any time. Thank you in advance.

Sincerely,

Bruce Hanford  
Regional Manager

BH/eh

Enclosures – Form 620 and Attachments

cc: File

030011.03.0001

NO HISTORIC  
PROPERTIES AFFECTED  
PROJECT MAY PROCEED  
by Linda Henderson  
for Mark Wolfe  
State Historic Preservation Officer  
Date 8 June 2011

# **Exhibit 10**

## Erin Heinemann

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**From:** towernotifyinfo@fcc.gov  
**Sent:** Tuesday, April 12, 2011 3:32 PM  
**To:** Erin Heinemann  
**Subject:** Proposed Tower Structure Info - Email ID #2777570

Dear Erin Heinemann,

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

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

Notification Received: 04/12/2011

Notification ID: 75594

Tower Owner Individual or Entity Name: Bandera County

Consultant Name: Erin Heinemann

Street Address: 200 Rufe Snow North  
Suite 103

City: Keller

State: TEXAS

Zip Code: 76248

Phone: 817-431-1593

Email: eheinemann@aarcherinc.com

Structure Type: UTOWER - Unguyed - Free Standing Tower

Latitude: 29 deg 52 min 51.4 sec N

Longitude: 99 deg 16 min 29.6 sec W

Location Description: 2130 State Highway 16N (NewTower WoodedHill replace74916

City: Medina

State: TEXAS

County: BANDERA

Ground Elevation: 600.8 meters

Support Structure: 54.9 meters above ground level

Overall Structure: 59.4 meters above ground level

Overall Height AMSL: 660.2 meters above mean sea level

## Erin Heinemann

---

**From:** towernotifyinfo@fcc.gov  
**Sent:** Friday, April 15, 2011 2:01 AM  
**To:** Erin Heinemann  
**Cc:** kim.pristello@fcc.gov; diane.dupert@fcc.gov  
**Subject:** NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED TOWER CONSTRUCTION NOTIFICATION INFORMATION - Email ID #2779473

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. NAGPRA Coordinator Neil B Cloud - Southern Ute Tribe - Ignacio, CO - electronic mail and regular mail

Details: Under the following 6 conditions, the Southern Ute Indian Tribe does not need to review the proposed tower (PLEASE NOTE THAT THE FORM 620 IS MANDATORY IF THE PROPOSED TOWER NEEDS TO BE REVIEWED):

The Southern Ute Indian Tribe does NOT need to review proposed extensions to increase the height of already existing towers.

The Southern Ute Indian Tribe does NOT need to review proposed collocations on already existing towers.

The Southern Ute Indian Tribe does NOT need to review proposed structures that are to be placed on rooftops.

The Southern Ute Indian Tribe does NOT need to review proposed structures that are within a city's limits, if the proposed structure is to be located on a disturbed road that has

already been gravelled.

The Southern Ute Indian Tribe does NOT need to review proposed structures that are to be placed on pastures that have already been plowed or cultivated.

The Southern Ute Indian Tribe does NOT need to review proposed structures that are merely extensions in height of an already existing structure.

For all other proposed areas, the Southern Ute Indian Tribe DOES NEED a copy of the Form 620. Please send the Form 620 via regular mail and be sure to INCLUDE THE FAX # of the company in order to receive a reply:

Neil B. Cloud, NAGPRA Coordinator, P.O. Box 737, Mail Stop #73, 116 Capote Drive, Ignacio, Colorado 81137

If the applicant/tower builder receives no response from the Southern Ute Indian Tribe within 30 days AFTER YOU HAVE SENT THE FORM 620 to the Tribe (including color photographs and resumes), then the Southern Ute Indian Tribe has no interest in participating in pre-construction review for the site.

2. THPO Assistant Kelly Glancy - Comanche Nation - Lawton, OK - regular mail  
Details: The Comanche Nation Historic Preservation Office does not need to review proposed projects under the following conditions; those that involve pre-existing above-ground feature additions or modifications, unless there is an increase in height, and those where the proposed project is within the city limits and proposed to be located on a previously disturbed site that has already been evaluated by the Comanche Nation.

If the proposed project does not meet the aforementioned conditions, the Comanche Nation Historic Preservation Office requires the following items; photographs taken of all 4 directions (north, south, east and west) from the center of the project site (where possible), legal description of the proposed site (i.e.; section, range, township, etc.) and any existing archeological/environmental reports or surveys relating to the site. We do not require, but request that you provide us with an aerial view of the proposed site if possible.

Due to the heavy volume of requests, we can no longer accept email requests.

Please send all materials to the Comanche Nation Historic Preservation Office, C/O Kelly Glancy, P.O. Box 908, Lawton, Oklahoma 73502 via regular or express mail, with a \$500 review fee, per project (payable to the Comanche Nation Historic Preservation Office). Please note on the cashier's check/money order (or on an attachment), the TCNS Number/Project Name that the review fee is being provided for. Upon receipt of review fee, the Comanche Nation Historic Preservation Office will promptly respond to your review request.

Note: If the Comanche Nation Office of Historic Preservation has commented previously on the project under requested review, inform us of the date in the body of the review request, and you will not be assessed a review fee. If you are in need of additional information you may contact us directly at (580) 595-9960 or 9618 for clarification. In addition, this message serves as the 'Official' Notice from the Comanche Nation Historic Preservation Office and can be printed for your records, if necessary.

Thank you!

Sincerely,  
Jimmy Arterberry, THPO

3. TCNS Representative & GAP Technician Jason Prince - Wichita and Affiliated Tribes - Anadarko, OK - electronic mail and regular mail

If the applicant/tower builder receives no response from the Wichita and Affiliated Tribes within 30 days after notification through TCNS, the Wichita and Affiliated Tribes has no

interest in participating in pre-construction review for the proposed site. The Applicant/tower builder, however, must immediately notify the Wichita and Affiliated Tribes in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

4. Tribal Administrator Joshua Waffle - Tonkawa Tribe - Tonkawa, OK - electronic mail

5. Tribal Historic Preservation Officer Holly B Houghten - Mescalero Apache Tribe - Mescalero, NM - electronic mail and regular mail

Details: The Mescalero Apache Tribe does not wish to review towers that are being placed upon existing buildings. For review of all other proposed towers located within the Mescalero Apache Tribe's traditional homelands, the Tribe will charge a \$125.00 review fee. Please send this fee to the Historic Preservation Office, Mescalero Apache Tribe, P.O. Box 227, Mescalero, NM 88340. Please make the check payable to the Mescalero Apache Tribe and note on the check, or an attachment, the TCNS# or project name/number that the review fee is provided for. Upon receipt of the review fee, the Mescalero Apache Tribe will promptly respond to your review request.

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

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

8. SHPO Bob L Blackburn - Oklahoma Historical Society - Oklahoma City, OK - regular mail

9. Historian Linda Henderson - Texas Historical Commission - Austin, TX - electronic mail

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

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

Notification Received: 04/12/2011  
Notification ID: 75594  
Tower Owner Individual or Entity Name: Bandera County  
Consultant Name: Erin Heinemann  
Street Address: 200 Rufe Snow North  
Suite 103  
City: Keller  
State: TEXAS  
Zip Code: 76248  
Phone: 817-431-1593  
Email: eheinemann@aarcherinc.com

Structure Type: UTOWER - Unguyed - Free Standing Tower  
Latitude: 29 deg 52 min 51.4 sec N  
Longitude: 99 deg 16 min 29.6 sec W  
Location Description: 2130 State Highway 16N (NewTower WoodedHill replace74916  
City: Medina  
State: TEXAS  
County: BANDERA  
Ground Elevation: 600.8 meters  
Support Structure: 54.9 meters above ground level  
Overall Structure: 59.4 meters above ground level  
Overall Height AMSL: 660.2 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

## Erin Heinemann

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**From:** towernotifyinfo@fcc.gov  
**Sent:** Monday, April 18, 2011 10:22 AM  
**To:** Erin Heinemann  
**Cc:** tcns.fccarchive@fcc.gov; jwaffle@tonkawatribe.com  
**Subject:** Reply to Proposed Tower Structure (Notification ID: 75594) - Email ID #2782684

Dear Erin Heinemann,

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 Tribal Administrator Joshua Waffle of the Tonkawa Tribe in reference to Notification ID #75594:

The following site(s) have been reviewed and to date (Monday, April 18, 2011) with current resources, the Tonkawa Tribe has no known burial sites of the Tonkawa Indians. If any remains or artifacts are discovered please contact the appropriate Agencies and our Tribal Facilities immediately. If the Tonkawa Tribes databases change in regards to the statement in this letter, a Tribal Representative will contact you.

Respectfully,  
Joshua Waffle  
Tribal Administrator Tonkawa Tribe  
Ph 580 628 2561 124  
Fx 580 628 3375  
Cl 580 491 1209  
jwaffle@tonkawatribe.com

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

Notification Received: 04/12/2011  
Notification ID: 75594  
Tower Owner Individual or Entity Name: Bandera County  
Consultant Name: Erin Heinemann  
Street Address: 200 Rufe Snow North  
Suite 103  
City: Keller  
State: TEXAS  
Zip Code: 76248  
Phone: 817-431-1593  
Email: eheinemann@aarcherinc.com

Structure Type: UTOWER - Unguyed - Free Standing Tower  
Latitude: 29 deg 52 min 51.4 sec N  
Longitude: 99 deg 16 min 29.6 sec W  
Location Description: 2130 State Highway 16N (NewTower WoodedHill replace74916  
City: Medina  
State: TEXAS  
County: BANDERA  
Ground Elevation: 600.8 meters  
Support Structure: 54.9 meters above ground level  
Overall Structure: 59.4 meters above ground level  
Overall Height AMSL: 660.2 meters above mean sea level

# *Aarcher, Inc.*

May 11, 2011

Mr. Neil B. Cloud - NAGPRA Coordinator  
Southern Ute Tribe  
P.O. Box 737  
Mail Stop # 73  
116 Capote Drive  
Ignacio, Co 81137

Re: Second Attempt to Determine Interest in a Bandera County Communications Site for Impact on Properties of Religious and Cultural Importance to the Southern Ute Tribe

Dear Mr. Cloud:

In accordance with the Nationwide Programmatic Agreement for review of effects on Historic Properties for certain undertakings, this letter is a second attempt to respectfully request whether the Comanche Nation would like to comment on the planned communications site for its impact on properties of religious and cultural importance to the Nation. The proposed tower site is located on the top of a hill to the south of the Medina Children's Home, north of Medina city limits in Bandera County, Texas. There is an existing 50 foot tower on the hillside that will be replaced by this taller tower.

The proposed site information is as follows:

SITE NAME: Bandera County  
TCNS NOTIFICATION ID NUMBER: 75594  
DATE OF INITIAL NOTIFICATION: 04/12/2011  
NEW TOWER or COLLOCATION: New Tower  
Structure Type: UTOWER – Unguyed – Free Standing Tower  
Latitude: 29 deg 52 min 51.4 sec N  
Longitude: 99 deg 16 min 29.6 sec W  
Location Description: 2130 State Highway 16N (NewTower WoodedHill replace 74916  
City: Medina County: BANDERA State: TEXAS  
Ground Elevation: 600.8 meters  
Support Structure: 54.9 meters above ground level  
Overall Structure: 59.4 meters above ground level  
Overall Height AMSL: 660.2 meters above mean sea level

We have enclosed a self-addressed envelope for your convenience in case you would like to communicate by regular mail. Alternatively, if you prefer, you may contact us by telephone at 443-243-3383, fax at 817-431-6554 or electronic mail at [EHeinemann@aarcherinc.com](mailto:EHeinemann@aarcherinc.com).

We look forward to hearing from you even if you should decide that this proposed site is of no interest to the Southern Ute Tribe.

Sincerely,

Erin Heinemann  
Project Manager

# *Aarcher, Inc.*

May 11, 2011

Ms. Holly Houghten  
Historic Preservation Office  
Mescalero Apache Tribe  
P.O. Box 227  
Mescalero, NM 88340

Re: Second Attempt to Determine Interest in a Bandera County Communications Site for Impact on Properties of Religious and Cultural Importance to the Mescalero Apache Tribe

Dear Ms. Houghten:

In accordance with the Nationwide Programmatic Agreement for review of effects on Historic Properties for certain undertakings, this letter is a second attempt to respectfully request whether the Comanche Nation would like to comment on the planned communications site for its impact on properties of religious and cultural importance to the Nation. The proposed tower site is located on the top of a hill to the south of the Medina Children's Home, north of Medina city limits in Bandera County, Texas. There is an existing 50 foot tower on the hillside that will be replaced by this taller tower.

The proposed site information is as follows:

SITE NAME: Bandera County  
TCNS NOTIFICATION ID NUMBER: 75594  
DATE OF INITIAL NOTIFICATION: 04/12/2011  
NEW TOWER or COLLOCATION: New Tower  
Structure Type: UTOWER – Unguyed – Free Standing Tower  
Latitude: 29 deg 52 min 51.4 sec N  
Longitude: 99 deg 16 min 29.6 sec W  
Location Description: 2130 State Highway 16N (NewTower WoodedHill replace 74916  
City: Medina County: BANDERA State: TEXAS  
Ground Elevation: 600.8 meters  
Support Structure: 54.9 meters above ground level  
Overall Structure: 59.4 meters above ground level  
Overall Height AMSL: 660.2 meters above mean sea level

We have enclosed a self-addressed envelope for your convenience in case you would like to communicate by regular mail. Alternatively, if you prefer, you may contact us by telephone at 443-243-3383, fax at 817-431-6554 or electronic mail at [EHeinemann@aarcherinc.com](mailto:EHeinemann@aarcherinc.com).

We look forward to hearing from you even if you should decide that this proposed site is of no interest to the Mescalero Apache Tribe.

Sincerely,

Erin Heinemann  
Project Manager

# *Aarcher, Inc.*

May 11, 2011

Kelly Glancy  
Comanche Nation Office of Historic Preservation  
P.O. Box 908  
Lawton, OK 73502

Re: Second Attempt to Determine Interest in a Bandera County Communications Site for Impact on Properties of Religious and Cultural Importance to the Comanche Nation

Dear Ms. Kelly Glancy:

In accordance with the Nationwide Programmatic Agreement for review of effects on Historic Properties for certain undertakings, this letter is a second attempt to respectfully request whether the Comanche Nation would like to comment on the planned communications site for its impact on properties of religious and cultural importance to the Nation. The proposed tower site is located on the top of a hill to the south of the Medina Children's Home, north of Medina city limits in Bandera County, Texas. There is an existing 50 foot tower on the hillside that will be replaced by this taller tower.

The proposed site information is as follows:

SITE NAME: Bandera County

TCNS NOTIFICATION ID NUMBER: 75594

DATE OF INITIAL NOTIFICATION: 04/12/2011

NEW TOWER or COLLOCATION: New Tower

Structure Type: UTOWER – Unguyed – Free Standing Tower

Latitude: 29 deg 52 min 51.4 sec N

Longitude: 99 deg 16 min 29.6 sec W

Location Description: 2130 State Highway 16N (NewTower WoodedHill replace 74916

City: Medina County: BANDERA State: TEXAS

Ground Elevation: 600.8 meters

Support Structure: 54.9 meters above ground level

Overall Structure: 59.4 meters above ground level

Overall Height AMSL: 660.2 meters above mean sea level

We have enclosed a self-addressed envelope for your convenience in case you would like to communicate by regular mail. Alternatively, if you prefer, you may contact us by telephone at 443-243-3383, fax at 817-431-6554 or electronic mail at [EHeinemann@aarcherinc.com](mailto:EHeinemann@aarcherinc.com).

We look forward to hearing from you even if you should decide that this proposed site is of no interest to the Comanche Nation.

Sincerely,

Erin Heinemann  
Project Manager

# Comanche Nation Office of Historic Preservation



Erin Heinemann  
Archer, Inc.  
200 Rufe Snow North, Suite 103  
Keller, Texas 76248

May 16, 2011

Re: TCNS # 75594 (Project Name: Bandera County)

Dear Erin Heinemann:

In response to your request, the above referenced project has been reviewed by staff of this office. Based on the information provided and a search within the Comanche Nation Site Files, we have determined that there are *no properties* affected by this undertaking.

If you require additional information or are in need of further assistance, please contact this office at (580) 595-9960 or 9618.

This review is performed in order to locate, record, and preserve the Comanche Nation and State's prehistoric and historic cultural heritage, in cooperation with the State Historic Preservation Office.

Sincerely,

Jimmy W. Arterberry  
Tribal Historic Preservation Officer  
Comanche Nation

## Erin Heinemann

---

**From:** towernotifyinfo@fcc.gov  
**Sent:** Thursday, May 26, 2011 4:30 PM  
**To:** Erin Heinemann  
**Cc:** tcns.fccarchive@fcc.gov  
**Subject:** Reply to Proposed Tower Structure (Notification ID: 75594) - Email ID #2811002

Dear Erin Heinemann,

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 NAGPRA Coordinator Neil B Cloud of the Southern Ute Tribe in reference to Notification ID #75594:

We have no interest in this site. However, if the Applicant discovers archaeological remains or resources during construction, the Applicant should immediately stop construction and notify the appropriate Federal Agency and the Tribe.

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

Notification Received: 04/12/2011  
Notification ID: 75594  
Tower Owner Individual or Entity Name: Bandera County  
Consultant Name: Erin Heinemann  
Street Address: 200 Rufe Snow North  
Suite 103  
City: Keller  
State: TEXAS  
Zip Code: 76248  
Phone: 817-431-1593  
Email: eheinemann@aarcherinc.com

Structure Type: UTOWER - Unguyed - Free Standing Tower  
Latitude: 29 deg 52 min 51.4 sec N  
Longitude: 99 deg 16 min 29.6 sec W  
Location Description: 2130 State Highway 16N (NewTower WoodedHill replace74916  
City: Medina  
State: TEXAS  
County: BANDERA  
Ground Elevation: 600.8 meters  
Support Structure: 54.9 meters above ground level  
Overall Structure: 59.4 meters above ground level  
Overall Height AMSL: 660.2 meters above mean sea level

## Erin Heinemann

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**From:** towernotifyinfo@fcc.gov  
**Sent:** Wednesday, June 01, 2011 2:32 PM  
**To:** Erin Heinemann  
**Cc:** tcns.fccarchive@fcc.gov; holly@mathpo.org  
**Subject:** Reply to Proposed Tower Structure (Notification ID: 75594) - Email ID #2815854

Dear Erin Heinemann,

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 Tribal Historic Preservation Officer Holly B Houghten of the Mescalero Apache Tribe in reference to Notification ID #75594:

After review of this communications project, it has been determined that the Mescalero Apache Tribe has no immediate concerns within the project area, and that the project will cause no adverse effects to cultural resources or areas of interest to the Mescalero Apache Tribe. If, however, the Applicant discovers archeological remains or resources during construction, the Applicant should stop construction and notify the appropriate Federal Agency and Tribe(s).

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

Notification Received: 04/12/2011  
Notification ID: 75594  
Tower Owner Individual or Entity Name: Bandera County  
Consultant Name: Erin Heinemann  
Street Address: 200 Rufe Snow North  
Suite 103  
City: Keller  
State: TEXAS  
Zip Code: 76248  
Phone: 817-431-1593  
Email: eheinemann@aarcherinc.com

Structure Type: UTOWER - Unguyed - Free Standing Tower  
Latitude: 29 deg 52 min 51.4 sec N  
Longitude: 99 deg 16 min 29.6 sec W  
Location Description: 2130 State Highway 16N (NewTower WoodedHill replace74916  
City: Medina  
State: TEXAS  
County: BANDERA  
Ground Elevation: 600.8 meters  
Support Structure: 54.9 meters above ground level  
Overall Structure: 59.4 meters above ground level  
Overall Height AMSL: 660.2 meters above mean sea level

TCNS Certification

Site Name: Bandera County TCNS #: 75594

All notified Tribes either responded that no issues existed with the proposed action or communication was referred to the FCC through the TCNS system and the appropriate waiting time has expired.

This also certifies that should I receive in the future any Tribal request regarding this site, I will notify you immediately.

Date: 06/16/2011

Consultant Name/Address: 

Bruce Hanford  
Archer, Inc.  
200 Rufe Snow North, Suite 103  
Keller, TX 76248

# **Exhibit 11**





Proposed Tower Site

530 ft  
Imagery Date: 3/31/2008 1996

© 2011 Google  
Texas Orthoimagery Program  
29°52'51.40" N 99°16'29.60" W elev 1975 ft

Google earth  
Eye alt 3826 ft

# **Exhibit 12**

**Site: Bandera County**

<b>FCC NEPA Significant Effect Checklist</b> 47 CFR § 1.1307 (a) 1-8			
		<i>Yes</i>	<i>No</i>
<b>1.</b>	<b>Officially designated wilderness area</b> Do map sources indicate the proposed action will be sited within a wilderness area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2.</b>	<b>Officially designated wildlife preserve</b> Do map sources indicate the proposed action will be sited within a wildlife preserve?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3.</b>	<b>(i) Listed threatened or endangered species or designated critical habitat</b> Was evidence discovered that the proposed action would have a significant effect on listed threatened or endangered species or designated critical habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<b>(ii) Proposed endangered or threatened species or likely to result in the destruction or adverse modification of critical habitats</b> Was evidence discovered that the proposed action would have a significant effect on proposed endangered or threatened species or is likely to effect critical habitats?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4.</b>	<b>Archaeological/Cultural Resources (districts, sites, buildings, structures or objects, significant in American history, architecture, archeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places)</b> Was evidence discovered the proposed action could have a significant effect on Archaeological/Cultural Resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5.</b>	<b>Indian Religious Site</b> Was evidence discovered that the proposed action would be sited on an Indian Religious Site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>6.</b>	<b>100-Year Floodplain</b> Is performance of an Environmental Assessment required because the subject property is within a 100-year floodplain and the proposed action is other than a co-location?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7.</b>	<b>Construction will involve significant change in surface features (e.g., wetland fill, deforestation or water diversion)</b> Was evidence discovered that the proposed action would have a significant effect on surface features?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>8.</b>	<b>Radiofrequency radiation</b> Will the proposed action result in radiofrequency radiation in excess of the applicable health and safety guidelines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>9.</b>	<b>Antenna towers and/or supporting structures to be equipped with high intensity white lights which are to be located in a residential neighborhood</b> Was evidence discovered that the proposed action would have a significant effect on residential neighborhoods?	<input type="checkbox"/>	<input checked="" type="checkbox"/>