

**Draft Environmental Assessment
Marion County
Mims VFD Guyed Tower Construction
2010 Homeland Security Grant
Project # 2010-SS-TO-0008 (9110)
Marion County, Texas
March 2012**



**Federal Emergency Management Agency
Department of Homeland Security
500 C Street, SW
Washington, DC 20472**

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1.0 Introduction

Marion County has been awarded, under a Homeland Security Grant (HSGP), authorization to construct a hundred fifty (150) foot new communications tower with a twenty (20) foot antenna. This communications tower will enhance the interoperable communications among all first responder disciplines during times of natural or man-made disasters.

Homeland Security Grant Program (HSGP) is a program in the United States established in 2003 and was designated to incorporate all projects that provide funding to local, state, and federal government agencies by the Department of Homeland Security. This program is comprised of three related grant programs: State Homeland Security Program (SHSP), Urban Areas Security Initiative (UASI), and Operation Stonegarden (OPSG). The purpose of the program is to purchase surveillance equipment, weapons, and advanced training for law enforcement personnel in order to heighten security. The HSGP helps fulfill one of the core missions of the Department of Homeland Security by enhancing the country's ability to prepare for, prevent, respond to and recover from potential attacks and other hazards. The HSGP is one of the main mechanisms in funding the creation and maintenance of national preparedness, which refers to the establishment of plans, procedures, policies, training, and equipment at the federal, state, and local level that is needed to maximize the ability to prevent, respond to, and recover from major events such as terrorist attacks, major disasters, and other emergencies.

This Environmental Assessment (EA) has been prepared according to the requirements of the National Environmental Policy Act (NEPA), as applied to the Federal Emergency Management Agency (FEMA) at 44 CFR Part 10. This section of the federal code requires that FEMA take into account environmental considerations when authorizing or approving actions and pursuant to the National Environmental Policy Act.

The purpose of this EA is to analyze the potential environmental impacts of the proposed construction of a communications tower facility. FEMA will use the findings in this EA to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

2.0 Purpose and Need

Purpose

The SHSP is suited for states and local communities that still need to implement the objectives of their State Preparedness Report, as mandated by the 9/11 Act of 2007. SHSP provides funding to support the implementation of State Homeland Security Strategies to address the identified planning, organization, equipment, training, and exercise needs at the state and local levels to prevent, protect against, respond to, and recover from acts of terrorism and other catastrophic events. Consistent with the Implementing Recommendations of the *9/11 Act of 2007* (Public Law 110-53) (“hereafter “9/11 Act”), states are required to ensure that at least 25 percent (25%) of SHSP appropriated funds are dedicated towards law enforcement terrorism prevention-

oriented planning, organization, training, exercise, and equipment activities, including those activities which support the development of fusion center capabilities.

Need

Marion County Government is located in the community of Jefferson, Texas. The tower that is currently used by the responders on the West end of the county is owned by the U.S. Army Corp of Engineers. The tower is over 203 ft and needs to maintain the standards established by the FCC. However, the U.S. Army Corp of Engineers has a limited budget and is burdened by the maintenance of the tower. The tower is not structurally sound enough to withstand the weight of several antennas. The U.S. Army Corp of Engineers has not used the tower for some time and has allowed Marion County to attach their equipment to the tower. At this time, the U.S. Army Corp of Engineers is negotiating a lease with another party who has the budget to adequately maintain the tower. Marion County will be required to remove their equipment once the lease is signed. Therefore, a new regional communications tower is needed in Marion County to improve public safety and interoperable communications among emergency responders during an emergency event.

3.0 Alternatives

Alternative No. 1- No Action

Under this alternative, the tower would not be constructed. Losing the function of the communication tower would jeopardize public safety. The Mims Volunteer Fire Department would be greatly affected due to the lack of a good signal; thus losing the imperative communications needed to conduct their emergency responses.

Alternative No. 2- Proposed Action

The proposed action is to construct a hundred fifty (150) foot new communications tower with a twenty (20) foot antenna. The proposed communications tower will be constructed with the 2010 HSGP funding with the goal of utilizing the 2011 HSGP funding to add a new repeater to the tower to enhance communications to the next level (i.e. make it P-25 complaint). The 2011 HSGP funding has already been approved to allow Marion County to purchase the new repeater.

The proposed tower is to be located at 12728 FM 729 in Avinger, Texas 75630 at coordinates 32.82013 Latitude and -94.61031 Longitude. The site of the proposed tower is adjacent to the Mims Volunteer Fire Department. (See site photographs, basic location map and tower schematic plan in Appendix A). The site consists of grassed land. To allow for the guyed wires, one tree at the front of the building will be cut down. Another tree on the other side of the building will be trimmed as well as some bushes at the back of the building and property. The equipment compound will be located in the Mims VFD building. Adjacent undeveloped areas are not expected to be impacted. Appropriate signage will be installed as required by local, state and federal laws.

4.0 Alternatives Considered and Dismissed

One alternative was considered but dismissed because it did not meet the county's purpose and was not feasible.

Alternative No. 3 – Place Equipment on another Tower

Under this alternative, the existing tower would remain but would be under the control of the new leaser. The current repeater, etc attached to the tower would be moved to another location. There is another tower further west but the owners have not guaranteed usage of the tower. This plan was not feasible at the current time.

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

5.0 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 project site is located in Marion County in Northeast Texas, an area generally known to contain basic geologic formations consisting of Jurassic age shale, such as Bossier and Haynesville formations. According to the United States Department of Agriculture (USDA) Natural Resources Conservation Service Geographic Soil Survey, the dominant soil in this area is Bowie fine sandy loam, 2 to 5 percent slopes. This soil series consists of very deep, well drained, moderately slowly permeable soils that formed in loamy Coastal Plain deposits. Bowie soils are well drained. Permeability is moderately slow. Runoff is low on 1 to 3 percent slopes, medium on 3 to 5 percent slopes, and high on 5 to 8 percent slopes. A perched water table is at a depth of 3.5 to 5 feet during winter and early spring in most years. (See NRCS soil and tectonic maps – See Appendix B).

Prime and unique farmlands soils are protected under the Farmland Protection Policy Act (FPPA) of 1981. The FPPA applies to prime and unique farmlands and those that are of state and local importance. "Prime farmland" is defined as land that has the best combination of physical and chemical characteristics for successfully producing crops. "Unique" farmland is defined as land that is used for the production of certain high-value crops, such as citrus, tree nuts, olives, and fruits. The Act requires federal agencies to examine the potentially adverse effects to these resources before approving any action that would irreversibly convert farmlands to nonfarm uses. The site has been converted to urban uses and therefore is excluded from the FPPA.

The tower will consist of fourteen (14) ten foot sections and one (1) standard top section that is 9 feet, 9 inches. It is triangular in shape. The only ground disturbance will be underneath the tower itself and the three (3) anchors for the guy wires. The tower and anchors will be grounded with copper ground rods. The standard concrete base pier for the 150-foot tower is 2 feet, 6 inches by 2 feet, 6 inches and is 4 feet deep. It will meet specifications for rebar and concrete. The three (3) anchors will be elevated 8 feet above ground and concreted into the ground 3 feet deep, 110 feet

from each tower leg. Utility companies will be contacted regarding underground cables and lines.

There is no evidence of foundation cracking or settling in nearby building or sinkholes. There is no loosely packed soil to a degree where liquification may be a problem. There is no debris filled ground that might indicate potential for construction instability. The buildings around the tower site have been there since 2000 or longer with no construction or stability issues.

There are no known tectonic faults near the proposed site. Therefore, the Proposed Action will have minimal impact to geologic resources and soils in the area.

6.0 Water Resources

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

The National Pollutant Discharge Elimination System (NPDES) was established under the Clean Water Act and regulates wastewater discharges from point sources. NPDES regulations require that construction sites resulting in greater than one acre of disturbance obtain a permit from the Environmental Protection Agency (EPA), or the corresponding state agency where the permitting role has been assumed by the state. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal and other facilities must obtain permits if their discharges go directly to surface waters. The state of Texas assumed the authority to administer the NPDES program in Texas on Sept. 14, 1998. NPDES is a federal regulatory program to control discharges of pollutants to surface waters of the United States. The Texas Commission on Environmental Quality (TCEQ) Texas Pollutant Discharge Elimination System (TPDES) program now has federal regulatory authority over discharges of pollutants to Texas surface water, Texas is located in US EPA Region 6 Water Quality Protection Division located in Dallas, Texas.

Section 404 of the Clean Water Act established a program to regulate the discharge of dredged or fill material on the United States, including wetlands. An individual permit is required for potentially significant impacts; these are reviewed by the U.S. Army Corp of Engineers. General permits are issued on a nationwide, regional, or state basis for particular categories of activities. The U.S. Army Corp of Engineers administers the day-to-day program, including permit decisions; conducts or verifies jurisdictional determinations; develops policy and guidelines; and enforces Section 404 provisions.

The staging area for the tower construction is a grass lot that is approximately one half acre (1/2 acre) located adjacent to the Mims VFD which is approximately 5,600 square feet. There are utility connections at the Mims VFD. Land-disturbing activities at the proposed communication tower facility will be below the one-acre threshold requiring an NPDES permit. This project will not result in the placement of temporary or permanent dredge or fill material into any jurisdictional "water of the U.S.," including the wetlands or other special aquatic sites; therefore, a Section 404 permit is not required.

The nearest water feature is Lake O' the Pines, approximately 2 miles (10,560 feet) of the project. The Proposed Action would have no impact to water quality in the area of the site.

7.0 Wetlands

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

Under the Clean Water Act (40 CFR 230.3), and Executive Order 11990, wetlands are defined 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.” Within the project limits there are no wetlands, ponds, seeps or springs, or snags. Executive Order 11990 on wetlands does not apply as no wetlands will be impacted. Based on the United States Fish and Wildlife Services (USFWS) National Wetlands Inventory map available online at the National Wetlands Inventory website (<http://fws.gov/wetlands/>), no wetlands were identified in the project area (Appendix B).

Section 404 of the Clean Water Act established a program to regulate the discharge of dredged or fill material on the United States, including wetlands. An individual permit is required for potentially significant impacts; these are reviewed by the U.S. Army Corp of Engineers. General permits are issued on a nationwide, regional, or state basis for particular categories of activities. The U.S. Army Corp of Engineers administers the day-to-day program, including permit decisions; conducts or verifies jurisdictional determinations; develops policy and guidelines; and enforces Section 404 provisions. This project will not result in the placement of temporary or permanent dredge or fill material into any jurisdictional “water of the U.S.,” including the wetlands or other special aquatic sites; therefore, a Section 404 permit is not required.

The proposed communication tower site is currently a maintained lawn. Therefore, the Proposed Action will not impact wetlands.

8.0 Floodplain

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

The proposed site, which is within approximately ten thousand five hundred sixty (10,560) feet of the Lake O' the Pines is not located in a floodplain. According to the FEMA Map Store, Marion County is unmapped with the exception of the city of Jefferson. (See floodplain information Appendix D)

Therefore, the Proposed Action will have no impact on floodplains.

9.0 Coastal Resources

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

The Federal Coastal Zone Management Act of 1972 provided that coastal states develop resource-management programs to regulate coastal resources. The act defines the coastal zone as "coastal waters...and adjacent shorelands...extend[ing] inland only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters." The act further clarifies "shoreline" as the "line of mean high tide, as determined by tide gauges." The Texas legislature responded with the Coastal Public Lands Management Act of 1973, which more broadly defined the state's coastal zone as "the geographic area comprising all the counties of Texas having any tidewater shoreline, including that portion of the bed and waters of the Gulf within the jurisdiction of the State of Texas."

By 1975 the Texas Coastal Management Program had redefined the Texas coastal zone as "southwest along the coast from the Sabine to the Rio Grande, seaward into the Gulf of Mexico for a distance of 10.35 miles, and inland to include 36 counties." This zone is composed of eight geographic areas extending from the inner continental shelf to about forty miles inland. It includes all estuaries and tidally influenced streams and bounding wetlands. From north to south the areas are Beaumont-Port Arthur, Galveston-Houston, Bay City-Freeport, Port Lavaca, Corpus Christi, Kingsville, and Brownsville-Harlingen. The proposed activity is not located within the coastal zone of Texas and is exempt from obtaining a Coastal Use Permit. See coastal map (Appendix D).

Therefore, the Proposed Action does not require a coastal use permit and would not impact coastal resources.

10.0 Wild and Scenic Rivers

Under the No Action alternative, there would be no short- or long-term impacts to Wild and Scenic Rivers.

The National Wild and Scenic Rivers System was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq.) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Act is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection.

A review of information available through the www.rivers.gov website indicates that one Wild and Scenic River is located in Texas, a segment of the Rio Grande.

The proposed communications tower would have no impacts to any designated Wild and Scenic River.

11.0 Threatened and Endangered Species and Critical Habitat

Under the No Action alternative, there would be no short- or long-term impacts to Threatened and Endangered Species or Critical Habitat.

Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536a2) directs federal agencies to utilize their authorities in furtherance of the purposes of the Act by carrying out programs for the conservation of listed species or designated critical habitats. In addition, Section 7 of the Act sets out the consultation process, which is further implemented by regulation (50 CFR 402).

According to the Texas page of the USFWS Threatened and Endangered Species System website (<http://www.fws.gov/Endangered/>), threatened or endangered species are known to exist in Marion County (Appendix D).

Louisiana Black Bear (*Ursus americanus luteolus*) is listed as a threatened mammal in Marion County. The Louisiana black bear is one of sixteen recognized subspecies of the American black bear *U. americanus* (Hall, 1981). The Louisiana black bear is distinguished from other black bears by possessing a skull that is longer, more narrow, and flat, and by possessing proportionately large molar teeth (Nowak, 1986). Black bears are huge, bulky mammals with long black hair. Although weight varies considerably, large males may weigh more than 600 pounds. The Louisiana Black Bear frequents deep woods in Marion County. Key habitat requirements of black bears include food, water, cover, and denning sites spatially arranged across sufficiently large, relatively remote blocks of land. Louisiana black bears typically inhabit bottomland hardwood forests but also utilize other types of forested habitats. Other documented habitat types used include brackish and freshwater marshes, salt domes, wooded spoil levees along canals and bayous, and agricultural fields.

The proposed communication tower will be located at the Mims VFD with wooded parcels adjacent to the site. As a developed parcel of land, none of the previously discussed threatened and endangered species or supporting habitat exists on the proposed communication tower site. FEMA has determined No Effect on federally listed threatened and endangered species or their critical habitat based on the habitat and the scope of work as defined in this EA.

Therefore, the Proposed Action will not impact threatened and endangered species.

12.0 Migratory Birds

Under the No Action alternative, there would be no potential impacts to migratory birds

The Migratory Bird Treaty Act (16 U.S.C. 703) established a federal prohibition, unless permitted by regulations, to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried

by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, or any part, nest, or egg of any such bird."

The USFWS concurred in the e-mail dated June 3, 2011, that the tower project would not have any impact on migratory birds. (Appendix C).

In conforming to the United States Fish & Wildlife Service's "Service Interim Guidelines for Recommendations on Communications Tower Siting, Construction, Operation, and Decommissioning", the proposed new tower will be a self-supporting, freestanding 150 feet tall structure that will employ three (3) guy wires. The equipment compound will be located in the Mims VFD building; adjacent undeveloped areas are not expected to be directly affected.

Therefore, the Proposed Action will not impact migratory birds.

13.0 Historic Properties

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

Section 106 of the National Historic Preservation Act of 1966 (NHPA, 16 U.S.C. §§ 470 *et seq.*) and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800), require federal agencies to take into account the effects of their undertakings on historic properties. According to information on the National Register Information System (NRIS; <http://nrhp.focus.nps.gov>); the National Register of Historic Places (NRHP; <http://www.cr.nps.gov/nr>) there are no historic properties within the construction site. (See historic site list Appendix D)

Under the Proposed Action, no impacts to cultural resources are anticipated. 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.

In response to a letter dated May 19, 2011, the Texas Historical Commission indicated on July 15, 2011, that No known historic properties will be affected by this undertaking (Appendix C).

Therefore, the Proposed Action will not impact historic properties.

14.0 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.

Section 106 of the National Historic Preservation Act (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, require consultation with Native American tribal groups and native Hawaiian organizations (NHO) regarding proposed projects and potential impacts to Native American religious sites.

Under the Proposed Action, no impacts to cultural resources are anticipated. 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.

To identify Indian tribes that may have cultural interest in the area of the proposed undertaking, Marion County’s consultants contacted the FCC’s online Tower Construction Notification System (TCNS) to initiate tribal participation. The Tribes had approximately 30 days to reply to the Notification. The following tribes were contacted: Tonkawa Tribe, Southern Ute Indian Tribe, Wichita and Affiliated Tribes – Anadarko, OK, Alabama-Coushatta Tribe of Texas – Livingston, TX, Osage Nation – Pawhuska, OK, and Mescalero Apache Tribe – Mescalero, NM. The Tonkawa Tribe responded on March 28, 2011 with no known burial sites in the project area. No further tribal responses had been received, therefore, in accordance with the FCC Declaratory Ruling FCC 05-176, the Tribal participation process is considered complete. (See TCNS e-mail Appendix C)

Specific tribal notification information/dates are as follows:

TCNS Notification ID number: 74167, submitted February 25, 2011

TCNS FCC Initial Notification Date: March 7, 2011

TCNS FCC Referral / Final Notice Date: March 28, 2011

The Proposed Action is not anticipated to impact American Indian Tribes or Religious Sites.

15.0 Air Quality

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

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

Marion County is not listed as a non-attainment area. (See attainment status Appendix D) Short-term impacts to air quality such as exhaust emissions from equipment, and dust from grading activities may occur during site construction activities. Equipment used for these activities would meet local, state, and federal requirements for air emissions, and dust would be controlled as necessary by wetting the surface of the work areas. The only long-term air emissions anticipated at the site would be from the emergency generator. The generator will only operate briefly while being tested and during power failure events affecting the electrical power supply to the site.

Therefore, the Proposed Action would have no significant impact to air quality.

16.0 Noise

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

Noise is generally described as unwanted sound. Sound becomes unwanted when it either interferes with normal activities such as sleeping, conversation, or disrupts or diminishes one's quality of life. Short-term noise generation is anticipated to result from tree trimming and cutting, grading and construction activities. However, site construction will be limited to the daytime hours. Long-term noise generation is anticipated to be minimal and to result primarily from episodic and infrequent operation of an emergency generator at the site. However, the generator would only operate briefly when tested, and during power failure events affecting the electrical power supply to the site.

Therefore, the Proposed Action would not generate significant noise.

17.0 Infrastructure, Utilities, Transportation, and Waste Management

Under the No Action alternative, there would be no short- or long-term impacts to infrastructure, utilities, transportation, and waste management.

To begin the project, all utility companies will be notified to inspect and mark their lines or pipes (i.e. only utilities are water and electric). Any obstacles will be clearly marked at the planned tower location prior to beginning construction. There may be an increase of traffic during the tower construction. Routine traffic to and from the site would be minimal and would be associated with operations, maintenance, and repair of equipment and the active EOC at the site.

Minimal waste would be generated at the site during tower maintenance activities. Minimal dirt removal for the concrete slab and support areas should be the only impact on the area during construction. The dirt will be relocated on site, filling sink holes or low spots in the area. All waste generated at the site will be disposed of in compliance with federal, state, and local regulations. The only waste might happen during construction, the tower will not produce any waste by-product.

Therefore, the Proposed Action will not significantly impact infrastructure, utilities, transportation, or waste management.

18.0 Socioeconomic Concerns

Under the No Action alternative, there would be a short-term socioeconomic concern while trying to locate another tower to lease and install our equipment on. Losing the function of the communication tower would jeopardize public safety because communications among emergency responders would be compromised during an emergency event.

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

No adverse impacts to socioeconomic resources, economic development, demographics, demand for public housing, or public services are anticipated. In addition, there would be no adverse effects on minority or low-income populations. The Proposed Action would benefit all populations in the project service area by providing better communications between emergency responder personnel.

19.0 Cumulative Impacts

Cumulative impacts are an incremental impact on either the natural environment or human environment by an action when added to past and anticipated future actions. No ongoing or proposed actions are known for the project area. According to information available through the FCC Antenna Structure Registration (ASR) System internet website, there are approximately fourteen thousand five hundred thirty (14,530) registered towers in the state of Texas (generally only those towers over 200 feet in height or located near an airport are required to register and are included in this database).

The proposed construction of the communications tower would not have cumulative impacts on geology, soil, seismicity, water resources, wetlands, floodplains, coastal resources, wild and scenic rivers, threatened or endangered species, historic properties, American Indian or religious sites, air quality, noise, infrastructure, utilities, transportation, or waste management, or

socioeconomic resources. Positive long-term impacts to socioeconomic and environmental justice are anticipated since the project will provide better emergency support to the community. During the construction period, short-term impacts to soils, air quality, waste management, noise, traffic, and health and safety are anticipated.

Table 1. Summary of Impacts				
Resource	No Impact	No Significant Impact	Significant Impact	Mitigation/Best Practices
Soils, Geology, and Seismicity		X		Relatively flat ground at the Mims VFD. Any soil removed during construction will be relocated in the area to fill low spots, etc.
Water Resources	X			
Wetlands	X			
Floodplain	X			
Coastal Resources	X			
Wild and Scenic Rivers	X			
Threatened and Endangered Species and Critical Habitat	X			
Migratory Birds	X			
Historic Properties	X			
American Indian/Religious Sites	X			
Air Quality		X		Minimal emissions from generator and construction equipment will be controlled in the work area and will meet local, state and federal guidelines.
Noise		X		Short-term noise source in the project will be from equipment/vehicles used in installation. The disturbance will be limited to daytime hours. Noise will not increase area ambient noise density.
Infrastructure, Utilities, Transportation, and Waste Management		X		All utilities companies will be notified and lines clearly marked. Minimal increase of transportation will be kept to daytime hours and all waste will be properly disposed of according the local, state, and federal guidelines.
Socioeconomic Concerns	X			

20.0 List of Preparers

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21.0 Informational Sources

Completion of this Environmental Assessment included the following:

1. U.S. Fish and Wildlife Service
<http://www.fws.gov.southwest/es/EndangeredSpecies/lists/ListSpecies.cfm>
2. Texas Commission on Environmental Equality
<http://www.tceq.state.tx.us/implementation/air/sip/siptexas.html>
3. National Wetlands Inventory
<http://www.fws.gov/wetlands/>
4. FCC Antenna Structure Registration System
<http://wireless2.fcc.gov/UlsApp/AsrSearch/asrRegistrationSearch.jsp>
5. FEMA Map Service Center
<http://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>
6. National Wild and Scenic Rivers
<http://www.rivers.gov/>
7. Oceanworld (coastal zones)
<http://oceanworld.tamu.edu/resources/oceanography-book/Images/texascoastalzone-sm.jpg>
8. USDA – Natural Resources Conservation Service
<http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>
9. Environmental Justice
http://scorecard.goodguide.com/community/ej-summary.tcl?fips_county_code=48315
10. Historic Properties
National Register of Historic Places
<http://nrhp.focus.nps.gov/natregadvancedsearch.do>
11. FCC Antenna Structure Registration System
http://wireless2.fcc.gov/UlsApp/AsrSearch/asrRegistrationSearch.jsp;JSESSIONID_ASRSEARCH=DGcMTxtfQNLVXbJTNZpLWWGPh3SVLJW7GWflwnrXnS3n71HM8pxg!1840754471!NONE

Appendix A

Site Photos & Plans

- a) Site photographs (4 pages)
- b) Basic Location Map (1 page)
- c) Tower Schematic Plan (1 page)

A photograph of a wooden sign for Lake O' the Pines Mims Vol. Fire Dept. Sta. #2. The sign is made of three horizontal wooden planks with white lettering. In the foreground, the white hull of a boat is visible, with handwritten text in black marker. The background consists of a grassy area and a large, leafy tree.

LAKE O' THE PINES
MIMS VOL. FIRE DEPT
STA. # 2

FM 729
JEFFERSON - MARION COUNTY - TEXAS

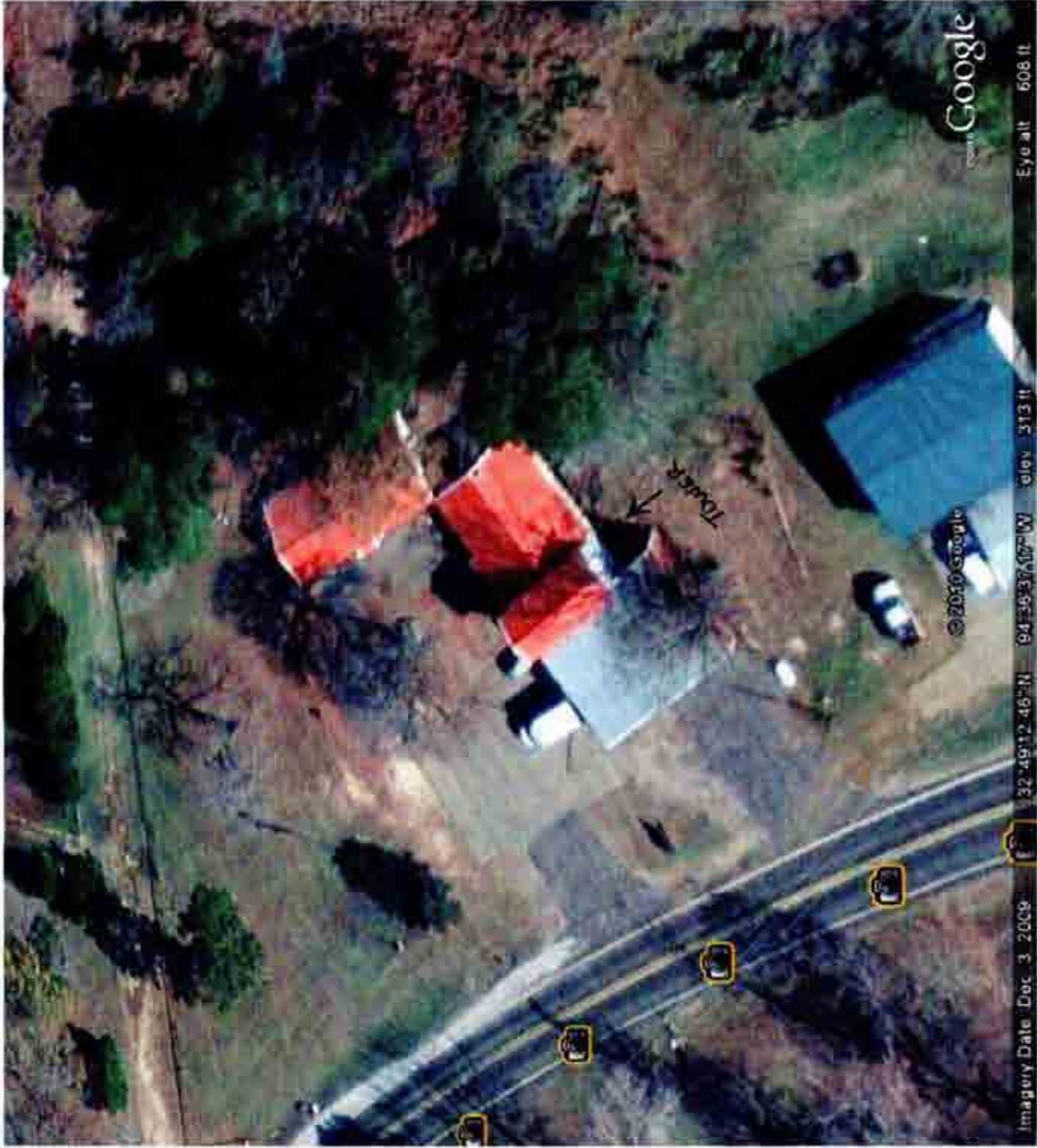


These trees be
removed

These trees be
removed



Propane for generator



Imagery Date: Dec. 3, 2009

32°49'12.46"N 94°36'37.67"W

Elev: 313 ft

608 ft

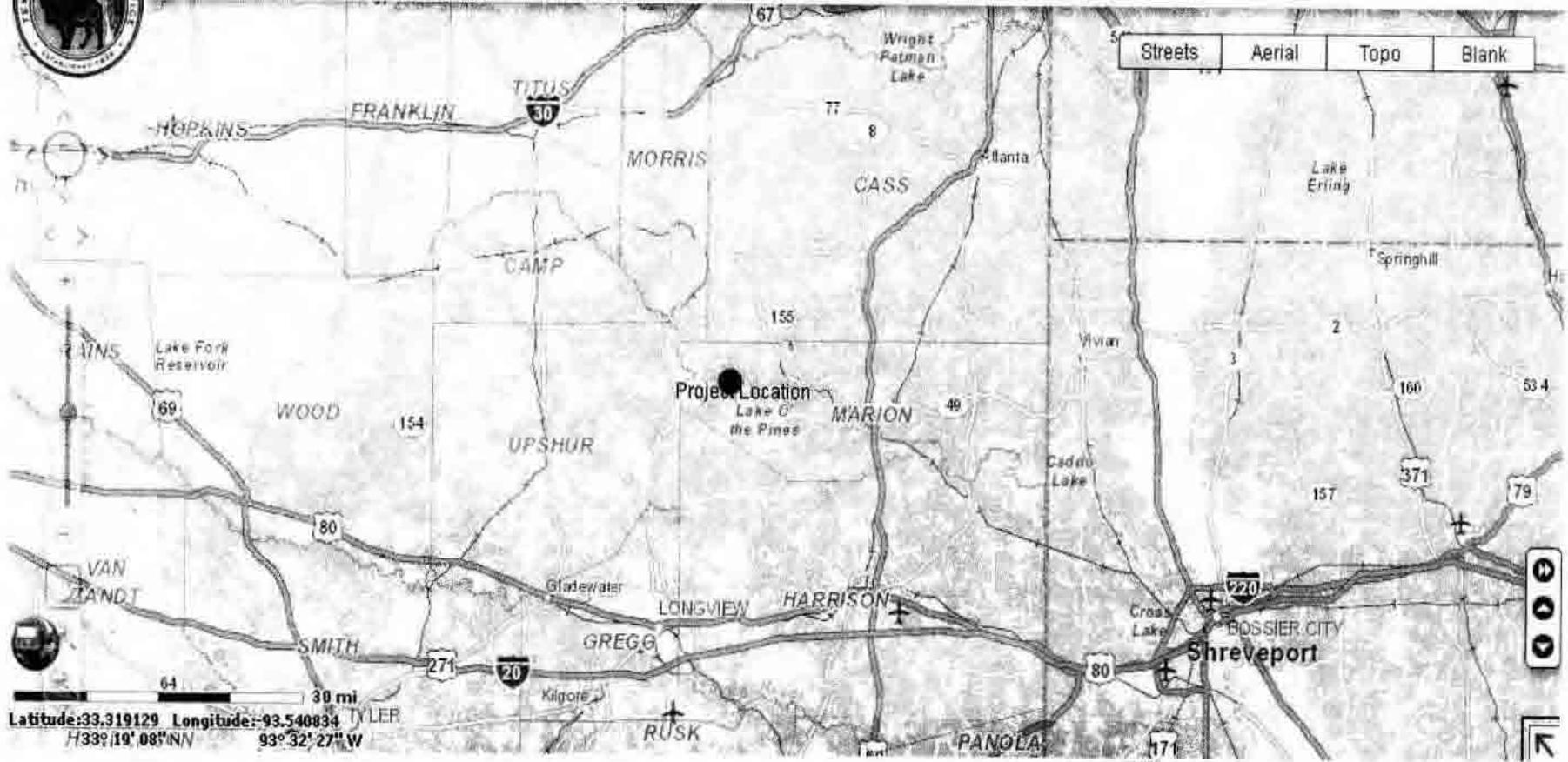
© 2010 Google

Google

Tower



Texas General Land Office
Interactive Land Lease Mapping Program



Latitude: 33.319129 Longitude: -93.540834
H33° 19' 08" N W 93° 32' 27" W

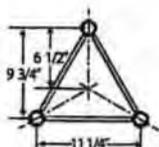
Texas General Land Office

Marion County Project Area Map

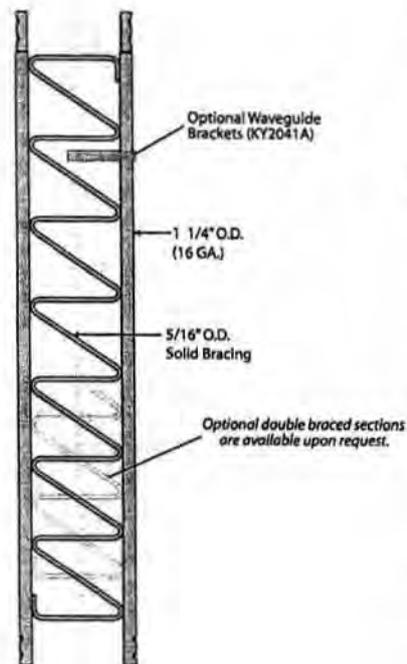
The Texas General Land Office makes no representations or warranties regarding the accuracy or completeness of the information depicted on this map or the data from which it was produced. This map IS NOT suitable for navigational purposes and does not purport to depict or establish boundaries between private and public land.

Printed: Feb 24, 2012

STANDARD 25G GUYED TOWER SECTIONS

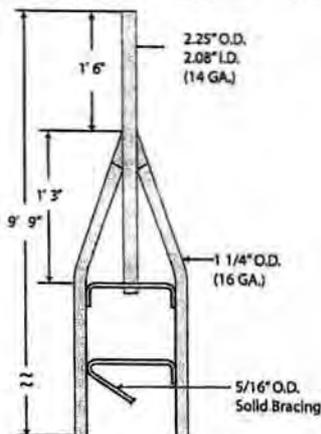


QUICK REFERENCE	
PARTS & ACCESSORIES	PAGES 37-40
GROUNDING INFORMATION	PAGE 41
FOUNDATION INFORMATION	PAGES 41-44



STANDARD SECTION
25G - 10' Section

OPTIONAL 7' SECTION
25G7 - 7' Section
The 7' Section is UPS shippable.



STANDARD TOP SECTION
25AG2

Additional 25G top sections are shown on page 37.

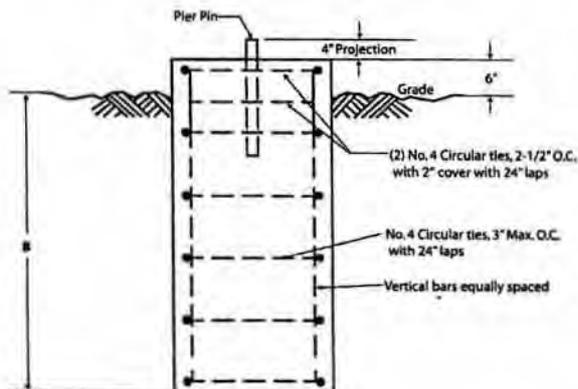


CONCRETE BASE PLATE
BPC25G*

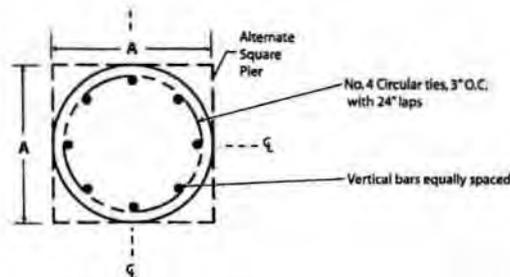
FOR USE WITH 3/4x1/2 PP PIER PIN EMBEDDED IN CONCRETE.

Additional base sections are available, please see page 38.

STANDARD BASE PIERS

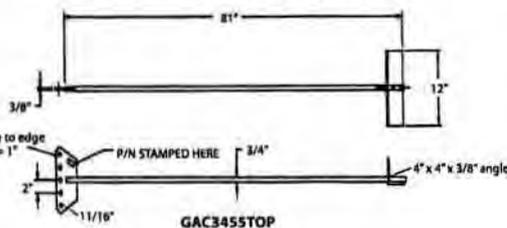


ELEVATION VIEW

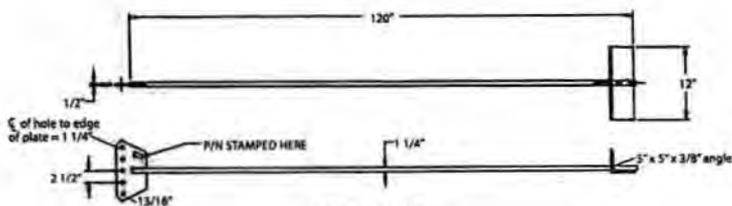


PLAN VIEW

ANCHOR INFORMATION



GAC3455TOP

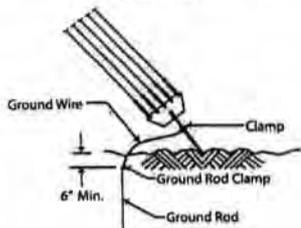


GAC5655TOP

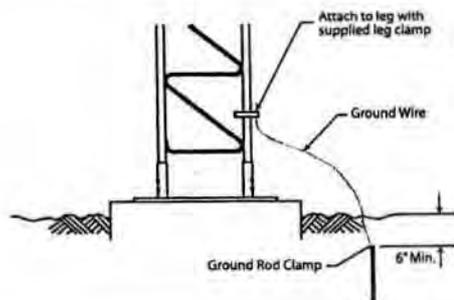
Base	A	B	Concrete Vol. (Cu. Yds.) Round Pier	Vertical Bars (No. & Size)
CB1G*	2'-6"	4'-0"	1.0	(8) #7
CB2G	3'-0"	4'-0"	1.2	(10) #7

* Square pier option must be used for CB1G.

REV G ANCHOR GROUNDING AGK1GGX



REV G BASE GROUNDING BGK3GGX



Appendix B

Site Informational

Maps

- a) Web Soil Survey Map (1 page)
- b) Tectonic map of Texas (1 page)
- d) National Wetlands Map (1 page)

Soil Map—Marion and Cass Counties, Texas



Map Scale: 1:970 if printed on A size (8.5" x 11") sheet.



TECTONIC MAP OF TEXAS

1997

BUREAU OF ECONOMIC GEOLOGY
 THE UNIVERSITY OF TEXAS AT AUSTIN
 University Station, Box X
 Austin, Texas 78713-8924
 (512) 471-1534



TECTONIC EPISODE	EXPOSED UNITS*
Tertiary	Ts Late Tertiary extensional basin
	Ti Triassic igneous
Laramide	L Deformed Cretaceous strata
	K Cretaceous strata
Gulf Coast	P Foreland: Upper Paleocene
	CC Lower Paleocene
Ouachita	M Upper Paleocene flysch
	L Lower Paleocene
Llano	iC Precambrian igneous
	pCm Precambrian metamorphic

SUBSURFACE CONTOURS*
(elevation in kilometers**)
Top of pre-Tertiary
Base of Austin Chalk or Top of Edwards Group Cretaceous
Top of Ellenburger Paleocene
Top of Precambrian
Basal Ouachita faunae Paleocene

- OTHER FEATURES**
- Caldera
 - Salt diapir
 - Lower Cretaceous rock bend
 - Normal fault, indicating downthrown side
 - Thrust fault, north on upper plate
- TECTONIC FRONTS**
- Laramide tectonic front
 - Ouachita tectonic front
 - Gulf Basin margin

* Note changes in mapped horizon.
 ** +0, elevation greater than sea level.
 -6, depths greater than 6 km below sea level



U.S. Fish and Wildlife Service National Wetlands Inventory

Mar 8, 2012



Wetlands

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

Riparian

- Herbaceous
- Forested/Shrub

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

User Remarks:

Appendix C

Agency Consultation Letters

- a) Migratory Birds e-mail (4 pages)
- b) Texas Historical Commission Letter (5 pages)
- c) TCNS Notification e-mail (7 pages)

Shanna Solomon

From: <Jim_Neal@fws.gov>
To: <Dave_Krueper@fws.gov>
Cc: "Shanna Solomon" <shanna.solomon@co.marion.tx.us>
Sent: Friday, June 03, 2011 9:08 AM
Subject: Re: marion county 2010 homeland security approval
 Dave -

I inspected the site yesterday with Sheriff McCay. I didn't see anything that would present a problem as far as the impact of tower on migratory birds. It's good to go as far as I'm concerned. Thanks to him for taking the time to show me the site.

Jim Neal

Migratory Bird Management Specialist
 U.S. Fish and Wildlife Service
 P.O. Box 4655 SFA Station
 Nacogdoches, TX 75962
 (936) 569-6129 (office phone)
 (850) 375-2619 (cell phone)
 (936) 560-6863 (fax)
jim_neal@fws.gov (email)

-----Dave Krueper/RO/R2/FWS/DOI wrote: -----

To: Shanna Solomon <shanna.solomon@co.marion.tx.us>
 From: Dave Krueper/RO/R2/FWS/DOI
 Date: 05/18/2011 09:41AM
 cc: Jim Neal/R2/FWS/DOI@FWS
 Subject: Re: marion county 2010 homeland security approval

Shanna -

From the lat/long coordinates that you provided, it looks like the tower will be built near or on the Interstate 20 right of way. If so, there will probably be little impact to birds in that area, since the habitat has already been disturbed. There are several ponds and lakes in that area which may host some colonial waterbirds, but we don't have records of rookeries in that area. I think that the best bet is to have Jim Neal take a look at it as you mentioned below. Also, since the tower will be under 200' in height, lighting will not be necessary which could attract birds at night. Preferably the tower will not have guy wires for support, and will be free-standing, thus further reducing potential for bird collisions with the wires.

Thanks Jim, for helping out on this.

Dave Krueper
 Assistant Nongame Migratory Bird Coordinator
 US Fish and Wildlife Service
 PO Box 1306
 Albuquerque, NM 87103
 (505) 248-6877
dave_krueper@fws.gov
 Shanna Solomon <shanna.solomon@co.marion.tx.us>

Shanna Solomon
<shanna.solomon@co.marion.tx.us>

Sent by:
shanna.solomon@co.marion.tx.us

Todave_krueper@fws.gov

cc

05/17/2011 02:48 PM

Subjectmarion county 2010
homeland security
approval

Dave,

thank you for speaking with me. In our process of trying to build a 150' communication tower, we have run into some questions that we cannot answer.

in the review process, they want to know if there are bird roosts or rookeries within 800m o the project site. Also if there are any endangered species that you know of.

the address is 12728 FM 729, Avinger, TX 75630

32.49.11.85 LAT

94.36.37.29 Lon

can you see what you have in your records to indicate any wildlife in this area or not.

I have contacted Jim Neal. He is going to meet with our sheriff next week to actually look at the site area as well.

thank you so much for your help.

Shanna Solomon
Marion County Auditor
903-665-7240

=

6/14/2011

Shanna Solomon

From: <Jim_Neal@fws.gov>
To: <Dave_Krueper@fws.gov>
Cc: "Shanna Solomon" <shanna.solomon@co.marion.tx.us>
Sent: Thursday, May 19, 2011 6:39 AM
Subject: Re: marion county 2010 homeland security approval
 Dave,

I have set up a site visit with Sheriff Bill McCay to assess the site for next Thursday. I'll let you know what I find.

Jim Neal
 Migratory Bird Management Specialist
 U.S. Fish and Wildlife Service
 P.O. Box 4655 SFA Station
 Nacogdoches, TX 75962
 (936) 569-6129 (office phone)
 (850) 375-2619 (cell phone)
 (936) 560-6863 (fax)
 jim_neal@fws.gov (email)
 Dave Krueper/RO/R2/FWS/DOI

**Dave
 Krueper/RO/R2/FWS/DOI**

05/18/2011 09:41 AM

To: Shanna Solomon
 <shanna.solomon@co.marion.tx.us>
 cc: Jim Neal/R2/FWS/DOI@FWS
 Subject: Re: marion county 2010 homeland security approval [1]

Shanna -

From the lat/long coordinates that you provided, it looks like the tower will be built near or on the Interstate 20 right of way. If so, there will probably be little impact to birds in that area, since the habitat has already been disturbed. There are several ponds and lakes in that area which may host some colonial waterbirds, but we don't have records of rookeries in that area. I think that the best bet is to have Jim Neal take a look at it as you mentioned below. Also, since the tower will be under 200' in height, lighting will not be necessary which could attract birds at night. Preferably the tower will not have guy wires for support, and will be free-standing, thus further reducing potential for bird collisions with the wires.

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Dave Krueper
 Assistant Nongame Migratory Bird Coordinator
 US Fish and Wildlife Service
 PO Box 1306
 Albuquerque, NM 87103
 (505) 248-6877
 dave_krueper@fws.gov
 Shanna Solomon <shanna.solomon@co.marion.tx.us>

Shanna Solomon
<shanna.solomon@co.marion.tx.us>

Todave_krueper@fws.gov
cc
Subjectmarion county 2010 homeland
security approval

Sent by:
shanna.solomon@co.marion.tx.us

05/17/2011 02:48 PM

Dave,

thank you for speaking with me. In our process of trying to build a 150' communication tower, we have run into some questions that we cannot answer.

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the address is 12728 FM 729, Avinger, TX 75630

32.49.11.85 LAT

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I have contacted Jim Neal. He is going to meet with our sheriff next week to actually look at the site area as well.

thank you so much for your help.

Shanna Solomon
Marion County Auditor
903-665-7240



RECEIVED

MAY 20 2011

TEXAS HISTORICAL COMMISSION

MARION COUNTY AUDITOR

MARION COUNTY COURTHOUSE
102 WEST AUSTIN STREET, ROOM 205
JEFFERSON, TEXAS 75657
(903) 665-7240

May 19, 2011

Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
108 West 16th Street
Austin, TX 78701

**NO HISTORIC
PROPERTIES AFFECTED
PROJECT MAY PROCEED**
by [Signature]
for Mark Wolfe
State Historic Preservation Officer
Date 19 July 2011

Dear Mr. Wolfe,

Please find the attached SHPO for Marion County. We are trying to get approval for our 2010 Homeland Security grant project that consists of erecting a 150' communications tower. The project has been sent back for more information, of which consists of getting approval from the Historic Commission. The reason for the historic commission involvement has to do with our FCC license approval process. During the process Indian tribes had to grant permission for the project. As you can see from the attached letter, it clearly states that Historic Preservation Officers were contacted regarding this issue. I have enclosed all the information I have on the matter. I'm not sure if a letter has already been sent to you by some other agency or not.

Please keep me informed on the approval process. Also, let me know if I can be of any further assistance in providing any information that you may need. Thank you for your help.

Sincerely,

[Signature]

Shanna Solomon

Marion County Auditor

Enclosure

TEXAS HISTORICAL COMMISSION

**REQUEST FOR SHPO CONSULTATION:
Projects Subject to Section 106 of the National Historic Preservation Act
and/or the Antiquities Code of Texas**

Submission of this form only initiates consultation with the Texas Historical Commission, the State Historic Preservation Officer (SHPO) for Texas. The SHPO may require additional information to complete the review for some projects.

FCC projects: this form should not be completed when submitting Form 520 or 621 for communications towers.

Section 106 of the National Historic Preservation Act of 1966, as amended, requires federal agencies to consider the effects of their undertakings on historic properties and to consult with the State Historic Preservation Officer (SHPO) regarding the undertaking. An undertaking is any action by or on behalf of a federal agency that has the potential to affect historic resources and includes funding, permits, or other approvals. Federal agencies are required to identify historic resources that may be affected and to avoid, minimize, or mitigate any adverse effects. The Section 106 regulations are codified in 36 CFR 800 and are available from the Advisory Council on Historic Preservation website at www.achpp.gov. Regulations allow 30 days upon receipt for SHPO review.

The Antiquities Code of Texas (Title 9, Chapter 191 of the Texas Natural Resources Code) is intended to protect historic and archeological landmarks and is applicable to public lands owned by the state of Texas or a political subdivision of the state, including state agencies, counties, cities, school districts, and public colleges and universities, as well as other public authorities. Notification of the Texas Historical Commission is required before breaking ground at a project location on state or local public land.

- This is a new submission**
Complete all pages of this form and include required attachments.
- This is additional information relating to original submission made on or about _____**
Complete only the first page of this form and add any new information, including attachments.

1. Project Information

PROJECT NAME Marion County Communications Project		
PROJECT ADDRESS 12728 FM 729	PROJECT CITY Avinger	PROJECT ZIP CODE(S) 75630
PROJECT COUNTY OR COUNTIES Marion		
PROJECT TYPE (Check all that apply)		
<input type="checkbox"/> Road/Highway Construction or Improvement	<input type="checkbox"/> Repair, Rehabilitation or Renovation of Structure(s)	
<input type="checkbox"/> Site Excavation	<input type="checkbox"/> Addition to Existing Structure(s)	
<input type="checkbox"/> Utilities & Infrastructure	<input type="checkbox"/> Demolition or Relocation of Existing Structure(s)	
<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> None of these	
BRIEF PROJECT SUMMARY: Please provide a one or two sentence description to explain the project. More details will be provided separately in Part 5, the Project Work Description Attachment. Installation of a new 150' tower and antenna at the Mims Volunteer Fire Department Station on the west end of Marion County. The tower will provide county wide coverage and support the upgrade of equipment to meet P-25 requirements.		

2. Project Contact Information

PROJECT CONTACT NAME Shanna Solomon	TITLE County Auditor	ORGANIZATION Marion County
ADDRESS 102 W Austin, Room 205	CITY Jefferson	STATE ZIP TX 75657
PHONE 903.-665-7240	EMAIL shanna.solomon@co.marion.tx.us	

For SHPO Use Only

Date Stamp Below:

- Track Review to:
- Archeology Division; Reviewer:
- History Programs Division; Reviewer:
- Architecture Division; Reviewer:

3. Federal Involvement

Does this project involve approval, permit, license, or funding from a federal agency?
 Yes (Please complete this section) No (Skip to next box)

FEDERAL AGENCY

FEDERAL PROGRAM, FUNDING, OR PERMIT TYPE:

FEDERAL AGENCY CONTACT PERSON

PHONE

ADDRESS

EMAIL

Has the federal agency (if other than HUD) formally delegated authority to consult with SHPO on the agency's behalf? Yes (Please attach delegation letter) No

4. State Involvement

Does this project involve approval, permit, license, or funding from a state agency?
 Yes (Please complete this section) No (Skip to next box)

STATE AGENCY

STATE PROGRAM, FUNDING, OR PERMIT TYPE:

Texas Dept. of Public Safety

State Homeland Security Grant Program (2010)

STATE AGENCY CONTACT PERSON

PHONE

Edwin Staples

512-377-0002

ADDRESS

EMAIL

1033 LaPosada, Suite 100
Austin, TX 78752

Will this project involve public land owned by the State of Texas or a political subdivision of the state? (State Agency, County, City, School District, Public Authority, Public College or University, etc.)
 Yes No

CURRENT OR FUTURE OWNER OF THE PUBLIC LAND

Mims Volunteer Fire Department - their fire department building is on the land, other wise it is vacant.

5. Project Work Description

Attach a detailed written description of the project that fully explains what will be constructed, altered, or demolished. Include architectural or engineering plans, site plans, specifications, or NEPA documents, as necessary, to illustrate the project.

6. Identification of Project Location and Area of Potential Effect (APE)

The APE includes the entire area within which historic properties could be affected by the project. This includes all areas of construction, demolition, and ground disturbance (direct effects) and the broader surrounding area that might experience visual or other effects from the project (indirect effects).

1. **Attach** map(s) indicating the location and specific boundaries of the project. Road names must be included and legible. Identify the project location, boundaries, and APE on the map(s) as precisely as possible. Suggested maps may include USGS 7.5 minute quadrangle maps (or relevant portions thereof), tax maps, satellite images, etc. The number and types of map(s) will depend on the nature and complexity of the project as well as the extent of the APE. **Projects involving ground disturbance must include the appropriate 7.5 minute USGS quadrangle.**
2. **Attach** a brief written description of the APE, including a discussion of the potential for direct and indirect effects that might result from the project and the justification for the boundaries chosen for the APE.

PROJECT NAME

Marion County Communications Project

7. Identification of Historic Properties within the APE (Attach additional materials as necessary)

A. Archeological Resources

Does this project involve ground-disturbing activity?

- Yes (Please complete this section) No (Skip to Structures section)

Describe the nature, width, length, and depth of the proposed ground-disturbing activity.

3" x 5' x 5' concrete slab will be poured for the tower.

Describe previous land use and disturbances.

none

Describe the current land use and conditions.

none

B. Structures

Are there any structures, buildings, or designed landscape features (park, cemetery, etc.) 45 years old or older within the project area or APE?

- Yes No

Is the project located within or adjacent to a district that is listed in or eligible for the National Register of Historic Places? Eligible districts may include locally designated districts or areas identified in historic resource surveys.

- Yes, name of district: No Do not know

If the Texas Historic Sites Atlas (<http://atlas.thc.state.tx.us>) has been consulted, were previously identified architectural resources identified within the project area or APE?

- Yes No Did not consult Atlas

If the answer to any of the above questions is yes, use the space below or provide an attachment identifying each structure, building, designed landscape feature, or district within the APE that is 45 years old or older. Include an actual or estimated date of construction and the location of each of the features.

Does the project involve the rehabilitation, alteration, removal, or demolition of any structure, building, designed landscape feature, or district that is 45 years old or older?

- Yes No

If yes, include information with the attachments for Part 5: Project Work Description and Part 8: Photographs.

8. Photographs

Attach clear, high-resolution color photographs that illustrate the project area and APE as defined in Section 6. Images from the internet are not acceptable due to low resolution. Photography should document the project area and properties within the APE, including clear views of any buildings or structures. Please number and label all photographs, and include a map or site plan labeled to show the location and direction of each view. Where applicable, include photographs of the surrounding area from the project site and streetscape images. Should your project entail the alteration of existing structures, please also provide photographs of the existing conditions of sites, buildings, and exterior and interior areas to be affected.

9. Consulting Parties/Public Notification (Section 106 only)

Attach a description of the actions taken to notify the public or invite consultation with parties other than SHPO. Provide a summary of any consultation and comments received from consulting parties or the public.

The SHPO is only one consulting party under Section 106. Refer to 36 CFR 800.2 for information about other participants who are entitled to comment on the Section 106 process, including Native American tribes, interested parties, and the public. Consultation with the SHPO is not a substitution for consultation with Native American tribes. When identifying historic resources within the APE and determining the effect of an undertaking, applicants should consider consulting with the county historical commission and the local historic preservation officer, if any.

PROJECT NAME

Marion County Communications Project

10. Applicant's Determination of Effect (Section 106 only)

An effect occurs when an action alters the characteristics of a property that qualify it for listing in the National Register of Historic Places, including changes to the property's location, design, setting, materials, workmanship, feeling, and association. Effects can be direct or indirect, and can be physical, visual, audible, or economic. They may include a change in ownership or change in use.

- No Historic Properties Affected** based on 36 CFR 800.4(d)(1). Please provide the basis for this determination.
- No Adverse Effect** on historic properties based on 36 CFR 800.5(b). Please explain why the criteria of adverse effect at 36 CFR 800.5(a)(1) were not found to be applicable for your project.
- Adverse Effect** on historic properties based on 36 CFR 800.5(d)(2). Please explain why the criteria of adverse effect at 36 CFR 800.5(a)(1) were found to be applicable to your project. You may also wish to include an explanation of how these adverse effects might be avoided, minimized, or mitigated.

In the space below or as an attachment, please explain the effect of the project on historic properties.
No buildings over 45 years old in area.

Submit Completed Form and Attachments to:

Via mail:
Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
PO Box 12276
Austin, TX 78711

Via hand delivery or private express delivery:
Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
108 West 16th St.
Austin, TX 78701

Faxes and email are not acceptable.

For SHPO Use Only

PROJECT NAME			
Marion County Communications Project			
PROJECT ADDRESS	PROJECT CITY	PROJECT ZIP CODE(S)	
12728 FM 729	Avinger	75630	
PROJECT COUNTY OR COUNTIES			
Marion			
PROJECT CONTACT NAME	TITLE	ORGANIZATION	
Shanna Solomon	County Auditor	Marion County	
ADDRESS	CITY	STATE	ZIP
102 W Austin, Room 205	Jefferson	TX	75657
PHONE	EMAIL		
903.-665-7240	shanna.solomon@co.marion.tx.us		

Shanna Solomon

From: "Earl Martin" <EMartin@faithcomm.net>
To: "Shanna Solomon" <shanna.solomon@co.marion.tx.us>
Cc: "Bill McCay" <bill.mccay@co.marion.tx.us>; "Charles Ehrhardt" <CEhrhardt@shrevecomm.net>;
 "Eddie Faith" <EFaith@shrevecomm.net>; "Brett McCleary" <BMcCleary@shrevecomm.net>
Sent: Monday, March 28, 2011 3:51 PM
Subject: FW: Reply to Proposed Tower Structure (Notification ID: 74167) - Email ID #2765313 Marion County Sheriffs Office

Hello Shanna,

I have been instructed by our FCC processor Shreveport Communications that the 3 FCC questions on page 5 of your Homeland Security environmental and historic preservation screening form can be answered yes...

The form 106, tower registration and TCNS process have been completed.

TCNS # is 74167 / Marion County Sheriffs Office FCC FRN # is 0012404786

You should be able to re-submit.

Thank you,

Earl Martin - Account Manager
 Faith Communications
 C: 903.702.9315
 O: 800.460.4575
 F: 903.938.4870
emartin@faithcomm.net

-----Original Message-----

From: Charles Ehrhardt
Sent: Monday, March 28, 2011 3:32 PM
To: Earl Martin
Subject: FW: Reply to Proposed Tower Structure (Notification ID: 74167) - Email ID #2765313

-----Original Message-----

From: towernotifyinfo@fcc.gov [mailto:towernotifyinfo@fcc.gov]
Sent: Monday, March 28, 2011 1:58 PM
To: Charles Ehrhardt
Cc: tcns.fccarchive@fcc.gov; jwaffle@tonkawatribe.com
Subject: Reply to Proposed Tower Structure (Notification ID: 74167) - Email ID #2765313

Dear Charles Ehrhardt,

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 #74167:

The following site(s) have been reviewed and to date (Monday, March 28, 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: 02/25/2011
Notification ID: 74167
Tower Owner Individual or Entity Name: Marion County Sheriff's Office
Consultant Name: Charles Ehrhardt
Street Address: 933 Stoner Ave.
City: Shreveport
State: LOUISIANA
Zip Code: 71101
Phone: 318-425-5977
Email: cehrhardt@shrevecomm.net

Structure Type: GTOWER - Guyed Tower
Latitude: 32 deg 47 min 35.4 sec N
Longitude: 94 deg 33 min 17.2 sec W
Location Description: 12728 FM 729
City: Avinger
State: TEXAS
County: MARION
Ground Elevation: 110.9 meters
Support Structure: 45.7 meters above ground level
Overall Structure: 45.7 meters above ground level
Overall Height AMSL: 156.6 meters above mean sea level

Shanna Solomon

From: "Earl Martin" <EMartin@faithcomm.net>
To: "Bill McCay" <bill.mccay@co.marion.tx.us>
Cc: <shanna.solomon@co.marion.tx.us>; "Charles Ehrhardt" <CEhrhardt@shrevecomm.net>
Sent: Monday, March 07, 2011 3:39 PM
Subject: FW: NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED TOWER CONSTRUCTION NOTIFICATION INFORMATION - Email ID #2740098

Hi Sheriff,

The FCC Tower Notification System (TCNS) has been completed. I will find out about FCC tower registration and FCC E106 requires we complete a FCC form 621. It's being completed and sent to the FCC this week...if there are any questions I don't know answer to I will give you a call...

Subject: FW: NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED TOWER CONSTRUCTION NOTIFICATION INFORMATION - Email ID #2740098

This is the result of the TCNS filing.

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. 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.

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

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

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

1. Submit your Form 620 or 621 by email to celestine.bryant@actribe.org. Each submission is logged and within 10 days of receipt, an invoice will be returned to the email account we receive your supplemental information. IF YOU HAVE NOT RECEIVED THIS BY 15DAYS, PLEASE INQUIRE.
2. INCLUDE your invoice number on your payment and submit according to the Invoice instructions. We cannot track your payment by project number so please do not submit without an invoice number.
3. Within 20 days of your original submission, you will receive an email response from our Office relating to our determinations for your proposal. This may occur despite a delay in fee payment. If you have not received our determination within 25 days, PLEASE INQUIRE.
4. IN THE EVENT OF AN OUTSTANDING BALANCE, a detailed invoice will be submitted in place of our determination. In this manner, your Section 106 obligations without Tribe ARE NOT complete until we have forwarded our written response indicating our determination.
5. If the applicant/tower builder decides to withdraw a proposal, please advise our office as soon as possible to avoid an outstanding balance in the future and any unnecessary research by our office.

Thank you, Bryant J. Celestine - Historic Preservation Officer

5. Tribal Historic Preservation Officer Dr. Andrea Hunter - Osage Nation - Pawhuska, OK - regular mail

Details: The Osage Nation Tribal Historic Preservation Office requires the following information and fee regarding all antenna or tower notifications:

- 1) Specific legal description of site location using USPLSS and UTM
- 2) Maps locating project area, within region and within local area (aerial and USGS topo maps)
- 3) Project site plan maps, do not submit hand drawn or hand annotated maps
- 4) Site photographs (include images with exact location of construction site by taking shot with cell tower/base/compound location indicated or marked by stakes or flagging)
- 5) Professional cultural/archaeological survey report (Secretary of Interior's standards and guidelines for reports can be found at the National Park Service website (www.nps.gov)).
- 6) Reference all documentation with TCNS #.
- 7) Submit a \$200.00 per-tower fee for consultation, processing, and handling (effective November 1). Make the check payable to the Osage Nation. On the memo line write all TCNS numbers. NOTE STARTING DECEMBER 20, 2010 CELL TOWER FEES WILL BE \$400.00.
- 8) A cell tower consultation procedures document is available by email, send an email request to Dr. Andrea A. Hunter at: ahunter@osagetribe.org.

6. 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.

7. SHPO Cathie Matthews - Department of Arkansas Heritage - Little Rock, AR - electronic mail
8. Deputy SHPO Ken Grunewald - Department of Arkansas Heritage - Little Rock, AR - electronic mail
9. SHPO Bob L Blackburn - Oklahoma Historical Society - Oklahoma City, OK - regular mail
10. 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: 02/25/2011
Notification ID: 74167
Tower Owner Individual or Entity Name: Marion County Sheriff's Office
Consultant Name: Charles Ehrhardt
Street Address: 933 Stoner Ave.
City: Shreveport
State: LOUISIANA
Zip Code: 71101
Phone: 318-425-5977
Email: cehrhardt@shrevecomm.net

Structure Type: GTOWER - Guyed Tower
Latitude: 32 deg 47 min 35.4 sec N
Longitude: 94 deg 33 min 17.2 sec W
Location Description: 12728 FM 729
City: Avinger
State: TEXAS
County: MARION
Ground Elevation: 110.9 meters
Support Structure: 45.7 meters above ground level
Overall Structure: 45.7 meters above ground level
Overall Height AMSL: 156.6 meters above mean sea level

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

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

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

Thank you,
Federal Communications Commission

Appendix D

Additional Site Impact Information

- a) Floodplain map (1 page)
- b) Texas Coastal Map (1 page)
- c) Endangered Species List (1 page)
- d) National Register of Historic Places (2 pages)
- e) Texas attainment status (3 pages)



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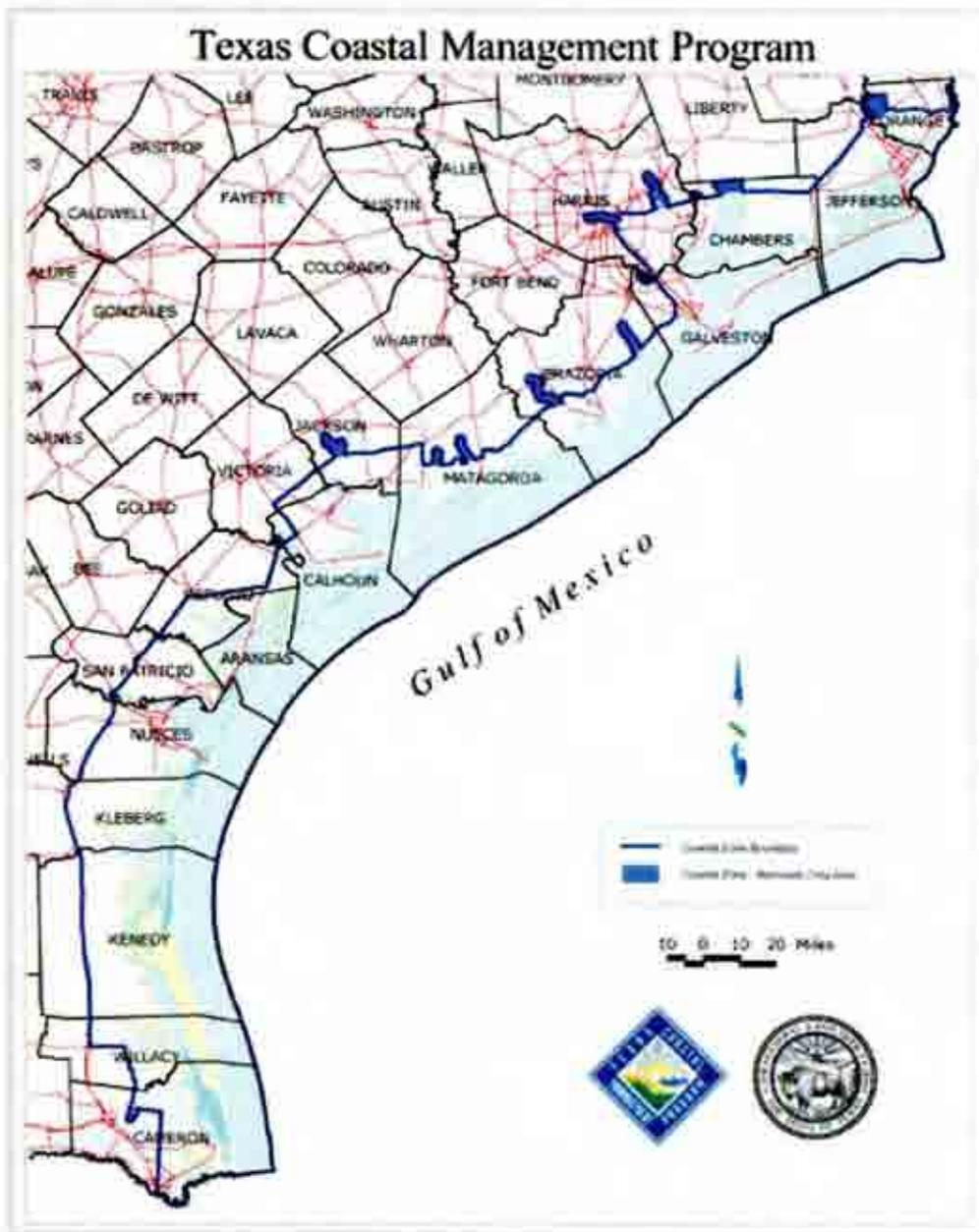
Map Search Results

Unmapped Area(s)

Item ID	Community ID	Community Name
UNMAPPED_481630	481630	MARION COUNTY UNINCORPORATED AREAS

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U.S. Fish & Wildlife Service

Endangered Species List

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List of species by county for Texas:

Counties Selected: Marion

Select one or more counties from the following list to view a county list:

- Anderson
- Andrews
- Angelina
- Aransas
- Archer

[View County List](#)

Marion County

<u>Common Name</u>	<u>Scientific Name</u>	<u>Species Group</u>	<u>Listing Status</u>	<u>Species Image</u>	<u>Species Distribution Map</u>	<u>Critical Habitat</u>	<u>More Info</u>
bald eagle	<i>Haliaeetus leucocephalus</i>	Birds	DM				
Louisiana black bear	<i>Ursus americanus luteolus</i>	Mammals	T				

nps.gov

National Park Service
U.S. Department of the Interior



National Register of Historic Places



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National Register of Historic Places



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siprules@tceq.state.tx.us

Texas Attainment Status by Region

Information about the areas of Texas that violate national ambient air quality standards.

This page contains information on the areas of Texas that are deemed in "nonattainment" or "near nonattainment" of National Ambient Air Quality Standards (NAAQS).

- [What are Texas' nonattainment areas?](#)
- [Map of Texas' Nonattainment and Near Nonattainment Areas](#)
- [What about the PM_{2.5} standard?](#)

What are Texas' nonattainment areas?

Nonattainment areas are areas that have failed to meet federal standards for ambient air quality. Near nonattainment areas currently meet federal standards but are at risk of violating standards.

Texas meets federal air quality standards with the following exceptions: (1) carbon monoxide and particulate matter in El Paso; and (2) eight-hour ground-level ozone in Houston-Galveston-Brazoria, Dallas-Fort Worth and Beaumont-Port Arthur. Maintenance areas are areas that were once designated in nonattainment of federal standards, but which have since been redesignated in attainment of those standards.

Texas also has three Early Action Compact Areas: Austin, San Antonio, and Northeast Texas. These are areas that have submitted EAC plans which on November 17, 2004 were utilized to develop SIP strategies to reduce emission standards to meet the eight-hour ozone standard by 2007. Please visit the [Early Action Compact \(EAC\) Plans Web page](#) for more information on EACs.

Click on the links below for additional information on each area:

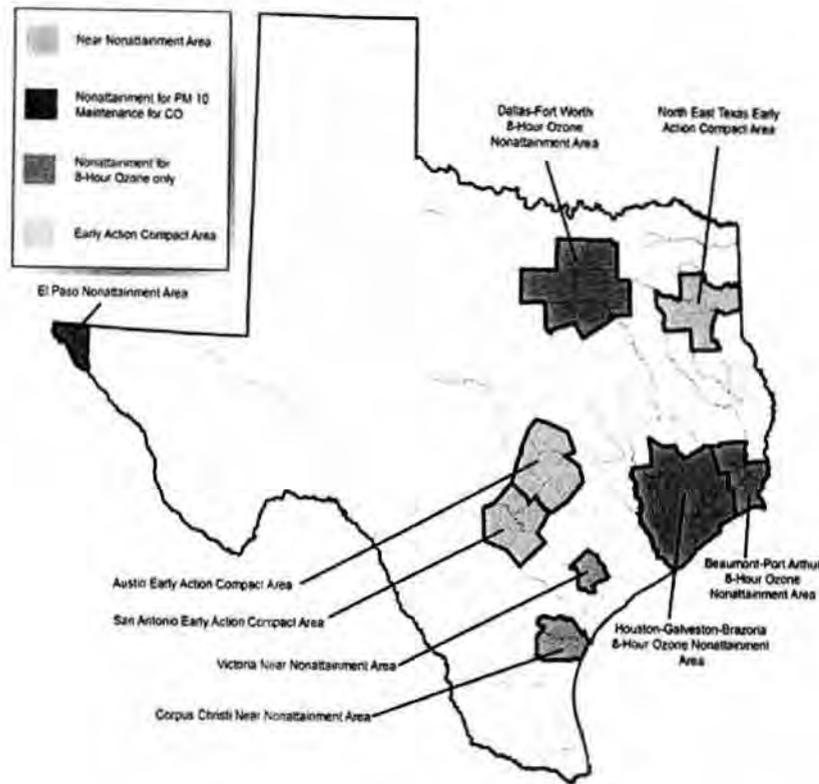
Nonattainment Area	Counties	Classification	Attainment Date Required by EPA
Eight-Hour Ozone Nonattainment Areas			
Houston-Galveston-Brazoria (HGB)	Brazoria Chambers Fort Bend Galveston Harris Liberty Montgomery Waller	Severe	June 15, 2019
Dallas-Fort Worth (DFW)	Collin Dallas Denton Tarrant Ellis Johnson Kaufman	Moderate	June 15, 2010

	Parker Rockwall		
Beaumont-Port Arthur (BPA)	Hardin Jefferson Orange	Moderate	June 15, 2010
Ozone Early Action Compact (EAC) Areas			
Austin-San Marcos (AUS)	Travis Williamson Bastrop Hays Caldwell	Attainment	December 31, 2007
San Antonio (SA)	Bexar Comal Guadalupe Wilson	Attainment	December 31, 2007
Northeast Texas (NET)	Rusk Smith Upshur Gregg Harrison	Attainment	December 31, 2007
Carbon Monoxide (CO) Nonattainment Areas			
El Paso (ELP)	El Paso	Maintenance	N/A
Particulate Matter 10 (PM10) Nonattainment Areas			
El Paso (ELP)	El Paso	Moderate	December 31, 1994

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Map of Texas' Nonattainment and Near Nonattainment Areas

Click on the map for more information about each area.



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What about the PM_{2.5} standard?

In 2007, the U.S. Environmental Protection Agency (EPA) revised the NAAQS for PM_{2.5}. Based on monitoring data from 2004 to 2006, all areas in Texas showed attainment for this standard. On December 18, 2007, the Governor of Texas sent a letter to the EPA recommending that all areas of Texas be designated attainment for the PM_{2.5} standard of less than or equal to 35 micrograms per cubic meter. The Governor's letter, the commission's resolution, and the supporting data are provided. For more information regarding PM in Texas, see TCEQ's web page on Particulate Matter.

The EPA established annual and 24-hour NAAQS for PM_{2.5} for the first time in 1997 to address data indicating that these small particles, which can penetrate more deeply into the lung, may pose greater health risks than larger particles. Based on monitoring data from 2000 to 2002, all areas in Texas showed attainment for this standard. On February 13, 2004, the Governor of Texas sent a letter to the EPA recommending that all areas of Texas be designated attainment for the PM_{2.5} standard. The EPA did not designate any region of Texas in nonattainment for this standard. For more information on this standard, see the EPA's Web page on PM_{2.5} NAAQS Implementation [EPA](#).

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