

## **APPENDIX B – AGENCY CORRESPONDENCE**

### **B1. SHPO / Tribal Coordination**

- SHPO Concurrence (15Jun2012);
- SHPO Consultation (25Jun2012);
- Coordination and Reply (13Jun2012);
- TCNS Tribal Coordination Summary (25Jan2012)

### **B2. USFWS / SD GFP Correspondence**

- USFWS Concurrence email (23Jan2012);
- SD GFP email (23Jan2012);
- FWS / GFP consultation letter(s)

### **B3. SD DENR Correspondence**

- SD DENR Reply with Comments from Surface Water, Drinking Water, Ground Water and Waste Management Programs (04Jan2012);
- SD DENR Consultation letters

### **B4. Other Correspondence**

- NRCS letter and reply (09Feb2012);
- Zoning letter (12Aug2012)

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**FEMA**

R8-EHP

**MAY 31 2012**  
**South Dakota**  
**SHPO**

May 26, 2012

Paige Olson  
Review and Compliance Coordinator  
South Dakota State Historical Society  
900 Governors Drive  
Pierre, SD 57501

**RE: Pennington SD Communications Tower HSGP 2010-SS-T0-0019 (12837);  
SD SHPO Project: 111219005F,**

Dear Ms. Olson,

The Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) Grant Programs Directorate (GPD) provides funding through the Homeland Security Grant Program (HSGP) to enhance state and local security capabilities. The purpose of this letter is to initiate and conclude Section 106 Consultation pursuant to the National Historic Preservation Act (NHPA) as implemented by 36 CFR Part 800.

The proposed undertaking (SHPO #111219005F) is to construct a 190 foot tall self-supporting tower (SST) on a 0.65 acre area of land owned by the South Dakota National Guard (SDNG). The proposed tower location is at NW/4, SW/4, Section 4, T1N, R7E, Pennington County, SD near the intersection of Hillview Drive and Raider Road, Rapid City, SD 57702 (latitude 44.0724444, longitude 103.2888889).

A Class III Cultural Resources Inventory and a New Tower Construction Notification System FCC Form 620 (TCNS #80146) were completed by Brian L. Molyneaux, Consulting Archaeologist and provided to your office for review (additional copies are available upon request). Each of the 16 Tribes that have requested notification via the TCNS have completed the consultation process, and none have registered any objections to the proposed project. On February 13, 2012 your office replied to a request for a preliminary Section 106 consultation from Ted Ruffedt, Jr., Deputy Director, Pennington County 911. Your reply concurred there would be 'No Historic Properties Affected' for this undertaking based on the following stipulations:

Stipulation 1) no historic properties were identified by other consulting parties.  
Stipulation 2) all borrow or gravel material associated with the project must be obtained from a commercial source. If not, additional consultation with the SHPO will be necessary.  
Stipulation 3) activities occurring in areas not identified in your request will require the submission of additional documentation.

Copies of the referenced correspondence are attached to this letter.



FEMA believes that the background research represents a reasonable and good faith effort to carry out appropriate identification efforts as stated in §800.4(b)(1). Based on the results of the Cultural Resource Survey, the TCNS submittal, and your pre-review (including implementation of the stipulations identified above) there are no historic properties within the project area that would be impacted by the proposed undertaking. Therefore, in accordance with Section 106 Review Procedures for Federal Undertakings, under the National Historic Preservation Act and its implementing regulation 36 CFR Part § 800.4(d)(1), FEMA has determined will be **'no historic properties affected'** as a result of the proposed action.

FEMA respectfully requests your concurrence with this determination. Concurrence and non concurrence lines have been included below to expedite the review process. If you have any questions or comments, please do not hesitate to contact me by telephone at (303) 235-4926 or by email at [richard.myers@dhs.gov](mailto:richard.myers@dhs.gov).

Sincerely,

**SECTION 106 CONSULTATION**  
Concurrence of the State Historic Preservation Office does not relieve the federal agency official from consulting with other appropriate parties, as described in 36 CFR Part 800.2(c).

  
Richard Myers  
Deputy Regional Environmental Officer  
FEMA Region VIII

Attachment: Correspondence

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**Pennington SD Communications Tower HSGP 2010-SS-T0-0019 (12837)**

I concur that there will be **'no historic properties affected'** as a result of the proposed action, pursuant to Section 106 of the National Historic Preservation Act.

I do not concur with your findings for the following reason:

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Signed: Paige Olson Date: 6/6/12

Paige Olson  
Review and Compliance Coordinator  
South Dakota State Historical Society

Pursuant to 36 CFR part 800.13, if historic properties are discovered or unanticipated effects on historic properties found after the agency official has completed the Section 106 process, the agency official shall avoid, minimize or mitigate the adverse effects to such properties and notify the SHPO/THPO, and Indian tribes that might attach religious and cultural significance to the affected property within 48 hours of the discovery.

U.S. Department of Homeland Security  
Region VIII  
Denver Federal Center, Building 710  
P.O. Box 25267  
Denver, CO 80225-0267



**FEMA**

R8-EHP

May 26, 2012

Paige Olson  
Review and Compliance Coordinator  
South Dakota State Historical Society  
900 Governors Drive  
Pierre, SD 57501

**RE: Pennington SD Communications Tower HSGP 2010-SS-T0-0019 (12837);  
SD SHPO Project: 111219005F,**

Dear Ms. Olson,

The Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) Grant Programs Directorate (GPD) provides funding through the Homeland Security Grant Program (HSGP) to enhance state and local security capabilities. The purpose of this letter is to initiate and conclude Section 106 Consultation pursuant to the National Historic Preservation Act (NHPA) as implemented by 36 CFR Part 800.

The proposed undertaking (SHPO #111219005F) is to construct a 190 foot tall self-supporting tower (SST) on a 0.65 acre area of land owned by the South Dakota National Guard (SDNG). The proposed tower location is at NW/4, SW/4, Section 4, T1N, R7E, Pennington County, SD near the intersection of Hillview Drive and Raider Road, Rapid City, SD 57702 (latitude 44.0724444, longitude 103.2888889).

A Class III Cultural Resources Inventory and a New Tower Construction Notification System FCC Form 620 (TCNS #80146) were completed by Brian L. Molyneaux, Consulting Archaeologist and provided to your office for review (additional copies are available upon request). Each of the 16 Tribes that have requested notification via the TCNS have completed the consultation process, and none have registered any objections to the proposed project. On February 13, 2012 your office replied to a request for a preliminary Section 106 consultation from Ted Ruffedt, Jr., Deputy Director, Pennington County 911. Your reply concurred there would be 'No Historic Properties Affected' for this undertaking based on the following stipulations:

Stipulation 1) no historic properties were identified by other consulting parties.  
Stipulation 2) all borrow or gravel material associated with the project must be obtained from a commercial source. If not, additional consultation with the SHPO will be necessary.  
Stipulation 3) activities occurring in areas not identified in your request will require the submission of additional documentation.

Copies of the referenced correspondence are attached to this letter.

FEMA believes that the background research represents a reasonable and good faith effort to carry out appropriate identification efforts as stated in §800.4(b)(1). Based on the results of the Cultural Resource Survey, the TCNS submittal, and your pre-review (including implementation of the stipulations identified above) there are no historic properties within the project area that would be impacted by the proposed undertaking. Therefore, in accordance with Section 106 Review Procedures for Federal Undertakings, under the National Historic Preservation Act and its implementing regulation 36 CFR Part § 800.4(d)(1), FEMA has determined will be **'no historic properties affected'** as a result of the proposed action.

FEMA respectfully requests your concurrence with this determination. Concurrence and non concurrence lines have been included below to expedite the review process. If you have any questions or comments, please do not hesitate to contact me by telephone at (303) 235-4926 or by email at [richard.myers@dhs.gov](mailto:richard.myers@dhs.gov).

Sincerely,

  
Richard Myers  
Deputy Regional Environmental Officer  
FEMA Region VIII

Attachment: Correspondence

---

**Pennington SD Communications Tower HSGP 2010-SS-T0-0019 (12837)**

I concur that there will be **'no historic properties affected'** as a result of the proposed action, pursuant to Section 106 of the National Historic Preservation Act.

I do not concur with your findings for the following reason:

---

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Paige Olson  
Review and Compliance Coordinator  
South Dakota State Historical Society



February 13, 2012

Mr. Ted Ruffedt, Jr., ENP  
Deputy Director  
Pennington County 9-1-1  
300 Kansas City Street, Suite 201  
Rapid City, SD 57701

**PRE SECTION 106 PROJECT CONSULTATION**

Project: 111219005F – Emergency Services Rapid City East Radio Tower, Near Elk Vale Road and East Anamosa Street, near Rapid City Water Reservoir Facility  
Location: Pennington County  
(FEMA/FCC)

Dear Mr. Ruffedt:

Thank you for the opportunity to comment on the above referenced undertaking pursuant to Section 106 of the National Historic Preservation Act of 1966 (as amended), and the Nationwide Programmatic Agreement. The South Dakota Office of the State Historic Preservation Officer (SHPO) concurs with your determination regarding the effects of the proposed undertaking on the non-renewable cultural resources of South Dakota.

We have made this consensus determination based on the information provided in your letter and the New Tower “NT” Submission Packet FCC Form 620, dated December 13, 2011, and the e-mail received on February 9, 2012 from Mr. Don Johnson, Federal Communications Commission/ Wireless Bureau. We concur with the determination of No Historic Properties Affected for this undertaking based on the following stipulations. Stipulation 1) no historic properties were identified by other consulting parties. Stipulation 2) all borrow or gravel material associated with the project must be obtained from a commercial source. If not additional consultation with the SHPO will be necessary. Stipulation 3) activities occurring in areas not identified in your request will require the submission of additional documentation.

Should you require additional information, please contact Paige Olson at (605) 773-6004. I appreciate your concern for the non-renewable cultural heritage of our state.

Sincerely,

Jay D. Vogt  
State Historic Preservation Officer

Paige Olson  
Review and Compliance Coordinator

Cc: Mr. Barry Harrison, Land Recyclers, Inc.



# Emergency Services Communications Center

*"Pride in Service"*

PENNINGTON COUNTY \* RAPID CITY

*Equal  
Opportunity  
Employer*

December 13, 2011

Ms. Paige Olson  
Review & Compliance Coordinator  
South Dakota State Historical Society  
900 Governors Dr.  
Pierre SD 57501  
Telephone: (605) 773-6004

Re: Emergency Services Rapid City West Radio Tower  
Location of Site: Intersection of Hillsview Drive and Raider Road, Rapid City  
City or Township: NW/4, SW/4, Section 4, T1N, R7E, Pennington County, SD  
State: South Dakota Zip Code: 57702  
Nearest Cross Roads: Hillsview Drive and Raider Street  
Latitude/Longitude:  
Latitude- N44 Degrees 04 Minutes 20.8 Seconds (NAD 83)  
Longitude- W103 Degrees 17 Minutes 20.0 Seconds (NAD 83)

Dear Ms. Olson:

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), I am writing this letter to initiate consultation regarding a grant application submitted by Pennington County 9-1-1 for FEMA Homeland Security grant funds via the South Dakota Department of Homeland Security. The grant application was submitted on behalf of all local emergency responders in the area. The grant has been awarded to improve coverage of the State of South Dakota's public safety radio communication system in the Rapid City metro area. Land Recyclers, Inc. (LRI) is assisting us in the performance of National Environmental Policy Act (NEPA) evaluations for the tower project. The federal agency with jurisdiction over the project is FEMA. Mr. Barry Harrison of LRI is coordinating the NEPA review process for this communication tower project. This includes all activities required for compliance with the NHPA, implementing regulations and any applicable Memoranda of Understanding.

We are proposing to construct a 190 foot tall self-supporting tower (SST) on a 0.65 acre area of land owned by the South Dakota National Guard (SDNG) via a Joint Use Agreement. The proposed tower location is a grass-covered slope with scattered immature ponderosa pine trees on the lower flanks on the east margins of the Black Hills and the west side of Rapid City. The site is an uplands location with no wetlands, pooled or flowing water in the vicinity of the Tower Site. The nearest permanent water source is Rapid Creek, approximately 1 mile to the south. The immediate surrounding area is heavily developed. The site sits slightly above the intersection of two light duty paved roads (Hillsview Drive to the west and Raider Road to the east); the narrow summit at the upper (northerly) edge of the site drops quickly into a modern electrical substation, which has been carved out of the slope on the opposite side of the ridge. Slightly further north sits a very large institutional development (buildings, roads, parking lots) – Stevens High School. The opposite sides of the two roads are undeveloped, owned by SDNG and used for military training activity.



# Emergency Services Communications Center

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The archaeological ground survey yielded no evidence of cultural resources within the 0.65 acre SST area other than the modern infrastructure that surrounds it. Thus, there are no historic properties to be considered under the evaluation guidelines outlined within the National Historic Preservation Act of 1966, as amended.

The site records search and field investigations found no historic properties within the one-half mile APE for Visual Effects. There were no other reported or potential historic properties within this area. The two extant archaeological sites (39PN861 and 39PN862), located on ridge features at lower elevations, have been previously determined to be not eligible for listing on the NRHP: they have lost their integrity due to natural erosion, disturbance by SDNG activity, and by recreational use (39PN0862 is crossed by dirt bike tracks).

Given the absence of historic properties within the APEs of the proposed tower, the applicant warrants that there are no historic properties affected by the proposed Undertaking.

Please review this submission and return your comments to Barry Harrison at:

Barry Harrison  
Land Recyclers, Inc.  
4853 Lilac Place N  
Lake Elmo MN 55042

Please contact me at (605) 394-6794 or Barry Harrison at (651) 430-3854 if you have any questions or require additional information.

Sincerely,

Ted Ruffedt, Jr., ENP  
Deputy Director  
Pennington County 9-1-1  
300 Kansas City St., Ste.201  
Rapid City, SD 57701  
Phone: (605) 394-6794 Fax: (605) 394-6795  
E-mail address: [ted@co.pennington.sd.us](mailto:ted@co.pennington.sd.us)

attachments / enclosures

TRIBAL CONSULTATION SUMMARY SPREADSHEET			
Rapid City West, SD, TCNS 80416, Notification Friday, Oct 21, 2011			
	Contact	Title	Comment
<b>With Geographic Preferences Set</b>			
Fort Peck Tribes Ft. Peck Tribes Cultural Center 301 Court Ave Poplar, MT 59255	Curlee Youpee; Kathy Birdsbill	CR Director; Assisstant	Cleared. Shipped Jan 25, 2012 via US Mail Class III Cultural Resources Inventory Report & Ethnographic report to Curley Yupee. Received clearance fax from Kristie Crow Belt, Administrative Assistant, Cultural Resources Department Feb 2, 2012. If inadvertent discoveries of cultural items or human remains, contact them immediately.
Lower Brule Sioux Tribe	Brian Moleneaux	Tribal Archaeologist	Cleared by phone December 17, 2011. If during construction, cultural material or human remains is discovered, applicant must cease all construction & notify the FCC & the Tribe.
Oglala Sioux Tribe Pine Ridge, SD	Wilmer Mesteth; THPO Richard Iron Cloud; Project Review Officer	THPO; Project Review Officer	Emailed Class III Cultural Resources report December 20, 2011 to Project Review Officer Richard Iron Cloud. Recieved concurrence letter Jan 23, 2012 from Richard Iron Cloud and Wilmer Mesteth, THPO. If properties are discovered or unanticipated effects on historic properties are found after the agency official has completed the Section 106 process, the agency official shall avoid, minimize or mitigate the adverse effects to such properties and notify the THPO, and Indian tribes that might attach religious and cultural significance to the affected property within 48 hours of the discovery.
Cheyenne River Sioux Tribe Eagle Butte, SD	Steven Vance	THPO	Emailed arche report to THPO S.Vance Dec 19, 2011. Concurrence letter received Jan 20, 2012. Stated consultation is complete for subject project - TCNS# 80416. Concurred that there are no "no historic properties affected" per reviewing the Class III Cultural Resources Inventory Report.
Northern Arapaho Tribe Ft. Washakie, WY	Darlene Conrad	THPO	Emailed Class III Cultural Resources report December 20, 2011 to THPO Darlene Conrad. Received "no interest" response letter from THPO on December 29, 2011. However, if there should be further subsurface excavation and buried archaeological sites are found, we request that our office be notified and a report provided to the Northern Arapaho Tribe.
Northern Cheyenne Tribe Lame Deer, MT	Conrad Fisher	THPO	If applicant receives no response from the Northern Cheyenne Tribe within 30 days after notification through TCNS, the Northern Cheyenne Tribe has no interest in review for the site. If during construction, cultural material or human remains is discovered, applicant must cease all construction and notify the Tribe. No response received. Clear
Omaha Tribe of Nebraska Macy, NE	Amen Sheridan	Chairman	If applicant receives no response from the Omaha Tribe of Nebraska within 30 days after notification through TCNS, the Omaha Tribe of Nebraska has no interest in review for the site. If during construction, cultural material or human remains is discovered, applicant must cease all construction and notify the Tribe. No response received. Clear
Ponca Tribe of Nebraska	Gary Robinette	Director of Cultural Affairs	If applicant receives no response from thePonca Tribe of Nebraska within 30 days after notification through TCNS, the Ponca Tribe has no interest in review for the site. If during construction, cultural material or human remains is discovered, applicant must cease all construction & notify the Tribe. No response received. Clear

TRIBAL CONSULTATION SUMMARY SPREADSHEET			
Rapid City West, SD, TCNS 80416, Notification Friday, Oct 21, 2011			
	Contact	Title	Comment
Rosebud Sioux Tribe Rosebud, SD	Russell Eagle Bear	THPO	If applicant receives no response from Historic Preservation - Rosebud Sioux Tribe within 30 days after notification through TCNS, the Rosebud Sioux Tribe has no interest in review for the site. If during construction, cultural material or human remains is discovered, applicant must cease all construction and notify the Tribe. No comment received.
Santee Sioux Nation Niobrara, NE	Franky Jackson	THPO	If applicant receives no response from the Santee Sioux Nation within 30 days after notification through TCNS, the Santee Sioux Nation has no interest in review for the site. If during construction, cultural material or human remains is discovered, applicant must cease all construction & notify the Tribe. No comment received.
Sisseton-Wahpeton Oyate Lake Traverse Res	Diane Desrosiers	THPO	Emailed arche report to tribal Archaeologist Jim Whitted on December 22, 2011. J.Whitted concurred on Dec 22, 2011 stating " No cultural properties will be affected" on either site as long as the APE and tower design is as stipulated.
Spirit Lake Nation P.O.Box 475 Fort Totten, N.D. 58335	Darrell Smith	Cultural Resources Representative	Sent via US Mail requested info in Class III Cultural Resources report on December 20, 2011 to Darrell Smith. If applicant receives no response from the Spirit Lake Nation within 30 days after receipt of requested info, the Spirit Lake Nation has no interest in review for the site. If during construction, cultural material or human remains is discovered, applicant must cease all construction & notify the Tribe. No response received.
Cheyenne-Arapahoe Tribes of Oklahoma, Concho, OK	Margaret Anquoe	THPO	Sent via US Mail requested info in Class III Cultural Resources report on December 20, 2011 to THPO Margaret Anquoe. Received clearance letter from THPO on Jan 5, 2012. However, if human skeletal remains or any objects falling under NAGPRA are uncovered during construction, please stop immediately and notify the Cheyenne and Arapaho Tribes.
Turtle Mountain Band of Chippewa, Belcourt, ND	Brady Grant	THPO	If applicant receives no response from the Turtle Mountain Band of Chippewa within 30 days after notification through TCNS, the Turtle Mountain Band of Chippewa has no interest in review for the site. If during construction, cultural material or human remains is discovered, applicant must cease all construction & notify the Tribe. No response received.
Lower Sioux Indian Community of Minnesota, Morton, MN	Anthony Morse	THPO	If applicant receives no response from the Lower Sioux Indian Community of Minnesota within 30 days after notification through TCNS, the Lower Sioux Indian Community has no interest in review for the site. If during construction, cultural material or human remains is discovered, applicant must cease all construction & notify the Tribe. No response received.
Upper Sioux Community of Minnesota, Granite Falls, MN	Marlow La Batte	Board Member at Large	Sent via email Class III Cultural Resources report on December 20, 2011 to Board Member at Large Marlow La Batte. Cleared in telcon with Board Member Marlow La Batte January 11, 2012.
<b>Without Geographic Preferences Set</b>			
None			

# APPENDIX B – AGENCY CORRESPONDENCE

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## B4. Other Correspondence

- NRCS letter and reply (09Feb2012);
- Zoning letter (12Aug2012)



"Barry Harrison"  
<landrecycle@comcast.net>  
01/23/2012 09:24 AM

To <charlene\_bessken@fws.gov>  
cc ""Barry Harrison"" <landrecycle@comcast.net>  
bcc  
Subject USFWS Besskin West Site tower rew req 23jan2012

Charlene "Charlie" Bessken, Biologist  
US Fish and Wildlife Service  
420 S. Garfield Avenue, Suite 400  
Pierre, SD 57501-5408  
Phone: 605-224-8693 x 231  
[charlene\\_bessken@fws.gov](mailto:charlene_bessken@fws.gov)

Site Name: Emergency Management Services Rapid City West Radio Tower  
Proposed Action: Construction of a 190' self supporting tower  
Project Proposer: Emergency Management Services, Pennington County  
Location of Site: S of West High School, N of intersection of Hillsview Dr & Raider St., Rapid City  
Legal Location: NW/4, SW/4, Sec 4, T1N, R7E, Pennington County,

Dear Ms. Besskin:

Please find in the attached submission, Land Recyclers Inc (LRI) ecological review for the referenced self supporting tower.  
We request your concurrence.

Thank you,

Barry Harrison  
Principal, LRI  
651 430 3854



RC West USFWS Submittal 23Jan2012.xx.pdf

The U.S. Fish and Wildlife Service concurs with your conclusion that the described project will not adversely affect listed species. Contact this office if changes are made or new information becomes available.

1/31/12  
Date

Scott Lamm  
SD Field Supervisor  
USFWS

## Barry Harrison

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**From:** Eileen.DowdStukel@state.sd.us  
**Sent:** Monday, January 23, 2012 8:57 AM  
**To:** landrecycle@comcast.net  
**Subject:** EMS Rapid City West Radio Tower

Good morning, Barry. I am responding to your request for input on this project. I concur with your conclusion that the project will have no effect on whooping crane, least tern, black-footed ferret and Sprague's pipit and will have no significant impact to fish or wildlife resources.

Eileen Dowd Stukel, CWB®  
Wildlife Diversity Coordinator  
SD Department of Game, Fish and Parks  
523 E. Capitol Avenue  
Pierre, SD 57501  
phone: 605-773-4229  
FAX: 605-773-6245  
email: eileen.dowdstukel@state.sd.us

**LAND RECYCLERS Inc.**



4853 Lilac Pl. N  
Lake Elmo, MN 55042  
Phone & Fax: (651) 430-3854  
[landrecycle@comcast.net](mailto:landrecycle@comcast.net)

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Charlene "Charlie" Bessken, Biologist  
US Fish and Wildlife Service  
420 S. Garfield Avenue, Suite 400  
Pierre, SD 57501-5408  
Phone: 605-224-8693 x 231  
[charlene\\_besskin@fws.gov](mailto:charlene_besskin@fws.gov)

Site Name: Emergency Management Services (EMS) Rapid City West Radio Tower  
Proposed Action: Construction of a 190 ft self supporting tower (SST)  
Project Proposer: Emergency Management Services (EMS), Pennington County, SD  
Location of Site: South of West High School, north of the intersection of Hillsview Drive and Raider St.,  
Rapid City  
Legal Location: NW/4, SW/4, Section 4, T1N, R7E, Pennington County, South Dakota  
Zip Code: 57702  
Latitude/Longitude:  
Latitude- N44 Degrees 04 Minutes 20.8 Seconds (NAD 83)  
Longitude- W103 Degrees 17 Minutes 20.0 Seconds (NAD 83)

**DETERMINATION:**

Construction and operation of the proposed communication tower will have "no effect" on the the whooping crane (*Grus americana*), least tern (*Sterna antillarum*), blackfooted ferret (*Mustela nigripes*) and Sprague's pipit (*Anthus spragueii*) which are the only federally listed threatened or endangered species in Pennington County.

In addition, based upon available information, we anticipate that the construction and operation of the proposed communication tower will have no significant impacts to fish or wildlife resources.

Dear Ms. Bessken:

Emergency Management Services (EMS), Pennington County, SD is proposing to construct a 190 ft self supporting tower (SST) on an undeveloped South Dakota National Guard property at the western margin of Rapid City, within the city limits. Land Recyclers, Inc. (LRI) is assisting EMS, Pennington County, in the performance of National Environmental Policy Act (NEPA) evaluations for the tower project. The federal agency with jurisdiction over the project is the Federal Communications Commission (FCC). Mr. Barry Harrison of Land Recyclers, Inc. is coordinating the NEPA review process for this telecommunication project. An ecological assessment of the potential impacts of the proposed project upon the tower site and vicinity has been prepared. Included in the assessment is a site topographic map, site development plan,

**Site Name: EMS Rapid City West Radio Tower**

**Proposed Action: Construction of a 190 ft Self Supporting Tower (SST)**

recent photographs of the site and surrounding acreage, an aerial photograph, and other helpful ecological information.

**Project Background:** EMS, Pennington County, SD is proposing to construct a 190 ft self supporting tower (SST) on an undeveloped South Dakota National Guard property at the western margin of Rapid City, within the city limits. The Tower Site is on a narrow ridge-top and moderate slope on the lower east flanks of the Black Hills, at the intersection of two light duty paved roads (Hillsview Drive to the west and Raider Street to the east). Adjacent to the site at the upper (northerly) edge is a Black Hills Power electrical substation, which has been carved out of the slope on the opposite side of the ridge, and slightly further north sits a very large institutional development (buildings, roads, parking lots) - Stevens High School. Lands across the two roads, south, west, and east, are National Guard training grounds. The lands beyond the National Guard property (to the south and east), as well as the lands to the northwest, north, and northeast are fully developed with residential properties. There are no permanent surface water features such as lakes, creeks, streams, ponds, or wetlands (Appendix A, Figure A-3 and Appendix B, Figure 15) in the vicinity of the Tower Site or on the surrounding lands. The nearest permanent water source is Rapid Creek, approximately 1 mile to the south. The results of a geotechnical soil boring at the Tower Site indicated that no water level was encountered down to a depth (at refusal) of 33 ft below ground level.

**Tower Site:** The land in the Tower Site consists of open short grasses, scattered forbs and prickly pear, and, on the top of the ridge and scattered on the slopes, immature ponderosa pine (Figures 5 - 14). The tower will be placed within a 45 x 50 foot fenced compound located within the 0.13 acre Tower Site (Appendix B, Figure 4). The 0.13 acre Site is surrounded on all sides by the 0.65 acre Tower Facility Easement. The actual compound area, access, and staging area will occupy and/or disturb approximately 0.27 acres (see Soil Disturbance Table, Appendix C).

Access to the Tower Site is from a gravel road (approximately 12 ft wide and 260 ft long), leading to the substation from Hillsview Drive. The facilities within the secured compound will consist of the 190 ft self supporting tower (SST), a prefabricated transmitter building (a 12 x 24 ft shelter) mounted on a cement slab, and an emergency generator and a 250 gallon propane tank each mounted on a separate cement slab. Utilities (power and fiber optic cable) will be brought to the compound area buried within a 10 x 54 ft utility easement that extends west-northwesterly from Raider Road to the Tower Site. Within the compound, a buried LP gas line will be extended approximately 14 ft from the above ground propane storage tank to the emergency generator.

A staging area (60 ft (east-west) x 50 ft (north - south)) for equipment, tower supplies and components, and topsoil and material will be designated in the southwest corner of the Tower Facility Easement (see Figure 4A). As shown in Figure 4A, utilities will be brought in, buried, from Raider Road.

**Site Name: EMS Rapid City West Radio Tower**

**Proposed Action: Construction of a 190 ft Self Supporting Tower (SST)**

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**DETERMINATION:**

Construction and operation of the proposed communication tower will have "no effect" on the the whooping crane (*Grus americana*), least tern (*Sterna antillarum*), blackfooted ferret (*Mustela nigripes*) and Sprague's pipit (*Anthus spragueii*) which are the only federally listed threatened or endangered species in Pennington County.

In addition, based upon available information, we anticipate that the construction and operation of the proposed communication tower will have no significant impacts to fish or wildlife resources.

Please review the documentation accompanying this review request. We request you concurrence. Please return your comments to me,

via email at [landrecycle@comcast.net](mailto:landrecycle@comcast.net) ; or

by fax at (651) 430-3854; or

by US Mail at :

Barry Harrison

Land Recycles Inc.

4853 Lilac Pl. N

Lake Elmo, MN 55042

If you have any questions or require additional information, please contact me at (651) 430-3854.

Thank you,

*Barry Harrison*

Barry Harrison, Principal  
Land Recyclers Inc.

**LAND RECYCLERS Inc.**



4853 Lilac Pl. N  
Lake Elmo, MN 55042  
Phone & Fax: (651) 430-3854  
[landrecycle@comcast.net](mailto:landrecycle@comcast.net)

---

Eileen Dowd Stukel  
Wildlife Diversity Coordinator  
Certified Wildlife Biologist®  
SD Department of Game, Fish and Parks  
523 E. Capitol Ave.  
Pierre, SD 57501  
phone: 605-773-4229  
FAX: 605-773-6245  
email: [eileen.dowdstukel@state.sd.us](mailto:eileen.dowdstukel@state.sd.us)

Site Name: Emergency Management Services (EMS) Rapid City West Radio Tower  
Proposed Action: Construction of a 190 ft self supporting tower (SST)  
Project Proposer: Emergency Management Services (EMS), Pennington County, SD  
Location of Site: South of West High School, north of the intersection of Hillsview Drive and Raider St.,  
Rapid City  
Legal Location: NW/4, SW/4, Section 4, T1N, R7E, Pennington County, South Dakota  
Zip Code: 57702  
Latitude/Longitude:  
Latitude- N44 Degrees 04 Minutes 20.8 Seconds (NAD 83)  
Longitude- W103 Degrees 17 Minutes 20.0 Seconds (NAD 83)

**DETERMINATION:**

Construction and operation of the proposed communication tower will have "no effect" on the the whooping crane (*Grus americana*), least tern (*Sterna antillarum*), blackfooted ferret (*Mustela nigripes*) and Sprague's pipit (*Anthus spragueii*) which are the only federally listed threatened or endangered species in Pennington County.

In addition, based upon available information, we anticipate that the construction and operation of the proposed communication tower will have no significant impacts to fish or wildlife resources.

Dear Ms. Dowd Stukel:

Emergency Management Services (EMS), Pennington County, SD is proposing to construct a 190 ft self supporting tower (SST) on an undeveloped South Dakota National Guard property at the western margin of Rapid City, within the city limits. Land Recyclers, Inc. (LRI) is assisting EMS, Pennington County, in the performance of National Environmental Policy Act (NEPA) evaluations for the tower project. The federal agency with jurisdiction over the project is the Federal Communications Commission (FCC). Mr. Barry

**Site Name: EMS Rapid City West Radio Tower**  
**Proposed Action: Construction of a 190 ft Self Supporting Tower (SST)**

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Harrison of Land Recyclers, Inc. is coordinating the NEPA review process for this telecommunication project. An ecological assessment of the potential impacts of the proposed project upon the tower site and vicinity has been prepared. Included in the assessment is a site topographic map, site development plan, recent photographs of the site and surrounding acreage, an aerial photograph, and other helpful ecological information.

**Project Background:** EMS, Pennington County, SD is proposing to construct a 190 ft self supporting tower (SST) on an undeveloped South Dakota National Guard property at the western margin of Rapid City, within the city limits. The Tower Site is on a narrow ridge-top and moderate slope on the lower east flanks of the Black Hills, at the intersection of two light duty paved roads (Hillsview Drive to the west and Raider Street to the east). Adjacent to the site at the upper (northerly) edge is a Black Hills Power electrical substation, which has been carved out of the slope on the opposite side of the ridge, and slightly further north sits a very large institutional development (buildings, roads, parking lots) - Stevens High School. Lands across the two roads, south, west, and east, are National Guard training grounds. The lands beyond the National Guard property (to the south and east), as well as the lands to the northwest, north, and northeast are fully developed with residential properties. There are no permanent surface water features such as lakes, creeks, streams, ponds, or wetlands (Appendix A, Figure A-3 and Appendix B, Figure 15) in the vicinity of the Tower Site or on the surrounding lands. The nearest permanent water source is Rapid Creek, approximately 1 mile to the south. The results of a geotechnical soil boring at the Tower Site indicated that no water level was encountered down to a depth (at refusal) of 33 ft below ground level.

**Tower Site:** The land in the Tower Site consists of open short grasses, scattered forbs and prickly pear, and, on the top of the ridge and scattered on the slopes, immature ponderosa pine (Figures 5 - 14). The tower will be placed within a 45 x 50 foot fenced compound located within the 0.13 acre Tower Site (Appendix B, Figure 4). The 0.13 acre Site is surrounded on all sides by the 0.65 acre Tower Facility Easement. The actual compound area, access, and staging area will occupy and/or disturb approximately 0.27 acres (see Soil Disturbance Table, Appendix C).

Access to the Tower Site is from a gravel road (approximately 12 ft wide and 260 ft long), leading to the substation from Hillsview Drive. The facilities within the secured compound will consist of the 190 ft self supporting tower (SST), a prefabricated transmitter building (a 12 x 24 ft shelter) mounted on a cement slab, and an emergency generator and a 250 gallon propane tank each mounted on a separate cement slab. Utilities (power and fiber optic cable) will be brought to the compound area buried within a 10 x 54 ft utility easement that extends west- northwesterly from Raider Road to the Tower Site. Within the compound, a buried LP gas line will be extended approximately 14 ft from the above ground propane storage tank to the emergency generator.

A staging area (60 ft (east-west) x 50 ft (north - south)) for equipment, tower supplies and components, and topsoil and material will be designated in the southwest corner of the Tower Facility Easement (see Figure

**Site Name: EMS Rapid City West Radio Tower**  
**Proposed Action: Construction of a 190 ft Self Supporting Tower (SST)**

---

4A). As shown in Figure 4A, utilities will be brought in, buried, from Raider Road.

**DETERMINATION:**

Construction and operation of the proposed communication tower will have "no effect" on the the whooping crane (*Grus americana*), least tern (*Sterna antillarum*), blackfooted ferret (*Mustela nigripes*) and Sprague's pipit (*Anthus spragueii*) which are the only federally listed threatened or endangered species in Pennington County.

In addition, based upon available information, we anticipate that the construction and operation of the proposed communication tower will have no significant impacts to fish or wildlife resources.

Please review the documentation accompanying this review request. We request you concurrence. Please return your comments to me,

via email at [landrecycle@comcast.net](mailto:landrecycle@comcast.net) ; or  
by fax at (651) 430-3854; or  
by US Mail at :

Barry Harrison  
Land Recycles Inc.  
4853 Lilac Pl. N  
Lake Elmo, MN 55042

If you have any questions or require additional information, please contact me at (651) 430-3854.

Thank you,

Barry Harrison

Barry Harrison, Principal  
Land Recyclers Inc.



**DEPARTMENT of GAME, FISH, AND PARKS**

Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182

November 9, 2011

Barry Harrison, Principal  
Environmental Engineer  
Land Recyclers Inc.  
4853 Lilac Place N  
Lake Elmo, MN 55042

RE: Rare, threatened, and endangered species occurrences near two proposed self supporting communication towers in Pennington County, SD.

Dear Barry,

I have conducted a search of the South Dakota Natural Heritage Database (SDNHD) for rare, threatened, and endangered species occurring within a one mile radius of the proposed project areas as outlined in your letter, dated October 21, 2011.

The SDNHD tracks species at risk. These species are those that are legally designated as either state or federally threatened or endangered (legally protected) or rare. Rare species are those that are declining and restricted to limited habitat, peripheral to a jurisdiction, isolated or disjunct due to geographic or climatic factors, or that are classified as such due to lack of survey data. A list of all monitored species can be found at <http://gfp.sd.gov/wildlife/threatened-endangered>.

A search of the immediate project areas resulted occurrences of species tracked by the SDNHD. Data on these occurrences can be found in the attached word documents and ArcGIS Shapefiles. Please note that absence of a species from the SDNHD does not preclude its presence from the proposed project area. In addition, whooping cranes (*Grus americana*) migrate through South Dakota each spring and fall, and may occur in this area during their migration.

Sincerely,

Nathan Baker  
Region 2 Wildlife Manager

# APPENDIX B – AGENCY CORRESPONDENCE

## **B1. SHPO / Tribal Coordination**

- SHPO Concurrence (15Jun2012);
- SHPO Consultation (25Jun2012);
- Coordination and Reply (13Jun2012);
- TCNS Tribal Coordination Summary (25Jan2012)

## **B2. USFWS / SD GFP Correspondence**

- USFWS Concurrence email (23Jan2012);
- SD GFP email (23Jan2012);
- FWS / GFP consultation letter(s)

## **B3. SD DENR Correspondence**

- SD DENR Reply with Comments from Surface Water, Drinking Water, Ground Water and Waste Management Programs (04Jan2012);
- SD DENR Consultation letters

## **B4. Other Correspondence**

- NRCS letter and reply (09Feb2012);
- Zoning letter (12Aug2012)



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 4, 2012

Barry Harrison  
Land Recyclers Inc.  
4853 Lilac Place North  
Lake Elmo, Mn. 55042

Dear Mr. Harrison:

The South Dakota Department of Environment and Natural Resources (DENR) reviewed the EMS Rapid City West Radio Tower Project. The following programs finds that this construction, using conventional construction techniques, should not cause violations of any statutes or regulations administered by the Department and have these comments:

1. Based on the information provided, the department does not anticipate any adverse impacts to drinking waters of the state. The Drinking Water Program has no objections to this project.
2. Based on the information provided, the department does not anticipate any adverse impacts to surface waters of the state. The Surface Water Quality Program has no objections to this project.
3. At a minimum and regardless of project size, appropriate erosion and sediment control measures must be installed to control the discharge of pollutants from the construction site. Any construction activity that disturbs an area of one or more acres of land must have authorization under the General Permit for Storm Water Discharges Associated with Construction Activities. Contact the Department of Environment and Natural Resources for additional information or guidance at 1-800-SDSTORM (737-8676) or [www.state.sd.us/denr/des/surfacewater/stormwater.htm](http://www.state.sd.us/denr/des/surfacewater/stormwater.htm).
4. The Waste Management Program does not anticipate any adverse impacts. Any construction debris needs to be disposed of at a permitted solid waste facility. Please contact the Waste Management Program if you have any questions on solid waste disposal at (605) 773-3153.
5. Based on the information provided, the Ground Water Quality Program does not anticipate adverse impacts to ground water quality by this project.

However, there have been numerous petroleum and other chemical releases throughout the state. Of the releases reported to the department, none were located in the vicinity of the project areas. However, the location information provided to us regarding releases is sometimes inaccurate or

incomplete. If you would like to do more research regarding information on releases reported in South Dakota, the data may be obtained at the following website:

<http://denr.sd.gov/des/gw/Spills/dbspillsearch.aspx>. If contamination is encountered or created during construction activities, Emergency Management Services, or its designated representative, must report the contamination to the department at (605) 773-3296. Any contaminated soil encountered or created must be temporarily stockpiled and sampled to determine disposal requirements. Construction materials to be used in the contaminated area should be evaluated for chemical compatibility and adjusted accordingly.

If you have any questions concerning these comments, please contact me at (605) 773-3351.

Sincerely,



John Miller  
Surface Water Quality Program

cc: Mark Mayer, Drinking Water Program  
Vonni Kallemeyn, Waste Management Program  
Janile Lewis, Ground Water Quality Program



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 6, 2012

Barry Harrison  
Land Recycles Inc.  
4853 Lilac PL. N  
Lake Elmo, MN 55042

Dear Barry Harrison:

The air quality review for the proposed Emergency Management Services radio tower projects planned for two locations, Elk Vale Road and Stevens High School areas including also new backup electrical generators, has been completed by our program. Based on the information provided by phone and by e-mail the proposed projects will not cause a significant impact on the air quality in Rapid City area and the projects are approved.

Air quality regulations require that facilities, with new (before installation) and existing electrical generation units, contact our office about air quality requirements. Please contact Jim Anderson in the department's Air Quality Program in Pierre at 605-773-3151 for more information on how to comply with the air quality requirements.

Thank you for supplying the information to the Air Quality Program for review.

Sincerely,

Brad Schultz  
ES Manager I  
SD Air Quality Program  
605-773-6038

Cc: Jim Anderson, DENR Rapid City Regional Office

**LAND RECYCLERS Inc.**



4853 Lilac Pl. N

Lake Elmo, MN 55042

Phone & Fax: (651) 430-3854

[landrecycle@comcast.net](mailto:landrecycle@comcast.net)

---

December 6, 2011

Mr. John Miller

SD DENR

523 East Capitol

Joe Foss Building

Pierre, SD 57501

(605) 773-6710

[john.miller@state.sd.us](mailto:john.miller@state.sd.us)

**Re: Surface Water Quality Impacts**

**Site Name:** EMS Rapid City West Radio Tower

**Proposed Action:** Construction of a 190 ft self supporting tower (SST)

**Project Proposer:** Emergency Management Services (EMS), Pennington, County, SD

**Site Location:** South of West High School, at the intersection of Hillsview Drive and Raider Street, Rapid City

**Legal Location:** NW/4, SW/4, Section 4, T1N, R7E, Pennington County, South Dakota

Dear Mr. Miller:

**Request:** Land Recyclers Inc. (LRI) requests information regarding the potential impacts to surface water quality for a cell tower at the above referenced site. The location of the Tower Site is as described above, and is shown in Figures 1 and 2.

**Key Points of Interest:** As proposed, at the Tower Facility there will be no septic system, buried vaults or storage tanks, nor do we anticipate any dewatering activities required for tower construction. Neither the water table nor saturated soils were encountered during the geotechnical test drilling program in which a soil boring was advanced down to refusal at 33 ft below grade. On the soils boring log, the material reported at depths greater than about 2.5 ft was a white dense gypsum, underlain by a hard clayey silt. At depths below about 12 ft, a red, dry siltstone of the Spearfish Formation was noted. It is anticipated that there will be a relatively minor area of surface soils disturbed from the construction and operation of this tower facility (estimated at 0.27 acres which is the Total Temporary + Permanent Disturbance in Acres - see Soil Disturbance Table following Figure 15). Accordingly, it is our understanding that no NPDES Stormwater permit will be required.

**Project Background:** Emergency Management Services (EMS), Pennington County, SD is proposing to construct a 190 ft self supporting tower (SST) on an undeveloped South Dakota National Guard property at the western margin of Rapid City, within the city limits. The Tower Site is on a narrow ridge-top and moderate slope on the lower east flanks of the Black Hills, at

**Site Name: EMS Rapid City West Radio Tower****Proposed Action: Construction of a 190 ft Self Supporting Tower (SST)**

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the intersection of two light duty paved roads (Hillsview Drive to the west and Raider Street to the east). Adjacent to the site at the upper (northerly) edge is a Black Hills Power electrical substation, which has been carved out of the slope on the opposite side of the ridge, and slightly further north sits a very large institutional development (buildings, roads, parking lots) - Stevens High School. Lands across the two roads, south, west, and east, are National Guard training grounds. The lands beyond the National Guard property (to the south and east), as well as the lands to the northwest, north, and northeast are fully developed with residential properties. Ground elevation at the Tower Site, occupying a 0.13 acre (75 x 75 foot) part of a 0.65 acre easement (Figure 4A), decreases moderately across the Tower Site in this area: the elevation is approximately 3491 ft amsl at the west side of the site and 3481 ft amsl at the lowest point on the east side (Figures 4A and B). There are no permanent surface water features such as lakes, creeks, streams, ponds, or wetlands (Figure 15) in the vicinity of the Tower Site or on the surrounding lands. The nearest permanent water source is Rapid Creek, approximately 1 mile to the south. The results of a geotechnical soil boring at the Tower Site indicated that no water level was encountered down to a depth (at refusal) of 33 ft below ground level.

**Tower Site:** The land in the Tower Site consists of open short grasses, scattered forbs and prickly pear, and, on the top of the ridge and scattered on the slopes, immature ponderosa pine (Figures 5 - 14).

The tower will be placed within a 45 x 50 foot fenced compound located within the 0.13 acre Tower Site (see Figure 4). The 0.13 acre Site is surrounded on all sides by the 0.65 acre Tower Facility Easement. The actual compound area, access, and staging area will occupy and/or disturb approximately 0.27 acres (see Soil Disturbance Table following Figure 15).

Access to the Tower Site is from a gravel road (approximately 12 ft wide and 260 ft long), leading to the substation from Hillsview Drive. The facilities within the secured compound will consist of the 190 ft self supporting tower (SST), a prefabricated transmitter building (a 12 x 24 ft shelter) mounted on a cement slab, and an emergency generator and a 250 gallon propane tank each mounted on a separate cement slab. Utilities (power and fiber optic cable) will be brought to the compound area buried within a 10 x 54 ft utility easement that extends west- northwesterly from Raider Road to the Tower Site. Within the compound, a buried LP gas line will be extended approximately 14 ft from the above ground propane storage tank to the emergency generator.

A staging area (60 ft (east-west) x 50 ft (north - south)) for equipment, tower supplies and components, and topsoil and material will be designated in the southwest corner of the Tower Facility Easement (see Figure 4A). As shown in Figure 4A, utilities will be brought in, buried, from Raider Road.

**Site Name: EMS Rapid City West Radio Tower**  
**Proposed Action: Construction of a 190 ft Self Supporting Tower (SST)**

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Please review the documentation accompanying this review request and return your comments to me,  
via email at [landrecycle@comcast.net](mailto:landrecycle@comcast.net) ; or  
by fax at (651) 430-3854; or  
by US Mail at :

Barry Harrison  
Land Recycles Inc.  
4853 Lilac Pl. N  
Lake Elmo, MN 55042

If you have any questions or require additional information, please contact me at (651) 430-3854.

Thank you,

Barry Harrison

Barry Harrison, Principal  
Land Recyclers Inc.

# APPENDIX B – AGENCY CORRESPONDENCE

## **B1. SHPO / Tribal Coordination**

- SHPO Concurrence (15Jun2012);
- SHPO Consultation (25Jun2012);
- Coordination and Reply (13Jun2012);
- TCNS Tribal Coordination Summary (25Jan2012)

## **B2. USFWS / SD GFP Correspondence**

- USFWS Concurrence email (23Jan2012);
- SD GFP email (23Jan2012);
- FWS / GFP consultation letter(s)

## **B3. SD DENR Correspondence**

- SD DENR Reply with Comments from Surface Water, Drinking Water, Ground Water and Waste Management Programs (04Jan2012);
- SD DENR Consultation letters

## **B4. Other Correspondence**

- NRCS letter and reply (09Feb2012);
- Zoning letter (12Aug2012)

United States Department of Agriculture



Natural Resources Conservation Service  
200 Fourth Street SW  
Huron, South Dakota 57350

Phone: (605) 352-1200  
Fax: (605) 352-1270

---

February 9, 2012

Mr. Barry Harrison  
Land Recyclers, Inc.  
4853 Lilac Place N.  
Lake Elmo, Minnesota 55042

RE: Rapid City West Radio Tower

Thank you for the opportunity to provide comments on the above project. This project will have no effect on prime or important farmland.

The Natural Resources Conservation Service (NRCS) would advise the applicant to consult with the local NRCS and Farm Service Agency (FSA) offices regarding any USDA easements or contracts in the project area that may be affected.

If you have any questions, please contact Barb Hall, GIS Specialist, at (605) 352-1256.

Sincerely,

A handwritten signature in blue ink, appearing to read "Deanna M. Peterson", with a long horizontal flourish extending to the right.

DEANNA M. PETERSON  
State Soil Scientist

**LAND RECYCLERS Inc.**



4853 Lilac Pl. N  
Lake Elmo, MN 55042  
Phone & Fax: (651) 430-3854  
[landrecycle@comcast.net](mailto:landrecycle@comcast.net)

---

January 24, 2012

Deanna Peterson  
State Soil Scientist  
Natural Resources Conservation Service  
200 Fourth St Sw  
Huron, SD 57201  
[deanna.peterson@sd.usda.gov](mailto:deanna.peterson@sd.usda.gov)

Site Name: Emergency Management Services (EMS) Rapid City West Radio Tower  
Proposed Action: Construction of a 190 ft self supporting tower (SST)  
Project Proposer: Emergency Management Services (EMS), Pennington County, SD  
Location of Site: South of West High School, north of the intersection of Hillsview Drive and Raider St., Rapid City  
Legal Location: NW/4, SW/4, Section 4, T1N, R7E, Pennington County, South Dakota  
Zip Code: 57702  
Latitude/Longitude:  
Latitude- N44 Degrees 04 Minutes 20.8 Seconds (NAD 83)  
Longitude- W103 Degrees 17 Minutes 20.0 Seconds (NAD 83)

Dear Ms. Peterson:

Emergency Management Services (EMS), Pennington County, SD is proposing to construct a 190 ft self supporting tower (SST) on an undeveloped South Dakota National Guard property at the western margin of Rapid City, within the city limits. Land Recyclers, Inc. (LRI) is assisting EMS, Pennington County, in the performance of National Environmental Policy Act (NEPA) evaluations for the tower project. The federal agency funding the project is FEMA. Mr. Barry Harrison of Land Recyclers, Inc. is coordinating the NEPA review process for this telecommunication project.

**Project Background:** EMS, Pennington County, SD is proposing to construct a 190 ft self supporting tower (SST) on an undeveloped South Dakota National Guard property at the western margin of Rapid City, within the city limits. The Tower Site is on a narrow ridge-top and moderate slope on the lower east flanks of the Black Hills, at the intersection of two light duty paved roads (Hillsview Drive to the west and Raider Street to the east). Adjacent to the site at the upper (northerly) edge is a Black Hills Power electrical substation, which has been carved out of the slope

**Site Name: EMS Rapid City West Radio Tower**  
**Proposed Action: Construction of a 190 ft Self Supporting Tower (SST)**

---

on the opposite side of the ridge, and slightly further north sits a very large institutional development (buildings, roads, parking lots) - Stevens High School. Lands across the two roads, south, west, and east, are National Guard training grounds. The lands beyond the National Guard property (to the south and east), as well as the lands to the northwest, north, and northeast are fully developed with residential properties. There are no permanent surface water features such as lakes, creeks, streams, ponds, or wetlands in the vicinity of the Tower Site or on the surrounding lands. The nearest permanent water source is Rapid Creek, approximately 1 mile to the south. The results of a geotechnical soil boring at the Tower Site indicated that no water level was encountered down to a depth (at refusal) of 33 ft below ground level.

**Tower Site:** The land in the Tower Site consists of open short grasses, scattered forbs and prickly pear, and, on the top of the ridge and scattered on the slopes, immature ponderosa pine. The tower will be placed within a 45 x 50 foot fenced compound located within the 0.13 acre Tower Site. The 0.13 acre Site is surrounded on all sides by the 0.65 acre Tower Facility Easement. The actual compound area, access, and staging area will occupy and/or disturb approximately 0.27 acres.

Access to the Tower Site is from a gravel road (approximately 12 ft wide and 260 ft long), leading to the substation from Hillview Drive. The facilities within the secured compound will consist of the 190 ft self supporting tower (SST), a prefabricated transmitter building (a 12 x 24 ft shelter) mounted on a cement slab, and an emergency generator and a 250 gallon propane tank each mounted on a separate cement slab. Utilities (power and fiber optic cable) will be brought to the compound area buried within a 10 x 54 ft utility easement that extends west- northwesterly from Raider Road to the Tower Site. Within the compound, a buried LP gas line will be extended approximately 14 ft from the above ground propane storage tank to the emergency generator.

A staging area (60 ft (east-west) x 50 ft (north - south)) for equipment, tower supplies and components, and topsoil and material will be designated in the southwest corner of the Tower Facility Easement. Utilities will be brought in, buried, from Raider Road.

Please review the documentation accompanying this review request. We request your concurrence. Please return your comments to me,

via email at [landrecycle@comcast.net](mailto:landrecycle@comcast.net) ; or  
by US Mail at:  
Barry Harrison  
Land Recycles Inc.  
4853 Lilac Pl. N  
Lake Elmo, MN 55042

**Site Name: EMS Rapid City West Radio Tower**

**Proposed Action: Construction of a 190 ft Self Supporting Tower (SST)**

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If you have any questions or require additional information, please contact me at (651) 430-3854.

Thank you,

Barry Harrison

Barry Harrison, Principal  
Land Recyclers Inc.

attachments

**RAPID CITY ATTORNEY JASON GREEN**

(August 12, 2011 letter confirming that no permits or approvals are required)



**CITY OF RAPID CITY**  
**RAPID CITY, SOUTH DAKOTA 57701-2724**

**Office of the City Attorney**

300 Sixth Street

Rapid City, South Dakota 57701-2724

Telephone: 605-394-4140

FAX: 605-394-6633

E-mail: [attorney@rcgov.org](mailto:attorney@rcgov.org)

[www.rcgov.org/attorney/attorneyhomepage.htm](http://www.rcgov.org/attorney/attorneyhomepage.htm)

August 12, 2011

Ms. Janelle Finck  
Fisk Land Surveying & Consulting Engineers, Inc.  
P.O. Box 8154  
Rapid City, SD 57709

Re: Emergency Management Services Tower

Dear Janelle:

Per your request, I am attaching the opinion of the City Attorney's office on our letterhead that you have previously received via e-mail. It is my understanding that you need this opinion for purposes of documenting the fact that in this particular case no city permits or approvals are required on the proposed radio tower located on National Guard property. Here is the opinion Mr. Landeen previously sent:

I have reviewed the issue. The City clearly has no authority to regulate what the State does on its property. The State is sovereign and the City does not have the authority to regulate the sovereign entity from which it derives all of its powers and authority. The same is not true for the County. We can regulate county buildings, land uses etc. Both the City and County are creatures of the State with various spheres of authority. The City has authority to regulate building construction and land uses within its jurisdiction, with the exception of sovereign entities. In this case, the State is allowing the City/County 911 to construct a tower on its property. The State is maintaining ownership and will be submitting the application. The State also has the right to collocate equipment on the tower. City/County 911 does not have the authority to allow others to collocate on the tower. Based on the specific circumstances of the case, it is my opinion that the proposed tower is exempt from review or from permit requirements. If the State were leasing the property to City/County 911, my answer might be different. I further wish to make clear that nothing in this opinion should be construed as

EQUAL OPPORTUNITY EMPLOYER



**RAPID CITY ATTORNEY JASON GREEN**

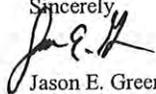
(August 12, 2011 letter confirming that no permits or approvals are required)

Ms. Janelle Finck  
Page Two  
August 12, 2011

changing the City's position that Pennington County is required to comply with the City's land use and building regulations. Please let me know if you need anything further.

I trust this written documentation will meet your needs. Please let me know if you need anything further. With Best Regards, I am

Sincerely,



Jason E. Green  
City Attorney

JEG/map