



# **Draft Environmental Assessment**

## **Proposed Thurmond 911 Telecommunication Tower**

### **Thurmond, Fayette County, West Virginia**

**FEMA-2009-SS-T9 (13121)**

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**FEMA**

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## ACRONYMS USED IN THIS DOCUMENT

|        |   |
|--------|---|
| ACHP   | Advisory Council on Historic Preservation                             |
| AEP    | American Electric Power   |
| APE    | Area of Potential Effect  |
| BMPs   | Best Management Practices   |
| CAA    | Clean Air Act   |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CFR    | Code of Federal Regulations   |
| CWA    | Clean Water Act   |
| DHS    | U.S. Department of Homeland Security                                  |
| DHSEM  | U.S. Department of Homeland Security Emergency Management (WV)        |
| EA     | Environmental Assessment  |
| EMS    | Emergency Medical Services  |
| ESA    | Environmental Site Assessment   |
| EIS    | Environmental Impact Statement  |
| FCC    | Federal Communication Commission                                      |
| FESA   | Federal Endangered Species Act  |
| FEMA   | Federal Emergency Management Agency                                   |
| FIRM   | Flood Insurance Rate Map  |
| FONSI  | Finding of No Significant Impact                                      |
| MBTA   | Migratory Bird Treaty Act   |
| NEPA   | National Environmental Policy Act                                     |
| NHPA   | National Historic Preservation Act                                    |
| NPA    | Nationwide Programmatic Agreement                                     |
| NPDES  | National Pollutant Discharge Elimination System                       |
| NPL    | National Priorities List  |
| NRHP   | National Register of Historic Places                                  |
| NWI    | National Wetland Inventory  |
| OSHA   | Occupational Safety and Health Administration                         |
| PM     | Particulate Matter  |
| PSAPs  | Public Safety Answering Points  |
| PSD    | Public Service District   |
| RCRA   | Resource Conservation and Recovery Act                                |
| ROW    | Right Of Way  |
| SHPO   | State Historic Preservation Office                                    |
| TCNS   | Tower Construction Notification System                                |
| THPOs  | Tribal Historic Preservation Offices                                  |
| USEPA  | US Environmental Protection Agency                                    |
| USFWS  | U.S. Fish and Wildlife Service  |
| WMD    | Weapons of Mass Destruction   |
| WVDEP  | West Virginia Department of Environmental Protection                  |
| WVDNR  | West Virginia Department of Natural Resources                         |
| WVDOH  | West Virginia Department of Highways                                  |

## **1.0 INTRODUCTION**

The West Virginia Division of Homeland Security Emergency Management (DHSEM) applied for and was awarded funding under the Federal Emergency Management Agency (FEMA) Homeland Security Grant Program to improve first responder communications in the State of West Virginia. Mead & Hunt, Inc. (Mead & Hunt) has completed an Environmental Assessment (EA) for work authorized under FEMA Emergency Management Performance Grant 2009-SS-T9-0045. WV Department of Military Affairs and Public Safety, DHSEM administers the project which consists of the construction of the Thurmond 911 tower, equipment building, generator, propane tank, access road, and microwaves. Supporting environmental documents are the Phase I Environmental Site Assessment (ESA) and Federal Communication Commission's (FCC's) NEPA Checklist for the tower site, which are available upon request.

This EA has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the President's Council on Environmental Quality regulations to implement NEPA (40 Code of Federal Regulations [CFR] Part 1500 through 1508), and FEMA's regulations implementing NEPA (44 CFR Part 10). FEMA is required to consider potential environmental impacts before funding or approving actions and projects. The purpose of this EA is to analyze the potential environmental impacts of the Thurmond 911 telecommunications tower. FEMA will use the findings in this Draft EA and public input to determine whether to prepare an environmental impact statement (EIS) or a Finding of No Significant Impact (FONSI).

### **1.1 Summary of Environmental Consequences**

This Draft EA evaluated the Preferred Alternative (construction of a new 911 tower) and the No-Action Alternative for impacts to various resources. The Preferred Alternative will impact the soils and water resources at the property during the 3-months required for construction. Best management practices will be utilized to minimize sediment and erosion of the soils and possibly local surface water drainageways. Agency approval, or clearance, letters were obtained for the biological, historic, and cultural resources. The preferred Alternative will not impact air quality and socioeconomic resources. The residents of Fayette County will benefit significantly in emergency services and first response. The No-Action Alternative did not impact any of the resources evaluated in this Draft EA. However, it also did not improve the lives of Fayette County residents.

### **1.2 Conclusion**

This Draft EA evaluated the potential environmental effects of the No Action Alternative and Preferred Alternative. Based on findings to date, if the Preferred Alternative were implemented with the Best Management Practices (BMPs) identified in this Draft EA and conditions of other agency approvals, no significant environmental impacts were identified that would warrant the need to prepare an EIS.

## 2.0 PURPOSE AND NEED

### 2.1 Purpose and Need

This tower site is a critical site for the DHSEM, will enhance the 911 and homeland security within Fayette County area, and will provide communication and rapid emergency services to southwestern West Virginia following its construction. This component is part of the overall West Virginia Statewide Interoperable Radio Project. This project will address the need for interoperable communications between public safety entities at the federal, state, and local level. The specific objective under each goal is to *"Improve public safety emergency interoperable communications with completion of Initiatives."* This project directly supports the five goals of the statewide strategy which are:

- Prevent and reduce all hazards threats to the State of West Virginia through a combination of intelligence and public awareness coupled with isolation, reduction and/or elimination of the threat and its capabilities, and the reduction of area vulnerabilities.
- Protect critical area assets and infrastructure against potential all hazards or actual credible threats.
- (a) Develop, enhance and sustain local and jurisdictional response capability that would result in the ability to sustain CBRNE RESPONSE operations for up to 48 hours without state resources and up to 72 hours without federal resources. b) RESPOND to an ALL HAZARDS threat through awareness, integrated planning, standard protocols, resource sharing, and combined response/support to an ALL HAZARDS threat or incident.
- Minimize personal injury and casualties, as well as economic, infrastructure and property loss to the State of West Virginia through the expeditious use of local, jurisdictional, state and federal resources to support RECOVERY in the aftermath of an ALL HAZARDS incident.
- PREPARE West Virginia for a WMD terrorist attack on the National Capital Region. PREVENT the vulnerabilities associated with such an attack. PROTECT the states critical assets, prepare all jurisdictions to RESPOND to, and RECOVER from such an incident.

### 2.2 Regional Information

Because of terrain limitations, a major portion of the State's 911 Systems, to include Public Safety Answering Points (PSAPs), Dispatch radios sites, and voted receive sites, are interconnected across and supported with Licensed Microwave Radio Systems. This support includes basic operation of First Responders, including Law Enforcement, Fire, Emergency Medical Services (EMS) and DHS/Emergency Management Services. The links provide the capability to talk out (from the radio site) and talk back (to the radio site) between the Dispatchers located at the PSAP and these First Responders.

Currently, the State of West Virginia has 96 Communications tower or rooftop sites, many designed for self-sustainment in adverse conditions for a specified amount of time,

interconnected by 102 Microwave radio links, to provide a Backbone for the aforementioned First Responder services. DHSEM proposes to add the Thurmond 911 tower site to the existing system, which when coupled with an existing state-wide network will provide emergency service to the underserved areas in Fayette County.

The assets of this existing microwave infrastructure include not only communications equipment, but towers, roads, rights-of-way, real estate, buildings, cabinets and other facilities. By leveraging and upgrading this existing infrastructure, the State will be able to provide the most cost-effective approach to improving communications for public safety, education and healthcare.

## **2.3 General Geographic Setting**

Fayette County lies in the Appalachian Plateaus physiographic province in south-central West Virginia, approximately 51 miles from the State Capitol at Charleston. The county seat is in Fayetteville. Thurmond is a town in Fayette County, West Virginia, United States, on the east side of the New River. The population was five at the 2010 census. During the heyday of coal mining in the New River Gorge, Thurmond was a prosperous town with a number of businesses and facilities for the Chesapeake and Ohio Railway. Today, much of Thurmond is owned by the National Park Service for the New River Gorge National River. The C&O passenger railway depot in town was renovated in 1995 and now functions as a Park Service visitor center. The entire town is a designated historic district on the National Register of Historic Places.

The project is within a reclaimed strip-mined area and is currently a vegetated meadow. There are no residential dwellings or commercial establishments within ½-mile of the proposed tower site.

## **3.0 ALTERNATIVES**

### **3.1 Preferred Alternative**

The Preferred Alternative is to add the proposed Thurmond 911 tower site (**Figure 1**), including shelter, 400-foot self-support tower, propane tank, and generator inside a fenced compound, to the existing state-wide 911 system. Photographs of the undeveloped site are provided in **Appendix A**. An access road exists from a field road to the proposed tower site. The project area (**Figures 2 and 3**) includes the following details:

- Compound size will be 100 feet x 100 feet with 30-feet x 50-feet of new access road/utility construction needed;
- Construction of the tower will be completed 3 months after steel is delivered to the site. Construction will occur during daylight hours, up to seven days a week.

### **3.2 No-Action Alternative**

The No-Action Alternative (no new tower) was eliminated from further consideration

because it does not meet the requirements of improving communications for public safety and health care in this region of West Virginia.

### **3.3 Alternatives Considered but Eliminated from Discussion**

Alternatives, other than the No-Action Alternative, were evaluated for this project, but were dismissed due to non-ideal locations within National Park Service lands. The selected location met the needs of the county and state-wide 911 service better than other locations evaluated during the preliminary acquisition work.

## **4.0 AFFECTED ENVIRONMENT AND POTENTIAL IMPACTS**

### **4.1 Physical Resources**

#### **4.1.1 Geology and Soils**

As published by the West Virginia Geological and Economic Survey, West Virginia is basically composed of two areas: the western two-thirds of relatively flat-lying rocks containing minable coal, and the eastern one-third comprised of folded and faulted rocks with no minable coal. The former area is the Appalachian Plateau Province and the latter is the Valley and Ridge Province and they are separated by the Allegheny Front. The site is located in the Appalachian Plateau physiographic province in southwestern West Virginia. The local geology is the Pnr – New River Formation, Pottsville Group of Pennsylvanian Geologic System. The general bedrock geology consists predominantly of sandstone with some shale, siltstone, and coal.

The Soil Survey (**Figure 4**) of Fayette and Raleigh Counties, West Virginia, compiled on-line in March 2011, was reviewed for soil types. Site soils are classified as KmC (Kaymine very channery loam, 0 to 15 percent slopes, very stony). There is no prime farmland within the footprint of this tower, according to a review of Section 34 – Prime Farmland in the West Virginia Department of Environmental Protection (WVDEP) Permitting Handbook.

The *Preferred Alternative* has two areas for soil disturbances: grading for tower construction and grading for access road from the existing field road. The tower construction is a 100-foot by 100-foot area, or less, using an excavator. The approximate road disturbed area is 30-feet x 50-feet. The total disturbed area for this tower is 11,500 square feet, or 0.26 acres, which will DOES NOT require a storm water construction Notice of Intent permit from the WVDEP.

Best Management Practices (BMPs) are specified by the WVDEP to prevent soil erosion and sedimentation controls, where applicable. All disturbed ground will be reclaimed using appropriate best management practices. The measures described below will be maintained until the grade is stable and vegetation is re-established to prevent sedimentation. Sediment and erosion control will be implemented to prevent or reduce non-point source pollution and minimize soil loss and sedimentation in drainage areas. These practices may include, but are not limited to, silt fence, filter fabric, check dams, straw wattles, in-stream sediment mats, and

seeding/mulching of exposed areas. Regular site inspections will be conducted to ensure erosion control measures are properly installed and functioning effectively. Equipment, materials and procedures necessary to prevent and respond to hazardous spills will be maintained on-site at all times.

The *No-Action Alternative* would have no effect on geologic or soil resources.

#### **4.1.2 Air Quality**

The US Environmental Protection Agency (USEPA) is the primary agency responsible for regulating air emissions to protect air quality throughout the U.S. The primary regulatory authority for air quality in West Virginia is the Environmental Protection, Division of Air Quality. Air quality control regions are designated by the USEPA pursuant to Section 107 of the Clean Air Act (CAA), as amended. West Virginia is under the jurisdiction of USEPA Region 3 and has ten air quality control regions. Areas with Approved Ozone Maintenance Plans are Kanawha, Putnam, Cabell, Wayne, Wood, Brooke, Hancock, Marshall, and Ohio Counties. Areas within the State designated as non-attainment for particulate matter [PM] (2.5) are Kanawha, Putnam, Brooke, and Hancock Counties. Existing conditions in Fayette County meet the state's air quality requirements.

Potential emissions generated by the proposed project would be from equipment used to construct the towers and the emergency generator used during power outages. Fugitive dust emissions would result from installation along unpaved right-of-ways, grading for the tower sites, and staging areas. Dust emissions would vary daily, depending on the level of activity and meteorological conditions.

Heavy equipment would result in temporarily increased levels of air pollutants associated with diesel and/or gasoline combustion (nitrogen oxides, carbon monoxide, sulfur oxides, particulate matter, and reactive organic gasses from the fuel). All construction vehicle movements would be limited to pre-designated staging areas or public roads. Emissions from the generator, when utilized during power outages, are anticipated to be minor, especially since propane will be the fuel source.

An occasional maintenance vehicle would be required to perform maintenance activities. Given the temporary nature of installation and the limited impacts during operation, no significant effects to air quality would be associated with project, and it would not be subject to new source review permitting under the Clean Air Act.

The *Preferred Alternative* would have no significant impact to air quality. The *No-Action Alternative* would have no change in air quality levels.

## **4.2 Water Resources**

### **4.2.1 Surface Water Quality**

The majority of the surface water from the site flows into unnamed drainageways to the

New River. According to the Environmental Protection Agency (EPA) website, concerning water quality of the Lower New Watershed, the creek does not appear on the listing of the Clean Water Act (CWA) Section 303d Impaired Waters.

Surface water conditions at the project area are not presently impacted. No adverse impacts are anticipated to affect surface water or groundwater as a result of the proposed project.

#### 4.2.2 Wetlands

Wetlands are defined as “areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33CFR Part 328.3). Under Section 404 of the Clean Water Act (33 U.S.C. 1344), an Army Corps of Engineers’ permit is required for the deposition of dredged or fill material into “Waters of the United States” of which wetlands are a subset. The National Wetlands Inventory (NWI) 7.5-minute maps produced by the U.S. Department of Interior, Fish and Wildlife Service (U.S. FWS) for the Thurmond quadrangle were reviewed as part of this assessment. Based upon this review, wetlands (**Table 1 and Figure 5**) were not identified on the subject site, but fourteen areas are located within a one-mile.

**Table 1. Wetland Areas**

| ID | direction | miles | Description   |
|----|-----------|-------|---|
| 1  | SSE       | < 1/8 | PUBHh (palustrine, unconsolidated bottom, permanently flooded, diked/impounded) |
| 2  | NNE       | < 1/2 | R5UBH (riverine, unknown perennial, unconsolidated bottom, permanently flooded) |
| 3  | NNE       | < 1/2 | PFO1A (palustrine, forested, broad-leaved deciduous, temporarily flooded)       |
| 4  | NE        | < 1/2 | PFO1A (palustrine, forested, broad-leaved deciduous, temporarily flooded)       |
| 5  | ENE       | < 1/2 | R5USA (riverine, unknown perennial, unconsolidated shore, temporarily flooded)  |
| 6  | SW        | < 1   | R5UBH (riverine, unknown perennial, unconsolidated bottom, permanently flooded) |
| 7  | SE        | < 1   | PUBHh (palustrine, unconsolidated bottom, permanently flooded, diked/impounded) |
| 8  | WSW       | < 1   | PFO1A (palustrine, forested, broad-leaved deciduous, temporarily flooded)       |
| 9  | WSW       | < 1   | PSS1A (palustrine, scrub-shrub, broad-leaved deciduous, temporarily flooded)    |
| 10 | NW        | < 1   | PFO1A (palustrine, forested, broad-leaved deciduous, temporarily flooded)       |
| 11 | W         | < 1   | PFO1A (palustrine, forested, broad-leaved deciduous, temporarily flooded)       |
| 12 | NE        | < 1   | PUBHX (palustrine, unconsolidated bottom, permanently flooded, excavated)       |
| 13 | NW        | < 1   | R5USA (riverine, unknown perennial, unconsolidated shore, temporarily flooded)  |
| 14 | WNW       | < 1   | PFO1A (palustrine, forested, broad-leaved deciduous, temporarily flooded)       |

Wetland areas were not identified at or within 1/2-mile of the subject property.

#### 4.2.3 Floodplains

Based on a review of the Fayette County Flood Insurance Rate Map [FIRM] (**Figure 6** - panel # 54019C 0330D dated 3 September 2010), the site is located outside the area that would be affected by 100- and 500-year floods. Thus, potential impacts to floodplains are not anticipated.

The *Preferred Alternative* would have no impacts to water resources. The *No-Action Alternative* would have no change in water resources.

### **4.3 Coastal Resources**

West Virginia does not have Coastal Resources and thus, the project location is not in a coastal zone management program.

### **4.4 Biological Resources**

#### ***4.4.1 Threatened and Endangered Species and Critical Habitat***

To streamline the United States Fish and Wildlife Service (USFWS) review process for proposed tower actions, the West Virginia Field Office has developed avoidance and minimization measures for migratory birds, Criteria for "No Effect" Determinations for federally-listed species, and procedures for proposed action review and reporting. The analysis takes into consideration available information on migratory birds and federally-listed threatened and endangered species within the State, in accordance with provisions of the Migratory Bird Treaty Act of 1940 (MBTA) (40 Stat. 755; 16 U.S.C. 703-712); the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*); and the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 *et seq.*).

As the number of communication and cell towers increases, the mortality rate of migratory birds is also expected to increase. To minimize adverse individual and cumulative impacts, the USFWS strongly encourages lowering tower height to below 479 feet (146 meters AGL), collocating new equipment and antennae on existing structures (e.g., towers, water tanks and large buildings, etc.), and minimizing lighting. To reduce bird fatalities when lights are used on new guyed towers, the USFWS recommends red or white flashing lights. For existing guyed towers, the USFWS recommends replacing lights with red or white flashing lights. The implementation of the above recommendations will provide significant protection and reduce the impact to migratory birds. These recommendations are based on the best information available at this time, and are the most prudent and effective measures for avoiding bird strikes at towers. As new information becomes available, these recommendations will be updated accordingly.

The procedures in this document may be used to make an ESA determination of "no effect" for all federally-listed species within West Virginia. For a proposed action that complies with the above Criteria for "No Effect" Determinations for federally-listed threatened and endangered species, and implements the recommendations to reduce impacts to migratory birds, there is no need to contact this office for individual proposed action review.

USFWS's West Virginia Field Office was contacted regarding designated wilderness

areas, designated wildlife preserves, and endangered species. In addition to their 21 June 2011 general clearance letter, USFWS has been asked to concur with a No Effect Determination letter dated 21 May 2012 for this 400-foot self-support tower. DHSEM will comply with the minimum red or white flashing lighting requirements per the Federal Aviation Administration guidance for telecommunication towers. West Virginia Department of Natural Resources (WVDNR) was contacted on 28 November 2011 regarding rare, threatened, or endangered species and they provided a clearance letter dated 7 December 2011. The USFWS and WVDNR request and clearance letters are provided in **Appendix B**.

Rare, Threatened, or Endangered Species were not identified on the project sites; therefore, the *Preferred Alternative* will have minimal adverse effect (due primarily to migratory bird deaths at guyed towers) on biological resources. The lighting will reflect the FAA's minimum for a 400-foot self-support tower and will utilize the red or white flashing LED lights, which are more bird friendly.

The *No-Action Alternative* would have no effect on biological resources.

## **4.5 Cultural and Historic Resources**

### **4.5.1 Historic Properties**

The Federal Communications Commission (FCC) has recognized eight separate items within the NEPA that are to be addressed during the completion of a Phase I ESA for proposed telecommunication tower sites seeking FCC licenses. These items include flood potential, wetlands, designated wilderness areas, designated wildlife preserves, endangered species, historic properties of national significance, Native American religious sites, deforestation and water diversion, and zoning laws. The FCC has promulgated the Nationwide Programmatic Agreement [NPA] (04-222) for the review of effects on historic properties (and Native American sites) for the wireless telecommunications industry. The NPA was revised in 2005 and includes an electronic submission process implemented by some states and tribal organizations. The Tower Construction Notification System (TCNS) allows companies to voluntarily submit notifications of proposed tower constructions to the FCC. The FCC subsequently provides this information to federally-recognized Indian Tribes or Native Hawaiian Organizations (THPOs), and State Historic Preservation Officers (SHPOs), and allows them to respond directly to the companies if they have concerns about a proposed construction. Additional information on the FCC NPA can be found at <http://wireless.fcc.gov/siting/npa.html>.

The FCC NPA provides West Virginia Division of Culture and History (WV SHPO) reasonable time to comment upon the effects of its proposed actions on historic properties. This comment process begins with file review at the SHPO offices to identify cultural resources within the Area of Potential Effect [APE] (as identified in the FCC's NPA) listed in or potentially eligible for listing in the National Register of Historic Places (NRHP). Historic properties may include archaeological buildings, structures, objects, sites, or districts.

The NRHP was reviewed on 21 October 2011 for information regarding buildings,

structures, objects, sites, or districts that are significant in American history, architecture, archeology, engineering or culture. One historical property (Thurmond Historic District) was identified within the 0.75-mile APE for the 400-foot self-support tower. Line-of-sight profiles to three locations within the Thurmond Historic District to the tower site were prepared and showed that the steep terrain precluded view of the proposed tower. Weller & Associates confirmed that there was no direct sight line between the district and the proposed tower. Thus, a balloon test with photosims was not conducted. Cultural Resources were discussed in the Phase I Archaeology Survey report which determined that “the proposed undertaking will have no direct or indirect adverse effect on historic properties. No further work is recommended.”

Ten archaeology sites were noted within a one-mile radius. A Phase I archaeological survey was conducted and the negative findings report was submitted to SHPO for their concurrence. Form 620 (the FCC’s designated notification tool) was submitted to SHPO for their determination and a clearance letter dated 15 May 2012 issued No Adverse Effect determination with no further consultation required. The request and clearance letters are provided in **Appendix B**.

The *Preferred Alternative* (construction of the tower) will not have an adverse effect on historical and archaeological resources. The *No-Action Alternative* would have no change in historic and cultural resources.

#### **4.5.2 Tribal Coordination**

The FCC's TCNS works to increase communication with THPOs in the context of the review required by Section 106 of the National Historic Preservation Act (NHPA). It also provides Tribes and State Historic Preservation Officers with early notification of proposed towers in order to facilitate compliance with the FCC’s rules, and streamline the review process for construction of towers and other FCC undertakings. The Notice of Organizations was issued on 16 December 2011 under TCNS 81392 to eight tribal groups and three SHPOs. Correspondence consisted either of mailed request letters, emailed requests, or direct response to the TCNS request by the tribal groups.

The following THPOs were contacted for the Thurmond 911 tower: Eastern Band of Cherokee Indians, Tuscarora Nation, Keweenaw Bay Indian Community, Cherokee Nation, United Keetoowah Tribe, Eastern Shawnee Tribe of Oklahoma, Shawnee Tribe, Catawba Indian Nation. The Tuscarora Nation stated in the Notice of Organizations that “if the Applicant/tower builder receives no response from the Tuscarora Nation within 30 days after notification through TCNS, the Tuscarora Nation has no interest in participating in pre-construction review for the site. The Applicant/tower builder, however, must IMMEDIATELY notify the Tuscarora Nation in the event archaeological properties or human remains are discovered during construction.” The Eastern Shawnee Tribe of Oklahoma also responded on the Notice of Organizations that “if you, the Applicant and/or tower constructor, do not receive a response from us, the Eastern Shawnee Tribe of Oklahoma, within 30 days from the date of the TCNS notification, then you may conclude that we do not have an interest in the site. However, if archeological resources or remains are found during construction, you must immediately stop construction and notify us of

your findings in accordance with the FCC's rules.”

The remaining THPOs were contacted by regular mail or email for their review. The listed THPOs provided clearance letters for the proposed tower site. The request and clearance letters are provided in **Appendix B**.

The *Preferred Alternative* (construction of the tower) will not have an adverse effect on tribal resources. The *No-Action Alternative* would have no change in tribal resources.

## **4.6 Socioeconomic Resources**

### **4.6.1 Environmental Justice**

The state analyzed decennial census data based on the definitions of rural and remote areas as defined in the Notice of Funding Availability. Less than 2 percent of West Virginia can be considered urban based on these definitions. Additionally, about 9 percent of West Virginia can be considered remote under the definitions. This “remote” designation vastly underestimates the true conditions in West Virginia because the 50 mile radius factor allows portions of the state to be included within the sphere of towns from other states – where the providers have no ability or inclination to provide service across the border – and also swallows up vast geographically challenging and literally remote and unserved regions of the state because of the scale of this radius compared to the size of West Virginia. Applying the current definition, however, leaves 89 percent of the state that can be considered rural/remote.

Fayette County has a population of 46,039 within 661.55 square miles, according to the 2010 Census data compiles by the US Census Bureau. This population equates to 26.2 percent under the age of 24; 56.9 percent between the ages of 25 and 65; and 16.9 percent over the age of 65. Approximately 93 percent of the county is Caucasian. The 2010 per capita income for the county was \$17,082.

The *Preferred Alternative* will have a beneficial effect on the population of Fayette County as far as emergency services and first responders’ time to incidents. The *No-Action Alternative* would have no change in environmental justice.

### **4.6.2 Noise**

Ambient noise levels in the project area are those typically found in a rural setting. Within the project area, noise levels are related to road noises and farm equipment located adjacent to the site. The current uses and associated activities in the project area may generally create noise levels above 55 decibels, which is considered the threshold nuisance level.

Noise sources in the project area are generally limited due to the rural nature of the tower site. Sources of environmental noise may include, but are not limited to: traffic from roadways, bridges, businesses, industries, trains, farm equipment, roadway repairs, wind, animals, and other natural noises. Sensitive noise receptors are considered to be residences, hospitals, churches,

schools, and other locations where excessive noise exposure could adversely impact daily activities, health, or welfare.

Background noise levels are relatively low. Predominant transient sources include local vehicular, farm equipment, and/or railroad traffic. Construction related noise and generator use during power outages, are expected to be buffered by vegetation, terrain changes, and distance from sensitive receptors. Therefore, the Preferred Alternative will not result in significant noise issues.

The *No-Action Alternative* would have no effect on noise levels.

#### **4.6.3 Traffic/Transportation Network**

Highways form the backbone of transportation systems in West Virginia, with over 37,300 miles of public roads in the state. Airports, railroads, and rivers complete the commercial transportation modes for West Virginia. Commercial air travel is facilitated by airports in Charleston, Huntington, Morgantown, Beckley, Bluefield, Lewisburg, Bridgeport, Martinsburg, Wheeling, and Parkersburg. Cities like Charleston, Huntington, Clarksburg, Fairmont, Bluefield, and Logan have bus-based public transit systems.

The *Preferred Alternative* will bring communications connectivity to areas of the state that are populated but presently underserved. Construction activities related to the new tower would generate increased vehicular traffic on the local roads during the proposed three-month construction period. Then only periodic maintenance trucks and propane deliveries would occur at the tower site. Construction work would be planned and scheduled such that the majority of construction occurs during fair weather seasons where transportation along the roads and roadside work would not be hindered by seasonal weather conditions. The existing roadway infrastructure in the state is adequate for the types of vehicles and equipment that would be required to complete this project. Therefore, the *Preferred Alternative* would have no significant impacts on traffic on the local roads following the construction period.

The *No-Action Alternative* would have no effect on traffic

#### **4.6.4 Utilities**

The tower property is pasture with some existing infrastructure (power lines). Impacts to existing infrastructure were not identified on the project area.

#### **Telecommunications**

Telephone service at the site is provided primarily by Frontier. A variety of long-distance and cellular providers offer services within the 304 area code. Cellular coverage is often poor or nonexistent due to the mountainous terrain. New telecommunication tower are being sited to increase coverage throughout the rough terrain.

Television cable services are provided by commercial companies or satellite dishes in the rural areas.

### Electricity

Electricity is provided by Allegheny Electric Power (AEP).

### Natural Gas

West Virginia has several natural gas providers, including, but not limited to, Mountaineer Gas, Columbia Gas, and Equitable Gas Company.

### Water

Public service districts or "PSDs", as established by West Virginia Code 16-13A-2, are public corporations established by county commissions with approval of the West Virginia Public Service Commission. These local entities manage the development and maintenance of water, sewage and gas systems covering areas specified by the county commission. They were authorized by the Legislature to help extend services to rural areas and allow municipal water and sewage systems to become more efficient by sharing services and resources with surrounding areas.

Local water companies, or private groundwater wells, provide this service to the area.

### Wastewater

Sewer service is through commercially provided utilities.

### Solid Waste

West Virginia has commercial solid waste companies (such as Allied Waste, BFI, and Waste Management) who contract with cities, towns, and individual residents for trash removal services.

The *Preferred Alternative*, construction of the tower, will not adversely affect infrastructure in the area. The No Action Alternative did not affect infrastructure in this area.

#### **4.6.5 Public Health and Safety**

A Phase I Environmental Site Assessment (ESA) is a report prepared for a real estate holding which identifies potential or existing environmental contamination liabilities. The analysis, often called a Phase I ESA, typically addresses both the underlying land as well as physical improvements to the property; however, techniques applied in a Phase I ESA never include actual collection of physical samples or chemical analyses of any kind. Scrutiny of the land includes examination of potential soil contamination, groundwater quality, surface water quality and sometimes issues related to hazardous substance uptake by biota. The examination of a site may include: definition of any chemical residues within structures; identification of possible asbestos containing building materials; inventory of hazardous substances stored or used on site; assessment of mold and mildew; and evaluation of other indoor air quality parameters<sup>[1]</sup>. Contaminated sites are often referred to as "brownfield sites." In severe cases, brownfield sites may be added to the National Priorities List where they will be subject to the U.S. Environmental Protection Agency's Superfund program.

Superfund sites are designated on the National Priorities List (NPL) through the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA),

which requires the clean-up and remediation of sites contaminated by hazardous waste. CERCLA and other federal regulations provide broad federal authority to clean up releases or threatened releases of hazardous substances that may endanger public health or the environment. WVDEP – Division of Land Restoration (regulates and oversees the cleanup and remediation of many sites. They coordinate and execute federal Superfund cleanups with the Environmental Protection Agency and the U.S. Department of Defense. Within the Superfund Program, recent federal efforts have focused on recognizing and supporting the successful state Brownfield and Voluntary Cleanup programs.

Most of the information in this EA is pulled from the Phase I ESA report or the NEPA Checklist for the Thurmond 911 tower prepared in May 2012, which can be made available upon request. An environmental database search was conducted for the Phase I ESA for the specific tower location and no sites were identified within the ASTM-specified radii.

There are no known health issues associated with the construction of new towers. It does not give off any electromagnetic field. Fiber optic cable, if any is used, does not interfere with other utility transmission lines, such as telephone, cable, and electric distribution. It is expected that all workers constructing the tower would adhere to construction safety procedures and the appropriate traffic and roadside safety practices would be implemented. Safety standards and procedures mandated by the Occupational Safety and Health Administration (OSHA) and the West Virginia Division of Highways (WVDOH) would be applied to this work.

The *Preferred Alternative* would not increase effects on public health and safety since hazardous waste resources have not been identified within the project. Potential sites near the project area are several miles away in more urban areas. Worker safety would be controlled by their company's OSHA programs.

The *No-Action Alternative* would have no effect on public health and safety.

#### **4.7 Summary Table**

**Table 2** summaries the environmental consequences post construction at the tower site. No additional impacts to the listed resources were identified from this project. This Draft EA evaluated the potential environmental effects of the No Action Alternative and Preferred Alternative. Based on findings to date, if the Preferred Alternative were implemented with the BMPs identified in this Draft EA and conditions of other agency approvals, no significant environmental impacts were identified that would warrant the need to prepare an environmental impact statement (EIS).

### **5.0 CUMULATIVE IMPACTS**

The regulations implementing the NEPA require that the cumulative effects of a proposed action be assessed (Title 40 CFR Parts 1500-1508). A cumulative impact is an “impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions” (40 CFR 1508.7). Cumulative effects are determined by combining the effects of an action with other past, present, and reasonably

foreseeable future actions.

State-wide current or future projects during the construction period are related to roadways (new construction and upgrades/maintenance), infrastructure (water and sewer), or commercial, residential, and industrial development. The project as a whole will not significantly add to the state's impacts because of the localized nature of the project area.

There is a substantial positive cumulative impact of the project on socioeconomic resources. Due to the limited scope of work and proposed mitigation (see Section 3.1), the contribution of noise and of dust from equipment and vehicle emissions during construction of the tower would not result in a measurable contribution to cumulative impacts on air quality to greenhouse gases, or to climate change. The generator will slightly increase the noise levels during power outages, but the site has a natural barrier due to the wooded areas on all sides. The generator will use propane as a fuel source, which minimizes potential air quality issues.

## **6.0 PUBLIC INVOLVEMENT**

The public was notified during the FCC NPA process for comments on historic resources on or around the project area. A legal ad was placed in the Fayette Tribune during the week of 15 December 2011 for a 30-day comment period. No responses resulted from the legal ad.

Public involvement is being performed in compliance with NEPA, FEMA's regulations implementing NEPA at 44 CFR 10.9(c), and Executive Orders 12898, 11988, and 11990. A Public Notice will be published in Fayette Tribune. The public comment period will be 15 days. The Draft EA will also be available for public review at the Fayette County WV 911 Center, 200 West Maple Avenue, Fayetteville, WV. The 911 Center hours are 9:00 am to 4:00 pm, Monday through Friday. Comments on the Draft EA will not be taken at the 911 Center, however. The Draft EA is also available on FEMA's website at: <http://www.fema.gov/plan/ehp/envdocuments/index.shtm> under Region III. Comments on the Draft EA can be provided to Fred Holycross by calling 202-786-9676. If no substantive comments are received relative to the Proposed Action's environmental effects, the Draft EA will become final and a Finding of No Significant Impact (FONSI) will be issued for the project.

## **7.0 REFERENCES**

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- WV Department of Natural Resources, 2010. Natural Heritage Program Information on Rare, Threatened, and Endangered Species. (Online). URL: <http://www.wvdnr.gov/Wildlife/Endangered.shtm> Access in May 2012.
- WV State Parks and Forests, 2010. State Parks and Forests in West Virginia. (Online). URL: <http://www.wvstateparks.com/> Accessed in May 2012.

## 8.0 LIST OF PREPARERS

This Environmental Assessment was prepared under the supervision of DHSEM. The companies/organizations who contributed to the preparation of the document are listed below.

Mead & Hunt, Inc.  
 400 Tracy Way, Suite 200  
 Charleston, WV 25311  
 Environmental and Primary Preparer

WV Interoperable Working Group  
 Attn: WV DHSEM  
 State Capitol  
 Charleston, WV 25311

# **Appendix A**

## **Site Photographs**

# **Appendix B**

## **Agency Request and Clearance Letters**

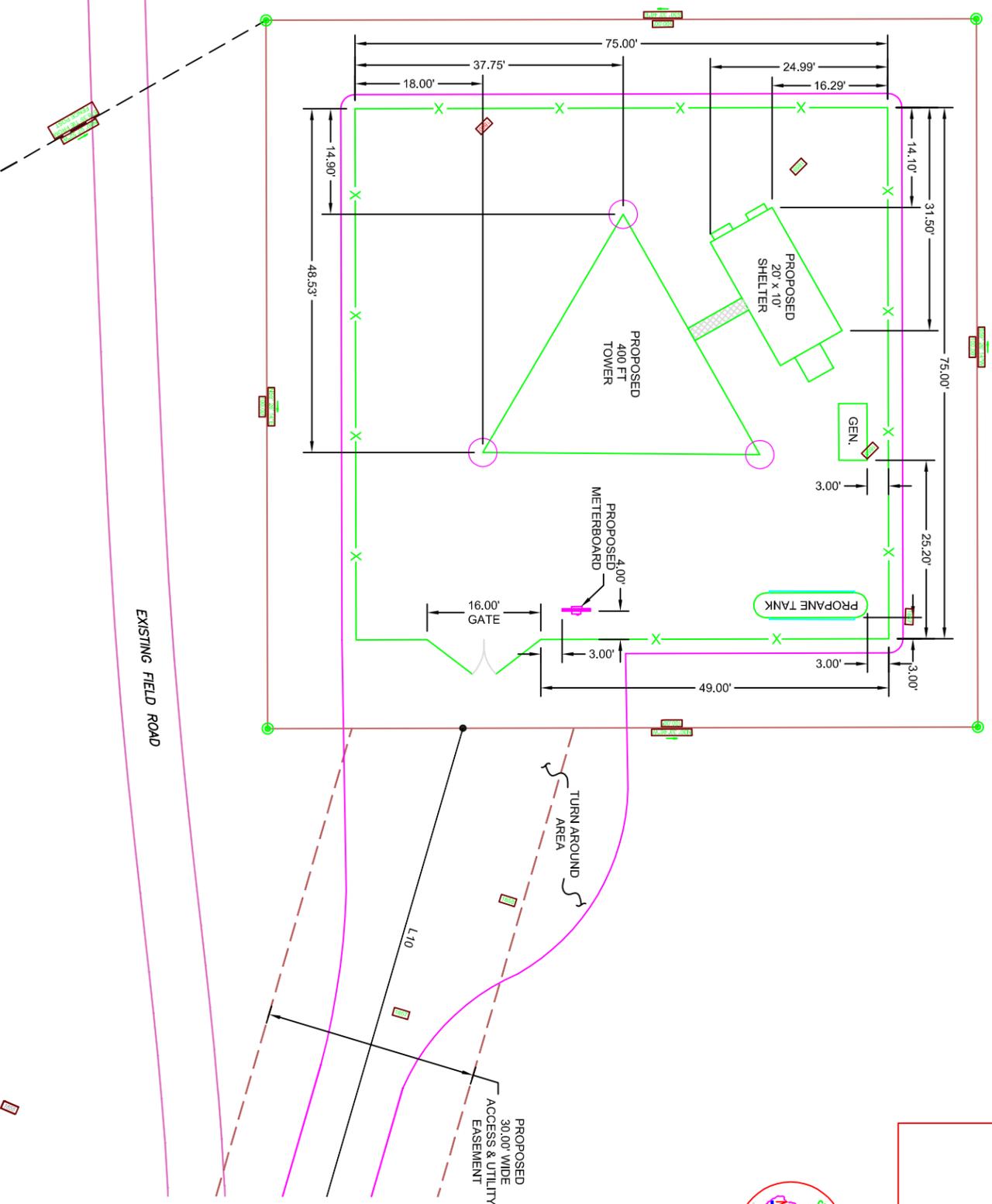
TABLE 2. Summary Table of Potential EHP Impacts  
Emergency Mgt. Performance Grant 2009-SS-T9-0045- 13121 (Thurmond 911 Tower)

| Affected Environment/Resource Area                                      | Impacts for Preferred Alternative and No-Action Alternative   | Agency Coordination/Permits   | Mitigation/BMPs   |
|---|---|---|---|
| <b>PHYSICAL RESOURCES</b><br><i>Geology and Soils</i>                   | Cut and fill of the compound during construction of the tower site will occur. Potential for erosion and soil migration exists during installation and maintenance. Project area is part of previously disturbed tower land.<br>No significant impacts for Preferred Alternative.<br>No impacts for No-Action Alternative.  | None - disturbed land for project is 0.26 acres, which is less than the 1-3 acre regulatory limit for storm water construction permitting by WVDEP. | No Mitigation.<br>BMPs are specified by the WVDEP to prevent soil erosion and sedimentation controls during ground disturbance projects. These practices may include, but are not limited to, silt fence, filter fabric, check dams, straw wattles, in-stream sediment mats, and seeding/mulching of exposed areas. Regular site inspections will be conducted to ensure erosion control measures are properly installed and functioning effectively. Equipment, materials and procedures necessary to prevent and respond to hazardous spills will be maintained on-site at all times. |
| <i>Air Quality</i>  | Temporary increases to criteria pollutants (particulate matter and ozone-related pollutants) due primarily to activity and emissions related to construction vehicles used during installation and occasional maintenance activity.<br>No significant impacts for Preferred Alternative.<br>No impacts for No-Action Alternative.   | None  | None  |
| <b>WATER RESOURCES</b><br><i>(Surface Water, Wetlands, Floodplains)</i> | Minor, localized, temporary potential for sedimentation as a result of tower construction. Standard BMPs (see geology and soils) will be followed to minimize sedimentation to water bodies.<br>No significant impacts for Preferred Alternative.<br>No impacts for No-Action Alternative.  | None  | No mitigation.<br>See geology and soils for BMPs.   |
| <b>BIOLOGICAL RESOURCES</b><br><i>(RTE Species)</i>                     | No significant impacts for Preferred Alternative.<br>No impacts for No-Action Alternative.  | Clearance letters from USFWS and WVDNR-RTE obtained.  | None.   |
| <b>HISTORICAL AND CULTURAL RESOURCES</b><br><i>(SHPO and tribes)</i>    | Tower site has been cleared with no impacts.<br>No significant impacts for Preferred Alternative.<br>No impacts for No-Action Alternative.  | Clearance letters from WV SHPO and tribal organizations obtained.   | None.   |
| <b>SOCIOECONOMIC RESOURCES</b><br><i>(Environmental Justice)</i>        | Substantial positive affect to communities by providing improved and more reliable emergency response to County.<br>Significant beneficial impacts. No significant negative impacts for Preferred Alternative.<br>No impacts for No-Action Alternative.   | None  | None.   |
| <i>Noise</i>  | Temporary and minimal effects related to equipment noise during installation and periodic maintenance. Potential construction activity would also be no longer than 90 days. Some noise will occur when the generator is used during power outages. Wooded land separates the tower site from neighboring properties. No residential dwellings within 1/2-mile.<br>No significant impacts for Preferred Alternative.<br>No impacts for No-Action Alternative. | None  | None.   |
| <b>Infrastructure</b>   | Temporary increase in solid waste due to construction activities.<br>Temporary increase in traffic on local roads during construction activities.<br>No significant impacts for Preferred Alternative.<br>No impacts for No-Action Alternative.   | None  | None.   |
| <b>Human Health /Safety</b>   | Hazardous waste sites were not identified within a one-mile radius. Worker health and safety is the responsibility of the selected contractor in accordance with their OSHA program.<br>No significant impacts for Preferred Alternative.<br>No impacts for No-Action Alternative.  | None  | None.   |



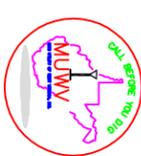


NORTH MERIDIAN REFERENCED TO W.V.  
STATE PLANE COORDINATE SYSTEM  
SOUTH ZONE (NAD83)



**LEGEND:**

|  |                          |
|--|--------------------------|
|  | PROPERTY LINE            |
|  | TRACT LINE               |
|  | LEASE LINE               |
|  | ROW LINE                 |
|  | EXISTING FENCE LINE      |
|  | PROPOSED FENCE LINE      |
|  | OVERHEAD POWER           |
|  | OVERHEAD TELEPHONE       |
|  | UNDERGROUND POWER        |
|  | UNDERGROUND TELCO.       |
|  | OVERHEAD POWER/TELEPHONE |
|  | 5/8" REBAR W/CAP SET     |
|  | FOUND MONUMENTATION      |
|  | CALCULATED POINT         |
|  | EXISTING TELCO PEDESTAL  |
|  | EXISTING UTILITY POLE    |
|  | PROPOSED UTILITY POLE    |



CALL BEFORE YOU DIG,  
DRILL OR BLAST!  
WEST VIRGINIA LAW REQUIRES 48  
HOURS NOTICE FOR CONSTRUCTION  
PHASE AND 10 DAYS IN DESIGN STAGE  
MISS UTILITY OF WEST VIRGINIA, INC.  
1-800-245-4848

PROPOSED  
30.00' WIDE  
ACCESS & UTILITY  
EASEMENT

TURN AROUND  
AREA

L/10

EXISTING FIELD ROAD



SITE NAME: THURMOND

SITE NUMBER:

SITE ADDRESS: COUNTY ROUTE 25/2 THURMOND, WV 25936

AREA: LEASE AREA = 10,000 SQ. FT.

PROPERTY OWNER: LAWRENCE R. BOLEY GENERAL DELIVERY HILLTOP, WV

COUNTY: FAYETTE

DISTRICT: PLATEAU

MAP NUMBER: 32

PARCEL NUMBER: 43

| NO. | REVISION/ISSUE    | DATE    |
|-----|-------------------|---------|
| 1   | ISSUE FOR COMMENT | 09/1/11 |
|     |                   |         |
|     |                   |         |
|     |                   |         |
|     |                   |         |



400 TRACY WAY, SUITE 200  
CHARLESTON, WV 25311  
(304) 345-6712 PHONE  
(304) 345-6714 FAX

PROJECT # R4019000-114980.01

SITE PLAN SHEET C-2

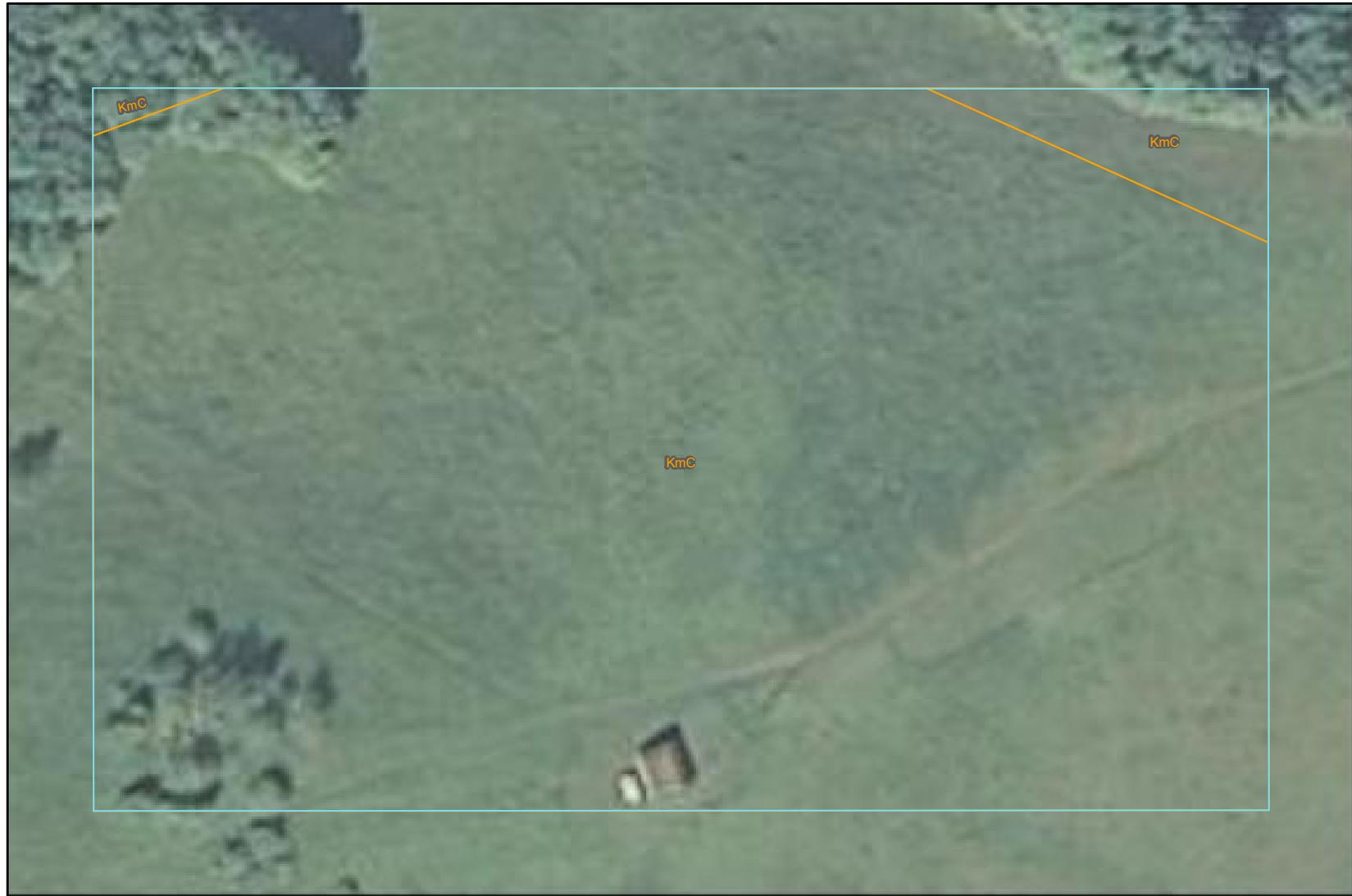
Soil Map—Fayette and Raleigh Counties Area, West Virginia, and New River Gorge National River, West Virginia  
(Soil Map for Thurmond 911 Tower)

81° 3' 59"

81° 3' 48"

37° 57' 31"

37° 57' 31"



37° 57' 25"

37° 57' 25"

81° 3' 59"

81° 3' 48"



Map Scale: 1:1,330 if printed on A size (8.5" x 11") sheet.



## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Units

### Special Point Features

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

 Very Stony Spot

 Wet Spot

 Other

### Special Line Features

-  Gully
-  Short Steep Slope
-  Other

### Political Features

 Cities

### Water Features

 Streams and Canals

### Transportation

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

## MAP INFORMATION

Map Scale: 1:1,330 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at scales ranging from 1:12,000 to 1:24,000.

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

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

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

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
Coordinate System: UTM Zone 17N NAD83

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

Soil Survey Area: Fayette and Raleigh Counties Area, West Virginia  
Survey Area Data: Version 3, Mar 9, 2011

Soil Survey Area: New River Gorge National River, West Virginia  
Survey Area Data: Version 1, Mar 8, 2011

Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.

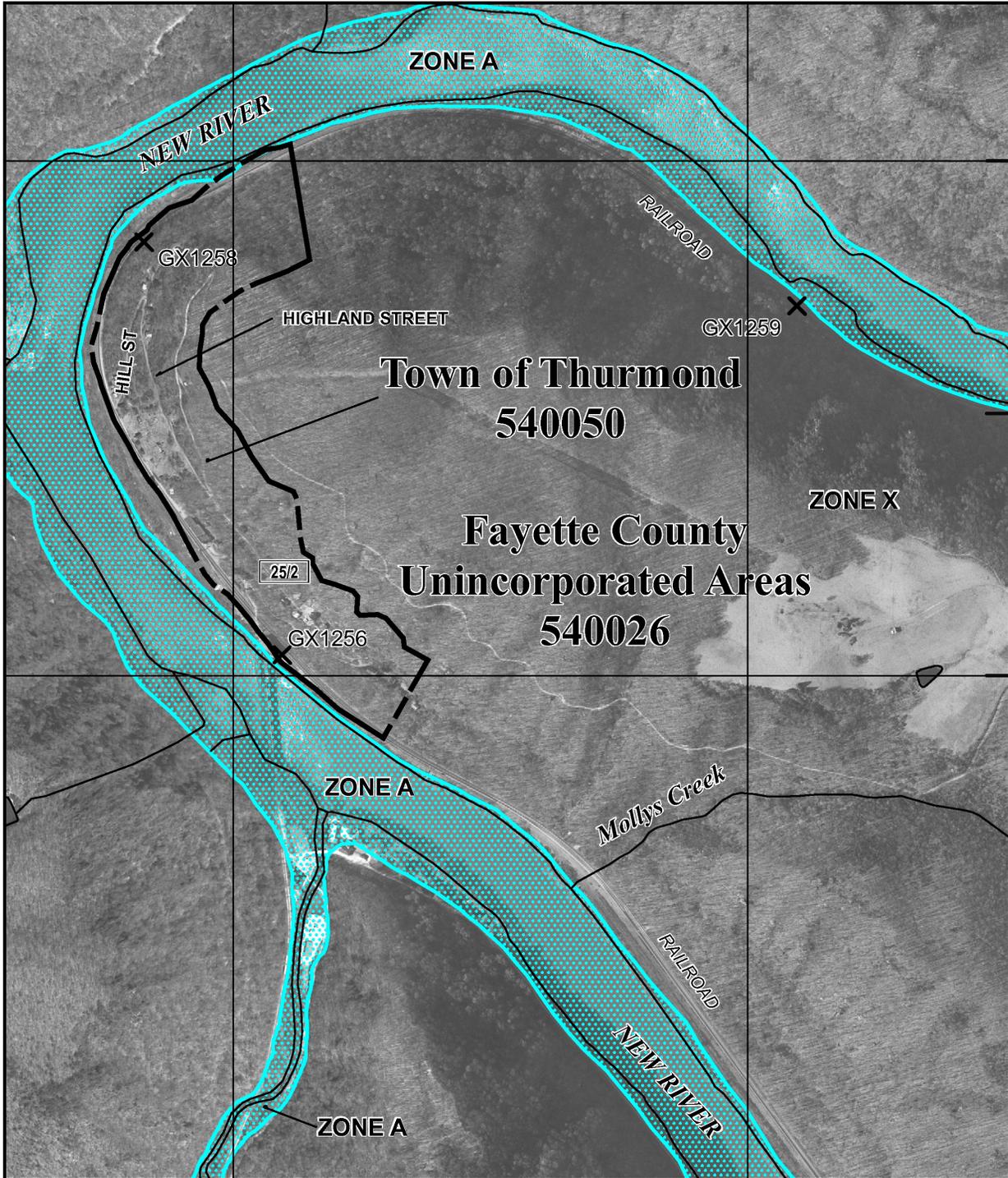
Date(s) aerial images were photographed: 8/25/2007

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

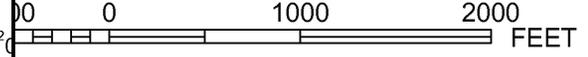
## Map Unit Legend

| Fayette and Raleigh Counties Area, West Virginia (WV705) |  |              |                |
|--|--|--------------|----------------|
| Map Unit Symbol  | Map Unit Name  | Acres in AOI | Percent of AOI |
| KmC  | Kaymine very channery loam, 0 to 15 percent slopes, very stony | 8.8          | 96.5%          |
| <b>Subtotals for Soil Survey Area</b>                    |  | <b>8.8</b>   | <b>96.5%</b>   |
| <b>Totals for Area of Interest</b>                       |  | <b>9.1</b>   | <b>100.0%</b>  |

| New River Gorge National River, West Virginia (WV622) |  |              |                |
|---|--|--------------|----------------|
| Map Unit Symbol                                       | Map Unit Name  | Acres in AOI | Percent of AOI |
| KmC   | Kaymine very channery loam, 0 to 15 percent slopes, very stony | 0.3          | 3.5%           |
| <b>Subtotals for Soil Survey Area</b>                 |  | <b>0.3</b>   | <b>3.5%</b>    |
| <b>Totals for Area of Interest</b>                    |  | <b>9.1</b>   | <b>100.0%</b>  |



MAP SCALE 1" = 1000'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0330D

**FIRM**  
FLOOD INSURANCE RATE MAP

**FAYETTE COUNTY,  
WEST VIRGINIA  
AND INCORPORATED AREAS**

**PANEL 330 OF 500**  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

| COMMUNITY         | NUMBER | PANEL | SUFFIX |
|-------------------|--------|-------|--------|
| FAYETTE COUNTY    | 540026 | 0330  | D      |
| OAK HILL, CITY OF | 540031 | 0330  | D      |
| THURMOND, TOWN OF | 540050 | 0330  | D      |

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



**MAP NUMBER**  
**54019C0330D**

**EFFECTIVE DATE**  
**SEPTEMBER 3, 2010**

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



# U.S. Fish and Wildlife Service National Wetlands Inventory

## Wetlan Map for Thurmond 911

Apr 25, 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 A**

## **Site Photographs**



Photograph 1: Thurmond 911 tower. North view.



Photograph 2: Thurmond 911 tower. East view.



Photograph 3: Thurmond 911 tower. South view.



Photograph 4: Thurmond 911 tower. West view.



Photograph 5: Thurmond 911 tower. Center of tower.



Photograph 6: Thurmond 911 tower. Access road area.

# **Appendix B**

## **Agency Request and Clearance Letters**



Mead & Hunt, Inc.  
M & H Architecture, Inc.  
400 Tracy Way, Suite 200  
Charleston, West Virginia 25311  
304-345-6712  
meadhunt.com

28 November 2011

Via email at [Barbara.D.Sargent@wv.gov](mailto:Barbara.D.Sargent@wv.gov) ; [roger.j.anderson@wv.gov](mailto:roger.j.anderson@wv.gov)

Ms. Barbara Sargent  
WV Division of Natural Resources  
Natural Heritage Program  
PO Box 67, Ward Road  
Elkins, WV 26241

RE: Database search of Fish and Wildlife Resources Information  
Twelve tower sites in various Counties

Dear Ms. Sargent:

Mead & Hunt, Inc. is requesting information on the any federally threatened, endangered or proposed species near the following sites:

- Welch 911 proposed 480-ft replacement guyed telecommunication site in McDowell County.
- Elgood 911 proposed 480-foot guyed telecommunication site in Mercer County.
- Thurmond 911 proposed 400-foot self-support telecommunication site in Fayette County.
- Hargreave 911 proposed 300-foot self-support telecommunication site in Jackson County.
- Limestone 911 proposed 300-foot self-support telecommunication site in Wood County.
- Montgomery Hill 911 proposed 300-foot self-support telecommunication site in Wood County.
- North Mountain 911 proposed 300-foot self-support telecommunication site in Berkeley County.
- Castle Mountain proposed 300-foot guyed telecommunication site in Hampshire County. Adding 120-ft to existing 180-ft guyed tower. No additional ground disturbance.
- **WV437D Wet Knob** proposed 308-foot self-support telecommunication site in Logan County.
- Stonewall Jackson proposed 190-foot monopole telecommunication site in Lewis County.
- CH100 Memorial Hospital proposed 100-foot monopole telecommunication site in Kanawha County.
- Tunnelton USCC proposed 300-foot self-support telecommunication site in Preston County.

Also any wetland areas on this property or nearby would be helpful. Site location maps, site layout plans, and photographs, if available, are enclosed.

Please send the information to my attention at the address in the letterhead. If you have questions about this request, feel free to contact me at 304/345-6712. Thank you for your attention in this matter.

Sincerely,



Teresa A. Schuller

*Environmental Project Manager*

CC: Roger Anderson

Enclosure: Site Location Maps, Draft site layouts, Pictures



RECEIVED

DEC 13 2011

Mead & Hunt, Inc.

**DIVISION OF NATURAL RESOURCES**

Wildlife Resources Section  
Operations Center  
P.O. Box 67  
Elkins, West Virginia 26241-3235  
Telephone (304) 637-0245  
Fax (304) 637-0250

Earl Ray Tomblin  
Governor

Frank Jezioro  
Director

December 7, 2011

Ms. Teresa A. Schuller  
Mead & Hunt, Inc.  
400 Tracy Way, Suite 200  
Charleston, WV 25311

Dear Mr. Schuller:

We have reviewed our files for information on rare, threatened and endangered (RTE) species and sensitive habitats for the areas of the proposed communications towers: **Welch 911, McDowell County**; Elgood 911, Mercer County; Thurmond 911, Fayette County; Hargreave 911, Jackson County; Limestone 911, Wood County; Montgomery Hill 911, Wood County; North Mountain 911, Berkeley County; Castle Mountain, Hampshire County; WV437D Wet Knob, Logan County; Stonewall Jackson, Lewis County; and Tunnelton USCC, Preston County.

We have no known records of any RTE species or sensitive habitats within the project areas. Because of the height of these towers, it is likely they will have a negative impact on migratory birds since lights for aviation safety must be installed. Research has shown that these lights attract migrating birds and often result in mortality. To minimize mortality we strongly encourage that the height of the tower be kept below 200 feet, or the minimum amount of lighting be used to meet FAA regulations.

The Wildlife Resources Section knows of no surveys that have been conducted in these areas for rare species or rare species habitat. Consequently, this response is based on information currently available and should not be considered a comprehensive survey of the areas under review.

The information provided above is the product of a database search and retrieval. This information does not satisfy other consultation or permitting requirements for disturbances to the natural resources of the state, and further consultation may be required.

Thank you for your inquiry, and should you have any questions please feel free to contact me at the above number, extension 2048. Enclosed please find an invoice.

Sincerely,

Barbara Sargent  
Environmental Resources Specialist  
Wildlife Diversity Unit

enclosure

S:\Monthly\Barb\Invoices\M&H.doc



Mead & Hunt, Inc.  
M & H Architecture, Inc.  
400 Tracy Way, Suite 200  
Charleston, West Virginia 25311  
304-345-6712  
meadhunt.com

9 January 2012

Mr. Scott Stonum  
Chief – Resources Management and Planning  
New River Gorge National River  
P. O. Box 246  
Glen Jean, WV 25846-0246

RE: Review Requested for Proposed Tower  
Thurmond 911 Rawland Site in Fayette County  
Project Number: R4022200-115528.01

Dear Mr. Stonum:

Mead & Hunt, Inc., on behalf of State of West Virginia Trauma and Emergency Care System (911), is submitting a formal request for review (attached Form 620 information) related to the proposed rawland tower site called Thurmond 911 east of Thurmond, Fayette County, West Virginia. The original tower (in Form 620 submitted to SHPO) was proposed as a 400-foot guyed, but the property footprint was not large enough to support the guyed system. Thus, the proposed tower is now a 400-foot self-support with and 0.75-mile radius APE on the topographic map. Pertinent information includes:

- The property owner is Lawrence R. Boley.
- The compound size will be 100-ft. by 100-ft with an existing access road. Drawings of the lease area are provided in the attached Form 620.
- The tower will be a standard matte gray finish self-support lattice tower.
- One NRP historic district (Thurmond) is located within the APE. Line-of-sight profiles to three locations within the Thurmond Historic District to the tower site were prepared and showed that the steep terrain precluded view of the proposed tower. Weller & Associates confirmed that there was no direct sight line between the district and the proposed tower. Thus, a balloon test with photosims was not conducted.
- The Line-of-sight profile included in the Cultural Resources Management report is based solely upon ground surface. Terrain, trees, vegetation, or other obstructions are not factored into the program. Thus, it appears that the proposed tower would be visible from the southern end of the historic district, while in fact the trees (typically about 80-feet in height) would shield or obscure the potential view of this tower. Unfortunately, we have not identified a software program that would factor in these items for a more realistic view shed. The term “restricted” in the Cultural Report is more accurately presented as “shielded” or “obscured”.
- The proposed tower site is approximately 8 miles south of the Canyon Rim overlook/visitor’s center and will not be visible due to several ridges.
- The proposed tower site is approximately 8.7 miles north of the Grandview Overlook and will not be visible due to several ridges.
- This tower site (1) is a critical cooperative site for state-wide 911 service, (2) will bolster NPS communication service following its construction, (3) will enhance the 911 and homeland security within Fayette County area, and (4)

Mr. Scott Stonum  
Project #: R4022200-115528.01  
1/9/2012  
Page 2 of 2

will provide communication and rapid emergency services to the Boy Scout property.

Mead & Hunt requests a review of this information by your office. A written approval letter for this project would be greatly appreciated as soon as possible. If you have questions, feel free to call me at 304/345-6712. Thank you for your attention.

Sincerely,



Teresa A. Schuller

*Environmental Project Manager*

Enclosure: Form 620

CC: Jimmy Gianato, Director of Homeland Security and Emergency Management  
(email)  
Joe Gonzalez, Communications Division of WVSTEMS (email)



## United States Department of the Interior

### NATIONAL PARK SERVICE

NEW RIVER GORGE NATIONAL RIVER  
GAULEY RIVER NATIONAL RECREATION AREA  
BLUESTONE NATIONAL SCENIC RIVER  
104 Main Street  
P.O. Box 246  
Glen Jean, West Virginia 25846



IN REPLY REFER TO:

February 10, 2012

RECEIVED

FEB 14 2012

Mead & Hunt, Inc.

Teresa A. Schuller  
Environmental Project Manager  
Mead & Hunt, Inc.  
400 Tracy Way, Suite 200  
Charleston, West Virginia 25311

Dear Ms. Schuller:

Thank you for the opportunity to review and comment on the proposed Thurmond 911 tower to be located east of Thurmond, WV and adjacent to New River Gorge National River. As presented, the tower would be a 400-foot self-supporting structure with no guy wires. The analysis presented by Mead & Hunt, Inc. evaluating the visual effects of the tower on historic properties within the areas of potential effects seems to be sound.

One concern we have regarding the proposed tower is the effect it would have on the viewshed for park visitors. Enclosed are photo-simulations of the tower from vantage points across the river at Dun Glen and the Rend Trail, and looking upstream from Red Ash Island. Although tree height was not factored into these simulated views, the simulations do indicate that a substantial portion of the tower will be visible from some locations where visitors currently enjoy the otherwise natural environment and beauty of the park. Given the information currently available to us, we do not think that this intrusion into the park viewshed is acceptable. Because we do understand the importance of the proposed tower, the integrated system to which it will belong and the role it will play in maintaining human safety and security, we would ask if there is another location that could provide the interoperability you require without the viewshed intrusion. We would appreciate the opportunity to discuss this with you further, and we ask to be included early in future tower planning in the vicinity of our three national parks so that we may help ensure the success of these additions while still meeting our mission of providing natural places that the public can continue to enjoy.

Another concern we have from the proposed tower is the impact the tower could have on migrating birds, causing fatalities through avian collisions. Avian fatalities from tower systems have been found to be greater with guyed towers than unguyed ones. Avian fatalities have also been greater when solid burning (non-flashing) lights are used on towers than when towers are unlit or use strobe-style or flashing lights (red or white) (refer to the enclosed journal article by Gehring et al. 2009).

TAKE PRIDE<sup>®</sup>  
IN AMERICA 

As presented, the proposed tower would be a 400-foot self-supporting structure that would not use guy wires. The lack of guy wires would be conducive to reducing bird collisions. Because of its height however, lights would be required on the tower. In conversations with you we understand that white flashing light(s) are planned during the day and red flashing light(s) are planned for night. Because of the increased bird mortality caused by the use of steady burning (non-flashing) lights at night, we highly encourage that only flashing lights be used on the tower. In the 2009 study by Gehring et al., more bird collisions occurred with towers that utilized both red flashing and red steady burning lights at the same time than towers that utilized flashing lights only. If the Federal Aviation Administration (FAA) requires the use of steady-burning red lights to be used along with the flashing red lights on this tower at night, then we highly recommend that white flashing lights be used at night instead so as to avoid the use of steady burning lights (subject to FAA approval of course).

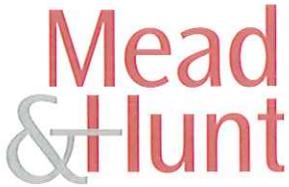
Please contact Clif Bobinski at 304-465-6526 if you have any questions and thank you once again for the opportunity to comment on your proposal.

Sincerely,



*for* Don Striker  
Superintendent

Enclosure



Mead & Hunt, Inc.  
M & H Architecture, Inc.  
400 Tracy Way, Suite 200  
Charleston, West Virginia 25311  
304-345-6712  
meadhunt.com

21 May 2012

Via email at [barbara\\_douglas@fws.gov](mailto:barbara_douglas@fws.gov)

Ms. Barbara Douglas  
US Fish & Wildlife Service  
West Virginia Field Office  
694 Beverly Pike  
Elkins, WV 26241

RE: Criteria of "No Effect" Determination  
Thurmond 911 tower sites in Fayette County, WV

Dear Ms. Douglas:

Mead & Hunt, Inc. is providing this letter on behalf of West Virginia Executive Office Governor's Broadband Grant 2762. The State of West Virginia Office of Emergency Medical Services (911) and Department of Homeland Security will own the Thurmond 911 towers, which is described as follows:

- Thurmond 911 proposed 400-foot self-support telecommunication site in Fayette County.

The following proposed communication tower action (compliance with the latest FAA lighting for towers requirement) has been incorporated into the project description the U. S. Fish and Wildlife Service's recommendations to avoid and minimize impacts to migratory birds to the extent practicable, and complies with criteria for the "no effect" determination to Federally-listed species as outlined in the Service's letter dated May 25, 2011. This tower is less than 479-feet, is not a guyed tower, and meets criteria 5 under which the proposed actions are determined to have no effect on Federally-listed species. The WVDNR clearance letter for these towers is attached.

Please send the concurrence letter to my attention at the address in the letterhead. If you have questions about this request, feel free to contact me at 304/345-6712. Thank you for your attention in this matter.

Sincerely,

Teresa A. Schuller

*Environmental Project Manager*

Enclosure: Site Location Map  
WVDNR clearance letter



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

West Virginia Field Office  
694 Beverly Pike  
Elkins, West Virginia 26241

June 21, 2011

Re: Evaluation of Communication Tower Projects in West Virginia under the Migratory Bird Treaty Act and Endangered Species Act

Dear Interested Party:

The U.S. Fish and Wildlife Service's (Service) West Virginia Field Office recognizes that review of individual proposed actions by the Service is not required under certain conditions, such as small-scale proposed actions that have routine and predictable minor or discountable impacts on the environment. In this regard, the Service has reviewed our recent consultations on communication tower projects within the State of West Virginia, and updated our recommendations. This letter supercedes the information in our previous March 9, 2007, letter.

To streamline the review process for these proposed actions, we have developed avoidance and minimization measures for migratory birds, Criteria for "No Effect" Determinations for Federally-listed species, and procedures for proposed action review and reporting. Our analysis takes into consideration available information on migratory birds and Federally-listed threatened and endangered species within the State, in accordance with provisions of the Migratory Bird Treaty Act of 1940 (MBTA) (40 Stat. 755; 16 U.S.C. 703-712); the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*); and the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 *et seq.*).

### **Migratory Birds**

#### Recommendations to Protect Migratory Birds

The MBTA prohibits the taking, killing, possession, and transportation of migratory birds, their eggs, parts and nests, except when specifically permitted by regulations. Migratory birds are a Federal trust resource and are protected under the MBTA. Each year millions of migratory birds collide with communication and cell towers, especially those with lights and guyed wires. The number of communication towers is increasing, which indicates a greater potential impact to migratory birds. The Service has reviewed recent published information regarding this potential effect and revised our recommendations accordingly to reduce impacts to migratory birds and comply with the spirit and intent of the MBTA.

Gehring et al. (2009) conducted a study to determine what risks, if any, the nighttime communication tower lighting systems posed to migratory birds. The study compared different lighting systems being used at night, and different communication tower heights combined with different lighting systems. The study concluded that shorter towers between 381-479 feet (116-146 meters above ground level [AGL])

equipped with only red or white flashing lights had a significant decrease in migratory bird mortality as opposed to taller towers greater than 1000 feet (305 meters AGL) that had red pulsating or constant red lights.

As the number of communication and cell towers increases, the mortality rate of migratory birds is also expected to increase. To minimize adverse individual and cumulative impacts, the Service strongly encourages lowering tower height to below 479 feet (146 meters AGL), collocating new equipment and antennae on existing structures (e.g., towers, water tanks and large buildings, etc.), and minimizing lighting. To reduce bird fatalities when lights are used on new guyed towers, the Service recommends red or white flashing lights. For existing guyed towers, the Service recommends replacing lights with red or white flashing lights. The implementation of the above recommendations will provide significant protection and reduce the impact to migratory birds. These recommendations are based on the best information available at this time, and are the most prudent and effective measures for avoiding bird strikes at towers. As new information becomes available, these recommendations will be updated accordingly.

#### **Federally-listed Species**

The purpose of the ESA is to protect and recover imperiled species and the ecosystems upon which they depend. Imperiled species are added to the Federal List of Endangered and Threatened Wildlife and Plants as threatened or endangered. These Federally-listed threatened and endangered species are afforded protection under the ESA. Please refer to the current list of Federally-threatened and endangered species in West Virginia on this website: <https://www.fws.gov/westvirginiafieldoffice>. Proposed actions (or projects) have varying levels of impacts on threatened and endangered species and their habitats. The Service has determined that proposed actions complying with the following criteria should have no effect on Federally-listed species in West Virginia.

#### Criteria for “No Effect” Determinations

1. Collocate new equipment and antennae with an existing structure (e.g., tower, water tank, large building, etc.) where all ground disturbance occurs within previously cleared areas.
2. Conduct routine maintenance of existing tower sites (e.g., painting, antennae replacement).
3. Repair or replace existing towers and/or equipment, provided such activities occur within previously cleared areas.
4. Transfer ownership of existing towers.
5. Construct new towers to meet all of the following criteria such that the proposed action:
  - involves alteration of less than one acre of habitat during construction (including access roads, construction preparation, and tower sites);
  - does not result in any impacts to, or crossings of, streams listed in the enclosure titled Aquatic Habitats Supporting Federally-listed Species in West Virginia;

- does not involve tree clearing, grading, placing gravel or fill, or other alterations to habitats in Grant, Greenbrier, Pendleton, Pocahontas, Randolph, Tucker or Webster counties that occur above 2600 feet (793 meters) Mean Sea Level; and
- has received a negative finding in response to a data request to the West Virginia Division of Natural Resources (WVDNR) Natural Heritage Program. (The WVDNR may be reached at P. O. Box 67 Elkins, West Virginia 26241; or by phone at 304-637-0245. Please contact them to obtain their review procedures.)

### **Proposed Action Review and Reporting Procedures**

The procedures in this document may be used to make an ESA determination of “no effect” for all Federally-listed species within West Virginia. For a proposed action that complies with the above Criteria for “No Effect” Determinations for Federally-listed threatened and endangered species, and implements the recommendations to reduce impacts to migratory birds, there is no need to contact this office for individual proposed action review.

In order that the West Virginia Field Office may track the number of proposed actions covered under this letter and periodically review how each proposed action will demonstrate compliance with the “no effect” criteria and migratory bird recommendations outlined above, please send a letter to this office with the following statement and information:

- “The following proposed communication tower action has incorporated into the project description the U. S. Fish and Wildlife Service’s recommendations to avoid and minimize impacts to migratory birds to the extent practicable, and complies with criteria for the “no effect” determination to Federally-listed species as outlined in the Service’s letter dated May 25, 2011.”
- Please provide the name of the company proposing to do the work, the name of the proposed action, county location and U.S. Geological Survey (USGS) topographic map quadrangle(s) in which the proposed action occurs, and the criteria number (i.e., 1, 2, 3, 4, or 5) under which the proposed action is determined to have no effect on Federally-listed species. More than one proposed action may be included in each letter.

If a proposed action does not comply with the Criteria for “No Effect” Determinations or implement the migratory bird recommendations outlined above, please send this office a letter requesting individual proposed action review that includes the following information:

- a brief description of the proposed action, including name, West Virginia county, company proposing the work, the type of habitats affected, and the amount of clearing or filling associated with proposed action construction;
- the reason(s) why the proposed action does not comply with the Criteria for “No Effect” Determinations or implement the migratory bird recommendations above. Please provide any supporting documentation as available;
- a copy of the USGS topographic map showing the location of all project-related facilities. Please identify the quadrangle(s) in which the proposed action may be located;

Evaluation of Communication Tower Projects in  
West Virginia under the Migratory Bird Treaty Act  
and Endangered Species Act  
June 21, 2011

4

- recent photographs of the proposed site including any access roads, and areas to be filled or cleared; and
- contact name, address, and phone number in case additional information may be required.

The Service will provide a site-specific review of the proposed action. While we normally attempt to respond to individual requests within 30 days of the receipt of the request, staffing and work-load considerations that are beyond our control may delay our response beyond this timeframe.

If additional information on Federally-listed threatened and endangered species becomes available, the determination criteria in this letter may be reconsidered. The Service will annually review and update this letter, if required. If you have any questions regarding this issue, please contact Ms. Barbara Douglas of my staff at (304) 636-6586, Ext. 19, or at the letterhead address.

Sincerely,



Deborah Carter  
Field Supervisor

Enclosure

Evaluation of Communication Tower Projects in  
West Virginia under the Migratory Bird Treaty Act  
and Endangered Species Act  
June 21, 2011

5

#### LITERATURE CITED

Gehring, J., P. Kerlinger, and A. M. Manville. 2009. Communication towers, lights, and birds: Successful methods of reducing the frequency of avian collisions. *Ecological Application* 19(2):505-514.

## **Aquatic Habitats Supporting Federally-listed Species in West Virginia**

### U.S. Army Corps of Engineers Huntington District

Upper Kanawha River (Kanawha Falls to Watson Island, River Mile 75.5), Fayette and Kanawha counties: Tubercled-blossum pearlymussel (*Epioblasma torulosa torulosa*), Pink mucket pearlymussel (*Lampsilis abrupta*) and Fanshell (*Cyprogenia stegaria*). Candidate species: Sheepnose mussel (*Plethobasus cyphus*) Spectacle case mussel (*Cumberlandia monodonta*).

Elk River (Sutton Dam to slackwater below Coonskin Park), Braxton, Clay, and Kanawha counties: Clubshell (*Pleurobema clava*), Northern riffleshell (*Epioblasma torulosa rangiana*) and Pink mucket pearlymussel (*Lampsilis abrupta*). Candidate species: Rayed bean (*Villosa fabalis*) and diamond darter (*Crystallaria cincotta*).

Ohio River (Upper Greenup, R.C. Byrd, Racine, and Belleville Navigation Pools), Cabell, Jackson, Mason, Pleasants, Wayne, and Wood counties: Pink mucket pearly mussel (*Lampsilis abrupta*) and Fanshell (*Cyprogenia stegaria*). Candidate species: Sheepnose mussel (*Plethobasus cyphus*).

Meathouse Fork of Middle Island Creek, Doddridge County: Clubshell (*Pleurobema clava*).

Middle Island Creek, Doddridge, Tyler, and Pleasants counties: Clubshell (*Pleurobema clava*).

South Fork of the Hughes River, Ritchie County: Clubshell (*Pleurobema clava*).

Potts Creek and South Fork of Potts Creek, Monroe County: James spiny mussel (*Pleurobema collina*).

Greenbrier River, Greenbrier County: Virginia spiraea (*Spiraea virginiana*).

Lower Gauley River (Summersville Dam - Swiss), Nicholas and Fayette counties: Virginia spiraea (*Spiraea virginiana*).

Lower Meadow River (Nallen - Gauley River), Nicholas and Fayette counties: Virginia spiraea (*Spiraea virginiana*).

Bluestone River (Bluestone Gorge - slackwater Bluestone Reservoir), Mercer and Summers counties: Virginia spiraea (*Spiraea virginiana*).

Dingess Branch and Millers Camp Branch of Marsh Fork and associated palustrine emergent and scrub-shrub wetlands, Raleigh County: Virginia spiraea (*Spiraea virginiana*).



Mead & Hunt, Inc.  
M & H Architecture, Inc.  
400 Tracy Way, Suite 200  
Charleston, West Virginia 25311  
304-345-6712  
meadhunt.com

8 December 2011

Ms. Susan Pierce  
WV State Historic Preservation Office  
The Cultural Center  
1900 Kanawha Blvd. East  
Charleston, WV 25305-0300

RE: Form 620 for Thurmond 911 Rawland Site  
Fayette County  
Project Number: R4022200-115528.01

Dear Ms. Pierce:

Mead & Hunt, Inc. is submitting Form 620 for the rawland tower site off CR 25/2 east of Thurmond, Fayette County, West Virginia. The APE has been identified on the topographic map to reflect the 0.75-mile radius for 400-foot self-support tower.

The file review identified ten archaeology sites. Two bound copies of the negative findings Phase I Archaeology survey report are provided and a copy is included in Attachments 7 - 10 of Form 620.

Historical structure (Thurmond Historic District) was identified within the 0.75-mile APE. Line-of-sight profiles to three locations within the Thurmond Historic District to the tower site were prepared and showed that the steep terrain precluded view of the proposed tower. Weller & Associates confirmed that there was no direct sight line between the district and the proposed tower. Thus, a balloon test with photosims was not conducted. Therefore, items 5aiii and 5biii have been selected on Form 620 and a concurrence with No Effect is requested.

Form 620 has been provided to the Fayette County CLG via this letter. The package will be provided to any THPOs or interested parties requesting it. If you have questions, feel free to call me at 304/345-6712. Thank you for your attention.

Sincerely,

Teresa A. Schuller  
*Environmental Project Manager*

Enclosure: Form 620 and attachments

CC: Mr. Danny Wright, Chairman  
Fayette County HLC  
218 Woods Avenue  
Oak Hill, WV 25901-2120



May 15, 2012

RECEIVED

MAY 18 2012

Mead & Hunt, Inc.

81392

**The Culture Center**  
1900 Kanawha Blvd., E.  
Charleston, WV 25305-0300

**Randall Reid-Smith, Commissioner**

Phone 304.558.0220 • www.wvculture.org  
Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer

Ms. Teresa A. Schuller  
Environmental Project Manager  
Mead & Hunt  
400 Tracy Way, Suite 200  
Charleston, WV 25311

RE: Form 620 for the proposed Thurmond 911 Rawland Site  
Project Number: R4022200-115528.01  
FR#: 12-214-FA

Dear Ms. Schuller:

We have reviewed the above referenced project to determine potential effects to cultural resources. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

According to submitted information, the West Virginia State Trauma and Emergency Medical System is proposing to install a 400-foot self-support telecommunications tower in a leased area located off of County Route 25/2 near Thurmond, Fayette County.

Archaeological Resources:

The report titled, *Phase I Cultural Resources Management Survey for the Proposed Thurmond 911 Tower in Fayette County, West Virginia*, that was prepared by Weller & Associates, Incorporated for the above referenced project, satisfactorily addresses our concerns regarding archaeological resources. Systematic survey conducted within the proposed project area did not identify any archaeological sites. The report indicates that the proposed lease area was previously impacted by mineral extraction activities. The consultant concludes that no additional archaeological investigations are necessary. We concur with this conclusion. In our opinion, there are no archaeological sites located within the proposed project area that are eligible for or listed in the National Register of Historic Places. No further consultation is necessary with respect to archaeological resources.

Architectural Resources:

Submitted information indicates that there is one historic resource within the visual area of potential effect (APE) for this project, the National Register Thurmond Historic District. Line-of-

May 15, 2012  
Ms. Schuller  
FR#: 12-214-FA  
Page 2

sight profiles prepared for the project indicate that the tower may be seen from the southernmost area of the historic district. However, submitted information indicates that a balloon test was not conducted and photo simulations were not prepared for the project because the program used to prepare the line-of-sight profiles did not take into account the existing treeline of 80 feet trees and other vegetation that will obscure any aspect of the Thurmond Historic District from being able to see the proposed tower. According to the submitted information, when the treeline and vegetation are taken into consideration, the tower will not be seen from Thurmond and a balloon test cannot be seen because of this coverage. With this understanding, it is our opinion that the proposed project will have no adverse effect to the Thurmond Historic District.

Public Comments

It is our understanding that you contacted the National Park Service in January 2012. Recent communication between you and Shirley Stewart Burns of my staff has verified that you are still awaiting contact by the Park Service to arrange a meeting regarding this project. In addition, you have contacted the Fayette County Historic Landmark Commission (HLC) and have received no comments from the HLC or any other entity. We request that you consult with the NPS, garnering its input, before proceeding with construction of the tower.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Carolyn Kender, Archaeologist, or Shirley Stewart Burns, Structural Historian, in the Historic Preservation Office at (304) 558-0240.*

Sincerely,



Susan M. Pierce  
Deputy State Historic Preservation Officer

SMP/CMK/SSB

## Teresa Schuller

---

**From:** towernotifyinfo@fcc.gov  
**Sent:** Thursday, December 08, 2011 1:00 PM  
**To:** Teresa Schuller  
**Subject:** Proposed Tower Structure Info - Email ID #2928287

Dear Teresa A Schuller,

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

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

Notification Received: 12/08/2011

Notification ID: 81392

Tower Owner Individual or Entity Name: WVSTEMS

Consultant Name: Teresa A Schuller

Street Address: 400 Tracy Way, Suite 200

City: Charleston

State: WEST VIRGINIA

Zip Code: 25311

Phone: 304-345-6712

Email: [teresa.schuller@meadhunt.com](mailto:teresa.schuller@meadhunt.com)

Structure Type: UTOWER - Unguyed - Free Standing Tower

Latitude: 37 deg 57 min 28.5 sec N

Longitude: 81 deg 03 min 51.9 sec W

Location Description: CR 25/2 (Thurmond 911)

City: Thurmond

State: WEST VIRGINIA

County: FAYETTE

Ground Elevation: 567 meters

Support Structure: 121.9 meters above ground level

Overall Structure: 121.9 meters above ground level

Overall Height AMSL: 688.9 meters above mean sea level

**Teresa Schuller**

---

**From:** towernotifyinfo@fcc.gov  
**Sent:** Friday, December 16, 2011 3:01 AM  
**To:** Teresa Schuller  
**Cc:** kim.pristello@fcc.gov; diane.dupert@fcc.gov  
**Subject:** NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED TOWER CONSTRUCTION NOTIFICATION INFORMATION - Email ID #2929405

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. Tribal Historic Preservation Specialist Yolanda M Saunooke - ~~Eastern Band of Cherokee Indians~~ Bryson City, NC - electronic mail and regular mail

Details: In order to review the proposed tower location, the EBCI THPO requests a complete 620, color photos, and a completed phase I archeological survey preferably sent by email to Yolanda Saunooke, yolasaun@nc-chokeee.com. This information can also be sent via the US Postal Service to Yolanda Saunooke, Eastern Band of Cherokee Indians, 2877 Governor's Island Road, Bryson City, North Carolina 28713.

The EBCI THPO does not need to review collocations for proposed cell tower construction projects. In the event that such a project includes new ground disturbing activities, please continue to submit the proper paperwork.

2. Chief Leo R Henry - Tuscarora Nation - Via: Lewiston, NY - regular mail

Details: If the Applicant/tower builder receives no response from the Tuscarora Nation within 30 days after notification through TCNS, the Tuscarora Nation has no interest in participating in pre-construction review for the site. The Applicant/tower builder, however, must IMMEDIATELY notify the Tuscarora Nation in the event archaeological properties or human remains are discovered during construction.

3. THPO/NAGPRA Technician Juliet K Goyen - **Keweenaw Bay Indian Community** - Baraga, MI - electronic mail

Details: The KBIC THPO reviews all projects within historic homelands for the presence of cultural resources with significance to the Anishinaabe. Your request will go through a preliminary review by our THPO/NAGPRA Technician, the review consists of relevant studies submitted by the applicant regarding cultural resources documentation, in house literature search, database search and GIS search for further information. If any cultural resources are identified during this process, the file will be turned over to the Tribal Historic Preservation Officer in order to make a determination of effects.

Information required in order to complete this process are as follows:

Project Name

Project Location

Physical Address

Latitude and Longitude

State, County, Township, Range, Section quarters Brief Project Description Existing studies for archaeological sites, and cultural resources.

As of October 1, 2011, the KBIC THPO will be charging a fee of \$150.00 per review unless the review covers more than one section of land in which case the fee is \$150.00 per section. Fees in this process cover the research and other activities required to provide you with a timely response so your project can stay on track. Please submit payment of \$150.00 for each project application submitted, checks should be made payable to KBIC THPO, 16429 Beartown Road, Baraga, Michigan 49908. Any questions can be directed to Christopher J. Chosa, Tribal Historic Preservation Officer or Juliet K. Goyen, THPO/NAGPRA Technician via email: [cchosa@kbic-nsn.gov](mailto:cchosa@kbic-nsn.gov), [jgoyen@kbic-nsn.gov](mailto:jgoyen@kbic-nsn.gov) or [thpo@kbic-nsn.gov](mailto:thpo@kbic-nsn.gov) or by phone: 906-353-6272 or 906-353-6278.

4. Policy Analyst Richard L Allen - **Cherokee Nation** - Tahlequah, OK - electronic mail

Details: The TCNS Details do not provide me enough information to conduct a proper assessment of the projects on behalf of the Cherokee Nation. Therefore, I request that I be sent a brief summary of the Phase I findings [please try to limit the summary to between 1--10 pages], a topo of the area, and relevant photos. Please send these by email to [rallen@cherokee.org](mailto:rallen@cherokee.org). Please treat this request for additional material as a routine supplement to the TCNS Details Notification for each of your projects that fall within our Tribe's areas of geographic interest. Consequently, if you do not receive a response from me within 30 days from the date on which you e-mailed the supplemental items to me, you may move forward with the 20-Day Letter procedures pursuant to the FCC's guidelines. Thank you. -- Dr. Richard L. Allen

5. Acting THPO Lisa C LaRue - **United Keetoowah Band of Cherokee Indians** - Tahlequah, OK - electronic mail and regular mail

Details: \*\*\*UPDATED INFORMATION\*\*\* Please consider this notification as our interest for consultation regarding your proposed project. Please submit your Form 620 or 621 by email to [thpo-larue@yahoo.com](mailto:thpo-larue@yahoo.com).

As of July, 2011, United Keetoowah Band will be changing the review fee to \$300.00. This will be for ALL reviews, including colocations and resites. Cancelled projects are still subject to fee, as the UKB reviews the project in good faith,

even if the site is later abandoned. REVIEWS AND INVOICES ARE BASED ON OFFICIAL REPORTS OF TOWERS SUBMITTED DELIVERED TO THE UKB BY THE FCC. If a site is cancelled or abandoned within the first week of listing on the TCNS system, PLEASE CONTACT THE UKB (Lisa LaRue) at THPO-LARUE@YAHOO.COM to CANCEL to avoid review and invoicing. Invoices will be sent along with clearance or concern letters, and are expected to be paid within 30 days, just as we review your projects in the time allotted on this end. We thank you for your cooperation.

YOU MUST INCLUDE THE TCNS NUMBER(S) ON YOUR PAYMENT FORM TO BE CREDITED PROPERLY.

NOTICE REGARDING NON PAYMENT AND LATE PAYS:

LATE PAYS: Invoices from the UKB which remain unpaid after 30 days will result in termination of review of projects for the particular company until invoices are paid. Consultation responsibility will revert to the federal agency for such companies.

Late pays over 60 days will result in notification to actual cell tower company regarding consultant's late payment status and notification that further reviews will be terminated unless handled directly through the federal agency.

Late pays over 90 days will result in all of the above plus notification of -non payment- status to tribal court for recommendation to be turned over to collection agency and Better Business Bureau.

NON PAYMENT: Any payments over 90 days late will be considered non-payment and will result in termination of reviews for consultant/tower company (unless handled directly by the Federal Agency) and will be turned over to tribal court to be recommended for assignment to collection agency and notification to the Better Business Bureau. Future reviews for the consultant/tower company will require PREPAYMENT.

YOUR SECTION 106 obligations with our tribe are not fulfilled until you receive our written response indicating our determination. Please do not hamper your client's ability to receive reviews and responses by becoming late on your payments!!

ALL CORRESPONDENCE SHALL BE CONDUCTED VIA E-MAIL and E-MAIL ATTACHMENTS.

6. Administrative Assistant Jo Ann Beckham - Eastern Shawnee Tribe of Oklahoma - Seneca, MO - electronic mail  
Details: If you, the Applicant and/or tower constructor, do not receive a response from us, the Eastern Shawnee Tribe of Oklahoma, within 30 days from the date of the TCNS notification, then you may conclude that we do not have an interest in the site. However, if archeological resources or remains are found during construction, you must immediately stop construction and notify us of your findings in accordance with the FCC's rules. (See 47 C.F.R. § 1.1312(d))

7. THPO Kim Jumper - Shawnee Tribe - Miami, OK - regular mail

Details: THIS IS YOUR OFFICIAL NOTICE THAT THE SHAWNEE TRIBE IS INTERESTED IN CONSULTING ON ALL PROJECTS BUILT IN OUR AREAS OF GEOGRAPHIC INTEREST.

ATTENTION, NEW INFORMATION: Our procedures were updated on 14 January 2008. Please call Kim Jumper, THPO, at 918-542-2441, so that she can send you a copy.

If your tower is a co-location, please fax us this information to let us know. We cannot always tell from the TCNS web site that a tower is a co-location. We require a written response from you to let us know that it is a co-location. If a co-location project includes some new ground disturbance (such as from an expanded compound or access road, or construction of an ancillary structure), the Shawnee Tribe treats such a project the same as any other non co-location project.

Our correct mailing/physical address is: 29 South Highway 69A. Our correct phone number is (918-542-2441) and our historic preservation fax line is (918-542-9915). THPO Kim Jumper manages all cell tower consultation.

As of 26 June 2006, all of the faxed responses of our final comments on a tower site will contain an original Shawnee Tribe signature. Each final comment fax is signed individually. Copies may be compared, for authentication, against the original in our files. If a final comment fax does not contain a signature, it is not valid. ALL FINAL COMMENTS FROM THE SHAWNEE TRIBE ARE WRITTEN; FINAL COMMENTS ARE NEVER PROVIDED VERBALLY. IF THE SHAWNEE TRIBE IS CREDITED WITH HAVING GIVEN A VERBAL RESPONSE, THAT RESPONSE IS NOT VALID.

If you receive notification through the TCNS listing the Shawnee Tribe, that is an indication that the Shawnee Tribe is interested in consulting on the tower for which that notification was received. Please consider that our official indication of interest to you. The Shawnee Tribe considers the Tower Construction Notification System's weekly e-mail to be the first notification that we receive that a tower will be constructed in an area of our concern. We do not view the TCNS notification as completion of 106 consultation obligations.

The Shawnee Tribe has developed streamlined consultation procedures for cell tower developers and their subcontractors. If you do not have a copy of the procedures - most recently updated on 14 January 2008 - please contact us, as you must follow these procedures to consult with us on cell tower projects. Call us at 918-542-2441 or fax us at 918-542-9915. It is the tower builder's responsibility to make sure that you have our most recent consultation procedures.

PLEASE DO NOT SEND US INFORMATION, QUERIES, OR COMMENTS ELECTRONICALLY. SINCE 1 DECEMBER 2005, WE HAVE NOT HANDLED ANY CELL TOWER CONSULTATION, INQUIRIES, OR CORRESPONDENCE VIA E-MAIL.

8. THPO and Executive Director Dr. Wenonah G Haire - Catawba Indian Nation Cultural Preservation Project - Rock Hill, SC - electronic mail and regular mail

Details: The Catawba Indian Nation Tribal Historic Preservation Office requests that you send us by regular mail the following information needed to complete our research for the your proposed project:

Project Name \_\_\_\_\_

Project Number \_\_\_\_\_

\_\_\_\_\_ 1. The name, complete address, phone number, fax number and e-mail address of the project manager.

\_\_\_\_\_ 2. The project location plotted on a topo map.

\_\_\_\_\_ 3. The project name, address and location; street or highway, city, county, state.

\_\_\_\_\_ 4. A brief description of the proposed project. Please include the size of the proposed project site and the size of the area where ground-disturbing activities will be taking place and the type of disturbance anticipated.

\_\_\_\_\_ 5. A brief description of current and former land use. We are primarily interested in ground disturbance and do not need detailed information or photographs of historic structures in the project area.

\_\_\_\_\_ 6. A list of all recorded archaeological sites within one half (1/2) mile of the project area.

\_\_\_\_\_ 7. A list of all eligible and potentially eligible National Register of Historic Places sites within one half (1/2) mile of the proposed project area.

\_\_\_\_\_8. If there has been an archaeological survey done in the area, a copy of that report.

\_\_\_\_\_9. It is not necessary to send original color photos if you can provide high-resolution color copies.

\_\_\_\_\_10. A letter of concurrence from the appropriate State Historic Preservation Office.

If you use the FCC Form 620, please do not send Attachments 1 through 6. They are not necessary for our determination. We do not have an interest in projects that require no ground disturbance.

Please note: Our research/processing fee is currently \$150. This fee will be changing effective January 1, 2011 to \$250.

Please send these requested materials in hard copy format. Send to:

CIN-THPO  
1536 Tom Steven Road  
Rock Hill, S.C. 29730

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.

9. Department Head Mark J Epstein - Ohio Historic Preservation Office - Columbus, OH - electronic mail and regular mail

10. Deputy SHPO Franco Ruffini - Ohio Historic Preservation Office - Columbus, OH - electronic mail

11. SHPO Ann Safley - Pennsylvania Historical & Museum Commission Bureau for Historic Preservation - Harrisburg, PA - electronic mail

12. Deputy SHPO Susan M Pierce - West Virginia Division of Culture & History, Historic Preservation Office - Charleston, WV - electronic mail and regular mail

13. Deputy SHPO Susan Pierce - West Virginia Division of Culture & History, Historic Preservation Office - Charleston, WV - electronic mail

14. Department Head, Res. Protect. & Rev. Mark Epstein - Ohio Historic Preservation Office - Columbus, OH - electronic mail and regular 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: 12/08/2011  
Notification ID: 81392  
Tower Owner Individual or Entity Name: WVSTEMS  
Consultant Name: Teresa A Schuller  
Street Address: 400 Tracy Way, Suite 200  
City: Charleston  
State: WEST VIRGINIA  
Zip Code: 25311  
Phone: 304-345-6712  
Email: [teresa.schuller@meadhunt.com](mailto:teresa.schuller@meadhunt.com)

Structure Type: UTOWER - Unguyed - Free Standing Tower  
Latitude: 37 deg 57 min 28.5 sec N  
Longitude: 81 deg 3 min 51.9 sec W  
Location Description: CR 25/2 (Thurmond 911)  
City: Thurmond  
State: WEST VIRGINIA  
County: FAYETTE  
Ground Elevation: 567.0 meters  
Support Structure: 121.9 meters above ground level  
Overall Structure: 121.9 meters above ground level  
Overall Height AMSL: 688.9 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



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## NACD Query Results

### Full Data Report

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Query input:

State = West Virginia

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**NO RECORDS FOUND MATCHING SEARCH CRITERIA**

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[Return to top of page](#)

[Return to Query Page](#)

**AFFIDAVIT OF PUBLICATION  
BECKLEY NEWSPAPERS  
BECKLEY, WEST VIRGINIA 25801**

12/15/2011

STATE OF WEST VIRGINIA  
COUNTY OF FAYETTE, to wit:

I, Hayley Boley, being duly sworn upon my oath, do depose and say that I am Legal Advertising Clerk for Beckley Newspapers, a corporation, publisher of the newspaper entitled The Fayette-Tribune, a Republican newspaper; that I have been duly authorized by the board of directors of such corporation to execute this affidavit of publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published twice-weekly for at least fifty weeks during the calendar year, in the municipality of Oak Hill, Fayette County, West Virginia; that such newspaper is a newspaper of "general circulation" as that term is defined in article three, chapter fifty-nine of the Code of West Virginia, 1931, as amended, within the publication area of areas of the aforesaid municipality and county; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price of consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matter, advertisements and other notices; that the annexed notice

of PUBLIC NOTICE

(Description of notice)

was duly published in said newspaper once a week for 1 successive weeks (Class 1), commencing with the issue of 12/15/2011 and ending with the issue of 12/15/2011, that said annexed notice was published on the following dates: 12/15/2011,

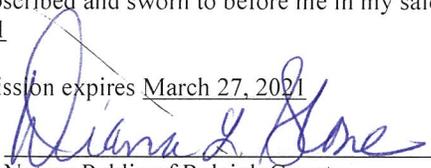
and that the cost of publishing said annexed notice as aforesaid was \$ 22.75

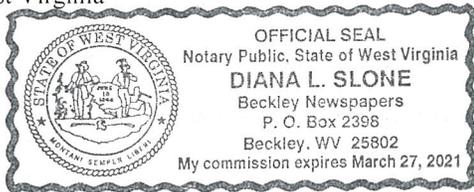
Signed

  
Hayley Boley  
Legal Advertising Clerk  
Beckley Newspapers

Taken, subscribed and sworn to before me in my said county this day:  
12/15/2011

My commission expires March 27, 2021

  
Notary Public of Raleigh County,  
West Virginia



**COPY OF PUBLICATION**

PUBLIC NOTICE  
CONSTRUCTION OF  
TELE-  
COMMUNICATIONS  
TOWER

WVSTEMS is providing notice of its intent to operate a telecommunication tower pursuant to Federal Communication Commission's Programmatic Agreement for telecommunication towers. The tower constructed a tower east of Thurmond at coordinates 37° 57' 29.25" N and 81°03' 53.95" W. The self-support tower will be 400 feet in height. Comments regarding potential effects on Historic Properties should be sent within 30 days of publication to:

Teresa A. Schuller  
Mead & Hunt, Inc.  
400 Tracy Way, Suite  
200  
Charleston, WV 25311  
Phone: 304/345-6712  
Fax: 304/345-6714  
[teresa.schuller@mea](mailto:teresa.schuller@mea)  
[dhunt.com](http://dhunt.com)  
12-15-THU-1-FT; LG 541

**RECEIVED**

**DEC 16 2011**

Mead & Hunt, Inc.

## Teresa Schuller

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**From:** Richard Allen <Richard-Allen@cherokee.org>  
**Sent:** Friday, February 10, 2012 4:47 PM  
**To:** Teresa Schuller  
**Subject:** RE: Cherokee review for TCNS 81392

The Cherokee Nation has no knowledge of any historic, cultural or sacred sites within the affected area. Should any ground disturbance reveal an archaeological site or human remains, we ask that the all activity cease immediately and the Cherokee Nation and other appropriate agencies be contacted immediately.

Thank you,

Dr. Richard L. Allen  
Policy Analyst  
Cherokee Nation  
P.O. Box 948  
Tahlequah, Oklahoma 74465  
(918) 453-5466 (office)  
(918) 822-2707 (cell)  
(918) 458-5898 (fax)

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**From:** Teresa Schuller [mailto:Teresa.Schuller@meadhunt.com]  
**Sent:** Friday, January 06, 2012 2:40 PM  
**To:** Richard Allen  
**Subject:** Cherokee review for TCNS 81392  
**Importance:** High

Dr. Allen –

Would you please review the attached information (topo spot and archaeology report) for the proposed tower site called North Mountain 911 in Fayette County, WV? Please let me know if you need anything else. Thanks.

**Teresa A. Schuller | Environmental Project Manager**

Mead & Hunt, Inc. | 400 Tracy Way, Suite 200 | Charleston, West Virginia 25311

Main: 304-345-6712 | Mobile: 304-415-9184 | Fax: 304-345-6714

[teresa.schuller@meadhunt.com](mailto:teresa.schuller@meadhunt.com) | [www.meadhunt.com](http://www.meadhunt.com)

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Confidentiality statement: This e-mail message, including any attachments, is intended only for the use of the recipient(s) and may contain privileged and confidential information, including information that is protected under the HIPAA privacy rules. Any unauthorized review, disclosure, copying, distribution or use is prohibited. If you have received this e-mail by mistake, please notify us immediately by reply e-mail and destroy all copies of the original message. Thank You.

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## Tower Construction Notification

[FCC](#) > [WTB](#) > Tower Construction Notification

[FCC Site Map](#)

 Logged In: ([Log Out](#)) [Section 106](#)

### Tower Construction Notification Refer a Notification

[Notifications Home](#)

#### Refer Notification

**Notification ID:** 81392  
**Notification Submitted:** 12/08/2011  
**Notification sent to the Tribe:** 12/14/2011

**Location:** CR 25/2 (Thurmond 911), Thurmond, WV

The Tribes/NHOs listed below were initially notified of this proposed tower construction.

#### Second Contact Date Information

Provide the date of your second contact attempting to obtain a response from each Indian Tribe/NHO about this proposed tower or antenna.

If you made your second contact with all Tribes/NHOs that have not responded on the same date, you may enter that date at the top of the screen below. If you made your second contacts with different Tribes/NHOs on different dates, you must enter the appropriate date for each Tribe/NHO that you select.

#### Select the Tribes/NHOs who have not responded

[Select All](#) | [Reset](#)

|                          | Tribe/NHO Name                                      | Comment   | Second Contact Date<br><input type="text"/><br><a href="#">Apply to Selected Tribes/NHOs</a> |
|--------------------------|---|---|--|
| <input type="checkbox"/> | Catawba Indian Nation Cultural Preservation Project |   | <input type="text"/>   |
| <input type="checkbox"/> | Cherokee Nation                                     |   | <input type="text"/>   |
|                          | Eastern Band of Cherokee Indians                    | This Tribe/NHO submitted a <a href="#">response to your notification through TCNS</a> . |  |
|                          | Eastern Shawnee Tribe of Oklahoma                   | This Tribe/NHO has indicated that no response means they have no interest.              |  |
|                          | Keweenaw Bay Indian Community                       | This Tribe/NHO submitted a <a href="#">response to your notification through TCNS</a> . |  |
|                          | Shawnee Tribe                                       | This Tribe/NHO submitted a <a href="#">response to your notification through TCNS</a> . |  |
|                          | Tuscarora Nation                                    | This Tribe/NHO has indicated that no response means they have no interest.              |  |
|                          | United Keetoowah Band of Cherokee Indians           | This Tribe/NHO submitted a <a href="#">response to your notification through TCNS</a> . |  |

Catawba Indian Nation  
Tribal Historic Preservation Office  
1536 Tom Steven Road  
Rock Hill, South Carolina 29730

Office 803-328-2427  
Fax 803-328-5791



January 16, 2012

Attention: Teresa A. Schuller  
Mead & Hunt  
400 Tracy Way, Suite 200  
Charleston, WV 25311

| Re. THPO # | TCNS # | Project Description   |
|------------|--------|---|
| 2012-570-2 | 81392  | Thurmond 911 Rawland Site in Fayette Co., WV Project No: R4022200-115528.01     |
| 2012-570-3 | 81009  | Elgood 911 Rawland Site in Mercer Co., WV Project No: R4022200-115546.01        |
| 2012-570-4 | 78876  | BE713 Rainelle Rawland Site in Greenbrier Co., WV Project No:R4022000-115011.01 |

Dear Ms. Schuller,

The Catawba have no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas. **However, the Catawba are to be notified if Native American artifacts and / or human remains are located during the ground disturbance phase of this project.**

The research and processing fee for each project is \$250. For accounting purposes, checks must be made out to the Catawba Indian Nation THPO (CIN-THPO).

If you have questions please contact Caitlin Totherow at 803-328-2427 ext. 226, or e-mail [caitlinh@ccppcrafts.com](mailto:caitlinh@ccppcrafts.com).

Sincerely,

Wenonah G. Haire  
Tribal Historic Preservation Officer

## **Teresa Schuller**

---

**From:** towernotifyinfo@fcc.gov  
**Sent:** Wednesday, January 11, 2012 11:11 AM  
**To:** Teresa Schuller  
**Cc:** tcns.fccarchive@fcc.gov; yolasaun@nc-chokeee.com  
**Subject:** Reply to Proposed Tower Structure (Notification ID: 81392) - Email ID #2947462

Dear Teresa A Schuller,

Thank you for using the Federal Communications Commission's (FCC) Tower Construction Notification System (TCNS). The purpose of this email is to inform you that an authorized user of the TCNS has replied to a proposed tower construction notification that you had submitted through the TCNS.

The following message has been sent to you from Tribal Historic Preservation Specialist Yolanda M Saunooke of the Eastern Band of Cherokee Indians in reference to Notification ID #81392:

The EBCI THPO has reviewed the provided materials including the Phase I archaeological report for the proposed communications tower construction on the Thurmond tower site located near Thurmond, Fayette County, WV. The EBCI THPO concurs with the archaeologist's recommendations that no archaeological sites eligible for inclusion on the National Register of Historic Places were encountered during the recent phase I archaeological field survey. It is the opinion of the EBCI THPO that no cultural resources important to the Cherokee people will be adversely affected by the proposed undertaking. As such, the proposed undertaking may proceed as planned. In the event that construction plans change, or cultural resources or human remains are encountered during the construction phase, all work should cease, and this office notified to continue consultation as mandated under Section 106 of the NHPA.

Please do not hesitate to contact me should you have any questions or comments.

Sincerely,

Yolanda Saunooke  
Eastern Band of the Cherokee Indians  
Tribal Historic Preservation Office  
828.554.6854

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

Notification Received: 12/08/2011  
Notification ID: 81392  
Tower Owner Individual or Entity Name: WVSTEMS  
Consultant Name: Teresa A Schuller  
Street Address: 400 Tracy Way, Suite 200  
City: Charleston  
State: WEST VIRGINIA  
Zip Code: 25311  
Phone: 304-345-6712  
Email: [teresa.schuller@meadhunt.com](mailto:teresa.schuller@meadhunt.com)

Structure Type: UTOWER - Unguyed - Free Standing Tower

Latitude: 37 deg 57 min 28.5 sec N

Longitude: 81 deg 3 min 51.9 sec W

Location Description: CR 25/2 (Thurmond 911)

City: Thurmond

State: WEST VIRGINIA

County: FAYETTE

Ground Elevation: 567.0 meters

Support Structure: 121.9 meters above ground level

Overall Structure: 121.9 meters above ground level

Overall Height AMSL: 688.9 meters above mean sea level

## Teresa Schuller

---

**From:** towernotifyinfo@fcc.gov  
**Sent:** Wednesday, December 14, 2011 8:05 AM  
**To:** Teresa Schuller  
**Subject:** Reply to Proposed Tower Structure (Notification ID: 81392) - Email ID #2930814

Dear Teresa A Schuller,

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 THPO/NAGPRA Technician Juliet K Goyen of the Keweenaw Bay Indian Community in reference to Notification ID #81392:

Aniin;

The Keweenaw Bay Indian Community Tribal Historic Preservation Office (KBIC THPO) received your requests for comments or interest concerning Section 106 of the National Historic Preservation Act, to the effect on historic and cultural sites within your proposed project area.

If the scope of work changes in any way, or if artifacts or human remains are discovered, please notify the KBIC THPO immediately so we can assist in making an appropriate determination. Please forward any future consultation requests for review of project proposals pursuant to Section 106 of the National Historic Preservation Act to KBIC THPO, Keweenaw Bay Indian Community Tribal Historic Preservation Office or through email at [cchosa@kbic-nsn.gov](mailto:cchosa@kbic-nsn.gov) or [jgoyen@kbic-nsn.gov](mailto:jgoyen@kbic-nsn.gov) and keep us informed of future projects as we continue our efforts to identify and document historic, archaeological and traditional cultural sites in the area.

The KBIC THPO charges a fee of \$150.00 for review of project proposals, which covers a preliminary in-house review of records for the presence of cultural sites in the proposed project area. Please submit a check for \$150.00 to the KBIC THPO, 16429 Beartown Road, Baraga, Michigan 49908, if you have already done so, thank you, we appreciate your support. Fees help us cover costs of research and other consultation activities.

Miigwech (Thank You)

Chris Chosa, THPO/NAGPRA Officer  
Juliet K. Goyen, THPO/NAGPRA Technician

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

Notification Received: 12/08/2011  
Notification ID: 81392  
Tower Owner Individual or Entity Name: WVSTEMS  
Consultant Name: Teresa A Schuller  
Street Address: 400 Tracy Way, Suite 200  
City: Charleston  
State: WEST VIRGINIA

Zip Code: 25311

Phone: 304-345-6712

Email: [teresa.schuller@meadhunt.com](mailto:teresa.schuller@meadhunt.com)

Structure Type: UTOWER - Unguyed - Free Standing Tower

Latitude: 37 deg 57 min 28.5 sec N

Longitude: 81 deg 3 min 51.9 sec W

Location Description: CR 25/2 (Thurmond 911)

City: Thurmond

State: WEST VIRGINIA

County: FAYETTE

Ground Elevation: 567.0 meters

Support Structure: 121.9 meters above ground level

Overall Structure: 121.9 meters above ground level

Overall Height AMSL: 688.9 meters above mean sea level

## Teresa Schuller

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**From:** towernotifyinfo@fcc.gov  
**Sent:** Tuesday, January 03, 2012 12:51 PM  
**To:** Teresa Schuller  
**Cc:** tcns.fccarchive@fcc.gov; ukbthpo-larue@yahoo.com  
**Subject:** Reply to Proposed Tower Structure (Notification ID: 81392) - Email ID #2942270

Dear Teresa A Schuller,

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 Acting THPO Lisa C LaRue of the United Keetoowah Band of Cherokee Indians in reference to Notification ID #81392:

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

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

Notification Received: 12/08/2011  
Notification ID: 81392  
Tower Owner Individual or Entity Name: WVSTEMS  
Consultant Name: Teresa A Schuller  
Street Address: 400 Tracy Way, Suite 200  
City: Charleston  
State: WEST VIRGINIA  
Zip Code: 25311  
Phone: 304-345-6712  
Email: [teresa.schuller@meadhunt.com](mailto:teresa.schuller@meadhunt.com)

Structure Type: UTOWER - Unguyed - Free Standing Tower  
Latitude: 37 deg 57 min 28.5 sec N  
Longitude: 81 deg 3 min 51.9 sec W  
Location Description: CR 25/2 (Thurmond 911)  
City: Thurmond  
State: WEST VIRGINIA  
County: FAYETTE  
Ground Elevation: 567.0 meters  
Support Structure: 121.9 meters above ground level  
Overall Structure: 121.9 meters above ground level  
Overall Height AMSL: 688.9 meters above mean sea level