



# **Draft Environmental Assessment**

## **Proposed Welch 911 Telecommunication Tower**

### **Welch, McDowell 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 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 Welch 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 Welch 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 McDowell 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 McDowell 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 McDowell 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 Welch 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 McDowell 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**

McDowell County lies in the Appalachian Plateaus physiographic province and is the southernmost county in West Virginia, approximately 100 miles from the State Capitol at Charleston. Welch is the largest town in McDowell County and is also the County seat. The general setting for the project is a rural mountainous area east of Welch. The project area and county are in the Appalachian range and was historically the largest producer of coal in West Virginia. Now, the county has a number of federal and state prisons. The project is characterized by an existing telecommunication tower owned by the Norfolk Southern railroad company. There are no residential dwellings, commercial establishments, or local county roads within ¼-mile of the proposed tower site.

## **3.0 ALTERNATIVES**

### **3.1 Preferred Alternative**

The Preferred Alternative is to add the proposed Welch 911 tower site (**Figure 1**), including shelter, 480-foot guyed 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 Radio Tower Road to the proposed tower site. The project area (**Figures 2 and 3**) includes the following details:

- Compound size will be 60 feet x 200 feet with NO new access road/utility construction needed;
- Three areas will be disturbed (approximately 15-feet x 25 feet each) for the guyed anchor locations;
- 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 dismissed as non-ideal locations. 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 McDowell County, West Virginia, compiled on-line in April 2009, was reviewed for soil types. Site soils are classified as GIE (Gilpin and Lily soils, 15 to 35 percent slopes). 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 the three guyed anchor locations. The tower construction is a 60-foot by 200-foot area, or less, using an excavator. The approximate disturbed area for each guy anchor location is 15-foot x 25-foot. The total disturbed area for this tower is 13,125 square feet, or 0.3 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 McDowell 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 Little Cub Branch, a tributary of the Tug Fork River. According to the Environmental Protection Agency (EPA) website, concerning water quality of the Tug Fork 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 Welch 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 one area is located within a one-mile radius.

**Table 1. Wetland Areas**

ID	direction	miles	Description
1	WNW	< 1	PUBHh (palustrine, unconsolidated bottom, permanently flooded, diked/impounded)

Wetland areas were identified within 1-mile of the subject property.

#### 4.2.3 Floodplains

Based on a review of the McDowell County Flood Insurance Rate Map [FIRM] (**Figure 6**) panel # 54047C 0187D dated 16 June 2005), 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 USFWS 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 480-foot guyed 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 480-foot guyed tower and will utilize the red or white flashing LED lights, which are more bird friendly. Trees had already been timbered prior to siting of this tower will be re-vegetated.

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. Historic properties, both NRHP sites and NRHP districts, were found within the designated 1.5-mile APE for the 480-foot tower. The existing 265-foot tower was visible from only 5 locations (5, 8, 9, rear of courthouse, and 13) selected. Photographs of the view from the ten remaining locations toward the tower site are provided in Attachment 11. Photosims for the 5 locations were prepared showing the existing and proposed towers. The photosims were provided to Weller & Associates for an effects determination. 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."

Twelve 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 27 December 2011 issued No Adverse Effect determination with no further consultation required. The Welch Historic Landmark Commission

also responded in a letter dated 28 November 2011 with a no direct or indirect adverse effect on historic properties. 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 25 November 2011 under TCNS 81068 to seven 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 Welch 911 tower: Eastern Band of Cherokee Indians, Tuscarora Nation, Keweenaw Bay Indian Community, Cherokee Nation, United Keetoowah Tribe, Eastern Shawnee Tribe of Oklahoma, and Shawnee Tribe. 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.

McDowell County has a population of 22,113 within 533.46 square miles, according to the 2010 Census data compiles by the US Census Bureau. This population equates to 25.4 percent under the age of 24; 58.1 percent between the ages of 25 and 65; and 16.5 percent over the age of 65. Approximately 89 percent of the county is Caucasian. The 2010 per capita income for the county was \$12,955.

The *Preferred Alternative* will have a beneficial effect on the population of McDowell 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. 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 Welch 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** summarizes 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 Welch Daily Times during the week of 20 November 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 Princeton Times. The public comment period will be 15 days. The Draft EA will also be available for public review at the McDowell County WV 911 Center, 257 Virginia Avenue, Welch, 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 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**

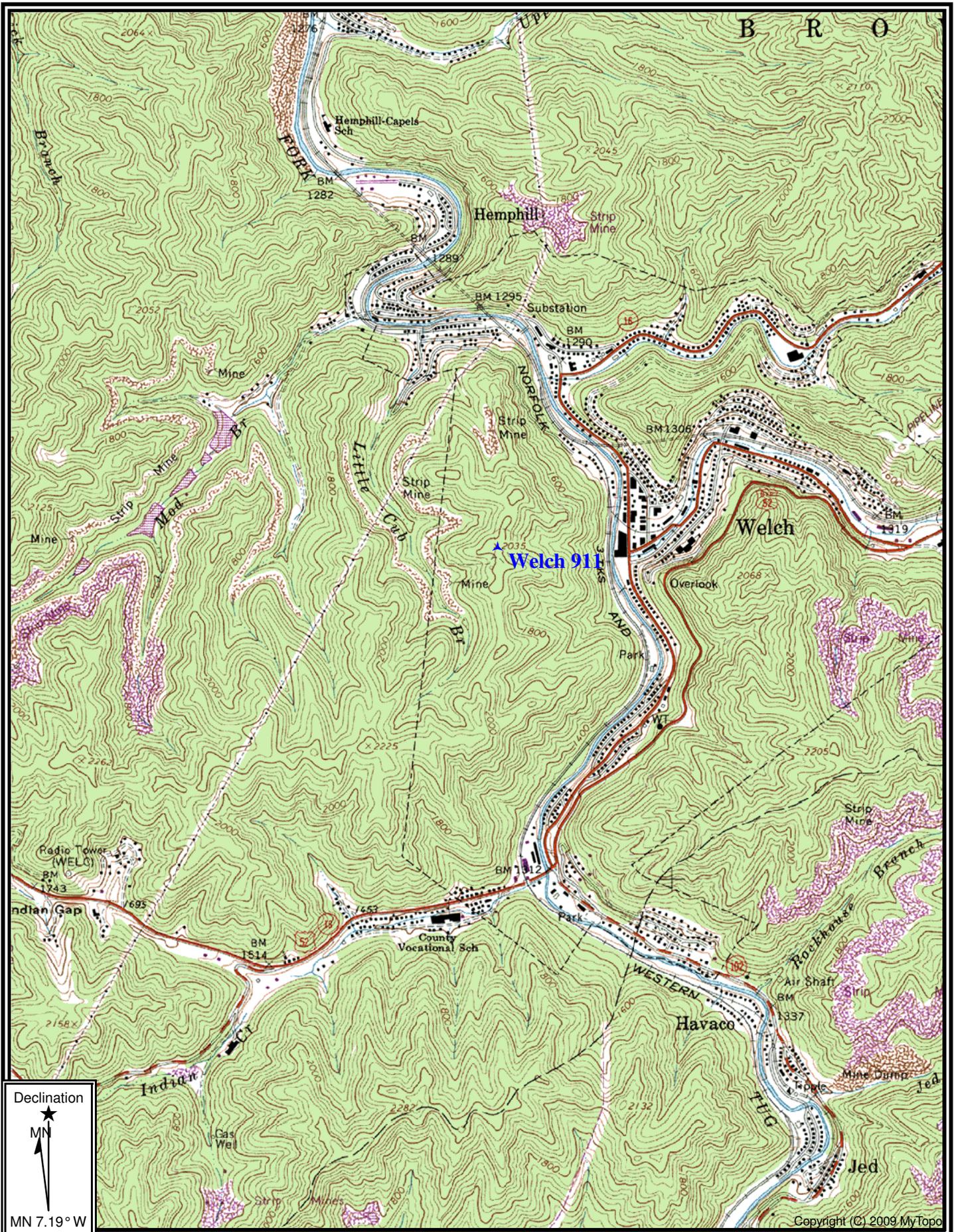
## **Site Photographs**

# **Appendix B**

## **Agency Request and Clearance Letters**

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

Affected Environment/Resource Area	Impacts for Preferred Alternative and No-Action Alternative	Agency Coordination/Permits	Mitigation/BMPs
<b>PHYSICAL RESOURCES</b> <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. No significant impacts for Preferred Alternative. No impacts for No-Action Alternative.	None - disturbed land for project is 0.3 acres, which is less than the 1-3 acre regulatory limit for storm water construction permitting by WVDEP.	No Mitigation. 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. No significant impacts for Preferred Alternative. No impacts for No-Action Alternative.	None	None
<b>WATER RESOURCES</b> <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. No significant impacts for Preferred Alternative. No impacts for No-Action Alternative.	None	No mitigation. See geology and soils for BMPs.
<b>BIOLOGICAL RESOURCES</b> <i>(RTE Species)</i>	No significant impacts for Preferred Alternative. No impacts for No-Action Alternative.	Clearance letters from USFWS and WVDNR-RTE obtained.	None.
<b>HISTORIC AND CULTURAL RESOURCES</b> <i>(SHPO and tribes)</i>	Tower site has been cleared with no impacts. No significant impacts for Preferred Alternative. No impacts for No-Action Alternative.	Clearance letters from WV SHPO and tribal organizations obtained.	None.
<b>SOCIOECONOMIC RESOURCES</b> <i>(Environmental Justice)</i>	Substantial positive affect to communities by providing improved and more reliable emergency response to County. Significant beneficial impacts. No significant negative impacts for Preferred Alternative. 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; however, there is an existing tower with a generator already at this location. Wooded land separates the tower site from neighboring properties. No residential dwellings within 1/4-mile. No significant impacts for Preferred Alternative. No impacts for No-Action Alternative.	None	None.
<b>Infrastructure</b>	Temporary increase in solid waste due to construction activities. Temporary increase in traffic on local roads during construction activities. No significant impacts for Preferred Alternative. 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. No significant impacts for Preferred Alternative. No impacts for No-Action Alternative.	None	None.



Declination  
 MN  
 MN 7.19° W

Map Name: WELCH  
 Scale: 1 inch = 2,000 ft.

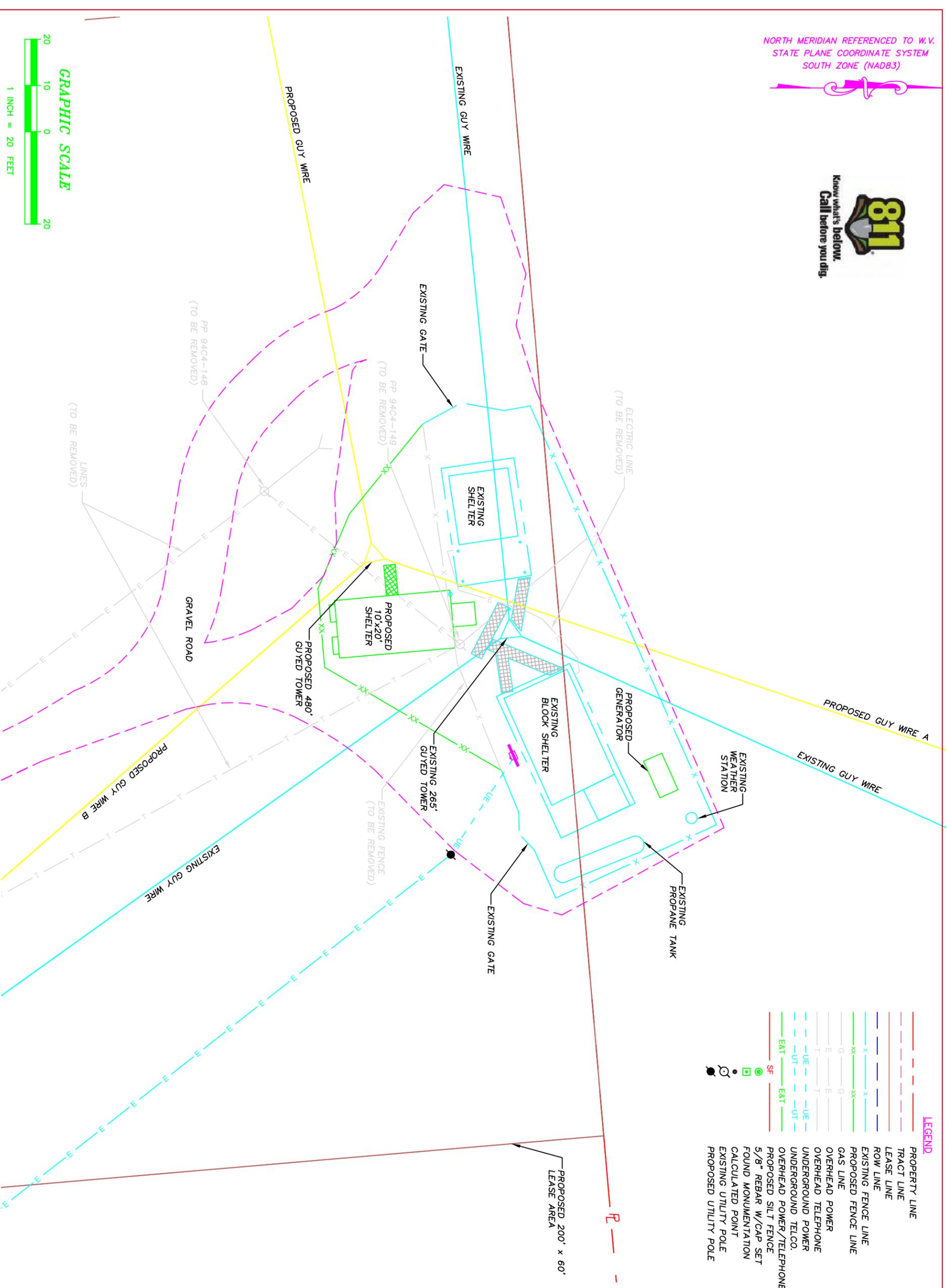
Horizontal Datum: NAD83  
 State Name: WV

Date Photo Revised: 1976  
 Date Published: 1968

Copyright (C) 2009 MyTopo



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
- GAS LINE
- OVERHEAD POWER
- OVERHEAD TELEPHONE
- UNDERGROUND POWER
- UNDERGROUND TELCO.
- OVERHEAD POWER/TELEPHONE
- PROPOSED SILT FENCE
- 5/8" REBAR W/CAP SET
- FOUND MONUMENTATION
- CALCULATED UTILITY POINT
- EXISTING UTILITY POLE
- PROPOSED UTILITY POLE

SF  
 EST  
 UT  
 UE  
 T  
 G  
 E  
 XX  
 X  
 WEATHER STATION  
 PROPRANE TANK  
 GENERATOR  
 GATE  
 SHED  
 GUY WIRE  
 FENCE  
 ROAD  
 UTILITY POLE  
 PROPOSED 200' x 60' LEASE AREA



**SITE NAME:** WELCH

**SITE NUMBER:**

**SITE ADDRESS:** OFF CUB BRANCH ROAD WELCH, WV 24801

**AREA:** 21,000 SQ. FT.

**PROPERTY OWNER:** MCDOWELL COUNTY EMERGENCY COMMUNICATIONS CENTER 257 VIRGINIA AVENUE WELCH, WV 24801

**COUNTY:** MCDOWELL

**DISTRICT:** WELCH CORP LIMITS

**MAP NUMBER:** 7

**PARCEL NUMBER:** 357

NO.	REVISION/ISSUE	DATE
1	ISSUE FOR COMMENT	11/03/11
2	ISSUE FOR CONSTRUCTION	12/14/11

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

**PROJECT # R4019000-114952.01**

**PROPOSED SITE PLAN**

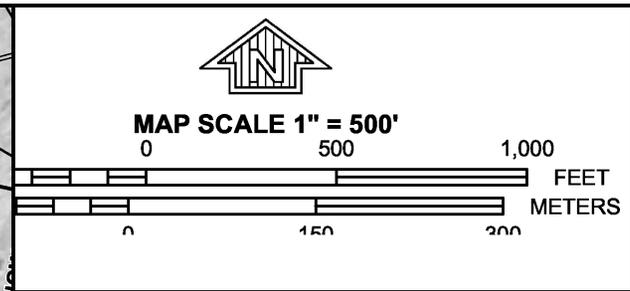
**SHEET C-2**





City of Welch  
540123

ZONE X



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0187D

# FIRM

FLOOD INSURANCE RATE MAP

McDOWELL COUNTY,  
WEST VIRGINIA  
AND INCORPORATED AREAS

PANEL 187 OF 435

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
McDOWELL COUNTY	540114	0187	D
WELCH, CITY OF	540123	0187	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  
54047C0187D

EFFECTIVE DATE  
JUNE 16, 2005

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**

Wetland Map for  
Welch 911

Apr 23, 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: Welch 911 tower. North view.



Photograph 2: Welch 911 tower. East view.



Photograph 3: Welch 911 tower. South view.



Photograph 4: Welch 911 tower. West view.



Photograph 5: Welch 911 tower. Access road area.



Photograph 6: Welch 911 tower. Existing tower and compound area. New tower will be at flagged stake.

# **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

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  
Welch 911 tower site in McDowell 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 replacement tower at Welch. This proposed tower will be one foot above the Service's strongly recommended height of 479 feet and will be a guyed tower. This height is needed to clear several ridges and integrate this area into the state-wide microwave emergency network.

The following proposed communication tower action (compliance with the latest FAA lighting for towers requirement for white or red pulsing LED lights) 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. The 480-foot guyed tower meets criteria 3 and 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.

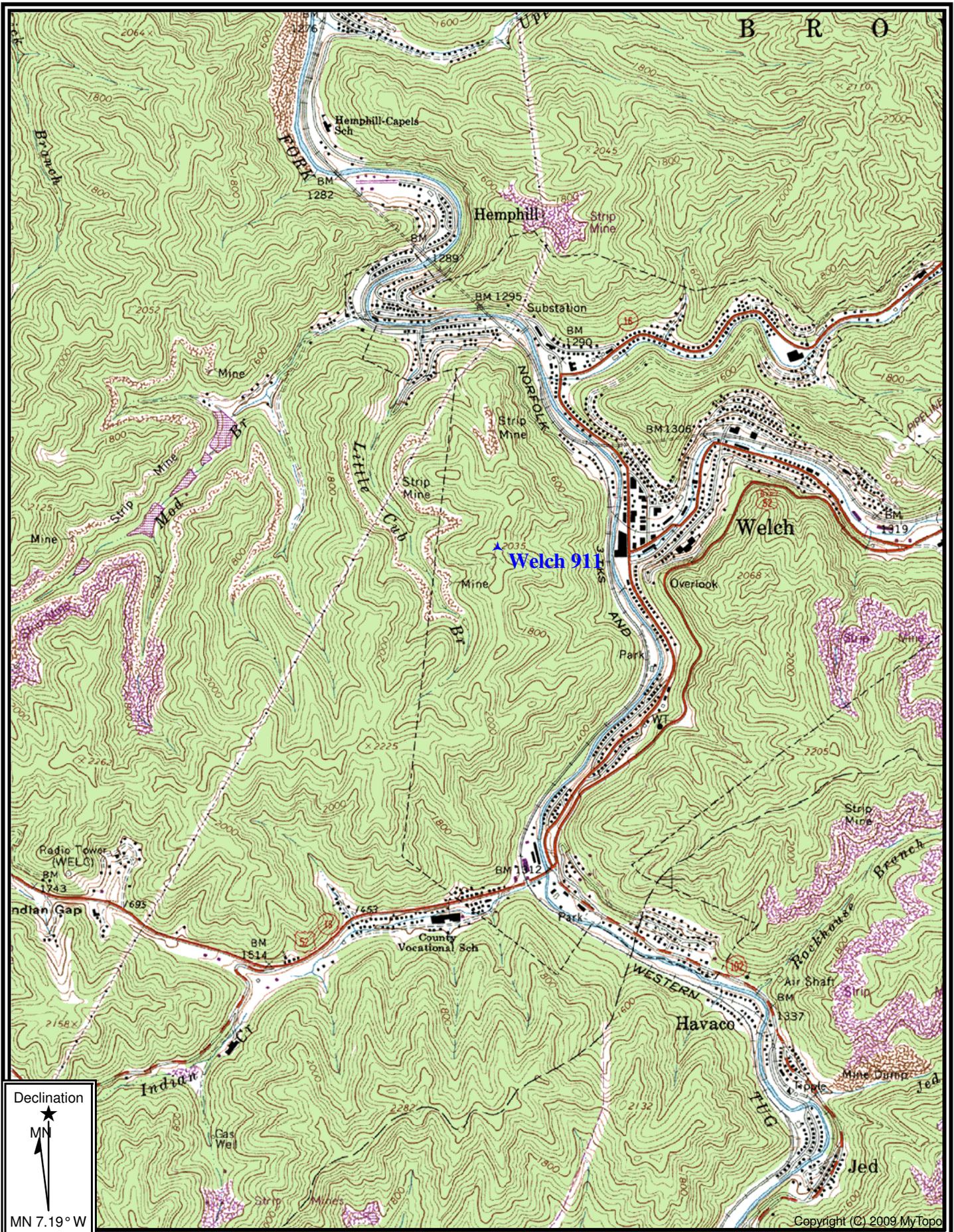
Mead & Hunt is requesting a concurrence with the No Effect for this tower. Please send the concurrence letter to my attention at the address in the letterhead. If you have questions about this request, feel free to contact me at 304/345-6712. Thank you for your attention in this matter.

Sincerely,

Teresa A. Schuller

*Environmental Project Manager*

Enclosure: Site Location Map  
WVDNR clearance letter  
Site Photographs



Map Name: WELCH  
 Scale: 1 inch = 2,000 ft.

Horizontal Datum: NAD83  
 State Name: WV

Date Photo Revised: 1976  
 Date Published: 1968

Copyright (C) 2009 MyTopo



# 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 pearl mussel (*Epioblasma torulosa torulosa*), Pink mucket pearl mussel (*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 pearl mussel (*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 pearl 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*).



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

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Photograph 1: Welch 911 tower. North view.



Photograph 2: Welch 911 tower. East view.



Photograph 3: Welch 911 tower. South view.



Photograph 4: Welch 911 tower. West view.



Photograph 5: Welch 911 tower. Access road area.



Photograph 6: Welch 911 tower. Existing tower and compound area. New tower will be at flagged stake.



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,

A handwritten signature in blue ink that reads "Teresa A. Schuller". The signature is fluid and cursive, with the first name being the most prominent.

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

FILE COPY

21 November 2011

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

RE: Form 620 for Welch 911 Rawland Site (Replacement Tower) in McDowell Co  
Project Number: R4022200-115530.01

Dear Ms. Pierce:

Mead & Hunt, Inc. is submitting Form 620 for the rawland tower site off US52 in Welch, McDowell County, West Virginia. The APE has been identified on the topographic map to reflect the 1.5-mile radius for 480-foot guyed tower. An existing 265-foot guyed tower owned by Norfolk South has been used for the Welch 911 antennae and microwaves until the present time. However, this tower is structurally unstable and cannot support the increased tower height (215-feet) needed to establish direct-sight microwave service with the Caretta 911 tower (6.8 miles southwest), nor can the existing tower support the additional equipment upgrades needed by the Welch 911, WVSTEMS, and Department of Homeland Security. Therefore, a new 480-foot guyed tower is proposed adjacent to the existing 265-foot tower. The 911 antennae and microwaves will be moved to the new tower and new antennae will be placed at the tower's top to connect the microwave systems. Only Norfolk South antennae will remain on this existing tower.

The file review identified twelve 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 structures (both NRP site and NRP district) were identified within the 1.5-mile APE. A discussion with Shirley Stewart-Burns during the file review lead to 15 locations for photosims and an architectural historian's effect determination for the structures. The existing 265-foot tower was visible from only 5 locations (5, 8, 9, rear of courthouse, and 13) selected. Photographs of the view from the ten remaining locations toward the tower site are provided in Attachment 11. Photosims for the 5 locations were prepared showing the existing and proposed towers. The photosims were provided to Weller & Associates for an effects determination. 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." Therefore, items 5aiii and 5biii have been selected on Form 620 and a concurrence with No Adverse Effect is requested.

Ms. Susan Pierce  
Project #: R4022200-115530.01  
11/21/2011  
Page 2 of 2

Form 620 has been provided to the Mayor of Welch and the McDowell County historical Society since a CLG or HLC is not available for Welch or McDowell County. 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,

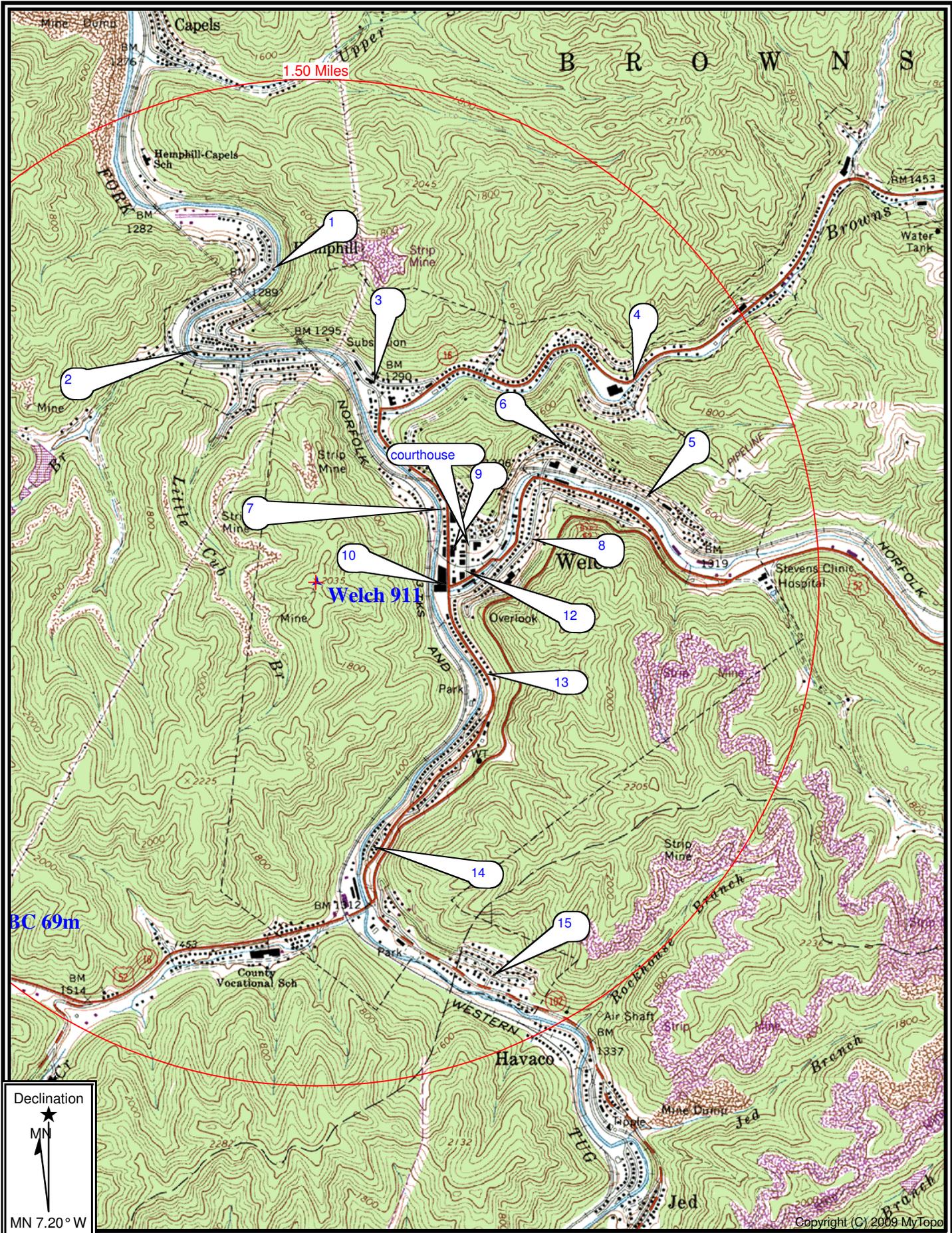


Teresa A. Schuller  
*Environmental Project Manager*

Enclosure: Form 620 and attachments

CC: **Welch HLC**  
Welch City Hall  
88 Howard Street  
Weston, WV 24801  
Attn.: Mayor Martha H. Moore

**McDowell County Historical Society**  
c/o Geneva Steele, Secretary  
HC 61 Box 37-B  
Paynesville, WV 24873  
(and via email to Dr. Tom Hatcher at  
[tomhatcher@wv.securespeed.us](mailto:tomhatcher@wv.securespeed.us) )



Map Name: WELCH  
 Scale: 1 inch = 2,000 ft.

Horizontal Datum: NAD83  
 State Name: WV

Date Photo Revised: 1976  
 Date Published: 1968

Copyright (C) 2009 MyTopo



**Proposed  
Tower**

**Welch 911 - (Photosim 1 - Location 5)  
480-ft guyed tower  
Tower is Visible  
Welch, McDowell County, WV**

**Mead  
& Hunt**

**400 Tracy Way, Suite 200  
Charleston, WV 25311  
Phone: (304) 345 6712  
www.meadhunt.com**



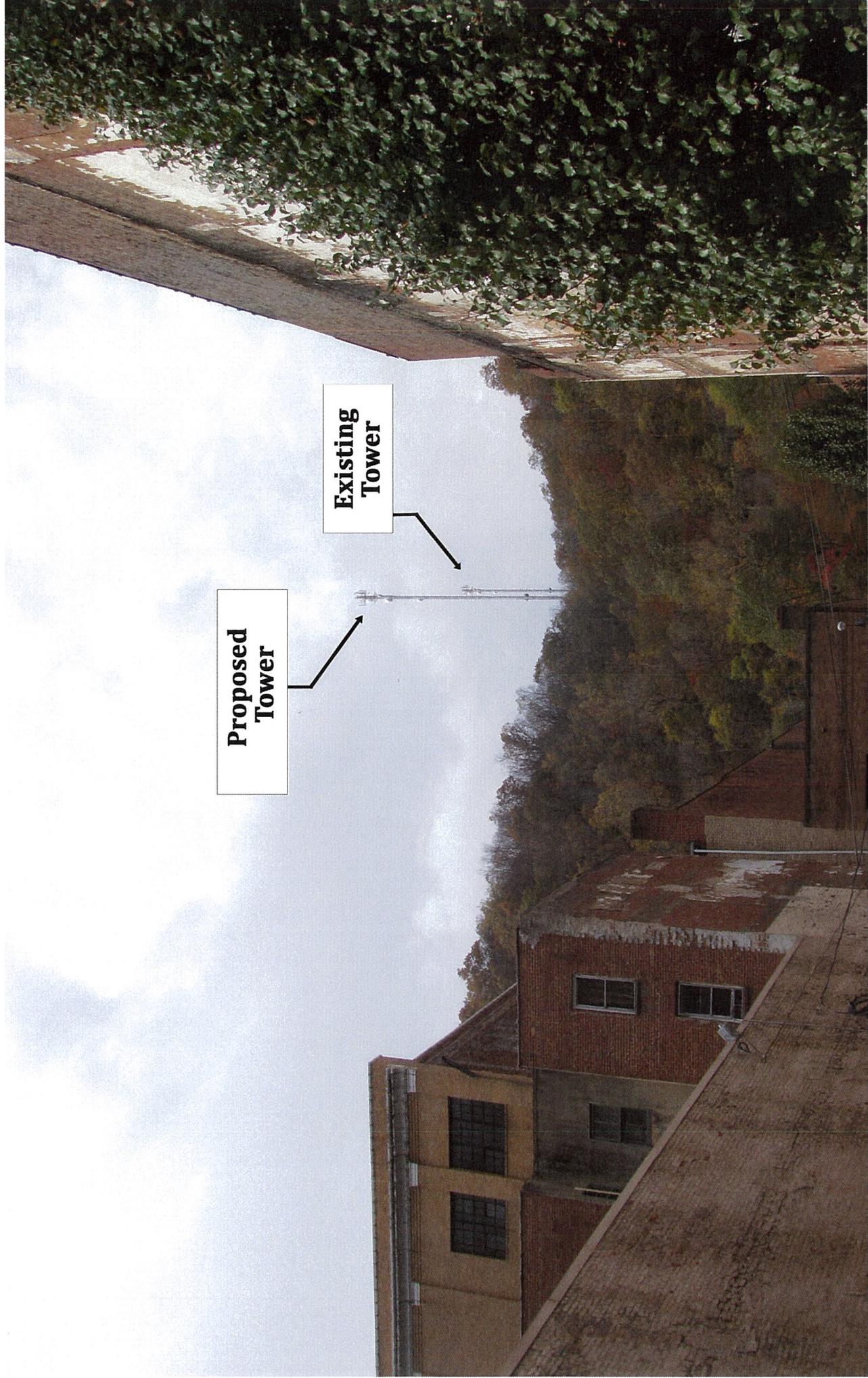
**Proposed  
Tower**

**Existing  
Tower**

**Welch 911 - (Photosim 2 - Location 8)  
480-ft guyed tower  
Tower is Visible  
Welch, McDowell County, WV**

**Mead  
& Hunt**

**400 Tracy Way, Suite 200  
Charleston, WV 25311  
Phone: (304) 345 6712  
www.meadhunt.com**



**Proposed  
Tower**

**Existing  
Tower**

**Welch 911 - (Photosim 3 - Location 9)  
480-ft guyed tower  
Tower is Visible  
Welch, McDowell County, WV**

**Mead  
& Hunt**

**400 Tracy Way, Suite 200  
Charleston, WV 25311  
Phone: (304) 345 6712  
www.meadhunt.com**



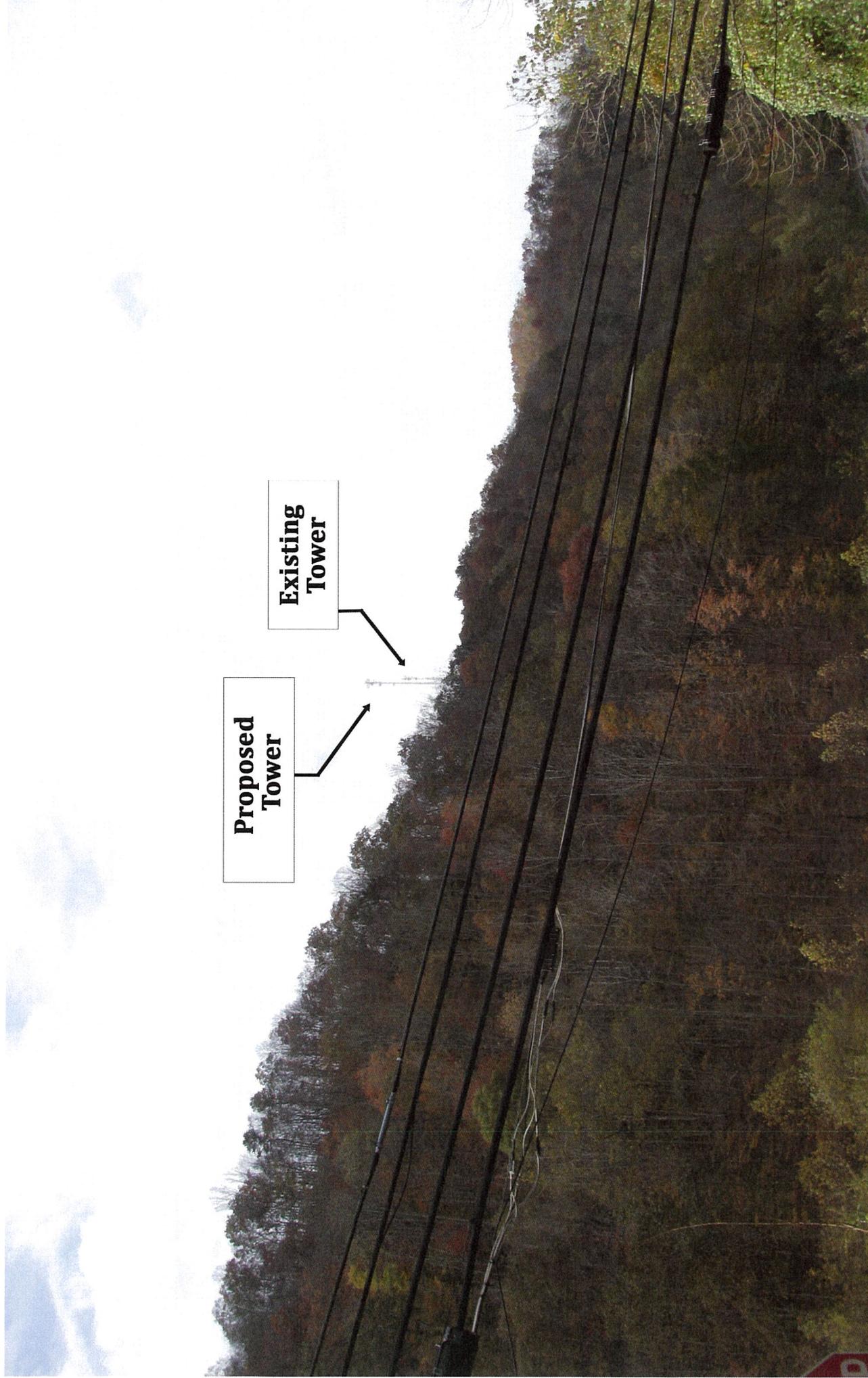
**Proposed  
Tower**

**Existing  
Tower**

**Welch 911 - (Photosim 4 - Location 11) Rear of Courthouse  
480-ft guyed tower  
Tower is Visible  
Welch, McDowell County, WV**

**Mead  
& Lunt**

**400 Tracy Way, Suite 200  
Charleston, WV 25311  
Phone: (304) 345 6712  
www.meadhunt.com**



**Proposed  
Tower**

**Existing  
Tower**

**Welch 911 - (Photosim 5 - Location 13) South of Town  
480-ft guyed tower  
Tower is Visible  
Welch, McDowell County, WV**

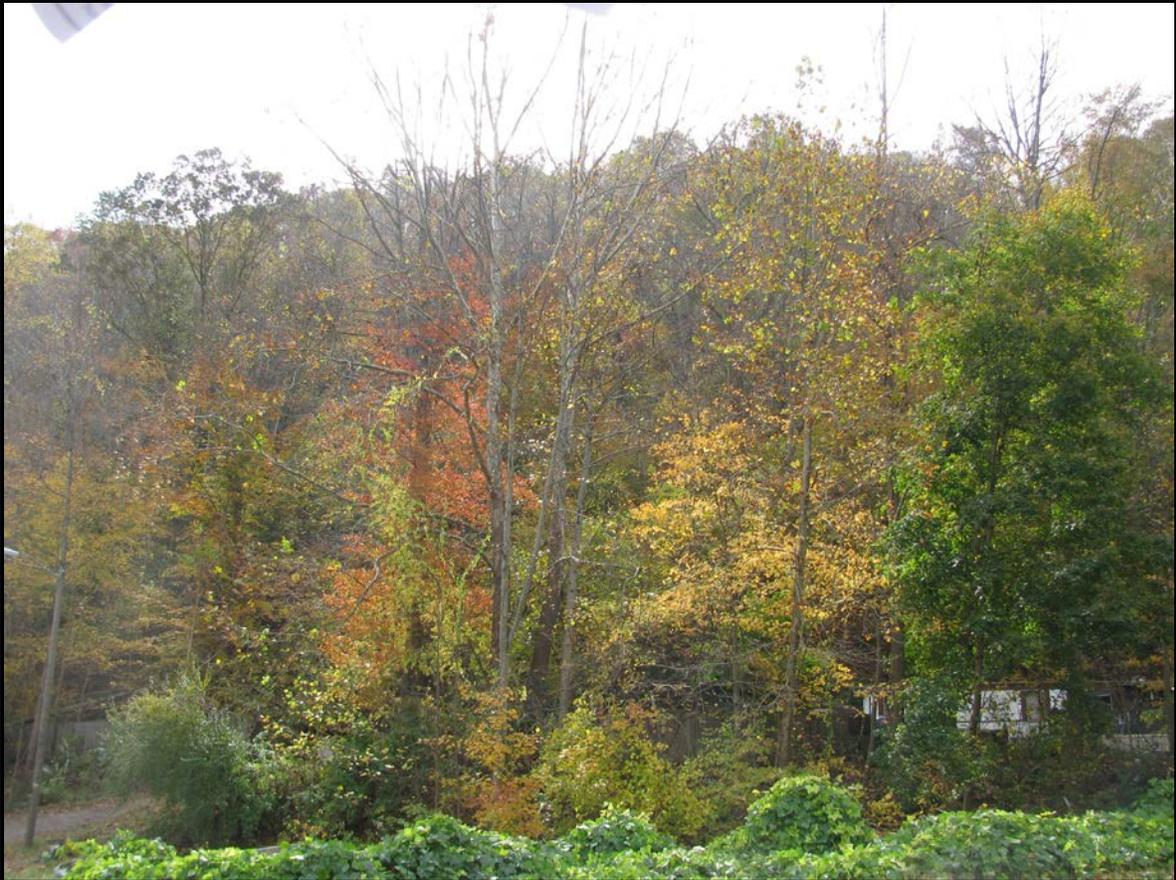
**Mead  
& Hunt**

**400 Tracy Way, Suite 200  
Charleston, WV 25311  
Phone: (304) 345 6712  
www.meadhunt.com**

Welch 911 Photosim locations – Existing tower not visible.



Photograph 1: Photosim location 1 – tower not visible.



Photograph 2: Photosim location 2 – tower not visible.

Welch 911 Photosim locations – Existing tower not visible.



Photograph 3: Photosim location 3 – tower not visible.



Photograph 4: Photosim location 4 – tower not visible.

Welch 911 Photosim locations – Existing tower not visible.



Photograph 5: Photosim location 6 – tower not visible.



Photograph 6: Photosim location 7 – tower not visible.

Welch 911 Photosim locations – Existing tower not visible.



Photograph 7: Photosim location 10 – tower not visible.



Photograph 8: Photosim location 12 – tower not visible.

Welch 911 Photosim locations – Existing tower not visible.



Photograph 9: Photosim location 14 – tower not visible.



Photograph 10: Photosim location 15 – tower not visible.



# City Of Welch

Welch Municipal Building ● 88 Howard St. ● Welch, WV 24801 ● (340) 436-3113 ● Fax (304) 436-2546

November 28, 2011

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

**RECEIVED**  
DEC 9 2011  
Mead & Hunt, Inc.

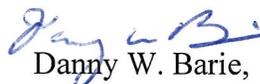
Re: Form 60 for Welch 911 Replacement Tower  
Project Number R4022200-115530.01

Dear Ms. Schuller:

I was pleased to be able to review the package that you prepared for the West Virginia State Historic Preservation Office. I am the acting chairman of the Welch Historic Landmarks Commission and appreciated the chance to read through the documentation provided. I agree with the conclusions that the report reached. I agree that the 911 Replacement Tower Project will have no direct or indirect adverse effect on historic properties in the vicinity.

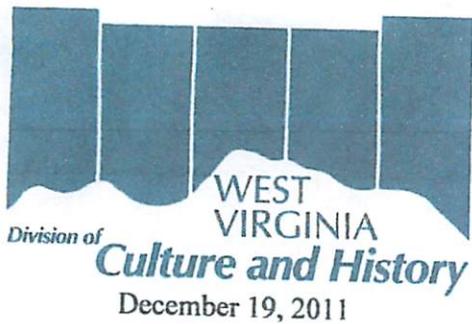
The only comment that I wished to make was to update your information concerning the Welch City government. Mayor Martha H. Moore passed away while serving in her twenty-fourth year as mayor on October 13, 2010. The Welch City Council selected Reba J. Honaker to fill the remainder of Mrs. Moore's unexpired term. Thank you in advance for updating this item of information.

Sincerely,



Danny W. Barie,  
Acting Chairman  
Welch Historic Landmarks Commission

DWB  
cc: Reba J. Honaker



**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 Welch 911 Rawland Site (Replacement Tower)  
Project Number: R4022200-115530.01  
FR#: 12-156-MD

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, West Virginia State Trauma and Emergency Medical System is proposing to install a 480-foot guyed telecommunications tower in a leased area located off of Tower Road in Welch, McDowell County. It is our understanding that the proposed tower location is adjacent to an existing 265-foot tower.

Archaeological Resources:

The report titled, *Phase I Cultural Resources Management Survey for the Proposed Welch 911 Tower in McDowell 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 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 this project will be visible from several locations in the Welch Historic District as well as the McDowell County Courthouse, which also is listed in the National Register of Historic Places. It is the consultant's opinion that the proposed project will have no adverse effect to these resources. We cannot concur with this assessment at this time. The significant increase in the height of the proposed tower, and the fact that it will be an additional tower, will diminish the setting aspect of integrity. Based on the photo simulations, of particular concern is the potential adverse visual impacts the project will have on the McDowell County Courthouse.

December 19, 2011

Ms. Schuller

FR#: 12-156-MD

Page 1

The increased height of this tower as compared to the adjacent tower is significant. Photo simulations included with the submission verify this impact. The existing tower is visible, but not as tall as the highest point of the courthouse. The new tower appears to be nearly the same height as the courthouse. It is unknown how long this tower will remain, intruding on the viewshed of the historic Courthouse. As proposed, the additional 480 foot tower will compete visually with the courthouse's clock tower. As noted by the consultant, the National Register form for the Courthouse states, "The commanding site of the McDowell County Courthouse in a grassy promontory above Wyoming Street provides the citizenry of Welch and McDowell County with an unobstructed view of their chief public building." Simply because a person would have to be at the back of the National Register property in order to see the towers does not necessarily mean the tower will have no impact on the Courthouse. The entire courthouse is listed in the National Register, not just particular facades.

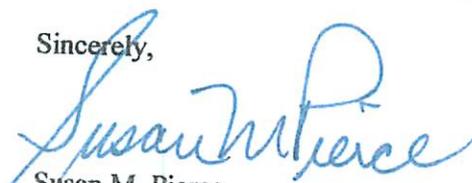
Submitted information indicates that the new tower is needed to hold additional antennae for collocations. These collocations on this tall tower have the potential to further adversely impact the setting of the Courthouse as well. As outlined in your submission, we acknowledge a new tower is necessary; however, it is unclear if the tower needs to be at this specific location. Please verify if you have considered alternative locations. If you have not, we request that you do so now. We will provide additional comments upon receipt of the requested information. It is our opinion that, as submitted, the project will adversely impact historic resources.

Public Comments

It is our understanding that you have contacted the McDowell County Historical Society regarding this project and that they do not object to the project.

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



RECEIVED

DEC 28 2011

Mead & Hunt, Inc.

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

**Randall Reid-Smith, Commissioner**

Phone 304.558.0220 • [www.wvculture.org](http://www.wvculture.org)  
Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer

December 27, 2011

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

RE: Welch 911 Rawland Site (Replacement Tower), McDowell County  
FR#: 12-156-MD-1

Dear Ms. Schuller:

We have reviewed the additional information provided in your letter dated December 21, 2011 as well as subsequent electronic correspondence regarding the assessment of effect associated with the Welch 911 Rawland Site. Please accept the following comments according to Section 106 of the National Historic Preservation Act of 1966, as amended and its regulations, 36 CFR 800, "The Protection of Historic Properties":

Our letter dated December 19, 2011 requested clarification of the selection process for this location. Your December 21, 2011 addressed the consideration of alternative sites for the location of this tower. This site was selected due to its proximity to existing facilities, utilities and infrastructure. It was determined that use of the existing site would facilitate the continuation of the 911 service. We will accept this response.

The second concern of our letter focused on the visual impact to the McDowell County Courthouse and the Welch downtown historic district which are both listed in the National Register of Historic Places. We included a statement from the National Register nomination: "The commanding site of the McDowell County Courthouse on a grassy promontory above Wyoming Street provides the citizenry of Welch and McDowell County with an unobstructed view of their chief public building." The review process requires an assessment of effect which entails consideration of any changes/impact to view shed and evaluation of any potential adverse effect to the historic characteristics of the courthouse. In all reviews, the lead agency, or its representative, must evaluate the effect of the project on the historic characteristics of the resource.

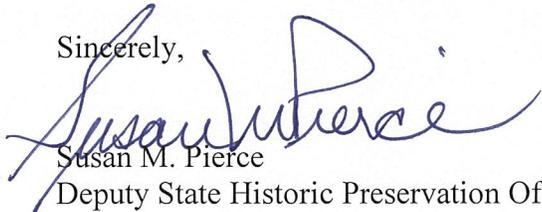
The McDowell County Courthouse is significant due to its architectural design, its relationship to county government and the notoriety associated with the murder of Sid Hatfield on its steps. The

Page 2  
Ms. Schuller  
December 27, 2011

location within the town and its urban setting are primary aspects of its integrity. However, the tower is located at a substantial distance from the downtown; the primary façade of the building, the front entrance and steps associated with the Hatfield murder will not be obscured. The ability to understand and interpret the architectural character of all facades of the building will not be impaired by the increase in height of the tower. To minimize the visual impacts with the thinnest profile, the type selected is a guy tower and the entire tower will have a matte gray finish which will diminish the visual impact. Based upon information provided in the original submission and subsequent correspondence, it is your opinion that there will be no adverse effect to the historic characteristics of the McDowell County Courthouse and the historic downtown district. Your December 21 letter states that any co-locations will be submitted to our office. We would be amenable to this provision. Based upon review of this information, we concur with your finding of no adverse effect. No further consultation is required.

Thank you for your cooperation. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Susan M. Pierce". The signature is fluid and cursive, with a large initial "S" and "P".

Susan M. Pierce  
Deputy State Historic Preservation Officer

cc: Randall Reid-Smith, Commissioner – Culture and History  
Jimmy Gianato, WV Homeland Security

## Teresa Schuller

---

**From:** towernotifyinfo@fcc.gov  
**Sent:** Friday, November 18, 2011 4:53 PM  
**To:** Teresa Schuller  
**Subject:** Proposed Tower Structure Info - Email ID #2920281

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: 11/18/2011

Notification ID: 81068  
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: GTOWER - Guyed Tower  
Latitude: 37 deg 25 min 51.9 sec N  
Longitude: 81 deg 35 min 33.5 sec W  
Location Description: Tower Road (Welch 911)  
City: Welch  
State: WEST VIRGINIA  
County: MCDOWELL  
Ground Elevation: 609.9 meters  
Support Structure: 146.3 meters above ground level  
Overall Structure: 146.3 meters above ground level  
Overall Height AMSL: 756.2 meters above mean sea level

## **Teresa Schuller**

---

**From:** towernotifyinfo@fcc.gov  
**Sent:** Friday, November 25, 2011 3:00 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 #2921036

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, yolasau@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, jgoyen@kbic-nsn.gov or 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. 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: 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 CALL THE UKB (Lisa LaRue) at 918-822-1952 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.

**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.

If your response arrived via email through the TCNS system, it will contain invoice and payment information, and is your INVOICE as well as RESPONSE.

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 notifications 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.

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.

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

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

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

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

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

13. 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: 11/18/2011  
Notification ID: 81068  
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

Structure Type: GTOWER - Guyed Tower  
Latitude: 37 deg 25 min 51.9 sec N  
Longitude: 81 deg 35 min 33.5 sec W  
Location Description: Tower Road (Welch 911)  
City: Welch  
State: WEST VIRGINIA  
County: MCDOWELL  
Ground Elevation: 609.9 meters  
Support Structure: 146.3 meters above ground level  
Overall Structure: 146.3 meters above ground level  
Overall Height AMSL: 756.2 meters above mean sea level

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

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

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

Thank you,  
Federal Communications Commission



## 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](#)

Welch

RECEIVED

JAN 12 2012

Mead & Hunt, Inc.



SHAWNEE TRIBE  
HISTORIC PRESERVATION DEPARTMENT  
29 SOUTH HIGHWAY 69A  
MIAMI, OKLAHOMA 74354  
918-542-2441 PHONE 918-542-9915 FAX

FACSIMILE COVER PAGE

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To: Teresa FROM: Kim Jumper

FIRM/AGENCY: Mead & Hunt DATE/TIME: \_\_\_\_\_

FAX NUMBER: 304-345-6714 NO. OF PAGES, INCLUDING COVER: 1

PHONE NUMBER: \_\_\_\_\_ MEMO: 81068, 81008, 81004

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**Message:** The Shawnee Tribe's Tribal Historic Preservation Officer concurs that no known historic properties will be negatively impacted by construction of this tower site (see memo line above for TCNS number/s). The Shawnee Tribe's archives do not reveal any issues of concern at this tower location. In the event that archaeological materials are encountered later during construction, use, or maintenance of this tower location, please re-notify us at that time as we would like to resume consultation under such a circumstance.

The Shawnee Tribe's Environmental and Natural Resources Department takes this opportunity to express its concerns that telecommunication towers can have a potentially destructive impact on bats and migratory birds, particularly those that migrate at night, including species listed as threatened and endangered by both states and the federal government, as well as other species. The Shawnee Tribe suggests that this tower be constructed in accordance with the guidelines available from the US Fish and Wildlife Service to reduce the adverse effects of telecommunications towers on migratory birds; these guidelines may be found at: [www.fws.gov/migratorybirds/issues/towers/comtow.html](http://www.fws.gov/migratorybirds/issues/towers/comtow.html).

The Shawnee Tribe's Environmental and Natural Resources Department is further concerned that the proliferation of cell towers may play a role in honey bee Colony Collapse Disorder. We acknowledge that cell phone technology may not be to blame, especially by itself, as other potential causative factors for the decline have been noted, such as insecticides, tracheal and varroa mites [an immunosuppressant], other parasites, pesticides used on hives to eliminate parasites, genetically modified plants, *Nosema* fungus, Israeli Acute Paralysis Virus (IAPV) perhaps introduced from Australia in 2004, Kashmir Bee Virus [KBV], climate change, and drought.

Finally, the Shawnee Tribe's Environmental and Natural Resources Department requests that cell tower sites, whenever remotely feasible, be restored to native vegetation. In all cases, habitat restoration can protect a variety of species, even in small project areas. The large number of cell tower sites provides an as yet unrealized opportunity for region-wide habitat restoration. The Tribe urges the cell phone industry to provide a model for native habitat restoration for other industries.

Please do not hesitate to call us for additional comment.



## Teresa Schuller

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**From:** Richard Allen <Richard-Allen@cherokee.org>  
**Sent:** Friday, February 10, 2012 1:15 PM  
**To:** Teresa Schuller  
**Subject:** RE: Cherokee review for TCNS 81068

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 2:59 PM  
**To:** Richard Allen  
**Subject:** Cherokee review for TCNS 81068  
**Importance:** High

Dr. Allen –

Would you please review the attached information (topo spot and archaeology report) for the proposed tower site called Welch 911 in McDowell 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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## 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:** 81068  
**Notification Submitted:** 11/18/2011  
**Notification sent to the Tribe:** 11/24/2011

**Location:** Tower Road (Welch 911), Welch, 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
<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> .	

CONTINUE ►

## Teresa Schuller

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**From:** towernotifyinfo@fcc.gov  
**Sent:** Wednesday, January 11, 2012 11:12 AM  
**To:** Teresa Schuller  
**Cc:** tcns.fccarchive@fcc.gov; yolasaun@nc-chokeee.com  
**Subject:** Reply to Proposed Tower Structure (Notification ID: 81068) - Email ID #2947463

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 #81068:

The EBCI THPO has reviewed the provided materials including the Phase I archaeological report for the proposed communications tower construction on the Welch tower site located near Welch, McDowell 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: 11/18/2011  
Notification ID: 81068  
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: GTOWER - Guyed Tower  
Latitude: 37 deg 25 min 51.9 sec N  
Longitude: 81 deg 35 min 33.5 sec W  
Location Description: Tower Road (Welch 911)  
City: Welch  
State: WEST VIRGINIA  
County: MCDOWELL  
Ground Elevation: 609.9 meters  
Support Structure: 146.3 meters above ground level  
Overall Structure: 146.3 meters above ground level  
Overall Height AMSL: 756.2 meters above mean sea level

## Teresa Schuller

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**From:** towernotifyinfo@fcc.gov  
**Sent:** Tuesday, December 13, 2011 3:32 PM  
**To:** Teresa Schuller  
**Cc:** tcns.fccarchive@fcc.gov  
**Subject:** Reply to Proposed Tower Structure (Notification ID: 81068) - Email ID #2928652

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 #81068:

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: 11/18/2011  
Notification ID: 81068  
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: GTOWER - Guyed Tower  
Latitude: 37 deg 25 min 51.9 sec N  
Longitude: 81 deg 35 min 33.5 sec W  
Location Description: Tower Road (Welch 911)  
City: Welch  
State: WEST VIRGINIA  
County: MCDOWELL  
Ground Elevation: 609.9 meters  
Support Structure: 146.3 meters above ground level  
Overall Structure: 146.3 meters above ground level  
Overall Height AMSL: 756.2 meters above mean sea level

## Teresa Schuller

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**From:** towernotifyinfo@fcc.gov  
**Sent:** Monday, November 28, 2011 8:48 AM  
**To:** Teresa Schuller  
**Subject:** Reply to Proposed Tower Structure (Notification ID: 81068) - Email ID #2923986

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 #81068:

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.

The KBIC Tribal Historic Preservation Office has identified no properties of interest regarding religious or cultural sites documented at this time in your proposed location.

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: 11/18/2011  
Notification ID: 81068  
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: GTOWER - Guyed Tower  
Latitude: 37 deg 25 min 51.9 sec N  
Longitude: 81 deg 35 min 33.5 sec W  
Location Description: Tower Road (Welch 911)  
City: Welch  
State: WEST VIRGINIA  
County: MCDOWELL  
Ground Elevation: 609.9 meters  
Support Structure: 146.3 meters above ground level  
Overall Structure: 146.3 meters above ground level  
Overall Height AMSL: 756.2 meters above mean sea level