

**DRAFT ENVIRONMENTAL ASSESSMENT
FOR
PROPOSED 450-FOOT SELF-SUPPORT
TELECOMMUNICATIONS TOWER**

**Elgin Tower
Lacy Drive
Elgin, Texas**

Prudent Project Number: C309013

Prepared for:

Consolidated Telecom Services, Ltd.
907 West 5th Street, Suite 250
Austin, Texas 78703

Prepared by:



4242 Medical Drive, Suite 7250
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July 8, 2009

July 8, 2009

Ms. Scheral Rivera
Consolidated Telecom Services, Ltd.
907 West 5th Street, Suite 250
Austin, Texas 78703

**Re: Draft Environmental Assessment
Elgin Tower
Lacy Drive
Elgin, Texas
Prudent Project Number: C309013**

Dear Ms. Rivera:

Prudent Environmental Services, Inc., (Prudent) has conducted a Draft Environmental Assessment and FCC NEPA Checklist of the proposed project with respect to the expected environmental impacts associated with grant funds issued by the Public Safety Interoperable Communications (PSIC) Grant Program, administered by the National Telecommunications and Information Administration (NTIA) of the U.S. Department of Commerce. The PSIC Grant Program is to assist State, local, tribal, and nongovernmental agencies in developing interoperable communications as they leverage newly available spectrum in the 700-800 megahertz (MHz) band. As a condition of the PSIC Grant Program, PSIC grantees must comply with all relevant Federal legislation.

In addition, to the PSIC screening any new tower construction is required to undergo FCC NEPA Land Use screening in accordance with 47 CFR Section 1.1307 (a) (1) through (8), to determine whether any of the listed FCC special interest items would be significantly affected if a tower structure and/or antenna and associated equipment control cabinets were constructed at the proposed site location.

The findings of this Draft Environmental and FCC NEPA Checklist are based on the project location, project type, and construction diagrams provided by CTS. Should the project location, project type, and/or construction diagrams be altered, reevaluation of this project will be required. If there are any questions regarding the information presented in this report, please contact the Prudent office at 210-822-9588.

Sincerely,



Tomas Hernandez, Jr., PG
Senior Project Manager

EXECUTIVE SUMMARY

This executive summary is provided for convenience only and should not substitute review of the complete report, including all figures and appendices.

The Proposed Action is identified as the Elgin (Lacy Drive) Tower telecommunication facility. The Elgin Tower is classified as a "New" Transmission and Receiving Site, which consists of the proposed construction of 450-foot freestanding self-support tower with a 100-foot by 100-foot fenced compound with associated equipment. The total ground-disturbance area is less than 0.25 acres. The area surrounding the proposed Elgin telecommunication facility is dominated by single-family residences in rural residential community in northern Bastrop County. A City of Elgin Water Tower is being constructed adjacent to the proposed Elgin Tower site. Figure 1 shows a vicinity map of the area and photographs located in the appendices of this report show the Elgin Tower site and surrounding area.

The proposed Elgin Tower site is located at N30° 20' 3.07" Latitude and W97° 19' 25.71" Longitude (NAD83) along Lacy Drive in the city of Elgin, Bastrop County, Texas as shown on the USGS Elgin East, Texas 7.5 Minute Series Topographic Map dated 1982 which is depicted in Figure 2. The Elgin Tower site consists of proposed 450-foot freestanding self-support telecommunication tower, with a 100-foot by 100-foot chain-link fenced equipment compound facility. The proposed telecommunication compound will house: one 12-foot by 16-foot equipment shelter, a stand-alone emergency backup generator and associated liquefied propane tank, and control utility board as shown in Figure 3.

The proposed Elgin Tower site will be located on city owned property adjacent to a City of Elgin water tower. The existing utilities for power will be slightly extended to allow for easy access. An existing gravel paved access road will be used for site access for construction and operational maintenance. Figure 4 shows the aerial photograph of the project site location.

The proposed Site will allow for the following:

- Increased coverage area for emergency responders connected through the system
- Updated equipment to support new frequencies to improve and expand voice and data coverage
- Facilitate reliable interoperable communications among first responder organizations
- Enhanced security and facility control

The Proposed Action will not involve any of the unusual risks or impacts to sensitive areas identified in Section 4 that would require site-specific EA. Therefore, the Proposed Action would warrant the issuance of a FONSI to cover those actions for which no significant impact has been determined.

In addition, to the Public Safety Interoperable Communications (PSIC) Grant Program screening any new tower construction is required to undergo FCC NEPA Land Use screening in accordance with 47 CFR Section 1.1307 (a) (1) through (8), to determine whether any of the listed FCC special interest items would be significantly affected if a tower structure and/or antenna and associated equipment control cabinets were constructed at the proposed site location.

Based upon the available data gathered for this Draft Environmental Assessment, there **does not appear** to be evidence that would suggest National Environmental Policy Act (NEPA) environmental concerns exist for the Proposed Action. No FCC special interest items were identified that would require a site-specific EA to be prepared.

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SECTION 1 - INTRODUCTION

This Draft Environmental Assessment provides a review of the expected environmental impacts associated with grant funds issued by the Public Safety Interoperable Communications (PSIC) Grant Program, administered by the National Telecommunications and Information Administration (NTIA) of the U.S. Department of Commerce. The PSIC Grant Program is to assist State, local, tribal, and nongovernmental agencies in developing interoperable communications as they leverage newly available spectrum in the 700-800 megahertz (MHz) band. As a condition of the PSIC Grant Program, PSIC grantees must comply with all relevant Federal legislation, including the National Environmental Policy Act (NEPA).

The NTIA has specified that PSIC-funded projects must be used for projects that would improve communications in areas at high risk for natural disasters and in urban and metropolitan areas at high risk for threats of terrorism, and should include pre-positioning or securing of interoperable communications for immediate deployment during emergencies or major disasters. Investments that received PSIC funding range from large-scale infrastructure build-outs such as tower construction to governance-related initiatives but not limited to multijurisdictional strategic planning.

Bastrop County, Texas is located in the central part of the State of Texas and is part of the Austin-Round Rock metropolitan area. As of 2006, the population was 71,700 residences for the county. The county has a total area of 896 square miles.

The City of Elgin has a population estimated at 12,898 residences according to the 2008 census. Elgin is located 19 miles east of Austin and 17 miles north of the City of Bastrop. The proposed Elgin Tower site is located at N30° 20' 3.07" Latitude and W97° 19' 25.71" Longitude (NAD83) along Lacy Drive in the city of Elgin, Bastrop County, Texas as shown on the USGS Elgin East, Texas 7.5 Minute Series Topographic Map dated 1982 which is depicted in Figure 2. The Elgin Tower site consists of proposed 450-foot freestanding self-support telecommunication tower, with a 100-foot by 100-foot chain-link fenced equipment compound facility. The proposed telecommunication compound will include: one 12-foot by 16-foot equipment shelter, a stand alone emergency backup generator and associated liquefied propane tank, and control utility board as shown in Figure 3.

The proposed Elgin Tower site will be located on city-owned property adjacent to a City of Elgin water tower. The existing utilities for power will be slightly extended to allow for easy access. An existing gravel paved access road will be used for site access for construction and operational maintenance. Figure 4 shows the aerial photograph of the project site location.

Bastrop County is proposing a new 800-MHz radio trunking system. Trunking systems share multiple frequencies with many users. In conventional systems, a frequency is dedicated to a group of users, and when those users are not using the frequency, the channel is idle and its potential airtime is wasted. Trunking systems allow these users to share the same group of frequencies. The new system will consist of three telecommunication radio towers in northern Bastrop County. The proposed Elgin (Lacy Drive) telecommunication facility also referred to as the, "Proposed Action and Elgin Tower site" is one of the three towers in the new proposed 800-MHz radio trunking system. The other two telecommunication sites are existing towers and are not part of the Environmental Assessment.

Purpose and Need

The purpose of the proposed action is to meet current radio system coverage and future coverage needs of Bastrop County. PSIC Grant Program is to improve interoperability and reliability in the nation's communications and information systems infrastructure by assisting public safety agencies in performing the following:

- Conducting Statewide or regional planning and coordination
- Supporting the design and engineering of interoperable emergency communications systems
- Supporting the acquisition or deployment of interoperable communications equipment or systems
- Establishing and implementing a strategic technology reserve to pre-position or secure interoperable communications in advance so they may be immediately deployed in an emergency or major disaster

The existing Bastrop County radio system is located on non-county owned commercial leased tower property with short-term contractual leases. The existing system does not meet the present coverage and security needs of Bastrop County. The existing facility does not provide options for expansion of the radio system coverage. The limiting factors are the following: leased property with restrictions on improvements, poorly located, and the limited surface area for expansion. Ingress and egress is also limited due to its present location and the growth of the community around it. Therefore, the proposed Elgin (Lacy Drive) telecommunication facility location will provide the following:

- Increased coverage area for emergency responders connected through the system
- Updated equipment to support new frequencies to improve and expand voice and data coverage
- Facilitate reliable interoperable communications among first responder organizations
- Enhanced security and facility control
- Long term, no cost lease agreement with the City of Elgin with a right-to-own provision

SECTION 2 - PROPOSED ACTION

The Proposed Action is to construct a new transmitting and receiving telecommunications facility to accomplish the following goals:

- Increased coverage area for emergency responders connected through the system
- Updated equipment to support new frequencies to improve and expand voice and data coverage
- Facilitate reliable interoperable communications among first responder organizations
- Enhanced security and facility control
- Use cost-effective measures

Project Information

The Proposed Action is identified as the Elgin (Lacy Drive) Tower telecommunication facility. The Elgin Tower is classified as a "New" Transmission and Receiving Site, which consists of the construction of a 450-foot self-support telecommunications tower with a 100-foot by 100-foot fenced compound with associated equipment. The total ground-disturbance area is less than 0.25 acres. The area surrounding the proposed Elgin telecommunication facility is dominated by single-family residences in a rural residential community in northern Bastrop County. A City of Elgin Water Tower is being constructed adjacent to the proposed Elgin Tower site. Figure 1 shows a vicinity map of the area and photographs located in the appendices of this report show the Site and surrounding area.

The proposed Elgin Tower site is located at N30° 20' 3.07" Latitude and W97° 19' 25.71" Longitude (NAD83) along Lacy Drive in the city of Elgin, Bastrop County, Texas as shown on the USGS Elgin East, Texas 7.5 Minute Series Topographic Map dated 1982 depicted in Figure 2. The proposed telecommunication compound will include: one 12-foot by 16-foot equipment shelter, a stand alone emergency backup generator and associated liquefied propane tank, and control utility board as shown in Figure 3.

The proposed Elgin Tower site will be located on city owned property adjacent to a City of Elgin water tank. The existing utilities for power will be slightly extended to allow for easy access. An existing gravel paved access road will be used for site access for construction and operational maintenance. Figure 4 shows the aerial photo of the project site location.

The proposed Elgin Tower site will allow for the following:

- Increased coverage area for emergency responders connected through the system
- Updated equipment to support new frequencies to improve and expand voice and data coverage
- Facilitate reliable interoperable communications among first responder organizations
- Enhanced security and facility control

Alternatives

Several project alternatives, including the proposed action, were investigated during the facility selection process as discussed below:

Proposed Action - Elgin Tower Site (Preferred Action)

Due to the higher topographic location of the proposed Elgin Tower site, increased coverage is greatly enhanced, no retrofitting would be required and the facility will be constructed in a manner to allow for future expansion needs. This "New" Transmission and Receiving Site will facilitate enhanced security and facility control, reliable interoperable communications, and significant increased coverage area for emergency responders.

The proposed site topography provides natural height resulting in enhanced coverage with the proposed 450-foot freestanding self-support tower. This greatly reduces the retrofitting that would be required otherwise. The proposed site also provides additional area for expansion in the future. Ingress and egress would be more conducive to maintenance and future expansion construction work. This site is more centrally located expanding the coverage radius.

No Action

Under the No Action Alternative, current radio system coverage requirements will not be met causing serious limitation on emergency response, funding for interoperable communications and information systems infrastructure would not be released, and infrastructure would neither be developed nor enhanced. Ongoing maintenance activities would continue using the current funding sources; however, no new activities would be funded with PSIC grant funding. It is assumed that the project proposed for PSIC grant funding would not go forward with any alternate funding sources.

The No Action Alternative will serve as the baseline for assessing the impacts of the other alternatives. The No Action Alternative would not address the needs for Bastrop County.

Alternatives Considered But Not Carried Forward

Multiple alternatives were examined to determine the range of reasonable alternatives to implement the Proposed Action. The existing facility, alternative would require significant structural retrofitting of the existing tower and other equipment upgrades with the cooperation of the tower owner since this is a non-owner commercial facility. Additional lease options and security measures would need to also be taken to limit and control access. Due to the identified goals for the Proposed Action significant upgrades and retrofitting would be required. Overall coverage expansion for services would fall short and become a limiting factor in the future needs by the Bastrop County. Other alternatives did not meet the pre-screen requirements of Bastrop County as described in Section 2 and were not carried forward for detail analysis in this assessment.

SECTION 3 - EXISTING ENVIRONMENT

This section describes the existing environment that may be affected by implementing the Proposed Action and serves as a baseline from which to identify and evaluate potential impacts. The description of the affected environment focuses on those resource areas that are potentially subject to impacts resulting from the Proposed Action. Aspects of the existing environment described in this section focus on 11 major resource areas that encompass the natural, human, and built environments.

The 11 resource areas are noise, air quality, geology and soils, water resources, biological resources, historic and cultural, land use, aesthetic and visual, infrastructure, socioeconomic resources, and human health and safety.

Resource 1 - Noise

Noise is defined as unwanted sound that interferes with normal human activities or wildlife behavior, or may otherwise diminish environmental quality (EPA, 1974).

Existing Conditions

In a typical day, most people are exposed to sound levels of 50 to 55 dBA or higher due to the residential setting according to (SAIA, 2008). The project site exhibits typical traffic patterns associated with a residential setting.

Resource 2 - Air Quality

Air quality is measured by the concentration of various pollutants in the atmosphere, usually expressed in units of parts per million (ppm) or micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). Acceptable levels for six criteria pollutants in ambient air have been established as National Ambient Air Quality Standards (NAAQS). These standards were set by the federal Environmental Protection Agency (EPA) for the maximum levels of air pollutants that can exist in the outdoor air without unacceptable effects on human health or the public welfare. The six criteria air pollutants include carbon monoxide (CO), nitrogen dioxide (NO_2), ozone (O_3), sulfur dioxide (SO_2), particulate matter (PM_{10} and $\text{PM}_{2.5}$), and lead (Pb). PM_{10} and $\text{PM}_{2.5}$ are acronyms for particulate matter consisting of particles smaller than 10 and 2.5 micrometers, respectively.

Existing Conditions

The ambient air quality in Bastrop County currently meets NAAQS for all six criteria pollutants. In order to ensure continued attainment of the 1-hour ozone standard, the region's leaders signed an air quality improvement plan called the Ozone Flex Agreement (O3 Flex) in March of 2002. Elected officials and community leaders in Travis, Williamson, Hays, Bastrop and Caldwell counties entered into this agreement with US EPA and the Texas Commission on Environmental Quality (TCEQ), formerly the Texas Natural Resource Conservation Commission, to proactively reduce ozone precursor emissions in their own operations. While the O3 Flex Agreement requires community education and outreach, it imposes no mandatory requirements on the general public.

Since the ambient air quality in Bastrop County meets established NAAQS and is currently designated as "clean", air permits are not required for new construction or refitting construction for telecommunication towers that include the following activities: building a road, preparing land to erect a tower, temporary small-scale ground disturbance typically associated with new and refitting tower construction.

Resource 3 - Geology and Soils

Geological resources are described as the geology, soils, and topography that characterize an area. The geology of an area refers specifically to the surface and near-surface materials of the earth and the processes that formed those materials. These resources are typically described in terms of regional or local geology, including mineral resources, earth materials, soil resources, and topography.

Descriptions of these resource areas include bedrock or sediment type and structure, unique geologic features, depositional or erosional environment, and age or history. Mineral resources include usable geological materials that have some economic or academic value. Soil resources include the unconsolidated, terrestrial materials overlying the bedrock or parent material and are typically described by their complex type, slope, and physical characteristics.

Soil resources also include prime and unique farmlands, which are protected under the Farmland Protection Policy Act of 1981 (FPPA) (P.L. 97–98, 7 U.S.C. §4201). The FPPA applies to prime and unique farmlands and those that are of State and local importance. “Prime farmland” is defined as land that has the best combination of physical and chemical characteristics for successfully producing crops. “Unique” farmland is defined as land that is used for the production of certain high-value crops, such as citrus, tree nuts, olives, and fruits. The Act requires Federal agencies to examine the potentially adverse effects to these resources before approving any action that would irreversibly convert farmlands to nonfarm uses. This examination is done in consultation with the Natural Resources Conservation Service (NRCS) of the U.S. Department of Agriculture (USDA).

Existing Conditions

The Proposed Action is located on the geologic formation identified as the Wilcox Group consisting of deep inter-bedded sands, mudstone, sandstone, and clay with average thickness of 300 to 1,500 feet as shown in Figure 6. Soils at the Elgin Tower site are listed as the Padina series which consists of very deep, well drained, moderately permeable soils formed in thick sandy materials as shown in Figure 7. These soils are on uplands and high terraces. Slopes range from 0 to 12 percent.

This area of Bastrop County lies in the Post Oak Savannah Ecoregion, with Texas Blackland Prairies to the immediate west and north and East Texas Piney Woods to the east. This region is somewhat arid due to the clay pan soils; however Bastrop County is a distinctive part of Post Oak Savannah due to the fact that the soil in this area does not have the typical clay pan underlayer.

Vegetation in Post Oak Savannah Ecoregion includes extensive grasslands and trees. Although many varieties of oaks are present, the area is predominantly post oaks and blackjack oaks. Black hickory may also be locally abundant. Cedar elm, sugarberry, eastern red cedar and common persimmon are also common. In the past, large areas of tall-grass – little bluestem, Indiangrass, switchgrass and a myriad of wildflowers were broken only by the occasional grouping of trees. Currently, land use in the region is mostly improved pastureland with vast acreages seeded to Bahia Grass and Bermuda.

Resource 4 - Water Resources

Water resources are streams, lakes, rivers, and other aquatic habitats in an area and include surface water, groundwater, wetlands, floodplains, coastal resources, and wild and scenic rivers. Water resources—such as lakes, rivers, streams, creeks, canals, and drainage ditches—make up the surface hydrology of a given watershed. The term “waters of the United States” applies only to surface waters

(including rivers, lakes, estuaries, coastal waters, and wetlands) used for commerce, recreation, industry, sources of fishing, and other purposes.

The Safe Drinking Water Act (SDWA) provides for the protection of public health by regulating the U.S. public drinking water supply (P.L. 93–23, 42 U.S.C. §300f). The SDWA aims to protect drinking water and its sources (e.g., rivers, lakes, reservoirs, springs, and groundwater wells) and authorizes EPA to establish national health-based standards for drinking water to protect against naturally occurring and man-made contaminants. Every public water system in the United States is protected by the SDWA. Under Section 1424(e) the SDWA prohibits Federal agencies from funding actions that would contaminate a sole-source aquifer or its recharge area. Any federally funded project (including those that are partially federally funded) with the potential to contaminate a designated sole-source aquifer is subject to review by EPA. EPA's regulations implementing the SDWA requirements are found in 40 CFR 141–149. Federal SDWA groundwater protection programs are generally implemented at the State level.

The Clean Water Act (CWA), as amended, is the primary Federal law in the United States regulating water pollution (P.L. 92–500, 33 U.S.C. §1251). The CWA regulates water quality of all discharges into “waters of the United States.” Both wetlands and “dry washes” (channels that carry intermittent or seasonal flow) are considered “waters of the United States.” Administered by EPA, the CWA protects and restores water quality using both water quality standards and technology-based effluent limitations. The EPA publishes surface water quality standards and toxic pollutant criteria at 40 Code of Federal Regulations (CFR) Part 131. The CWA also established the National Pollution Discharge Elimination System (NPDES) permitting program (Section 402) to regulate and enforce discharges into waters of the United States. The NPDES permit program focuses on point-source outfalls associated with industrial wastewater and municipal sewage discharges. Congress has delegated to many States the responsibility to protect and manage water quality within their legal boundaries by establishing water quality standards and identifying waters not meeting these standards. States also manage the NPDES system.

The Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C. §1451) provides States with the authority to determine whether activities of governmental agencies are consistent with federally approved State Coastal Zone Management Plans (CZMP). The intent of the CZMA is to prevent any additional loss of living marine resources, wildlife, and nutrient-enriched areas; alterations in ecological systems; and decreases in undeveloped areas available for public use.

Federal statutes, executive orders (EO), State statutes, and State agency regulations and directives protect water quality and the beneficial uses of water resources. EO 11988 (Floodplain Management) and EO 11990 (Protection of Wetlands) mandate the control of activities that indirectly influence water quality.

EO 11988 (Floodplain Management) requires Federal agencies to determine whether a Proposed Action would occur within a floodplain and to take action to minimize occupancy and modification of floodplains. A floodplain is defined as the lowlands and flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands. At a minimum, areas designated as floodplains are susceptible to 100-year floods.

Existing Conditions

Water resources are inherently site-specific resources, according to the USGS Elgin East, Texas 7.5 *Minute Series Topographic Map* dated 1982, EPA Region 6 Map of Sole Source Aquifers, and the Federal Emergency Management Agency (FEMA), the Proposed Action is located atop a hill approximately 540 feet above mean sea level with no indications of wetlands, floodplains, costal management zones, and

wild or scenic rivers were noted in the reviewed databases, maps, and site reconnaissance. Figure 2 and 5 show the USGS Topographic Map and FEMA Map.

Annual rainfall in this area ranges between 35 and 45 inches per year, although more recently the area has been under drought conditions with less than typical precipitation.

The nearest water body is located to the northwest over 1,500 feet and is an unnamed tributary of Burlson Creek. Several small cattle stock ponds are depicted in the USGS Topographic Map; however, these stock ponds were not observed as directly adjacent to the Elgin Tower site nor were they visible in the recent 2006 aerial photograph.

The closest classified stream to the proposed site is Segment 1428 of the Colorado River which is located approximately twelve miles to the south of Elgin. This stream segment has been identified by the Lower Colorado River Authority (LCRA) and the Texas Commission on Environmental Quality (TCEQ) as having generally good water quality although nutrient levels are often elevated. This segment meets several criteria for designation as ecologically unique and has been recommended for further study for consideration of such designation. Since the facility is less than one acre NPDES permits are not required. Based upon the topography of the area and the distance to this surface water, it is not likely that the proposed action has potential to adversely affect this stream.

Resource 5 - Biological Resources

Biological resources are animals, plants, and their habitats that are native to an area, including threatened or endangered species. In general, biological resources can include native and introduced (non-native) plants that comprise the various habitats, animals present in such habitats, and natural areas that help support these plant and wildlife populations. Protected or sensitive biological resources include plant and animal species listed as threatened or endangered by U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), or a State. The following section describes categories of biological resources such as vegetation and associated habitats, wildlife, threatened and endangered species, and wetlands.

The Endangered Species Act (ESA) (16 U.S.C. §1531) requires Federal agencies to conserve endangered species by listing endangered and threatened species of plants and animals and designating the critical habitat for animal species. The ESA defines an endangered species as any species in danger of extinction throughout all or a significant area of its range and a threatened species as any species likely to become endangered in the near future. Under Section 7 of the ESA, Federal agencies, in consultation with USFWS or NMFS, must ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species (i.e., a listed species) or to result in the destruction or adverse modification of critical habitat, defined as a specific geographic area that is essential for the conservation of a threatened or endangered species and that may require special management and protection (USFWS, 2007). USFWS and NMFS are responsible for compiling official lists of threatened and endangered species. If a Proposed Action may adversely affect a listed species or critical habitat, the Federal agency must prepare a Biological Assessment (BA) and initiate a formal consultation with USFWS or NMFS. After reviewing the BA, USFWS or NMFS prepares a Biological Opinion stating whether the Proposed Action is likely to jeopardize the continued existence of a listed species or cause the destruction or adverse modification of critical habitat. The purpose of the consultation process is to ensure avoidance and minimization of potential adverse impacts on listed species or critical habitats. Formal consultation is not required if the Federal agency determines, and USFWS or NMFS concurs in writing, that the Proposed Action is not likely

to adversely affect listed species. In addition, the ESA prohibits all persons subject to U.S. jurisdiction, including Federal agencies, from, among other things, "taking" endangered or threatened species. The "taking" prohibition includes any harm or harassment, and applies in the United States and on the high seas.

The Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. §703) was first enacted to implement the 1916 convention between the United States and Great Britain for the protection of birds migrating between the U.S. and Canada, offering much-needed protection to many bird species during a time when commercial trade in birds and their feathers was popular. The statute makes it unlawful to pursue, hunt, take, capture, kill or sell birds listed in the statute as "migratory birds", and does not discriminate between live or dead birds and also grants full protection to any bird parts including feathers, eggs and nests. The MBTA is the primary law that affirms or implements the nation's commitment to four international conventions (with Canada, Japan, Mexico, and Russia) for the protection of a shared migratory bird resource. Each convention protects selected species of birds that are common to both countries (e.g., they occur in both countries at some point during their annual life cycle). The potential impact to property owners can exist when migratory birds seek respite within trees or on buildings considered private property.

EO 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds) strengthens the protection of migratory birds and their habitats by directing Federal agencies to take certain actions that implement the MBTA. Specifically, Federal agency actions that have, or are likely to have, a measurable negative effect on migratory bird populations require development and implementation of an Memorandum of Understanding (MOU) with USFWS that promotes the conservation of migratory bird populations. The EO and MOUs are the regulatory basis for conservation actions or renewal of contracts, permits, delegations, or other third-party agreements associated with migratory birds. MOUs established under EO 13186 are published in the *Federal Register*.

USFWS's Division of Migratory Bird Management established several initiatives in the past decade to research collisions of birds with communication towers. In 1999, USFWS established the Communication Tower Working Group, composed of government, industry, and academic groups to study and determine tower construction approaches that prevent bird strikes.

EO 11990 (Protection of Wetlands) requires Federal agencies to provide leadership and take action to minimize the destruction, loss, or degradation of wetland habitat and to preserve and enhance the natural and beneficial values of wetland habitats in carrying out the agency's responsibilities. Wetland habitats generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

Existing Conditions

The Proposed Action is located on a vacant parcel covered by bunch grasses and oaks. No burrows, nests, wetlands, coastal areas, or other signs of threatened and endangered species and/or habitat were readily observable at the time of Prudent's reconnaissance.

The U.S. Fish & Wildlife Service (USFWS) has listed four endangered species in Bastrop County, including two bird species (the Bald Eagle, *Haliaeetus leucocephalus*, and the Whooping Crane, *Grus Americana*), one amphibian (the Houston toad, *Bufo houstonensis*), and one flowering plant (Navasota ladies tresses, *Spriantes parksii*). Habitats for these species were compared to the habitat observed at the proposed Site, and none of the habitats were identified with a potential to be found on the Site.

Consequently, it is anticipated that the proposed tower and equipment compound should not have an adverse impact to the listed or proposed protected species or critical habitats. Coordination of this analysis with USFWS resulted in their concurrence with the determination that the proposed action is not likely to adversely affect any federally listed species.

Resource 6 - Historic and Cultural Resources

Historic and cultural resources are sites, structures, buildings, districts, or objects, associated with important historic events or people, demonstrating design or construction associated with a historically significant movement, or with the potential to yield historic or prehistoric data, that are considered important to a culture, a subculture, or a community for scientific, traditional, religious, or any other reason (NPS, 2008). Typically, historic and cultural resources are subdivided into the following categories:

- **Archaeological resources.** This includes prehistoric or historic sites where human activity has left physical evidence of that activity but few aboveground structures remain standing.
- **Architectural resources.** This includes buildings or other structures or groups of structures that are of historic or aesthetic significance.
- **Native resources.** These include resources of traditional, cultural, or religious significance to a Native American Tribe, Native Hawaiian, or Native Alaskan organization.

There are multiple Federal regulations that protect historic and cultural resources. The National Historic Preservation Act of 1966 (NHPA) (P.L. 89-665, 16 U.S.C. §470) directs the Federal Government to consider the effects of its actions on historic and cultural resources under Section 106 through a four-step compliance process. It is noteworthy, however, that the law does not necessarily mandate preservation but does mandate a carefully considered decision making process. The four steps of the Section 106 compliance process are the following:

1. **Establish whether the Proposed Action constitutes an undertaking.** Per 36 CFR 800.16, an undertaking is an action funded in whole or in part under the direct or indirect jurisdiction of a Federal agency. If the Proposed Action is an undertaking, the appropriate State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) and other consulting parties (stakeholders) are identified.
2. **Identify National Register-listed or eligible properties.** Eligible historic properties in the geographic area of the Proposed Action are identified and evaluated for significance, including properties potentially eligible or listed with the National Register of Historic Places (NRHP) that may be affected by the Proposed Action.
3. **Assess effects of Proposed Action on eligible historic properties.** If the assessment determines no historic properties or no adverse effect to eligible historic properties, the SHPO/THPO and other consulting parties are informed, and the compliance process stops at this step. If the assessment determines actual or potential adverse effect to eligible historic properties, the SHPO/THPO and other consulting parties are notified through a letter and supporting documentation.
4. **Resolve adverse effects to eligible historic properties through consultation with the SHPO/THPO and Advisory Council on Historic Preservation (ACHP), as necessary.**

Existing Conditions

Historic, cultural, or tribal resources were not identified on or within 1.25 miles of the Proposed Action based on desktop database review conducted that the Texas Historic Commission – Site Atlas as shown in Figure 8.

Resource 7 - Aesthetic and Visual Resources

Effects to aesthetic and visual resources deal broadly with the extent to which development contrasts with the existing environment, architecture, historic or cultural setting, or land use, and the determination of effects is a judgment that must be made by a qualified professional. Visual resources are the natural and man-made features that give an area its visual character. Visual resources generally refer to the urban environment, whereas aesthetic resources typically include impacts to natural and scenic areas.

Visual resources are inherently difficult to assess, because they involve subjectivity. Often communities, historical societies, and their corresponding jurisdictional agencies are the arbiters of visual effects resulting from the Proposed Action.

There are no Federal statutory or regulatory requirements for visual resources and aesthetics. State, regional, or local requirements may apply. If the landscape were cultural or historic, or part of a National Historic Landmark, the impacts would need to be reviewed under NHPA Section 106. Similarly, potential visual impacts on scenic byways would need to be assessed under the National Scenic Byways Program (P.L. 105–178, 23 U.S.C. §162) and laws concerning State-designated scenic byways. Consultation with the National Park Service may be required for potential impacts on the visual resources in State and national parks. Potential visual impacts for outdoor recreation sites and facilities covered by Section 6(f) of the Land and Water Conservation Fund Act (LWCF) (P.L. 88–578, 16 U.S.C. §460) may need to be reviewed.

Existing Conditions

No unique viewsheds related to national or state designated scenic byways, cultural or historic resources, or National Historic Landmarks were identified based on desktop database review conducted the Texas Historic Commission – Site Atlas at the Proposed Action or within 1.25 miles of the project site as shown in Figure 8.

Resource 8 - Land Use

The term “land use” refers to real property classifications that indicate either natural conditions or the types of human activity that occur, or are permitted, on a parcel. There is no nationally recognized convention or uniform terminology for describing land use categories; definitions are typically promulgated at the local level in the form of zoning ordinances. As a result, the meanings of land use descriptions and definitions vary among jurisdictions.

Land use plans are usually established to ensure that development proceeds in an orderly fashion, encouraging compatible uses for adjacent land. There are many tools used in the planning process, including master plans, geospatial databases, and zoning ordinances. A master plan is generally written by a county or municipality to provide a long-term strategy for growth and development. The foremost factor affecting land use is compliance and compatibility with master plans and zoning regulations. Other relevant factors include existing land use at project sites, the types of land uses on adjacent properties and their

proximity to a Proposed Action, the duration of a proposed activity, and project permanence as a change in land use.

The following general land use categories will be used when discussing potential impacts to land use for this document: low, medium, and high density residential; commercial; industrial; public, quasi-public, and institutional; agricultural; vacant land; and open space. The following section will describe each area and its characteristic development and compatibility issues. Areas of particular concern include Coastal Zone Management (CZM) areas and coastal barrier islands.

Existing Conditions

General land use compatibility, the preferred action to be located adjacent to a City of Elgin water tower and is not located in non-compatible area that would pose a compatibility issue based on property zoning.

Resource 9 - Infrastructure

Infrastructure consists of the systems and physical structures that enable a population in a specified area to function. Infrastructure by definition includes a broad array of facilities (e.g., utility systems, streets, highways, railroads, airports, buildings and structures, and other manmade facilities). Individuals, businesses, governmental entities, and virtually all relationships between these groups depend upon this infrastructure for their most basic needs, as well as for critical and advanced needs (e.g., emergency response and health care).

Infrastructure is entirely man-made, with a high correlation between the type and extent of infrastructure and the degree to which an area is characterized as “developed.” An essential component of economic growth to an area is the availability of infrastructure and its capacity to support growth. The infrastructure components to be discussed in this section include utilities (electricity and communications), solid waste, and the transportation network.

Public utilities can be privately or publicly owned. Public utilities are often governed by a Public Utilities Commission that regulates the rates and services of a public utility. In recent years, several laws have been passed focusing on energy conservation and production. The Energy Policy Act of 2005 (P.L. 109–58) provides tax incentives and loan guarantees for energy production of various types. The Energy Independence and Security Act of 2007 (P.L. 110–140) expanded the production of renewable fuels and contains provisions for energy efficiency, smart grid, and carbon dioxide and incentives for plug-in hybrid electric vehicles to assist the electric power industry’s efforts to reduce greenhouse gas emissions.

Regulations governing communications infrastructure include Part 17 Construction, Marking, and Lighting of Antenna Structures of the FCC regulations (47 CFR Chapter 1), which prescribes procedures for antenna structure registration and requires the Federal Aviation Administration (FAA) to conduct an aeronautical study of the navigation air space to determine appropriate tower marking and lighting requirements to achieve safe air space. Before the FCC authorizes the construction of new antenna structures or alteration in the height of existing antenna structures, an FAA determination of “no hazard” may be required. FAA notification is required for any new construction greater than 200 feet above the ground, and near an airport runway (taller than 100:1 for a horizontal distance of 20,000 feet, 50:1 for a horizontal distance of 10,000 feet, and 25:1 for a horizontal distance of 5,000 feet of a heliport). By checking the heights of proposed antennae and their proximity to airports, the FCC’s TOWAIR software system assists in determining if FAA notification is required. The FAA can vary marking and lighting recommendations when requested, provided that aviation safety is not compromised. In all cases, safe

aviation conditions around the tower are the FCC's primary concern, and safety concerns dictate the marking and lighting requirements. Navigation air space, which starts at 200 feet above the ground, decreases in elevation in close proximity to airports; the minimum height for required marking or lighting would decrease in these areas.

Existing Conditions

The Proposed Action area has a combination of utilities (electricity, communications, and potable water) along with adequate transportation network of roads available in the area. No airports are located within 0.5 miles of the Proposed Action.

Resource 10 - Socioeconomic Resources

Socioeconomics comprise the basic attributes and resources associated with the human environment, including demographic, economic, and social assets of a community. Demographics focus on population trends and age. Economic metrics provide information on employment trends and industries. Housing, infrastructure, and services are also influenced by socioeconomic factors.

EO 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low- Income Populations) directs agencies to address environmental and human health conditions in minority and low-income communities. Environmental justice addresses the disproportionate and adverse effects of a Federal action on low-income or minority populations. The intent of EO 12898 and related directives and regulations is to ensure that low-income and minority populations do not bear a disproportionate burden of negative effects resulting from Federal actions. The general purposes of EO 12898 are the following:

- To focus the attention of Federal agencies on human health and environmental conditions in minority communities and low-income communities, with the goal of achieving environmental justice
- To foster nondiscrimination in Federal programs that substantially affect human health or the environment
- To give minority communities and low-income communities greater opportunities for public participation in, and access to, public information on matters relating to human health and the environment.

Existing Conditions

With regard to socioeconomic conditions of the proposed site, the Proposed Action area is not located in low-income or minority area.

Resource 11 - Human Health and Safety

A safe environment is one in which there is no danger (or an optimally reduced, potential) for death, serious bodily injury or illness, or property damage. Human health and safety addresses workers' health and safety, and public safety during demolition and construction activities and during subsequent operations of those facilities. Construction site safety is largely a matter of adherence to regulatory requirements imposed for the benefit of employees and implementation of operational practices that reduce risks of illness, injury, death, and property damage. The health and safety of onsite military and civilian workers are safeguarded by numerous regulations designed to comply with standards issued by

Occupational Safety and Health Administration (OSHA), EPA, and State agencies. These standards specify the amount and type of training required for industrial workers, the use of protective equipment and clothing, engineering controls, and maximum exposure limits for workplace stressors.

Existing Conditions

Safety hazards can often be identified and reduced or eliminated. Elements for an unsafe condition, accident-prone situation or environment include the presence of the hazard itself together with the exposed and possibly susceptible population. The degree of exposure depends primarily on the proximity of the hazard to the population. PSIC-funded activities that can be hazardous include transportation, maintenance and repair, radiation exposure, and the creation of extremely noisy environments.

The proper operation, maintenance, and repair of vehicles and equipment carry important safety implications. Any facility or human-use area with a potentially explosive or other rapid oxidation process creates unsafe environments for nearby populations. Extremely noisy environments can also mask verbal or mechanical warning signals such as sirens, bells, or horns. For construction operations associated with any PSIC-funded projects, any waste material or waste stream generated that is contaminated with hazardous waste, asbestos-containing material, lead-based paint, or other undesirable components would be disposed of following hazardous waste management procedures.

The Proposed Action would require construction activities on a vacant, previously undeveloped parcel.

SECTION 4 - ENVIRONMENTAL CONSEQUENCES

Resource 1 - Noise

Noise analyses typically evaluate potential changes to the existing noise environment that would result from implementation of a Proposed Action.

Proposed Action

Construction-Related Impacts - Because of construction-related activities, there would be a temporary increase in localized noise generated during the Elgin Tower construction activities. Construction activities for new infrastructure may result in short-term, negligible adverse impacts. Noise from the Elgin Tower construction activities will vary depending on the distance from the source of the noise. The noise levels generated by construction equipment would vary substantially depending on the type of equipment used, operations schedule, and condition of the project area. In addition to daily variations in construction activities, major construction for new infrastructure would be accomplished in several different stages, with each stage having a specific equipment mix for the work to be accomplished. The use of heavy equipment during construction activities may result in short-term minor adverse impacts on the noise environment, especially if noise-sensitive populations are adjacent to a proposed site. Typically, construction-related noise generation would last only for the duration of construction activities and occur during normal working hours (i.e., 7:00 a.m. to 5:00 p.m.), when noise is tolerated better because of the masking effect of background noise, with equipment being shut off when not in use. Evening noise levels would likely drop to ambient noise levels of the project area.

Therefore, it is anticipated that noise impacts from the Proposed Action construction activities would be short-term and would not exceed typical noise levels. Noise levels dBA at 50 feet from the source greater would be no greater than 85 dBA for no more than four to six continuous hours per day over a 10 to 35 day period. Construction-related noise impacts from the Elgin Tower project would not be significant.

Operations-Related Impacts - After construction has concluded, the ambient noise level would return to its normal level. Temporary noise could be generated by climate control such as heating and air conditioning equipment or backup generators at the project site. Backup generators included in the Proposed Action provide electric power to communications equipment as needed. Electric generators at transmitting and receiving sites are typically powered by either diesel or spark ignition such as propane or natural gas engines. Noise from backup generators is primarily composed of engine noise and exhaust noise.

The Elgin Tower will have a for a typical 125-kilowatt (kW) backup generator fueled by propane which will noise levels less than 86 dbA from 23 feet from the source. The backup generator at the Elgin Tower is not expected to cause the ambient noise levels to increase. It is anticipated that the use of the generator would be limited and would only occur during equipment maintenance and testing as a backup for primary power equipment and during interruption of the primary (grid) power supply. It can be estimated that the Elgin Tower generator would be operated for approximately 12 to 16 hours per year, based on manufacturer maintenance instructions and public safety agency standard operating procedures (SOP).

Because of the occasional and intermittent operation of the backup generator, the Proposed Action is not anticipated to cause adverse long-term impacts or measurably increase the ambient noise levels. Impacts to ambient noise levels resulting from the Proposed Action would not exceed typical operating noise levels and would be short-term. Therefore, there would be no significant long-term noise impacts.

No Action Alternative

Under the No Action Alternative, there would be no renovations to existing facility, nor would there be any new construction. No adverse impacts on the ambient noise environment would occur under the No Action Alternative.

Resource 2 - Air Quality

Impacts to air quality can come from a variety of sources located at transmitting and receiving sites. During construction, sources of new emissions include construction vehicles and equipment and fugitive dust emissions resulting from ground-disturbing activities and demolition. Operations-related impacts to air quality from transmitting and receiving sites would occur as a result of the operation of backup generators, which burn fossil fuels.

Proposed Action

Construction-Related Impacts - Air quality impacts during construction would originate from emission of construction vehicles, equipment, and fugitive dust stirred up during ground disturbing activities. Both would be temporary and of limited duration. Air quality impacts from construction activities vary depending on the construction activity, where the construction would occur, and the distance from the source of the emission.

The use of heavy equipment during construction activities may result in short-term minor adverse impacts on air quality on and near the proposed site. Typically, construction-related air quality impacts would last only for the duration of construction activities and occur during normal working hours (i.e., 7:00 a.m. to 5:00 p.m.), and would not result in increases in criteria air pollutants greater than exceedance levels. Therefore, it is anticipated that short-term negligible adverse impacts would be expected as a result of construction activities. There would be no significant impact to air quality from construction activities from the Proposed Action.

The minor emissions from construction can be further reduced or mitigated through the use of best management practices (BMP). BMPs for dust control include spraying water to minimize dust, limiting the area of uncovered soil to the minimum needed for each activity, siting of staging areas to minimize fugitive dust, using a soil stabilizer (chemical dust suppressor), mulching, using a temporary gravel cover, limiting the number and speed of vehicles on the site, and covering trucks hauling dirt. BMPs for construction vehicle and equipment emissions include limiting vehicle idling time, using low or ultra-low sulfur fuel (including biodiesel), conducting proper vehicle maintenance, and using electric- instead of gas-powered tools. The Elgin Tower will utilize these BMPs during construction activities and will also use locally available products and materials to reduce transportation-related emissions.

In addition the Elgin Tower will only require less than 0.25 acres is ground disturbance which is unlikely to result in any exceedance of air quality standards, regulated release of Hazardous Air Pollutants (HAP), or in more than a *de minimis* increase in emissions. The Proposed Action would have no significant impact to air quality from construction related activities.

Operations-Related Impacts - After the construction activities have concluded, the ambient air quality level would return to its normal level. Implementation of this Proposed Action would not result in the long-term operation of significant emission-generating sources, nor would it significantly increase or alter the existing levels of ambient air quality levels. Backup generators may be a component of some emissions. Generators are commonly used to provide backup electrical power for communications equipment during an emergency and would be operated as needed. Generator engines can run on gasoline, diesel, natural gas, or liquid propane. The Elgin Tower will utilize a typical 125-kilowatt (kW) backup generator fueled by propane. The Elgin Tower backup generator will be certified to meet the Nonroad Standards set by the EPA (40 CFR §§ 89 and 90) for nonroad engines (manufacturers build and certify the generators to these standards and have models ready to purchase). The Elgin Tower backup generators will only operate during an emergency ("lights out") or for testing or maintenance being performed on the generator. Federal regulations limit the use of backup generators to 500 hours per year.

Backup generators would not be expected to cause the ambient air quality levels to increase because of their limited operation as emergency power sources. The Proposed Action will have 125-kilowatt (kW) backup generator fueled by propane, which generates less emissions than other types of fuels (such as diesel, gasoline or jet fuel). The use of the Elgin Tower propane backup power generator is not expected to result in increases in criteria air pollutants greater than defined exceedance levels. Therefore, it is not anticipated that any adverse long term impacts on the ambient air quality level would occur. There would be no significant impact to air quality from operations activities.

No Action Alternative

Under the No Action Alternative, there would be no renovations to existing facility, nor would there be any new construction. There would be no increase in air quality impacts from the No Action Alternative.

Resource 3 - Geology and Soils

Impacts to geology and soils from transmitting and receiving sites would result from ground disturbing activities, such as excavation, grading, backfilling, trenching, and other activities.

Proposed Action

Construction-Related Impacts - Soil erosion and runoff may occur from the Elgin Tower construction site as a result of ground-disturbing activities, such as vegetation clearing, grading, and digging. Preparation of a stormwater pollution prevention plan may be necessary.

The Proposed Action is located on the geologic formation identified as the Wilcox Group consisting of deep inter-bedded sands, mudstone, sandstone, and clay with average thickness of 300 to 1,500 feet as shown in Figure 6. Soils at the Elgin Tower site are listed as the Padina series which consist of very deep, well drained, moderately permeable soils formed in thick sandy materials as shown in Figure 7. These soils are on uplands and high terraces. Slopes range from 0 to 12 percent.

Based on the review from the USDA soil classification for the Proposed Action, the soil types at the project site are not defined as prime or unique. The Proposed Action is not location on a unique geologic formation. There would be no significant impact to geology or soil from construction related activities.

Operations-Related Impacts - The operation of the Elgin Tower site would not involve any ground-disturbing activities or other activities that would affect geology and soils. There would be no impacts to geology and soils, including prime and unique farmlands.

No Action Alternative

Under the No Action Alternative, there would be no renovations to existing facility, nor would there be any new construction. There would be no impact to geology and soils as a result of the No Action Alternative.

Resource 4 - Water Resources

Impacts to water resources can result from several types of activities and procedures that would be in use at transmitting and receiving sites. Impacts would typically result from erosion caused by site runoff, direct contamination by chemicals used in the surrounding area that would be washed into a water body or absorbed into the water table, and building directly in or adjacent to a water resource such as a wetland. The use of erosion-control BMPs to reduce impacts is common practice and may improve water quality at a site. Development in floodplains poses a hazard both to human safety from flood events and to natural resources from the disruption of natural hydrologic patterns. Impacts to water resources resulting from the Proposed Action have been evaluated qualitatively.

Proposed Action

Surface Water and Groundwater

Construction-Related Impacts - Water quality impacts during the Elgin Tower construction would come from erosion and runoff resulting from soil disturbance for material storage, site access, site preparation, or road and driveway construction. Vehicle and equipment washing could also increase sediment reaching nearby streams. Vehicle and equipment refueling has the potential for spills of petroleum products. Pesticides or herbicides used to stimulate re-vegetation of areas cleared during construction also have the potential to contaminate nearby waters. All these activities would be temporary and of limited scope.

Water quality impacts from the Elgin Tower construction activities would vary depending on the construction equipment used, soils where the construction would occur, and the distance between the proposed project site and the receiving waters. Considering the relatively limited size of the Elgin Tower footprint is less than 0.25 acres of ground disturbance, construction of a complete new facility is unlikely to result in a significant amount of erosion.

The minor erosion and runoff from the Elgin Tower construction can be further reduced or mitigated through the use of BMPs. BMPs for erosion control include silt fencing or straw bales to control erosion, limiting the area of uncovered soil to the minimum needed for each activity, siting of staging areas to minimize erosion, replanting as soon as practicable, mulching, using temporary gravel cover, and limiting the number and speed of vehicles on the site.

Chemical, physical, or biological effects to water resources are not expected to result in the violation of water quality standards and criteria. There would be no significant impact to water quality from construction activities of the Elgin Tower site.

Operations-Related Impacts - Operations-related impacts would be limited to erosion that occurs before the site is fully re-vegetated or during refueling of the backup generator. The use of pesticides or herbicides also has the potential to contaminate nearby waters.

BMPs from the construction stage would be continued until the site is fully re-vegetated. A spill plan will be developed and followed to guide the required response in the event of a spill if required. Chemical,

physical, or biological effects to water resources are not expected to result in the violation of water quality standards and criteria. There would be no significant impact to water quality from operations activities.

Floodplains

The County of Bastrop participates in the National Flood Insurance Program (NFIP) and according to the Flood Insurance Rate Map (FIRM), Panel #100, Map #48021C0100E, the proposed site is not in a floodplain. (See Figure 5).

The Proposed Action is not located within the 500-year floodplain, and there would be no impact to floodplains.

No Action Alternative

Under the No Action Alternative, there would be no renovations to existing facility, nor would there be any new construction. There would be no risk of soil erosion or runoff from construction-related activities, nor would there be a risk of hazardous spills or other consequences from pesticides or fertilizers used to re-vegetate a disturbed site. Therefore, there would be no increase in impacts to either water resources or floodplains from the No Action Alternative.

Resource 5 - Biological Resources

Impacts to biological resources can result from several activities, including construction activities such as demolition, grading, excavation, and construction that could alter or destroy habitat, either temporarily or permanently. In addition, the continued presence of human activity on a smaller scale could result in behavioral impacts to certain animal species that could affect feeding and reproductive patterns and habits.

Proposed Action

Wildlife, Wildlife Habitat, and Vegetation

Construction-Related Impacts - Short- and long-term minor to moderate adverse impacts on wildlife, habitats, and vegetation would be expected as a result of construction-related activities for the Elgin Tower under the Proposed Action. Construction activities for new infrastructure result in the disturbance of habitats and wildlife. Since the Elgin Tower is a semi-urbanized environment, it would be expected to have less potential for adverse impacts on native vegetation than activities conducted in rural areas that would generally have more wildlife and habitat present.

Construction-related activities will have an impact on wildlife, habitat, and vegetation at the Elgin Tower project site due to clearing and grading of vegetated areas in preparation of new infrastructure construction. Short- or long-term minor impacts would largely be localized to the immediate project area. The introduction of invasive vegetation into disturbed areas and surrounding areas may result in long-term impacts to the native plant community at project site and surrounding area. Generally, the significance of vegetation loss associated with the Elgin Tower project would be less than 0.25 acres and is not considered to be significant.

Construction-related activities may reduce, alter, or fragment habitat; introduce invasive species; disrupt natural behavior; and injure or cause mortality to wildlife. The overall impact of construction-related activities on wildlife populations would depend on the type and amount of wildlife habitat that would be disturbed, the nature of the disturbance such as permanent or temporary and the wildlife that occupy the

project site and surrounding area. Construction-related activities may result in mortality of some less mobile species such as reptiles, amphibians, and small mammals. Construction-related activities may affect local wildlife by disturbing normal behavioral activities such as foraging, mating, and nesting. Wildlife will usually not forage, mate, or nest in areas where construction related activities are occurring. These impacts are usually temporary, as wildlife avoid construction areas and re-colonize the site when work ends. The Elgin Tower site is a freestanding self-support tower approximately 450 feet in height and requires less than 0.25 acres in total ground disturbance was evaluated for potential occurrences of federally assessed for biological resources. Prudent conducted a preliminary review using the US Fish and Wildlife Service Division of Endangered Species website to identify listed and proposed threatened and endangered species, as well as critical habitats that may be located on or near the proposed Site. Based on a review of the website, the Houston Toad – *Bufo houstonensis*; Whooping Crane – *Grus americana*, Bald Eagle – *Haliaeetus leucocephalus*, and Navasota Ladies' tresses – *Spiranthes parksii* were listed.

Habitats for the species identified in the threatened and endangered species were compared to the habitat at the proposed Site; none of the habitats were identified with a potential to be found on the Elgin Tower site.

Correspondence with the USFWS determined that the Proposed Action may affect but is not likely to adversely affect biological resources and will not have a significant impact. (See Appendix B - USFWS Letter).

Operations-Related Impacts - Routine maintenance activities at the Elgin Tower site would include mowing around associated site buildings and possibly along access roads. Mowing and pest control in these areas would maintain vegetation in early successional stages of community development and may prevent reestablishment of some plant species. Similarly, operations practices at the Elgin Tower site may lead to habitat degradation and mortality of some wildlife species such as amphibians and small mammals.

Following the completion of site development, potentially adverse impacts on wildlife species sensitive to disturbance could result from temporary noise generated by climate control such as heating and air conditioning equipment or the backup generator at the project site. This temporary and low level, but recurring, disturbance might exclude wildlife species or promote colonization by tolerant species.

Operations-related activities would be expected to have no significant impact on wildlife, wildlife habitat, and vegetation. Correspondence with the USFWS determined that the Proposed Action may affect but is not likely to adversely affect biological resources and will not have a significant impact. (See Appendix B - USFWS Letter)

Migratory Birds

Construction-Related Impacts - Short- and long-term minor to moderate adverse impacts on migratory birds would be expected as a result of construction-related activities from the Elgin Tower site. Impacts to migratory birds could occur during erection of towers, antennae, ventilation, and air conditioning (HVAC) equipment such as the use of portable cranes. Construction-related activities occurring along migratory bird pathways would be expected to have more potential for adverse impacts on migratory birds than activities in non-migratory areas.

Construction-related impacts would be expected to have no significant impact on migratory birds as the use of equipment such as cranes to erect towers, HVAC equipment, and antennae would not be used during limited periods and are short-term impacts. Correspondence with the USFWS determined that the Proposed Action may affect but is not likely to adversely affect biological resources and will not have a significant impact. (See Appendix B - USFWS Letter)

Operations-Related Impacts - Long-term minor to moderate adverse impacts on migratory birds would be expected from the Elgin Tower site. Impacts on migratory birds would be expected as a result of collision with operating towers, antennae, and other tall structures, particularly during periods of low visibility and as a result of tower lighting that might be distracting to some species. The probability of collision is difficult to determine programmatically because of the range of variables that affect the potential for collision and the lack of conclusive data on the causes of collision.

Adverse impacts on birds resulting from collision generally occur during foggy or low cloud conditions at lighted towers supported by guy wires and present greater collision risk than freestanding towers or buildings. The Elgin Tower is a freestanding self-support tower approximately 450 feet. Variables such as structure height above surrounding trees, design, lighting, seasons, adjacent land features, and migratory patterns would affect the potential and degree of adverse impacts on migratory birds.

According to correspondence with the USFWS the Proposed Action would be expected to have no significant impact and the Proposed Action may affect but not likely to adversely affect migratory birds.

Threatened and Endangered Species

Construction-Related Impacts - Construction-related activities would affect threatened, endangered, and sensitive species in the same manner that vegetation and wildlife would be affected. Construction-related activities may potentially adversely affect threatened and endangered species by potentially reducing, altering, or fragmenting available habitat; introducing invasive species; causing injury or mortality to wildlife; noise; and causing behavioral impacts.

The Elgin Tower site is a freestanding self-support tower approximately 450 feet in height and requires less than 0.25 acres in total ground disturbance was evaluated for potential occurrences of federally assessed for biological resources. Prudent conducted a preliminary review using the US Fish and Wildlife Service Division of Endangered Species website to identify listed and proposed threatened and endangered species, as well as critical habitats that may be located on or near the proposed Site. Based on a review of the website, the Houston Toad – *Bufo houstonensis*; Whooping Crane – *Grus americana*, Bald Eagle – *Haliaeetus leucocephalus*, and Navasota ladies' tresses – *Spiranthes parksii* were listed.

Habitats for the species identified in the threatened and endangered species were compared to the habitat at the proposed Site; none of the habitats were identified with potential to be found on the Elgin Tower site.

According to correspondence with the USFWS, the Proposed Action would be expected to have no significant impact and the Proposed Action may affect but not likely to adversely affect threatened, endangered, and sensitive species. (See Appendix B - USFWS Letter).

Operations-Related Impacts - Following the completion of site development, operations-related impacts from the Elgin Tower is not expected to occur. Overall, operations-related impacts would be expected to have no significant impact on threatened and endangered species.

According to correspondence with the USFWS, the Proposed Action would be expected to have no significant impact and the Proposed Action may, but is not likely to, adversely affect threatened, endangered, and sensitive species. (See Appendix B - USFWS Letter).

Wetlands

Construction-Related Impacts - Since no wetland habitat was observed at the Proposed Action project site or on the surrounding area, constructed-related impacts would be expected to have no impact on wetland habitats.

Operations-Related Impacts - Routine maintenance activities on the Elgin Tower site would include mowing and pest control around the Elgin Tower infrastructure and possibly along access roads. Since no wetland habitat was observed at the Proposed Action project site, operations-related impacts would be expected to have no impact on wetland habitats.

No Action Alternative

Under the No Action Alternative, there would be no renovations to existing facility, nor would there be any new construction. No significant impacts on vegetation and wildlife, migratory birds, threatened and endangered species, or wetlands would occur under the No Action Alternative, including beneficial impacts of replacement of old guyed transmitting and receiving towers with modern freestanding towers.

Resource 6 - Historic and Cultural Resources

Impacts to historic and cultural resources can occur both from physical disturbance of historic properties and from aesthetic changes to a historic property or its viewshed. To determine the nature of impacts to historic properties, as defined under the NHPA, consultation with the relevant State SHPO, or THPO, are required.

Proposed Action

Construction-Related Impacts - Construction-related impacts to historic and cultural resources at and near the Elgin Tower site were assessed to determine if temporary impacts to viewsheds and present risk of permanent impact or harm to historic properties, primarily through ground-disturbing activities.

Consultation with the Texas SHPO was conducted to determine whether the construction of the Elgin Tower and installation associated antennae, microwave links, and infrastructure may generate any short-term or long-term indirect impacts to historic and cultural resources and within the viewshed of any historic and cultural resources. The construction of the Elgin Tower site may indirectly impact the viewshed of architectural resources in the area if not aesthetically compatible with the character of the historic surroundings.

Prudent conducted a desktop assessment to determine historic and cultural resources listed in the area of potential effect (APE). A public notice was issued related to impacts to historic and cultural resources. The legal notice was placed in the Elgin Courier on April 6, 2009. No comments were received. In addition, the Texas SHPO and THPO was consulted to determine effect from the Proposed Action. According to the correspondence with the Texas SHPO, the Proposed Action would be expected to have no significant impact and the Proposed Action will not affect historic properties and the project may proceed. (See Appendix C – Section 106).

Operations-Related Impacts - Operation of the Elgin Tower site does not typically require any ground-disturbing activities; therefore, it is expected that there would be no impact to archaeological resources. Based on correspondence with the SHPO/THPO no adverse impacts were determined.

No Action Alternative

Under the No Action Alternative, there would be no renovations to the existing facility, nor would there be any new construction. Therefore, there would be no impact to historic and cultural resources resulting from the No Action Alternative.

Resource 7 - Aesthetic and Visual Resources

Potential impacts on aesthetic and visual resources are likely to be greater in more natural (rural) settings than commercial or residential settings (urban and suburban) where development is more common. Impacts on aesthetic and visual resources may be short- or long-term, depending on whether the impact is related to construction activities or the feature that is being constructed.

Proposed Action

Construction-Related Impacts - Under the Proposed Action, the Elgin Tower impacts on aesthetics and visual resources from construction-related activities would include the clearing and grading of land, the construction of infrastructure necessary to operate the transmitting and receiving site, and the construction of the specific sites' facilities. The degree of visual disturbance depends on the existing landscape, project-specific construction activities, and each viewer's perception. The Elgin Tower project short-term impacts on aesthetic and visual resources resulting from construction-related activities would likely have no significant impact.

Operations-Related Impacts - Features that might create a permanent contrast with the existing environment would include the Proposed Action communications towers and buildings associated with the Elgin Tower site. If overhead transmission lines (instead of buried lines) were used for power or communication, these lines would also represent a permanent feature. However, the degree of contrast depends on the existing landscape and each viewer's perception.

The long-term impacts resulting from the permanent placement of Elgin Tower site would likely have no significant impact.

No Action Alternative

Under the No Action Alternative, there would be no renovations to the existing facility, nor would there be any new construction. There would be no impact to aesthetic or visual resources resulting from the No Action Alternative.

Resource 8 - Land Use

Impacts to land use can occur when incompatible land uses are placed adjacent to one another. PSIC-funded transmitting and receiving projects would not be compatible with all land use types and should be carefully sited, in accordance with local master plans, planning initiatives, local zoning, and coastal land use restrictions. Transmitting and receiving sites are most compatible with industrial, commercial, or public and quasi-public land uses, such as utilities, because of the basic intended function of these sites and the associated activities by which their operation is characterized. Compatibility with land use planning is

derived from the function or purpose such as operation of the site; construction activities do not have any substantive bearing on impacts to land use planning. Therefore, only impacts from operations will be discussed in this section.

Proposed Action

General Land Use Compatibility for the Elgin Tower site would not be compatible with all types of land uses. In general it is expected that siting of Proposed Action would be compatible with existing land use plans and zoning at and adjacent to the proposed site and would not impose an incompatible land use on an area. Commercial, industrial, and some public and quasi-public facilities, such as airports and utilities, would be compatible, because infrastructure and activities are similar to those associated with transmitting and receiving sites. The Elgin Tower site is located adjacent to a water tower currently under construction in a residential area outside the city limits of Elgin.

The Proposed Action is located next to a water tower currently under construction, the project site is not located in a coastal zone or coastal barrier resources, and no local zoning rules prohibit the Proposed Action. Therefore, no significant impact would occur related to general land use compatibility with the Elgin Tower site.

No Action Alternative

Under the No Action Alternative, there would be no renovations to the existing facility, nor would there be any new construction. Therefore, there would be no impacts to general land use compatibility, coastal zone, or coastal barrier resources resulting from the No Action Alternative.

Resource 9 - Infrastructure

Impacts to infrastructure are typically observed as disruptions in service and utilities, either short- or long-term, resulting from increases in demand that may overwhelm the capacity of the local area to absorb them. Engagement in a planning process to ensure that system capacity will be able to meet projected increases in demand is the most effective way to avoid impacts to infrastructure, although resources may not always be available to implement upgrades.

Proposed Action

Utilities

Construction-Related Impacts - Short-term minor impacts on utility quality and availability would be anticipated for developed areas. In the unlikely event that construction or maintenance activities result in actual damage to a utility system or interruption of services resulting from installation of the Proposed Action, a short-term significant impact may occur. For the Elgin Tower which is located in a rural area involving new construction, construction-related activities would require additional short-term electric and communication services from available utility networks. Construction-related impacts are not expected to lead to major shortages in supply, nor are they expected to require major changes to the system. Impacts to utilities would not be significant.

During construction-related activities related to the Proposed Action, precautions would be taken to avoid damage to existing utility lines. All potential modifications to utility services would be evaluated. Coordination with potentially affected local and regional utility service providers would occur to avoid unnecessary damage or interruption of service. There would be no significant impact to utility services

from construction related activities with the Elgin Tower site.

Operations-Related Impacts - The Proposed Action would not be expected to cause noticeable impacts to local utility services across all category types. Operations impacts are not expected to lead to major shortages in supply, nor are they expected to require major changes to the services. There would be no significant impact to utility services from operations-related activities of the Elgin Tower site.

Transportation Network

Construction-Related Impacts - For the Elgin Tower site construction-related activities, heavy equipment and materials that may be needed for site access and site preparation, would not pose a significant impact to the transportation network. Construction of the Proposed Action may require numerous truck trips to haul materials to a project site or to dispose of waste materials. The number of construction-related trips and the frequency and duration of impacts would be dependent on the location, nature, and scale of the project. Since the Elgin Tower site is a 450-foot freestanding self-support tower, the surface impact is less than 0.25 acres in size, would not require a significant amount of construction related traffic to complete the project. During the construction period, the movement of heavy equipment and materials to a project site during construction may cause a relatively short-term increase in the level of service along local roadways.

Potential impacts to transportation are expected to be low, provided appropriate planning and implementation actions are taken. Existing roads would be used to the maximum extent possible. There would be no significant impact to transportation networks from construction-related activities.

Operations-Related Impacts - Due to limited footprint of the Elgin Tower site, less than 0.25 acres, small number of daily trips by medium-duty vehicles and/or personal vehicles will be required. Transportation activities during operations would not be expected to cause noticeable impacts to local transportation networks. There would be no significant impact to transportation networks from operations-related activities.

No Action Alternative

Under the No Action Alternative, there would be no renovations to the existing facility, nor would there be any new construction. There would be no impact to utilities or the transportation network resulting from the No Action Alternative.

Resource 10 - Socioeconomic Resources

Impacts to socioeconomic resources are assessed in terms of the effects of expenditures on the overall local economy and the impact of in-migration on demographics, employment, the availability of housing, and the ability of a jurisdiction to provide services such as education and public safety. In addition, disproportionate impacts to low-income or minority populations would result in adverse environmental justice impacts.

Proposed Action

Under the Proposed Action, expenditures associated with the implementation of PSIC-funded grant programs would represent a small portion of overall Statewide spending and a small portion of the statewide economy.

The implementation of PSIC-funded project may result in an increase in jobs as a result of the construction of the Elgin Tower site, but the increase is not expected to be significant in Bastrop County, Texas.

Although increases in employment would be expected as a result of the implementation of PSIC-funded project, increases are not expected to be significant. There would, therefore, be no expected in-migration and therefore no impacts expected to demographics, the supply of housing, or other local entities to provide public services.

The potential for impacts on minority and low-income populations would be based on the evaluation of specific site characteristics. Unless the Proposed Action were disproportionately proposed for low-income or minority areas, no significant impacts to environmental justice would be expected.

No Action Alternative

Under the No Action Alternative, there would be no renovations to the existing facility, nor would there be any new construction. Under this alternative, there would be no increase in economic activity and job creation related to implementation of the program. Therefore, there would be no PSIC-related impacts to demographics, the availability of housing, the availability of services, or environmental justice.

Resource 11 - Human Health and Safety

Impacts to human health and safety can come from a wide range of activities. Workplace and construction site safety can adversely impact health and safety, as well as the generation, handling, storage, use, or disposal of hazardous or toxic materials.

Proposed Action

Construction-Related Impacts - Under the Proposed Action, there would be a slight increase in workplace safety hazards during the construction phase of Elgin Tower site because of the nature of construction work and the increased intensity of work at the proposed project site. The impact of this increase would not be significant. Work areas surrounding construction activities would be fenced, and appropriate signs would be posted to further minimize safety risks. In addition, implementation of worker safety rules, derived from OSHA safety and health standards, will establish a uniform set of safety practices and procedures to protect workers. Construction-related impacts to human health and safety impacts would not be significant.

Operations-Related Impacts - Under the Proposed Action, fuels needed to power backup generators would have to be stored on site in above-ground or vaulted tanks, to minimize the risk of soil contamination in the event of a leak. BMPs for the handling, storage, use, and disposal of fuels such as propane would include regularly monitoring and inspecting tanks for leaks. Depending on the size of the storage tank, a spill prevention, contingency, and countermeasure (SPCC) plan may need to be developed.

The Elgin Tower site would be fenced, and access would be restricted to authorized personnel to minimize risks to human health and safety. There would be no significant adverse impacts to human health and safety resulting from operation of Elgin Tower site under the Proposed Action.

The implementation of Proposed Action would enable public safety agencies to improve interoperable communications and communicate more effectively in an emergency or crisis situation. This would result in an operations-related beneficial impact to human health and safety.

No Action Alternative

Under the No Action Alternative, there would be no renovations to the existing facility, nor would there be any new construction. Current interoperability gaps would continue, compromising the ability of first responders to respond effectively and rapidly to emergency situations. There would be adverse impacts to human health and safety as a result of the No Action Alternative.

SECTION 5 - FINDINGS AND CONCLUSIONS

Findings

The Proposed Action will require construction of a new transmitting and receiving tower involving a self-support telecommunications tower over 200 feet and ground-disturbance totaling 0.22 acres.

The Proposed Action will not involve any of the unusual risks or impacts to sensitive areas identified in Section 4 that would require site-specific EA. The No Action Alternative would result in adverse impacts to human health and safety. Therefore, the Proposed Action would warrant the issuance of a FONSI to cover those actions for which no significant impact has been determined.

In accordance with 47 CFR Section 1.1307 (a) (1) through (8), an evaluation has been made to determine whether any of the listed FCC special interest items would be significantly affected if a tower structure and/or antenna and associated equipment control cabinets were constructed at the proposed site location. No FCC special interest items were identified that would require that an EA to be prepared.

The FCC NEPA Checklist is included in the appendices of this report. The checklist has been completed based on information contained in this report.

Consequences of the Proposed Action

The Proposed Action would not have a significant impact on any resource area for those projects falling within the eleven resource parameters described in Section 4. The Proposed Action would have beneficial impact on human health and safety, because it would enable countywide improvements to public safety interoperable communications.

Consequences of the No Action Alternative

Under the No Action Alternative, no interoperable communications capability would occur. Existing gaps in public safety interoperable communications would persist, resulting in an adverse impact to human health and safety.

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LIST OF PREPARERS

Document Preparers:

Principal Investigator

Tomas Hernandez, Jr. P.G., Prudent Environmental Services, Inc., San Antonio, Texas

Theresa S. Haan, Prudent Environmental Services, Inc., San Antonio, Texas

FIGURES

Figure 1: Vicinity Map

Figure 2: Topographic Map

Figure 3: Site Plan

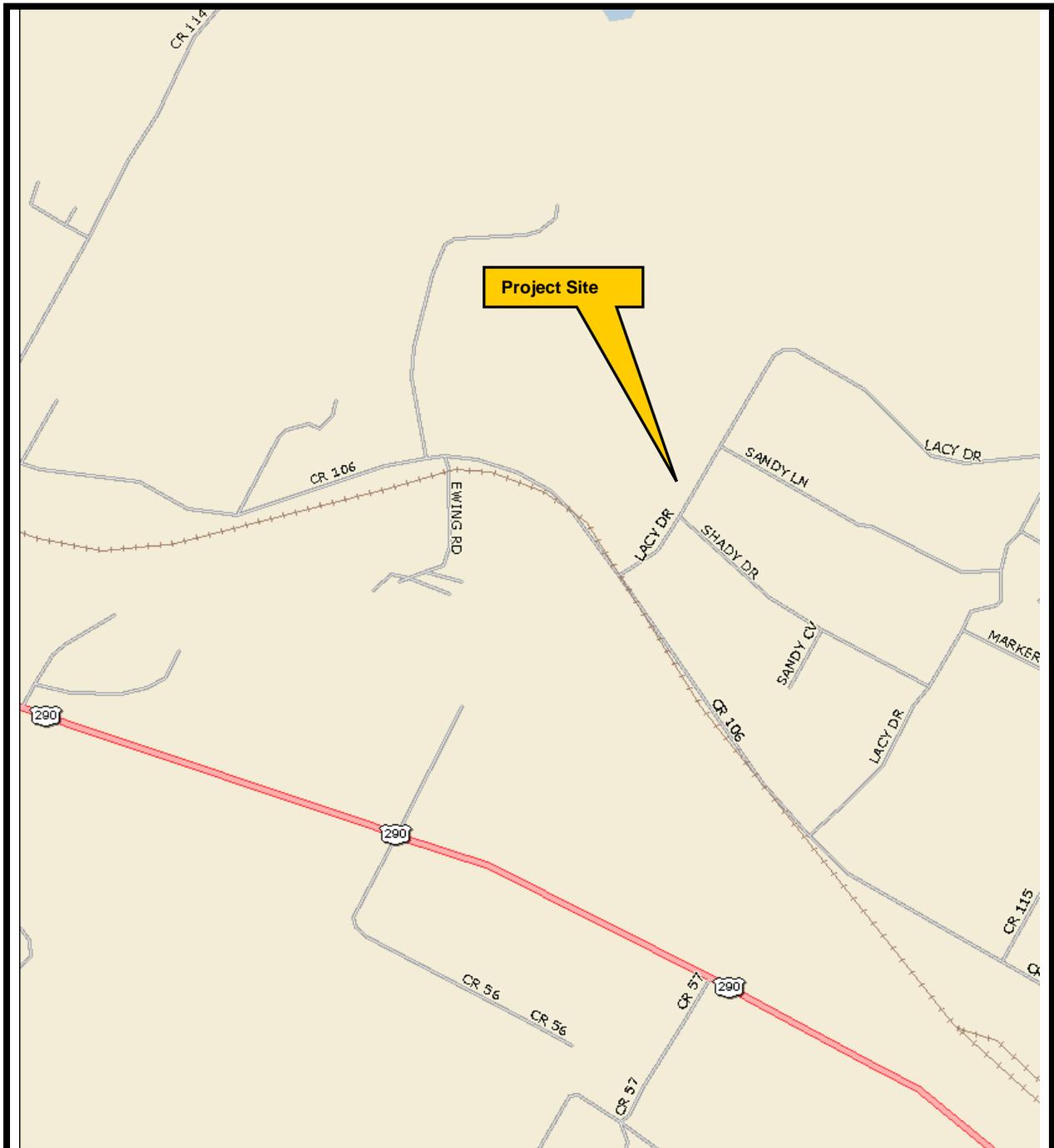
Figure 4: Aerial Map

Figure 5: FEMA Map

Figure 6: Geologic Map

Figure 7: Soils Map

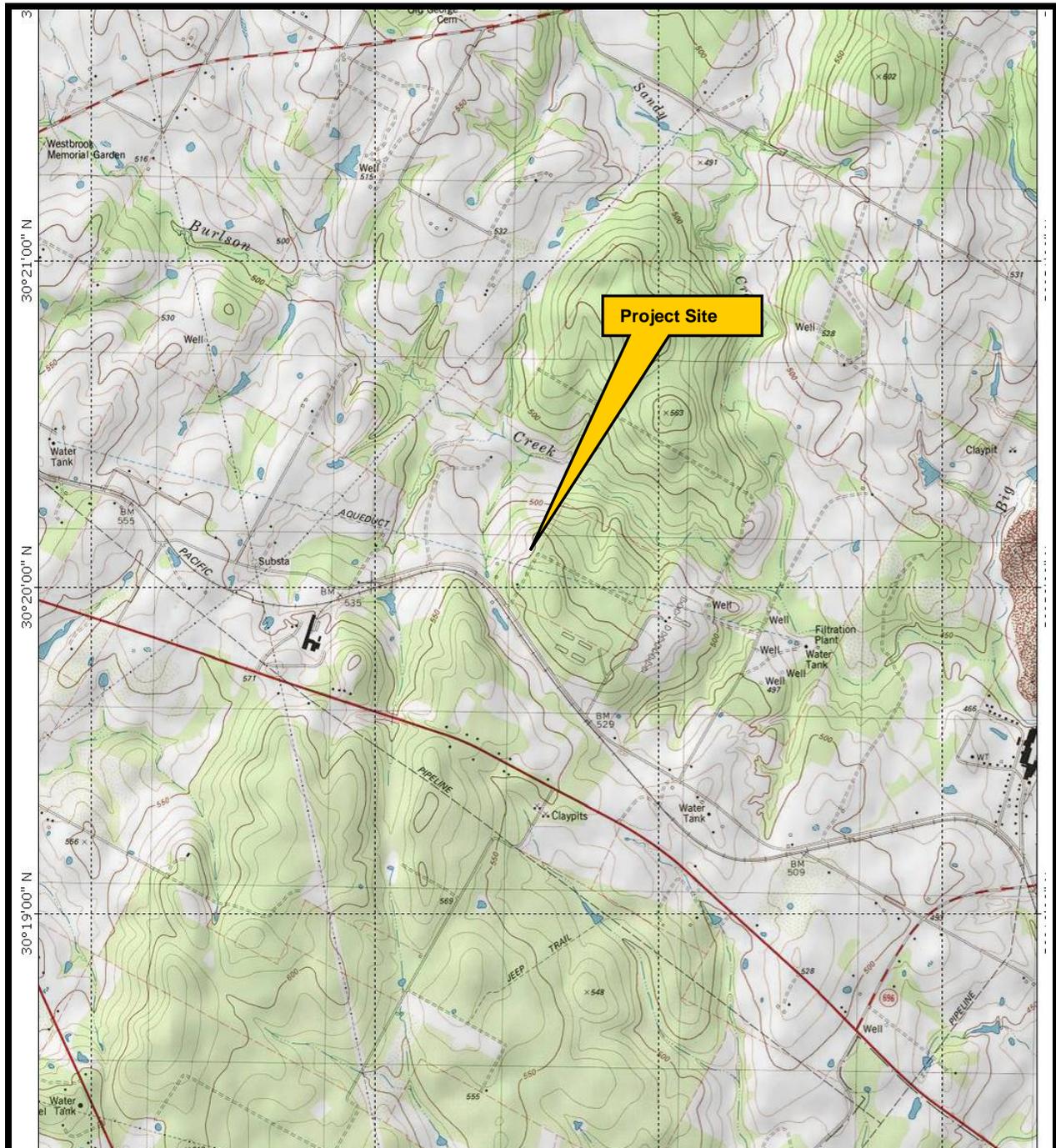
Figure 8: Historic Sites Map



VICINITY MAP

FIGURE 1
 Source: DeLorme Street Map, 2007
 (Not to Scale)





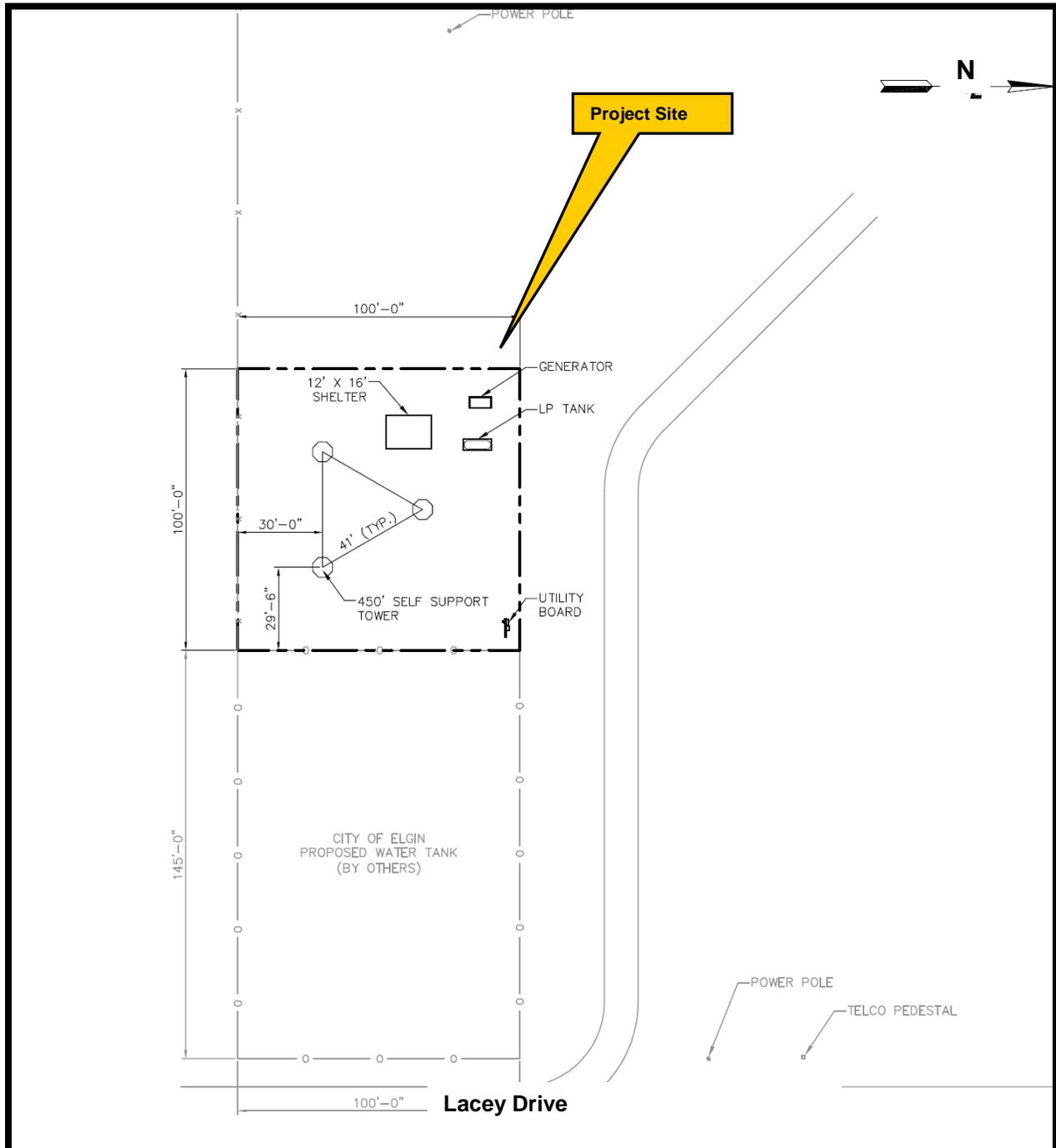
TOPOGRAPHIC MAP

FIGURE 2
 Source: USGS 7.5 Minute Topographic Map
 Elgin East, Texas Quadrangle 1982
 (Not to Scale)

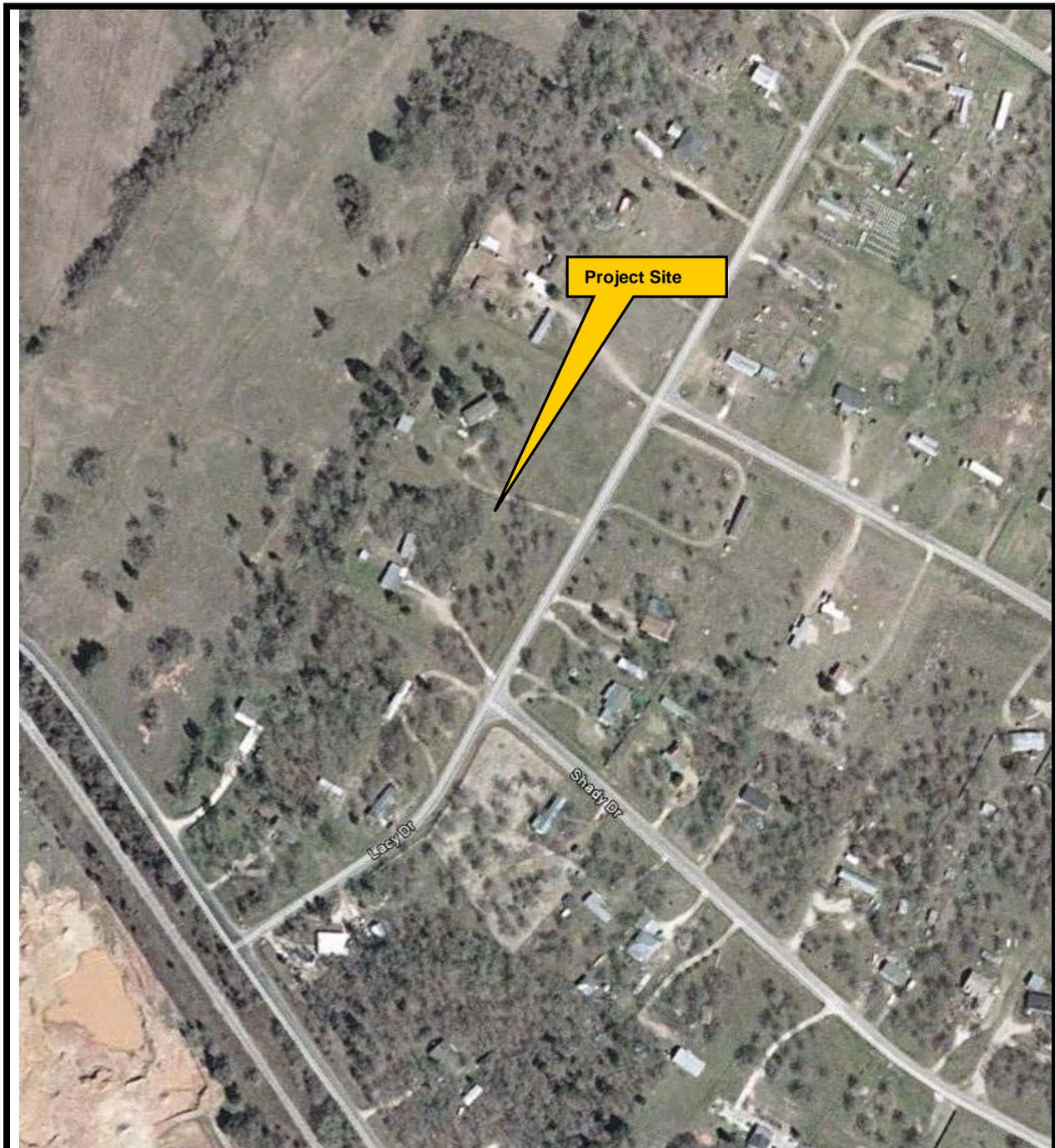


Site Name: Elgin Tower
 Lacy Drive
 Elgin, Texas

Project Number: C309013



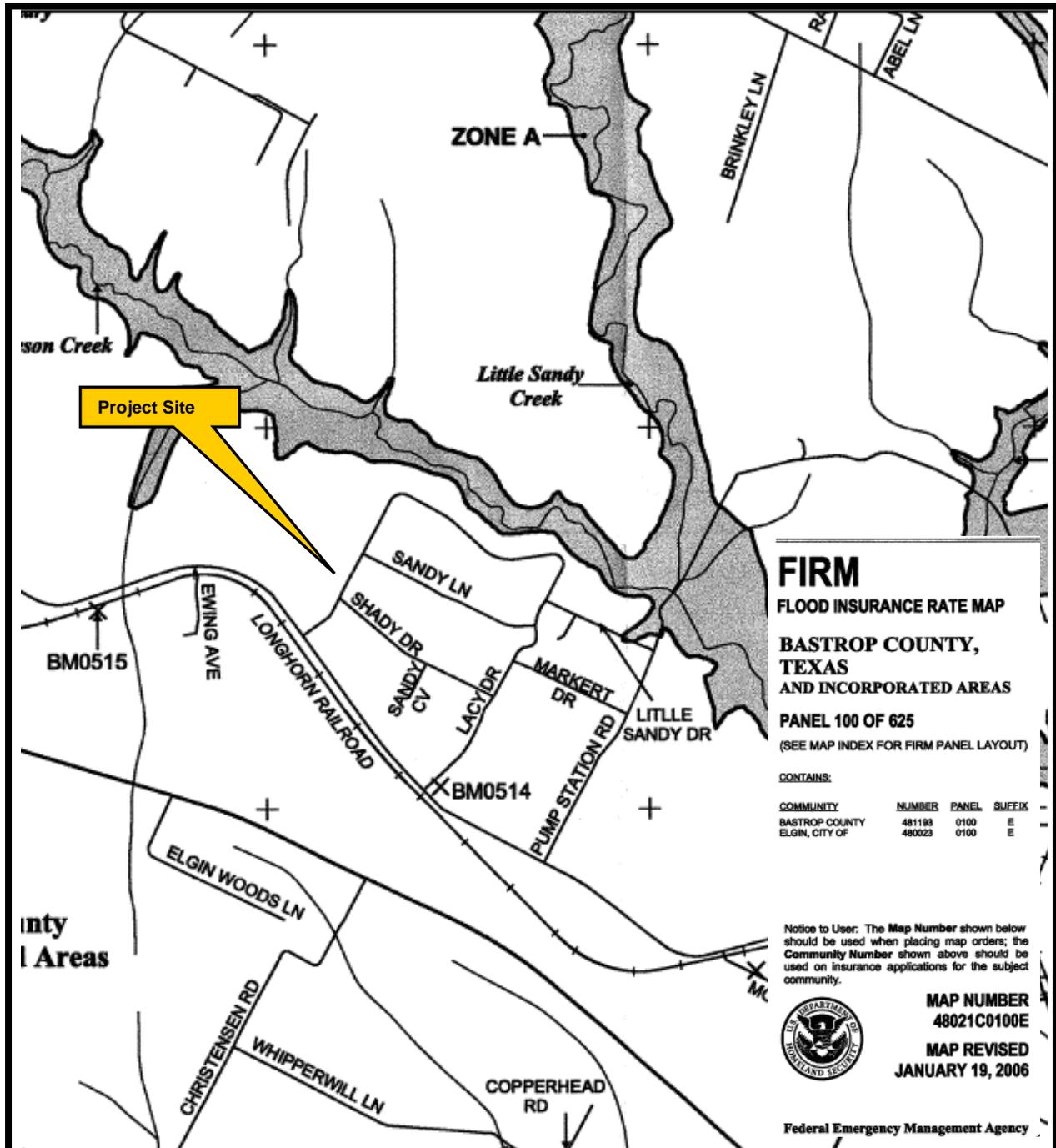
<p>SITE PLAN</p>	<p>FIGURE 3 Source: CTS Telecom (Not to Scale)</p>	
	<p>Site Name: Elgin Tower Lacy Drive Elgin, Texas</p> <p>Project Number: C309013</p>	



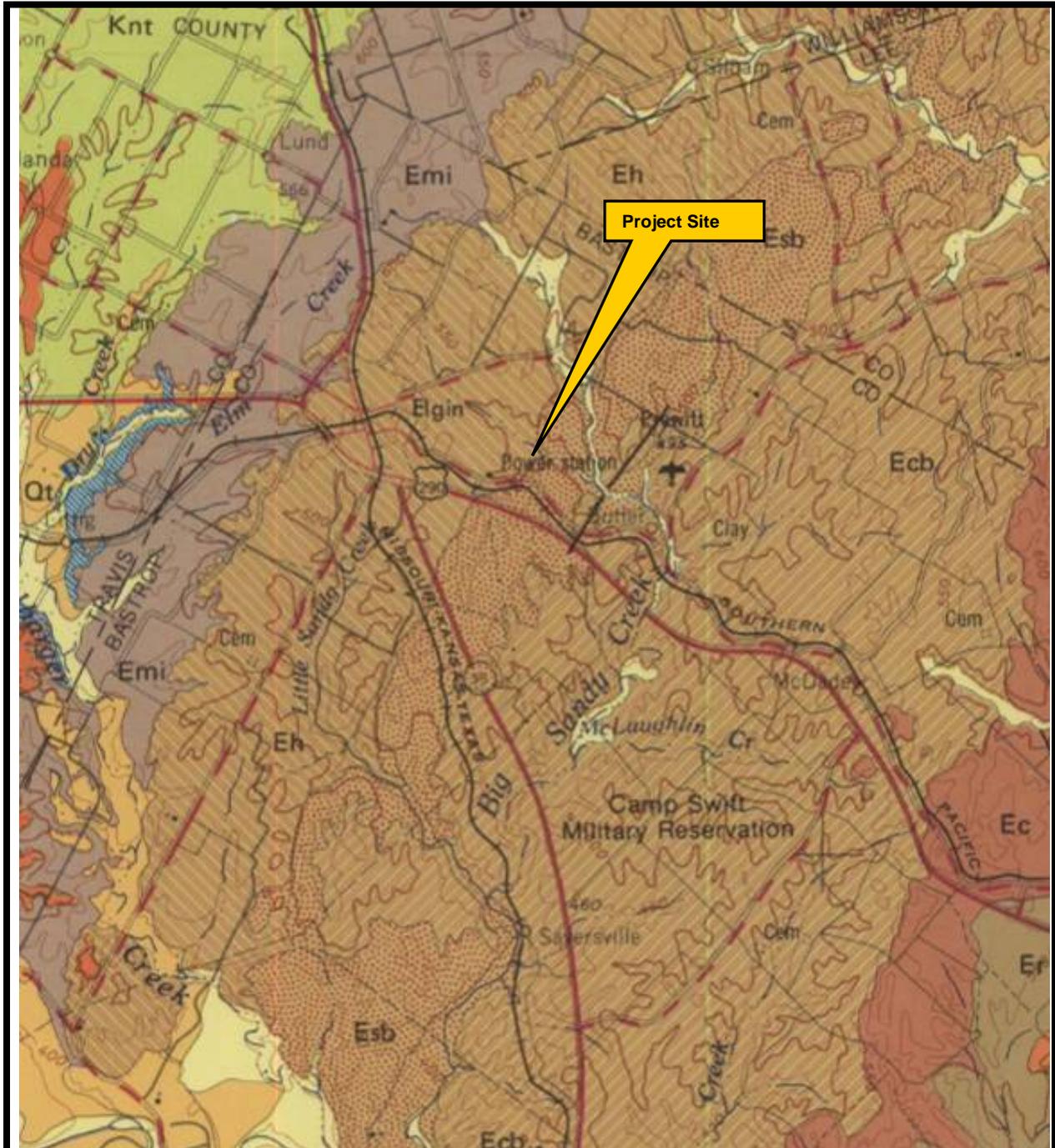
AERIAL MAP

FIGURE 4
 Source: USDA 2006
 (Not to Scale)

N↑



FEMA MAP	FIGURE 5 Source: FEMA Map No. 48021C0100E Dated: January 19, 2006	N↑
	Site Name: Elgin Tower Lacy Drive Elgin, Texas Project Number: C309013	



GEOLOGIC MAP

FIGURE 6
 Source: Web Soil Survey 2.2

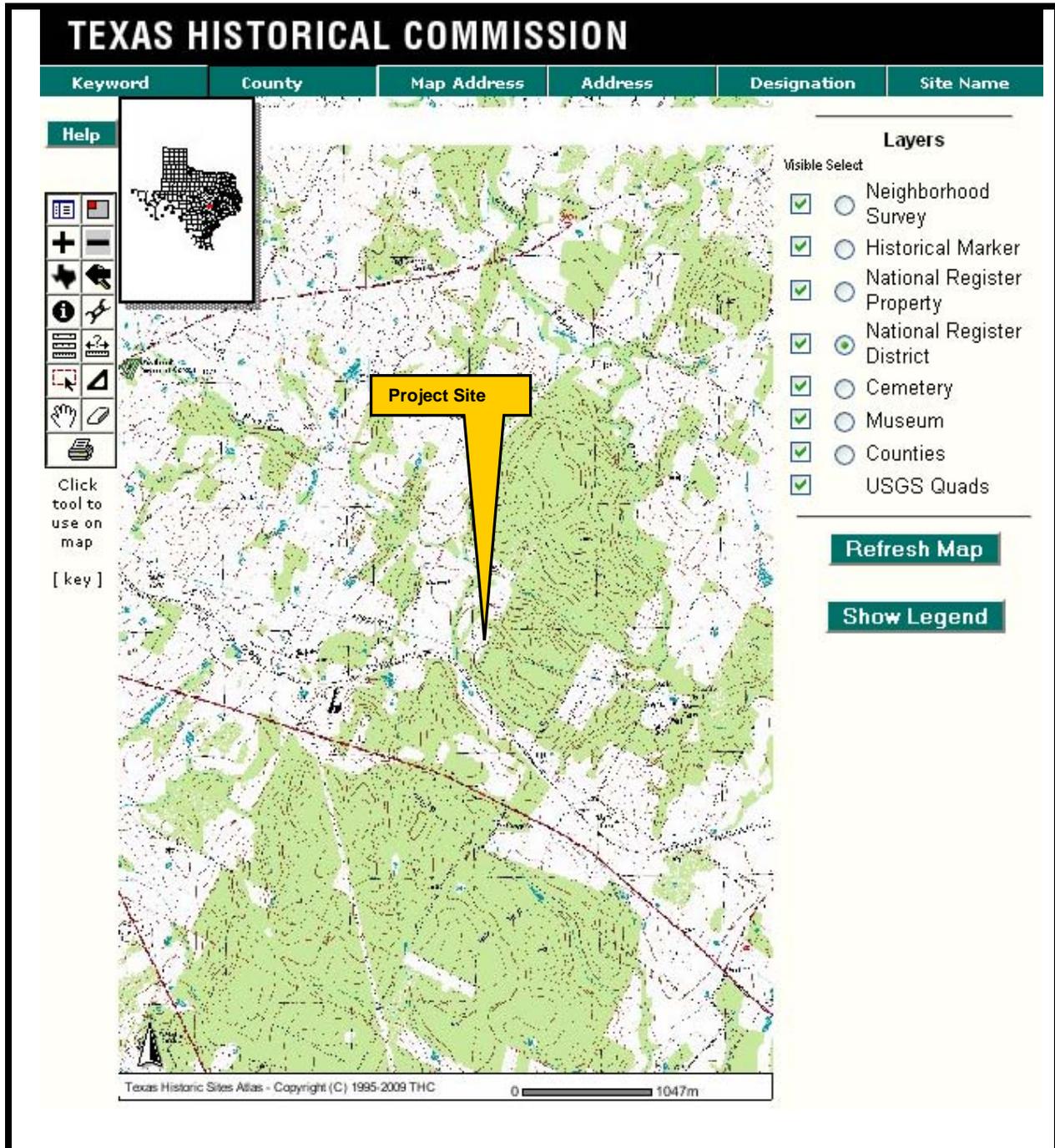
N↑



SOILS MAP

FIGURE 7
 Source: Web Soil Survey 2.2

N↑



<p>HISTORIC SITES MAP</p>	<p>FIGURE 8 Source: Texas Historical Commission Texas Historic Sites Atlas</p>	<p>N↑</p>
	<p>Site Name: Elgin Tower Lacy Drive Elgin, Texas Project Number: C309013</p>	

APPENDIX A – Site Photographs



Photo 1: View shows the proposed telecommunication tower location and compound area.



Photo 2: View shows western adjacent property.



Photo 3: View shows the Site in the background. The foreground shows a water tower location under construction.



Photo 4: View shows construction of a water tower and the proposed telecommunication tower location in the background.



Photo 5: View shows the existing Site access.



Photo 6: View shows the southern property boundary.

APPENDIX B – USFWS Letter

April 2, 2009

Austin, Texas Ecological Services Field Office

Ecological Services Field Supervisor

Compass Bank Bldg

10711 Burnet Rd, Ste 200

Austin, Texas 78758

Telephone: 512-490-0057

**Re: Tower Site Evaluation
Elgin Tower
Lacy Drive
Elgin, Texas
Prudent Project Number: C309013**

To Whom It May Concern:

Prudent Environmental Services, Inc., (Prudent) is performing a National Environmental Policy Act (NEPA) review on a continuing basis for Consolidated Telecom Services, Ltd (CTS) for new tower construction sites. Federal Communication Commission (FCC) regulations, as identified in 47CFR § 1.1307 (a) 3, require that our client. consider the effects of the proposed tower construction to protected species and critical habitats for this FCC-regulated wireless telecommunication facility undertaking.

Prudent is requesting a review of potential impacts to listed and proposed threatened/endangered species and critical habitats resulting from the proposed construction of **proposed 450-foot self-support telecommunications tower and 10,000 square-foot equipment compound to comply with Federal Communications Commission (FCC) requirements as identified in 47CFR Ch. I §1.1307 (a) 3.**

No wetlands, streams, springs, ponds, or other water sources are located on the Site. The closest water source to the proposed Site is stock pond, located approximately 0.25 miles to the southwest.

The Site is located approximately Lacy Drive in Elgin, Bastrop County, Texas and is the location for a proposed 450-foot self-support telecommunications tower and equipment compound. The Site is located in a rural area of Bastrop County, Texas. The Site is located next to a City of Elgin Water Tower currently under construction. The Site is currently a vacant lot covered in native trees and grasses. The property is owned by the City of Elgin and is located in a small residential community outside of the city limits of Elgin, Texas. According to the information provided by Consolidated Telecom Services, Ltd., the Site is located at N30° 20' 3.07" Latitude and W97° 19' 25.71" Longitude (NAD83).

No wetlands, streams, springs, ponds, or other water sources are located on the Site. The closest water source to the proposed Site is stock pond, located approximately 0.25 miles to the southwest.

Prudent has conducted a preliminary review using the US Fish and Wildlife Service Division of Endangered Species website to identify listed and proposed threatened and endangered species, as well as critical habitats that may be located on or near the proposed Site. Based on a review of the website, the Houston Toad – *Bufo houstonensis*; Whooping Crane – *Grus americana*, Bald Eagle – *Haliaeetus leucocephalus*, and Navasota ladies' tresses – *Spiranthes parksii* were listed.

Habitats for the species identified in the threatened and endangered species were compared to the habitat at the proposed Site; none of the habitats were identified with a potential to be found on the Site. Furthermore, no burrows, nests, or other signs of threatened and endangered species habitat were readily observable at the time of Prudent's reconnaissance. Consequently, it is anticipated that the proposed tower and equipment compound should not have an adverse impact to the listed or proposed protected species or critical habitats. Your confirmation of this; however, would be greatly appreciated.

Based on Prudent's analysis and reconnaissance, it is anticipated that the proposed tower will not affect listed or proposed protected species or critical habitats.

Respectfully submitted,

Prudent Environmental Services, Inc.


Tomas Hernandez, Jr., P.G.
Senior Project Manager

Attachments: Photographs
Topographic Map
Site Plan

We concur with your determination that the proposed action is not likely to adversely affect any federally listed species.

Date May 4, 2009

Consultation # 21450-2009-I-0104

Approved by: _____ #
for Luzela Robak
Adam Zerrenner, Field Supervisor

U.S. FISH & WILDLIFE SERVICE, AUSTIN, TEXAS

APPENDIX C – Section 106

April 1, 2009

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

Re: **Section 106 Assessment - NT**
Elgin Tower
Lacy Drive
Elgin, Texas
Prudent Project Number: C309013

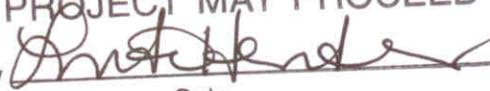
Dear Ms. Henderson:

Prudent Environmental Services, Inc., (Prudent) is performing a National Environmental Policy Act (NEPA) review on a continuing basis for Consolidated Telecom Services, Ltd (CTS) for collocation and new tower construction sites. Prudent is submitting for comment to the Texas SHPO, in respect to the Section 106 of the National Historic Preservation Act of 1966 for this FCC-regulated wireless telecommunication facility undertaking. **CTS is seeking a letter of no effect for a proposed 450-foot self-support telecommunications tower and 10,000 square-foot equipment compound to comply with Federal Communications Commission (FCC) requirements as identified in 47CFR Ch. I §1.1307.** Your comments are also being requested pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's regulation for compliance with Section 106, codified at 36 CFR Part 800. Enclosed is the CO Submission Packet – FCC Form 621 and appropriate attachments.

In the meantime, if you have questions about information in this report or if we can be of further assistance, please contact the undersigned at (210) 822-9588.

Respectfully submitted,
Prudent Environmental Services, Inc.


Tomas Hernandez, Jr., P.G.
Senior Project Manager

**NO HISTORIC
PROPERTIES AFFECTED
PROJECT MAY PROCEED**
By 
for F. Lawrence Oaks
State Historic Preservation Officer
Date 11 May 2009

Attachments: NT Submission Packet – FCC Form 620 and appropriate attachments

Tomas Hernandez, Jr.

From: towernotifyinfo@fcc.gov
Sent: Thursday, May 14, 2009 8:07 AM
To: thernandez@prudentweb.com
Cc: Diane.Dupert@fcc.gov; Kim.Pristello@fcc.gov
Subject: Proposed Construction of Communications Facilities Notification of Final Contacts - Email ID #6636

Consolidated Telecom Services (CTS)
Tomas Hernandez Jr
4242 Medical Drive
Suite 7250
San Antonio, TX 78229

Dear Applicant:

This letter addresses the proposed communications facilities listed below that you have referred to the Federal Communications Commission (Commission) for purposes of contacting federally recognized Indian Tribes, including Alaska Native Villages (collectively Indian Tribes), and Native Hawaiian Organizations (NHOs), as specified by Section IV.G of the Nationwide Programmatic Agreement (NPA). Consistent with the procedures outlined in the Commission's recent Declaratory Ruling (1), we have contacted the Indian Tribes or NHOs identified in the attached Table for the projects listed in the attached Table. You referred these projects to us between 05/07/2009 and 05/14/2009. Our contact with these Indian Tribes or NHOs was sent on 05/14/2009.

Thus, as described in the Declaratory Ruling (2), if you or Commission staff do not receive a statement of interest regarding a particular project from any Tribe or NHO within 20 calendar days of 05/14/2009, your obligations under Section IV of the NPA with respect to these Indian Tribes or NHOs are complete(3). If an Indian Tribe or NHO responds that it is interested in participating within the 20 calendar day period, the Applicant must involve it in the review as set forth in the NPA, and may not begin construction until the process set forth in the NPA is completed.

You are reminded that Section IX of the NPA imposes independent obligations on an Applicant when a previously unidentified site that may be a historic property, including an archeological property, is discovered during construction or after the completion of review(4). In such instances, the Applicant must cease construction and promptly notify, among others, any potentially affected Indian Tribe or NHO. An Indian Tribe's or NHO's failure to express interest in participating in pre-construction review of an undertaking does not necessarily mean it is not interested in archeological properties or human remains that may inadvertently be discovered during construction. Hence, an Applicant is still required to notify any potentially affected Indian Tribe or NHO of any such finds pursuant to Section IX or other applicable law.

Sincerely,
Dan Abeyta
Assistant Chief
Spectrum and Competition Policy Division
Wireless Telecommunications Bureau

1) See Clarification of Procedures for Participation of Federally Recognized Indian Tribes and Native Hawaiian Organizations Under the Nationwide Programmatic Agreement, Declaratory Ruling, FCC 05-176 (released October 6, 2005) (Declaratory Ruling).

- 2) Id S 8-10.
- 3) We note that, under the Declaratory Ruling, an expression of interest by an Indian Tribe or NHO addressed solely to the Commission staff during the 20-day period is sufficient even if it does not contact the Applicant.
- 4) Id at S 11.

LIST OF PROPOSED COMMUNICATIONS TOWERS

TCNS# 50244 Referred Date: 05/13/2009 Location: Lacy Drive, Elgin, TX
Tribe Name: Comanche Nation
Tribe Name: Southern Ute Tribe

LEGEND:

* - Notification numbers are assigned by the Commission staff for sites where initial contact was not made through TCNS.

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.5.329 / Virus Database: 270.12.30/2115 - Release Date: 05/14/09 17:54:00

Tomas Hernandez, Jr.

From: towernotifyinfo@fcc.gov
Sent: Friday, April 03, 2009 2:00 AM
To: thernandez@prudentweb.com
Cc: kim.pristello@fcc.gov; diane.dupert@fcc.gov
Subject: NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED TOWER CONSTRUCTION NOTIFICATION INFORMATION - Email ID #2159908

Dear Sir or Madam:

Thank you for using the Federal Communications Commission's (FCC) Tower Construction Notification System (TCNS). The purpose of this electronic mail message is to inform you that the following authorized persons were sent the information you provided through TCNS, which relates to your proposed antenna structure. The information was forwarded by the FCC to authorized TCNS users by electronic mail and/or regular mail (letter).

Persons who have received the information that you provided include leaders or their designees of federally-recognized American Indian Tribes, including Alaska Native Villages (collectively "Tribes"), Native Hawaiian Organizations (NHOs), and State Historic Preservation Officers (SHPOs). For your convenience in identifying the referenced Tribes and in making further contacts, the City and State of the Seat of Government for each Tribe and NHO, as well as the designated contact person, is included in the listing below. We note that Tribes may have Section 106 cultural interests in ancestral homelands or other locations that are far removed from their current Seat of Government. Pursuant to the Commission's rules as set forth in the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (NPA), all Tribes and NHOs listed below must be afforded a reasonable opportunity to respond to this notification, consistent with the procedures set forth below, unless the proposed construction falls within an exclusion designated by the Tribe or NHO. (NPA, Section IV.F.4).

The information you provided was forwarded to the following Tribes and NHOs who have set their geographic preferences on TCNS. If the information you provided relates to a proposed antenna structure in the State of Alaska, the following list also includes Tribes located in the State of Alaska that have not specified their geographic preferences. For these Tribes and NHOs, if the Tribe or NHO does not respond within a reasonable time, you should make a reasonable effort at follow-up contact, unless the Tribe or NHO has agreed to different procedures (NPA, Section IV.F.5). In the event such a Tribe or NHO does not respond to a follow-up inquiry, or if a substantive or procedural disagreement arises between you and a Tribe or NHO, you must seek guidance from the Commission (NPA, Section IV.G). These procedures are further set forth in the FCC's Declaratory Ruling released on October 6, 2005 (FCC 05-176).

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

Exclusions: Under the following 6 conditions, the Southern Ute Indian Tribe does not need to review the proposed tower:

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

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

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

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

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

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

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

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

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

2. NAGPRA Assistant Kelly Glancy - Comanche Nation - Lawton, OK - regular mail
Exclusions: The Comanche Nation THPO/NAGPRA Office now requires photographs of the proposed site taken from all 4 directions (north, south, east and west). Additionally, we do not require, but request that you provide us with an aerial view of the proposed site whenever possible. We also now require a written legal description of the proposed site (such as the section, range, township, etc.), and request that you provide us with any existing reports or surveys relating to the proposed site. Please send these materials to us via regular or express mail, since we require hard copies (not electronic copies). Please send to: Comanche Nation Office of Historic Preservation, c/o Kelly Glancy - THPO/NAGPRA Assistant, P.O. Box 908, Lawton, OK 73502. Thank you!
Sincerely,
Jimmy Arterberry, THPO/NAGPRA Director

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

If the applicant/tower builder receives no response from the Wichita and Affiliated Tribes within 30 days after notification through TCNS, the Wichita and Affiliated Tribes has no interest in participating in pre-construction review for the proposed site. The Applicant/tower builder, however, must immediately notify the Wichita and Affiliated Tribes in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

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

5. Historic Preservation Officer Bryant J Celestine - Alabama-Coushatta Tribe of Texas - Livingston, TX - electronic mail
Exclusions: We have no interest in consulting for locations with previous and extensive disturbances as well as collocations to an existing structure. Additionally, we have no interest in locations where negative findings of a previous archaeological survey has occurred.

If the applicant/tower builder receives no response from the Alabama-Coushatta Tribe of Texas within 30 days after notification through TCNS, the Alabama-Coushatta Tribe of Texas has no interest in participating in pre-construction review for the proposed site. The Applicant/tower builder, however, must immediately notify the Alabama-Coushatta Tribe of Texas in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

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

Exclusions: We do not wish to review towers that are being placed upon existing buildings.

The information you provided was also forwarded to the additional Tribes and NHOs listed below. These Tribes and NHOs have NOT set their geographic preferences on TCNS, and therefore they are currently receiving tower notifications for the entire United States. For these Tribes and NHOs, you are required to use reasonable and good faith efforts to determine if the Tribe or NHO may attach religious and cultural significance to historic properties that may be affected by its proposed undertaking. Such efforts may include, but are not limited to, seeking information from the relevant SHPO or THPO, Indian Tribes, state agencies, the U.S. Bureau of Indian Affairs, or, where applicable, any federal agency with land holdings within the state (NPA, Section IV.B). If after such reasonable and good faith efforts, you determine that a Tribe or NHO may attach religious and cultural significance to historic properties in the area and the Tribe or NHO does not respond to TCNS notification within a reasonable time, you should make a reasonable effort to follow up, and must seek guidance from the Commission in the event of continued non-response or in the event of a procedural or substantive disagreement. If you determine that the Tribe or NHO is unlikely to attach religious and cultural significance to historic properties within the area, you do not need to take further action unless the Tribe or NHO indicates an interest in the proposed construction or other evidence of potential interest comes to your attention.

None

The information you provided was also forwarded to the following SHPOs in the State in which you propose to construct and neighboring States. The information was provided to these SHPOs as a courtesy for their information and planning. You need make no effort at this time to follow up with any SHPO that does not respond to this notification. Prior to construction, you must provide the SHPO of the State in which you propose to construct (or the Tribal Historic Preservation Officer, if the project will be located on certain Tribal lands), with a Submission Packet pursuant to Section VII.A of the NPA.

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

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

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

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

"Exclusions" above set forth language provided by the Tribe, NHO, or SHPO. These exclusions may indicate types of tower notifications that the Tribe, NHO, or SHPO does not wish to review. TCNS automatically forwards all notifications to all Tribes, NHOs, and SHPOs that have an expressed interest in the geographic area of a proposal, as well as Tribes and NHOs that have not limited their geographic areas of interest. However, if a proposal falls within a designated exclusion, you need not expect any response and need not pursue any additional process with that Tribe, NHO, or SHPO. Exclusions may also set forth policies or procedures of a particular Tribe, NHO, or SHPO (for example, types of information that a Tribe routinely requests, or a policy that no response within 30 days indicates no interest in participating in pre-construction review).

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: 03/25/2009
Notification ID: 50244
Tower Owner Individual or Entity Name: Consolidated Telecom Services (CTS)
Consultant Name: Tomas Hernandez Jr
Street Address: 4242 Medical Drive
Suite 7250
City: San Antonio
State: TEXAS
Zip Code: 78229
Phone: 210-822-9588
Email: thernandez@prudentweb.com

Structure Type: UTOWER - Unguyed - Free Standing Tower
Latitude: 30 deg 20 min 3.0 sec N
Longitude: 97 deg 19 min 25.7 sec W
Location Description: Lacy Drive
City: Elgin
State: TEXAS
County: BASTROP
Ground Elevation: 563.0 meters
Support Structure: 450.0 meters above ground level
Overall Structure: 450.0 meters above ground level
Overall Height AMSL: 1013.0 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

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.0.238 / Virus Database: 270.11.38/2037 - Release Date: 04/02/09 19:07:00

Tomas Hernandez, Jr.

From: towernotifyinfo@fcc.gov
Sent: Wednesday, April 08, 2009 4:53 PM
To: thernandez@prudentweb.com
Cc: towernotifyinfo@fcc.gov
Subject: Reply to Proposed Tower Structure (Notification ID #50244) - Email ID #2168843

Dear Pam Faver,

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

The following message has been sent to you from Tribal Historic Preservation Officer Holly Houghten of the Mescalero Apache Tribe in reference to Notification ID #50244:

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 FCC and the Tribe, pursuant to 47 C.F.R Sec. 1.1312 of the Commission's rules.

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

Notification Received: 03/25/2009
Notification ID: 50244
Tower Owner Individual or Entity Name: Consolidated Telecom Services (CTS)
Consultant Name: Tomas Hernandez Jr
Street Address: 4242 Medical Drive
Suite 7250
City: San Antonio
State: TEXAS
Zip Code: 78229
Phone: 210-822-9588
Email: thernandez@prudentweb.com

Structure Type: UTOWER - Unguyed - Free Standing Tower
Latitude: 30 deg 20 min 3.0 sec N
Longitude: 97 deg 19 min 25.7 sec W
Location Description: Lacy Drive
City: Elgin
State: TEXAS
County: BASTROP
Ground Elevation: 563.0 meters
Support Structure: 450.0 meters above ground level
Overall Structure: 450.0 meters above ground level
Overall Height AMSL: 1013.0 meters above mean sea level

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.0.238 / Virus Database: 270.11.47/2047 - Release Date: 04/09/09 10:27:00

Tomas Hernandez, Jr.

From: towernotifyinfo@fcc.gov
Sent: Wednesday, April 08, 2009 11:25 AM
To: thernandez@prudentweb.com
Cc: towernotifyinfo@fcc.gov; jwaffle@tonkawatribe.com
Subject: Reply to Proposed Tower Structure (Notification ID #50244) - Email ID #2166434

Dear Pam Faver,

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

The following message has been sent to you from Tribal Administrator Joshua Waffle of the Tonkawa Tribe in reference to Notification ID #50244:

The following site(s) have been reviewed and to date (Wednesday, April 08, 2009) with current resources, the Tonkawa Tribe has no known burial sites of the Tonkawa Indians. If any remains or artifacts are discovered please contact the appropriate Agencies and our Tribal Facilities immediately. If the Tonkawa Tribes databases change in regards to the statement in this letter, a Tribal Representative will contact you.

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

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

Notification Received: 03/25/2009
Notification ID: 50244
Tower Owner Individual or Entity Name: Consolidated Telecom Services (CTS)
Consultant Name: Tomas Hernandez Jr
Street Address: 4242 Medical Drive
Suite 7250
City: San Antonio
State: TEXAS
Zip Code: 78229
Phone: 210-822-9588
Email: thernandez@prudentweb.com

Structure Type: UTOWER - Unguyed - Free Standing Tower
Latitude: 30 deg 20 min 3.0 sec N
Longitude: 97 deg 19 min 25.7 sec W
Location Description: Lacy Drive
City: Elgin
State: TEXAS
County: BASTROP
Ground Elevation: 563.0 meters
Support Structure: 450.0 meters above ground level
Overall Structure: 450.0 meters above ground level
Overall Height AMSL: 1013.0 meters above mean sea level

No virus found in this incoming message.
Checked by AVG - www.avg.com

ELGIN COURIER

"Your Hometown Newspaper Since 1890"

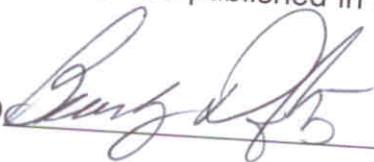
P.O. Box 631
Elgin, Texas 78621
(512) 285-3333

PUBLISHER'S CERTIFICATE

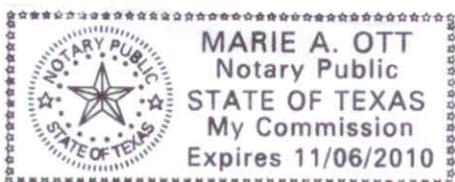
STATE OF TEXAS §

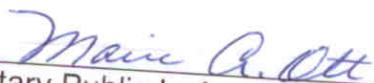
COUNTY OF BASTROP §

BEVERLY DAUGHTRY, being duly sworn, says that she is publisher-editor of the *Elgin Courier*, a weekly newspaper published in Elgin, Bastrop County, Texas, and that said newspaper published in Elgin, Bastrop County, Texas, for a period of not less than one year preceding the publication of the attached **notice** styled **Notice - This Notice Serves To Comply with the Nationwide Programmatic agreement (NPA)** was published in the issues of April 8, 2009.

SIGNED 

SUBSCRIBED AND SWORN TO BEFORE ME on this the **1st day of May, 2009**




Notary Public In And For
The State of Texas

APPENDIX D – PSIC Grant Environmental Land Use Compliance Checklist

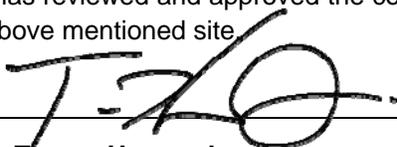
PSIC Grant Environmental Land Use Compliance Checklist

Site Name:	Elgin (Lacy Drive) Tower	Tower Height:	450 feet
Latitude	N30° 20' 3.07"	<input checked="" type="checkbox"/> Raw land	<input type="checkbox"/> Other colo*
Longitude	W97° 19' 25.71"	<input type="checkbox"/> Guy Tower	<input type="checkbox"/> Monopole
	Site Type:	<input checked="" type="checkbox"/> Stealth Tower	<input checked="" type="checkbox"/> Self-Support

Environmental Land Use Compliance Checklist

PSIC Grant - NEPA Category	Check appropriate box(es) below:		
	No Impact	No Significant Impact	Significant Impact
1. Is the proposed action likely to cause significant noise impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Is the proposed action likely to cause significant air quality impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed facility likely adversely affect geologic and soil resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed facility likely adversely affect water resources such as surface water, sole source aquifers, coastal zones, floodplains, and wild and scenic rivers?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action likely adversely affect biological resources such as wildlife, vegetation, wetlands, threatened or endangered species or designated critical habitats?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action affect districts, sites, buildings structures or objects significant in American history, architecture, archeology, engineering or culture that are listed (or eligible for listing) in the National Register of Historic Places or Indian religious sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Is the proposed action likely to cause significant aesthetic and visual impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action involve significant impacts in land use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Is the proposed action likely to significantly impact infrastructure?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Is the proposed action likely to significantly impact socioeconomic resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Is the proposed action likely to significantly impact human health and safety?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The undersigned has reviewed and approved the completion of this Environmental Land Use Compliance Checklist for the above mentioned site

Signature: 

Prepared By: Tomas Hernandez, Jr.

Company: Prudent Environmental Services, Inc.

Date: June 18, 2009

APPENDIX E – FCC NEPA Land Use Compliance Checklist

FCC NEPA Land Use Screening Checklist

Site Name:	Elgin (Lacy Drive) Tower	Tower Height:	450 feet
Latitude	N30° 20' 3.07"	<input checked="" type="checkbox"/> Raw land	<input type="checkbox"/> Other colo*
Longitude	W97° 19' 25.71"	<input type="checkbox"/> Guy Tower	<input type="checkbox"/> Monopole
			<input type="checkbox"/> Stealth Tower
			<input checked="" type="checkbox"/> Self-Support

Environmental Land Use Compliance Checklist

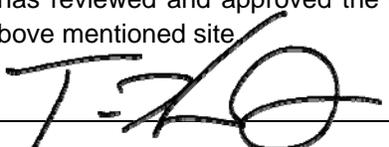
FCC NEPA Category	Check appropriate box(es) below			
	No Adverse Impact	Potential Adverse Impact	Exempt from Review ¹	NPA Applies ²
1. Is the proposed facility located in an officially designated wilderness area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Is the proposed facility located in an officially designated wildlife preserve?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Will the proposed facility likely affect threatened or endangered species or designated critical habitats	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Will the proposed facility affect districts, sites, buildings structures or objects significant in American history, architecture, archeology, engineering or culture that are listed (or eligible for listing) in the National Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
5. Will the proposed facility affect Indian religious site(s)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
6. Is the proposed facility located in a floodplain-designated Zone A or Special Flood Hazard Area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7. Will construction of the proposed facility involve significant change in surface features (e.g. wetland fill, deforestation, or water diversion)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Is the proposed facility located in a residential neighborhood and required to be equipped with high intensity white lights (as defined by local zoning law)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Notes:

¹ For collocations only.

² Prepare the NPA Collocation Exemption Letter Report.

The undersigned has reviewed and approved the completion of this FCC NEPA Land Use Compliance Checklist for the above mentioned site

Signature: 

Prepared By: Tomas Hernandez, Jr.

Company: Prudent Environmental Services, Inc.

Date: June 18, 2009