

**NATIONAL ENVIRONMENTAL POLICY ACT REVIEW
(NEPA)
LAND USE COMPLIANCE**

**FOR
PROPOSED 420-FOOT GUYED WIRE
TELECOMMUNICATIONS TOWER**

**Edwards County Tower
Ranch Road 2523
Edwards County, Texas 78880**

Prudent Project Number: C312015

Prepared for:

CGS Investments, Inc.
2333 Palmer Highway
Texas City, Texas

Prepared by:



4242 Medical Drive, Suite 5250
San Antonio, Texas 78229
Telephone: 210.822.9588
Fax: 210.579.6577

October 22, 2012

October 22, 2012

Mr. Garry H. Gaudin Sr.
CGS Investments, Inc.
2333 Palmer Highway
Texas City, Texas 77590

**Re: NEPA Land Use Compliance Report and Checklist
Edwards County Tower
Ranch Road 2523
Edwards County, Texas
Prudent Project Number: C312015**

Dear Mr. Gaudin:

Prudent Environmental Services, Inc., (Prudent) is pleased to submit the enclosed National Environmental Policy Act (NEPA) Review conducted for the above referenced site. This work is based on a limited review of specified and reasonably obtainable data associated with NEPA issues. We have adhered to the standard of care generally exercised by the profession under similar circumstances and conditions to complete this NEPA Review.

Reliance

This report is intended for the use of our client, CGS Investments, Inc. (CGS) and is subject to contractual terms as agreed. Reliance on this document by any other party is prohibited without the express written consent of Prudent and CGS. Information accumulated for this assessment is to be retained with your project file, and is considered confidential and is not to be released without authorization.

Based upon the available data gathered for this NEPA Review, we conclude that there **does not appear** to be evidence of FCC special interest items being identified that would require a site-specific EA to be prepared.

The findings of this NEPA Land Use Compliance Report and Checklist are based on the project location, project type, and construction diagrams as provided by CGS. Should the project location, type, and/or construction diagrams change, a reevaluation will be required. If there are any questions regarding the information presented herein, please contact Mr. Tomas Hernandez, Jr. or Ms. Morgan M. Helfrich at Prudent's San Antonio office at 210-822-9588.

Respectfully submitted,



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



Morgan M. Helfrich
Staff Geologist

EXECUTIVE SUMMARY

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

The Proposed Action is identified as the Edwards County Tower telecommunications facility. The Edwards County Tower is classified as a "New" Transmission and Receiving Site, which consists of the proposed construction of a 420-foot guyed wire tower and associated equipment. The total ground-disturbance area is less than 0.25 acres. The Site is located on a private ranch in a rural area of Edwards County, Texas. Figure 1 shows a vicinity map, and the photographs in the appendices to this report show the Edwards County Tower site and its surrounding area.

The proposed Edwards County Tower site is located west of Ranch Road 2523 and south of State Highway 377, Edwards County, Texas. The center of the proposed tower site is approximately N29 46 11.4 Latitude and W100 36 47.9 Longitude (NAD83). The Site is shown on the *USGS Carta Valley, Texas 7.5 Minute Series Topographic Map* dated 2010 (see Figure 2).

Based upon the available data gathered for this NEPA Review, there **does not appear** to be evidence of FCC special interest items being identified that would require a site-specific EA to be prepared.

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PROJECT INFORMATION

Site Information

The Proposed Action is identified as the Edwards County Tower telecommunication facility. The Edwards County Tower is classified as a "New" Transmission and Receiving Site, which consists of the proposed construction of a 420-foot guyed wire tower with associated equipment located on an existing private ranch. The area surrounding the proposed Edwards County Tower telecommunications facility is rural and is within Edwards County, Texas. Figure 1 shows a vicinity map, and the photographs in the appendices of this report show the Edwards County Tower site and the surrounding area.

The proposed Edwards County Tower site is located west of Ranch Road 2523 and south of State Highway 377, Edwards County, Texas. The center of the proposed tower site is approximately N29 46 11.4 Latitude and W100 36 47.9 Longitude (NAD83). The Site is shown on the *USGS Carta Valley, Texas 7.5 Minute Series Topographic Map* dated 2010 (see Figure 2).

The proposed telecommunication compound will include a 420-foot guyed wire telecommunication tower and associated equipment.

Existing utilities will be extended into the site for access to grid power. Ranch Road 2523 will be used to access the Site. Construction will be contained within the designated area. Figure 3 shows an aerial photograph of the project site location.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REVIEW

The NEPA Land Use Compliance Checklist and supporting documentation are attached to this report. In accordance with 47 CFR § 1.1307 (a) (1-8), an evaluation has been made to determine whether any of the listed FCC special interest items might be significantly affected if a tower structure and/or antenna in addition to associated equipment and control cabinets were to be constructed at the proposed site. In the event that the site affects even one of the items, the FCC requires that an Environmental Assessment (EA) be prepared regarding that particular item. Prudent conducted its research by consulting with appropriate state and federal agency personnel and reviewing readily available published data.

Site selection criteria were based on the need for telecommunications coverage in the area and the desire to avoid or minimize possible environmental impact as defined in 47 CFR. Other important factors considered included site accessibility, construction feasibility, logistics and financial issues. The following FCC NEPA issues were reviewed for the site evaluation:

Wilderness Areas and Wildlife Preserves

The Site is not located on a federal or state wilderness area or wildlife preserve according to a review of United States Forest Service, United States Bureau of Land Management, United States Fish and Wildlife Service, and United States National Park Service databases.

Threatened Species, Endangered Species and Critical Habitat Review

Section 7 of the Endangered Species Act of 1973, 16 U.S.C. § 1536(a)(2), directs Federal agencies to utilize their authority in furtherance of the purposes of the Act by carrying out programs for the conservation of listed endangered species or designated critical habitats. In addition, § 7 of the Act sets out the consultation process to be implemented by regulations stipulated in 50 CFR § 402.

A review of the list of identified critical habitats, codified in 50 CFR §§ 17.95, 17.96 and Part 226, indicated the subject site is not located in a designated critical habitat. Based on a comparison of habitats indicated for threatened and endangered species and the habitat present at the subject site, no species were identified present, nor that had potential to be found at the subject site.

In order to determine if the site is located in an area documented to have occurrences of listed and/or proposed threatened or endangered species and their critical habitat, a review was conducted by evaluating the USFWS database. No potential habitats, obvious signs of burrows, nests, or other plain indications of potential habitat for threatened or endangered species were observed at the time of Prudent's site reconnaissance.

Prudent recommends that the Service Guidelines For Recommendations On Communications Tower Siting, Construction, Operation and Decommissioning be followed. As the noted guidelines may minimize the potential for avian collisions, the USFWS has recommended that they be implemented on existing and future telecommunications tower projects. Since migratory birds are documented to migrate to, from, through and within the State of Texas, Prudent recommends that CGS review and implement the USFWS tower siting guidelines (see below) when feasible.

Service Guidelines For Recommendations On Communications Tower Siting, Construction, Operation, and Decommissioning

1. Any company/applicant/licensee proposing to construct a new communications tower is strongly encouraged to co-locate the communications equipment on an existing communication tower or other structure (e.g., billboard, water tower, or building mount). Depending on tower load factor limitations, between 6 and 10 providers may co-locate on an existing tower.
2. If co-location is not feasible and a new tower or towers are to be constructed, communications service providers are strongly encouraged to construct towers no more than 199 feet above ground level (AGL), using construction techniques which do not require guy wires (e.g., lattice structure, monopole, etc.). Such towers should not be lighted if Federal Aviation Administration (FAA) regulations permit.
3. If constructing multiple towers, providers should consider the cumulative impact of all the towers to migratory birds, threatened and endangered species, as well as the impact of each individual tower.
4. If at all possible, new towers should be sited within existing "antenna farms" (clusters of towers). Towers should not be sited in or near wetlands, other known bird concentration areas (e.g., state or Federal refuges, staging areas, rookeries), in known migratory or daily movement flyways, or in habitat of threatened or endangered species. Towers should not be sited in areas with a high incidence of fog, mist, and low cloud ceilings.
5. If taller (>199 feet AGL) towers requiring lights for aviation safety must be constructed, the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA should be used. Unless otherwise required by the FAA, only white (preferable) or red strobe lights should be used at night, and these should be the minimum number, minimum intensity, and minimum number of flashes per minute (longest duration between flashes) allowed by the FAA. The use of solid red or pulsating red warning lights at night should be avoided. Current research indicates that solid or pulsating (beacon) red lights attract night-migrating birds at a much higher rate than white strobe lights. Red strobe lights have not yet been studied.
6. Tower designs supported by guy wires proposed to be located in known raptor or water bird concentration areas or in their daily movement routes, or in major diurnal migratory bird movement routes or stopover sites, should have daytime visual markers on the wires to prevent collisions by these diurnally moving species. (For guidance on markers, see *Avian Power Line Interaction Committee (APLIC). 1994. Mitigating Bird Collisions with Power Lines: The State of the Art in 1994. Edison Electric Institute, Washington, D.C., 78 pp.* and *Avian Power Line Interaction Committee (APLIC). 1996. Suggested Practices for Raptor Protection on Power Lines. Edison Electric Institute/Raptor Research Foundation, Washington, D.C., 128 pp.* Copies can be obtained via the Internet at <http://www.eei.org/resources/pubcat/enviro/>, or by calling 1-800/334-5453).
7. Towers and appending facilities should be sited, designed and constructed so as to avoid or minimize habitat loss within and adjacent to the tower "footprint". However, construction of a larger tower footprint is preferable to the use of guy wires to support. Road access and fencing should be minimized to reduce or prevent habitat fragmentation, disturbance, and to reduce above-ground obstacles for birds in flight.
8. If significant numbers of breeding, feeding, or roosting birds are known to habitually use the proposed tower construction area, relocation to an alternate site is recommended. If this is not an option, seasonal

restrictions on construction may be advisable in order to avoid disturbance during periods of high bird activity.

9. In order to reduce the number of towers needed in the future, providers should be encouraged to design new towers structurally and electrically to accommodate the applicant/licensee's antennas and comparable antennas for at least two additional users (minimum of three users for each tower structure), unless this design requires additional lighting or guy wires for an otherwise unlit and/or non guy-wired tower.

10. Security lighting for on-ground facilities and equipment should be down-shielded to keep light within the boundaries of the site, minimizing the upward throw.

11. If a tower is constructed or proposed for construction, service personnel or researchers from the Communication Tower Working Group should be allowed access to the site to evaluate bird use, conduct dead-bird searches, to place net catchments below the towers but above the ground, and to place radar, Global Positioning System, infrared, thermal imagery, and acoustical monitoring equipment as necessary to assess and verify bird movements and to gain information on the impacts of various tower sizes, configurations, and lighting systems.

12. Towers no longer in use or determined to be obsolete should be removed within 12 months of cessation of use.

Based on visual observations, topographic maps, and publicly available information, it is Prudent's opinion that neither suitable habitat for federal nor state listed threatened or endangered species within Edwards County were observed at the Site.

Cultural Resources Review

Section 106 of the National Historic Preservation Act of 1966 (NHPA, 16 U.S.C. § 470 *et seq.*) and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800), require federal agencies to take into account the effects of their undertakings on historic properties.

The FCC's Nationwide Programmatic Agreement states that, "Unless otherwise established through consultation with the SHPO/THPO, the presumed APE [area of potential effect] for visual effects for construction of new facilities is the area from which the tower will be visible." Areas that could be affected by the additional telecommunication towers must not be within a 1.5-mile radius for towers greater than 400 feet in overall height. A review of the National Register Information Systems website indicated that there are no resources listed on the National Register of Historic Places (NRHP) within a 1.5-mile radius. A review of the information available at the Texas State Historic Preservation Office (SHPO) indicated no state-surveyed historic places.

Prudent submitted Federal Communication Commission (FCC) Form 620 with attachments to the SHPO on September 13, 2012. A response dated October 12, 2012, indicated that the SHPO concurred with Prudent's recommendations and determined that the project as proposed should have no effect on properties listed. A copy of that SHPO response is included in the appendices.

Indian Historical Properties of Religious and Cultural Significances

Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations,

“Protection of Historic Properties” (36 CFR Part 800) and the Nationwide Programmatic Agreement on the Collocation of Wireless Antennas (adopted March 16, 2001), and the Nationwide Programmatic Agreement effective March 7, 2005, require consultation with Native American tribal groups and Native Hawaiian organizations (NHO) regarding proposed projects and potential impacts to Native American religious sites. In order to determine which Native American tribal groups may potentially have areas of cultural interest within this area of Texas, Prudent submitted to the Tower Construction Notification System (TCNS) on August 15, 2012 and referenced as TCNS# 87865.

According to the TCNS reply, the following tribal groups had no interests that would be impacted:

Joshua Waffle
Environmental Director
Tonkawa Tribe
P.O. Box 70
Tonkawa, OK 74653

Jason Prince
TCNS Representative and GAP Technician
Wichita and Affiliated Tribes
P.O. Box 729
Anadarko, OK 73305

Kelly Glance
THPO Assistant
Comanche Nation
#6 SW 'D' Avenue, Suite A
Lawton, OK 73502

Holly Houghten
THPO
Mescalero Apache Tribe
P.O. Box 227
Mescalero, NM 88340

All tribal groups had responded by October 22, 2012; therefore, Prudent did not request government to government consultation between the FCC and the tribal groups. According to the FCC Declaratory Ruling FCC 05-176, the Tribal Consultation process is considered complete. Copies of correspondence are attached in the appendices of this report.

While no Native American religious grounds or archeological deposits are known to be in the area of the site, buried cultural materials might still be present. If such materials are encountered during construction or disturbance activities, work should cease at the immediate area, while work may continue in those areas of the site where no archeological deposits are present. In such a situation, the Advisory Council on Historical Preservation should be contacted in accordance with 36 CFR 800.11(b)(2), in addition to the State Historical Preservation Officer.

Floodplains Information

The Site is not designated a special flood hazard area according to the FEMA National Flood Insurance Program *Flood Insurance Rate Map*, for Edwards County, Texas and unincorporated and incorporated areas, Community Panel Number 4812170375A, effective February 19, 1982 (see Figure 4).

Wetlands Review

The US Army Corps of Engineers (USACOE) and the Environmental Protection Agency (EPA) define wetlands as follows:

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

The USACOE uses three characteristics when making wetland determinations:

- hydrophytic vegetation
- hydric soils
- hydrology indicators

Based on the physical visit to the location and observations seeking such, the Site does not exhibit the above listed wetlands characteristics. The USACOE is responsible for administering *Section 404 of the Clean Water Act* permitting process for alterations of wetlands. The appropriate USACOE Office makes the final determination of whether an area is a wetland.

Surface Features

Construction at this Site will not impose significant change to the surface features of the area, according to the information provided by the client to Prudent.

Wild and Scenic Rivers

No wild or scenic rivers are located on the Site according to the National Wild and Scenic Rivers Database that is maintained by the United States National Park Service.

Coastal Dunes, Beaches and Barriers

No undeveloped dunes, beaches, or coastal barriers are located on the Site according to the Coastal Barriers Resource System that is maintained by the USFWS.

Natural Landmarks

No registered natural landmarks are located on the Site according to the National Registry of Natural Landmarks maintained by the United States National Park Service.

Residential Neighborhood

No residential neighborhoods are located on or adjacent to the Site according to the information provided by the client to Prudent.

FINDINGS AND CONCLUSIONS

Findings

The Proposed Action will require construction of a new transmitting and receiving tower standing approximately 420 feet tall that will be guyed wire for telecommunications equipment and will involve ground-disturbance totaling less than 0.25 acres.

In accordance with 47 CFR § 1.1307(a)(1-8), 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 have been identified that would require that a site-specific EA to be prepared.

The FCC NEPA Checklist has been completed based on the information contained in this report and is attached as an appendix to this report.

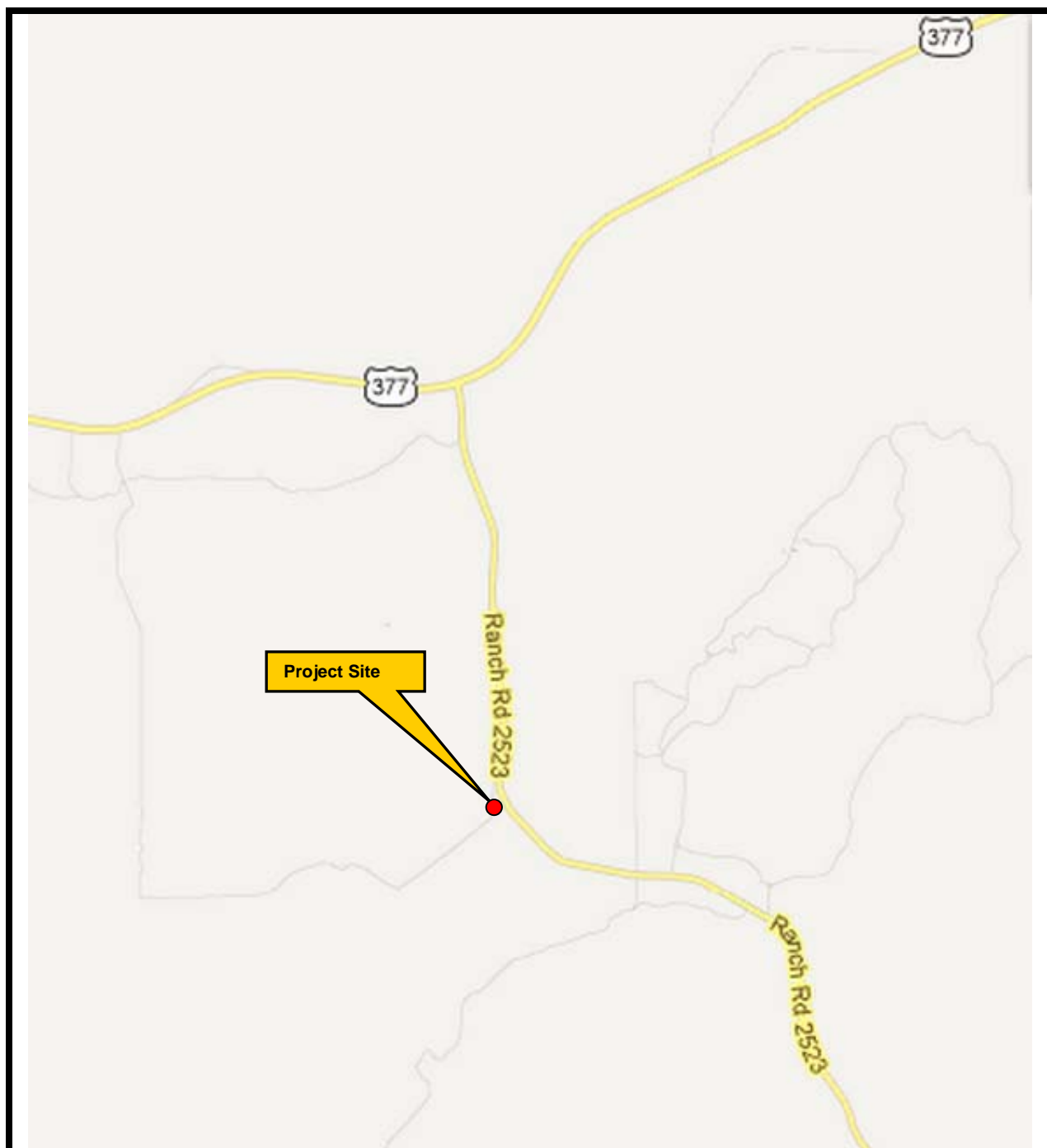
FIGURES

Figure 1: Vicinity Map

Figure 2: Topographic Map

Figure 3: Aerial Map

Figure 4: FEMA Map



VICINITY MAP

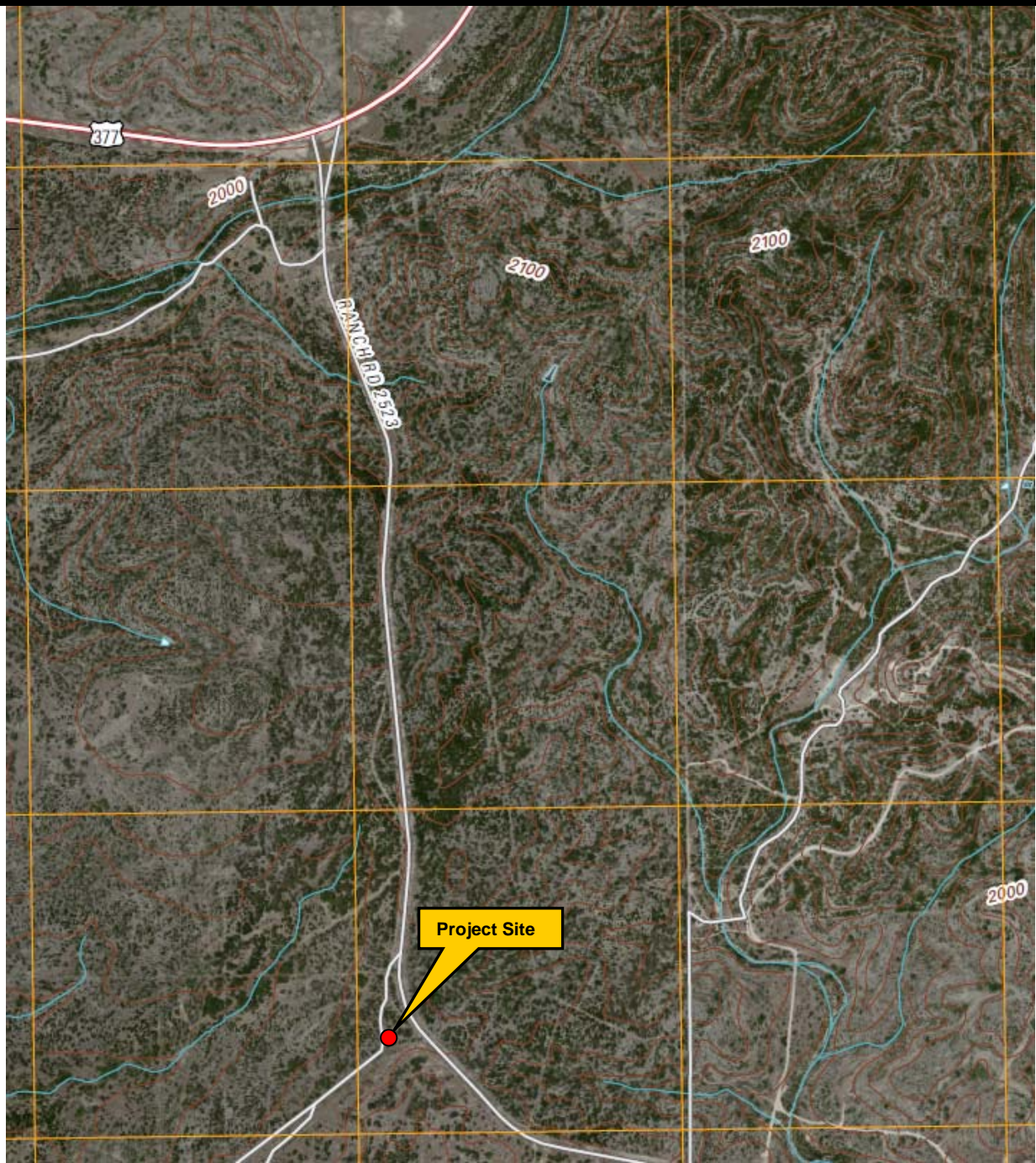
FIGURE 1
(Not to Scale)

N↑



Site Name: Edwards County Tower
Ranch Road 2523
Edwards County, Texas

Project Number: C312015



TOPOGRAPHIC MAP

FIGURE 2

Source: USGS 7.5 Minute Topographic Map
Carta Valley, Texas Quadrangle 2010

N ↑



Site Name: Edwards County Tower
Ranch Road 2523
Edwards County, Texas

Project Number: C312015



AERIAL MAP

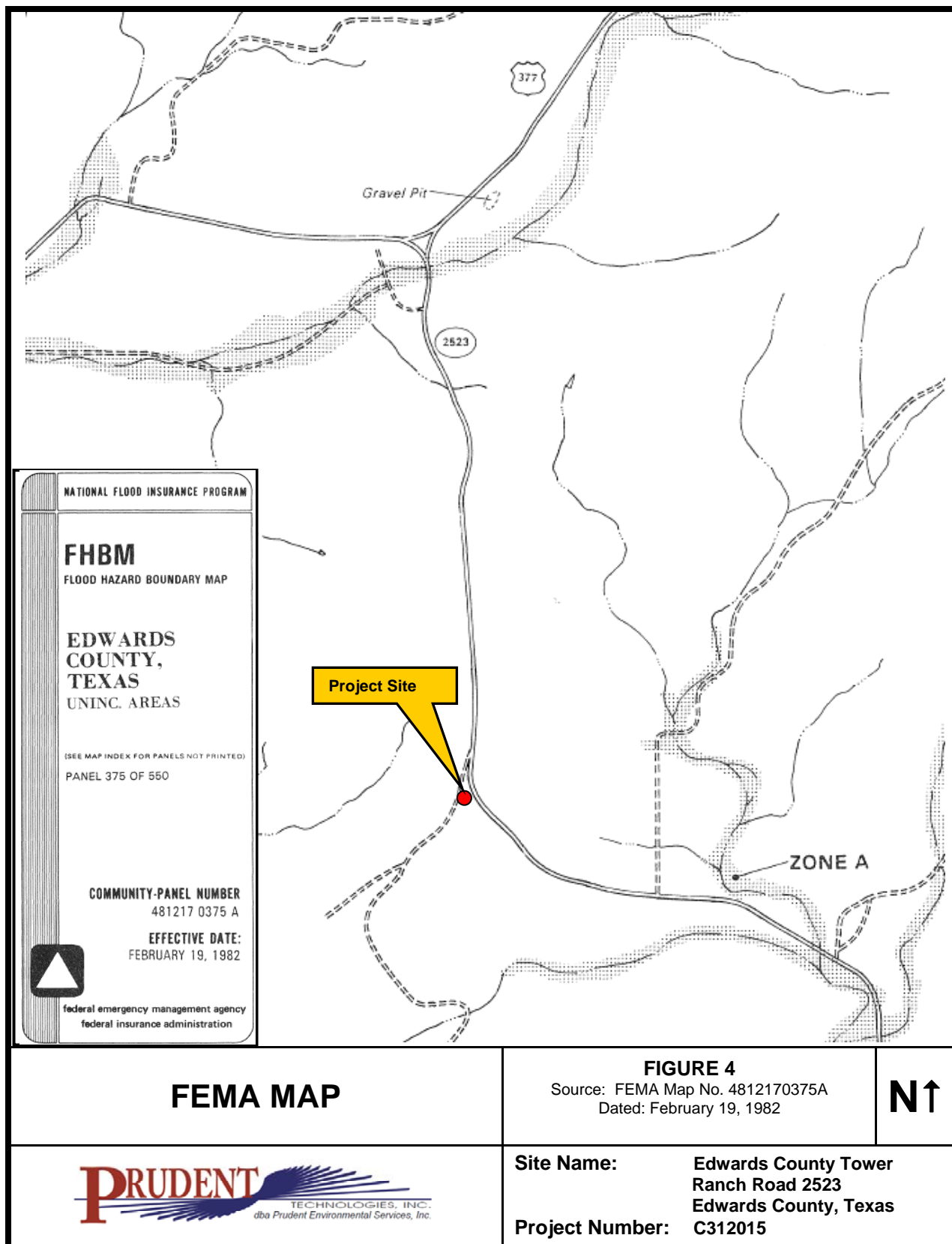
FIGURE 3

(Not to Scale)

N↑



Site Name: Edwards County Tower
 Ranch Road 2523
 Edwards County, Texas
Project Number: C312015



APPENDIX A – Site Photographs



Photo 1: View shows the proposed location facing southwest.



Photo 2: View is from the proposed tower location facing north toward the existing structure.



Photo 3: View is from the proposed location facing south.



Photo 4: View is from the proposed location facing west.



Photo 5: View shows the proposed tower location facing north.



Photo 6: View shows the existing entrance to the proposed tower location.

APPENDIX C – FCC NEPA Land Use Compliance Checklist

FCC NEPA Land Use Screening Checklist

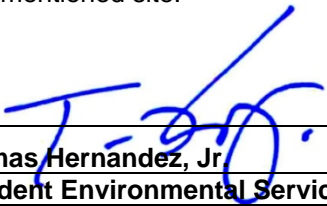
Site Name:	Edwards County Tower		Tower Height:	420-foot	
Latitude	N29° 46' 11.4"		<input type="checkbox"/> Raw land	<input type="checkbox"/> Other colo*	<input type="checkbox"/> Stealth Tower
Longitude	W100° 36' 47.9"		Site Type: <input checked="" type="checkbox"/> Guy Tower	<input type="checkbox"/> Monopole	<input 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"/>		

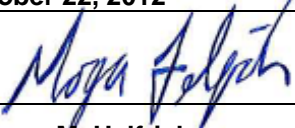
Notes:

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: October 22, 2012

Signature: 
 Prepared By: Morgan M. Helfrich
 Company: Prudent Environmental Services, Inc.
 Date: October 22, 2012

SECTION 106 ASSESSMENT
NEW TOWER (NT) SUBMISSION PACKET
FOR
PROPOSED 420-FOOT GUYED WIRE
TELECOMMUNICATIONS TOWER

Edwards County Tower
Ranch Road 2523
Edwards County, Texas 78880
Prudent Project Number: C312015

Prepared for:

CGS Investments, Inc.
2333 Palmer Highway
Texas City, Texas

Prepared by:



4242 Medical Drive, Suite 5250
San Antonio, Texas 78229

September 13, 2012

September 13, 2012

Mr. Mark Wolfe
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276

**Re: Section 106 Assessment - NT
Edwards County Tower
Ranch Road 2523
Edwards County, Texas 78880
TCNS# 87865
Prudent Project Number: C312015**

Dear Mr. Wolfe:

Prudent Environmental Services, Inc., (Prudent) is performing a National Environmental Policy Act (NEPA) review on a continuing basis for CGS Investments, Inc. (CGS) 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. **CGS is seeking a letter of no effect for a proposed 420-foot guyed wire telecommunications tower and associated 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

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

FCC Wireless Telecommunications Bureau New Tower ("NT") Submission Packet

NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT OF 1974 AND THE PAPERWORK REDUCTION ACT OF 1995

We have estimated that each response to this collection of information will take on average 5 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERF, Washington, DC 20554, Paperwork Reduction Project (3060-1039). We will also accept your comments via the Internet if you send them to PRA@fcc.gov. *Please do not send completed application forms to this address.*

You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection unless it displays a currently valid OMB control number with this notice. This collection has been assigned OMB control number 3060-1039.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of a statute, FCC regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party to a proceeding before the body or has an interest in the proceeding.

All parties and entities doing business with the Commission must obtain a unique identifying number called the FCC Registration Number (FRN) and supply it when doing business with the Commission. Failure to provide the FRN may delay the processing of the application. This requirement is to facilitate compliance with the Debt Collection Improvement Act of 1996 (DCIA). The FRN can be obtained electronically from the FCC's website at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available from the FCC's web site at <http://www.fcc.gov/formpage.html>, by calling the FCC's Forms Distribution Center at (800) 418-FORM (3676), or from the FCC's Fax Information System by dialing (202) 418-0177.

This notice is required by the Privacy Act of 1974, Public Law 93-579, December 31, 1974, 5 U.S.C. Section 552a (e)(3), and the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, 44 U.S.C. 3507.



General Information

1) (Select only one) () NE – New UA – Update of Application WD – Withdrawal of Application	
2) If this application is for an Update or Withdrawal, enter the file number of the pending application currently on file.	File Number:

Applicant Information

3) FCC Registration Number (FRN):
4) Name: CGS Investments, Inc.

Contact Name

5) First Name: Garry	6) MI: H	7) Last Name: Gaudin	8) Suffix: Sr.
9) Title: Project Manager			

Contact Information

10) P.O. Box:	And /Or	11) Street Address: 2333 Palmer Hwy.	
12) City: Texas City		13) State: TX	14) Zip Code: 77590
15) Telephone Number: 409-948-9264		16) Fax Number: 409-948-4308	
17) E-mail Address: garry@dgcomm.net			

Consultant Information

18) FCC Registration Number (FRN): 0021298310
19) Name: Morgan Helfrich

Principal Investigator

20) First Name: Herbert	21) MI: G	22) Last Name: Uecker	23) Suffix:
24) Title: Archaeologist			

Principal Investigator Contact Information

25) P.O. Box:	And /Or	26) Street Address: 30803 Buck Lane	
27) City: Bulverde		28) State: TX	29) Zip Code: 78163-2117
30) Telephone Number: (830) 980-7805		31) Fax Number: (830) 438-8666	
32) E-mail Address: starsllc@gvvc.com			

Professional Qualification

33) Does the Principal Investigator satisfy the Secretary of the Interior's Professional Qualification Standards?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
34) Areas of Professional Qualification: (<input checked="" type="checkbox"/>) Archaeologist () Architectural Historian () Historian () Architect () Other (Specify) _____	

Additional Staff

35) Are there other staff involved who meet the Professional Qualification Standards of the Secretary of the Interior?	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o
--	--

If "Yes", complete the following:

36) First Name:	37) MI:	38) Last Name:	39) Suffix:
40) Title:			
41) Areas of Professional Qualification: () Archaeologist () Architectural Historian () Historian () Architect () Other (Specify) _____			

This page may be copied to include additional staff.**Consultant Information Attachments required – See instructions for details.**

Site Information

Tower Construction Notification System

1) TCNS Notification Number: **87865**

Site Information

2) Site Name: **Edwards County Tower**

3) Site Address: **Ranch Road 2523 South of Highway 377**

4) City: **Near Rocksprings**

5) State: **TX**

6) Zip Code: **78880**

7) County/Borough/Parish: **Edwards County**

8) Nearest Crossroads: **Ranch Road 2523 South of Highway 377**

9) **NAD 83** Latitude (DD-MM-SS.S): **N29 46 11.4**

(☒) N or () S

10) **NAD 83** Longitude (DD-MM-SS.S): **W100 36 47.9**

() E or (☒) W

Tower Information

11) Tower height above ground level (include top-mounted attachments such as lightning rods): (**420**) Feet () Meters

12) Tower Type (Select One):

(☒) Guyed lattice tower

() Self-supporting lattice

() Monopole

() Other (Describe):

Project Status

13) Current Project Status (Select One):

(☒) Construction has not yet commenced

() Construction has commenced, but is not completed

Construction commenced on: ____/____/____

() Construction has been completed

Construction commenced on: ____/____/____

Construction completed on: ____/____/____

Site Information Attachments required – See instructions for details.

Determination of Effect

14) Direct Effects (Select One):

- (☒) No Historic Properties in Area of Potential Effects (APE)
- (☐) No Effect on Historic Properties in APE
- (☐) No Adverse Effect on Historic Properties in APE
- (☐) Adverse Effect on one or more Historic Properties in APE

15) Visual Effects (Select One):

- (☒) No Historic Properties in Area of Potential Effects (APE)
- (☐) No Effect on Historic Properties in APE
- (☐) No Adverse Effect on Historic Properties in APE
- (☐) Adverse Effect on one or more Historic Properties in APE

Determination of Effect Attachments required – See instructions for details.

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(<input checked="" type="checkbox"/>) Yes (<input type="checkbox"/>) No
2a) Tribes/NHOs contacted through TCNS Notification Number: 87865 Number of Tribes/NHOs: 4	
2b) Tribes/NHOs contacted through an alternate system: NA Number of Tribes/NHOs: _____	

Tribal/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name:

Contact Name

5) First Name:	6) MI:	7) Last Name:	8) Suffix:
9) Title:			

Dates & Response

10) Date Contacted	11) Date Replied
(<input type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other _____	

This page may be copied to include additional Tribes/NHOs contacted.
Tribal/NHO Involvement Attachments may be required – See instructions for details.

Other Tribes/NHOs Contacted

Tribe/NHO Information

1) FCC Registration Number (FRN):
2) Name: Comanche Nation

Contact Name

3) First Name: Kelly	4) MI:	5) Last Name: Glance	6) Suffix:
7) Title: THPO Assistant			

Contact Information

8) P.O. Box:	And /Or	9) Street Address: #6 SW 'D' Avenue, Suite A	
10) City: Lawton		11) State: OK	12) Zip Code: 73502
13) Telephone Number: (580) 595-9960		14) Fax Number: ()	
15) E-mail Address:			
16) Preferred means of communication: () E-mail (X) Letter () Both			

Dates & Response

17) Date Contacted <u>8/15/2012</u>	18) Date Replied <u>10/3/2012</u>
() No Reply	
(X) Replied/No Interest	
() Replied/Have Interest	
() Replied/Other _____	

This page may be copied to include additional Tribes/NHOs.

Other Tribes/NHOs Contacted

Tribe/NHO Information

1) FCC Registration Number (FRN):
2) Name: Wichita and Affiliated Tribes

Contact Name

3) First Name: Jason	4) MI:	5) Last Name: Prince	6) Suffix:
7) Title: TCNS Representative and GAP Technician			

Contact Information

8) P.O. Box:	And /Or	9) Street Address:		
10) City:		11) State:	12) Zip Code:	
13) Telephone Number:		14) Fax Number: ()		
15) E-mail Address:				
16) Preferred means of communication: () E-mail () Letter () Both				

Dates & Response

17) Date Contacted <u>8/15/2012</u>	18) Date Replied <u> / / </u>
(X) No Reply	
() Replied/No Interest	
() Replied/Have Interest	
() Replied/Other _____	

This page may be copied to include additional Tribes/NHOs.

Other Tribes/NHOs Contacted

Tribe/NHO Information

1) FCC Registration Number (FRN):
2) Name: Tonkawa Tribe

Contact Name

3) First Name: Joshua	4) MI:	5) Last Name: Waffle	6) Suffix:
7) Title: Tribal Administrator			

Contact Information

8) P.O. Box:	And /Or	9) Street Address:	
10) City:		11) State:	12) Zip Code:
13) Telephone Number: (580) 628-2561 ex. 124		14) Fax Number: ()	
15) E-mail Address: jwaffle@tonkawatribe.com			
16) Preferred means of communication: (<input checked="" type="checkbox"/>) E-mail () Letter () Both			

Dates & Response

17) Date Contacted <u>8/15/2012</u>	18) Date Replied <u>8/31/2012</u>
() No Reply	
(<input checked="" type="checkbox"/>) Replied/No Interest	
() Replied/Have Interest	
() Replied/Other _____	

This page may be copied to include additional Tribes/NHOs.

Other Tribes/NHOs Contacted

Tribe/NHO Information

1) FCC Registration Number (FRN):
2) Name: Mescalero Apache Tribe

Contact Name

3) First Name: Holly	4) MI: B	5) Last Name: Houghten	6) Suffix:
7) Title: THPO			

Contact Information

8) P.O. Box: 227	And /Or	9) Street Address:	
10) City: Mescalero		11) State: NM	12) Zip Code: 88340
13) Telephone Number: (580) 595-9960		14) Fax Number: ()	
15) E-mail Address:			
16) Preferred means of communication: (<input checked="" type="checkbox"/>) E-mail () Letter () Both			

Dates & Response

17) Date Contacted <u>8/15/2012</u>	18) Date Replied <u>10/08/2012</u>
() No Reply	
(<input checked="" type="checkbox"/>) Replied/No Interest	
() Replied/Have Interest	
() Replied/Other _____	

This page may be copied to include additional Tribes/NHOs.

Historic Properties

Properties Identified

1) Have any historic properties been identified within the APEs for direct and visual effect?	() <u>Y</u> es (X) <u>N</u> o
2) Has the identification process located archaeological materials that would be directly affected, or sites that are of cultural or religious significance to Tribes/NHOs?	() <u>Y</u> es (X) <u>N</u> o
3) Are there more than 10 historic properties within the APEs for direct and visual effect? If "Yes", you are required to attach a Cultural Resources Report in lieu of adding the Historic Property below.	() <u>Y</u> es (X) <u>N</u> o

Historic Property

4) Property Name:
5) SHPO Site Number:

Property Address

6) Street Address:		
7) City:	8) State:	9) Zip Code:
10) County/Borough/Parish:		

Status & Eligibility

11) Is this property listed on the National Register? Source: _____	() <u>Y</u> es () <u>N</u> o
12) Is this property eligible for listing on the National Register? Source: _____	() <u>Y</u> es () <u>N</u> o
13) Is this property a National Historic Landmark?	() <u>Y</u> es () <u>N</u> o

14) Direct Effects (Select One): <input type="checkbox"/> No Effect on this Historic Property in APE <input type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE
15) Visual Effects (Select One): <input type="checkbox"/> No Effect on this Historic Property in APE <input type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE

**This page may be copied to include additional Historic Properties.
Historic Property Attachments required – See instructions for details.**

Local Government Involvement

Local Government Agency

1) FCC Registration Number (FRN):
2) Name:

Contact Name

3) First Name:	4) MI:	5) Last Name:	6) Suffix:
7) Title:			

Contact Information

8) P.O. Box:	And /Or	9) Street Address:	
10) City:		11) State:	12) Zip Code:
13) Telephone Number: ()		14) Fax Number: ()	
15) E-mail Address:			
16) Preferred means of communication: () E-mail () Letter () Both			

Dates & Response

17) Date Contacted ____/____/____	18) Date Replied ____/____/____
() No Reply	
() Replied/No Interest	
() Replied/Have Interest	
() Replied/Other _____	

Additional Information

19) Information on local government's role or interest (optional):
--

This page may be copied to include additional local government agencies.
Local Government Attachments required – See instructions for details.

Other Consulting Parties

Other Consulting Parties Contacted

1) Has any other agency been contacted and invited to become a consulting party?	() <u>Y</u> es (X) <u>N</u> o
--	--

Consulting Party

2) FCC Registration Number (FRN):
3) Name:

Contact Name

4) First Name:	5) MI:	6) Last Name:	7) Suffix:
8) Title:			

Contact Information

9) P.O. Box:	And /Or	10) Street Address:	
11) City:		12) State:	13) Zip Code:
14) Telephone Number: ()		15) Fax Number: ()	
16) E-mail Address:			
17) Preferred means of communication: () E-mail () Letter () Both			

Dates & Response

18) Date Contacted ____/____/____

19) Date Replied ____/____/____

- () No Reply
- () Replied/No Interest
- () Replied/Have Interest
- () Replied/Other _____

Additional Information

20) Information on other consulting parties' role or interest (optional):

**This page may be copied to include additional consulting parties.
Consulting Parties Attachments required – See instructions for details.**

Designation of SHPO/THPO

1) Designate the Lead State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) based on the location of the tower.

SHPO/THPO

Name: Texas SHPO

2) You may also designate up to three additional SHPOs/THPOs if the APEs include multiple states. If the APEs include other countries, enter the name of the National Historic Preservation Agency and any state and provincial Historic Preservation Agency.

SHPO/THPO Name: NA

SHPO/THPO Name: NA

SHPO/THPO Name: NA

Designation of SHPO/THPO Attachments may be required – See instructions for details.

Certification

I certify that all representations on this FCC Form 620 Submission Packet and the accompanying attachments are true, correct, and complete.

Party Authorized to Sign

First Name: **Tomas**

MI:

Last Name: **Hernandez**

Suffix:

Signature:

Date: ____/____/____

FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

ATTACHMENT 1

RESUMES

TOMAS HERNANDEZ, JR., P.G.
Senior Project Manager

EDUCATION

- Graduate Geology Courses, University of Texas at San Antonio, 1999-2002
- B.S., Geology, University of Texas at San Antonio, 1999

PROFESSIONAL REGISTRATION

- Professional Geoscientist (TX #3297, 2003)
- LPST Project Manager (TX #161, 2004)

PROFESSIONAL SUMMARY

Mr. Hernandez has over ten years of experience in environmental consulting. Responsibilities have included project management, marketing, reporting, and field support. Mr. Hernandez is experienced in providing project management for projects involving subsurface, surface, and groundwater investigations, wetlands determinations, biological assessments, threatened/endangered species and critical habitat reviews, environmental assessments, and NEPA audits. As a project manager, he develops program plans, prepares cost estimates and negotiates delivery orders with the client, manages and oversees subcontractors, performs contract administration and reporting tasks, and serves as the client liaison with federal and state regulatory agencies. His duties also include business development, report preparation, and performance of field investigations.

SELECTED PROFESSIONAL EXPERIENCE

- **Environmental Assessment / Black & Veatch Corporation and San Antonio Water Systems / Texas.** Responsible for the project management of the environmental assessment and coordination of the wetlands review for a proposed 110 mile water pipeline, for the Gonzales County Carrizo Aquifer Program, recovery and storage aquifer project. The environmental assessment involved investigating potential environmental concerns related to recognized environmental conditions, critical habitat evaluations, and identifications for federal and state threatened and endangered species. Services were performed for the San Antonio Water Systems.
- **Environmental Site Assessments / Medicine Bow Ranch/ Wyoming.** Responsible for the project management of the environmental assessment of a 65,000-acre proposed wind farm development in Medicine Bow, Wyoming.
- **Environmental Assessment / Community Development Corporation of Brownsville / Texas.** Responsible for the project management and environmental assessment of impacts of HUD Colonias Initiative (HCI) Program developments in the Brownsville and McAllen, Texas sites.
- **Phase I Environmental Site Assessments / USA and Mexico.** Responsible for the project management and assessment of over 1,000 Phase I ESAs and transaction screens for various financial institutions and private companies.

- **Geotechnical and Environmental Project Management / Various Telecommunication Projects / USA.** Project Manager responsible for soliciting and managing telecommunication construction projects across 18 states. Coordinated field work and report writing for geotechnical and environmental assessments for over 1,500 sites, including managing Section 106 reviews, archaeological assessments, and notifications to FCC's Tower Construction Notification System for telecommunication projects.
- **Site Investigations / City of San Antonio / San Antonio, Texas.** Responsible for development of the investigation plan to assess metals and hydrocarbon contamination of soil and groundwater the Brickyard Project. Services were performed for the City of San Antonio.
- **Site Investigations / Furniture Solutions / Ciudad Juarez, Mexico.** Responsible for project management and development of the investigation plan to assess volatile and semi-volatile compounds for an old industrial facility.
- **Geologic Assessments / Southerland Communities/ Texas.** Responsible for the project management and assessment of geologic features located on the Edwards Aquifer Recharge Zone for a proposed 850-acre residential development.

TRAINING AND CERTIFICATIONS

- OSHA 40-Hour HAZWOPER and annual 8-Hour refreshers
- OSHA 8-Hour Management & Supervisor Training
- First Aid / CPR
- Training Theory & Practical Applications of Grounding and Bonding with Special Emphasis on Ground System and Soil Resistivity Testing, CA – Lyncole XIT Grounding, 2001

ATTACHMENT 2**ADDITIONAL SITE INFORMATION****Additional Site Information**

The Site is located on a private ranch on the west side of Ranch Road 2523 south of Highway 377, Edwards County, Texas and is the location for a proposed 420-foot guyed wire telecommunications tower and equipment compound. The Site is located in a cleared area adjacent to an existing barn. Power will be connected to the Site from existing conduit located on the other side on Ranch Road 2523. The property is located southwest of the city limits of Rocksprings, Texas. According to the information provided by CGS, the Site is located at approximately N29° 46' 11.4" Latitude and W100° 36' 47.9" Longitude (NAD83).

ATTACHMENT 3

TRIBAL AND NHO INVOLVEMENT

Prudent used the FCC's Tower Construction Notification System (TCNS) Notification I.D. 87865 on August 15, 2012 to contact federally registered tribes to determine whether the proposed tower would have visual or direct effects on tribal religious or cultural property within the Area of Potential Effect (APE). A copy of the FCC's TCNS Notification is attached.

Additional Correspondence

A response was not received by the date of this submittal from the tribes notified by the TCNS. If a response is not received within 30 days of the TCNS, a second letter submittal will be sent to each of the tribal contacts on the 'geographic preference list' provided by the FCC. Prudent will requested government-to-government consultation between the FCC and tribal groups that had not responded.

ATTACHMENT 4
LOCAL GOVERNMENT

The local government offices have been contacted by CGS regarding the proposed tower construction.

ATTACHMENT 5

PUBLIC INVOLVEMENT

A legal notice was published in a local newspaper, on September 13, 2012 in the *Texas Mohair Weekly News* in Rocksprings, Texas.

PUBLIC NOTICE

This notice serves to comply with the Nationwide Programmatic Agreement for Review of Effects on Historical Properties - Section 106 Notice as a proposed plan for the following telecommunications tower site in Edwards County, Texas:

Proposed new telecommunications tower construction. Proposed new 420-foot guyed wire telecommunications tower located on a private ranch west of Ranch Road 2523 south of Highway 377, Edwards County, Texas.

Please submit public comments to mhelfrich@prudentweb.com

ADDITIONAL CONSULTING PARTIES

No other parties were consulted.

ATTACHMENT 6

AREAS OF POTENTIAL EFFECTS

A. Direct Effects

The Area of Potential Effect (APE) for Direct Effects was determined to be the footprint of the proposed 420-foot guyed wire telecommunications tower and associated equipment compound. No listed state-surveyed historic resources or historic standing structures are located within or adjacent to the Site. Due to the rural nature of the area, and the fact that the proposed construction will take place on a previously disturbed site, Prudent believes that the proposed action will not have any direct effects on the eligible NRHP. Therefore, no significant direct effects were identified.

Our Atlas search indicated that no prior archeological investigations or resources prerecorded for the Site. According to the archaeological review there were no NRHP-listed sites within or adjacent to the Site; however, the Site has the potential for the existence of undiscovered/unrecorded archeological resources in or near the Site.

Any archeological resources that might be in or near the Site have probably been disturbed or destroyed by previous activities (construction and staging of the existing barn and access road) and have negligible or negative research potential. Therefore, the proposed tower project would have no significant direct effect on any archaeological or cultural resources and Prudent recommends no further archaeological study at the Site.

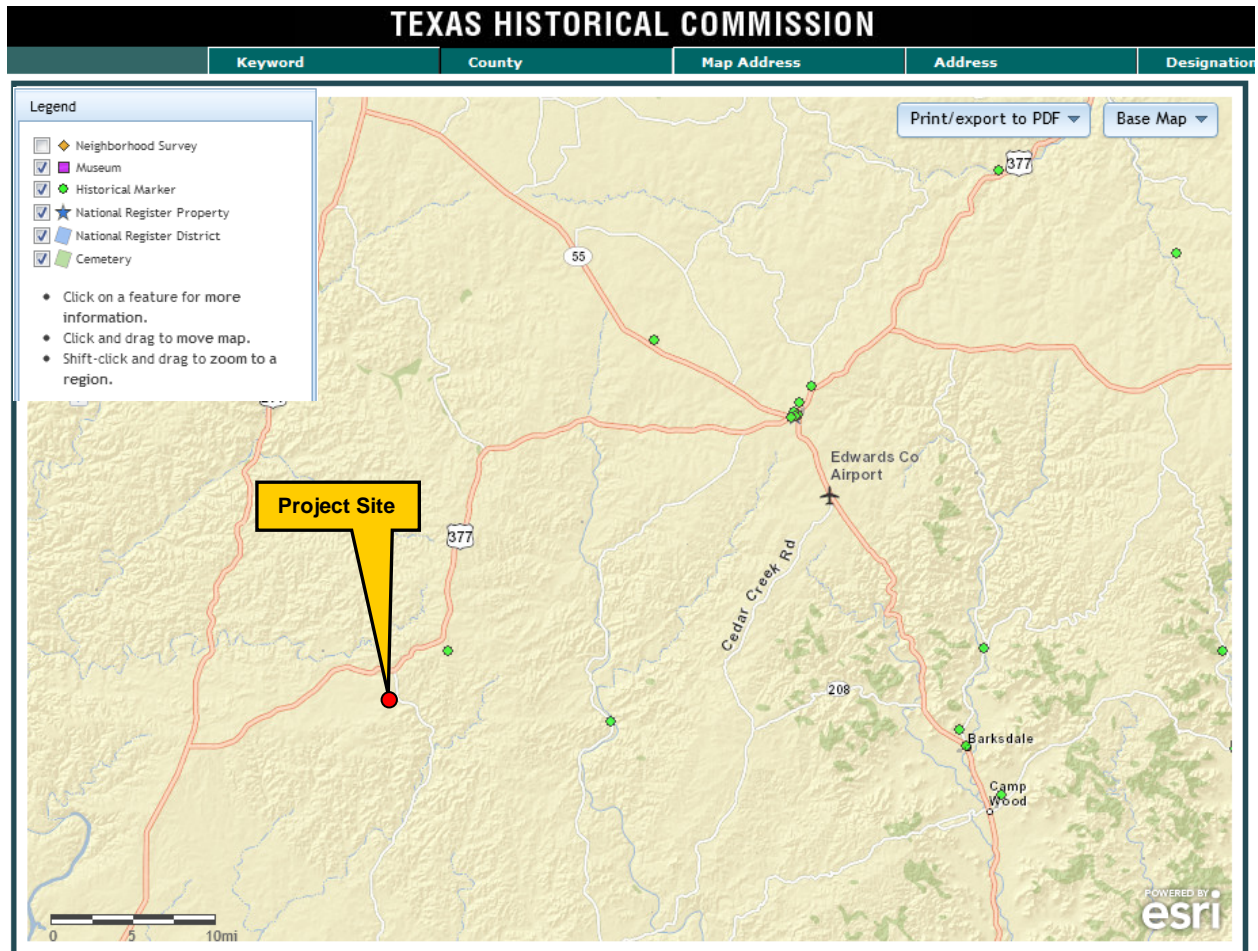
B. Visual Effects

The APE for visual effects for this project is a 1.5-mile radius from the proposed 420-foot guyed wire telecommunications tower (see attached USGS 7.5 Minute Series Topographic map, Figure 1).

Prudent conducted a records review at the Texas Historical Commission, Texas Historic Sites Atlas Web Site, <http://atlas.thc.state.tx.us/>, to identify any resources listed in the National Register of Historic Places (NRHP), eligible properties, state-surveyed historic resources, within the APE for visual effects of the proposed project. No listed state-surveyed historic resources were noted within the APE for visual effects of the proposed project. Therefore, no significant visual effects were identified.

HISTORIC PROPERTIES IDENTIFIED IN THE APE FOR VISUAL EFFECTS

Based on a review of the Texas Historical Commission, Texas Historic Sites Atlas Web Site, <http://atlas.thc.state.tx.us/> no listed NRHP eligible properties were noted within the APE for visual effects of the proposed project.



HISTORIC PROPERTIES IDENTIFIED IN THE APE FOR DIRECT EFFECTS

No listed National Register of Historic Places (NRHP) eligible properties, state-surveyed historic resources, or historic standing structures are located within the APE. Therefore, no significant direct effects were identified.

Our Atlas search indicated that no prior archeological investigations or resources prerecorded for the Site. An archaeological review was conducted to identify any listed archaeological resources within or adjacent to the Site. According to the archaeological review, the project location is in an area rich in archeological resources and the project area is on a topographic prominence between the Red Bluff and Sycamore Creek drainages. Such locations tend to have a higher than average probability of containing unknown archeological resources. The archeologist suggests that, since the proposed construction is to occur on a previously disturbed area adjacent to an existing structure, and since it is proposed to use existing roads in the vicinity, no further archeological work should be necessary to satisfy the project area.

VISUAL EFFECTS ON IDENTIFIED PROPERTIES

No listed National Register of Historic Places (NRHP) eligible properties or state-surveyed historic resources were noted within the APE for potential visual effects of the proposed project. Therefore, no significant visual effects were identified.

An archaeological review was conducted to identify any listed archaeological resources within the APE. The review indicated that there are no NRHP-listed archaeological sites within the project APE. Prudent requests the SHPO make a determination on whether or not an archaeological survey will be warranted due to the existing construction activities at the Site.

ATTACHMENT 7
ARCHEOLOGICAL REPORT



South Texas Archeological Research Services, LLC
Cultural Resource Managers & Archeological Contractors
FRIENDLY PROFESSIONAL SERVICE

August 31, 2012

Ms. Morgan M. Helfrich
Staff Scientist
Prudent Environmental Services, Inc.
4242 Medical Drive, Suite 7250
San Antonio, Texas 78229

Re: Desktop Archeological Review: Carta Valley Tower Project Area, Edwards County, Texas

Dear Ms. Helfrich:

Per your request, we conducted a desktop archeological review for this project area according to the Federal Communications Commission's Nationwide Programmatic Agreement (NPA; 47 CFR Part 1). We performed an internet search in the *Texas Archeological Sites Atlas* (Atlas) of the Texas State Historic Preservation Officer (SHPO) that focused on known archeological resources and previous archeological work. Considering the information you provided and the Atlas data we examined, we made a preliminary estimation of the archeological potential of the project area and immediate vicinity. **In our opinion no further archeological work should be necessary to satisfy applicable provisions of Section 106 of the National Historic Preservation Act (NHPA) for the project area, if and only if: (1) the cell tower and equipment compound are constructed entirely within the previously disturbed area around the existing building (as shown in the aerial photograph you sent); (2) the building isn't eligible for landmarking, per NHPA or SHPO criteria; and (3) any proposed new tower access road overprints existing ranch roads or other existing roads in the vicinity. Otherwise we believe the SHPO might require an archeological survey of the project area per the NHPA.** We did not visit the project area, and other, non-archeological categories of protected cultural resources might exist in or near the area or within any area of potential visual effects, as described in the NPA.

Our Atlas search revealed that no prior archeological investigations or resources were recorded for the project area. However, Atlas data indicate that much of Edwards County is rich in known archeological resources and the project area is on a topographic prominence between the Red Bluff and Sycamore Creek drainages. Such locations tend to have higher-than-average probabilities of containing unknown archeological resources. We do not warrant the accuracy of Atlas data or the presence, absence, or condition of archeological or other cultural resources of the project area or visual effects viewshed and do not purport to give legal advice. This review is not intended as a substitute for review by the SHPO and the SHPO's opinions might differ from ours concerning the archeological potential or requirements for the project area. If you have any questions, or if we may be of any further assistance, please contact me anytime. Thank you for the opportunity to be of service to Prudent Environmental Services, Inc.

Sincerely,

Herbert G. Uecker
Principal Investigator and Cultural Resources Director

National Historic Preservation Act Section 106 and Antiquities Code of Texas Compliance
30803 Buck Lane, Bulverde, Texas 78163-2117
Phone: 830/980-7805 Fax: 830/438-8666
Email: starsllc@gvtc.com

ATTACHMENT 8
PHOTOGRAPHS



Photo 1: View shows the proposed tower location facing southwest.



Photo 2: View shows the proposed tower location facing north toward the existing structure.



Photo 3: View is from the proposed location facing south.



Photo 4: View is from the proposed location facing west.



Photo 5: View shows the proposed tower location facing northeast.



Photo 6: View shows the existing entrance to the proposed tower location.

ATTACHMENT 9

MAPS



APE MAP

FIGURE 1

Source: USGS 7.5 Minute Topographic Map
Carta Valley, Texas Quadrangle 2010

N↑



Site Name:

Edwards County Tower
Ranch Road 2523

Project Number:

Edwards County, Texas
C312015



AERIAL MAP

FIGURE 2
DRAWING NOT TO SCALE



Site Name: Edwards County Tower
Ranch Road 2523
Edwards County, Texas
Project Number: C312015

ATTACHMENT 10
FCC TCNS NOTIFICATION

Subject:	NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED TOWER CONSTRUCTION NOTIFICATION INFORMATION – Email ID #3076288
From:	towernotifyinfo@fcc.gov (towernotifyinfo@fcc.gov)
To:	mhelfrich@prudentweb.com;
Cc:	kim.pristello@fcc.gov; diane.dupert@fcc.gov;
Date:	Friday, August 24, 2012 2:00 AM

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. THPO Assistant Kelly Glancy - Comanche Nation - Lawton, OK - regular mail

Details: The Comanche Nation Historic Preservation Office does not need to review the following types of projects; those that have already been evaluated by the Comanche Nation involving pre-existing above-ground feature additions or modifications(unless there is an increase in height), and those that have already been evaluated by the Comanche Nation within the city limits on a previously disturbed site.

If the proposed project does not meet one of the aforementioned conditions, the Comanche Nation Historic Preservation Office requires the following items; photographs taken of all 4 directions (north, south, east and west) from the center of the project site (where possible), legal description of the proposed site (i.e.; section, range, township, etc.) and any existing archeological/environmental reports or surveys relating to the site. We do not require, but request that you provide us with an aerial view of the proposed site if possible.

Due to the heavy volume of requests, we can no longer accept email requests.

Please send all materials to the Comanche Nation Historic Preservation Office, C/O Kelly Glancy, #6 SW 'D' Avenue, Suite 'A', Lawton, Oklahoma 73502 via regular or express mail, with a \$500 review fee, per project (payable to the Comanche Nation Historic Preservation Office). Please note on the cashier's check/money order (or on an attachment), the TCNS Number/Project Name that the review fee is being provided for. Upon receipt of review fee, the Comanche Nation Historic Preservation Office will promptly respond to your review request. Other correspondence can be sent to the main P.O. Box 908, Lawton, Oklahoma 73502 address.

Note: If the Comanche Nation Office of Historic Preservation has commented previously on the project under requested review, inform us of the date in the body of the review request, and you will not be assessed a review fee. If you are in need of additional information you may contact us directly at (580) 595-9960 or 9618 for clarification. In addition, this message serves as the 'Official' Notice from the Comanche Nation Historic Preservation Office and can be printed for your records, if necessary.

Thank you!

Sincerely,
Jimmy W. Arterberry, THPO

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

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

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

4. Tribal Historic Preservation Officer Holly B Houghten - Mescalero Apache Tribe - Mescalero, NM - electronic mail

Details: The Mescalero Apache Tribe does not wish to review towers that are being placed upon existing

buildings. For review of all other proposed towers located within the Mescalero Apache Tribe's traditional homelands, the Tribe will charge a \$125.00 review fee. Please send this fee to the Historic Preservation Office, Mescalero Apache Tribe, P.O. Box 227, Mescalero, NM 88340. Please make the check payable to the Mescalero Apache Tribe and note on the check, or an attachment, the TCNS# or project name/number that the review fee is provided for. Upon receipt of the review fee, the Mescalero Apache Tribe will promptly respond to your review request.

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

None

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

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

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

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

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

If you are proposing to construct a facility in the State of Alaska, you should contact Commission staff for guidance regarding your obligations in the event that Tribes do not respond to this notification within a reasonable time.

Please be advised that the FCC cannot guarantee that the contact(s) listed above opened and reviewed an electronic or regular mail notification. The following information relating to the proposed tower was forwarded to the person(s) listed above:

Notification Received: 08/15/2012

Notification ID: 87865

Tower Owner Individual or Entity Name: CGS Investments

Consultant Name: Morgan Helfrich

Street Address: 4242 Medical Drive, Suite 5250

City: San Antonio

State: TEXAS

Zip Code: 78229

Phone: 210-822-9588

Email: mhelfrich@prudentweb.com

Structure Type: GTOWER - Guyed Structure Used for Communication Purposes

Latitude: 29 deg 46 min 11.4 sec N

Longitude: 100 deg 36 min 47.9 sec W

Location Description: West of Ranch Rd. 2523 approx. 1.6 miles south of HWY 377

City: Edwards County

State: TEXAS

County: EDWARDS

Ground Elevation: 612.3 meters

Support Structure: 128.0 meters above ground level

Overall Structure: 133.8 meters above ground level

Overall Height AMSL: 746.1 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:

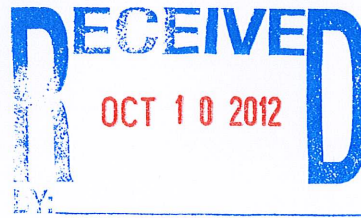
<http://wireless.fcc.gov/outreach/notification/contact-fcc.html>.

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

ATTACHMENT 11
TRIBE RESPONSES

Comanche Nation Office of Historic Preservation



Morgan Helfrich
Prudent Environmental Services
4242 Medical Drive, Suite 5250
San Antonio, TX 78229

October 3, 2012

Re: TCNS # 87865 (Site: Edwards County Tower)

Dear Mr. Helfrich:

In response to your request, the above referenced project has been reviewed by staff of this office. Based on the information provided and a search within the Comanche Nation Site Files, we have determined that there are *no properties* affected by this undertaking.

If you require additional information or are in need of further assistance, please contact this office at (580) 595-9960 or 9618.

This review is performed in order to locate, record, and preserve the Comanche Nation and State's prehistoric and historic cultural heritage, in cooperation with the State Historic Preservation Office.

Sincerely,

Kelly Glancy, HPO Assistant
Tribal Historic Preservation Office
Comanche Nation

Subject: Reply to Proposed Tower Structure (Notification ID: 87865) – Email ID #3104051

From: towernotifyinfo@fcc.gov (towernotifyinfo@fcc.gov)

To: mhelfrich@prudentweb.com;

Cc: tcns.fccarchive@fcc.gov; holly@mathpo.org;

Date: Monday, October 8, 2012 2:19 PM

Dear CGS Investments,

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 B Houghten of the Mescalero Apache Tribe in reference to Notification ID #87865:

After review of this communications project, it has been determined that the Mescalero Apache Tribe has no immediate concerns within the project area, and that the project will cause no adverse effects to cultural resources or areas of interest to the Mescalero Apache Tribe. If, however, the Applicant discovers archeological remains or resources during construction, the Applicant should stop construction and notify the appropriate Federal Agency and Tribe(s).

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

Notification Received: 08/15/2012

Notification ID: 87865

Tower Owner Individual or Entity Name: CGS Investments

Consultant Name: Morgan Helfrich

Street Address: 4242 Medical Drive, Suite 5250

City: San Antonio

State: TEXAS

Zip Code: 78229

Phone: 210-822-9588

Email: mhelfrich@prudentweb.com

Structure Type: GTOWER - Guyed Structure Used for Communication Purposes

Latitude: 29 deg 46 min 11.4 sec N

Longitude: 100 deg 36 min 47.9 sec W

Location Description: West of Ranch Rd. 2523 approx. 1.6 miles south of HWY 377

City: Edwards County

State: TEXAS

County: EDWARDS

Ground Elevation: 612.3 meters

Support Structure: 128.0 meters above ground level

Overall Structure: 133.8 meters above ground level

Overall Height AMSL: 746.1 meters above mean sea level

Subject: Reply to Proposed Tower Structure (Notification ID: 87865) – Email ID #3082373

From: towernotifyinfo@fcc.gov (towernotifyinfo@fcc.gov)

To: mhelfrich@prudentweb.com;

Cc: tcns.fccarchive@fcc.gov; jwaffle@tonkawatribe.com;

Date: Friday, August 31, 2012 11:46 AM

Dear CGS Investments,

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 #87865:

The following site(s) have been reviewed and to date (Friday, August 31, 2012) 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 2279

CI 580 491 1209

jwaffle@tonkawatribe.com

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

Notification Received: 08/15/2012

Notification ID: 87865

Tower Owner Individual or Entity Name: CGS Investments

Consultant Name: Morgan Helfrich

Street Address: 4242 Medical Drive, Suite 5250

City: San Antonio

State: TEXAS

Zip Code: 78229

Phone: 210-822-9588

Email: mhelfrich@prudentweb.com

Structure Type: GTOWER - Guyed Structure Used for Communication Purposes

Latitude: 29 deg 46 min 11.4 sec N

Longitude: 100 deg 36 min 47.9 sec W

Location Description: West of Ranch Rd. 2523 approx. 1.6 miles south of HWY 377

City: Edwards County

State: TEXAS

County: EDWARDS

Ground Elevation: 612.3 meters

Support Structure: 128.0 meters above ground level

Overall Structure: 133.8 meters above ground level

Overall Height AMSL: 746.1 meters above mean sea level

If the proposed project does not meet one of the aforementioned conditions, the Comanche Nation Historic Preservation Office requires the following items; photographs taken of all 4 directions (north, south, east and west) from the center of the project site (where possible), legal description of the proposed site (i.e.; section, range, township, etc.) and any existing archeological/environmental reports or surveys relating to the site. We do not require, but request that you provide us with an aerial view of the proposed site if possible.

Due to the heavy volume of requests, we can no longer accept email requests.

Please send all materials to the Comanche Nation Historic Preservation Office, C/O Kelly Glancy, #6 SW 'D' Avenue, Suite 'A', Lawton, Oklahoma 73502 via regular or express mail, with a \$500 review fee, per project (payable to the Comanche Nation Historic Preservation Office). Please note on the cashier's check/money order (or on an attachment), the TCNS Number/Project Name that the review fee is being provided for. Upon receipt of review fee, the Comanche Nation Historic Preservation Office will promptly respond to your review request. Other correspondence can be sent to the main P.O. Box 908, Lawton, Oklahoma 73502 address.

Note: If the Comanche Nation Office of Historic Preservation has commented previously on the project under requested review, inform us of the date in the body of the review request, and you will not be assessed a review fee. If you are in need of additional information you may contact us directly at (580) 595-9960 or 9618 for clarification. In addition, this message serves as the 'Official' Notice from the Comanche Nation Historic Preservation Office and can be printed for your records, if necessary.

Thank you!

Sincerely,
Jimmy W. Arterberry, THPO

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

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

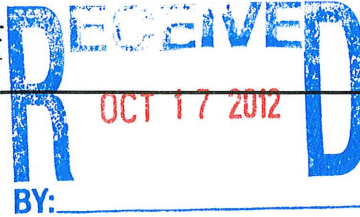
3. Tribal Administrator Joshua Waffle - Tonkawa Tribe - Tonkawa, OK - electronic mail

4. Tribal Historic Preservation Officer Holly B Houghten - Mescalero Apache Tribe - Mescalero, NM - electronic mail

Details: The Mescalero Apache Tribe does not wish to review towers that are being placed upon existing

ATTACHMENT 12

SHPO RESPONSE



September 13, 2012

Mr. Mark Wolfe
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276

**Re: Section 106 Assessment - NT
Edwards County Tower
Ranch Road 2523
Edwards County, Texas 78880
TCNS# 87865
Prudent Project Number: C312015**




Dear Mr. Wolfe:

Prudent Environmental Services, Inc., (Prudent) is performing a National Environmental Policy Act (NEPA) review on a continuing basis for CGS Investments, Inc. (CGS) 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. **CGS is seeking a letter of no effect for a proposed 420-foot guyed wire telecommunications tower and associated 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 Mark Wolfe
State Historic Preservation Officer
Date 10/12/12

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