Western Towers

Federal Communications Commission

Environmental Assessment

Mertzon Lindley Tower Site

Mertzon, Texas

31° 16’ 40.7” North, 100° 51’ 43.4” West

Construction of a 520 foot Guyed Tower

Project: 90157490

July 12, 2016

Terracon Consultants, Inc.
# TABLE OF CONTENTS

EXECUTIVE SUMMARY ...................................................................................................... 1

1.0 INTRODUCTION
1.1 Purpose and Need ........................................................................................................ 2
1.2 Project Description ...................................................................................................... 2
1.3 Site Location ................................................................................................................ 2
1.4 Standard of Care ......................................................................................................... 3
1.5 Reliance ....................................................................................................................... 3

2.0 PROJECT INFORMATION
2.1 Site Selection ............................................................................................................... 3
2.2 Local Community Issues .......................................................................................... 4
2.3 Alternatives Considered ............................................................................................ 4
   2.3.1 Proposed Action ............................................................................................. 4
   2.3.2 Alternatives Considered But Not Carried Forward ....................................... 4
   2.3.3 No Action Alternative ..................................................................................... 4

3.0 ASSESSMENT OF POTENTIAL IMPACTS ................................................................. 5
3.1 Wilderness Areas ....................................................................................................... 5
3.2 Wildlife Preserves ...................................................................................................... 5
3.3 Protected Species and Critical Habitats .................................................................... 5
3.4 Historical Significance .............................................................................................. 7
3.5 Indian Religious Sites ............................................................................................. 8
3.6 Floodplain .................................................................................................................. 8
3.7 Changes in Surface Features ................................................................................... 8
3.8 High Intensity Lighting ............................................................................................. 9
3.9 Radio Frequency Radiation ....................................................................................... 9

4.0 ENVIRONMENTAL CONSEQUENCE ....................................................................... 9
4.1 Impact to migratory birds ......................................................................................... 9

5.0 SUMMARY AND RECOMMENDATIONS ................................................................ 10

6.0 QUALIFICATIONS OF PERSONNEL ....................................................................... 11
APPENDIX

A  Site Figures
   Topographic Map
   Aerial Photograph
   DOI National Atlas Map (Indian Reservations)
   Wilderness.net Map
   Wildlife Preserve Map
   Wetlands Map
   Soil Survey Map or Documentation
   Standard Flood Determination Form

B  Site Photographs

C  NEPA Supporting Documents
   U.S. Fish and Wildlife Service
   Correspondence
   Complete NEPA 620 Submittal
   State Historic Preservation Office
   SHPO Reply Letter
   E106 Filing Confirmation
   Tribal Coordination
   Tribal Summary
   Tribal Replies
   Tribal Coordination Certification Letter

D  Qualifications of Personnel
EXECUTIVE SUMMARY

On behalf of our client, Western Towers, Terracon has completed this Environmental Assessment (EA) to request approval of the construction of a 520-foot high guyed tower to be located approximately 3 miles northwest of the intersection of US Highway 67 and Lindley Road in Mertzon, Irion County, Texas.

Identification of the proposed tower site was originally based on environmental considerations, transmission coverage objectives, site elevation, construction access, subsurface conditions, zoning considerations and use of an existing tower site location. As part of the environmental review, the proposed action would consist of the construction of a communications tower at a height above the FCC’s established threshold, stated in the FCC’s Order on Remand FCC 11-181, effective June 18, 2012, of 450 feet.

This report details the measures implemented to mitigate the effect of the proposed action regarding migratory bird impacts as stated in the FCC’s Order on Remand FCC 11-181, effective June 18, 2012, for a proposed tower over 450 feet in height. The other NEPA screening considerations are likely not affected by the proposed action.

1.0 INTRODUCTION

Western Towers, in accordance with the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA), has contracted Terracon to prepare this Environmental Assessment (EA) for the proposed action of the construction of a telecommunications tower located at approximately 3 miles northwest of the intersection of US Highway 67 and Lindley Road in Mertzon, Irion County, Texas. Pursuant to 47 CFR Section 1.1308, all applicants shall prepare an EA for actions that may have a significant impact on the environment. The Proposed Action involves the construction of a guyed tower to a height of 520 feet. As stated in the FCC’s Order on Remand FCC 11-181, effective June 18, 2012, an Environmental Assessment must be prepared for proposed towers over 450 feet in height to address the potential for migratory bird impacts. The proposed tower shall be 520 feet above ground level, and is above the established height threshold of 450 feet. No other National Environmental Policy Act (NEPA) issues have been identified in connection with the proposed action. This Environmental Assessment (EA) was prepared in accordance with applicable FCC environmental rules and regulations pursuant to Part 47 CFR Sections 1.1301 through 1.1319 to address environmental effects of the proposed action and allows the public a meaningful opportunity to comment on the environmental effects of the proposed action.

This EA addresses the environmental resources identified in the FCC environmental rules and regulations (47 CFR 1.1311): wilderness areas, wildlife preserves, threatened and endangered species, archeological and historical sites, Indian religious sites, floodplains, surface features, high intensity white lighting, and radio frequency (RF) emissions. No significant, adverse environmental impacts are anticipated for any of these environmental resources.
1.1 Purpose and Need

The proposed action will provide cellular coverage targeted to improve communication service along U.S. Highway 67 and the immediately surrounding areas of the eastern portion of Irion County, Texas. This narrow focus allowed for an extremely limited number of sites from which to choose. The existing site was selected to effectively meet radio frequency transmission requirements for this area, while avoiding or minimizing to the extent possible, any adverse environmental impacts.

The location of the tower site was chosen based on engineering studies and cellular phone coverage requirements for the eastern portion of Irion County, Texas. Due to the configuration of Western Tower’s network for the targeted coverage area, only a limited area, called a “search ring”, provides a technically appropriate area to locate this facility. Within this area, an extremely limited number of sites from which to choose were available to pursue. Based on conversations with of Western Tower the most appropriate option within this particular search ring was to construct the tower at the proposed site.

1.2 Project Description

The EA requests approval for the Western Towers proposed construction of a 520-foot high guyed tower. The footprint will consist of an approximately 100-foot by 100-foot pad area; three approximately 260-foot by 20-foot guyed wire easements and three approximately 10-foot by 25-foot guyed anchor areas (approximately 0.50-acres total). The guy wires will radiate from the tower approximately 260 feet to the northeast, west and southern directions. An existing approximately 850-foot by 30-foot access and utility easement will be used for utilities and to access the site. According to Western Towers, three guyed communication towers located within 1.5 miles southwest of the proposed site will be removed once construction of the proposed new tower is completed. The site is shown on the United States Geological Survey (USGS) Mertzon, Texas 7.5 Minute Series Topographic Map dated 1972. The elevation of the site is approximately 2,600 feet above National Geodetic Vertical Datum (NGVD) with a hilly topography. Storm water runoff from the site would likely flow to the east.

1.3 Site Location

The proposed tower site is located approximately 3 miles northwest of the intersection of US Highway 67 and Lindley Road in Mertzon, Irion County, Texas. The geographical location of the site is 31° 16' 40.7" N Latitude and 100° 51' 43.4" W Longitude North American Datum of 1983 (NAD83). The site is a lease parcel located on a hilltop consisting of rocky soil and ranch land. The area surrounding the proposed undertaking to the north, east, south and west is utilized primarily as ranchland but does have oil production pumps, pads and roads developed in all directions. Three guyed communications towers ranging from approximately 400 feet in height to approximately 500 feet in height are located within 1.5 miles of the proposed site. According to Western Towers, the three guyed communication towers will be removed once construction of the proposed new tower is completed.
1.4 **Standard of Care**

Terracon has performed an EA consistent with the scope and limitations of FCC’s NEPA rules (47 CFR 1.1311). This environmental assessment relied upon readily available state and Federal records, visual assessment of the property, and responses from environmental agencies, landowners and other third parties. Terracon does not warrant the work of regulatory agencies or other third parties supplying information, which may have been used during the assimilation of this report. Furthermore, it should be understood that state or federally designated wildlife preserves critical habitats, historical sites, etc. could change in the future due to changing populations and modifications to the official lists.

1.5 **Reliance**

This report is prepared for exclusive use by of Western Towers for specific application to the project discussed and has been prepared according to generally accepted environmental assessment practices. No warranty, express or implied, is made or intended. In the event that any changes in the nature, location or type of construction as outlined in this report are observed, the conclusions and recommendations contained in this report shall not be considered valid unless the changes are reviewed and the conclusions of this report are modified or verified in writing by Terracon. The limitations of this assessment should be recognized as of Western Towers formulates conclusions on the environmental impact the construction may have had on the surrounding properties.

2.0 **PROJECT INFORMATION**

2.1 **Site Selection**

The search ring area for this proposed undertaking had a narrow focus targeted to provide coverage along U.S. Highway 67 and the immediately surrounding areas of the eastern portion of Irion County, Texas. This narrow focus allowed for an extremely limited number of sites from which to choose. Some of the search criteria included environmental considerations, site topography, constructability, subsurface conditions, zoning considerations, cooperation of the property owners, potential for public controversy, and the site’s ability to offer proper transmission coverage. The proposed tower location was favored based on the area currently containing three guyed communications towers within 1.5 miles of the site which according to Wester Towers will be dismantled once the proposed new tower site construction is completed.

Western Towers proposes the construction of a 520-foot high guyed tower. According to the Order on Remand released by the FCC on December 9, 2011, a requirement was issued that an Environmental Assessment (EA) be prepared for any proposed tower over 450 feet in height to include that effects on migratory birds are fully considered prior to construction. The requirement of an EA applies to all proposed new towers, selected replacement towers, and selected collocations that may have a significant effect on migratory birds because they involve a substantial increase in size of a registered tower.
2.2 Local Community and Government Issues

Based on a correspondence with Mr. Jim Tharp, Mayor for the City of Mertzon, the City of Mertzon does not have zoning requirements.

As part of the Section 106 compliance, letters of consultation were sent to the Irion County Judge’s office and the Texas Historical Commission. In addition, a legal notice was placed in a local newspaper, the Standard-Times. No comments were received as a result of the public notice. Based on the NEPA review process, Terracon has no knowledge of public controversy associated with the proposed tower.

2.3 Alternatives Considered

2.3.1 Proposed Action

The proposed tower will provide cellular coverage targeted to improve communication service along U.S. Highway 67 and the immediately surrounding areas of the eastern portion of Irion County, Texas. This narrow focus allowed for an extremely limited number of sites from which to choose. The existing site was selected to effectively meet radio frequency transmission requirements for this area, while avoiding or minimizing to the extent possible, any adverse environmental impacts. The proposed tower location was found to be the most suitable based on search criteria including environmental considerations, site topography, constructability, subsurface conditions, zoning considerations, cooperation of the property owners, potential for public controversy, and the site’s ability to offer proper transmission coverage.

2.3.2 Alternatives Considered But Not Carried Forward

Alternative sites were considered prior to the selection of this site by Western Towers. The proposed tower location was found to be the most suitable in order to effectively meet radio frequency transmission requirements for this area. The proposed site was favored to avoid or minimizing to the extent possible, any adverse environmental impacts and aid in the reduced number of towers needed in the area.

If additional sites had to be evaluated now, plans for the proposed action would have to be abandoned and a new site determined which would lead to a loss of coverage in the area.

2.3.3 No Action Alternative

Under the No Action Alternative, the proposed project would not occur. The current telecommunication coverage requirements for the areas of the eastern portion of Irion County would not be met.
3.0 ASSESSMENT OF POTENTIAL IMPACTS

Terracon has reviewed information available at several regulatory agencies and other sources to aid in assessing the environmental impacts of the proposed tower site. For the purposes of this study, Terracon has assumed the environmental impact zone of the proposed action to be limited to 1/8-mile, based on the minimal grading and disturbance normally associated with the tower construction, operation and maintenance. Exceptions to this were made for National Scenic Trails and Wild and Scenic Rivers, and for Item 4, (National Register of Historic Places) where an impact zone of one and a half mile area of potential effect (for towers greater than 400 feet in height) was evaluated based on the requirements of the FCC's Nationwide Programmatic Agreement of March 5, 2005. Sections 3.1 through 3.10 provide Terracon's rationale for determining whether further evaluation is required for the following FCC NEPA categories.

3.1 Wilderness Areas

According to site observations, U.S. Geological Survey (USGS) 7.5-Minute Series Topographic Quadrangle of Arroyo Miguel, Texas and U.S. Department of Interior (DOI) National Atlas (www.nationalatlas.gov), the proposed facility is not located within an officially designated wilderness area.

3.2 Wildlife Preserves

According to site observations, U.S. Geological Survey (USGS) 7.5-Minute Series Topographic Quadrangle of Arroyo Miguel, Texas and U.S. Department of Interior (DOI) National Atlas (www.nationalatlas.gov), the proposed facility is not located within an officially designated wildlife preserve.

3.3 Protected Species and Critical Habitats

Terracon performed a threatened or endangered species and critical habitat assessment which included a field reconnaissance and a review of available information including: a Special Status Species Report; literature and agency file searches from the U.S. Fish and Wildlife Service (USFWS) Division of Endangered Species Information, Planning, and Conservation (IPaC) System Consultation (Consultation Code: 02ETAU00-2016-SLI-0241) to identify the potential occurrence of any federally listed T/E species in the vicinity of the site.

According to the Special Status Species Report information, no managed areas were found within one mile of the site. The Special Status Species Report listed the Black-Capped Vireo (last observed 1977) and the Spot-tailed earless lizard (last observed 1972) were found to have reported occurrences within a 0.5 mile radius of the site.
Environmental Assessment  
Mertzon Lindley Tower Site  
Project Number: 90157490

Based on field reconnaissance, and the assessment and review of available information, the proposed tower site did not contain suitable habitat which including burrows, diverse shrub communities in canyon bottoms and on slopes, high foliage volume near ground level and relatively open upper canopy (nesting) associated with listed threatened or endangered species and critical habitat for Irion County.

It is anticipated that the proposed tower and equipment compound will not likely have an effect to listed or proposed protected species or critical habitats.

On December 9, 2011, the FCC released an Order on Remand that includes procedural measures to ensure, consistent with the FCC obligations under federal environmental statutes, that environmental effects of proposed communications towers, including their effects on migratory birds, are fully considered prior to construction. In this Order, the FCC will also require that an Environmental Assessment (EA) be prepared for any proposed tower over 450 feet in height. This applies to all proposed new towers, selected replacement towers, and selected collocations that may have a significant effect on migratory birds because they involve a substantial increase in size of a registered tower.

Through these actions and the FCC’s related ongoing initiatives, we endeavor to minimize the impact of communications towers on migratory birds while preserving the ability of communications providers to offer innovative and valuable services to the public.

The proposed undertaking is located in a portion of the Central Flyway. The siting and design process for this undertaking could not conform to all the USFWS recommendations listed in the “Guidelines Recommended by the U.S. Fish and Wildlife Service For Communications Tower Siting, Construction, Operation, and Decommissioning” into the project configuration. However, to minimize potential impacts to migratory birds, the proposed undertaking is incorporating mitigating factors to include: utilizing an area which currently contains existing guyed communication towers; the proposed removal of the three guyed communication towers currently located within 1.5 miles of the proposed new tower site aiding in the reduced number of towers needed in the area; the use of bird diverters on the guy wires; the use of the shortest guyed wires allowable for the stability of the proposed tower; and the use of FAA-approved white aviation lights.

According to analysis of available information and observations during site reconnaissance, suitable habitat is not present within the project area and no federally listed species were observed during the site survey. The proposed project is located in a portion of the Central Flyway for migratory birds. However, the project site is not located in a national wilderness area, native grassland or forest area, ridge-line, mountain top, coastline or area commonly known to have high incidences of fog or low clouds, where birds are more likely to be located.

Based on the efforts undertaken during Terracon’s assessment, as well as the project specifications and the current data made available, we have concluded that the proposed undertaking is not likely to have significant direct or cumulative impacts on migratory bird populations.
Environmental Assessment  
Mertzon Lindley Tower Site  
Project Number: 90157490  

Terracon submitted a section 7 consultation package to the USFWS. A response was received from the USFWS on April 4, 2016.

The USFWS responded with a comment that the proposed activities for the project may occur without adverse effects to the black-capped vireo if: the project area does not contain black-capped vireo habitat and is located at least 300 feet from black-capped vireo habitat; or suitable black-capped vireo habitat occurs within 300 feet of a project, but no suitable habitat would be removed or degraded and the action would be scheduled outside of the black-capped vireo breeding season (March through August).

For projects that are anticipated to remove or degrade black-capped vireo habitat or are located within 300 feet of habitat and would be constructed during the breeding season, the USFWS recommend surveys for the presence of vireos be conducted prior to any disturbance activities. If the results of the survey indicate “absence” of the black-capped vireo, no further coordination with the local USFWS office would be necessary, provided construction was implemented and completed prior to the beginning of the breeding season immediately following the survey year (i.e., an "absence" determination may only be applied to the year of the survey). Should presence/absence survey results be positive, the local USFWS office should be contacted for further evaluation. Additionally, if black-capped vireo surveys are done and are negative, the USFWS would appreciate that survey information.

A copy of the consultation documentation is included in the Appendix.

3.4 Historical Significance

Terracon prepared FCC Form 620 for the proposed undertaking and submitted the form through the FCC website and to the Texas Historical Commission (THC) on February 4, 2016. The Texas SHPO concurred that no historic structures or archaeological resources that are eligible for listing in the NRHP will be affected by the proposed undertaking, therefore completing consultation with their office.

In the event that archaeological materials are encountered prior to or during construction of the undertaking, THC, tribes and other consulting parties must be contacted. Archaeological materials consist of any items, fifty years or older, which were made or used by man. These items include stone projectile points (arrowheads), ceramic shards, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal remains. These materials may be present on the ground surface and/or under the ground.

A copy of the SHPO consultation response letter is included in the Appendix.
3.5 Indian Religious Sites

Due to the nature of this undertaking little potential exists for effects to Indian Religious sites. Current land use in the surrounding area was considered. It was determined through this review and tribal consultation through the Tower Construction Notification System (TCNS), as outlined in the NPA, that the above referenced project is unlikely to affect Indian religious sites. All four tribes showing an interest in consultation on this project through TCNS responded with no objections to the proposed project or replied via TCNS that they had no interest in participating in consultation on this project.

In the event that archaeological materials are encountered prior to or during construction of the undertaking, SHPO, tribes and other consulting parties must be contacted. Archaeological materials consist of any items, fifty years or older, which were made or used by man. These items include stone projectile points (arrowheads), ceramic shards, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal remains. These materials may be present on the ground surface and/or under the ground.

A copy of Terracon’s tribal summary table and tribal responses received as part of consultation are included in the Appendix.

3.6 Floodplain

According to site observations, the American Flood Research Inc. flood determination form and available information for the area of the site location, no 100-year flood hazards are identified for the proposed site and will not adversely affect a floodplain.

3.7 Changes in Surface Features

Under the Clean Water Act (40 CFR § 230.3), wetlands are defined as “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.” Potential wetlands under the jurisdiction of the United States Army Corps of Engineers (ACOE) include waterways, lakes, streams, and natural springs.

A cursory review of the proposed action and other information provided by Western Towers indicates that significant grade changes will not be required based on the nature of the proposed action. Based on a review of the online National Wetlands Inventory (NWI) Map, the existing site is not mapped within a wetland area. As shown on the relevant USGS 7.5 minute topographic map, the site is not located adjacent to surface waters. A copy of the NWI and the topographic map are included in the Appendix.
According to site observations, scope of the proposed undertaking, U.S. Geological Survey (USGS) 7.5-Minute Series Topographic Quadrangle of Mertzon, Texas, Natural Resources Conservation Service (NRCS) Soil Survey and the U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) map, significant changes in surface features such as wetland fill, water diversion or deforestation will not be required at the Site and the proposed undertaking will not adversely affect these features.

During the evaluation of the site, it was determined that consultation with the U.S. Army Corps of Engineers would not be necessary since the site is located on a hill top and not located within any observed wetlands.

3.8 High Intensity Lighting

According to the site plan information provided by Western Towers, high intensity white lights will not be used for the proposed site development; however, lighting will be in accordance with FAA regulations. Based on this information, no further evaluation is required for this item.

3.9 Radio Frequency Radiation

Radio Frequency (RF) engineers have indicated that the RF exposure guidelines under NEPA require an evaluation for non-rooftop facilities only if the antennas are located less than 10 meters (32.8 feet) above ground level. As the proposed undertaking is the construction of a guyed tower to a height of 520 feet and no antennas will be located less than 10 meters above the ground, no RF evaluation is required. Therefore, excess radiation exposure does not appear to be an environmental concern at this site. However, Western Towers is required to monitor radio frequency emissions and ensure that exposure limit standards (ANSI/IEEE) are met on all of its towers.

4.0 ENVIRONMENTAL CONSEQUENCE

The proposed undertaking indicates that the proposed tower construction would be a 520 foot high guyed tower. Therefore potential effects on migratory birds are to be fully considered and if needed, measures implemented, to minimize the potential effect prior to construction of the proposed undertaking.

4.1 Impacts to Migratory Birds

Based on the analysis of available information, the threatened or endangered species and critical habitat assessment, and observations during site reconnaissance, suitable habitat is not present within the project area and no federally listed species were observed during the site survey. The project site is not located in a national wilderness area, native grassland or forest area, ridge-line, mountain top, coastline or area commonly known to have high incidences of fog or low clouds, where migratory birds may be located. To minimize potential impacts to migratory birds the proposed undertaking is incorporating mitigating factors to
include: utilizing an area which currently contains existing guyed communication towers; the proposed removal of the three guyed communication towers currently located within 1.5 miles of the proposed new tower site aiding in the reduced number of towers needed in the area; the use of bird diverters on the guy wires; the use of the shortest guyed wires allowable for the stability of the proposed tower; and the use of FAA-approved white strobe aviation lights.

As a result of the above efforts undertaken, as well as the project specifications and the current data made available, we have concluded that the proposed undertaking is not likely to have significant direct or cumulative impact on migratory bird populations.

### 5.0 SUMMARY AND RECOMMENDATIONS

NEPA requires that impacts resulting from a proposed action should be avoided if at all possible. If impacts cannot be avoided, then they should be minimized, reduced and compensated for if an adverse impact will occur as a result of the proposed action.

The subject EA requests approval of a proposed construction of a 520 foot high guyed tower to be located on ranchland approximately 3 miles northwest of the intersection of US Highway 67 and Lindley Road in Mertzon, Irion County, Texas.

The search ring area for this proposed undertaking had a narrow focus targeted to provide coverage along U.S. Highway 67 and the immediately surrounding areas of the eastern portion of Irion County, Texas. This narrow focus allowed for an extremely limited number of sites from which to choose. Some of the search criteria included environmental considerations, site topography, constructability, subsurface conditions, zoning considerations, cooperation of the property owners, potential for public controversy, and the site’s ability to offer proper transmission coverage.

For this particular search ring, only one site was identified which best met all the search criteria. The proposed undertaking would be the construction of a 520 foot high guyed tower. Therefore, potential effects on migratory birds are to be fully considered and if needed, measures implemented, to minimize the potential effect prior to construction of the proposed undertaking.

An analysis of available information regarding threatened or endangered species and critical habitat, and observations during site reconnaissance, suitable habitat is not present within the project area and no federally listed species were observed during the site survey. The project site is not located in a national wilderness area, native grassland or forest area, ridge-line, mountain top, coastline or area commonly known to have high incidences of fog or low clouds, where migratory birds may be located. To minimize potential impacts to migratory birds the proposed undertaking is incorporating mitigating factors to include: utilizing an area which currently contains existing guyed communication towers; the proposed removal of the three guyed communication towers currently located within 1.5 miles of the proposed new tower site aiding in the reduced number of towers needed in the area; the use of bird diverters on the guy wires; the use of the shortest guyed wires allowable for the stability of the proposed tower; and the use of FAA-approved white strobe aviation lights.
6.0 QUALIFICATIONS OF PERSONNEL

Julio A. Aguilar conducted the Site Assessment, threatened and endangered species review and preparation of the Environmental Assessment. Mr. Craig Pruett provided senior review. The professional qualifications of the above-mentioned Terracon Consultants, Inc. personnel are presented in attachments.

<table>
<thead>
<tr>
<th>Name</th>
<th>Discipline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Julio A. Aguilar</td>
<td>Site Assessor/NEPA Preparer</td>
</tr>
<tr>
<td>Rudy Bazan</td>
<td>Natural Resources Specialist/Biologist</td>
</tr>
<tr>
<td>David Yelacic</td>
<td>Cultural Resources Specialist</td>
</tr>
<tr>
<td>Craig Pruett</td>
<td>Quality Assurance</td>
</tr>
</tbody>
</table>

Julio A. Aguilar  
Site Assessor/Prepared Environmental Assessment

Craig Pruett  
Senior Review
APPENDIX A

DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES.

PROJECT SITE
Relative position of survey line is approximate.

SET COTTON GIN SPIKE FOR ANCHOR POSITION
ELEVATION 2,570'

SET 5/8" IRON ROD FOR TOWER POSITION
Y = 10,428.931'
X = 5,131.417'
ELEVATION = 2,597'
LATITUDE: 31°18'40.78''
LONGITUDE: 100°51'43.41''

MADE MARK ON LEDGE ROCK FOR ANCHOR POSITION
ELEVATION 2,559'

LINE TABLE

<table>
<thead>
<tr>
<th>COURSE</th>
<th>BEARING</th>
<th>DISTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>L1</td>
<td>N 85°00' E</td>
<td>260'</td>
</tr>
<tr>
<td>L2</td>
<td>S 25°00' W</td>
<td>260'</td>
</tr>
<tr>
<td>L3</td>
<td>N 35°00' W</td>
<td>260'</td>
</tr>
</tbody>
</table>
PROJECT SITE

LEGEND:
- SITE

EXISTING CLEARED AREA
EXISTING ACCESS EASEMENT

SOURCE: GOOGLE EARTH PRO
No Direct Effect

LEGEND:
- SITE

EXISTING CLEARED AREA
EXISTING ACCESS EASEMENT

SOURCE: GOOGLE EARTH PRO
No Direct Effect

LEGEND:
- SITE

EXISTING CLEARED AREA
EXISTING ACCESS EASEMENT

INDEX BOUNDARIES

DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES

PROJECT Site
MERTZON LINDLEY TOWER SITE
LINDLEY ROAD W OF FM 2469
MERTZON, IRION COUNTY, TEXAS

AERIAL PHOTOGRAPH

MERTZON LINDLEY TOWER SITE
LINDLEY ROAD W OF FM 2469
MERTZON, IRION COUNTY, TEXAS

FILE NO.
DATE:
SCALE:
PROJECT NO.
DRAWN BY:
CHECKED BY:
APPROVED BY:
PROJECT MGR:

6911 BLANCO ROAD  SAN ANTONIO, TX 78216
PROJECT SITE

SOURCE: NATIONALATLAS.GOV

DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES
SOURCE: WILDERNESS.NET

DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES
SOURCE: U.S. FISH AND WILDLIFE SERVICE NATIONAL WILDLIFE REFUGE SYSTEM

DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES
PROJECT SITE

SOURCE: U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY MAP.

DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES.

Project Mgr: JAA
Drawn By: JAA
Checked By: JAA
Approved By: JAA
Project No: 90157490
Scale: NOT TO SCALE
File No: 90157490
Date: 3-10-16

USFWS WETLANDS INVENTORY MAP
MERTZON LINDLEY TOWER SITE
LINDLEY ROAD W OF FM 2469
MERTZON, IRION COUNTY, TEXAS

SOURCE: U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY MAP.

No operational layers selected or no legend available.
DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
STANDARD FLOOD HAZARD DETERMINATION FORM (SFHD)

SECTION I - LOAN INFORMATION
1. LEADER NAME AND ADDRESS
6372002A-I295
TERRACON
SAN ANTONIO
6911 BLANCO RD
SAN ANTONIO TX 78216
REQUESTER: JULIO AGUILAR
FAX#: (210) 641-2124 PHONE#: (210) 563-8394

2. COLLATERAL (Building/Mobile Home/Personal Property) PROPERTY ADDRESS
WESTERN TOWERS
APPROX 3 MILES NW OF MERTZON, TX
MERTZON TX

3. LENDER ID NO.
4. LOAN IDENTIFIER
Mertzon Tower Site

5. AMOUNT OF FLOOD INSURANCE REQUIRED
$

SECTION II

A. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) COMMUNITY JURISDICTION
1. NFIP Community Name
2. County(ies)
3. State
4. NFIP Community Number
IRION CO *
UNINCORPORATED
TX
481228

B. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) DATA AFFECTING BUILDING/MOBILE HOME
1. NFIP Map Number or Community-Panel Number (Community name, if not the same as "A")
2. NFIP Map Panel/Effective/Revised Date
3. LOMA/LOMR
4. Flood Zone
5. No NFIP Map
NONE

Date: 
Case:

C. FEDERAL FLOOD INSURANCE AVAILABILITY (Check all that apply)
1. Federal flood insurance is available (community participates in the NFIP).
2. Federal flood insurance is not available because community is not participating in the NFIP.
3. Building/Mobile Home is in a Coastal Barrier Resources Area (CBRA) or Otherwise Protected Area (OPA). Federal Flood Insurance may not be available.

CBRA/OPA Designation Date:

D. DETERMINATION
US Postal Service address unavailable; determination based on address provided by lender.

IS BUILDING/MOBILE HOME IN SPECIAL FLOOD HAZARD AREA (ZONES CONTAINING THE LETTERS "A" OR "V")?

□ YES  ❌ NO
If yes, flood insurance is required by the Flood Disaster Protection Act of 1973. If no, flood insurance is not required by the Flood Disaster Protection Act of 1973. Please note, the risk of flooding in this area is only reduced, not removed.

E. COMMENTS (Optional)

F. PREPARER'S INFORMATION
AMERICAN FLOOD RESEARCH, INC.
1820 Preston Park Blvd. Suite 1100
Plano, Texas 75093
1-800-995-8667 (TEL)
1-800-995-8669 (FAX)

DATE OF REQUEST: 06/20/2016
DATE OF DETERMINATION: 06/20/2016
CERTIFICATE CONTROL NUMBER: 6372002A-I295

THIS DETERMINATION IS BASED ON EXAMINING THE NFIP MAP, ANY FEDERAL EMERGENCY MANAGEMENT AGENCY REVISIONS TO IT, AND ANY OTHER INFORMATION NEEDED TO LOCATE THE BUILDING/MOBILE HOME ON THE NFIP MAP.

AMERICAN FLOOD RESEARCH, INC.

FEMA Form 086-0-32, (4/12) PREVIOUSLY FEMA Form 81-93
APPENDIX B
Mertzon Lindley Tower Site ■ Mertzon, Texas
Date Photos Taken ■ January 14, 2016

Photo 1  View of the site facing north.

Photo 2  View from the tower center facing north.
Mertzon Lindley Tower Site ■ Mertzon, Texas
Date Photos Taken ■ January 14, 2016

Photo 3  View from the tower center facing east.

Photo 4  View from the tower center facing south.
Mertzon Lindley Tower Site ■ Mertzon, Texas
Date Photos Taken ■ January 14, 2016

Photo 5  View from the tower center facing west.

Photo 6  View across the site towards the tower center facing east.
Mertzon Lindley Tower Site  ■  Mertzon, Texas
Date Photos Taken  ■  January 14, 2016

Photo 7  View across the western portion of the site compound facing south.

Photo 8  View across the southern portion of the site compound facing east.
Photo 9  View across the site towards the tower center facing south.

Photo 10  View across the site towards the tower center facing southwest.
Mertzon Lindley Tower Site ■ Mertzon, Texas
Date Photos Taken ■ January 14, 2016

Photo 11  View along the eastern portion of the site compound facing south.

Photo 12  View along the southern portion of the site compound facing west.
Photo 13  View of the southwestern guyed anchor point location.

Photo 14  View from the western guyed anchor point location facing east towards the tower center.
Photo 15  View of the northwestern guyed anchor point location.

Photo 16  View from the northwestern guyed anchor point location facing southeast towards the tower center.
Photo 17  View of the eastern guyed anchor point location.

Photo 18  View from the eastern guyed anchor point location facing west towards the tower center.
Mertzon Lindley Tower Site  ■  Mertzon, Texas
Date Photos Taken  ■  January 14, 2016

Photo 19  View of property to the north.

Photo 20  View of property to the east.
Photo 21  View of property to the west.

Photo 22  View of the access road to the site and property to the west.
Photo 23  View towards the site from the access road entryway facing east.

Photo 24  View of the dirt road leading to the access road entryway facing south.
Photo 25  View of three towers to be removed upon completion of the proposed project.

Photo 26  Additional view of three towers to be removed upon completion of the proposed project.
APPENDIX C
March 4, 2016

U.S. Fish and Wildlife Services
Austin Ecological Services Field Office
10711 BURNET ROAD, SUITE 200
AUSTIN, TX 78758

USFWS Consultation Code: 02ETAU00-2016-SLI-0241

Re: Tower Site Evaluation
  Proposed 520-foot Guyed Communications Tower
  Applicant Name: Western Towers
  Site Name: Mertzon Lindley Tower Site
  Approximately 3 miles NW of Mertzon, Texas off of Lindley Road
  Mertzon, Irion County, Texas
  Lat/Long: 31° 16’ 40.7” North, 100° 51’ 43.4” West
  Terracon Project No. 90157490

On behalf of Western Towers, Terracon is requesting a review of potential impacts to listed and proposed threatened/endangered species and critical habitats resulting from the proposed construction of a 520-foot guyed communications tower. Federal Communication Commission (FCC) regulations, as identified in 47CFR § 1.1307 (a) 3, require that Western Towers, consider the effects of the proposed project to protected species and critical habitats. Findings in this report are based upon the site’s current utilization, the most recent reconnaissance information and from other activities described herein; such information is subject to change.

Site Information

The site consists of a proposed guyed telecommunications tower to be located on a hilltop with a footprint consisting of an approximately 100-foot by 100-foot pad area; three approximately 260-foot by 20-foot guyed wire easements, three approximately 10-foot by 25-foot guyed anchor areas (approximately 0.50-acres total). An existing approximately 850-foot by 30-foot access and utility easement will be used for utilities and to access the site. According to Western Towers, three towers located within approximately 1.5 miles south/southwest of the proposed site will be dismantled/removed once the construction of the new tower is complete. The site is bound in all directions by ranch land. Oil production pumps, pads and roads are located to the south/southeast and to the west. Access to the site may be obtained from Lindley Road located approximately 1.5 miles to the south of the site. Based on review of the US Geological Survey (USGS) Mertzon, Texas 7.5 minute, topographic map, the site elevation is approximately 2,600 feet above mean sea level, and gently slopes towards the east. No wetlands, streams, springs, ponds, or other water sources are located on the tower site. The closest water source to the existing tower site is a portion of a tributary located approximately 800 feet to the southeast.
Terracon reviewed the US Fish and Wildlife Service’s (USFWS) National Wetlands Inventory map on-line for the site location. The review indicated that wetlands are not located on the site. During Terracon’s site reconnaissance, there was no evidence of potential wetlands, hydric soils or hydrophytic vegetation at the site. Furthermore, a review of the relevant soil survey map from the United States Department of Agriculture Natural Resources Conservation Service web site did not note hydric soils at the site.

**Threatened and Endangered Species**

Field reconnaissance, a GeoSearch Special Status Species Report, as well as literature and agency file searches from the U.S. Fish and Wildlife Service (USFWS) Division of Endangered Species IPaC website and the Texas Parks and Wildlife Department (TPWD) website were reviewed to identify the potential occurrence of any federally listed T/E species in the vicinity of the site. The USFWS species listed for Irion County are: Black-Capped Vireo (Vireo atricapilla) listed as endangered, Least tern (Sterna antillarum) listed as endangered, Piping Plover (Charadrius melodus) listed as threatened, Red Knot (Calidris canutus) listed as threatened and Texas Pimpleback (Quadrula petrina) listed with candidate status. The proposed tower site did not contain habitat including burrows or nesting associated with the Black-Capped Vireo, Least tern, Piping Plover, Red Knot and Texas Pimpleback.

The TPWD maintains a directory of State and Federally listed threatened and endangered (T&E) species by county; additional State listed T&E species were identified as having some probability of occurrence in Irion County. Most of these species were excluded from detailed analysis because their preferred habitats (i.e., coastal environments, large forests, grassy plains and valleys, freshwater habitats, etc.) were not present within the proposed project site or subject area. The full list of species and preferred habitat is provided in the attachments.

According to the GeoSearch Special Status Species Report information obtained through the TPWD Natural Diversity Database, no managed areas were found within one mile of the site. Black-Capped Vireo and the Spot-tailed earless lizard were found to have occurred within a 0.5 mile radius of the site.

Black-capped vireos typically occur in areas with thin soil and limestone bedrock that supports dense to semi-open scrubby vegetation dominated by broad-leafed shrubs that typically forms shrublands. Shin oak (*Quercus sinuate var. breviloba*) or evergreen sumac (*Rhus virens*) usually dominates vegetation communities occupied by vireos in Bexar County. Other plant species that may be present in vireo habitat include Texas persimmon, agarita, Ashe juniper (*Juniperus ashei*), plateau live oak, and acacia.

The volume of foliage in verio habitat is typically high from about 6 to 10 feet height down to ground level; vegetation occupied by vireos usually has a relatively open upper canopy layer.

Vegetation within the project site has a relatively high foliage volume, vegetation within and around the project area consists of rocky soil, mesquite and ash juniper bushes. The site and surrounding area does not have an open upper canopy layer and does not contain shrub lands.
Therefore, the occurrence of the Black-capped Vireo within or adjacent to the project area is unlikely.

Spot-tailed earless lizard typically are found in moderately open prairie-brushland; fairly flat areas free of vegetation or other obstructions, including disturbed areas; eats small invertebrates; eggs laid underground. The site is located on an uneven hill top. The surrounding areas are downward slopes which are covered with mesquite and ash juniper bushes. The occurrence of the Spot-tailed earless lizard within or adjacent to the project area is unlikely.

Preferred habitats for these species were compared to the proposed site, and none of the preferred habitats were identified. It is anticipated that the proposed tower and equipment compound will not likely have an effect to listed or proposed protected species or critical habitats.

**Migratory Birds**

The proposed project is located in a portion of the Central Flyway for migratory birds. The proposed project shall be configured to minimize potential impacts to migratory birds incorporating the U.S. Fish and Wildlife Service recommendations listed in the “Guidelines Recommended by the U.S. Fish and Wildlife Service For Communications Tower Siting, Construction, Operation, and Decommissioning”. The tower design will include the use of the shortest guyed wires allowable for the stability of the proposed tower and the use of FAA-approved aviation lights. Although the potential for migratory bird strikes cannot be ruled out, the proposed project is not likely to have significant direct or cumulative impacts on migratory bird populations.

**Findings and Conclusions**

Based on analysis of available information and observations during site reconnaissance suitable habitat is not present within the project area and no federally listed species were observed during the site survey. The proposed project is located in a portion of the Central Flyway for migratory birds. The proposed project shall be configured to minimize potential impacts to migratory birds incorporating the U.S. Fish and Wildlife Service recommendations listed in the “Guidelines Recommended by the U.S. Fish and Wildlife Service For Communications Tower Siting, Construction, Operation, and Decommissioning”. Although the potential for migratory bird strikes cannot be ruled out, the proposed project is not likely to have significant direct or cumulative impacts on migratory bird populations.

The proposed action is not likely to affect federally listed threatened and endangered species.

Please contact us if you have any questions or wish to discuss the proposed project further, please do not hesitate to call me at (210) 641-2112.
Sincerely,

Terracon

Julio A. Aguilar
Environmental Scientist

Attachments

- USGS Topographic Map
- Location Map
- Aerial Photograph
- Wetlands Map
- Threatened and Endangered Species Habitat Information
- Site Photographs

PROJECT SITE

DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES.
SOURCE: DeLorme Street Atlas USA © 2011
This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:
Consultation Code: 02ETAU00-2016-SLI-0241 March 03, 2016
Event Code: 02ETAU00-2016-E-00190
Project Name: Mertzon Lindley

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the county of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

Please note that new information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Also note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of federally listed as threatened or endangered species and to determine whether projects may affect these species and/or designated critical habitat.
A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

While a Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment, the Federal Agency must notify the Service in writing of any such designation. The Federal agency shall also independently review and evaluate the scope and content of a biological assessment prepared by their designated non-Federal representative before that document is submitted to the Service.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by a federally funded, permitted or authorized activity, the agency is required to consult with the Service pursuant to 50 CFR 402. The following definitions are provided to assist you in reaching a determination:

- **No effect**; the proposed action will not affect federally listed species or critical habitat. A "no effect" determination does not require section 7 consultation and no coordination or contact with the Service is necessary. However, if the project changes or additional information on the distribution of listed or proposed species becomes available, the project should be reanalyzed for effects not previously considered.

- **May affect, but is not likely to adversely affect**; the project may affect listed species and/or critical habitat; however, the effects are expected to be discountable, insignificant, or completely beneficial. Certain avoidance and minimization measures may need to be implemented in order to reach this level of effect. The Federal agency or the designated non-Federal representative should consult with the Service to seek written concurrence that adverse effects are not likely. Be sure to include all of the information and documentation used to reach your decision with your request for concurrence. The Service must have this documentation before issuing a concurrence.

- **Is likely to adversely affect**; adverse effects to listed species may occur as a direct or indirect result of the proposed action. For this determination, the effect of the action is neither discountable nor insignificant. If the overall effect of the proposed action is beneficial to the listed species but the action is also likely to cause some adverse effects to individuals of that species, then the proposed action is "is likely to adversely affect"; the listed species. The analysis should consider all interrelated and interdependent actions. An "is likely to adversely affect" determination requires the Federal action agency to initiate formal section 7 consultation with our office.

Regardless of the determination, the Service recommends that the Federal agency maintain a complete record of the evaluation, including steps leading to the determination of effect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related information. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at: http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF.
**Migratory Birds**

For projects that may affect migratory birds, the Migratory Bird Treaty Act (MBTA) implements various treaties and conventions for the protection of these species. Under the MBTA, taking, killing, or possessing migratory birds is unlawful. Migratory birds may nest in trees, brushy areas, or other areas of suitable habitat. The Service recommends activities requiring vegetation removal or disturbance avoid the peak nesting period of March through August to avoid destruction of individuals, nests, or eggs. If project activities must be conducted during this time, we recommend surveying for nests prior to conducting work. If a nest is found, and if possible, the Service recommends a buffer of vegetation remain around the nest until the young have fledged or the nest is abandoned.

For additional information concerning the MBTA and recommendations to reduce impacts to migratory birds please contact the U.S. Fish and Wildlife Service Migratory Birds Office, 500 Gold Ave. SW, Albuquerque, NM 87102. A list of migratory birds may be viewed at http://www.fws.gov/migratorybirds/RegulationsPolicies/mbta/mbtintro.html. Guidance for minimizing impacts to migratory birds for projects including communications towers can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html. Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Finally, please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html).

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment
Official Species List

Provided by:
Austin Ecological Services Field Office
10711 BURNET ROAD, SUITE 200
AUSTIN, TX 78758
(512) 490-0057
http://www.fws.gov/southwest/es/AustinTexas/

Consultation Code: 02ETAU00-2016-SLI-0241
Event Code: 02ETAU00-2016-E-00190

Project Type: COMMUNICATIONS TOWER

Project Name: Mertzon Lindley
Project Description: The project is a proposed 520-foot guyed telecommunications tower to be located on a hilltop with a footprint consisting of an approximately 100-foot by 100-foot pad area; three approximately 260-foot by 20-foot guyed wire easements, three approximately 10-foot by 25-foot guyed anchor areas (approximately 0.50-acres total). An existing access/utility easement will be used for the site. The proposed action is not likely to have an affect on federally listed threatened and endangered species.

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.
Project Coordinates: MULTIPOLYGON ((-100.862075124 31.277888165, -100.862067446 31.2778887420001, -100.862071842 31.277731727000095, -100.862075124 31.277888165), ((-100.86204269 31.278000473000095, -100.86206840871453 31.277961835589185, -100.86202844373474 31.277919151535777, -100.862067446 31.2778887420001, -100.8620657 31.2779511300001, -100.862075124 31.277888165, -100.862152094 31.277831353000103, -100.862258711 31.2779521160001, -100.862194806 31.2779849890000103, -100.862129724 31.277970890000095, -100.862119263 31.277988679, -100.862173634 31.27799588, -100.862124574 31.278021116, -100.862074014 31.2779812750001, -100.86204269 31.278000473000095), ((-100.862173634 31.27799588, -100.862194806 31.2779849890000103, -100.862357444 31.2780202220001, -100.862173634 31.27799588), ((-100.86204269 31.278000473000095, -100.862042606 31.278001035, -100.861920887 31.278075125, -100.86204269 31.278000473000095)))

Project Counties: Irion, TX
Endangered Species Act Species List

There are a total of 5 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 3 of these species should be considered only under certain conditions. Critical habitats listed under the Has Critical Habitat column may or may not lie within your project area. See the Critical habitats within your project area section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

<table>
<thead>
<tr>
<th>Birds</th>
<th>Status</th>
<th>Has Critical Habitat</th>
<th>Condition(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black-Capped Vireo (<em>Vireo atricapilla</em>)</td>
<td>Endangered</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Population: Entire</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Least tern (<em>Sternula antillarum</em>)</td>
<td>Endangered</td>
<td></td>
<td>Wind Energy Projects</td>
</tr>
<tr>
<td>Population: interior pop.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Piping Plover (<em>Charadrius melodus</em>)</td>
<td>Threatened</td>
<td>Final designated</td>
<td>Wind Energy Projects</td>
</tr>
<tr>
<td>Population: except Great Lakes watershed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Red Knot (<em>Calidris canutus rufa</em>)</td>
<td>Threatened</td>
<td></td>
<td>Wind Energy Projects</td>
</tr>
</tbody>
</table>

Clams

Texas Pimpleback (*Quadrula petrina*) Candidate
Critical habitats that lie within your project area

There are no critical habitats within your project area.
TOWER SITE EVALUATION FORM

1.) Location (Provide maps if possible):
   State: Texas County: Irion
   Latitude / Longitude / GPS Grid: 31-16-40.7 N, -100-51-43.4 W
   City and Highway Direction (2-miles W on Hwy 20, etc.): Approximately 3 miles NW of Mertzon along Lindley Road.

2.) Elevation above mean sea level: Approximately 2,600 feet

3.) Will the equipment be co-located on an existing FCC Licensed tower or other existing structure (building, billboard, etc.)? (Y / N) N If yes, type of structure:
   IF YES NO FURTHER INFORMATION IS REQUIRED

4.) If no, provide proposed specifications for new tower:
   Height: 520 feet Construction type (lattice, monopole, etc.): guyed
   Guy-wired? (Y / N) Y No. bands: 3 Total No. wires: 9-12
   Lighting (Security & Aviation): FAA approved white strobe lights

   IF TOWER WILL BE LIGHTED OR GUY-WIRED, COMPLETE ITEMS 5-19.
   IF NOT, COMPLETE ONLY ITEMS 19 AND 20.

5.) Area of tower footprint in acres or square feet: The footprint will consist of a 100-foot by 100-foot pad area; three approximately 260-foot by 20-foot guyed wire easements, three approximately 10-foot by 25-foot guyed anchor areas (approximately 0.50-acres total).

6.) Length and width of access road in feet: The access to the site can be obtained by an existing approximately 850-foot by 30-foot access and utility easement will be used for utilities and to access the site.

7.) General description of terrain – mountainous, rolling hills, flat to undulating, etc. Photographs of the site and surrounding area are beneficial: Hilly ranchland. The site is located on a hill top.

8.) Meteorological conditions (incidence of fog, low ceilings, etc.): Typically clear with an average visibility of approximately 10.0 miles

9.) Soil type(s): Ector soils (3 to 30 percent slopes)

10.) Habitat types and land use on and adjacent to the site, by acreage and percentage of total: The site is bound in all directions by ranch land. Oil production pumps, pads and roads are located to the south/southeast and to the west.

11.) Dominant vegetative species in each habitat type: mesquite, juniper brush, prickly pear, southwest bristle grass and bluestem.
12.) Average diameter breast height of dominant tree species in forested areas N/A_______

13.) Will construction at this site cause fragmentation of a larger block of habitat into two or more smaller blocks? (Y / N):  N____ If yes, describe: ________________________________

14.) Is evidence of bird roosts or rookeries present? (Y / N):  N____ If yes, describe: ______

15.) Distance to nearest wetland area (forested swamp, marsh, riparian, marine, etc.), and coastline if applicable: ___ No wetland areas were observed .

16.) Distance to nearest telecommunications tower: ___ Three existing guyed towers at heights of 420-500 feet are located within 1 to 1.5 miles south/southwest of the site. The three existing towers will be removed/dismantled upon completion of construction of the new tower.

17.) Potential for co-location of antennas on existing towers or other structures: ___ No____

18.) Have measures been incorporated for minimizing impacts to migratory birds? (Y / N): If yes, describe: ___ Yes. Shortest guyed wires allowable for the structures stability, white strobe lighting according to FAA regulations.

19.) Has an evaluation been made to determine if the proposed facility may affect listed or proposed endangered or threatened species or their habitats as required be FCC regulation at 47 CFR 1.1307(a)(3)? (Y / N): ___ Y____ If yes, present findings: Based on analysis of available information and observations during the site reconnaissance no federally listed species or nesting was observed during the site survey. According to the Texas Natural Diversity Database, no documented occurrences were listed within 1.5 miles of the proposed project. Based on the site reconnaissance and survey, the site and surrounding area did not contain suitable habitat for threatened and endangered species. Regarding migratory birds, the proposed project will incorporate design measures to include using the shortest guyed wires allowable for the stability of the tower and the use of lighting according to FAA regulations. It is believed that incorporating these design measures for the proposed extension shall adequately minimize potential migratory bird strikes. The proposed action is not likely to affect federally listed threatened and endangered species.

20.) Additional information required: None
Special Status Species Report

http://www.geo-search.net/QuickMap/index.htm?DataID=Stendard0000129585
Click on link above to access the map and satellite view of current property

Target Property:

Mertzon Lindley Tower Site
Approx. 3 miles NW of Mertzon
Mertzon, Irion County, Texas 76941

Prepared For:

Terracon Consultants-San Antonio

Order #: 60064
Job #: 129585
Project #: 90157490
Date: 12/09/2015
TARGET PROPERTY SUMMARY

Mertzon Lindley Tower Site
Approx. 3 miles NW of Mertzon
Mertzon, Irion County, Texas 76941

USGS Quadrangle: Mertzon, TX
Target Property Geometry: Point

Target Property Longitude(s)/Latitude(s): (-100.862056, 31.277992)
County/Parish Covered:
Irion (TX)

Zipcode(s) Covered:
Mertzon TX: 76941

State(s) Covered:
TX

*Target property is located in Radon Zone 3.
Zone 3 areas have a predicted average indoor radon screening level less than 2 pCi/L (picocuries per liter).

Disclaimer - The information provided in this report was obtained from a variety of public sources. GeoSearch cannot ensure and makes no warranty or representation as to the accuracy, reliability, quality, errors occurring from data conversion or the customer’s interpretation of this report. This report was made by GeoSearch for exclusive use by its clients only. Therefore, this report may not contain sufficient information for other purposes or parties. GeoSearch and its partners, employees, officers and independent contractors cannot be held liable for actual, incidental, consequential, special or exemplary damages suffered by a customer resulting directly or indirectly from any information provided by GeoSearch.
<table>
<thead>
<tr>
<th>DATABASE</th>
<th>ACRONYM</th>
<th>LOCATABLE</th>
<th>UNLOCATABLE</th>
<th>SEARCH RADIUS (miles)</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATE (TX)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Managed Areas</td>
<td>TXMNGDAREAS</td>
<td>0</td>
<td>0</td>
<td>1.5000</td>
</tr>
<tr>
<td>Special Status Species</td>
<td>TXNDD</td>
<td>2</td>
<td>0</td>
<td>1.5000</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>2</strong></td>
<td><strong>0</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>0</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ACRONYM</td>
<td>SEARCH RADIUS (miles)</td>
<td>TP/AP (0 - 0.02)</td>
<td>1/8 Mile (&gt; 0.01)</td>
<td>1/4 Mile (&gt; 0.025)</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------</td>
<td>------------------</td>
<td>-------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>STATE (TX)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TXMNCDAREAS</td>
<td>1.500</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TXNDD</td>
<td>1.500</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>SUB-TOTAL</td>
<td></td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MAP ID</td>
<td>DATABASE NAME</td>
<td>SITE ID</td>
<td>DISTANCE FROM SITE</td>
<td>SITE NAME</td>
</tr>
<tr>
<td>-------</td>
<td>---------------</td>
<td>--------</td>
<td>--------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>1</td>
<td>TXNDD</td>
<td>837</td>
<td>0.001 X</td>
<td>VIREO ATRICAPILLA</td>
</tr>
<tr>
<td>2</td>
<td>TXNDD</td>
<td>5050</td>
<td>0.510 E</td>
<td>HOLBROOKIA LACERATA</td>
</tr>
</tbody>
</table>
MAP ID# 1  Distance from Property: 0.00 mi. X

ID NUMBER: 837
NAME: VIREO ATRICAPILLA
COMMON NAME: BLACK-CAPPED VIREO
FEDERAL STATUS: LISTED ENDANGERED
STATE STATUS: LISTED ENDANGERED
GLOBAL RANK: VERY RARE AND LOCAL THROUGHOUT RANGE OR FOUND LOCALLY IN RESTRICTED RANGE, TYPICALLY 21 TO 100 VIABLE OCCURRENCES (RANKED WITHIN RANGE AS STATUS UNCERTAIN.)
STATE RANK: IMPERILED IN STATE, VERY RARE, VULNERABLE TO EXTIRPATION, TYPICALLY 6 TO 20 VIABLE OCCURRENCES; QUALIFIER INDICATING BASIC RANK REFERS TO THE BREEDING POPULATION IN THE STATE
TRACKING: YES
LAST OBSERVED: 1977
SURVEYED: NOT REPORTED
EO ID:
FIRST OBSERVED: NOT REPORTED
NOTATIONS: SITE RECORD, NESTING NOT CONFIRMED; OBSERVER- C.C. WIEDENFELD, SEEN DURING NESTING SEASON
## Special Status Species (TXNDD)

### MAP ID# 2
Distance from Property: 0.51 mi. E

<table>
<thead>
<tr>
<th>ID NUMBER:</th>
<th>5055</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME:</td>
<td>HOLBROOKIA LACERATA</td>
</tr>
<tr>
<td>COMMON NAME:</td>
<td>SPOT-TAILED EARLESS LIZARD</td>
</tr>
<tr>
<td>FEDERAL STATUS:</td>
<td>NOT REPORTED</td>
</tr>
<tr>
<td>STATE STATUS:</td>
<td>NOT REPORTED</td>
</tr>
<tr>
<td>GLOBAL RANK:</td>
<td>VERY RARE AND LOCAL THROUGHOUT RANGE OR FOUND LOCALLY IN RESTRICTED RANGE, TYPICALLY 21 TO 100 VIABLE OCCURRENCES; APPARENTLY SECURE GLOBALLY (RANKED WITHIN RANGE AS STATUS UNCERTAIN.)</td>
</tr>
<tr>
<td>STATE RANK:</td>
<td>IMPERILED IN STATE, VERY RARE, VULNERABLE TO EXTIRPATION, TYPICALLY 6 TO 20 VIABLE OCCURRENCES</td>
</tr>
<tr>
<td>TRACKING:</td>
<td>9484</td>
</tr>
<tr>
<td>EO ID:</td>
<td>9484</td>
</tr>
<tr>
<td>LAST OBSERVED:</td>
<td>1972</td>
</tr>
<tr>
<td>FIRST OBSERVED:</td>
<td>04-28-1944</td>
</tr>
<tr>
<td>SURVEYED:</td>
<td>1972</td>
</tr>
<tr>
<td>NOTATIONS:</td>
<td>28 APR 1944: A SPECIMEN WAS COLLECTED. 1972: A SPECIMEN WAS COLLECTED.</td>
</tr>
</tbody>
</table>

---

**GeoSearch**

www.geo-search.com · phone: 888-396-0042 · fax: 512-472-9967
### TXMNGDAREAS
#### Managed Areas

Areas identified for conservation, such as State or Federal lands, nature preserves and parks. These areas have been shown to contain evidence of element occurrences found in the Natural Diversity Database.

### TXNDD
#### Special Status Species

The Texas Natural Diversity Database (TXNDD) was established in 1983 and is the Texas Parks and Wildlife Department's (TPWD) most comprehensive source of information on rare, threatened, and endangered plants, animals, invertebrates, exemplary natural communities, and other significant features. The TXNDD is continually updated, providing current or additional information on statewide status and locations of these unique elements of natural diversity. The TXNDD does not include a representative inventory of rare resources in the state due to the small proportion of public versus private land. Although it is based on the best data available to TPWD regarding rare species, these data cannot provide a definitive statement as to the presence, absence, or condition of special species, natural communities, or other significant features in any area. Nor can these data substitute for on-site evaluation by qualified biologists.
Notes for
County Lists of Texas' Special Species

The Texas Parks and Wildlife (TPWD) county lists include:

- Vertebrates, Invertebrates, and Vascular Plants identified as being of conservation concern by TPWD within Texas. These special species lists are comprised of species, subspecies, and varieties that are federally listed; proposed to be federally listed; have federal candidate status; are state listed; or carry a global conservation status indicating a species is critically imperiled, very rare, vulnerable to extirpation, or uncommon.

The TPWD county lists do not include:

- Natural Plant Communities such as Little Bluestem-Indiangrass Series (native prairie remnant), Water Oak-Willow Oak Series (bottomland hardwood community), Saltgrass-Cordgrass Series (salt or brackish marsh), Sphagnum-Beakrush Series (seepage bog).
- Other Significant Features such as bird rookeries, migratory songbird fallout areas, comprehensive migratory bird information, bat roosts, bat caves, invertebrate caves, and prairie dog towns.

These lists are not all inclusive for all rare species distributions. The lists were compiled, developed, and are updated based on field guides, staff expertise, scientific publications, and the TPWD Texas Natural Diversity Database (TXNDD) (formerly the Biological and Conservation Data System) occurrence data. Historic ranges for some state extirpated species, full historic distributions for some extant species, accidentals and irregularly appearing species, and portions of migratory routes for particular species are not necessarily included. Species that appear on county lists do not all share the same probability of occurrence within a county. Some species are migrants or wintering residents only. Additionally, a few species may be historic or considered extirpated within a county.

TPWD includes the Federal listing status for your convenience and makes every attempt to keep the information current and correct. However, the US Fish and Wildlife Service (FWS) is the responsible authority for Federal listing status. The TPWD lists do not substitute for contact with the FWS and federally listed species county ranges may vary from the FWS county level species lists because of the inexact nature of range map development and use.

Status Key:
LE, LT - Federally Listed Endangered/Threatened
PE, PT - Federally Proposed Endangered/Threatened
SAE, SAT - Federally Listed Endangered/Threatened by Similarity of Appearance
C - Federal Candidate for Listing; formerly Category 1 Candidate
DL, PDL - Federally Delisted/Proposed for Delisting
NL - Not Federally Listed
E, T - State Listed Endangered/Threatened
NT - Not tracked or no longer tracked by the State
“blank” - Rare, but with no regulatory listing status

This information is specifically for your assistance only; due to continuing data updates, please do not redistribute the lists, instead refer all requesters to the web site at:
http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered_species/ or to our office for the most current information available. For questions regarding county lists, please call (512) 389-4571.

Please use the following citation to credit the source for this county level information:
Texas Parks and Wildlife Department, Wildlife Division, Diversity and Habitat Assessment Programs. County Lists of Texas' Special Species. [county name(s) and revised date(s)].
The Texas Natural Diversity Database (TXNDD), established in 1983, is the Texas Parks and Wildlife Department's (TPWD) most comprehensive source of information on rare, threatened, and endangered plants, animals, invertebrates, exemplary natural communities, and other significant features. The TXNDD is continually updated, providing current or additional information on statewide status and locations of these unique elements of natural diversity. However, the data is not all-inclusive, as there are gaps in coverage and species data, due to the lack of access to land or data, and a lack of staff and resources to collect and process data on all rare and significant resources.

The TXNDD gathers biological information from public information sources, such as: museum and herbarium collection records, peer-reviewed publications, experts in the scientific community, organizations, qualified individuals, and on-site field surveys conducted by TPWD staff on public lands or private lands with written permission. TPWD staff botanists, zoologists, and ecologists perform field surveys to locate and verify specific occurrences of high-priority biological elements and collect accurate information on their condition, quality, and management needs.

The TXNDD can be used to help evaluate environmental impacts of routing and siting options for development projects, environmental review, and permit review, as well as for natural resource management, scientific research, and educational applications. Appropriate use of the TXNDD requires both interpretation and extrapolation because of the many data gaps across the state from current and historic lack of access to private lands, the restriction of data extraction from only public information sources, species and geographic coverage skewed towards listed and the most rare species and ecosystems, and the lack of precise locality data in many secondary sources.

Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Although it is based on the best data available to TPWD regarding rare species, these data cannot provide a definitive statement as to the presence, absence, or condition of special species, natural communities, or other significant features in any area. Nor can these data substitute for on-site evaluation by qualified biologists. The TXNDD information is intended to assist users in avoiding harm to rare species or significant ecological features. Refer all requests back to the TXNDD to obtain the most current information.

GRANK – Global Conservation Status Rank; for element’s entire global range, factors together abundance, total range size, distribution, trends, threats, fragility, and number of adequately protected occurrences within global range
SRANK – State Conservation Status Rank; for element’s state range, factors together abundance, state range size, distribution, trends, threats, fragility, and number of adequately protected occurrences within state range
LASTOBS – Last Observed; date a particular occurrence was last observed as noted in the source(s); refers only to species occurrence as noted in source and does not imply the last date the species was present
DATA SENSITIVE flag – a “Y” indicates the species or location is sensitive due to threat from collection, disturbance, or illegal trespass onto private lands
LAT – Latitude of occurrence record point, or polygon link point located in upper right corner of polygon
LONG – Longitude of occurrence record point, or polygon link point located in upper right corner of polygon
PRECISION – Mapping Precision of occurrence record; lat/long coordinates of point or polygon link point; mapping precision of record determined by preciseness of locality information provided in source(s)
S - Second: For point records, accuracy within 3-second radius, or approximately 1000 foot radius margin-of-error from lat/long of point on map; for boundary/polygon records, accuracy within 3-second radius of drawn polygon as represented in the source(s), not the lat/long of the polygon link point
M - Minute: For point records, accuracy within 1-minute radius, or approximately 2 kilometers or 1.5 miles radius margin-of-error from lat/long of point on map; for records with a boundary/polygon, the polygon should be considered marginally uncertain based on inferred extent of record as stated in the source(s), not the lat/long of the polygon link point
G - General: For point records, accuracy general to locale, quad(s), or place name precision, or default of approximately 8 kilometers or 5 miles radius margin-of-error from lat/long of point on map; for records with a boundary/polygon, the polygon should be considered somewhat imprecise or generalized based on implied extent of record as stated in the source(s), not the lat/long of the polygon link point
U - Unmappable: Records with little to no locality information provided in the source(s), such as noting only county name or generalized region of state
## IRION COUNTY

### BIRDS

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Federal Status</th>
<th>State Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>American Peregrine Falcon</strong></td>
<td><em>Falco peregrinus anatum</em></td>
<td>DL</td>
<td>T</td>
</tr>
<tr>
<td>year-round resident and local breeder in west Texas, nests in tall cliff eyries; also, migrant across state from more northern breeding areas in US and Canada, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; low-altitude migrant, stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Arctic Peregrine Falcon</strong></td>
<td><em>Falco peregrinus tundrius</em></td>
<td>DL</td>
<td></td>
</tr>
<tr>
<td>migrant throughout state from subspecies’ far northern breeding range, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; low-altitude migrant, stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Baird's Sparrow</strong></td>
<td><em>Ammodramus bairdii</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>shortgrass prairie with scattered low bushes and matted vegetation; mostly migratory in western half of State, though winters in Mexico and just across Rio Grande into Texas from Brewster through Hudspeth counties</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Bald Eagle</strong></td>
<td><em>Haliaeetus leucocephalus</em></td>
<td>DL</td>
<td>T</td>
</tr>
<tr>
<td>found primarily near rivers and large lakes; nests in tall trees or on cliffs near water; communally roosts, especially in winter; hunts live prey, scavenges, and pirates food from other birds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Black-capped Vireo</strong></td>
<td><em>Vireo atricapilla</em></td>
<td>LE</td>
<td>E</td>
</tr>
<tr>
<td>oak-juniper woodlands with distinctive patchy, two-layered aspect; shrub and tree layer with open, grassy spaces; requires foliage reaching to ground level for nesting cover; return to same territory, or one nearby, year after year; deciduous and broad-leaved shrubs and trees provide insects for feeding; species composition less important than presence of adequate broad-leaved shrubs, foliage to ground level, and required structure; nesting season March-late summer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Ferruginous Hawk</strong></td>
<td><em>Buteo regalis</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>open country, primarily prairies, plains, and badlands; nests in tall trees along streams or on steep slopes, cliff ledges, river-cut banks, hillsides, power line towers; year-round resident in northwestern high plains, wintering elsewhere throughout western 2/3 of Texas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Mountain Plover</strong></td>
<td><em>Charadrius montanus</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>breeding: nests on high plains or shortgrass prairie, on ground in shallow depression; nonbreeding: shortgrass plains and bare, dirt (plowed) fields; primarily insectivorous</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Peregrine Falcon</strong></td>
<td><em>Falco peregrinus</em></td>
<td>DL</td>
<td>T</td>
</tr>
<tr>
<td>both subspecies migrate across the state from more northern breeding areas in US and Canada to winter along coast and farther south; subspecies (F. p. anatum) is also a resident breeder in west Texas; the two subspecies’ listing statuses differ, F.p. tundrius is no longer listed in Texas; but because the subspecies are not easily distinguishable at a distance, reference is generally made only to the species level; see subspecies for habitat.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
IRION COUNTY

BIRDS

Federal Status  State Status

Sprague's Pipit  *Anthus spragueii*  C
only in Texas during migration and winter, mid September to early April; short to medium distance, diurnal migrant; strongly tied to native upland prairie, can be locally common in coastal grasslands, uncommon to rare further west; sensitive to patch size and avoids edges.

Western Burrowing Owl  *Athene cunicularia hypugaea*
open grasslands, especially prairie, plains, and savanna, sometimes in open areas such as vacant lots near human habitation or airports; nests and roosts in abandoned burrows

Whooping Crane  *Grus americana*  LE  E
potential migrant via plains throughout most of state to coast; winters in coastal marshes of Aransas, Calhoun, and Refugio counties

FISHES

Federal Status  State Status

Guadalupe bass  *Micropterus treculii*
endemic to perennial streams of the Edward's Plateau region; introduced in Nueces River system

MAMMALS

Federal Status  State Status

Black-tailed prairie dog  *Cynomys ludovicianus*
dry, flat, short grasslands with low, relatively sparse vegetation, including areas overgrazed by cattle; live in large family groups

Cave myotis bat  *Myotis velifer*
colonial and cave-dwelling; also roosts in rock crevices, old buildings, carports, under bridges, and even in abandoned Cliff Swallow (Hirundo pyrrhonota) nests; roosts in clusters of up to thousands of individuals; hibernates in limestone caves of Edwards Plateau and gypsum cave of Panhandle during winter; opportunistic insectivore

Gray wolf  *Canis lupus*  LE  E
extirpated; formerly known throughout the western two-thirds of the state in forests, brushlands, or grasslands

Pale Townsend's big-eared bat  *Corynorhinus townsendii pallescens*
roosts in caves, abandoned mine tunnels, and occasionally old buildings; hibernates in groups during winter; in summer months, males and females separate into solitary roosts and maternity colonies, respectively; single offspring born May-June; opportunistic insectivore

MOLLUSKS

Federal Status  State Status

Texas fatmucket  *Lampsilis bracteata*  C  T
streams and rivers on sand, mud, and gravel substrates; intolerant of impoundment; broken bedrock and course gravel or sand in moderately flowing water; Colorado and Guadalupe River basins
## IRION COUNTY

### REPTILES

<table>
<thead>
<tr>
<th>Species</th>
<th>Federal Status</th>
<th>State Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Spot-tailed earless lizard</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Holbrookia lacerata</td>
<td></td>
<td></td>
</tr>
<tr>
<td>central and southern Texas and adjacent Mexico; moderately open prairie-brushland; fairly flat areas free of vegetation or other obstructions, including disturbed areas; eats small invertebrates; eggs laid underground</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Texas horned lizard</strong></td>
<td>T</td>
<td></td>
</tr>
<tr>
<td>Phrynosoma cornutum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil, enters rodent burrows, or hides under rock when inactive; breeds March-September</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### PLANTS

<table>
<thead>
<tr>
<th>Species</th>
<th>Federal Status</th>
<th>State Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cory's woolly locoweed</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Astragalus mollissimus var. coryi</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GLOBAL RANK: G5T3; Grasslands over limestone on the western Edwards Plateau; Perennial; Flowering March-May</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Irion County wild-buckwheat</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eriogonum nealleyi</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Texas endemic; grasslands and shallow stony soils over limestone and indurated caliche, often collected from ungrazed but sparsely vegetated roadsides, particularly where limestone or caliche is exposed on hilltops; flowering June-September</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Federally and State Listed Threatened and Endangered Species
## With Potential to Occur in Irion County

<table>
<thead>
<tr>
<th>Species Common and Scientific Name</th>
<th>Federal Status</th>
<th>State Status</th>
<th>Preferred Habitat</th>
<th>Habitat Present?</th>
<th>Species Affected?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BIRDS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>American peregrine falcon <em>Falco peregrinus anatum</em></td>
<td>DL T</td>
<td>T</td>
<td>year-round resident and local breeder in west Texas, nests in cliffs, also migrant across state from northern breeding areas in US and Canada, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; low-altitude migrant, stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Arctic peregrine falcon <em>Falco peregrinus tundrius</em></td>
<td>DL NA</td>
<td>NA</td>
<td>migrant throughout state from subspecies’ far northern breeding range, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; low-altitude migrant, stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands.</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Baird's Sparrow <em>Ammomudrurus bairdii</em></td>
<td>NA NA</td>
<td>NA</td>
<td>shortgrass prairie with scattered low bushes and matted vegetation; mostly migratory in western half of State, though winters in Mexico and just across Rio Grande into Texas from Brewster through Hudspeth counties</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Bald Eagle <em>Haliaeetus leucocephalus</em></td>
<td>DL T</td>
<td>T</td>
<td>found primarily near rivers and large lakes; nests in tall trees or on cliffs near water; communally roosts, especially in winter; hunts live prey, scavenges, and pirates food from other birds</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Black-capped Vireo <em>Vireo atricapilla</em></td>
<td>LE E</td>
<td>E</td>
<td>oak-juniper woodlands with distinctive patchy, two-layered aspect; shrub and tree layer with open, grassy spaces; requires foliage reaching to ground level for nesting cover; return to same territory, or one nearby, year after year; deciduous and broad-leaved shrubs and trees provide insects for feeding; species composition less important than presence of adequate broad-leaved shrubs, foliage to ground level, and required structure; nesting season March-late summer</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Ferruginous Hawk <em>Buteo regalis</em></td>
<td>N/A N/A</td>
<td>N/A</td>
<td>open country, primarily prairies, plains, and badlands; nests in tall trees along streams or on steep slopes, cliff ledges, river-cut banks, hillsides, power line towers; year-round resident in northwestern high plains, wintering elsewhere throughout western 2/3 of Texas</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Mountain Plover <em>Charadrius montanus</em></td>
<td>NA NA</td>
<td>NA</td>
<td>breeding: nests on high plains or shortgrass prairie, on ground in shallow depression; nonbreeding: shortgrass plains and bare, dirt (plowed) fields; primarily insectivorous</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Peregrine Falcon <em>Falco peregrinus</em></td>
<td>DL T</td>
<td>T</td>
<td>both subspecies migrate across the state from more northern breeding areas in US and Canada to winter along coast and farther south; subspecies (F. p. anatum) is also a resident breeder in west Texas; the two subspecies’ listing statuses differ, F.p. tundrius is no longer listed in Texas; but because the subspecies are not easily distinguishable at a distance, reference is generally made only to the species level; see subspecies for habitat</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Species</strong></td>
<td><strong>Common and Scientific Name</strong></td>
<td><strong>Federal Status</strong></td>
<td><strong>State Status</strong></td>
<td><strong>Preferred Habitat</strong></td>
<td><strong>Habitat Present?</strong></td>
</tr>
<tr>
<td>-------------</td>
<td>-------------------------------</td>
<td>-------------------</td>
<td>------------------</td>
<td>----------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Sprague's Pipit</td>
<td>Anthus spragueii</td>
<td>C</td>
<td>N/A</td>
<td>only in Texas during migration and winter, mid September to early April; short to medium distance, diurnal migrant; strongly tied to native upland prairie, can be locally common in coastal grasslands, uncommon to rare further west; sensitive to patch size and avoids edges</td>
<td>No</td>
</tr>
<tr>
<td>Western burrowing owl</td>
<td>Athene cunicularia hypugaea</td>
<td>NA</td>
<td>NA</td>
<td>open grasslands, especially prairie, plains, and savanna, sometimes in open areas such as vacant lots near human habitation or airports; nests and roosts in abandoned burrows</td>
<td>No</td>
</tr>
<tr>
<td>Whooping Crane</td>
<td>Grus americana</td>
<td>LE</td>
<td>E</td>
<td>potential migrant via plains throughout most of state to coast; winters in coastal marshes of Aransas, Calhoun, and Refugio counties</td>
<td>No</td>
</tr>
</tbody>
</table>

**FISHES**

<table>
<thead>
<tr>
<th>Species</th>
<th>Common and Scientific Name</th>
<th>Federal Status</th>
<th>State Status</th>
<th>Preferred Habitat</th>
<th>Habitat Present?</th>
<th>Species Affected?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guadalupe bass</td>
<td>Micropterus treculii</td>
<td>N/A</td>
<td>N/A</td>
<td>endemic to perennial streams of the Edward's Plateau region; introduced in Nueces River system</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

**MAMMALS**

<table>
<thead>
<tr>
<th>Species</th>
<th>Common and Scientific Name</th>
<th>Federal Status</th>
<th>State Status</th>
<th>Preferred Habitat</th>
<th>Habitat Present?</th>
<th>Species Affected?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black-tailed prairie dog</td>
<td>Cynomys ludovicianus</td>
<td>N/A</td>
<td>N/A</td>
<td>dry, flat, short grasslands with low, relatively sparse vegetation, including areas overgrazed by cattle; live in large family groups</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Cave myotis bat</td>
<td>Myotis velifer</td>
<td>NA</td>
<td>NA</td>
<td>colonial and cave-dwelling; also roosts in rock crevices, old buildings, carports, under bridges, and even in abandoned Cliff Swallow (Hirundo pyrrhonota) nests; roosts in clusters of up to thousands of individuals; hibernates in limestone caves of Edwards Plateau and gypsum cave of Panhandle during winter; opportunistic insectivore</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Gray wolf</td>
<td>Canis lupus</td>
<td>LE</td>
<td>E</td>
<td>extirpated; formerly known throughout the western two-thirds of the state in forests, brush lands, or grasslands</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Pale Townsend's big-eared bat</td>
<td>Corynorhinus townsendi pallescens</td>
<td>NA</td>
<td>NA</td>
<td>roosts in caves, abandoned mine tunnels, and occasionally old buildings; hibernates in groups during winter; in summer months, males and females separate into solitary roosts and maternity colonies, respectively; single offspring born May-June; opportunistic insectivore</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

**MOLLUSKS**

<table>
<thead>
<tr>
<th>Species</th>
<th>Common and Scientific Name</th>
<th>Federal Status</th>
<th>State Status</th>
<th>Preferred Habitat</th>
<th>Habitat Present?</th>
<th>Species Affected?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas fatmucket</td>
<td>Lampsilis bracteata</td>
<td>C</td>
<td>T</td>
<td>streams and rivers on sand, mud, and gravel substrates; intolerant of impoundment; broken bedrock and course gravel or sand in moderately flowing water; Colorado and Guadalupe River basins</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

**REPTILES**

<table>
<thead>
<tr>
<th>Species</th>
<th>Common and Scientific Name</th>
<th>Federal Status</th>
<th>State Status</th>
<th>Preferred Habitat</th>
<th>Habitat Present?</th>
<th>Species Affected?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spot-tailed earless lizard</td>
<td>Holbrookia lacerata</td>
<td>N/A</td>
<td>N/A</td>
<td>central and southern Texas and adjacent Mexico; moderately open prairie-brushland; fairly flat areas free of vegetation or other obstructions, including disturbed areas; eats small invertebrates; eggs laid underground</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Texas horned lizard</td>
<td>Phrynosoma cornutum</td>
<td>NA</td>
<td>T</td>
<td>open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil, enters rodent burrows, or hides under rock when inactive</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

**Plants**
<table>
<thead>
<tr>
<th>Species Common and Scientific Name</th>
<th>Federal Status</th>
<th>State Status</th>
<th>Preferred Habitat</th>
<th>Habitat Present?</th>
<th>Species Affected?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cory's woolly locoweed <em>Astragalus mollissimus var. coryi</em></td>
<td>N/A</td>
<td>N/A</td>
<td>GLOBAL RANK: G5T3; Grasslands over limestone on the western Edwards Plateau; Perennial; Flowering March-Ma</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Irion County wild-buckwheat <em>Eriogonum nealleyi</em></td>
<td>N/A</td>
<td>N/A</td>
<td>Texas endemic; grasslands and shallow stony soils over limestone and indurated caliche, often collected from un-grazed but sparsely vegetated roadsides, particularly where limestone or caliche is exposed on hilltops; flowering June-September</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

E = Endangered  
T = Threatened  
R = Rare  
DL= Delisted  
C= Candidate Taxon, Ready for Proposal  
NA = Not applicable
Photo 1  View of the site facing north.

Photo 2  View from the tower center facing north.
Mertzon Lindley Tower Site ▪ Mertzon, Texas
Date Photos Taken ▪ January 14, 2016

Photo 3  View from the tower center facing east.

Photo 4  View from the tower center facing south.
Photo 5  View from the tower center facing west.

Photo 6  View across the site towards the tower center facing east.
Photo 7  View across the western portion of the site compound facing south.

Photo 8  View across the southern portion of the site compound facing east.
Mertzon Lindley Tower Site  ■  Mertzon, Texas  
Date Photos Taken  ■  January 14, 2016

Photo 9  View across the site towards the tower center facing south.

Photo 10  View across the site towards the tower center facing southwest.
Mertzon Lindley Tower Site ▪ Mertzson, Texas
Date Photos Taken ▪ January 14, 2016

Photo 11  View along the eastern portion of the site compound facing south.

Photo 12  View along the southern portion of the site compound facing west.
Photo 13  View of the southwestern guyed anchor point location.

Photo 14  View from the western guyed anchor point location facing east towards the tower center.
**Photo 15** View of the northwestern guyed anchor point location.

**Photo 16** View from the northwestern guyed anchor point location facing southeast towards the tower center.
Photo 17  View of the eastern guyed anchor point location.

Photo 18  View from the eastern guyed anchor point location facing west towards the tower center.
Mertzon Lindley Tower Site  ■  Mertzon, Texas
Date Photos Taken  ■  January 14, 2016

**Photo 19**  View of property to the north.

**Photo 20**  View of property to the east.
Photo 21  View of property to the west.

Photo 22  View of the access road to the site and property to the west.
Photo 23  View towards the site from the access road entryway facing east.

Photo 24  View of the dirt road leading to the access road entryway facing south.
Photo 25  View of three towers to be removed upon completion of the proposed project.

Photo 26  Additional view of three towers to be removed upon completion of the proposed project.
We have assigned the following consultation no. to your proposed 520-ft tall guyed telecommunications tower in Irion County:

Consultation No. 02ETAU00-2016-TA-0291

The black-capped vireo may occur and breed in Irion County.

For determination of black-capped vireo (BCVI) habitat, please refer to Campbell 2003 (attached). The BCVI breeding range (Service 2007) is also attached.

Proposed activities may occur without adverse effects to the BCVI if:

1) the project area does not contain black-capped vireo habitat and is located at least 300 feet from BCVI habitat, or

2) suitable black-capped vireo habitat occurs within 300 feet of a project, but no suitable habitat would be removed or degraded and the action would be scheduled outside of the BCVI's breeding season (March through August).

For projects that are anticipated to remove or degrade BCVI habitat or are located within 300 feet of habitat and would be constructed during the breeding season, we recommend surveys for the presence of vireos be conducted prior to any
disturbance activities. If the results of
the survey indicate “absence” of the
black-capped vireo, no further coordination
with this office would be necessary,
provided construction was implemented
and completed prior to the beginning of
the breeding season immediately following
the survey year (i.e., an "absence" determination
may only be applied to the year of the survey).

Should presence/absence survey results
be positive, this office should be contacted for
further evaluation. Additionally, if BCVI
surveys are done and are negative, we
would appreciate that survey information.

___________________________________________
Patrick Connor
Fish and Wildlife Biologist

512 490 0057 ext 227

Patrick_Connor AT fws.gov

USFWS Ecological Services
10711 Burnet RD STE 200
Austin, TX  78758

http://www.fws.gov/southwest/es/austintexas/

>(((zieroyal116> : <((<><(<>
February 4, 2016

Texas Historical Commission
105 West 16th Street
Austin, Texas 78701

Attn: Mark Wolfe

Cultural Resources Review/Section 106 Review
Proposed Telecommunications Tower
Applicant Name: Western Towers
Site Name: Mertzon Lindley Tower Site
Approximately 3 miles NW of Mertzon, Texas
Mertzon, Irion County, Texas
Lat/Long: 31° 16’ 40.7” North, 100° 51’ 43.4” West
Terracon Project No. 90157490

Dear Mr. Wolfe:

On behalf of Western Towers, Terracon Consultants, Inc. (Terracon) is requesting a review of potential impacts to historic properties that may result from the proposed construction of a 520-foot guyed communications tower. The site will be located west of FM 2469 near Lindley Road. The footprint will consist of a 100-foot by 100-foot compound area; three approximately 250-foot by 20-foot guyed wire easements, three approximately 10-foot by 25-foot guyed anchor areas (approximately 0.50-acres). An existing approximately 850-foot by 30-foot access and utility easement will be used for utilities and to access the site. According to Western Towers, three towers located approximately 1.5 miles southwest of the proposed site will be removed once the construction of the new tower is complete.

Federal Communications Commission’s (FCC) regulations require that Western Towers consider the effects of the proposed tower on historic properties. Your response is sought in compliance with Section 106 of the National Historic Preservation Act (NHPA). Enclosed is the FCC Form 620 and appropriate attachments.

Terracon is submitting the FCC Form 620 on behalf of Western Towers, to seek a letter of no effect and 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. Your confirmation on this matter would be greatly appreciated.

Please feel free to contact our office if you have any questions concerning this submittal.

Sincerely,

Julio A. Aguilar
Environmental Scientist
### General Information

1) (Select only one) ( NE )
- 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.

<table>
<thead>
<tr>
<th>File Number:</th>
</tr>
</thead>
</table>

### Applicant Information

3) FCC Registration Number (FRN): **0006158471**

4) Name: **Western Towers**

5) First Name: **Charles**
6) MI: **A**
7) Last Name: **Anderson**
8) Suffix: **(Blank)**
9) Title: **President**

### Contact Information

10) P.O. Box: **2040**
11) Street Address: **(Blank)**
12) City: **San Angelo**
13) State: **TX**
14) Zip Code: **76902**
15) Telephone Number: **(325)658-6539**
16) Fax Number: **(Blank)**
17) E-mail Address: **charles.anderson@westerntowers.com**

### Consultant Information

18) FCC Registration Number (FRN): **0013776992**

19) Name: **Terracon**

### Principal Investigator

20) First Name: **David**
21) MI: **(Blank)**
22) Last Name: **Yelacic**
23) Suffix: **(Blank)**
24) Title: **(Blank)**

### Principal Investigator Contact Information

25) P.O. Box: **(Blank)**
26) Street Address: **6911 Blanco Road**
27) City: **San Antonio**
28) State: **TX**
29) Zip Code: **78216**
30) Telephone Number: **(210)641-2112**
31) Fax Number: **(Blank)**
32) E-mail Address: **dmyelacic@terracon.com**
### Professional Qualification

<table>
<thead>
<tr>
<th>33) Does the Principal Investigator satisfy the Secretary of the Interior's Professional Qualification Standards?</th>
<th>(X) Yes ( ) No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>34) Areas of Professional Qualification:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(X) Archaeologist</td>
</tr>
<tr>
<td>( ) Architectural Historian</td>
</tr>
<tr>
<td>( ) Historian</td>
</tr>
<tr>
<td>( ) Architect</td>
</tr>
<tr>
<td>( ) Other (Specify) __________________________________________________________________________________________</td>
</tr>
</tbody>
</table>

### Additional Staff

<table>
<thead>
<tr>
<th>35) Are there other staff involved who meet the Professional Qualification Standards of the Secretary of the Interior?</th>
<th>( ) Yes (X) No</th>
</tr>
</thead>
</table>

If “YES,” complete the following:

<table>
<thead>
<tr>
<th>36) First Name:</th>
<th>37) MI:</th>
<th>38) Last Name:</th>
<th>39) Suffix:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>40) Title:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>41) Areas of Professional Qualification:</th>
</tr>
</thead>
<tbody>
<tr>
<td>( ) Archaeologist</td>
</tr>
<tr>
<td>( ) Architectural Historian</td>
</tr>
<tr>
<td>( ) Historian</td>
</tr>
<tr>
<td>( ) Architect</td>
</tr>
<tr>
<td>( ) Other (Specify) __________________________________________________________________________________________</td>
</tr>
</tbody>
</table>

2 of 15  FCC Form 620  May 2014
### Site Information

1) TCNS Notification Number: **134320**

2) Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: ( ) Yes ( X ) No

3) Site Name: **Mertzon Lindley**

4) Site Address: **Approx 3 miles NW of Mertzon, TX**

5) Detailed Description of Project:

   Proposesd construction of a 520 foot communications tower

6) City: **Mertzon**  
7) State: **TX**  
8) Zip Code: **76941**

9) County/Borough/Parish: **IRION**

10) Nearest Crossroads: **FM 2469 and Lindley Road**

11) **NAD 83 Latitude (DD-MM-SS.S):** 31-16-40.7 ( X ) N or ( ) S

12) **NAD 83 Longitude (DD-MM-SS.S):** 100-51-43.4 ( ) E or ( X ) W

### Tower Information

13) Tower height above ground level (include top-mounted attachments such as lightning rods): **158.5** ( ) Feet ( X ) Meters

14) Tower Type (Select One):

   ( X ) Guyed lattice tower  
   ( ) Self-supporting lattice  
   ( ) Monopole  
   ( ) Other (Describe):

### Project Status

15) Current Project Status (Select One):

   ( X ) Construction has not yet commenced  
   ( ) Construction has commenced, but is not completed  
   ( ) Construction has been completed

   Construction commenced on: _______________  
   Construction completed on: _______________
### 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
- (X) Adverse Effect on one or more Historic Properties in APE

15) Visual Effects (Select One):
- (X) 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
## 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?  

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

2a) Tribes/NHOs contacted through TCNS Notification Number: 134320  
Number of Tribes/NHOs: 10

2b) Tribes/NHOs contacted through an alternate system:  
Number of Tribes/NHOs: 0

### Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:

4) Tribe/NHO Name: **Apache Tribe of Oklahoma**

#### Contact Name

5) First Name: **Darrin**  
6) MI:  
7) Last Name: **Cisco**  
8) Suffix:

9) Title:

#### Dates & Response

10) Date Contacted: 12/17/2015  
11) Date Replied: _____________

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(X) No Reply</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Replied/No Interest</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Replied/Have Interest</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Replied/Other</td>
<td></td>
</tr>
</tbody>
</table>

### Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:

4) Tribe/NHO Name: **Cherokee Nation**

#### Contact Name

5) First Name: **Sheila**  
6) MI: **M**  
7) Last Name: **Bird**  
8) Suffix:

9) Title: **THPO**

#### Dates & Response

10) Date Contacted: 12/16/2015  
11) Date Replied: _____________

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(X) No Reply</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Replied/No Interest</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Replied/Have Interest</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Replied/Other</td>
<td></td>
</tr>
<tr>
<td>Tribal/NHO Involvement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td>(X) Yes ( ) No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2a) Tribes/NHOs contacted through TCNS Notification Number:</td>
<td>134320</td>
<td>Number of Tribes/NHOs: 10</td>
<td></td>
</tr>
<tr>
<td>2b) Tribes/NHOs contacted through an alternate system:</td>
<td></td>
<td>Number of Tribes/NHOs: 0</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tribe/NHO Contacted Through TCNS</th>
</tr>
</thead>
<tbody>
<tr>
<td>3) Tribe/NHO FRN:</td>
</tr>
<tr>
<td>4) Tribe/NHO Name: <strong>Comanche Nation</strong></td>
</tr>
</tbody>
</table>

**Contact Name**

<table>
<thead>
<tr>
<th>5) First Name: <strong>Kelly</strong></th>
<th>6) MI:</th>
<th>7) Last Name: <strong>Banderas</strong></th>
<th>8) Suffix:</th>
</tr>
</thead>
<tbody>
<tr>
<td>9) Title: <strong>THPO Assistant</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dates &amp; Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>10) Date Contacted ( ) 12/17/2015</td>
</tr>
<tr>
<td>(X) No Reply</td>
</tr>
<tr>
<td>( ) Replied/No Interest</td>
</tr>
<tr>
<td>( ) Replied/Have Interest</td>
</tr>
<tr>
<td>( ) Replied/Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tribe/NHO Contacted Through TCNS</th>
</tr>
</thead>
<tbody>
<tr>
<td>3) Tribe/NHO FRN:</td>
</tr>
<tr>
<td>4) Tribe/NHO Name: <strong>Eastern Shoshone Tribe</strong></td>
</tr>
</tbody>
</table>

**Contact Name**

<table>
<thead>
<tr>
<th>5) First Name: <strong>Wilfred</strong></th>
<th>6) MI:</th>
<th>7) Last Name: <strong>Ferris</strong></th>
<th>8) Suffix: <strong>III</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>9) Title: <strong>THPO</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dates &amp; Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>10) Date Contacted ( ) 12/17/2015</td>
</tr>
<tr>
<td>( ) No Reply</td>
</tr>
<tr>
<td>( ) Replied/No Interest</td>
</tr>
<tr>
<td>( ) Replied/Have Interest</td>
</tr>
<tr>
<td>(X) Replied/Other</td>
</tr>
</tbody>
</table>
### 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?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

2a) Tribes/NHOs contacted through TCNS Notification Number: **134320**  
Number of Tribes/NHOs: **10**

2b) Tribes/NHOs contacted through an alternate system:  
Number of Tribes/NHOs: **0**

### Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:

4) Tribe/NHO Name: **Kialegee Tribal Town**

#### Contact Name

5) First Name: **David**  
6) MI:  
7) Last Name: **Cook**  
8) Suffix:  

9) Title: **Tribal Administrator**

#### Dates & Response

10) Date Contacted: **12/17/2015**  
11) Date Replied:  

<table>
<thead>
<tr>
<th>(X)</th>
<th>No Reply</th>
</tr>
</thead>
<tbody>
<tr>
<td>(   )</td>
<td>Replied/No Interest</td>
</tr>
<tr>
<td>(   )</td>
<td>Replied/Have Interest</td>
</tr>
<tr>
<td>(   )</td>
<td>Replied/Other</td>
</tr>
</tbody>
</table>

### Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:

4) Tribe/NHO Name: **Kiowa Indian Tribe of Oklahoma**

#### Contact Name

5) First Name: **Kellie**  
6) MI: **J**  
7) Last Name: **Poolaw**  
8) Suffix:  

9) Title: **Acting Tribal Historic Preservation Offi**

#### Dates & Response

10) Date Contacted: **12/17/2015**  
11) Date Replied: **12/18/2015**

| (   ) | No Reply |
| (   ) | Replied/No Interest |
| (   ) | Replied/Have Interest |
| (X) | Replied/Other |
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?

( X ) Yes ( ) No

2a) Tribes/NHOs contacted through TCNS Notification Number: 134320 Number of Tribes/NHOs: 10

2b) Tribes/NHOs contacted through an alternate system: Number of Tribes/NHOs: 0

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:

4a) Tribe/NHO Name: Mescalero Apache Tribe

Contact Name

5) First Name: Holly

6) MI: B

7) Last Name: Houghten

8) Suffix:

9) Title: Tribal Historic Preservation Officer

Dates & Response

10) Date Contacted: 12/16/2015

11) Date Replied: ______________

( X ) No Reply

( ) Replied/No Interest

( ) Replied/Have Interest

( ) Replied/Other

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:

4a) Tribe/NHO Name: Northern Cheyenne Tribe

Contact Name

5) First Name: Teanna

6) MI: B

7) Last Name: Limpy

8) Suffix:

9) Title: THPO

Dates & Response

10) Date Contacted: 12/17/2015

11) Date Replied: 12/16/2015

( ) No Reply

( ) Replied/No Interest

( ) Replied/Have Interest

( X ) Replied/Other
### 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?  

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

2a) Tribes/NHOs contacted through TCNS Notification Number: **134320**  
Number of Tribes/NHOs: **10**  
2b) Tribes/NHOs contacted through an alternate system:  
Number of Tribes/NHOs: **0**

#### Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:

4) Tribe/NHO Name: **Tonkawa Tribe**

#### Contact Name

5) First Name: **Joshua**  
6) MI:  
7) Last Name: **Waffle**  
8) Suffix:

9) Title: **Tribal Administrator**

#### Dates & Response

10) Date Contacted: **12/16/2015**  
11) Date Replied: **01/04/2016**  

<table>
<thead>
<tr>
<th></th>
<th>No Reply</th>
<th>Replied/No Interest</th>
<th>Replied/Have Interest</th>
<th>Replied/Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:

4) Tribe/NHO Name: **Wichita and Affiliated Tribes**

#### Contact Name

5) First Name: **Mary**  
6) MI: **M**  
7) Last Name: **Botone**  
8) Suffix:

9) Title: **Cell Tower Administrator**

#### Dates & Response

10) Date Contacted: **12/17/2015**  
11) Date Replied: **12/16/2015**  

<table>
<thead>
<tr>
<th></th>
<th>No Reply</th>
<th>Replied/No Interest</th>
<th>Replied/Have Interest</th>
<th>Replied/Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Other Tribes/NHOs Contacted

### Tribe/NHO Information

<table>
<thead>
<tr>
<th>1) FCC Registration Number (FRN):</th>
</tr>
</thead>
<tbody>
<tr>
<td>2) Name:</td>
</tr>
</tbody>
</table>

### Contact Name

<table>
<thead>
<tr>
<th>3) First Name:</th>
<th>4) MI:</th>
<th>5) Last Name:</th>
<th>6) Suffix:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>7) Title:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

### Contact Information

<table>
<thead>
<tr>
<th>8) P.O. Box:</th>
<th>9) Street Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10) City:</th>
<th>11) State:</th>
<th>12) Zip Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>13) Telephone Number:</th>
<th>14) Fax Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>15) E-mail Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>16) Preferred means of communication:</th>
</tr>
</thead>
<tbody>
<tr>
<td>( ) E-mail</td>
</tr>
<tr>
<td>( ) Letter</td>
</tr>
<tr>
<td>( ) Both</td>
</tr>
</tbody>
</table>

### Dates & Response

<table>
<thead>
<tr>
<th>17) Date Contacted:</th>
<th>18) Date Replied:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| ( ) No Reply        | ( ) Replied/No Interest |
| ( ) Replied/Have Interest |
| ( ) Replied/Other   |
## Historic Properties

### Properties Identified

1) Have any historic properties been identified within the APEs for direct and visual effect?  
   - Yes (X) No

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?  
   - Yes (X) No

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.  
   - Yes (X) No

### 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: ____________________________________________________________  
   - Yes (X) No

12) Is this property eligible for listing on the National Register?  
   Source: ____________________________________________________________  
   - Yes (X) No

13) Is this property a National Historic Landmark?  
   - Yes (X) No

14) Direct Effects (Select One):
   - No Effect on this Historic Property in APE
   - No Adverse Effect on this Historic Property in APE
   - Adverse Effect on this Historic Property in APE

15) Visual Effects (Select One):
   - No Effect on this Historic Property in APE
   - No Adverse Effect on this Historic Property in APE
   - Adverse Effect on this Historic Property in APE
**Local Government Involvement**

### Local Government Agency

1) FCC Registration Number (FRN):

2) Name: **Irion County Judge**

### Contact Name

3) First Name: **Tom**  
4) MI:  
5) Last Name: **Aiken**  
6) Suffix:

7) Title: **County Judge**

### Contact Information

8) P.O. Box: **770**  
9) Street Address:

10) City: **Mertzon**  
11) State: **TX**  
12) Zip Code: **76941**

13) Telephone Number: **(325)835-4361**  
14) Fax Number:

15) E-mail Address: **tom.aiken@co.irion.tx.us**

16) Preferred means of communication:

- [X] E-mail
- [ ] Letter
- [ ] Both

### Dates & Response

17) Date Contacted **02/05/2016**  
18) Date Replied _______________

- [X] No Reply
- [ ] Replied/No Interest
- [ ] Replied/Have Interest
- [ ] Replied/Other

### Additional Information

19) Information on local government’s role or interest (optional):
## Other Consulting Parties Contacted

1) Has any other agency been contacted and invited to become a consulting party?  (X) Yes ( ) No

## Consulting Party

2) FCC Registration Number (FRN):

3) Name: Irion CHC

## Contact Name

4) First Name: Peggy  5) MI:  6) Last Name: Steger  7) Suffix:

8) Title: CHC

## Contact Information

9) P.O. Box:  

And /Or  

10) Street Address: 301 Horseshoe Bend Trail


14) Telephone Number: (325)835-4583  15) Fax Number:

16) E-mail Address:

17) Preferred means of communication:

( ) E-mail  

(X) Letter  

( ) Both

## Dates & Response

18) Date Contacted 02/05/2016  19) Date Replied  

(X) No Reply  

( ) Replied/No Interest  

( ) Replied/Have Interest  

( ) Replied/Other

## Additional Information

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

| Name: Texas Historical Commission |

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: |
| SHPO/THPO Name: |
| SHPO/THPO Name: |

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: Julio | MI: | Last Name: Aguilar | Suffix: |

Signature: Julio Aguilar Date: 02/05/2016

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).
## Attachments:

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
<th>Date Entered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resumes/Vitae</td>
<td>Resume</td>
<td>02/05/2016</td>
</tr>
<tr>
<td>Map Documents</td>
<td>Aerial Photograph</td>
<td>02/05/2016</td>
</tr>
<tr>
<td>Area of Potential Effects</td>
<td>Topo APE</td>
<td>02/05/2016</td>
</tr>
<tr>
<td>Map Documents</td>
<td>Location Map</td>
<td>02/05/2016</td>
</tr>
<tr>
<td>Photographs</td>
<td>Photographs</td>
<td>02/05/2016</td>
</tr>
<tr>
<td>Local Government Involvement</td>
<td>Certified Gvt Contact</td>
<td>02/05/2016</td>
</tr>
<tr>
<td>Other</td>
<td>Consulting Party Contact</td>
<td>02/05/2016</td>
</tr>
<tr>
<td>Tribal/NHO Involvement</td>
<td>Tribal Contact</td>
<td>02/05/2016</td>
</tr>
<tr>
<td>Public Involvement</td>
<td>Local Notice</td>
<td>02/05/2016</td>
</tr>
</tbody>
</table>
DAVID YELACIC
ARCHEOLOGIST, PRINCIPAL INVESTIGATOR

PROFESSIONAL EXPERIENCE
David Yelacic earned a B.A. Anthropology and M.S. Geography, and is in the late stages of earning a Ph.D. Environmental Geography, all from Texas State University. Much of his academic focus has been on the topics of North American archaeology and the application of Earth science methods to archaeological problems, geoarchaeology, and he has worked on several academic projects in Texas and Guatemala.

Professionally, David has eight years of experience in Cultural Resource Management, which includes working on projects throughout Texas. As a staff Project Archaeologist at Texas State University’s Center for Archaeological Studies, he supervised projects in central and southwest Texas; he assisted with coordinating and managing Federal, State, and privately regulated and sponsored projects; and, he authored and co-authored more than 20 technical reports as well as a book chapter and a peer-reviewed article. Most recently, David has been employed and deployed as a consulting archaeologist and geoarchaeologist for the Center for Archaeological Studies and private-sector firms in Texas.

PROJECT EXPERIENCE
Research Experience: Fieldwork and Analyses
IDEA Public Schools – San Antonio, Texas
Project manager, performed desktop cultural resources survey and field-based intensive pedestrian survey of 13.59-acre parcel and reported results in accordance with Council of Texas Archeologists (CTA) and the Texas Historical Commission (THC) standards of survey and reporting. City Office of Historic Preservation (OHP) Archaeologists regulated the project in advance of State Historic Preservation Office (SHPO) purview.

* Work performed prior to Terracon
Texas State University – San Marcos, Texas*
Served as Project Archaeologist and Geoarchaeologist on projects under a Memorandum of Agreement between the Center for Archaeological Studies, Texas State University and the THC, 2010-2012. Managed field and limited lab operations and contributed to final report for cultural resources survey, testing, and data recovery associated with the Spring Lake Aquatic Ecosystem Restoration Project, a joint project between the University and the US Army Corps of Engineers (USACE). This project was regulated by the THC and USACE.

Texas State University – Round Rock, Texas*
Project manager, executed fieldwork that included intensive pedestrian survey, analysis, and reporting for the Texas State University System in advance of the development of the 101-acre Round Rock Center for Higher Education. The project was regulated by the THC.

Center for Big Bend Studies, Sul Ross State University – Alpine, Texas*
Currently listed as a Research Associate of the Center for Big Bend Studies

Education
Ph.D. in Environmental Geography, Texas State University, In Progress
M.S. in Geography, Texas State University-San Marcos, 2010
B.A. in Anthropology, Texas State University-San Marcos, 2005

Affiliations
San Marcos Watershed Initiative
Core Board, Member 2014-Present
Texas Archeological Society
Academy Committee, Chairman 2010-Present
Society for American Archaeologists (SAA)
Association for American Geographers (AAG)
Council of Texas Archeologists (CTA)

Work History
Terracon Consultants, Inc., Principal Investigator
Archaeologist, May 27, 2014 – Present
Center for Archaeological Studies, Texas State University, Project Archaeologist and Geoarchaeologist, July 2009-June 2014
(CBBS), which aids in managing cultural resources on public and private lands in the Big Bend region of Texas.

**AmaTerra Environmental, Inc. – San Marcos, Texas**
Project manager, performed geoarchaeological core analysis and interpretation of alluvial deposits as a consultant for AmaTerra Environmental, Inc. on the San Marcos River Aquatic Ecosystem Restoration project, a joint project between the City of San Marcos and the USACE.
January 27, 2016

Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
108 W. 16th Street
Austin, Texas 78701

Re: Section 106 Review for
Telecommunications Project
Mertzon Lindley Tower Site
520-foot Guyed Telecommunications Tower
3 Miles Northwest of Mertzon, Texas
Mertzon, Irion County, Texas
Terracon Project No. 90157490

Dear Mr. Wolfe:

This letter report describes the assessment of cultural resources conducted by Terracon Consultants, Inc. (Terracon) on behalf of Western Towers, for construction of a 520-foot guyed communications tower to be located west of FM 2469 approximately 3 miles NW of Mertzon, Texas.

The APE for direct impacts is defined as the area that would be directly affected by the construction and operating activities associated with the proposed undertaking. The proposed site will be located on a hill top with a footprint consisting of a 100-foot by 100-foot compound area; three approximately 250-foot by 20-foot guyed wire easements, three approximately 10-foot by 25-foot guyed anchor areas (approximately 0.50-acres). An existing approximately 850-foot by 30-foot access and utility easement will be used for utilities and to access the site.

The analysis of the APE for visual effects for tower development includes evaluating the critical viewshed of historic properties within a radius defined by the Federal Communications Commission (FCC) Programmatic Agreement (PA); the APE for visual effects for the proposed modifications to the current site was defined as consisting of the area within a 2.4-km (1.5 mile) radius of the tower site. The critical viewshed is the historical view of and from a historical property that captures the character-defining elements of the property, including setting and feeling. In other words, for the tower to have an effect on historic properties within the APE, it must be visible within the viewshed as one looks at the historic property or within the viewshed looking from the property.

Terracon conducted an online records search of the Texas Archeological Sites Atlas in December of 2015, to identify known cultural resources located within the APE for direct and visual effects. No archaeological sites have been recorded at the proposed tower site, and the
location has never clearly been subjected to intensive pedestrian survey. Within the prescribed 2.4-km radius for visual effects, no archaeological sites are recorded, and the Atlas shows a portion of one archaeological survey proximity to the tower location.

Review of the National Register of Historic Places shows that no listed properties are situated within a 2.4-km radius of the site. The nearest NRHP-listed property, the Irion County Courthouse, is located approximately 6.5 kilometers east of the tower location near the center of Sherwood.

Mertzon Quadrangles from 1972 and 1987 show no structures present within the APE for direct effects over the last 44 years. Shallow soils and the general upland nature of the location would indicate that prehistoric cultural resources would be at or near the surface, and land use seen in aerial images spanning the past 20 years has affected the surface.

As historical maps do not show historic-aged structures at the location, as the physical geography and past land use would have disturbed prehistoric-aged materials, and as the APE for visual effects contains no NRHP-listed properties, it is my professional opinion that the proposed project would have no adverse effects on historic properties. However, in the event that sensitive cultural materials are discovered during construction of the proposed installation, construction activities must cease immediately and contact must be made with the Texas SHPO to ensure compliance with relevant state and federal laws and regulations.

Sincerely,

Terracon Consultants, Inc.

David M. Yelacic, RPA
Principal Investigator Archaeologist
DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES.
1.50 Mile APE


PROJECT SITE

AERA OF POTENTIAL EFFECTS TOPOGRAPHIC MAP

MERTZON LINDLEY TOWER SITE
LINDELEY ROAD W OF FM 2469
MERTZON, IRION COUNTY, TEXAS
DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES

SOURCE: GOOGLE EARTH PRO

No Direct Effect

LEGEND:
- SITE

Existing access easement
Existing cleared area

PROJECT SITE

Existing cleared area
Mertzon Lindley Tower Site ▪ Mertzon, Texas
Date Photos Taken ▪ January 14, 2016

Photo 1  View of the site facing north.

Photo 2  View from the tower center facing north.
Photo 3  View from the tower center facing east.

Photo 4  View from the tower center facing south.
Photo 5  View from the tower center facing west.

Photo 6  View across the site towards the tower center facing east.
Photo 7  View across the western portion of the site compound facing south.

Photo 8  View across the southern portion of the site compound facing east.
Photo 9  View across the site towards the tower center facing south.

Photo 10  View across the site towards the tower center facing southwest.
Photo 11  View along the eastern portion of the site compound facing south.

Photo 12  View along the southern portion of the site compound facing west.
Photo 13  View of the southwestern guyed anchor point location.

Photo 14  View from the western guyed anchor point location facing east towards the tower center.
Photo 15  View of the northwestern guyed anchor point location.

Photo 16  View from the northwestern guyed anchor point location facing southeast towards the tower center.
Photo 17  View of the eastern guyed anchor point location.

Photo 18  View from the eastern guyed anchor point location facing west towards the tower center.
**Photo 19**  View of property to the north.

**Photo 20**  View of property to the east.
Photo 21  View of property to the west.

Photo 22  View of the access road to the site and property to the west.
Photo 23  View towards the site from the access road entryway facing east.

Photo 24  View of the dirt road leading to the access road entryway facing south.
Mertzon Lindley Tower Site  ■  Mertzon, Texas
Date Photos Taken  ■  January 14, 2016

**Photo 25**  View of three towers to be removed upon completion of the proposed project.

**Photo 26**  Additional view of three towers to be removed upon completion of the proposed project.
February 4, 2016

Judge Tom Aiken
Irion County
P.O. Box 770
Mertzon, Texas 76941
325-835-4381
tom.aiken@co.irion.tx.us

RE: Invitation to Comment as a Certified Local Government
Proposed Telecommunications Tower
Site Name: Mertzon Lindley Tower Site
Approximately 3 miles NW of Mertzon, Texas west of FM 2469
Mertzon, Irion County, Texas
Terracon Project No. 90157490

Dear Judge Aiken:

On behalf of Western Towers, Terracon is writing to invite your comment on the effect of the above-referenced project on historic resources within the project Area of Potential Effects (APE) that are eligible for the National Register of Historic Places. We are requesting your review pursuant to Section 106 of the National Historic Preservation Act, the Advisory Council on Historic Preservation’s regulation for compliance with Section 106, and the Nationwide Programmatic Agreement on the Collocation of Wireless Antennas (adopted March 16, 2001), and the Nationwide Programmatic Agreement effective March 7, 2005.

Field and desktop assessments for both historic properties and archaeological sites will be conducted and a determination will be made of the project’s direct and indirect effects on eligible properties. Consulting parties are invited to provide information concerning historic or archaeological properties already listed in the National Register or that could be eligible for listing in the National Register.

Our client, Western Towers, proposes the construction of a 520-foot guyed communications tower. The proposed tower is located at 31-16-40.7 N Latitude, 100-51-43.4 W Longitude.

If you wish to comment on whether this undertaking will or will not effect historic resources within the project APE that are eligible for the National Register of Historic Places, you may send a letter or you may reach me via email at jaaguilar@terracon.com. Thank you for your prompt response on this matter. If you have any questions concerning this letter, please do not hesitate to call the Terracon office at 210-641-2112.

Sincerely,

Terracon

Julio A. Aguilar
Environmental Scientist
February 4, 2016

Peggy Steger
Irion CHG
301 Horseshoe Bend Trail
Mertzon, Irion County, Texas 76941
325-835-4583

RE: Invitation to Comment as a Consulting Party
Proposed Telecommunications Tower
Applicant Name: Bexar County Sheriff's Department
Site Name: Mertzon Lindley Tower Site
Approximately 3 miles NW of Mertzon, Texas west of FM 2469
Mertzon, Irion County, Texas
Terracon Project No. 90157490

Dear Ms. Steger:

On behalf of Western Towers, Terracon is writing to invite your comment on the effect of the above-referenced project on historic resources within the project Area of Potential Effects (APE) that are eligible for the National Register of Historic Places. We are requesting your review pursuant to Section 106 of the National Historic Preservation Act, the Advisory Council on Historic Preservation's regulation for compliance with Section 106, and the Nationwide Programmatic Agreement on the Collocation of Wireless Antennas (adopted March 16, 2001), and the Nationwide Programmatic Agreement effective March 7, 2005.

Field and desktop assessments for both historic properties and archaeological sites will be conducted and a determination will be made of the project's direct and indirect effects on eligible properties. Consulting parties are invited to provide information concerning historic or archaeological properties already listed in the National Register or that could be eligible for listing in the National Register.

Our client, Western Towers, proposes the construction of a 520-foot guyed communications tower. The proposed tower is located at 31-16-40.7 N Latitude, 100-51-43.4 W Longitude.

If you wish to comment on whether this undertaking will or will not effect historic resources within the project APE that are eligible for the National Register of Historic Places, you may send a letter or you may reach me via email at jaaguilar@terracon.com. Thank you for your prompt response on this matter. If you have any questions concerning this letter, please do not hesitate to call the Terracon office at 210-641-2112.

Sincerely,

Terracon

Julio A. Aguilar
Environmental Scientist
PROOF OF PUBLICATION

STATE OF TEXAS, COUNTY OF TOM GREEN

On February 5, 2016, personally appeared before me the undersigned, a Notary Public in and for said county and state, Keri R. Patton – Financial Controller of the SAN ANGELO STANDARD-TIMES, a daily newspaper published in San Angelo, County of TOM GREEN, State of Texas and of general circulation in the following counties: Tom Green, Coke, Concho, Crockett, Irion, Kimble, Mason, McLulloch, Menard, Reagan, Runnels, Schleicher, Sterling, Sutton. The attached advertisement, a true copy of which is hereto annexed, was published in said newspaper in its issues thereof the following dates: February 5, 2016. Subscribed and sworn to before me on February 5, 2016.

Keri R. Patton

Financial Controller, San Angelo Standard-Times

A. Michael O’Grady

Ad # 928820

A. Michael O'Grady

Notary Public
STATE OF TEXAS
My Comm. Exp. June 8, 2019
February 4, 2016

Apache Tribe of Oklahoma
C/o Darrin Cisco
P.O. Box 1330
Anadarko, OK 73005

Attn: Darrin Cisco

Re: 520 Foot Self-Support Telecommunications Tower
Tribal Consultation Initial Contact
TCNS #134320
Site Name: Mertzon Lindley Tower Site
Tower Compound Area: 100-foot by 100-foot
Approximately 3 miles NW of Mertzon, TX on Lindley Road
Mertzon, Irion County, Texas
Lat/Long: 31° 16' 40.7" North by 100° 51' 43.4" West
Terracon Project Number: 90157490

Western Towers is proposing construction of a 520-foot guyed telecommunications tower to be located at the above-referenced location. The approximate foot print will consist of a 100-foot by 100-foot compound area; three approximately 250-foot by 20-foot guyed wire easements, three approximately 10-foot by 25-foot guyed anchor areas (approximately 0.50-acres). An existing approximately 850-foot by 30-foot access and utility easement will be used for utilities and to access the site.

Notification to the Tower Construction Notification System was sent on December 18, 2015, inquiring about your interest in commenting on this site. We requested your response pursuant to Section 106 of the National Historic Preservation Act, the Advisory Council on Historic Preservation's regulation for compliance with Section 106, and the Nationwide Programmatic Agreement on the Collocation of Wireless Antennas (adopted March 16, 2001), and the Nationwide Programmatic Agreement effective March 7, 2005.

Thank you for your response on this matter, as your reply is highly valued and appreciated. If you wish to respond through e-mail, my e-mail is jaaguilar@terracon.com or via fax, my fax number is 210-641-2124. If you have any questions, please do not hesitate to call the Terracon office at 210-641-2112.

Sincerely,

Terracon Consultants, Inc.,

Julio A. Aguilar
Environmental Scientist

Attachment: Form 620
February 4, 2016

Cherokee Nation
P.O. Box 948
Tahlequah, OK 74464
Sheila-bird@cherokee.org
(918) 453-5339

Attn: Sheila M. Bird

Re: 520 Foot Self-Support Telecommunications Tower
Tribal Consultation Initial Contact
TCNS #134320
Site Name: Mertzon Lindley Tower Site
Tower Compound Area: 100-foot by 100-foot (0.50-acres)
Approximately 3 miles NW of Mertzon, TX on Lindley Road
Mertzon, Irion County, Texas
Lat/Long: 31.277964 North, -100.862048 West
Terracon Project Number: 90157490

Western Towers is proposing construction of a 520-foot guyed telecommunications tower to be located at the above-referenced location. The approximate footprint will consist of a 100-foot by 100-foot compound area; three approximately 250-foot by 20-foot guyed wire easements, three approximately 10-foot by 25-foot guyed anchor areas (approximately 0.50-acres). An existing approximately 850-foot by 30-foot access and utility easement will be used for utilities and to access the site.

Notification to the Tower Construction Notification System was sent on December 18, 2015, inquiring about your interest in commenting on this site. We requested your response pursuant to Section 106 of the National Historic Preservation Act, the Advisory Council on Historic Preservation’s regulation for compliance with Section 106, and the Nationwide Programmatic Agreement on the Collocation of Wireless Antennas (adopted March 16, 2001), and the Nationwide Programmatic Agreement effective March 7, 2005.

Thank you for your response on this matter, as your reply is highly valued and appreciated. If you wish to respond through e-mail, my e-mail is jaaguilar@terracon.com or via fax, my fax number is 210-641-2112. If you have any questions, please do not hesitate to call the Terracon office at 210-641-2112.

Sincerely,

Terracon Consultants, Inc.,

[Signature]
Julio A. Aguilar
Environmental Scientist
6811 Blanco Road
San Antonio, Texas 78216
210-852-2477
jaaguilar@terracon.com
February 4, 2016

Comanche Nation Historic Preservation Office
C/o Kelly Glancy
#6 SW D Avenue-Suite C
Lawton, OK 73501

Attn: Kelly Glancy

Re: 520 Foot Self-Support Telecommunications Tower
Tribal Consultation Initial Contact
TCNS #134320
Site Name: Mertzon Lindley Tower Site
Tower Compound Area: 100-foot by 100-foot
Approximately 3 miles NW of Mertzon, TX on Lindley Road
Mertzon, Irion County, Texas
Lat/Long: 31° 16’ 40.7" North by 100° 51’ 43.4" West
Terracon Project Number: 90157490

Western Towers is proposing construction of a 520-foot guyed telecommunications tower to be located at the above-referenced location. The approximate foot print will consist of a 100-foot by 100-foot compound area; three approximately 250-foot by 20-foot guyed wire easements, three approximately 10-foot by 25-foot guyed anchor areas (approximately 0.50-acres). An existing approximately 850-foot by 30-foot access and utility easement will be used for utilities and to access the site.

Notification to the Tower Construction Notification System was sent on December 18, 2015, inquiring about your interest in commenting on this site. We requested your response pursuant to Section 106 of the National Historic Preservation Act, the Advisory Council on Historic Preservation’s regulation for compliance with Section 106, and the Nationwide Programmatic Agreement on the Collocation of Wireless Antennas (adopted March 16, 2001), and the Nationwide Programmatic Agreement effective March 7, 2005.

Thank you for your response on this matter, as your reply is highly valued and appreciated. If you wish to respond through e-mail, my e-mail is jaagullar@terracon.com or via fax, my fax number is 210-641-2124. If you have any questions, please do not hesitate to call the Terracon office at 210-641-2112.

Sincerely,

Terracon Consultants, Inc.,

[Signature]
Julio A. Aguilar
Environmental Scientist

Attachment: Form 620
February 4, 2016

Eastern Shoshone Tribe
CCCRPD-EST
P.O. Box 87
Box Elder, MT 59521

Attn: Wilfred Ferris, III

Re: 520 Foot Self-Support Telecommunications Tower
    Tribal Consultation Initial Contact
    TCNS #134320
    Site Name: Mertzon Lindley Tower Site
    Tower Compound Area: 100-foot by 100-foot
    Approximately 3 miles NW of Mertzon, TX on Lindley Road
    Mertzon, Irion County, Texas
    Lat/Long: 31° 16' 40.7" North by 100° 51' 43.4" West
    Terracon Project Number: 90157490

Western Towers is proposing construction of a 520-foot guyed telecommunications tower to be located at the above-referenced location. The approximate footprint will consist of a 100-foot by 100-foot compound area; three approximately 250-foot by 20-foot guyed wire easements, three approximately 10-foot by 25-foot guyed anchor areas (approximately 0.50-acres). An existing approximately 850-foot by 30-foot access and utility easement will be used for utilities and to access the site.

Notification to the Tower Construction Notification System was sent on December 18, 2015, inquiring about your interest in commenting on this site. We requested your response pursuant to Section 106 of the National Historic Preservation Act, the Advisory Council on Historic Preservation’s regulation for compliance with Section 106, and the Nationwide Programmatic Agreement on the Collocation of Wireless Antennas (adopted March 16, 2001), and the Nationwide Programmatic Agreement effective March 7, 2005.

Thank you for your response on this matter, as your reply is highly valued and appreciated. If you wish to respond through e-mail, my e-mail is jaaguilar@terracon.com or via fax, my fax number is 210-641-2124. If you have any questions, please do not hesitate to call the Terracon office at 210-641-2112.

Sincerely,

Terracon Consultants, Inc.,

[signature]
Julio A. Aguilar
Environmental Scientist

Attachment: Form 620
February 4, 2016

Kialegee Tribal Town  
C/o David Cook  
Cultural Preservation Program  
Tribal Administrator  
P.O. Box 332  
Wetumka, OK 74883  

Attn: David Cook

Re: 520 Foot Self-Support Telecommunications Tower  
Tribal Consultation Initial Contact  
TCNS #134320  
Site Name: Mertzon Lindley Tower Site  
Tower Compound Area: 100-foot by 100-foot  
Approximately 3 miles NW of Mertzon, TX on Lindley Road  
Mertzon, Irion County, Texas  
Lat/Long: 31° 16' 40.7" North by 100° 51' 43.4" West  
Terracon Project Number: 60157490

Western Towers is proposing construction of a 520-foot guyed telecommunications tower to be located at the above referenced location. The approximate foot print will consist of a 100-foot by 100-foot compound area; three approximately 250-foot by 20-foot guyed wire easements, three approximately 10-foot by 25-foot guyed anchor areas (approximately 0.50-acres). An existing approximately 850-foot by 30-foot access and utility easement will be used for utilities and to access the site.

Notification to the Tower Construction Notification System was sent on December 18, 2015, inquiring about your interest in commenting on this site. We requested your response pursuant to Section 106 of the National Historic Preservation Act, the Advisory Council on Historic Preservation’s regulation for compliance with Section 106, and the Nationwide Programmatic Agreement on the Collocation of Wireless Antennas (adopted March 16, 2001), and the Nationwide Programmatic Agreement effective March 7, 2005.

Thank you for your response on this matter, as your reply is highly valued and appreciated. If you wish to respond through e-mail, my e-mail is jaaguilar@terracon.com or via fax, my fax number is 210-641-2124. If you have any questions, please do not hesitate to call the Terracon office at 210-641-2112.

Sincerely,

Terracon Consultants, Inc.,

Julio A. Aguilar  
Environmental Scientist

Attachment: Form 620
February 4, 2016

Kiowa Indian Tribe of Oklahoma
C/o Kellie J. Poolaw
Office of Historic Preservation
P.O. Box 369
100 Kiowa Way
Carnegie, OK 73015

Attn: Kellie J. Poolaw

Re: 520 Foot Self-Support Telecommunications Tower
Tribal Consultation Initial Contact
TCNS #134320
Site Name: Mertzon Lindley Tower Site
Tower Compound Area: 100-foot by 100-foot
Approximately 3 miles NW of Mertzon, TX on Lindley Road
Mertzon, Irion County, Texas
Lat/Long: 31° 16' 40.7" North by 100° 51' 43.4" West
Terracon Project Number: 90157490

Western Towers is proposing construction of a 520-foot guyed telecommunications tower to be located at the above-referenced location. The approximate footprint will consist of a 100-foot by 100-foot compound area; three approximately 250-foot by 20-foot guyed wire easements, three approximately 10-foot by 25-foot guyed anchor areas (approximately 0.50-acres). An existing approximately 850-foot by 30-foot access and utility easement will be used for utilities and to access the site.

Notification to the Tower Construction Notification System was sent on December 18, 2015, inquiring about your interest in commenting on this site. We requested your response pursuant to Section 106 of the National Historic Preservation Act, the Advisory Council on Historic Preservation's regulation for compliance with Section 106, and the Nationwide Programmatic Agreement on the Co-location of Wireless Antennas (adopted March 16, 2001), and the Nationwide Programmatic Agreement effective March 7, 2005.

Thank you for your response on this matter, as your reply is highly valued and appreciated. If you wish to respond through e-mail, my e-mail is jaaguiar@terracon.com or via fax, my fax number is 210-641-2124. If you have any questions, please do not hesitate to call the Terracon office at 210-641-2112.

Sincerely,
Terracon Consultants, Inc.,

Julio A. Aguilar
Environmental Scientist

Terracon Consultants, Inc. 6911 Blanco Road, San Antonio, Texas 78216
P [210] 641-2112 F [210] 641-2124 terracon.com Texas Professional Engineers No. 3272
February 4, 2016

Mescalero Apache Tribe
Tribal Historic Preservation Office
Holly B. Houghten
P.O. Box 227
Mescalero, NM 88340

Attn: Holly B. Houghten

Re: 520 Foot Self-Support Telecommunications Tower
Tribal Consultation Initial Contact
TCNS #134320
Site Name: Mertzon Lindley Tower Site
Tower Compound Area: 100-foot by 100-foot
Approximately 3 miles NW of Mertzon, TX on Lindley Road
Mertzon, Irion County, Texas
Lat/Long: 31° 16' 40.7" North by 100° 51' 43.4" West
Terracon Project Number: 90157490

Western Towers is proposing construction of a 520-foot guyed telecommunications tower to be located at the above-referenced location. The approximate footprint will consist of a 100-foot by 100-foot compound area; three approximately 250-foot by 20-foot guyed wire easements, three approximately 10-foot by 25-foot guyed anchor areas (approximately 0.50-acres). An existing approximately 850-foot by 30-foot access and utility easement will be used for utilities and to access the site.

Notification to the Tower Construction Notification System was sent on December 18, 2015, inquiring about your interest in commenting on this site. We requested your response pursuant to Section 106 of the National Historic Preservation Act, the Advisory Council on Historic Preservation’s regulation for compliance with Section 106, and the Nationwide Programmatic Agreement on the Collocation of Wireless Antennas (adopted March 16, 2001), and the Nationwide Programmatic Agreement effective March 7, 2005.

Thank you for your response on this matter, as your reply is highly valued and appreciated. If you wish to respond through e-mail, my e-mail is jaagular@terracon.com or via fax, my fax number is 210-641-2124. If you have any questions, please do not hesitate to call the Terracon office at 210-641-2112.

Sincerely,

Terracon Consultants, Inc.,

Julio A. Aguilar
Environmental Scientist
February 4, 2016

Northern Cheyenne Tribe
Historic Preservation Office
P.O. Box 128
Lame Deer, Montana 59043

Attn: Teanna Limpy

Re: 520 Foot Self-Support Telecommunications Tower
Tribal Consultation Initial Contact
TCNS #134320
Site Name: Mertonz Lindley Tower Site
Tower Compound Area: 100-foot by 100-foot
Approximately 3 miles NW of Mertaon, TX on Lindley Road
Mertaon, Irion County, Texas
Lat/Long: 31° 16' 40.7'' North by 100° 51' 43.4'' West
Terracon Project Number: 90157490

Western Towers is proposing construction of a 520-foot guyed telecommunications tower to be located at the above-referenced location. The approximate footprint will consist of a 100-foot by 100-foot compound area; three approximately 250-foot by 20-foot guyed wire easements, three approximately 10-foot by 25-foot guyed anchor areas (approximately 0.50-acres). An existing approximately 850-foot by 30-foot access and utility easement will be used for utilities and to access the site.

Notification to the Tower Construction Notification System was sent on December 18, 2015, inquiring about your interest in commenting on this site. We requested your response pursuant to Section 106 of the National Historic Preservation Act, the Advisory Council on Historic Preservation's regulations for compliance with Section 106, and the Nationwide Programmatic Agreement on the Collocation of Wireless Antennas (adopted March 16, 2001), and the Nationwide Programmatic Agreement effective March 7, 2005.

Thank you for your response on this matter, as your reply is highly valued and appreciated. If you wish to respond through e-mail, my e-mail is jaaguilar@terracon.com or via fax, my fax number is 210-641-2124. If you have any questions, please do not hesitate to call the Terracon office at 210-641-2112.

Sincerely,
Terracon Consultants, Inc.,

[Signature]
Julio A. Aguilar
Environmental Scientist

Attachment: Form 620
February 4, 2016

Wichita and Affiliated Tribes
C/o Mary M. Botone
P.O. Box 729
Anadarko, OK 73005

Attn: Mary M. Botone

Re: 520 Foot Self-Support Telecommunications Tower
Tribal Consultation Initial Contact
TCNS #134320

Site Name: Mertzon Lindley Tower Site
Tower Compound Area: 100-foot by 100-foot
Approximately 3 miles NW of Mertzon, TX on Lindley Road
Mertzon, Irion County, Texas
Lat/Long: 31° 16' 40.7” North by 100° 51’ 43.4” West
Terracon Project Number: 90157490

Western Towers is proposing construction of a 520-foot guyed telecommunications tower to be located at the above-referenced location. The approximate footprint will consist of a 100-foot by 100-foot compound area, three approximately 250-foot by 20-foot guyed wire easements, three approximately 10-foot by 25-foot guyed anchor areas (approximately 0.50-acres). An existing approximately 850-foot by 30-foot access and utility easement will be used for utilities and to access the site.

Notification to the Tower Construction Notification System was sent on December 18, 2015, inquiring about your interest in commenting on this site. We requested your response pursuant to Section 106 of the National Historic Preservation Act, the Advisory Council on Historic Preservation’s regulation for compliance with Section 106, and the Nationwide Programmatic Agreement on the Collocation of Wireless Antennas (adopted March 16, 2001), and the Nationwide Programmatic Agreement effective March 7, 2005.

Thank you for your response on this matter, as your reply is highly valued and appreciated. If you wish to respond through e-mail, my e-mail is jaaguilar@terracon.com or via fax, my fax number is 210-641-2124. If you have any questions, please do not hesitate to call the Terracon office at 210-641-2112.

Sincerely,

Terracon Consultants, Inc.

[Signature]
Julio A. Aguilera
Environmental Scientist

Attachment: Form 620
February 4, 2016

Texas Historical Commission
105 West 16th Street
Austin, Texas 78701

Attn: Mark Wolfe

Cultural Resources Review/Section 106 Review
Proposed Telecommunications Tower
Applicant Name: Western Towers
Site Name: Mertzon Lindley Tower Site
Approximately 3 miles NW of Mertzon, Texas
Mertzon, Irion County, Texas
Lat/Long: 31° 16' 40.7" North, 100° 51' 43.4" West
Terracon Project No. 90157490

Dear Mr. Wolfe:

On behalf of Western Towers, Terracon Consultants, Inc. (Terracon) is requesting a review of potential impacts to historic properties that may result from the proposed construction of a 520-foot guyed communications tower. The site will be located west of FM 2469 near Lindley Road. The footprint will consist of a 100-foot by 100-foot compound area; three approximately 250-foot by 20-foot guyed wire easements, three approximately 10-foot by 25-foot guyed anchor areas (approximately 0.50-acres). An existing approximately 850-foot by 30-foot access and utility easement will be used for utilities and to access the site. According to Western Towers, three towers located approximately 1.5 miles southwest of the proposed site will be removed once the construction of the new tower is complete.

Federal Communications Commission’s (FCC) regulations require that Western Towers consider the effects of the proposed tower on historic properties. Your response is sought in compliance with Section 106 of the National Historic Preservation Act (NHPA). Enclosed is the FCC Form 620 and appropriate attachments.

Terracon is submitting the FCC Form 620 on behalf of Western Towers, to seek a letter of no effect and 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. Your confirmation on this matter would be greatly appreciated.

Please feel free to contact our office if you have any questions concerning this submittal.

Sincerely,

Terracon

Julio A. Aguilar
Environmental Scientist

Terracon Consultants, Inc. 6911 Blanco Road, San Antonio, Texas 78216
P (210) 641-2112  F (210) 641-2124  terracon.com  Texas Professional Engineers No. 3372

Environmental   Facilities   Geotechnical   Materials
Dear Western Towers,

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

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

Notification Received: 12/11/2015

Notification ID: 134320
Tower Owner Individual or Entity Name: Western Towers
Consultant Name: Terracon Consultants
Street Address: 320 West 26th Street
City: San Angelo
State: TEXAS
Zip Code: 76903
Phone: 325-656-3639
Email: jaaguilar@terracon.com

Structure Type: GTOWER - Guyed Structure Used for Communication Purposes
Latitude: 31 deg 16 min 40.7 sec N
Longitude: 100 deg 51 min 43.4 sec W
Location Description: Approx 3 miles NW of Mertzon, TX
City: Mertzon
State: TEXAS
County: IRION

Detailed Description of Project: Proposed construction of a 520 foot communications tower
Ground Elevation: 792.5 meters
Support Structure: 158.5 meters above ground level
Overall Structure: 158.5 meters above ground level
Overall Height AMSL: 951 meters above mean sea level
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 "Tribal Nations"), Native Hawaiian Organizations (NHOs), and State Historic Preservation Officers (SHPOs). For your convenience in identifying the referenced Tribal Nations and NHOs and in making further contacts, the City and State of the Seat of Government for each Tribal Nation and NHO, as well as the designated contact person, is included in the listing below. We note that Tribal Nations 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 Tribal Nations 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 Tribal Nation or NHO. (NPA, Section IV.F.4).

The information you provided was forwarded to the following Tribal Nations and NHOs. If a Tribal Nation or NHO does not respond within a reasonable time, you should make a reasonable effort at follow-up contact, unless the Tribal Nation or NHO has agreed to different procedures (NPA, Section IV.F.5). In the event a Tribal Nation or NHO does not respond to a follow-up inquiry, or if a substantive or procedural disagreement arises between you and a Tribal Nation 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 - #6 SW D Avenue, Suite 'C' Lawton, OK - kellyg@comancheation.com - 580-595-9960
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 'C', Lawton, Oklahoma 73501 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.

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. Acting Tribal Historic Preservation Officer Kellie J Poolaw - Kiowa Indian Tribe of Oklahoma - 100 Kiowa Way (PO Box: 50) Carnegie, OK - kellie@tribaladminservices.org; cbointy@kiowatribe.org - 580-654-2300

---

3. Cell Tower Administrator Mary M Botone - Wichita and Affiliated Tribes - (PO Box: 729) Anadarko, OK - mary.botone@wichitatribe.com - 405-247-2425
Details: As of June 23, 2014, the Wichita and Affiliated Tribes is requesting consulting party status on all proposed projects that the Federal Communications Commission undertakes in the states of Kansas, Oklahoma and Texas.

We are also charging an administrative fee in the amount of $500.00 for ALL TCNS filings, including collocations.

Checks are to be made payable to: 'Wichita and Affiliated Tribes - Cell Tower Account.' Please make checks out individually for each site and mail to:
Wichita and Affiliated Tribes  
ATTN:  Mary M. Botone, Cell Tower Administrator  
P.O. Box 729  
Anadarko, OK  73005  

Due to the mass amount of requests we will not be generating individual invoices, unless requested.  

To expedite the review process, we are requesting the following information: purpose of tower and whether proposed site is a new or existing site, site name, site and or project number, legal description or physical address of site, photographs in the four cardinal directions from proposed site, topographic and or quadrangle maps, height of tower by feet, type of tower, the complete FCC Form 620 or 621 packet, including a copy of the Survey Report and SHPO's concurrence letter.  

All of the aforementioned information will assist us in making an accurate determination concerning the proposed site. Please send the Form 620 or 621 to Mary Botone via e-mail at mary.botone@wichitatribe.com . We will begin our research and review when payment and all requested information is received. A determination will not be issued without payment, and your Section 106 obligations with the Tribe IS NOT completed until payment is received.  

4. Tribal Administrator Joshua Waffle - Tonkawa Tribe - 1 Rush Buffalo Road Tonkawa, OK - jwaffle@tonkawatribe.com - 580-628-2561  

5. Darrin Cisco - Apache Tribe of Oklahoma - 510 E Colorado Drive Anadarko, OK - Apacheculture510@yahoo.com - 405-247-7494  
Details: The Apache Tribe of Oklahoma wishes to exercise its sovereign nation rights and participate in Section 106, NHPA Review of all TCNS/FCC tower construction activities planned or occurring in the Apache Tribe’s listed Areas of Cultural Affiliation and Interest. All communications regarding this Section 106 review will be sent to the attention of Mr. Darrin Cisco at Apacheculture510@yahoo.com or mailed to: Darrin Cisco, PO Box 1330, Anadarko, Oklahoma 73005. Telephone: 405-247-1066. Review, research and documentation of each compliance review will adhere to the FCC Best Practices agreement and the Apache Tribe will charge a $500.00 fee.  

6. THPO Wilfred Ferris III - Eastern Shoshone Tribe - (PO Box: 538) Fort Washakie, WY - wferris.eshoshone@gmail.com - 307-349-6406  
Details: The Eastern Shoshone Tribe has established a new online procedure for FCC TCNS review/consultation. Online submissions can now be completed at http://cp.mcafee.com/d/avndzgOd6Qm7Xi9LLf6zATs5CyOCCMOOM-rjhpj7cL6zB45CyOCCMOOMUrjhpjvhd7BPPNi6hTibszZy2F_6eSH3BPs_z7rlxOVJR7O38VN_HYCeKyDt_HTbFFIFY---PsszORQr8EGT79YG7DR8OJMddECS3t-
jvshoKqenHFCXCM0uHbtecy6DETsVsTeFzUMHejFqk7qwFSRK8RcCQT4NNI61w4xEAd6y0c2VEw30b2gw30Q2h04xEo1xE
E63hiq8052Uq91sQg0ad0Iqd40Md0M4Cy0b0l1c0c30Q76y04x1hE5Cy0i30c60i2MC90Ad30cd40c3093hsd4x04xEo1xE
3gobxw5zow2gQc0MQq5Ph0d2pEw3gUQg0oMMO--yOrhhodVwHHHcyY. The data platform is currently being
administered by a third party who are providing consultation servicing through the online system on behalf of the
Eastern Shoshone Tribe. For questions, please call Shastelle Swan at 406-395-4700

Based on the location of the proposed project and the pole(s) that you will be constructing as part of the Section 106
process in our particular aboriginal homelands, we are REQUESTING TO BE CONSULTED on this proposed project.

Please utilize the Tribal 106 NHPA consultation processing system website. Online submissions can be completed at
http://cp.mcafee.com/d/2DRPow76Qm7XI9LLf6zATsSCyOCCMoom-
rjhpj7cL6zB4SCyOCCMoomUrjhpjvhd7bPPNhTibszZy2F_6es5H3BPs_z7rlxOVJR7O38VN_HYCeKyDt_HTbFFFifY----
PsszORQr8EGT79YG7DR8OJMMddFCS3t-
jvshoKqenHFCXCM0uHbtecy6DETsVsTeFzUMHejFqk7qwFSRK8RcCQT4NNI61w4xEAd6y0c2VEw30b2gw30Q2h04xEo1xE
E63hiq8052Uq91sQg0ad0Iqd40Md0M4Cy0b0l1c0c30Q76y04x1hE5Cy0i30c60i2MC90Ad30cd40c3093hsd4x04xEo1xE
3gobxw5zow2gQc0MQq5Ph0d2pEw3gUQg0oMMO--yOrhhodMrkBIdQlMsiH

The Eastern Shoshone Tribe through the Historic Preservation Department has established a fee of $400.00 per
consultation. We are only accepting checks at this time. All checks should be mailed to the following address:

CCCRPD-EST
PO Box 87
Box Elder, MT 59521

If you have questions, please feel free to contact Mr. Wilfred Ferris, III THPO at wferris.eshoshone@gmail.com

Sincerely,
Wilfred J. Ferris, III, THPO
Eastern Shoshone Tribe

7. Tribal Administrator David Cook - Kialegee Tribal Town - (PO Box: 332) Wetumka, OK -
david.cook@kialegeetrib.net; jeremiah.hobia@kialegeetrib.net - 405-452-3262 (ext: 15)
Details: The Kialegee Tribal Town charges a $1000 review fee for all projects within a TCNS# (in the event there are more
than one with in the TCNS#) involving new constructions, and $600 per collocation site. Please send payment in a timely
manner.

Submit your Form 620 or 621 by Email to kialegeettcpo@gmail.com. Please ensure your submission includes
photographs, maps, archival research, archaeological reports, and relevant project information.

Please send all checks with TCNS# on it to our Headquarters, to the attention of our tribal leader, Mekko Jeremiah Hobia.
Please make the checks payable to the KIALEGEE TRIBAL TOWN, CULTURAL PRESERVATION PROGRAM, and send to:

Mekko Jeremiah Hobia
Kialegee Tribal Town
Details: The Cherokee Nation Historic Preservation Office has developed the following consultation procedures for all telecommunication projects identified as undertakings by the Federal Communications Commission.

Please submit by US postal mail or other carrier:

1. A 1-page cover letter with the following information:

   a. TCNS Number include on all correspondence
   b. Company Name
   c. Project Name, City, County, State
   d. Project type: new build, collocation, expansion, tower type-monopole, guyed-tower, height, land use, access road-existing or new build, utility lines-route with access road or new route, explanation of ground disturbance.
   e. Tower coordinates: GIS Shape files projected in NAD 1983 UTM Zone 15N coordinate system. Lats and Longs need to be in decimal degrees.
   f. Total area surveyed in acres
   g. Contact information include individuals name, address, phone and email
2. Professional cultural/archaeological survey report. With the first cultural resource survey report, include curriculum vitae for all archaeologists who conduct the field surveys and produce the cultural survey reports. At a minimum, the field surveyors must possess a BA or BS in anthropology with an emphasis in archaeology. Field surveyors who only possess a BA or BS in anthropology must be accompanied in the field by a supervisor who possesses an MA or MS in anthropology with an emphasis in archaeology. At a minimum, the individual who supervises and interprets the results of the field survey, determines the cultural resource recommendation, and produces the cultural survey report must possess an MA or MS in anthropology with an emphasis in archaeology.

3. Aerial and/or color USGS topographic maps locating project area within a) state, b) county, and c) within local area.

4. Aerial, color USGS topographic, or planimetric maps specifically locating:
   a) cell tower site,
   b) .5, .75 or 1.5 mile APE
   c) surveyed area for access road
   d) surveyed area for utility easement
   e) for guyed towers, surveyed locations for guy anchors
   f) surveyed staging area
   g) location of archaeological and historic sites in the APE and in the close vicinity of the APE.

Do not submit hand drawn or hand annotated maps.

5. Project site plan maps depicting labeled shovel test locations. Do not submit hand drawn or hand annotated maps.

At a minimum, shovel tests need to be at the center and four corners of the cell tower lease area, all guy anchor locations, throughout the access road and utility easement, and staging area.

The minimum shovel test density for access roads and utility easements is 1 every 20 m. Shovel test minimum width is 40 cm. Shovel test minimum depth is to 50 cm or sterile soil, whichever is encountered first. If terminated before sterile soil is reached, please provide an explanation either in the text or in the shovel test table.

Excavated shovel tests must be screened using a 0.25 in mesh screen, dug in stratigraphic or 10 cm levels, and measurements must be recorded in centimeters.

6. Table listing shovel test locations, width (cm), depths (cm), soils, and results.

7. Site photographs in color, specifically images with exact location of a) cell tower construction site by taking shot with cell tower/base/compound location marked by stakes or flagging, b) guy anchor locations, c) access road, d) utility easement, and e) staging area.

8. Submit a $500.00 per-tower fee for administration, data processing, handling, research, and review. Expedited tower fee is $700.00. Make the check payable to the Cherokee Nation. On the memo line write all TCNS numbers.

Exceptions for information submission:

A. Collocations that do not involve any ground disturbance. Please submit the applicable information from item numbers 1, 3, 7, and 9 above.

B. Collocations or new towers that do involve ground disturbance and are in a location that previously experienced significant ground disturbance. Please submit the applicable information from item numbers 1, 3, 4, and 7-9 above. In
addition, please provide documentation that confirms the significant ground disturbance claim, i.e. photographs, past land use, and/or inspection by a qualified archaeologist.

Mail one printed color copy of all documentation accompanied with a CD version.

Please, do NOT send FCC Form 620 (FCC submittal form and attachments packet), or any sections of the FCC form in place of the cultural resource survey report or any state Section 106 survey memo/short reporting form.

Use only the following contact and address information:

Sheila Bird, THPO
Cherokee Nation Historic Preservation Office
P.O. Box 948
Tahlequah, OK  74464
sheila-bird@cherokee.org
Phone: 918-453-5389

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.

10. THPO Teanna Limpy - Northern Cheyenne Tribe - (PO Box: 128) Lame Deer, MT - virginia.m.w.oboyle@gmail.com; teanna.limpy@cheyennenation.com - 406-477-4839
The Northern Cheyenne Tribe has an interest in this site.

The Northern Cheyenne Tribe requirement for consultation is digitally through our website. Our website is http://cp.mcafee.com/d/1jWVIedElFTojvud79KVjd5BddxBxY5CyOCepud7a9j1d5BddxBxM5CyOC-yqenD2ozKAmV7X45j-cJm7bCV_6eSH3BPrGfA6hPz_nVcett5eX_nKnjjovVZZCUV7BEShhlKejVkffGhBrwrqrdl6XC-UyNsQlndTdw0xWQuNFbMxYdDalendPGO-caPAWmB1SEatJrjydj9jD2ncsr1wo18q93hEw30Kg80M2MA80M0Ag18q60oqa1wQkCy01gK5ygnd402zgb6zh0c3gc19Ew2Mb30m30M0d1NEw18o0kq1pElw4wM31w4wi9yg93gM33h030M2gQn3h8g18q60oq80Q62U01o580Ad30cd41sQg3gCq80Qed406cccLLEICQkm3pRNleU5 For organization, documentation, and financial regulation, all projects must be processed through our website. We do not accept paper or emailed submissions.

Our tribe requires the Cultural Resource or Archaeological Survey Reports completed for the project, such as the Class III Cultural Resource Inventory Report if done, or at least a Class I Cultural Inventory if fieldwork was not required. This report should include all known sites within the designated area of potential effect. This includes NOT ONLY the listed and eligible sites, we want the unevaluated and recommended not eligible sites included as well.

This report should include the previously located cultural resource designation, distance from the project, and National Register eligibility determination, if a determination has been made. No determination is fine if the site has not been evaluated, but we still want to see the information on these sites. Please include the resource type, such as historic irrigation, homestead, lithic scatter, burial mound, etc.

Each report should include maps that show the location of the proposed project and topographic features of the proposed project area. Each map should show the standard Area of Potential Effects as determined by the height of the tower and the FCC’s Nationwide Programmatic Agreement.

When SHPO site files are referenced, please include the SHPO’s file number, site name, and a brief narrative summary as to the type of site. The summary should be sufficient to enable the reader to understand why the site was documented. We would also like to know how far the site is from the project. Each report should include photographs of the tower and the surrounding landscape.

The Tribe does not consider predictive modeling to be adequate in the identification of cultural resources. Literature review, aerial photographs, and statistical probability are not a replacement for boots on the ground.

The Northern Cheyenne Nation has a long and rich history in the area including oral histories going back millennia. Under 36 CFR 800.4 we have the right to evaluate federal undertakings with the potential to effect cultural resources. Our unique knowledge of sites and their potential significance under the National and Tribal Register make it essential for us to evaluate all sites within the area of potential effect.

Also, please include a summary of all newly recorded cultural resources identified for the current undertaking.

If a full Class III survey report was not required, please state the reason why one is not attached, such as no new ground disturbance. Otherwise the processing of the project will be held up while we try to locate a report on the project. Even if fieldwork was not required, could you please send us a Class I file search of all know sites in the surrounding area.

The Tribe charges a review fee in the amount of $400 for processing each request, including collocations - since we were not at the table to begin with on these collocation projects, we want to make sure we have the opportunity to look at these now and get that history known.

This paragraph only applies to Positive Train Control Projects. The Tribe charges $400 plus $250 for each additional tower listed under one TCNS for the current PTC batching method.
Payments can be made by check or money order, made payable to the Northern Cheyenne Tribal Historic Preservation Office, and mailed to PO Box 128, Lame Deer, Montana 59043. Please include the TCNS in the memo line of your check.

If you have any questions or need more information please call the Tribal Historic Preservation Office at 406-477-4838.

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.

11. SHPO Cathie Matthews - Department of Arkansas Heritage - 323 Center Street Suite 1500 Little Rock, AR - cathiem@arkansasheritage.org - 501-324-9150

12. Deputy SHPO Ken Grunewald - Department of Arkansas Heritage - 323 Center Street Suite 1500 Little Rock, AR - keng@arkansasheritage.org - 501-324-9357

13. SHPO Bob L Blackburn - Oklahoma Historical Society - Oklahoma History Center 2401 North Laird Avenue Oklahoma City, OK - 405-521-6249

14. Historian Sarah K Forbes - Texas Historical Commission - (PO Box: 12276) Austin, TX - TexFcc@thc.state.tx.us - 512-936-7403

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

Please be advised that the FCC cannot guarantee that the contact(s) listed above opened and reviewed an electronic or regular mail notification. If you learn any of the above contact information is no longer valid, please contact the FCC. The following information relating to the proposed tower was forwarded to the person(s) listed above:
Notification Received: 12/11/2015
Notification ID: 134320
Tower Owner Individual or Entity Name: Western Towers
Consultant Name: Terracon Consultants
Street Address: 320 West 26th Street
City: San Angelo
State: TEXAS
Zip Code: 76903
Phone: 325-656-3639
Email: jaaguilar@terracon.com

Structure Type: GTOWER - Guyed Structure Used for Communication Purposes
Latitude: 31 deg 16 min 40.7 sec N
Longitude: 100 deg 51 min 43.4 sec W
Location Description: Approx 3 miles NW of Mertzon, TX
City: Mertzon
State: TEXAS
County: IRION
Detailed Description of Project: Proposed construction of a 520 foot communications tower
Ground Elevation: 792.5 meters
Support Structure: 158.5 meters above ground level
Overall Structure: 158.5 meters above ground level
Overall Height AMSL: 951.0 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:


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
<table>
<thead>
<tr>
<th>Tribe</th>
<th>Request from Tribes</th>
<th>Follow Up(s)</th>
<th>Final Reply</th>
<th>FCC Referral</th>
<th>Standing Agreements and Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comanche Nation</td>
<td>Requests Form 620 and review fee</td>
<td>Mailed requested information on 2-26-16 and sent payment.</td>
<td>8-Mar-16</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Kiowa Indian Tribe of Oklahoma</td>
<td>Requests site information, any relative surveys and review fee</td>
<td>Mailed requested information on 2-26-16 and sent payment.</td>
<td>1-Mar-16</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Wichita and Affiliated Tribes</td>
<td>Requests Form 620, SHPO Concurrence and review fee</td>
<td>E-mailed requested information on 2-26-16 and sent payment. E-mailed SHPO Concurrence on 3-14-16</td>
<td>22-Mar-16</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Tonkawa Tribe</td>
<td>N/A</td>
<td>N/A</td>
<td>4-Jan-16</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Apache Tribe of Oklahoma</td>
<td>Requests Form 620 and review fee</td>
<td>E-mailed requested information on 2-26-16 and sent payment.</td>
<td>31-Mar-16</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Eastern Shoshone Tribe</td>
<td>Requests Form 620 and review fee</td>
<td>Uploaded requested information on 2-26-16 to dropbox and sent payment.</td>
<td>9-Jun-16</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Kialegee Tribal Town</td>
<td>Requests Form 620 and review fee</td>
<td>E-mailed requested information on 2-26-16 and sent payment.</td>
<td>16-Dec-15</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Cherokee Nation</td>
<td>Requests site specific information, any relative surveys and review fee</td>
<td>Mailed requested information on 2-26-16 and sent payment.</td>
<td>8-Mar-16</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Mescalero Apache Tribe</td>
<td>Requests Form 620 and review fee</td>
<td>E-mailed requested information on 2-26-16 and sent payment.</td>
<td>3-Mar-16</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Northern Cheyenne Tribe</td>
<td>Requests survey report information and review fee</td>
<td>Uploaded requested information on 2-26-16 to dropbox and sent payment.</td>
<td>25-May-16</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Site Name: Metzor Lindley  
TCNS #: 134320  
TCNS Notification Date to Tribes: 12-18-2015  

General Comment and/or Stop Work Procedure: If the Applicant discovers archaeological remains or resources during construction, the Applicant should immediately stop construction and notify the appropriate Federal Agency and the Tribes.
We have received the information for TCNS # 134320 on March 01, 2016.

The Apache Tribe of Oklahoma has reviewed all available information regarding TCNS # 134320 and concurs that construction of this proposed project will not adversely affect any sacred sites, traditional cultural properties or any other historic property of interest to the Apache Tribe of Oklahoma.

However, in the event of any inadvertent discovery of any American Indian remains, funerary objects, or objects of cultural patrimony, please contact the Apache Tribe of Oklahoma immediately.

Thank you for the opportunity to review this project and provide comments.

Darrin Cisco
Apache Tribe of Oklahoma
P.O. Box 1330
Anadarko, OK 73005
Phone: (405) 247-7494
Fax: (405) 247-9872

On Monday, February 29, 2016 1:05 PM, "Aguilar, Julio A" <Julio.Aguilar@terracon.com> wrote:

Darrin,
Attached is Form 620 for your review and a copy of the check for fees.

Thank you,

Julio A. Aguilar
Senior Staff Environmental Scientist | Environmental Services
Terracon
6911 Blanco Road | San Antonio, TX 78216
P [210] 852 2477 | F [210] 641 2124
jaaguilar@terracon.com | terracon.com

Terracon provides environmental, facilities, geotechnical, and materials consulting engineering services delivered with responsiveness, resourcefulness, and reliability.

Private and confidential as detailed here (www.terracon.com/disclaimer). If you cannot access hyperlink, please e-mail sender.
Dear Terracon Consultants,

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

The following message has been sent to you from THPO Sheila M Bird of the Cherokee Nation in reference to Notification ID #134320:

In accordance with 36 CFR 800.4, the Cherokee Nation has reviewed TCNS No. 134320 and has determined:  No Historic Properties in Area of Potential Effect, for both visual and direct effect.

Furthermore, due to the historic presence of our people in the project area, inadvertent discoveries of human remains and related NAGPRA items may occur, even in areas of existing or prior development. Should this occur, we request all work cease and the Cherokee Nation THPO be notified immediately at (918) 453-5389. In such discovery, other appropriate agencies will need to be contacted immediately as well.

Should you have any further questions, please do not hesitate to call.

Wado,
Sheila Bird, THPO

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

Notification Received: 12/11/2015
Notification ID: 134320
Tower Owner Individual or Entity Name: Western Towers
Consultant Name: Terracon Consultants
Street Address: 320 West 26th Street
City: San Angelo
State: TEXAS
Zip Code: 76903
Phone: 325-656-3639
Email: jaaguilar@terracon.com
March 8, 2016

Re: TCNS #134320 (Site: Mertzton Lindley Tower/90157490)

Dear Mr. Aguilar:

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. (Please note the new address change below).

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 Bandera
Kelly Bandera, THPO Assistant
Tribal Historic Preservation Office
Comanche Nation
Structure Type: GTOWER - Guyed Structure Used for Communication Purposes
Latitude: 31 deg 16 min 40.7 sec N
Longitude: 100 deg 51 min 43.4 sec W
Location Description: Approx 3 miles NW of Mertzon, TX
City: Mertzon
State: TEXAS
County: IRION

Detailed Description of Project: Proposed construction of a 520 foot communications tower
Ground Elevation: 792.5 meters
Support Structure: 158.5 meters above ground level
Overall Structure: 158.5 meters above ground level
Overall Height AMSL: 951.0 meters above mean sea level
To: Terracon  
Date: Jun 9, 2016  
Project: Mertzon Lindley Tower Site  
TCNS Number: 134320  

| FINDING OF NO CULTURAL PROPERTIES | - The potential for cultural resources to be present within or near your proposed project is low and should not result in an adverse effect. However, if cultural materials are discovered during construction please notify the Eastern Shoshone Tribal Historic Preservation Office. |

After reviewing the materials you provided on the above referenced project, the Eastern Shoshone Tribal Historic Preservation Department finds that there may be a low potential for historic/cultural materials to be present during the proposed undertaking.

The Eastern Shoshone Tribe has a long and storied history throughout a very large swath of the present day United States that we consider our aboriginal home lands. No further cultural resource work is necessary for this project as long as the areas outlined are adhered to. If additional work is necessary outside the areas designated, please notify our department to make the necessary arrangements.

If potential cultural resources are located during construction, please notify our office immediately. Thank you for consulting with the Eastern Shoshone Tribal Historic Preservation Office. If you have any questions or concerns, please feel free to contact me at (307) 335-2081 or (307) 349-6406 or email me at wferris.eshoshone@gmail.com Thank you.

Wilfred Ferris, III  
Tribal Historic Preservation Officer
Date of Invoice: 12/16/15

This Opinion is being provided by Kialegee Tribal Town's Cultural Advisor, pursuant to authority vested by the Kialegee Tribal Town Business Committee. The Kialegee Tribal Town is an independently Federally-Recognized Indian Nation headquartered in Wetumka, OK. The Tribal Town originated in southeastern United States, originated in Tennessee, North Carolina, South Carolina, and Georgia, Alabama and parts of Florida. Upon their removal in the mid-1800’s, Kialegee people came to Oklahoma Via land and river routes through the states of Alabama, Missouri, Mississippi, Louisiana, Tennessee, Arkansas, North Carolina, South Carolina, Texas and into Oklahoma. I have researched historical, cultural, and sacred sites and have determined that your construction project should not have an adverse impact on our known historical or cultural sites. The Kialegee Tribal Town has no objection to the proposed construction of: Communication Tower (FCC-TCNS #134320)

1 GTower, Description: Approx 3 miles NW of Mertzon, TX, County of Irion, Texas, City of Mertzon

The Conditional Release is being provided with the understanding that not all of the Kialegee Tribal Town's ancestral homeland and culturally-significant sites are presently known. If an inadvertent discovery of American Indian archaeological materials should occur during construction, you are hereby requested to please notify the Kialegee Tribal Town immediately so that a more thorough site evaluation may be conducted. Also, if, at any time, our data, files, and/or maps of any site, require that an in-person site review be conducted, and Tribal Representatives are required to travel to the site, airfare, area mileage, per diem, and lodging expenses must be paid by the Communication Tower Contractor.

Invoice

By performing this preliminary cultural site assessment, Kialegee Tribal Town is providing a professional service, and therefore, must be compensated. As the contractor, you are cognizant of various expenses that are typically incurred in order to provide this type of professional service and opinion. Our review fee of $1000.00 per Tower per site and $600.00 for co-located construction will be sufficient to cover our time and expenses. Thank you for your cooperation. Should you have any questions about this opinion, release or invoice, please contact David Cook at Kialegee Tribal Town (405)452-3262, or by e-mail david.cook@kialegeetribe.net. Payments should be made by check and be addressed and sent to the following mailing address within 30-days of the date of this invoice:

Kialegee Tribal Town
Cultural Preservation Program
P.O. Box 332
Wetumka, OK 74883
March 1, 2016

Julio A. Aguilar
Senior Staff Environmentalist
Terracon Consultants, Inc.
6911 Blanco Road
San Antonio, TX 78216

RE: TCNS #134320; Section 106 Consultation and Review for proposed construction located ~3 miles northwest of Mertzon, Irion County, Texas

Dear Julio,

The Kiowa Tribe Office of Historic Preservation has received the information, fee, and materials requested for our Section 106 Review and Consultation. Section 106 of the National Historic Preservation Act of 1966 (NHPA), and 36 CFR Part 800 requires consultation with the Kiowa Tribe.

Given the information provided, you are hereby notified that the proposal project location should have no potential to adversely affect any known Archaeological, Historical, or Sacred Kiowa sites. Therefore, in accordance with 36 CFR 800.4(d) (1), you may proceed with your proposed project. However, please be advised undiscovered properties may be encountered and must be immediately reported to the Kiowa Tribe Office of Historic Preservation under both the NHPA and NAGPRA regulations.

This information is provided to assist you in complying with 36 CFR Part 800 for Section 106 Consultation procedures. Please retain this correspondence to show compliance. Should you have any questions, please do not hesitate to contact me at kellie@tribaladminservices.org. Thank you for your time and consideration.

Sincerely,

Kellie J. Poolaw
Acting Tribal Historic Preservation Officer (THPO)
Dear Terracon Consultants,

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 #134320:

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: 12/11/2015  
Notification ID: 134320  
Tower Owner Individual or Entity Name: Western Towers  
Consultant Name: Terracon Consultants  
Street Address: 320 West 26th Street  
City: San Angelo  
State: TEXAS  
Zip Code: 76903  
Phone: 325-656-3639  
Email: jaaguilar@terracon.com  

Structure Type: GTOWER - Guyed Structure Used for Communication Purposes  
Latitude: 31 deg 16 min 40.7 sec N  
Longitude: 100 deg 51 min 43.4 sec W  
Location Description: Approx 3 miles NW of Mertzon, TX  
City: Mertzon  
State: TEXAS  
County: IRION
To: Julio A. Aguilar, Terracon Environmental Consultant

Date: May 25, 2016

TCNS: 134320

Project:

Mertzon Lindley Tower Site
520-foot Guyed Telecommunications Tower
3 Miles Northwest of Mertzon, Texas
Mertzon, Irion County, Texas
Terracon Project No. 90157490

FINDING OF NO PROPERTIES - No cultural resources should be adversely affected by your proposed undertaking. If cultural materials are discovered during construction please halt activity and notify the Tribal Historic Preservation Office.

Under the authority of Section 106 of the National Historic Preservation Act of 1966 and in accordance with 36CFR800.2A4, after reviewing the materials sent, the Northern Cheyenne Tribal Historic Preservation Office finds that no properties will be affected by the proposed undertaking based on the information given by your department.

If resources are located during construction please halt activity and notify our office.

Thank you for consulting with the Northern Cheyenne Tribal Historic Preservation Office. If you have any questions please feel free to contact me at teanna.limpy@cheyennenation.com or 406-477-4839.

Teanna Limpy

Tribal Historic Preservation Officer
Detailed Description of Project: Proposed construction of a 520 foot communications tower
Ground Elevation: 792.5 meters
Support Structure: 158.5 meters above ground level
Overall Structure: 158.5 meters above ground level
Overall Height AMSL: 951.0 meters above mean sea level
Dear Terracon Consultants,

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 #134320:

The following site(s) have been reviewed and to date (Monday, January 04, 2016) with current resources, the Tonkawa Tribe has no known burial sites of 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
Cl 580 491 1209
jwaffle@tonkawatribe.com

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

Notification Received: 12/11/2015
Notification ID: 134320
Tower Owner Individual or Entity Name: Western Towers
Consultant Name: Terracon Consultants
Street Address: 320 West 26th Street
City: San Angelo
State: TEXAS
Zip Code: 76903
Phone: 325-656-3639
Email: jaaguilar@terracon.com

Structure Type: GTOWER - Guyed Structure Used for Communication Purposes
Latitude: 31 deg 16 min 40.7 sec N
Longitude: 100 deg 51 min 43.4 sec W
Location Description: Approx 3 miles NW of Mertzon, TX
City: Mertzon
State: TEXAS
County: IRION

Detailed Description of Project: Proposed construction of a 520 foot communications tower
Ground Elevation: 792.5 meters
Support Structure: 158.5 meters above ground level
Overall Structure: 158.5 meters above ground level
Overall Height AMSL: 951.0 meters above mean sea level
22 March 2016 - Tuesday

Julio A Aguilar, Jr. - Environmental Scientist
Terracon Consultants, Inc.
6911 Blanco Road - Suite
San Antonio, Texas 78216

Dear Mr. Aguilar:

We received your payment of $750.00 with check number 0199961 for the Mertzon Lindley Tower Site assigned to TCNS # 134320 proposes to construct a 520’ guyed telecommunication tower located approximately 3 miles Northwest of Mertzon in Irion County, Texas representing Western Towers. I have enclosed receipt number 746882 for your accounts receivable records.

At this time, we know of no known sacred and/or ceremonial sites in this immediate area. Although, if any cultural resources, such as bone, pottery, flakes or stone tools, etc. are found during construction please contact us immediately.

If you have any questions pertaining to this matter, please feel free to contact me at the number listed or via email at mary.botone@wichitatribe.com. Thank you for your time and attention.

Sincerely,

Mary M Botone
Cell Tower Administrator
Tribal Consultation Certification Letter
Prepared for: Western Towers
Project Description: 520-foot guyed telecommunications tower
Site Name: Mertzon Lindley Tower Site
Site Address: Approximately 3 miles NW of Mertzon, Texas
Mertzon, Irion County, Texas
TCNS No. 134320
Terracon Project No. 90157490

Dear Western Towers:

All tribes that were consulted on this project have replied with no objection to the proposed undertaking or were unresponsive and have been referred to the FCC for final contact and the appropriate waiting period has expired Western Towers can proceed with the site, in compliance with Section 106 of the NHPA and the FCC’s NPA. If any tribe replies in the future with an interest in the project, you will be notified immediately by Terracon Consultants.

Sincerely,

[Signature]
Julio A. Aguilar
Environmental Scientist
APPENDIX D
CRAIG S. PRUETT
PRINCIPAL – TELECOMMUNICATIONS SECTOR LEAD

PROFESSIONAL EXPERIENCE
Mr. Pruett has 31 years of professional environmental consulting experience and is a Principal and the Corporate Telecommunications Sector Lead working out of the Denver, Colorado office. As the Telecommunications Sector Lead, Mr. Pruett’s provides QA/QC and problem solving support for National Environmental Policy Act (NEPA) telecommunications work throughout Terracon’s nation-wide footprint and is directly responsible for all aspects of Terracon’s NEPA service line for telecommunications clients. Mr. Pruett has additional management responsibility for telecommunications geotechnical engineering and other environmental services lines. Mr. Pruett’s career experience also includes environmental management systems consulting, litigation expert testimony support, compliance program development and implementation, property transaction and environmental due diligence consulting, brownfields redevelopment, hazardous and mixed waste management, site remediation, facility decontamination, toxic materials release reporting, emergency spill cleanup, and health and safety oversight.

MANAGEMENT AND PROJECT EXPERIENCE

Wireless Telecommunications Sector Lead
National Telecommunications Sector Lead responsible for directly supervising completion of more than 10,000 Phase I ESAs, NEPA and geotechnical engineering telecommunication cell site projects located across the country. Annual revenue in the telecommunications sector averages approximately $10M. Approximately 100 offices and 400 employees directly participate in telecommunications work each year. Mr. Pruett has direct responsibility to support the Terracon telecommunications NEPA quality team, providing Terracon resources, processes, systems, procedures, training, tools and outputs to meet client expectations. Clients included Verizon, AT&T, T-Mobile, Sprint, Cricket, American Tower, Crown Castle, General Dynamics Wireless, Insite Towers, Municipal Communications, LLC, Goodman Networks, and Black and Veatch.

Denver Environmental Department Manager
As the Environmental Department Manager for Terracon’s Denver office, Mr. Pruett was responsible for overall administration and operations, including business development, proposal preparation, and technical report preparation and review for environmental project in the local market. Mr. Pruett supervised a staff of approximately 14 with annual revenues of approximately $4M.

Education
Master of Environmental Policy and Management, University of Denver
Bachelor of Science, Chemistry, Illinois State University

Certifications
- ISO 14000 Lead Auditor Training Course, Completion Cert No. E1260
- RF Safety Certification
- 40-Hour OSHA Hazardous Worker
- 8-Hour OSHA Supervisor Training
- 40-Hour OSHA Instructor
- Radiological Survey and Documentation Training

Work History
Terracon Consultants, Inc.,
Telecom Sector Lead, 2005-Present; Environmental Department Manager, 2010-2012; National Account Manager, 2003-2005; Phase I ESA Group Manager, 1999-2004
Maxxim Environmental, Inc.,
Principal Owner/Senior Project Manager, 1995-1999
WASTREN Remediation, Inc.,
Senior Project Manager, 1993-1995
Industrial Compliance/SPEVS,
Corporate Accounts Manager/Senior Program Manager, 1987-1993
Hazen Research, Inc.,

Achievements
- Founding Board Member and President of the Colorado Wireless Association, 2009-2011
- Speaker
  - President’s Welcome and Opening Remarks, Colorado Wireless Association Inaugural Launch Luncheon, October 22nd, 2009
  - The Changing Face of Tower Regulation (Panelist), AGL Regional Conference (Denver), June 9, 2011

Responsive ■ Resourceful ■ Reliable
DAVID YELACIC
ARCHEOLOGIST, PRINCIPAL INVESTIGATOR

PROFESSIONAL EXPERIENCE
David Yelacic earned a B.A. Anthropology and M.S. Geography, and is in the late stages of earning a Ph.D. Environmental Geography, all from Texas State University. Much of his academic focus has been on the topics of North American archaeology and the application of Earth science methods to archaeological problems, geoarchaeology, and he has worked on several academic projects in Texas and Guatemala.

Professionally, David has eight years of experience in Cultural Resource Management, which includes working on projects throughout Texas. As a staff Project Archaeologist at Texas State University’s Center for Archaeological Studies, he supervised projects in central and southwest Texas; he assisted with coordinating and managing Federal, State, and privately regulated and sponsored projects; and, he authored and co-authored more than 20 technical reports as well as a book chapter and a peer-reviewed article. Most recently, David has been employed and deployed as a consulting archaeologist and geoarchaeologist for the Center for Archaeological Studies and private-sector firms in Texas.

PROJECT EXPERIENCE
Research Experience: Fieldwork and Analyses

IDEA Public Schools – San Antonio, Texas
Project manager, performed desktop cultural resources survey and field-based intensive pedestrian survey of 13.59-acre parcel and reported results in accordance with Council of Texas Archeologists (CTA) and the Texas Historical Commission (THC) standards of survey and reporting. City Office of Historic Preservation (OHP) Archaeologists regulated the project in advance of State Historic Preservation Office (SHPO) purview.

* Work performed prior to Terracon

Texas State University – San Marcos, Texas*
Served as Project Archaeologist and Geoarchaeologist on projects under a Memorandum of Agreement between the Center for Archaeological Studies, Texas State University and the THC, 2010-2012. Managed field and limited lab operations and contributed to final report for cultural resources survey, testing, and data recovery associated with the Spring Lake Aquatic Ecosystem Restoration Project, a joint project between the University and the US Army Corps of Engineers (USACE). This project was regulated by the THC and USACE.

Texas State University – Round Rock, Texas*
Project manager, executed fieldwork that included intensive pedestrian survey, analysis, and reporting for the Texas State University System in advance of the development of the 101-acre Round Rock Center for Higher Education. The project was regulated by the THC.

Center for Big Bend Studies, Sul Ross State University – Alpine, Texas*
Currently listed as a Research Associate of the Center for Big Bend Studies

Education
Ph.D. in Environmental Geography, Texas State University, In Progress
M.S. in Geography, Texas State University-San Marcos, 2010
B.A. in Anthropology, Texas State University-San Marcos, 2005

Affiliations
San Marcos Watershed Initiative
Core Board, Member 2014-Present

Texas Archeological Society
Academy Committee, Chairman 2010-Present

Society for American Archaeologists (SAA)
Association for American Geographers (AAG)
Council of Texas Archeologists (CTA)

Work History
Terracon Consultants, Inc., Principal Investigator
Archaeologist, May 27, 2014 – Present

Center for Archaeological Studies, Texas State University, Project Archaeologist and Geoarchaeologist, July 2009-June 2014
(CBBS), which aids in managing cultural resources on public and private lands in the Big Bend region of Texas.

**AmaTerra Environmental, Inc. – San Marcos, Texas**
Project manager, performed geoarchaeological core analysis and interpretation of alluvial deposits as a consultant for AmaTerra Environmental, Inc. on the San Marcos River Aquatic Ecosystem Restoration project, a joint project between the City of San Marcos and the USACE.
RUDY BAZAN  
SENIOR PROJECT ENVIRONMENTAL SCIENTIST

PROFESSIONAL EXPERIENCE
Mr. Bazan is a senior project environmental scientist located in Terracon’s San Antonio, Texas office. Rudy has 7 years of experience in environmental studies. His current responsibilities include: assessment of environmental impacts associated with vegetation; hazardous materials; water resources; soils; geology; threatened and endangered species; development of environmental impact statements, environmental assessments, and categorical exclusions; and public meetings.

REPRESENTATIVE PROJECT EXPERIENCE

Project Manager for the Bexar County Flood Control Program, Bexar County, Texas
Management of the environmental components of the capital improvement projects for the Bexar County Flood Control Program. Responsibilities include preparation of scopes and contracts, managing environmental consultants, performing technical reviews of Section 404 permits, jurisdictional determinations, Phase I ESAs, and endangered species habitat assessments.

Environmental Constraints Analysis: Government Canyon State Natural Area, Bexar County, Texas
Conducted environmental constraints analysis for potential regional stormwater management facility, analysis included: Golden-cheeked Warbler presence/absence surveys, karst surveys, jurisdictional waters determination, and Phase I ESA.

Threatened and Endangered Species Habitat Assessment, Bexar County, Texas
Performed threatened and endangered species habitat assessment for the Bexar County Flood Control Program on Roland Road in south Bexar County, Texas to meet FEMA requirements for CLOMR

Threatened and Endangered Species Habitat Assessment, Bexar County, Texas
Performed threatened and endangered species habitat assessment for the Bexar County Flood Control Program on Calaveras Dam No. 8 in southeast Bexar County, Texas to meet FEMA requirements for CLOMR

Threatened and Endangered Species Habitat Assessment, Bexar County, Texas
Performed threatened and endangered species habitat assessment for the Bexar County Flood Control Program on Ingram Road in northwest Bexar County, Texas to meet FEMA requirements for CLOMR.

Threatened and Endangered Species Habitat Assessment, Bexar County, Texas
Performed threatened and endangered species habitat assessment for the Bexar County Flood Control Program on Evans Road in northeast Bexar County, Texas to meet FEMA requirements for CLOMR.

Education
BS, Environmental Science, 2005, University of Houston-Clearlake
BA, Communications, 2002, Texas State University

Affiliations
Air and Waste Management Association, Alamo Chapter (Vice-Chair)

Certifications
Federal Fish and Wildlife Permit, U.S. Fish and Wildlife Service, Presence/Absence Surveys Golden-cheeked Warbler, Permit No. TE26066A-0
Basic Wetland Delineation Certification, Wetland Training Institute, Houston, Texas

Work History
Terracon Consultants, Inc.
Senior Project Environmental Scientist 2013-Present
AECOM Technical Services, Inc.
Environmental Scientist 2009-2013
SWCA, Inc.
Environmental Scientist 2008-2009
AECOM Technical Services, Inc.
Environmental Scientist 2005-2008
JUÍLO A. AGUILAR
ENVIRONMENTAL SCIENTIST

PROFESSIONAL EXPERIENCE
Mr. Julio Aguilar is an environmental scientist in the Terracon San Antonio, Texas office. Julio currently performs Environmental Site Assessments and National Policy Act Review (NEPA) analysis report preparation which includes FCC Tower Construction Notification Information, federal and state threatened and endangered species in Texas, and State Historic Preservation Office (SHPO) contact for telecommunications towers and federal undertakings.

PROJECT EXPERIENCE

National Policy Act Review (NEPA) – Various Sites
Project manager for NEPA reviews. Duties included: historical and cultural resource review, habitat and endangered species evaluation, wetlands review and FEMA firmette analysis.

Proposed Telecommunications Tower Packets – Various Sites
Project manager of on-site evaluation and in-house research of data and report preparation for multiple telecommunication tower sites located throughout the state of Texas. Duties include: tribal notification, FCC notification, habitat evaluation, endangered species review and State Historic Preservation Office (SHPO) correspondence.

Sims Bayou Water Treatment Facility Tower – City of Houston, Texas
Project manager, NEPA review and reports for a communications tower located within a water treatment facility. The review included SHPO submittal, tribal consultation, threatened and endangered species, wetlands review and floodplain evaluation.

Reliant Brazos Valley Transmission Line Tower Collocation – Rosenberg, Texas
Project manager, NEPA collocation review and reports for a communications antenna to be located on an existing transmission line. The review included tribal consultation, threatened and endangered species, wetlands review and floodplain evaluation.

Brownsville COB Tower – Brownsville, Texas
Project manager, NEPA review and reports for a 500-foot security/communications tower. The review included SHPO submittal, tribal consultation, threatened and endangered species, wetlands review and floodplain evaluation.

Starcrest Tower – San Antonio, Texas
Project manager, NEPA review and reports for a communications tower located within Bexar County. The review included SHPO submittal, tribal consultation, threatened and endangered species, wetlands review and floodplain evaluation.

Education
Bachelor of Science in Biology, Texas Tech University Degree 1996

Certifications
40 Hour Hazardous Waste Operations and Emergency Response Course June 2006

40 USCOE Hour Wetland Delineation Certification Course July 2007

Initial Asbestos Inspector Course, April 2007

Affiliations
AWMA – Air Waste Management Association

TWA – Texas Wireless association

Work History
Terracon Consultants, Inc., 2006-Present
Phase I Environmental Site Assessment Group Manager
Managed the Denver office Phase I ESA activities for four years. Performed five to ten Phase I ESAs per week with a team of six to eight employees. Clients represented a variety of industry groups including mining; oil, gas, and petroleum products; metals manufacturing; metal plating; education; restaurants and food processing; commercial office operations; residential, commercial and retail development; electronics manufacturing; agricultural; recreation facilities and golf courses; automotive repair; painting and printing operations; telecommunications; and electronics. Responsibilities included business development, resource allocation, quality assurance and key account management.

TELECOMMUNICATIONS PROJECT EXPERIENCE

Verizon
Mr. Pruett is directly responsible for QA/QC and senior management support for Terracon’s ongoing NEPA services to Verizon. Areas of responsibility include NEPA compliance, Phase I Environmental Site Assessments, project management, and client relationship support. Mr. Pruett reviews and has final sign-off authority on all Verizon final NEPA reports. He interacts with, and supports the Terracon quality team, providing corporate resources, processes, systems, procedures, training, tools and outputs to meet client expectations. Mr. Pruett is available to Verizon management as a resource to address any quality related issue including site-specific concerns, changes in NEPA procedures and/or policies, training support, and/or other project parameters.

AT&T
As part of the AT&T Wireless acquisition by Cingular Wireless, Mr. Pruett directly supervised completion of 350 Preliminary NEPA reviews of cell tower assets. In total, Terracon performed approximately 1300 Preliminary NEPA reviews in seven weeks. Based on the information developed in the Preliminary NEPA reviews, additional NEPA evaluations on selected sites were performed.

As part of AT&T’s acquisition agreement with Verizon Wireless, which included select Verizon Wireless, Unicel, and Alltel properties in primarily rural areas in Alabama, Arizona, California, Colorado, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Tennessee, Utah, Virginia, and Wyoming, Mr. Pruett supervised the completion of approximately 400 NEPA Reviews.

Mr. Pruett performs ongoing Phase I ESA and NEPA work on the AT&T Turfing contract in the Rocky Mountain Region and coordinates work in AT&T’s Pacific Northwest region, Northern California region and New Mexico region.

Cricket Communications
As a Senior Regional Project Manager, Mr. Pruett directly supervised completion of 750 Phase I ESA, NEPA, and geotechnical engineering telecommunication cell site projects in California and the Front Range areas of Colorado. In addition, Mr. Pruett coordinated with other Terracon offices to provide quality assurance and timely deliverables on cell sites in 15 additional Cricket markets. Work for Cricket is ongoing.

T-Mobile and Sprint
As a National Account Manager, Mr. Pruett has managed the completion of approximately 100 cell site projects for T-Mobile in the Colorado region since January 1, 2003. Work with T-Mobile in the Rocky Mountain area is ongoing. Mr. Pruett is currently managing Phase I ESA and NEPA work for Sprint A&E contractors working on the Network Vision project. Terracon is expecting work on this project in five to seven Sprint Network Vision project markets.

OTHER EXPERIENCE AND COMMUNITY SERVICE
Mr. Pruett is the founding president of the Colorado Wireless Association (COWA) which promotes the interests of the wireless communications industry through various educational and community service activities. Mr. Pruett continues to participate in COWA activities.