ENVIRONMENTAL ASSESSMENT

for the

WIRELESS ASSET GROUP, LLC TOWER PROJECT
ROCHEPORT DT TOWER SITE NO. MO-073

600 Fourth Street
Rocheport, Boone County, Missouri 65279

Prepared for:
Wireless Asset Group LLC
5055 Highway N, Suite 200
St. Charles, Missouri 63304
636.922.3400

Prepared by:
K&K Environmental LLC
23184 151st Street
Leavenworth, Kansas 66048
913.724.5800

Report Date:
1 March 2016

K&K Project No. 004314
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INTRODUCTION

K&K Environmental LLC (K&K) was selected by Wireless Asset Group, LLC to conduct an environmental assessment (EA) for the proposed facility identified as the Wireless Asset Group, LLC Rocheport DT MO-073 raw land-new build tower site on 14 April 2013. The tower site address is currently noted as 600 Fourth Street, Rocheport, MO 65279. The tower site appears to be more particularly located in the SW¼ Section 1, Township 48 North, Range 15 West, as shown on the Rocheport, MO USGS 7.5-minute series quadrangle map; Latitude (North): 38-58-53.111; Longitude (West): 92-33-43.679. The proposed lease property is a 60' by 60' tract, accessed via to-be-constructed driveway extending north from entry on Fourth Street. The FCC undertaking, as proposed, anticipates the construction of a ±180'-height monopole tower with associated equipment placed at tower base within a secured compound on the lease tract. The project site is a deforested, previously disturbed residential lot. Because the proposed facility site is situated within the National Register of Historic Places (NRHP)-listed Rocheport Historic District (see attached documentation), an EA is mandated.

According to the Federal Communications Commission (FCC) Procedures Implementing the National Environmental Policy Act (NEPA) found at 47 CFR § 1.1307(a)(4), an EA must be prepared when proposed facilities “may affect districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or are eligible for listing, in the National Register of Historic Places.” This document seeks to provide the information required, as mandated by 47 CFR § 1.1311, consisting of “a description of the site as well as the surrounding area and uses ... a statement as to the zoning classification of the site ... a statement as to whether construction of the facilities has been a source of controversy ... a discussion of environmental and other considerations which led to the selection of the particular site ... with sufficient detail to explain the environmental consequences....” In the case of historically significant sites, the EA “shall specify the effect of the facilities on any district, site, building, structure or object listed, or eligible for listing in the National Register of Historic Places.” Further, the EA shall also be accompanied with evidence of site approval which has been obtained from local or federal land use authorities. 47 CFR § 1.1311(d), however, provides that “... to the extent that such information is submitted in another part of the application, it need not be duplicated in the EA, but adequate cross-reference to such information shall be supplied.”

SITE DESCRIPTION

The proposed Wireless Asset Group, LLC Rocheport DT MO-073 raw land tower site, address currently noted as 600 Fourth Street, Rocheport, MO 65279, appears to be more particularly located in the SW¼ Section 1, Township 48 North, Range 15 West, as shown on the Rocheport, MO USGS 7.5-minute series quadrangle map; Latitude (North): 38-58-53.111; Longitude (West): 92-33-43.679. The proposed lease property is a 60' by 60' tract, accessed via to-be-constructed driveway extending north from entry on Fourth Street. The FCC undertaking, as proposed, anticipates the construction of a ±180'-height monopole tower with associated equipment placed at tower base within a secured compound on the lease tract. The project site is a deforested, previously disturbed residential lot located on a moderately dissected upland overlooking the Moniteau Creek.

As to direct effects, the records and literature review disclosed no evidence of previously reported significant cultural resources likely to be affected by the construction of the proposed project. There are no archaeological sites recorded on/adjacent to the proposed undertaking and none within an actionable radius of the tower site. As to indirect effects, the proposed tower site is included within the NRHP-listed Rocheport...
Historic District. Upon review of the NHPA Section 106 Cultural Resources Summary Report investigating both the archeological potential of the project site and indirect effects on historic properties within a one-half mile area of potential effect (APE), as prepared by the federally-qualified cultural resources staff of K&K Environmental LLC, MDNR-SHPO determined the FCC undertaking would result in an adverse effect on the NRHP-listed Rocheport Historic District (letter attached) and, subsequently, requested preparation of a Memorandum of Agreement (MOA) to resolve the adverse effect finding. Per correspondence dated 6 February 2015, MDNR-SHPO approved and signed the MOA document, thereby resolving the issue of indirect adverse effect (document attached).

ZONING STATEMENT

Per John Zondca, Mayor of the City of Rocheport, in November 2013, the city passed Ordinance 2013-04 amending the existing Planning and Zoning Ordinance No. 2006-05, for the purpose of permitting Communications Towers as a Conditional Use in the R-1 zoning district (letter attached). Please reference, as well, FCC File Number A0841344, the legal notice as published and attached to the FCC Form 620 submittal.

SITE SELECTION/PUBLIC CONTROVERSY

Per John Zondca, Mayor of the City of Rocheport, during the Planning and Zoning meeting held on February 19, 2014:

... citizens from the medical profession and a fireman who works in the area, expressed concerns with the lack of wireless phone service in Rocheport and its adverse effect on their ability to communicate with their employers, local hospitals, and other first responders. Having considered the citizen comments generated that evening, it appears a significant majority of Rocheport residents are in favor of the proposed Communications tower. Thus, the Planning and Zoning Board voted in favor of the Communications Tower. On March 10, 2014, the Board of Alderman also discussed the proposed Communications Tower and, following the recommendations of the Planning and Zoning Board and, as well, the desire of a majority of the residents, proceeded to vote in favor of the Communications Tower.

REVIEW OF ENVIRONMENTAL CRITERIA

The compilation of documentation and preparation of a NEPA Checklist to assess the environmental consequences of constructing the communications facility at the subject site was conducted by K&K Environmental LLC, of 23184 151st Street, Leavenworth, Kansas 66048 (Document on file). All agency opinion letters are included in the NEPA Compliance Document prepared by K&K Environmental LLC, dated 11 February 2015. Further, K&K Environmental LLC prepared a Phase I Environmental Site Assessment for the proposed communications facility site, dated 24 April 2013. As disclosed by that document, there is De minimis potential for environmental impacts at the proposed site regarding recognized environmental conditions, as described by the ASTM E-1527 Standard. Further, a summary document was prepared in substantial conformity with the Missouri Department of Natural Resources State Historic Preservation Office (MDNR-SHPO) “Guidelines for Phase I Archaeological Surveys / Reports in Missouri (Phase I Guidelines),” addressing particularly the direct effects resulting from the Federal Communications Commission (FCC) undertaking described above. In addition, per MDNR-SHPO directive, an assessment of indirect visual effects emanating from the proposed communications facility as to historic properties located within the prescribed APE is also included within this summary document, dated 4 June 2013. Upon
review of the summary document prepared by K&K Environmental LLC, as noted above, MDNR-SHPO declared the FCC undertaking would result in an adverse effect on the NRHP-listed Rocheport Historic District (letter attached) and, subsequently, requested preparation of a MOA to resolve the adverse effect finding. Per correspondence dated 6 February 2015, MDNR-SHPO approved and signed the MOA document, thereby resolving the issue of indirect adverse effect.

A careful reading of 47 CFR § 1.1307 (a)(4), however, provides for the preparation of an Environmental Assessment (EA) if the facility may affect structures listed in or eligible for listing in the NRHP - regardless the preparation of signing of an MOA.

SUMMARY AND RECOMMENDATIONS

K&K Environmental LLC has prepared this EA regarding the proposed Wireless Asset Group, LLC Rocheport DT MO-073 raw land-new build tower site, as mandated by 47 CFR § 1.1307(a)(4) for facilities “that may affect districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or are eligible for listing, in the National Register of Historic Places.” Based on the findings contained in the documents referenced herein, the communications facility (as proposed) will not have an unmitigated adverse effect on any district, site, building, structure or object significant in American history, architecture, archaeology, engineering or culture listed in, or eligible for listing the National Register of Historic Places. K&K Environmental LLC recommends no further investigations regarding 47 CFR § 1.1307(a)(4).
REFERENCED SUBMITTED DOCUMENTS

The following references were used to complete this report:

1. Phase I Environmental Site Assessment (ESA) in substantial conformity with the scope and limitations of ASTM Practice E 1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, dated 24 April 2013;

2. A National Historic Preservation Act Section 106 Summary Report, addressing both direct effects and indirect visual effect, dated 14 April 2013;


5. Memorandum of Agreement Among the Federal Communications Commission, the Missouri Department of Natural Resources State Historic Preservation Office, and Wireless Asset Group, LLC Regarding the Proposed Communications Tower to be Located at 600 Fourth Street, Rocheport, Boone County, Missouri 65279.
APPENDIX A

FIGURES
APPENDIX B

NEPA CHECKLIST
**NEPA (ENVIRONMENTAL AFFECTS) CHECKLIST**

**PROJECT INFORMATION**

<table>
<thead>
<tr>
<th>Name of Site:</th>
<th>Wireless Asset Group, LLC Rocheport DT MO-073 raw land tower site</th>
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<tbody>
<tr>
<td>Type of Structure:</td>
<td>±180'-height monopole tower with associated equipment placed at tower base within a secured compound on the lease tract</td>
</tr>
<tr>
<td>Type of Action:</td>
<td>Raw Land-New Build</td>
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<tr>
<td>Description of Action:</td>
<td>Construct monopole tower within a secured compound on 60' by 60' tract, accessed via to-be-constructed driveway</td>
</tr>
<tr>
<td>Location of Action:</td>
<td>600 Fourth Street, Rocheport, MO 65279; Latitude (North): 38-58-53.111/Longitude (West): 92-33-43.679</td>
</tr>
</tbody>
</table>

1. Is the facility located in an officially designated wilderness area? [47 CFR 1.1307(a)(1)]
   - □ Yes  ☑ No  □ N/A If so, describe the area, its location, and source of the information.

2. Is the facility located in an officially designated wildlife preserve? [47 CFR 1.1307(a)(2)]
   - □ Yes  ☑ No  □ N/A If so, describe the preserve, its location, and source of the information.

3. Will the facility: (i) affect listed threatened or endangered species or designated critical habitats; or (ii) jeopardize the continued existence of any proposed endangered or threatened species; or is it likely to result in the destruction or adverse modification of proposed critical habitats, as determined by the Secretary of the Interior pursuant to the Endangered Species Act of 1973. [47 CFR 1.1307(a)(3)]
   - □ Yes  ☑ No  □ N/A If so, describe the species, critical habitat, the location, and source of the information.

4. Will the facility be located in, on, or within the viewshed of a building, site, district, structure or object, significant in American history, architecture, archaeology, engineering or culture, that is listed, or eligible for listing on the State or National Registers of Historic Places? [47 CFR 1.1307(a)(4)]
   - ☑ Yes  □ No  □ N/A If so, describe the historic place, its location, and its distance from the site. [The proposed tower is located within the NRHP-listed Rocheport Historic District; The FCC, MDNR-SHPO, and Wireless Asset Group, LLC have signed a Memorandum of Agreement to address the adverse indirect effect on Rocheport Historic District resulting from tower construction]

5. Will the facility affect an Indian religious site? [47 CFR 1.1307(a)(5)]
   - □ Yes  ☑ No  □ N/A If so, describe the source of the information.

6. Will the facility be located in a “floodplain”? [47 CFR 1.1307(a)(6)]
   - □ Yes  ☑ No  □ N/A If so, describe the floodplain, its location, and source of the information.
7. Will the construction of the facility involve significant change in surface features (e.g. wetland fill, deforestation, or water diversion)? [47 CFR 1.1307 (a)(7)]
   □ Yes  X No  □ N/A  If so, describe the surface feature, its location, and source of the information.

8. Will the facility be equipped with high intensity white light which are to be located in a residential neighborhood, as defined by the local zoning law? [47 CFR 1.1307 (a)(8)]
   □ Yes  X No

9a. Cellular Markets - that provide Broadband CRS within the meaning of 47 CFR Part 22, Subpart H, do either of the following apply (See A & B below): [47 CFR 1.1307(b)]
   □ Yes  X No

   A. for non-building-mounted antennas: height above ground level to lowest point of antenna less than 10 meters; and the total power of all channels is greater than 1,000 watts ERP*; or
   B. for building-mounted antennas: the total power of all channels is greater than 1,000 watts ERP.*

9b. PCS Markets - that provide Broadband PCS within the meaning of 47 CFR Part 24, Subpart E, do either of the following apply (See A & B below): [47 CFR 1.1307 (b)]
   □ Yes  X No

   A. for non-building-mounted antennas: height above ground level to lowest point of antenna less than 10 meters; and the total power of all channels is greater than 2,000 watts ERP*; or
   A. for building-mounted antennas: the total power of all channels is greater than 1,000 watts ERP.*

9c. Microwave - Complies with exposure limits identified in Table 1 of 1.1310
   □ Yes  □ No  X N/A

10. Has there been or do you foresee any public controversy regarding potential adverse environmental impacts concerning this facility?
    □ Yes  X No  If yes, explain:

The undersigned has completed this Checklist as part of an environmental impacts analysis for the possible development of a tract of land and certifies that the answers contained herein are truthful and accurate to the best of the undersigned's knowledge after reasonable investigation.

Market Representative:

<table>
<thead>
<tr>
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<tr>
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<td></td>
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Name (print)

Consultant:

<table>
<thead>
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Name/Company (print)
APPENDIX C

SITE PHOTOGRAPHS
Project: Rocheport DT Raw Land Tower Site No. MO-073
Location: 600 Fourth Street
Rocheport, Boone County, Missouri 65279

Client: Wireless Asset Group, LLC

Photo No: 1
Comments: View N.
View of proposed site access entry extending north from entry on Fourth Street.

Photo No: 2
Comments: View W.
View of properties fronting on Fourth Street, west of site access entry.
## Project: Rocheport DT Raw Land Tower Site No. MO-073
## Location: 600 Fourth Street
Rocheport, Boone County, Missouri 65279

## Client: Wireless Asset Group, LLC

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<th>Comments</th>
<th>View Details</th>
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</thead>
<tbody>
<tr>
<td>3</td>
<td>View E.</td>
<td>View of properties fronting on Fourth Street, east of site access entry.</td>
</tr>
<tr>
<td>4</td>
<td>View SSW.</td>
<td>View of properties fronting on Fourth Street, south of site access entry.</td>
</tr>
</tbody>
</table>
**Project:** Rocheport DT Raw Land Tower Site No. MO-073  
**Location:** 600 Fourth Street  
Rocheport, Boone County, Missouri 65279  

**Client:** Wireless Asset Group, LLC  

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<th>Description</th>
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<td>View S.</td>
<td>View of proposed tower facility/compound site from vantage at/near north perimeter of lease.</td>
</tr>
<tr>
<td>6</td>
<td>View W.</td>
<td>View of proposed tower facility/compound site from vantage at/near east perimeter of lease.</td>
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<tr>
<td>Photo No</td>
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<tr>
<td>7</td>
<td>View N.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>View of proposed tower facility/compound site from vantage at/near south perimeter of lease.</td>
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<td>View E.</td>
</tr>
<tr>
<td></td>
<td>View of proposed tower facility/compound site from vantage at/near west perimeter of lease.</td>
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APPENDIX D

APPROPRIATE LETTERS / DOCUMENTS

2013 June 12  SHPO 1st adverse effect letter
2014 March 19  Building Permit
2014 Apr 7  Rocheport Mayor letter to SHPO (summarizes public involvement)
2014 Apr 24  Wireless Asset Group email to SHPO with attached Alternatives Analysis
2014 Apr 29  SHPO 2nd adverse effect letter
2014 Oct 16  Advisory Council letter to K&K (initiating the MOA process)
2015 Feb 6  SHPO approval letter
2015 March 18  Fully signed MOA
June 12, 2013

Ms. Tammy Tresch
Wireless Asset Group, LLC
5055 Highway N, Suite 201
St. Charles, MO 63304

Re: SHPO Project Number: 035-BO-13 – Tower, Rocheport DT Site No. MO-073, Rocheport, Boone County, Missouri (FCC)

Dear Ms. Tresch:

Thank you for submitting information about the above-referenced project for our review pursuant to Section 106 of the National Historic Preservation Act (P.L. 89-665, as amended) and the Advisory Council on Historic Preservation’s regulation 36 CFR Part 800, which require identification and evaluation of cultural resources.

Staff at the State Historic Preservation Office have reviewed the above referenced project and based on the information provided we concur that the location of the proposed tower at 600 Fourth Street in Rocheport, Missouri is located within the National Register of Historic Places listed Rocheport Historic District. In addition, and in accordance with the Advisory Council on Historic Preservation’s regulation Protection of Historic Properties (36 CFR Part 800), Section 800.5, it is our opinion the proposed tower will have an adverse effect on the National Register of Historic Places listed district. We recommend providing documentation of the alternate tower site locations that were explored outside of the district. Additionally, please provide any historic property concerns from the public and local government (including evidence that the certified local government was provided an opportunity to comment on the project).

In accordance with Section 800.6(a)(1), the FCC or its applicant shall forward the necessary adequate documentation to the Executive Director, Advisory Council on Historic Preservation, the Old Post Office Building, 1100 Pennsylvania Avenue NW, #807, Washington, D C 20004. Pending receipt of the Council’s decision on whether it will participate in consultation, no action shall be taken which would foreclose Council consideration of alternatives to avoid or satisfactorily mitigate any adverse effect on the property in question. Please be sure to copy us on any correspondence to the ACHP.

If you have any questions please write Missouri Department of Natural Resources, State Historic Preservation Office, Attn: Review and Compliance, P.O. Box 176, Jefferson City, Missouri 65102, or call Rebecca Rost at (573) 751-7958. Please be sure to include the SHPO Project Number (035-BO-13) on all future correspondence relating to this project. If the information is provided via telephone call, please follow up in writing for our files.

Sincerely,

STATE HISTORIC PRESERVATION OFFICE

Mark A. Miles
Director and Deputy
State Historic Preservation Officer

C. Mark Kelly
ROCHEPORT, MISSOURI

BUILDING PERMIT

APPLICANT: Wireless Asset

DATE: 3-19-14

ADDRESS: 5055 Hwy N - St Charles Mo 63304

PERMIT NO.:

PERMIT TO: Cell Tower

TYPE OF IMPROVEMENT: ( ) STORY ( )

PROPOSED USE: ( ) NUMBER OF DWELLING UNITS OR MOBILE HOME SPACES

AT (LOCATION):

NO. (STREET):

ZONING DISTRICT: R-1

BETWEEN:

(CROSS STREET):

SUBDIVISION:

LOT BLOCK LOT SIZE

BUILDING IS TO BE ___ FT. WIDE BY ___ FT. LONG BY ___ FT. IN HEIGHT

FRONT YARD ___ FT. SIDE YARD ___ FT. REAR YARD ___ FT.

REMARKS: Cell Tower erected on property C 600 fourth st rocheport Mo

APPROVED BY:

INSPECTOR

AREA OR VOLUME (CUBIC/SQUARE FEET)

ESTIMATED COST $ ( ) FEE $ ( )

OWNER: Wireless Asset Group

ADDRESS: 5055 Hwy N - St Charles Mo 63304

VALIDATED BY ( )

(CITY CLERK)
April 7, 2014

Mark A. Miles  
Director and Deputy State  
Historic Preservation Officer  
P.O. Box 176  
Jefferson City, MO 65102

RE: Wireless Asset Group, LLC / AT&T Mobility – Communications Tower

Dear Mr. Miles:

In November, 2013, the City of Rocheport passed Ordinance 2013-04 amending the existing Planning and Zoning Ordinance No. 2006—05, for the purpose of permitting Communications Towers as a Conditional Use in the R-1 zoning district. In January, 2014, Wireless Asset Group, LLC applied for a Conditional Use Permit to build a Communication Tower at 600 4th St., Rocheport, MO 65279. The application provided that Wireless Asset Group, LLC would build and maintain the tower and AT&T Mobility would be placing an antenna facility at the site and providing telecommunication services to the residents of and visitors to the City of Rocheport.

During the Planning and Zoning meeting held on February 19, 2014, citizens from the medical profession and a fireman who works in the area, expressed concerns with the lack of wireless phone service in Rocheport and its adverse effect on their ability to communicate with their employers, local hospitals, and other first responders. Having considered the citizen comments generated that evening, it appears a significant majority of Rocheport residents are in favor of the proposed Communications Tower. Thus, the Planning and Zoning Board voted in favor of the Communications Tower. On March 10, 2014, the Board of Alderman also discussed the proposed Communications Tower and, following the recommendations of the Planning and Zoning Board and, as well, the desire of a majority of the residents, proceeded to vote in favor of the Communications Tower.

The City believes this Communications Tower will have a positive impact on Rocheport by improving the voice and data services not only for the residents that reside in this community, but for the valued tourists who visit the Katy Trail, the local bed and breakfast habitations, and the other businesses in town.

Sincerely,

City of Rocheport, Missouri

[Signature]

John Zondera, Mayor
From: Steve Walters <Steve.Walters@networkre.net>
To: "Amanda.burke@dnr.mo.gov" <Amanda.burke@dnr.mo.gov>
CC: Mark Kelly <markwkelly1@prodigy.net>
Subject: Rocheport - SHPO Project# 035-BO-13
Thread-Topic: Rocheport - SHPO Project# 035-BO-13
Thread-Index: Ac9f7DJgyNGG5FZ5S+aYCDKBi21DVw==
Date: Thu, 24 Apr 2014 18:44:43 +0000
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Content-Type: text/plain; charset="us-ascii"
Content-Transfer-Encoding: quoted-printable

Amanda,

I've attached a letter from Sandra Szyhowski, RF Design Engineer for AT&T, =
explaining the need for a tower in Rocheport and the factors that prevent a=
alternate location.

Please let me know if you have any questions.

Thanks.

Steve Walters

Wireless Asset Group, LLC

5055 Highway N, Suite 201

St. Charles, MO 63304

(636) 922-3400 office

(314) 960-0992 mobile
ROCHEPORT, MISSOURI - ALTERNATE SITE ANALYSIS

In reviewing locations for a tower in the City of Rocheport, several challenges exist due to factors including, significant flood plain surrounding the City, the historic nature of the area and the wooded and undulating topography of the City and surrounding area.

For more than 2 years, Wireless Asset Group, LLC has been working with representatives of the City of Rocheport to identify a tower site that would be suitable for AT&T. AT&T’s coverage objectives include the residents of Rocheport, vehicular traffic entering the City along State Route 240 and Highway BB and the bike and pedestrian tourist traffic along the Katy Trail running parallel to 1st Street.

In that time, a tower location has been identified that would have the least impact on the residents and still allow AT&T to provide the necessary telecommunication services to the public. The map below shows the City of Rocheport’s city limits with the problem coverage areas and the proposed tower location.

MAP OF ROCHEPORT
Initial efforts to identify a location outside the city limits were attempted, but unfortunately a significant portion of the area surrounding the City is located in flood plain due to the nearby Missouri River and a tributary that travels to the west and north of Rocheport. The flood plain is shown on the map below.

Due to the flood plain (IN RED) lying to the north, west and south of Rocheport and also located inside and outside the city limits, tower siting options are not possible in, or immediately outside a significant portion of the City of Rocheport. The flood plain prevents the placement of the tower at the water treatment facility on the north edge of town, or on the south side of Rocheport, along the Katy Trail. The Katy Trail is a focal point of AT&T’s coverage objective which includes a problematic short tunnel through the hillside as the Katy Trail enters on the west side of the City.

Due to the topography and significant trees to the west of the City, as well as the proximity of AT&T’s nearest existing antenna facility; a site outside of Rocheport to the west would not allow AT&T to adequately service the region as required by its FCC license.
In addition, the City of Rocheport’s preferred location is outside the historic district as established by ordinance of the City of Rocheport and reflected in the map below.

As noted, AT&T’s preferred location based on projected performance of the site in relation to the surrounding AT&T tower sites, would be the west or south side of Rocheport, but this is not possible, so the best alternative has been identified based on its distance from residents and historic homes and businesses. While being the farthest distance from a majority of the homes; the site also has large trees providing natural screening to the north and west.

Based on all factors, the site identified is the best choice by (1) allowing AT&T to provide optimum service to its customers, that are both residents and visitors to Rocheport, (2) avoid placement near the historic center of Rocheport, and (3) avoid the extensive flood plain that surrounds the City of Rocheport.
April 29, 2014

Steve Walters
Wireless Asset Group, LLC
5055 Hwy N, Ste 201
St. Charles, MO 63304

Re: SHPO Project Number: 035-BO-13 Proposed cell tower MO-073 Rocheport DT, Rocheport, Boone County, MO (FCC)

Dear Mr. Walters:

Thank you for submitting the additional information requested on the above referenced project for our review pursuant to Section 106 of the National Historic Preservation Act P.O. 89-665, as amended and the Advisory Council on Historic Preservation’s regulation 36 CFR Part 800, which require identification and evaluation of cultural resources.

Staff at the State Historic Preservation Office have reviewed the above referenced project and the additional information submitted in response to our June 12, 2013 letter. The proposed tower will be installed at 600 4th St, Rocheport, MO, an area within the bounds of the National Register listed Rocheport Historic District. We have received letters of support for this project from the City of Rocheport, and the justification for the location of the tower. In accordance with the Advisory Council on Historic Preservation’s regulation Protection of Historic Properties (36 CFR Part 800), Section 800.5, it is our opinion the proposed tower construction will have an adverse effect on this National Register of Historic Places eligible property. A Memorandum of Agreement (MOA) that outlines the steps needed to mitigate the adverse effect for this project will need to be developed. Final stipulations in the MOA should be determined in consultation with FCC, the Federal agency licensing this project, the City, our office, the Advisory Council, if participating, and any other interested parties.

In accordance with Section 800.6(a)(1), FCC or its applicant shall forward the necessary adequate documentation to the Executive Director, Advisory Council on Historic Preservation, the Old Post Office Building, 1100 Pennsylvania Avenue NW, #807, Washington, D.C 20004. Pending receipt of the Council’s decision on whether it will participate in consultation, no action shall be taken which would foreclose Council consideration of alternatives to avoid or satisfactorily mitigate any adverse effect on the property in question. Please be sure to copy us on any correspondence to the ACHP.

If you have any questions please write Missouri Department of Natural Resources, State Historic Preservation Office, Attn: Review and Compliance, P.O. Box 176, Jefferson City, Missouri 65102, or call Amanda Burke (573) 522-4641. Please be sure to include the SHPO Project Number (035-BO-13) on all future correspondence relating to this project. If the information is provided via telephone call, please follow up in writing for our files.

Sincerely,

STATE HISTORIC PRESERVATION OFFICE

Mark A. Miles
Director and Deputy State
Historic Preservation Officer

MAM:ab
C: Mark Kelly

Celebrating 40 years of taking care of Missouri’s natural resources.
To learn more about the Missouri Department of Natural Resources visit www.dnr.mo.gov
October 16, 2014

Mr. Mark W. Kelly, J.D.
Vice President
K & K Environmental LLC
23184 151st Street
Leavenworth, KS 66048

Ref: Proposed Construction of a Telecommunications Tower at 600 Fourth Street
City of Rocheport, Boone County, Missouri

Dear Mr. Kelly:

The Advisory Council on Historic Preservation (ACHP) has received your adverse effect notification and complete documentation pursuant to the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (NPA) regarding the referenced undertaking. Based upon the information provided, we have concluded that Appendix A, Criteria for Council Involvement in Reviewing Individual Section 106 Cases, of our regulations, Protection of Historic Properties (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is warranted. However, should circumstances change and you, the Federal Communications Commission (FCC), the State Historic Preservation Officer (SHPO), or other consulting parties determine that our participation is required, please notify us.

Pursuant to the NPA (stipulation VII.D.4), you should negotiate a Memorandum of Agreement (MOA) with the Missouri SHPO and other consulting parties and send the MOA to the FCC for review and execution. The FCC will then file the executed MOA with the ACHP. Filing of the executed MOA and fulfillment of its stipulations are required to complete your compliance responsibilities under Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Anthony Guy Lopez at (202) 517-0220 or via email at alopez@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs
February 6, 2015

Steven Walters  
Wireless Asset Group, LLC.  
5055 Hwy N, Suite 201  
St. Charles, MO 63304

Re: SHPO Project No.: 035-BO-13, Memorandum of Agreement for proposed Communications Tower 600 4th St, Rocheport, Boone County, Missouri (HUD/CDBG)

Dear Mr. Walters:

Thank you for submitting the above-referenced Memorandum of Agreement (MOA) for our review and signature, pursuant to Section 106 of the National Historic Preservation Act (P.L. 89-665, as amended). We find the terms of the agreement acceptable and have signed our concurrence.

Once the document is fully executed, please forward one copy to the Advisory Council on Historic Preservation, and return a copy of the agreement to this office for our files.

If you have any questions please write Missouri Department of Natural Resources, State Historic Preservation Office, Attn: Review and Compliance, P.O. Box 176, Jefferson City, Missouri 65102, or call Amanda Burke (573) 522-4641. Please be sure to include the SHPO Project Number (035-BO-13) on all future correspondence relating to this project. If the information is provided via telephone call, please follow up in writing for our files.

Sincerely,

STATE HISTORIC PRESERVATION OFFICE

Mark A. Miles  
Director and Deputy  
State Historic Preservation Officer

MAM:ab

C: Mark Kelly

Promoting, Protecting and Enjoying our Natural Resources. Learn more at dnr.mo.gov
MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL COMMUNICATIONS COMMISSION,
THE MISSOURI DEPARTMENT OF NATURAL RESOURCES
STATE HISTORIC PRESERVATION OFFICE,
AND
WIRELESS ASSET GROUP, LLC
REGARDING THE
COMMUNICATIONS TOWER
LOCATED AT 600 FOURTH STREET
ROCHEPORT, BOONE COUNTY, MISSOURI 65279

WHEREAS, Wireless Asset Group, LLC proposes to construct a 180 ft.-height monopole communications tower, identified as the Rocheport DT MO-073 Tower, located at Latitude (North): 38-58-53.111; Longitude (West): 92-33-43.679, within the limits of the Rocheport Historic District, a National Register of Historic Places (NRHP)-listed property (NR. ID #76001108), located in Section 1, Township 48 North, Range 15 West, which tower will be used by multiple licensees of the Federal Communications Commission (FCC); and

WHEREAS, the FCC has determined that the construction of the tower is a federal undertaking; and

WHEREAS, Wireless Asset Group, LLC, pursuant to delegation from the FCC, initiated the National Historic Preservation Act (“NHPA”) Section 106 review for the site as required by the FCC rules, 47 C.F.R. 1.1307(a)(4); and

WHEREAS, the FCC and Wireless Asset Group, LLC have consulted with the Missouri Department of Natural Resources State Historic Preservation Office (Missouri SHPO), pursuant to 36 C.F.R. Part 800, and the Section 106 regulations as published by the Advisory Council on Historic Preservation (“Advisory Council”), to identify historic properties that may be affected by the proposed construction and to resolve the adverse effects associated with this undertaking; and

WHEREAS, the FCC in consultation with the Missouri SHPO, has established the Area of Potential Effects (“APE”), to be the area encompassed by a circle with its center at the proposed tower site and with a radius of 0.5 mile; and

WHEREAS, the FCC and the Missouri SHPO have determined that the tower construction will have an adverse effect on a specific property within the 0.5-mile radius of the planned tower that is listed in the NRHP, identified as the Rocheport Historic District (NR. ID #76001108); and

WHEREAS, the historic property identified above is the only historic property within the APE that are affected by the project; and

WHEREAS, Wireless Asset Group, LLC, as the constructor of the tower, participated in the consultation process and has been invited to become a signatory to this Memorandum of Agreement (MOA); and

WHEREAS, Wireless Asset Group, LLC, consistent with the Commission’s requirements for environmental review, has considered and evaluated a number of alternative sites for locating the
proposed tower and has concluded that all of the sites considered were and are either unavailable for Wireless Asset Group, LLC’s use, or are unsatisfactory from a technical radio frequency perspective for the coverage needs of the communications systems to be supported by the antennas to be located on the tower; and

WHEREAS, the proposed tower construction was announced and posted by the City of Rocheport and discussed in the context of a Planning and Zoning Board meeting held on 19 February 2014 and a Board of Aldermen meeting held on 19 March 2014 in the City of Rocheport, affording members of the general public and other interested parties the opportunity to participate in and comment on this proceeding; and

WHEREAS, the five-member City of Rocheport Planning and Zoning Board voted four in favor to one opposed to recommend to the Rocheport Board of Aldermen its approval of the proposed undertaking, and subsequently the three-member Board of Aldermen voted unanimously in favor of the tower application; and

WHEREAS, Wireless Asset Group, LLC has made a reasonable and good faith effort to identify and contact Indian tribes that might attach religious or cultural significance to historic properties within the APE.

WHEREAS, Wireless Asset Group, LLC has granted consulting party status, also referred to as concurring party status, to three (3) individuals: John Zondca, Mayor of Rocheport; Mary Josephine Riesberg, resident of Rocheport; and Debra Luraas, resident of Rocheport.

NOW THEREFORE, the FCC, Missouri SHPO, and Wireless Asset Group, LLC agree that the undertaking will be implemented in accordance with the following stipulations in order to mitigate the adverse effects of the undertaking on historic properties, and that these measures shall constitute full, complete and adequate mitigation measures under the NHPA and the implementing regulations of the Advisory Council and the FCC.

STIPULATIONS

I. DESIGN and RESEARCH

The FCC, through coordination with Wireless Asset Group, LLC, will ensure that the following measures are carried out:

1. The tower will be a monopole tower.

2. The tower will be limited in height to 180 feet in height and will not require lighting per FAA regulation.

3. Vegetative screening will be placed in such manner as to mask the tower compound.

4. Once the tower has exceeded its useful life for telecommunications purposes, Wireless Asset Group, LLC will cause the tower to be dismantled.

5. Wireless Asset Group, LLC shall, for purposes of mitigation of the adverse indirect/visual effect of the proposed communications tower on the National Register-listed Rocheport Historic District, as determined by Missouri SHPO,
contract with a SOI-qualified Architectural Historian to conduct a resurvey of the National Register-listed Rocheport Historic District, in accordance with the following identified activities and functions:

A. The SOI-qualified Architectural Historian shall conduct a reconnaissance-level architectural/historical resurvey of the entirety of the National Register-listed Rocheport Historic District.

B. The SOI-qualified Architectural Historian shall complete a Missouri historic property inventory form for each historic resource, to include each building, outbuilding, structure, and object within the National Register-listed Rocheport Historic District. Resources which were not recorded in the original survey, including historic infrastructure, granite curbs, and stone-lined ditches shall be recorded. All historic property inventory forms shall be submitted to Missouri SHPO for review and comment, prior to finalization.

C. The SOI-qualified Architectural Historian shall make recommendations regarding the contributing or non-contributing status of each historic property. A map shall be prepared portraying surveyed property locations and addresses and shall provide a notation of the status of each property as a contributing or non-contributing resource.

D. Upon satisfactory review of the inventory forms, the SOI-qualified Architectural Historian shall prepare and submit a final survey report, to include a description and analysis of property types within the survey area, a discussion of methodology and rationale for status evaluation, corrected inventory forms, a digital photograph of each historic resource, and survey map, as described above, to Missouri SHPO via both physical and digital copy. Copies shall be provided to the City of Rocheport and the Boone County Historical Society, as well. All costs associated with the implementation of this stipulation shall be borne by Wireless Asset Group, LLC. The costs attributed to this stipulation shall not exceed $5,000.00.

II. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, Wireless Asset Group, LLC may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation III below.

III. DISPUTE RESOLUTION

Should the Missouri SHPO object within thirty (30) days to any plans provided for review or other actions taken pursuant to this MOA, the FCC shall consult with the Missouri SHPO to resolve the objection. If the FCC determines that the objection cannot be resolved, the FCC shall
request further comments or recommendations of the Advisory Council concerning the dispute pursuant to 36 C.F.R. Part 800. Any Advisory Council comment provided in response to such a request will be taken into account by the FCC in accordance with 36 C.F.R. Part 800 with reference only to the subject of the dispute. The FCC's responsibility to carry out all actions under this MOA that are not the subject of the dispute will remain unchanged.

IV. ENFORCEMENT

Failure to carry out the terms of this MOA will require the FCC again request the comments of the Advisory Council, in accordance with 36 C.F.R. Part 800. If the terms of this MOA are not implemented, the FCC shall provide the Advisory Council with the opportunity to comment on the effects and mitigation alternatives.

V. OTHER REQUIREMENTS

Execution of this MOA and implementation of its terms evidence that the FCC has afforded the Advisory Council a reasonable opportunity to comment on the proposed Wireless Asset Group, LLC telecommunications tower and that the FCC has taken into account the effects of this undertaking on historic properties. It is agreed that once the arrangements have been finalized as to the proposed public information gathering, as approved by Missouri SHPO, tower construction may begin. Stipulations 1, 1-5 of this agreement shall, however, be carried out within one year from the date the FCC issues a Finding of No Significant Impact or otherwise authorizes construction of the tower, unless the FCC, Missouri SHPO and Wireless Asset Group, LLC agree in writing to an extension for carrying out its terms. This MOA shall be effective upon notice from the FCC that all parties have agreed to and signed this Memorandum of Agreement. Lastly, this agreement shall be terminated if the undertaking has not been implemented within two years from the date this agreement takes effect in accordance with 36 CFR 800.6(c) (5).

VI. INADVERTENT OR UNANTICIPATED DISCOVERY

If a previously unidentified site within the APE that may be a historic property and may be affected by the undertaking is discovered during construction, Wireless Asset Group, LLC shall 1) cease work immediately; 2) promptly notify the Commission, the MO SHPO, and any potentially affected federally recognized Tribal Nations; and 3) prepare a written report evaluating the property's eligibility for inclusion in the National Register, pursuant to Section IX.A of the Nationwide Programmatic Agreement For Review of Effects on Historic Properties For Certain Undertakings Approved By The Federal Communications Commission (NPA) and Section 1.1312(d) of the Commission's rules. If human or burial remains are discovered, Wireless Asset Group, LLC shall additionally adhere to applicable State and Federal laws regarding the treatment of human or burial remains. Wireless Asset Group, LLC shall notify the Commission by calling Stephen DelSordo at 202-418-1986 and emailing him at stephen.delsordo@fcc.gov.
FEDERAL COMMUNICATIONS COMMISSION

By: Dan Abeyta Date: 3/8/15

Dan Abeyta
Assistant Chief
Spectrum and Competition Policy Division
Wireless Telecommunications Bureau
WIRELESS ASSET GROUP, LLC

By: Steven Walters, authorized member

Date: 4/5/15

P.O. 006
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER

By: ___________________________ Date: 2/09/2015
APPENDIX E

CONSULTANT QUALIFICATIONS
MARK WILLIAM KELLY
Vice President
K&K Environmental LLC
23184 151st Street
Leavenworth, Kansas 66048
office - (913) 724.5800 / mobile - (913) 634.8057
markwkelly1@prodigy.net

EDUCATION

B.A. - Central State University (renamed University of Central Oklahoma)
      Edmond, Oklahoma: History/Museum Studies - 1986

M.A. - Central State University (renamed University of Central Oklahoma)
      Edmond, Oklahoma: History - 1987

J.D. - University of Oklahoma College of Law
      Norman, Oklahoma: Federal Indian Law/Historic Preservation
      Law/Environmental Law - 1990

Ph.D. - University of Oklahoma School of Liberal Arts
      Norman, Oklahoma: Cultural Anthropology/Archaeology - 1990-1993

PROFESSIONAL EXPERIENCE

Archaeologist / Architectural Historian / Historian - Cultural Resources Management

Twenty-four years experience as a professional archaeologist, architectural historian, and historian
(includes twenty-one years experience as a principal investigator) in National Historic Preservation Act
(NHPA) Section 106 compliance and cultural resources management. Experience includes Native
American consultation, historic structures and viewshed assessments, artifact identification/cataloging,
summary document production, development and implementation of mitigation plans, and the preparation
of cultural resource management plans in accordance with federal agency (primarily Department of Energy,
Army Corps of Engineers, and Federal Communications Commission) and state agency guidelines
(Missouri, Kansas, Texas, Illinois, Iowa, Nebraska and Oklahoma). Specific experience includes Phase I
identification surveys and Phase II National Register of Historic Places eligibility testing of prehistoric and
historic archaeological sites resulting from the permitting and construction of wireless
communications/broadcast facilities, petroleum/gas/water pipelines, power generation facilities,
wastewater treatment plants, water resources and recreation facilities, and highway and railroad
right-of-way construction projects.
Attorney - Environmental Permitting

Twenty-three years experience as a licensed environmental permitting and historic preservation attorney and eighteen years experience as a senior-level project manager for a variety of architectural and engineering site development projects, including wireless communications facilities, state highway construction corridors, railroad spurs, transmission lines, and oil, gas, and water pipelines. Specific duties include preparation of Phase I and Phase II ASTM Standard Environmental Site Assessments (ESAs), environmental regulatory review, local, state and federal agency and tribal permitting consultation for National Environmental Policy Act (NEPA) and NHPA Section 106 compliance documents and preparation and review of environmental assessment (EA) and environmental impact statement (EIS) documents for submittal to federal review agencies (primarily Federal Communications Commission and U.S. Army Corps of Engineers; includes research, documentation, and review of site-specific environmental consequences of project activities on various topics: public land use, prime farmland, social and economic considerations, air quality, water resources, wetlands/waters of the U.S., floodplains, threatened and endangered species, historic and archaeological preservation and hazardous waste sites).

EMPLOYMENT SUMMARY

Vice President, K&K Environmental LLC, Leavenworth, Kansas - December 1999 to present. Conduct National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA)-mandated investigations (including archaeological and historical architectural property assessments) and prepare federal and state environmental documentation required to permit numerous development projects and conduct realty site assessments for a variety of clientele. Duties include preparation of ASTM Standard Environmental Site Assessments, project oversight, vendor/consultant management and records management. Responsibilities also include hosting training sessions in the conducting of Phase I and Phase II Environmental Site Assessments and National Environmental Policy Act (NEPA) investigations and the preparation of summary reports.

Senior-Level Project Manager/Environmental Permitting Attorney/Cultural Resources Director, George Butler Associates, Inc. Engineers and Architects, Kansas City, Missouri - July 1993 to December 1999. Senior-level Project Manager charged with oversight of environmental compliance and cultural resources concerns for a variety of civil engineering/architectural site development projects, including oversight of multi-discipline personnel, budget preparation, project scheduling, and the identification and procurement of required permits/approvals for construction.

Attorney/Archaeologist, Black & Veatch Engineering, Overland Park, Kansas - June 1992 to July 1993. Legal and environmental staff member responsible for the identification and procurement of environmental permits required for project construction. Principal Investigator for all archaeological projects required to comply with Section 106 of the NHPA.


Attorney (practice limited to Native American clientele), Rick Moore Law Firm, Chickasha/Norman Oklahoma - April 1991 to May 1992. Conducted investigations, prepared briefs, and presented evidence for numerous torts-law and environmental cases on behalf of the tribes residing in the Anadarko Basin of Oklahoma. Assisted with the drafting of the current Caddo Nation constitution and prepared documents pertaining to the implementation of environmental protection strategies.
AFFILIATIONS

Oklahoma Bar Association  Missouri Historical Society
National Trust for Historic Preservation (not current)  Society for Historical Archaeology (not current)
Plains Anthropological Society (not current)  Missouri Archaeological Society
Oklahoma Archeological Survey  Kansas Anthropological Association (not current)
Nebraska State Historical Society  Oregon-California Trails Association

LICENSES

Oklahoma Bar Association, License No. 014760

SCHOLASTIC ACTIVITIES & HONORS

J. Mett Shippee Outstanding Service Award: Kansas City Archeological Society - 2008

Scholar-in-Residence: University of Central Oklahoma - 2002

Distinguished Former Student Award: University of Central Oklahoma - 2000

Summa Cum Laude Graduate Degree: University of Central Oklahoma - M.A. - 1987

Edward Everett Dale Award Winner: Outstanding Graduate Student in History/Geography Department, Central State University - 1987

American Indian Law Review - University of Oklahoma College of Law

Phi Alpha Theta: International History Fraternity, Rho Lambda Chapter

Phi Delta Phi: International Legal Fraternity, Holmes Inn

REFERENCES

Judith Deel  Dr. Robert Brooks/Dr. Marjorie Duncan
State Historic Preservation Office  Oklahoma Archaeological Survey
Missouri Department of Natural Resources  111 E. Chesapeake
P.O. Box 176  Norman, Oklahoma 73019-5111
Jefferson City, Missouri 65102  (405.325.7211)
(573.526.1680)

Dr. Tim Weston
Cultural Resources Division
Kansas State Historical Society
6425 S.W. 6th Avenue
ARTICLES PUBLISHED / PAPERS PRESENTED


Trails West: The American Mountain Man... Rogue, Renegade, or Hero? Keynote presentation made at Gateway Chapter Oregon - California Trails Association in St. Joseph, Missouri (2001)


John Dougherty: Fur Trader to the Waters of the Columbia. Presented at the “Jedediah Smith and the Fur Trade Era” Conference, in Stockton, California. Published by the John Muir Society and University of the Pacific.

Major John Dougherty and Multnomah Plantation: An Exercise in Historic Archaeology. Televised presentation recorded at the Museum of Nebraska History in Lincoln, Nebraska.

The Significance of Major John Dougherty in the History of Clay County, Missouri. Presentation made as an invited speaker to Historic Preservation Consortium in Liberty, Missouri.

Isle au Vache: Remembrances of Cow Island and Martin’s Cantonment. Presented at the 33rd Annual Council on America’s Military Past Conference in Omaha, Nebraska.

Plow Before Prayer: John Dougherty and the Christianizing of the Upper Missouri Native Americans. Presented at the 42nd Annual Missouri Valley History Conference, in Omaha, Nebraska.


John Dougherty: Indian Agent at Bellevue. Presented at combined Omaha Corrals of Westerners International in Omaha, Nebraska.

PAST PAPERS PRESENTED

What Now? An Appraisal of the Native American Struggle to Protect Sacred Sites from Government Land Use Policies

Non-Protection of Native American Sacred Sites from Government Land Use Policies: Inability to Translate Significance of Sacred Sites into Language of Dominant Culture

The Pueblo Water Rights Doctrine: Misunderstood and Mis-Applied

The Navajo: A Legal Dilemma

An Historical Geography of the Mt. Taylor-Laguna Reservation Area of New Mexico

CURRENT PROJECTS

Book Published (Sam Clark Publishing Co., 2013): Lost Voices on the Missouri - John Dougherty and the Indian Frontier. Dougherty’s career on the Missouri River from 1809 to 1860 as a St. Louis-based fur trader, interpreter, explorer, Indian Agent, and Missouri Whig politician is presented and fully documented in this 855-page book, complete with maps and illustrations; full endnotes.


Book Preparation: Missouri Giants: Lest We Forget. The book will feature photographs of the final resting places and brief biographical accounts of 50 select individuals. Locational information and maps will be provided as well.

Archaeological Investigation of Multnomah Plantation: Historical research and archaeological investigation of the last intact, undeveloped “Little Dixie” plantation in Clay County, Missouri, is ongoing, with periodic assistance by members of the Kansas City Archaeological Society. Multnomah was the palatial estate of Major John Dougherty. Numerous slide and graphic presentations have been made in an effort to generate interest in the investigation and preservation of this estate.

RESEARCH INTERESTS

Native American Graves Protection and Repatriation Act

American Indian Policy

Westward Expansion/Early Explorers

Historical Archaeology/Preservation

Andrew Jackson and Indian Removal

Missouri River History

Fur Trade Entrepreneurs

Trails West: Oregon and Santa Fe Roads