

NEPA COMPLIANCE DOCUMENTS

JM Robinson
Proposed 175-foot Monopole Tower
Wireless Telecommunications Facility

Berkley Group, LLC

5925 Ballantyne Commons Parkway
Charlotte, North Carolina 28277
Mecklenburg County

January 15, 2013



FCC NEPA CHECKLIST

(47 CFR Subpart 1, Chapter 1, Sections 1.1301-1.1319)

Site Name: **JM Robinson**

Site Address: **5925 Ballantyne Commons Parkway, Charlotte, NC, Mecklenburg County**

Category	Environmental Criteria	Potential Effect
		Yes/No
1	Is the proposed undertaking in or proposed to be in an officially designated wilderness area?	No
2	Is the proposed undertaking located in or proposed to be in an officially designated wildlife preserve?	No
3	Will the proposed undertaking likely affect threatened or endangered species or designated critical habitats? (Ref. 50 CFR Part 402)	No
4	Will the proposed undertaking affect districts, sites, buildings, structures, or objects significant in American history, architecture, archeology, engineering, or culture that are listed, or potentially eligible for listing in the National Register of Historic Places (NRHP)? (Ref. 36CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act)	No
5	Will the proposed undertaking affect Indian religious site(s)?	No
6	Will the proposed undertaking be located in a flood plain? (Ref. Executive Order 11990 and 40 CFR Part 6, Appendix A)	No
7	Will construction of the proposed undertaking involve significant change in surface features (e.g. wetlands, deforestation, or water diversion)? (Ref. Executive Order 1170 and 40 CFR Part 6, Appendix A)	No
8	Is the proposed undertaking located in a residential neighborhood and required to be equipped with high intensity white lights?	No
9*	a.) Will the proposed undertaking equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters above ground level? Will the proposed facility fall outside the categorical exclusions contained in Table 1 of 47 CFR Section 1.1307(b)(1), and potentially cause exposure of workers or the general public to levels of radio frequency radiation in excess of the emission limits set forth in Section 1.1310?	No
	b.) Will the rooftop antenna project equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP)?	NA

If any of the questions above are answered "yes", an Environmental Assessment should be prepared and submitted to the FCC prior to beginning construction.

Preparer's Signature: 
 Printed Name and Title: Jon Pruitt, President

Date: January 15, 2013

*Radiofrequency emissions and exposure data has not been provided for the proposed facility at the date of this report. The negative determination indicated above is to be verified by Berkley Group prior to processing a license application. If the facility will exceed the limits listed by the Commission, this report should be revised and an Environmental Assessment should be prepared.

National Environmental Policy Act

Summary of Procedures and Findings for a Proposed Wireless Telecommunications Facility

Berkley Group – JM Robinson

Background

The Federal Communications Commission (FCC), the agency responsible for licensing wireless telecommunication facilities and infrastructure, is required by the National Environmental Policy Act (NEPA) of 1969, to evaluate whether its actions “may or will have a significant impact on the quality of the human environment.” The FCC’s procedures for implementing NEPA are codified in Title 47 of the CFR, Part 1, Subpart I, Sections 1.1301 to 1.1319.

The Commission states that it “complies with NEPA by requiring our licensees to review their proposed actions for environmental consequences.” Specifically, the applicant or licensee must determine whether a proposed action will have a significant environmental effect to categories defined in section 1.1307. This section states that Commission actions with respect to the following types of facilities may significantly affect the environment and thus require the preparation of EAs by the applicant (see Secs. 1.1308 and 1.1311) and may require further Commission environmental processing (see Secs. 1.1314, 1.1315 and 1.1317):

- 1) Facilities that are to be located in an officially designated wilderness area
- 2) Facilities that are to be located in an officially designated wildlife preserve
- 3) Facilities that: (i) May affect listed threatened or endangered species or designated critical habitats; or (ii) are likely to jeopardize the continued existence of any proposed endangered or threatened species or 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.
- 4) Facilities that may affect districts, sites, buildings, structures or objects, significant in American history, architecture, archeology, engineering or culture, that are listed, or are eligible for listing, in the National Register of Historic Places. (See 16 U.S.C. 470w(5); 36 CFR 60 and 800.)
- 5) Facilities that may affect Indian religious sites.
- 6) Facilities to be located in a floodplain (See Executive Order 11988.)
- 7) Facilities whose construction will involve significant change in surface features (e.g., wetland fill, deforestation or water diversion). (In the case of wetlands on Federal property, see Executive Order 11990.)
- 8) a. Antenna towers and/or supporting structures that are to be equipped with high intensity white lights, which are to be located in residential neighborhoods as defined by the applicable zoning law. b. Facilities that will cause human exposure to radio frequency radiation in excess of applicable standards

The following NEPA Compliance Documents have been assembled to document compliance with the FCC’s procedures for implementing NEPA and determine whether the proposed action will have a significant environmental effect to categories defined in section 1.1307.

Procedures and Findings

To determine whether the proposed action will have a significant environmental effect to categories defined in section 1.1307, a site reconnaissance of the proposed project location and the publicly accessible surrounding area was conducted. In addition, readily available maps, literature resources, databases, and federal, state, local and tribal agencies or organizations were reviewed or consulted to obtain information pertaining to the potential environmental effects of the action. To determine whether the proposed action falls into **category 1, 2, or 3** above, the proposed project area was inspected in the field and reviewed on the appropriate USGS topographic map. The NC Natural Heritage Database was also reviewed. The US Fish & Wildlife Service concurred that the action is not likely to adversely affect any protected species or critical habitat. Based on the assessment conducted, the proposed action is not expected to fall in to categories 1 through 3.

To determine whether the proposed action falls into **category 4** above, the proposed project area was inspected in the field and reviewed on the appropriate USGS topographic map. A professional cultural resource consultant was subcontracted to conduct a field archaeological survey and research per Section 106 of the Historic Preservation Act at the NC State Historic Preservation Office (SCSHPO). **The NCSHPO made a determination of “no effect”.**

To determine whether the proposed action falls into **category 5** above, the proposed project area was inspected in the field and reviewed on the appropriate USGS topographic map. A determination of the appropriate tribal contacts was made using information from the NCSHPO, published tribal contact lists, and electronic databases. Notification of the proposed action was also posted on the FCC TCNS. In accordance with the TCNS, THPOs were provided with a reasonable time to respond and then sent a follow-up letter by email and called by telephone if no response was received. Per the FCC Declaratory Ruling of October 5, 2005, the Applicant made two attempts over a 40-day period to contact the tribes that have stated geographic preference for the project area. The interested tribes have responded with no concerns for the project. **Please note the notification requirements should inadvertent discoveries occur during construction.**

To determine whether the proposed action falls into **category 6** above, the proposed project area was inspected in the field and reviewed on the appropriate Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel. The review indicated that the proposed action **is located within the shaded floodplain** zone on the panel referenced on the following page and attached herewith.

To determine whether the proposed action falls into **category 7** above the proposed project area was inspected in the field and reviewed on the appropriate USGS topographic map and wetland inventory map. The onsite inspection and literature review indicates that the proposed action will not involve significant change in surface features.

To confirm whether the proposed action falls into **category 8** above, the proposed lighting and radiofrequency (RF) emissions and exposure data are to be confirmed by the applicant. The need for high intensity lighting and the potential for exceeding RF exposure limits are improbable based on the proposed tower height. Information provided by the applicant indicates the action is not in a residentially zoned area. RF exposure data is to be provided by the applicant's RF Engineer.

US Fish & Wildlife Service Consultation

Atlantic Environmental Services, Inc.
202 Fred Dean Road
Starr, SC 29684
864.907.6061
www.atlanticenservices.com
jonpruitt@wctel.net



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Asheville Field Office
160 Zillico Street
Asheville, North Carolina 28801

December 5, 2012

Mr. Jon Pruitt
Atlantic Environmental Services, Inc.
202 Fred Dean Road
Starr, SC 29684

Dear Mr. Pruitt:

We have reviewed your email dated November 27, 2012, concerning the proposed construction of a communications tower adjacent to 5925 Ballantyne Commons Parkway and I-485 in Charlotte, Mecklenburg County, North Carolina. The following comments are provided in accordance with the Migratory Bird Treaty Act (16 U.S.C. 703, et seq.); section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act); and the National Environmental Policy Act (42 U.S.C. §4321 et seq.).

Proposed Project. As stated in your letter, the proposed tower will be about 175 feet high and will be of monopole design. The tower will be placed in a wooded area and is not expected to have any lighting.

Endangered Species. Based on the information provided in your letter, we concur with your conclusion that the proposed communications tower will not affect any federally listed endangered or threatened species, any formally designated critical habitat, or any species currently proposed for federal listing under the Act. Therefore, we believe the requirements of section 7 of the Act have been satisfied. We remind you that obligations under section 7 must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed or critical habitat is determined that may be affected by the identified action.

Migratory Birds. We are concerned about the potential hazard this tower could pose to migratory birds. We would prefer that you collocate an antenna on an existing tower instead of constructing a new tower. However, if you choose to construct this tower as proposed, we request written permission for our employees and/or designees to access the property at the base of the tower to inspect for avian mortality. Limited data exist for bird strikes to towers of this

nature in this area, and one important way your company can greatly assist in improving our knowledge base is by working with us through cooperative agreements that include permission to gain access to standing towers of this type. Our access would occur at regular or random intervals and/or following weather events that are known to induce avian strikes.

If you have any questions regarding this matter, please contact Mr. Allen Ratzlaff of our staff at 828/258-3939, Ext. 229. Please reference our log number 4-2-13-036 in any correspondence pertaining to this matter.



Mr. Allen Ratzlaff
U.S. Fish and Wildlife Service
160 Zillico Street
Asheville, North Carolina 28801

November 27, 2012

Subject:
Biological Assessment – Wireless Telecom Project

Dear Mr. Ratzlaff:

On behalf of the Berkley Group, we are providing environmental services for wireless telecommunication facilities. We are submitting the following information for your review and concurrence regarding impacts to protected species for the purpose of completing FCC NEPA Environmental Compliance Checklists. The intent of the checklist is to establish the basis for NEPA compliance for the proposed tower facility.

The project is described as follows:

JM Robinson - The proposed project includes the **construction of a 175-foot stealth pine tree monopole tower** in an area measuring approximately 100-feet by 100-feet. The project will be located in an early successional growth wooded area adjacent to 5925 Ballantyne Commons Parkway and I-485, Charlotte NC, Mecklenburg County. The tower access road will be cleared through a similar wooded area of the parent property. The site lies in the USGS Weddington quadrangle and the approximate coordinates are: Lat 35-03-46.6 Long 80-47-32.9. Lighting requirements have not been set for this tower by the FAA, though **no lighting** would be expected based on requirements for similar towers.

We have determined that the project is not located in officially designated wilderness areas or wildlife preserves. Based on these findings and current knowledge and research on these types of projects, it appears that this tower facility is "not likely to adversely affect" habitat or listed species or local or migrating avian species.

Mr. Jon Pruitt of Atlantic Environmental Services prepared this assessment. Mr. Pruitt holds a Master of Science degree in Environmental Systems Engineering and has nineteen years of experience in environmental assessment, engineering and compliance.

As the designated non-federal representative, Berkley Group, requests your concurrence with this assessment at your earliest convenience. Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Pruitt".

Jon Pruitt

Attachment



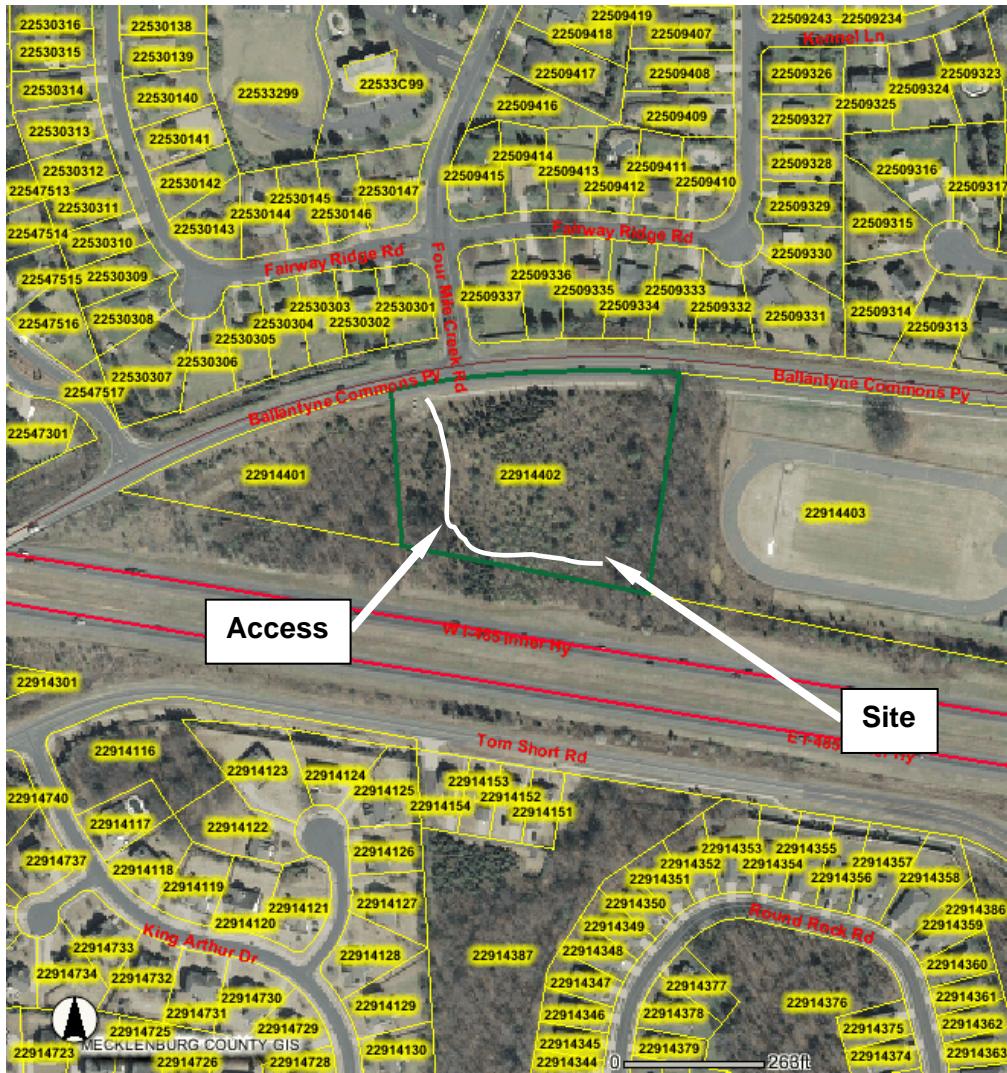




Photo #1 – view of proposed access point at Ballantyne Commons Parkway looking south



Photo #2 - View looking north across the Site

NC Department of Environment and Natural Resources

Natural Heritage Program - NHP Map Viewer**Natural Heritage Program Map Viewer**

(Data last updated on August 10, 2012)

[Help](#) (http://portal.ncdenr.org/c/document_library/get_file?uuid=c2dbaa9f-4a0a-452b-bde0-859518c6a30e&groupId=61587)

Governor James G Martin Fwy, Charlotte, NC 28277, USA

35.061406652946495 -80.7879638671875

Enter an address

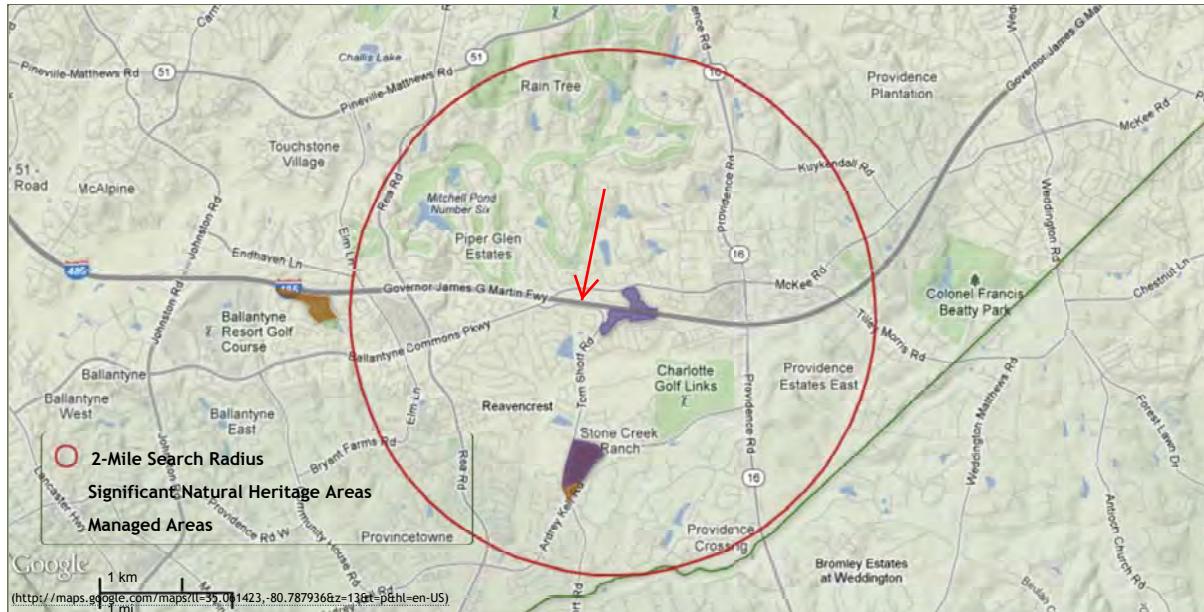
or

Latitude and Longitude

(decimal degrees)

or

click a location on the map below

SHOW RESULTS FOR: Element Occurrences Significant Natural Heritage Areas Managed AreasShow **10** entries per pageFilter search results:

Taxonomic Group	Scientific Name	Common Name	EO Status	Accuracy	State Status	Federal Status	State Rank	Global Rank
Vascular Plant	<i>Acmispon helleri</i>	Carolina Birdfoot-trefoil	Current	High	SC-V	FSC	S3	G3
Vascular Plant	<i>Acmispon helleri</i>	Carolina Birdfoot-trefoil	Historical	Medium	SC-V	FSC	S3	G3
Vascular Plant	<i>Delphinium exaltatum</i>	Tall Larkspur	Historical		E	FSC	S2	G3
Natural Community	Dry Basic Oak-Hickory Forest		Current	High			S2S3	G2G3
Vertebrate Animal	<i>Lanius ludovicianus</i>	Loggerhead Shrike	Current	Low	SC		S3B,S3N	G4
Vascular Plant	<i>Solidago rigida</i> var. <i>glabrata</i>	Southeastern Bold Goldenrod	Historical	Medium	SR-P		S2	G5T4
Natural Community	Upland Depression Swamp Forest		Current	High			S2S3	G2G3
Natural Community	Upland Depression Swamp Forest		Current	Medium			S2S3	G2G3

Taxonomic Group	Scientific Name	Common Name	EO Status	Accuracy	State Status	Federal Status	State Rank	Global Rank
Invertebrate Animal	Villosa delumbis	Eastern Creekshell	Current	Medium	SR	S3	G4	
Natural Community	Xeric Hardpan Forest (Basic Hardpan Subtype)		Current	Medium		S2	G2G3	

Showing 1 to 10 of 10 entries

First Previous ① Next Last

The Natural Heritage Program Map Viewer provides information on Natural Heritage Program data occurring within a 2-mile radius of a user-selected location. Information is provided on element occurrences, significant natural heritage areas, and managed areas. Below are brief notes on use of the map viewer. For more information on use of the map viewer or for an explanation of the values returned by the search, see the Help (http://portal.ncdenr.org/c/document_library/get_file?uuid=c2dbaa9f-a40a-4552-bde0-859518c6a30e&groupId=61587).

- Results are displayed for element occurrences by default. To display results for significant natural heritage areas or managed areas, click the appropriate radio button in the "SHOW RESULTS FOR" section above the results table. Locations of element occurrences are not displayed; locations of significant natural heritage areas and managed areas are displayed.
- Clicking on a column name in the results table will sort all entries in that column; clicking a second time on the column name will reverse the sort.
- The results can be further refined by entering a text string in the "Filter search results" field. Entries not containing the text string will be removed from the table of results.
- Clicking the "Download Results" button will give you the option of saving the results table to a comma-separated-values file. This type of file can be opened in most spreadsheet programs, including Microsoft Excel.
- Records for the Blue Ridge Parkway are not included in the shapefile. You must contact the Blue Ridge Parkway if you need information for this area.
- If you have any questions regarding the data contained on the map viewer, contact [Natural Heritage Program staff](http://portal.ncdenr.org/web/nhp/contact) (<http://portal.ncdenr.org/web/nhp/contact>). For technical issues regarding the application, contact the Conservation Information Manager 

Use of North Carolina Natural Heritage Program data should not be substituted for actual field surveys, particularly if the project area contains suitable habitat for rare species. If a database search lists no records for a project area, it does not necessarily mean that they are not present. The area may not have been surveyed by biologists, or the data may not have been reported to NC Natural Heritage Program.

Information obtained from the North Carolina Natural Heritage Program Map Viewer should be cited as follows: North Carolina Natural Heritage Program Online Map Viewer. [search date]. Department of Environment and Natural Resources, Office of Conservation, Planning, and Community Affairs, Raleigh, NC. Available at: www.ncnhp.org.



(<http://portal.ncdenr.org/web/nhp>)

North Carolina Natural Heritage Program • 1601 Mail Service Center • Raleigh, NC 27699-1601



N.C. Department of Environment and Natural Resources

1601 Mail Service Center, Raleigh, NC 27699-1601

Headquarters (Environment and Natural Resources Building): 217 W. Jones St.

Archdale Building: 512 N. Salisbury St.

Toll Free: (877) 623-6748

Section 106 – FCC Form 620

Atlantic Environmental Services, Inc.
202 Fred Dean Road
Starr, SC 29684
864.907.6061
www.atlanticensenvservices.com
jonpruitt@wctel.net

New Tower (“NT”) Submission Packet

FCC FORM 620

Introduction

The **NT Submission Packet** is to be completed by or on behalf of Applicants to construct new antenna support structures by or for the use of licensees of the Federal Communications Commission (“FCC”). **The Packet (including Form 620 and attachments) is to be submitted to the State Historic Preservation Office (“SHPO”) or to the Tribal Historic Preservation Office (“THPO”), as appropriate, before any construction or other installation activities on the site begin.** Failure to provide the Submission Packet and complete the review process under Section 106 of the National Historic Preservation Act (“NHPA”)¹ prior to beginning construction may violate Section 110(k) of the NHPA and the Commission’s rules.

The instructions below should be read in conjunction with, and not as a substitute for, the “Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission,” dated September 2004, (“Nationwide Agreement”) and the relevant rules of the FCC (47 C.F.R. §§ 1.1301-1.1319) and the Advisory Council on Historic Preservation (“ACHP”) (36 C.F.R. Part 800).²

Exclusions and Scope of Use

The NT Submission Packet should not be submitted for undertakings that are excluded from Section 106 Review. The categories of new tower construction that are excluded from historic preservation review under Section 106 of the NHPA are described in Section III of the Nationwide Agreement.

Where an undertaking is to be completed but no submission will be made to a SHPO or THPO due to the applicability of one or more exclusions, the Applicant should retain in its files documentation of the basis for each exclusion should a question arise as to the Applicant’s compliance with Section 106.

¹ 16 U.S.C. § 470f.

² Section II.A.9. of the Nationwide Agreement defines a “historic property” as: “Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian Organization that meet the National Register criteria.”

NT SUBMISSION PACKET – FCC FORM 620

Approved by OMB
3060-1039

Estimated Time Per Response:
.5 to 10 hours

The NT Submission Packet is to be used only for the construction of new antenna support structures. Antenna collocations that are subject to Section 106 review should be submitted using the Collocation (“CO”) Submission Packet (FCC Form 621).

General Instructions: NT Submission Packet

Fill out the answers to Questions 1-5 on Form 620 and provide the requested attachments. Attachments should be numbered and provided in the order described below.

For ease of processing, provide the Applicant’s Name, Applicant’s Project Name, and Applicant’s Project Number in the lower right hand corner of each page of Form 620 and attachments.³

1. Applicant Information

Full Legal Name of Applicant: Berkley Group, LLC

Name and Title of Contact Person: Joann Fisher - Project Manager

Address of Contact Person (including Zip Code): 10612-D Providence Road, PMB 742
Charlotte, NC 28277

Phone: 704-845-0625 Fax: _____

E-mail address: joannfischer@carolina.rr.com

2. Applicant's Consultant Information

Full Legal Name of Applicant's Section 106 Consulting Firm:

Atlantic Environmental Services, Inc.

Name of Principal Investigator: Jon Pruitt

Title of Principal Investigator: President/Environmental Consultant

Investigator's Address: 202 Fred Dean Road

³ Some attachments may contain photos or maps on which this information can not be provided.

Applicant's Name: Berkley Group, LLC

Project Name: JM Robinson

Project Number: TCNS 89719

NT SUBMISSION PACKET – FCC FORM 620

Approved by OMB
3060-1039

Estimated Time Per Response:
.5 to 10 hours

City: Starr State SC Zip Code 29684

Phone: 864-907-6061 Fax: 864-352-2886

E-mail Address: jonpruitt@wctel.net

Does the Principal Investigator satisfy the Secretary of the Interior's Professional Qualification Standards?⁴ YES / NO.

Areas in which the Principal Investigator meets the Secretary of the Interior's Professional Qualification Standards: _____

Other "Secretary of the Interior qualified" staff who worked on the Submission Packet (provide name(s) as well as well as the area(s) in which they are qualified):

Sean Norris - Archaeologist

3. Site Information

a. Street Address of Site: 5925 Ballantyne Commons Parkway

City or Township: Charlotte

County / Parish: Mecklenburg State: NC Zip Code: 28277

b. Nearest Cross Roads: Ballantyne Commons/ Four Mile Creek Road
Pkwy

c. NAD 83 Latitude/Longitude coordinates (to tenth of a second):

N 35 ° 03' 47.1"; W 80 ° 47' 32.8"

⁴ The Professional Qualification Standards are available on the cultural resources webpage of the National Park Service, Department of the Interior: <http://www.cr.nps.gov/local-law/arch_stnds_9.htm>. The Nationwide Agreement requires use of Secretary-qualified professionals for identification and evaluation of historic properties within the APE for direct effects, and for assessment of effects. The Nationwide Agreement encourages, but does not require, use of Secretary-qualified professionals to identify historic properties within the APE for indirect effects. See Nationwide Agreement, §§ VI.D.1.d, VI.D.1.e, VI.D.2.b, VI.E.5.

Applicant's Name: Berkley Group, LLC

Project Name: JM Robinson

Project Number: TCNS 89719

NT SUBMISSION PACKET – FCC FORM 620

Approved by OMB
3060-1039

Estimated Time Per Response:
.5 to 10 hours

d. Proposed tower height above ground level:⁵ 190 feet; 57.93 meters

e. Tower type:

guyed lattice tower self-supporting lattice monopole

other (briefly describe tower) stealth pine tree

4. Project Status:⁶

- a. [] Construction not yet commenced;
- b. [] Construction commenced on [date] _____; or,
- c. [] Construction commenced on [date] _____ and was completed on [date] _____.

5. Applicant's Determination of Effect:

a. Direct Effects (check one):

- i. [] No Historic Properties in Area of Potential Effects (“APE”) for direct effects;
- ii. [] “No effect” on Historic Properties in APE for direct effects;
- iii. [] “No adverse effect” on Historic Properties in APE for direct effects;
- iv. [] “Adverse effect” on one or more Historic Properties in APE for direct effects.

b. Visual Effects (check one):

- i. [] No Historic Properties in Area of Potential Effects (“APE”) for visual effects;
- ii. [] “No effect” on Historic Properties in APE for visual effects;
- iii. [] “No adverse effect” on Historic Properties in APE for visual effects;
- iv. [] “Adverse effect” on one or more Historic Properties in APE for visual effects.

⁵ Include top-mounted attachments such as lightning rods.

⁶ Failure to provide the Submission Packet and complete the review process under Section 106 of the NHPA prior to beginning construction may violate Section 110(k) of the NHPA and the Commission's rules. See Section X of the Nationwide Agreement.

Applicant's Name: Berkley Group, LLC

Project Name: JM Robinson

Project Number: TCNS 89719

NT SUBMISSION PACKET – FCC FORM 620

Approved by OMB
3060-1039

Estimated Time Per Response:
.5 to 10 hours

Certification and Signature

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



Signature

11/26/12

Date

Jon Pruitt

President/Environmental
Consultant

Printed Name

Title

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).

Applicant's Name: Berkley Group, LLC
Project Name: JM Robinson
Project Number: TCNS 89719

Attachment 1. Résumés/Vitae

T. Jonathan Pruitt

Environmental Consultant

Mr. Pruitt has seventeen years of environmental consulting experience. His master's degree studies in environmental systems engineering were concentrated in physiochemical treatment, waste management and risk assessment. He has been involved in a number of industrial and municipal wastewater treatment design projects and has completed numerous NEPA compliance reports and Phase I & II Environmental Site Assessments. He also has experience with wetlands delineation and permitting, industrial and municipal solid waste projects, construction management, as well as project management in Wireless Telecommunications and Land Development.

Education

M.S. Environmental Systems Engineering, 1993
Clemson University
Clemson, SC

B. S. Ceramic Engineering, 1990
Clemson University
Clemson, SC

Certifications

SC Licensed Grading & Utilities Contractor #110320

NC Licensed Grading & Utilities Contractor #66956

SCDHEC Level II UST Site Rehabilitation Contractor #300

Asbestos Consultant/Building Inspector, SC License #23344

40-hour HAZWOPER/Confined Space Trained

SC Budget & Control Board Qualified Firm for Environmental Studies

Publications

“Beneficial Reuse in the Southeast”. *Industrial Wastewater*. March/April 1995, V. 3, No. 2.

Project Experience

Mr. Pruitt has gained a unique level of experience throughout his career with responsibilities as a project engineer, project manager and currently as President and CEO of Atlantic Environmental Services, Inc. As a project engineer his design work was complemented by construction management experience that resulted in a clear understanding of the elements required for cost effective design and construction. As a project manager, Mr. Pruitt progressed to the level of overall project planning and execution. Critical experience gained in this stage included the skills to understand the needs of the client, organize the tasks at hand, coordinate the staff to provide the relevant expertise, and manage each of these through effective communication based on technical knowledge. As a business owner and principal investigator Mr. Pruitt employs all of the skills developed along this career path and approaches his projects with diligence, creativity, and enthusiasm.

Mr. Pruitt currently serves as the lead environmental consultant for completion of Phase I ESAs and National Environmental Compliance Act (NEPA) compliance for purchases or lease transactions in the wireless telecommunications industry. These projects have continued over the past ten years, with Mr. Pruitt completing assessments of over 1,000 properties ranging from industrial and commercial properties to undeveloped and agricultural properties.

In addition, Mr. Pruitt has (1) performed automated stormwater semi-annual rain event sampling; (2) performed wastewater treatment system planning and design; (3) researched and compiled spill prevention control and countermeasure plans, emergency response plans, and process safety management plans; (4) provided compliance services for an industrial bio-solids land application project; (5) provided complete wetlands delineation and permitting services; (6) prepared preliminary engineering reports (PER) and designs for the upgrade of a wastewater treatment systems for textile wastes; (7) performed internal and on-site plant sewer studies and flow monitoring; (8) conducted treatability and waste minimization studies; (9) researched and compiled WWTP operations and maintenance manuals for textile dyeing and finishing facilities; (10) designed wastewater pump stations and force mains; (11) designed effluent monitoring buildings with automated flow measurement equipment; (12) prepared ground water monitoring plans for biosolids land application to include installation of monitoring wells and dedicated sampling pump systems.



Atlantic Environmental Services, Inc.

Environmental Assessments – Wetlands Delineation and
Permitting – Asbestos Inspection – Sitenwork and Utility
Construction – Hi Performance Onsite Wastewater Systems
– Land Clearing by In Place Mulching
stabiligrid.com
AtlanticEnvServices.com
864-907-6061
jonpruitt@wctel.net

SEAN NORRIS – PROJECT MANAGER

EDUCATION

M.A., Anthropology/Forensic Anthropology, University of South Carolina, Columbia, 1998.

B.A., Anthropology and Psychology, University of Nebraska, Lincoln, 1996.

PROFESSIONAL REGISTRATIONS/CERTIFICATIONS

Register of Professional Archaeologists (formerly SOPA), 2002

TECHNICAL SPECIALTIES

- Physical Anthropology
- Human Osteology
- Prehistoric Archaeology
- Cultural Resource Management
- Native American Consultation
- Geographic Information Systems (GIS)

REPRESENTATIVE EXPERIENCE

Mr. Norris has approximately 10 years of experience as an archaeologist and is the South Carolina Program Manager for TRC Garrow Associates, Inc. As Program Manager, he is responsible for overseeing all aspects of the archaeological program, from supervising the archaeological staff to ensuring that the highest quality of research and reporting is accomplished in a timely fashion. He has authored dozens of technical reports and serves as a Principal Investigator for cultural resource projects. Mr. Norris has a wide range of cultural resource management experience, including directing numerous archaeological survey, testing, and data recovery projects. He has conducted projects in the Northeast, Midwest, and Southeast United States as well as Puerto Rico and Egypt. He has successfully completed projects for regulated utilities and private sector clients as well as federal, state, and tribal government agencies.

Attachment 2. Additional Site Information

JM Robinson - The proposed project includes the **construction of a 175-foot monopole tower stealth pine tree** in a lease area measuring approximately 100-feet by 100-feet. The project will be located in a wooded area adjacent to I-485 accessed from Ballantyne Commons Parkway, Charlotte, NC, in Mecklenburg County. The site lies in the USGS Weddington quadrangle and the approximate coordinates are: Lat 35-03-47.1 Long 80-47-32.8.

Attachment 3. Tribal and NHO Involvement

The applicant made notification via the FCC TCNS system on October 24, 2012 (ID 89719). Each THPO that has requested to participate or has provided a list of counties in their traditional territory that includes the subject county will receive a copy of this 620 Submission Packet and/or their specific submittal.

A determination of the appropriate tribal contacts was made using information from the appropriate SHPO, published tribal contact lists, and electronic databases (NACD, TCNS)).

The tribes that have expressed interest in the subject county or have replied to the TCNS or follow up letters sent after posting the proposed Site on the TCNS are as follows:

Catawba Indian Nation Catawba Cultural Preservation Project (CCPP) – requests a portion of this 620 Packet.

Cherokee Nation – requests a portion of this 620 Packet.

Eastern Shawnee Tribe of Oklahoma – responded through the TCNS stating no objections to the action if they did not respond through the TCNS within 30-days.

Shawnee Tribe – requests a portion of this 620 Packet.

Tuscarora Nation – Chief Leo Henry indicated by telephone that his tribal council has decided it has no objections to tower projects and states the following in the TCNS: Exclusions: If the Applicant/tower builder receives no response from the Tuscarora Nation within 30 days after notification through TCNS, the Tuscarora Nation has no interest in participating in pre-construction review for the site. The Applicant/tower builder, however, must IMMEDIATELY notify the Tuscarora Nation in the event archaeological properties or human remains are discovered during construction.

Attachment 4. Local Government

The proposed project is under the jurisdiction of Mecklenburg County and has been approved by administrative review.

Attachment 5. Public Involvement

Public involvement in this action will consist of a local and national notice per FCC guidelines.

Attachment 6. Additional Consulting Parties

No additional consulting parties have been invited to participate in the 106 process. No additional consulting parties have independently requested to participate.

Attachment 7. Areas of Potential Effects

- a. The APE for direct effects includes a wooded area. The NCSHPO determines the APE for direct effects to be the immediate area of the tower as shown on the Communication Tower Review Form required by the NCSHPO and included in Attachment 10.
- b. The APE for visual effects includes a 1/2-mile radius around the proposed project site as determined by the NCSHPO.

The Charlotte Observer Publishing Co.
Charlotte, NC
Affidavit of Publication

North Carolina } ss

Mecklenburg County }

Charlotte Observer

REFERENCE: 213681 ATLANTIC ENVIRONMENTAL SEI

0000291349 Public Notice 854 File # A0791948. Berkley Group proposes to construct a 175-foot monopole tower stealth pine tree with no

Before the undersigned, a Notary Public of said County and State, duly authorized to administer oaths affirmations, etc., personally appeared, being duly sworn or affirmed according to law, doth depose and say that he/she is a representative of The Charlotte Observer Publishing Company, a corporation organized and doing business under the laws of the State of Delaware, and publishing a newspaper known as The Charlotte Observer in the city of Charlotte, County of Mecklenburg, and State of North Carolina and that as such he/she is familiar with the books, records, files, and business of said Corporation and by reference to the files of said publication, the attached advertisement was inserted. The following is correctly copied from the books and files of the aforesaid Corporation and Publication.

PUBLISHED ON: 11/28/2012

AD SPACE: 26 LINES

FILED ON: 12/18/2012

Public Notice
854 File # A0791948. Berkley Group proposes to construct a 175-foot monopole tower stealth pine tree with no lighting at 5925 Ballantyne Commons Parkway, Charlotte, NC. Interested persons may review the application by going to www.fcc.gov/asr/applications and entering the Form 854 File #. Interested persons may raise environmental concerns about the proposed structure by filing a Request for Environmental Review with the Federal Communications Commission. The Federal Communications Commission strongly encourages interested parties to file Requests for Environmental Review online, and that instructions for making such filings can be found at www.fcc.gov/asr/environmentalrequest. The mailing address for interested parties that would prefer to file a Request for Environmental Review by paper copy is: FCC Requests for Environmental Review, Attn: Ramon Williams, 445 12th Street SW, Washington, DC 20554.
LP291349

NAME: Judith M. Deas

TITLE: Notary Clerk

DATE: 12-28-12

In Testimony Whereof I have hereunto set my hand and affixed my seal, the day and year aforesaid.

Notary: Susan M. Deas

My commission Expires: 1/1/

My Commission Expires May 27, 2016

Attachment 8. Historic Properties Identified in the APE for Visual Effects

- a. Research at the NCSHPO archives indicated no historic properties in the Visual APE.
- b. No other historic properties have been identified.
- c. NA

Attachment 9. Historic Properties Identified in the APE for Direct Effects

- a. No properties from 8a or 8b exist within the APE for direct effects. The NCSHPO has recommended no field testing.
- b. No properties have been identified in the APE for direct effects that are considered to be eligible for listing in the National Register. A field archaeological survey is included following this Attachment.
- c.



621 Chatham Avenue
2nd Floor
Columbia, SC 29205

803.933.9991 PHONE
803.933.9993 FAX

www.TRCsolutions.com

November 19, 2012

Jon Pruitt
Atlantic Environmental Services, Inc.
Starr, SC

Subject: Archaeological Survey for Berkley Group LLC.'s Proposed JM Robinson Telecommunications Tower Site, Mecklenburg County, North Carolina.

Dear Mr. Pruitt,

On November 16, 2012 TRC conducted an archaeological survey of Berkley Group LLC.'s proposed JM Robinson Tower Site. The site is located in the City of Charlotte in Mecklenburg County, North Carolina (Figure 1). This work was done on behalf of Atlantic Environmental Services, Inc.

Applicant:	Berkley Group, LLC.
Site ID:	JM Robinson Tower Site
Site Location:	Mecklenburg County, North Carolina
Map Reference:	Weddington 1987 USGS 7.5' Topographic Quadrangle
Latitude:	35 deg 03 min 46.6 sec N
Longitude:	80 deg 47 min 32.9 sec W
Type:	+/-190-foot Monopole Tower, including antenna and lightning rod

The proposed JM Robinson tower is a 175-foot monopole that reaches a height of 190 with lightning rod. The tower site is located immediately west of the JM Robinson Middle School track and athletic field. It is approximately 500 feet southeast of the intersection of Four Mile Creek Road and Ballantyne Commons Parkway in Charlotte, North Carolina (Figure 2). Vegetation at the site consists of mixed pine and hardwood forest with a dense concentration of young pines (Figure 3). The project area is on a Piedmont physiographic province. Topographically the site area is flat and approximately 645 feet Above Mean Sea Level (AMSL). Cady Lake is approximately 0.3 mile to the south Lake Providence is approximately 0.6 mile to the northeast. The site is situated in an undeveloped forest with a middle school to the east, Interstate 385 to south and west and a housing development to the north. Access to the tower will be through a proposed 20 foot wide by 550 foot long road that will extend south from Ballantyne Commons Parkway for approximately 200 feet then turn east for 350 feet before reaching the tower location (Figure 4).

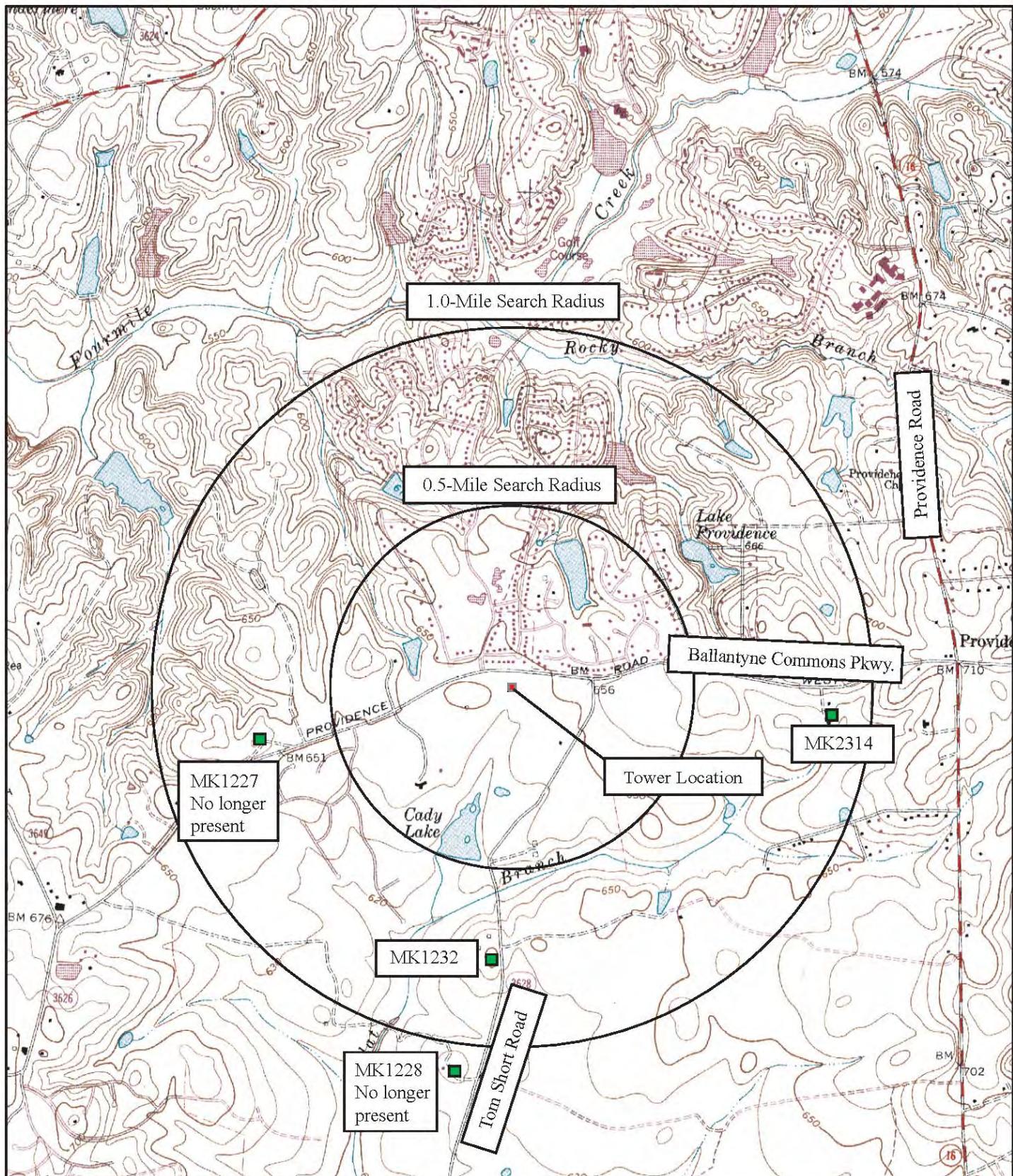


Figure 1.

Figure 1.
JM Robinson Tower

Base Map: Weddington

Base Map: Wedington
USGS Topographic Quadrangle

SSS Topog
Scale 1:24000

Project Area

 Historic Resource

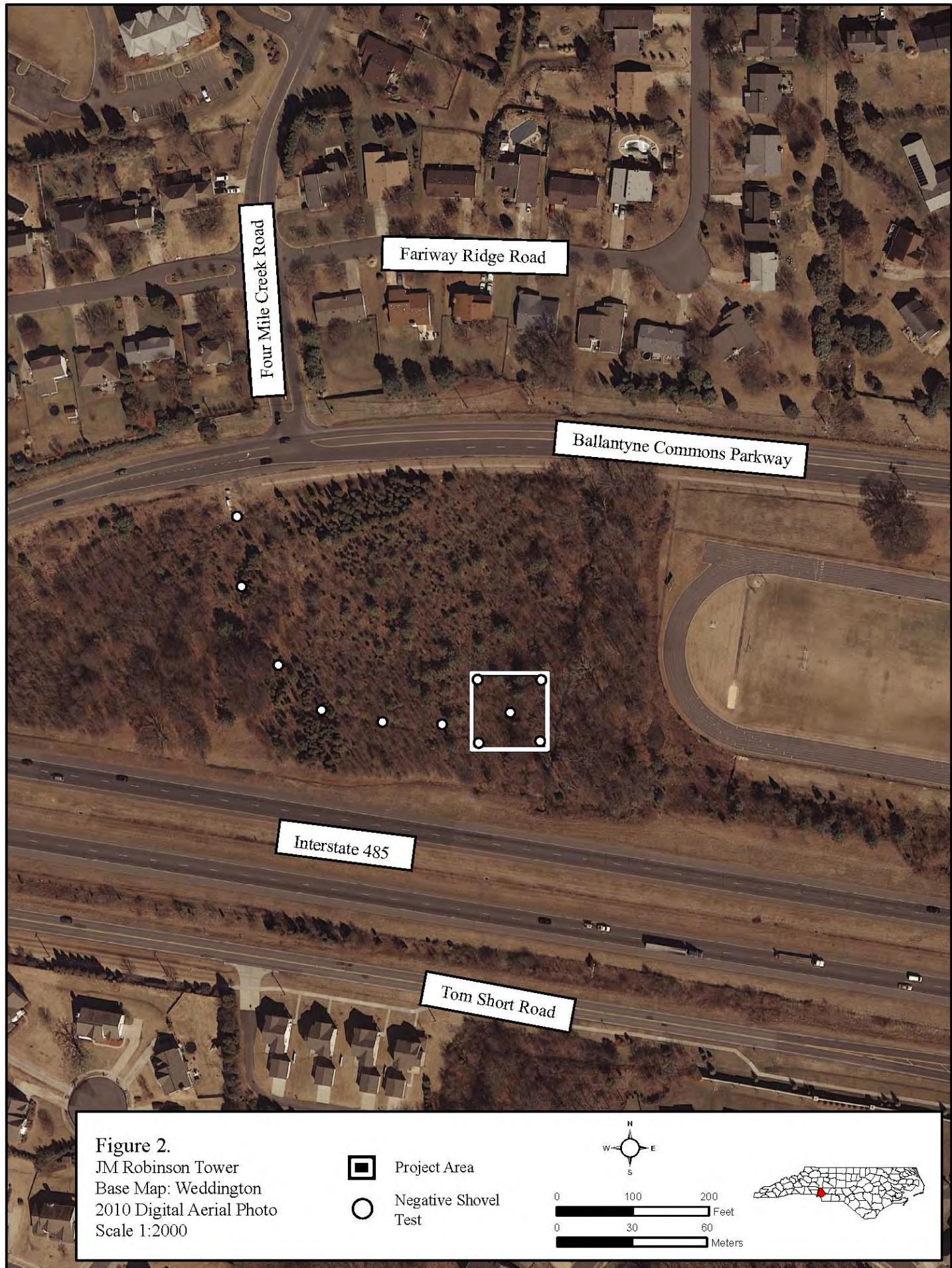




Figure 3. Facing east towards tower location.



Figure 4. Access road facing west.

METHODS

Literature Review

On October 29, 2012 the North Carolina State Historic Preservation Office (NC-SHPO) conducted a background literature review to identify cultural resources in the vicinity of the project area. The North Carolina Department of Cultural Resources web based GIS service was utilized to search for above ground resources. Since the tower will be less than 200 feet in height a 0.5-mile search radius for visual effects, as mandated by the FCC, was examined.

Field Survey

Five shovel tests were excavated within the proposed lease area. Additional shovel tests were excavated every 50 ft (15 m) along the proposed access road. All shovel tests were approximately 30 centimeters (cm) in diameter and excavated to sterile subsoil. Soil was screened through 0.25-inch hardware mesh, and artifacts, if encountered, were bagged according to provenience. Notes were kept in a field journal and on standard TRC site forms. Photographs were taken at the site to document vegetation and the general site conditions.

In addition to the archaeological survey, a windshield reconnaissance of the APE was conducted to determine whether the proposed project would affect any above ground National Register listed or eligible properties. Photographs illustrating the landscape were taken.

RESULTS

Literature Review

Background research at the NC-SHPO found that no archaeological sites were identified near the tower site. NC-SHPO determined that the proposed project will not affect historic properties in the Area of Potential Effect. Additionally, there no historic resources within the 0.5-mile of the proposed tower site

Field Survey

For the purposes of the archaeological survey, the project area consisted of a 100 × 100-ft lease area containing the proposed tower site and the proposed access road. Five shovel tests were excavated within and around the lease area. Six shovel tests were excavated along the proposed access road. Soils were deflated and eroded. Iredell fine sandy loam was encountered throughout the project area. This is a moderately well drained, slowly permeable soil. The soil profile encountered consisted of 20 cm of dark grayish-brown (2.5YR 4/2) sand loam directly above the brown (10YR 4/3) clay subsoil. No artifacts were recovered from the shovel tests and none were observed on the ground surface.

All roads were driven within a 1.0-mile radius of the tower site. No structures over 50 years of age were observed.

SUMMARY AND ASSESSMENT OF EFFECTS

An archaeological survey of the proposed JM Robinson Tower Site revealed no new archaeological sites or historic structures. Additionally, there are no previously recorded archaeological sites or historic structures nearby or within the proposed tower site that will be affected by the tower. It is TRC's recommendation that no archaeological sites or historic resources will be affected by the proposed undertaking. If you have any questions, please do not hesitate to contact me at 803-933-9991.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Norris".

Sean Norris, M.A., RPA
Program Manager, Archaeology

Attachment 10. Effects on Identified Properties

- a. The applicant believes that the proposed undertaking would have no effect on historic properties based on the determination of the NCSHPO. The NCSHPO Communication Tower Review Form is included following this Attachment.
- b. Correspondence with the SHPO/THPO concerning this undertaking prior to submission of this 620 Submission Packet has consisted of THPO contacts through the TCNS and follow up letters as detailed in Attachment 3.
- c. No alternatives have been considered since the undertaking is not expected to affect historic properties.



Communications Tower Review Form

I. Applicant Information:

Preparer/Company: AES- Jon Pruitt/Berkley Group
Address: PO Box 462, Starr, SC 29684
Phone/Fax/E-mail: 864-907-6061/864-352-2886 jonpruitt@wctel.net

For North Carolina HPO
Use Only

CT 12 - **1941**

II. Tower Information:

 (Attach copy of USGS map or photocopy of quad on reverse; include 1 and 2 mile radius around site)

Raw Land (New) Co-Location Applicant's Identification # JM Robinson
Address: Ballantyne Commons Pkwy, Charlotte, NC
County: Mecklenburg FCC Registration No. not assigned
Tower type and height: 175-foot monopole (+/- 190 w/ lightning rod) Quad Name: Weddington

III. Identification of Historic Properties:

List sites by site number and status: NR = National Register listed; SL = Study List; DOE = Determination of Eligibility;
LD = Local Designation; UA = Unassessed

Archaeology

of recorded sites in immediate area of tower: 0

Architecture

of recorded sites within ____-mile radius: _____

IV. Additional Information/Investigation Needed:

Survey

Photo Reconnaissance

Testing of sites NA

Balloon Test

Recommended by/on: John Minty 10/26/12
(Office of State Archaeology)

Recommended by/on: OK
(Survey & Planning Branch)

V. Recommendations/Final Determination:

Recommendations for additional work are shown above.

The proposed communication tower will NOT affect historic properties in the area of potential effect.

Renee Gledhill-Earley
Renee Gledhill-Earley, Environmental Review Coordinator

10-29-12
Date

cc: FCC

February, 2001

OCT 26 2012

Attachment 11. Photographs

- a. Photographs of the proposed location are included in Attachment 9.
- b. Photographs of all listed and eligible properties, if any, are included in Attachment 9.
- c. Photographs from all listed and eligible properties, if any, looking toward the proposed tower site are included in Attachment 9.
- d. Aerial photographs, if available, are included in Attachment 9.

Attachment 12. Maps

- a. A USGS topo map of the APEs is included in Attachment 9.
- b. The location and details of the proposed tower site are included in Attachments 9.
- c. Locations of historic properties, if any, are shown on maps included in Attachment 9.

Section 106 – SHPO & THPO Responses

Atlantic Environmental Services, Inc.
202 Fred Dean Road
Starr, SC 29684
864.907.6061
www.atlanticenservices.com
jonpruitt@wctel.net



Communications Tower Review Form

I. Applicant Information:

Preparer/Company: AES- Jon Pruitt/Berkley Group
Address: PO Box 462, Starr, SC 29684
Phone/Fax/E-mail: 864-907-6061/864-352-2886 jonpruitt@wctel.net

For North Carolina HPO
Use Only

CT 12 - **1941**

II. Tower Information: (Attach copy of USGS map or photocopy of quad on reverse; include 1 and 2 mile radius around site)

Raw Land (New) Co-Location Applicant's Identification # JM Robinson

Address: Ballantyne Commons Pkwy, Charlotte, NC

County: Mecklenburg FCC Registration No. not assigned

Tower type and height: 175-foot monopole (+/- 190 w/ lightning rod) Quad Name: Weddington

III. Identification of Historic Properties:

List sites by site number and status: NR = National Register listed; SL = Study List; DOE = Determination of Eligibility;
LD = Local Designation; UA = Unassessed

Archaeology

of recorded sites in immediate area of tower: 0

Architecture

of recorded sites within ____-mile radius: _____

IV. Additional Information/Investigation Needed:

Survey

Photo Reconnaissance

Testing of sites NA

Balloon Test

Recommended by/on: John Minty 10/26/12
(Office of State Archaeology)

Recommended by/on: OK
(Survey & Planning Branch)

V. Recommendations/Final Determination:

Recommendations for additional work are shown above.

The proposed communication tower will NOT affect historic properties in the area of potential effect.

Renee Gledhill-Earley
Renee Gledhill-Earley, Environmental Review Coordinator

10-29-12
Date

cc: FCC

February, 2001

OCT 26 2012

From: Richard Allen <Richard-Allen@cherokee.org>
Sent: Friday, December 21, 2012 1:29 PM
To: 'Jon Pruitt'
Subject: RE: TCNS 89719 for review

The Cherokee Nation has no knowledge of any historic, cultural or sacred sites within the affected area. Should any ground disturbance reveal an archaeological site or human remains, we ask that the all activity cease immediately and the Cherokee Nation and other appropriate agencies be contacted immediately.

Thank you,

Dr. Richard L. Allen
Policy Analyst
NAGPRA/Section 106 Contact
Cherokee Nation
P.O. Box 948
Tahlequah, Oklahoma 74465
(918) 453-5466 (office)
(918) 822-2707 (cell)
(918) 458-5898 (fax)

From: Jon Pruitt [mailto:jonpruitt@wctel.net]
Sent: Monday, November 26, 2012 4:48 PM
To: Richard Allen
Subject: TCNS 89719 for review

Thank you!

Jon Pruitt
Atlantic Environmental Services, Inc.
864.907.6061
www.atlanticenvservices.com

From: Kim Jumper <jumper.shawneetribe@hotmail.com>
Sent: Friday, January 11, 2013 3:53 PM
To: jonpruitt@wctel.net
Subject: RE: TCNS 89719

This letter is in response to the above referenced project.

The Shawnee Tribe's Tribal Historic Preservation Department concurs that no known historic properties will be negatively impacted by this project. We have no issues or concerns at this time, but in the event that archaeological materials are encountered during construction, use, or maintenance of this location, please re-notify us at that time as we would like to resume consultation under such a circumstance.

Thank you for giving us the opportunity to comment on this project.

Sincerely,

Kim Jumper, THPO
Shawnee Tribe

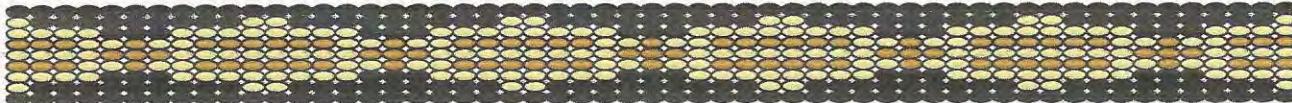
From: jonpruitt@wctel.net
To: jumper.shawneetribe@hotmail.com
Subject: TCNS 89719
Date: Wed, 9 Jan 2013 22:04:25 -0500
Hi,

Wanted to confirm that you have this one in for review. It is called JM Robinson in Charlotte, NC. Please let me know. Thanks!

Jon Pruitt
Atlantic Environmental Services, Inc.
864.907.6061
www.atlanticenvservices.com

Catawba Indian Nation
Tribal Historic Preservation Office
1536 Tom Steven Road
Rock Hill, South Carolina 29730

Office 803-328-2427
Fax 803-328-5791



December 10, 2012

Attention: Jon Pruitt
Atlantic Environmental Services, Inc.
202 Fred Dean Road
Starr, SC 29684

Re. THPO # TCNS# Project Description
2013-13-2 89719 Berkley Group – JM Robinson

Dear Mr. Pruitt,

The Catawba have no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas. **However, the Catawba are to be notified if Native American artifacts and / or human remains are located during the ground disturbance phase of this project.**

If you have questions please contact Caitlin Totherow at 803-328-2427 ext. 226, or e-mail caitlinh@ccpcrafts.com.

Sincerely,

Caitlin Totherow
Wenonah G. Haire
Tribal Historic Preservation Officer

Jon Pruitt

From: towernotifyinfo@fcc.gov
Sent: Friday, November 02, 2012 3:00 AM
To: jonpruitt@wctel.net
Cc: kim.pristello@fcc.gov; diane.dupert@fcc.gov
Subject: NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED TOWER CONSTRUCTION NOTIFICATION INFORMATION - Email ID #3127317

Dear Sir or Madam:

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

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

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



1. Chief Leo R Henry - Tuscarora Nation - Via: Lewiston, NY - regular mail

Details: If the Applicant/tower builder receives no response from the Tuscarora Nation within 30 days after notification through TCNS, the Tuscarora Nation has no interest in participating in pre-construction review for the site. The Applicant/tower builder, however, must IMMEDIATELY notify the Tuscarora Nation in the event archaeological properties or human remains are discovered during construction.



2. Policy Analyst Richard L Allen - Cherokee Nation - Tahlequah, OK - electronic mail

Details: The TCNS Details do not provide me enough information to conduct a proper assessment of the projects on behalf of the Cherokee Nation. Therefore, I request that I be sent a brief summary of the Phase I findings [please try to limit the summary to between 1-10 pages], a topo of the area, and relevant photos. Please send these by email to

ralen@cherokee.org. Please treat this request for additional material as a routine supplement to the TCNS Details Notification for each of your projects that fall within our Tribe's areas of geographic interest. Consequently, if you do not receive a response from me within 30 days from the date on which you e-mailed the supplemental items to me, you may move forward with the 20-Day Letter procedures pursuant to the FCC's guidelines. Thank you. -- Dr. Richard L. Allen



3. Administrative Assistant Jo Ann Beckham - Eastern Shawnee Tribe of Oklahoma - Seneca, MO - electronic mail
Details: If you, the Applicant and/or tower constructor, do not receive a response from us, the Eastern Shawnee Tribe of Oklahoma, within 30 days from the date of the TCNS notification, then you may conclude that we do not have an interest in the site. However, if archeological resources or remains are found during construction, you must immediately stop construction and notify us of your findings in accordance with the FCC's rules. (See 47 C.F.R. § 1.1312(d))



4. THPO Kim Jumper - Shawnee Tribe - Miami, OK - regular mail

Details: THIS IS YOUR OFFICIAL NOTICE THAT THE SHAWNEE TRIBE IS INTERESTED IN CONSULTING ON ALL PROJECTS BUILT IN OUR AREAS OF GEOGRAPHIC INTEREST.

ATTENTION, NEW INFORMATION: Our procedures were updated on 14 January 2008. Please call Kim Jumper, THPO, at 918-542-2441, so that she can send you a copy.

If your tower is a co-location, please fax us this information to let us know. We cannot always tell from the TCNS web site that a tower is a co-location. We require a written response from you to let us know that it is a co-location. If a co-location project includes some new ground disturbance (such as from an expanded compound or access road, or construction of an ancillary structure), the Shawnee Tribe treats such a project the same as any other non co-location project.

Our correct mailing/physical address is: 29 South Highway 69A. Our correct phone number is (918-542-2441) and our historic preservation fax line is (918-542-9915). THPO Kim Jumper manages all cell tower consultation.

As of 26 June 2006, all of the faxed responses of our final comments on a tower site will contain an original Shawnee Tribe signature. Each final comment fax is signed individually. Copies may be compared, for authentication, against the original in our files. If a final comment fax does not contain a signature, it is not valid. ALL FINAL COMMENTS FROM THE SHAWNEE TRIBE ARE WRITTEN; FINAL COMMENTS ARE NEVER PROVIDED VERBALLY. IF THE SHAWNEE TRIBE IS CREDITED WITH HAVING GIVEN A VERBAL RESPONSE, THAT RESPONSE IS NOT VALID.

If you receive notification through the TCNS listing the Shawnee Tribe, that is an indication that the Shawnee Tribe is interested in consulting on the tower for which that notification was received. Please consider that our official indication of interest to you. The Shawnee Tribe considers the Tower Construction Notification System's weekly e-mail to be the first notification that we receive that a tower will be constructed in an area of our concern. We do not view the TCNS notification as completion of 106 consultation obligations.

The Shawnee Tribe has developed streamlined consultation procedures for cell tower developers and their subcontractors. If you do not have a copy of the procedures - most recently updated on 14 January 2008 - please contact us, as you must follow these procedures to consult with us on cell tower projects. Call us at 918-542-2441 or fax us at 918-542-9915. It is the tower builder's responsibility to make sure that you have our most recent consultation procedures.

PLEASE DO NOT SEND US INFORMATION, QUERIES, OR COMMENTS ELECTRONICALLY. SINCE 1 DECEMBER 2005, WE HAVE NOT HANDLED ANY CELL TOWER CONSULTATION, INQUIRIES, OR CORRESPONDENCE VIA E-MAIL.



5. THPO and Executive Director Dr. Wenonah G Haire - Catawba Indian Nation Cultural Preservation Project - Rock Hill, SC - electronic mail and regular mail

Details: The Catawba Indian Nation Tribal Historic Preservation Office requests that you send us by regular mail the following information needed to complete our research for the your proposed project:

Project Name_____

Project Number_____

- 1. The name, complete address, phone number, fax number and e-mail address of the project manager.
- 2. The project location plotted on a topo map.
- 3. The project name, address and location; street or highway, city, county, state.
- 4. A brief description of the proposed project. Please include the size of the proposed project site and the size of the area where ground-disturbing activities will be taking place and the type of disturbance anticipated.
- 5. A brief description of current and former land use. We are primarily interested in ground disturbance and do not need detailed information or photographs of historic structures in the project area.
- 6. A list of all recorded archaeological sites within one half (1/2) mile of the project area.
- 7. A list of all eligible and potentially eligible National Register of Historic Places sites within one half (1/2) mile of the proposed project area.
- 8. If there has been an archaeological survey done in the area, a copy of that report.
- 9. It is not necessary to send original color photos if you can provide high-resolution color copies.
- 10. A letter of concurrence from the appropriate State Historic Preservation Office.

If you use the FCC Form 620, please do not send Attachments 1 through 6. They are not necessary for our determination. We do not have an interest in projects that require no ground disturbance.

Please note: Our research/processing fee is currently \$250. This fee will be changing to \$400 effective March 1, 2012. Please send these requested materials in hard copy format. Send to:

CIN-THPO
1536 Tom Steven Road
Rock Hill, S.C. 29730

The information you provided was also forwarded to the additional Tribes and NHOs listed below. These Tribes and NHOs have NOT set their geographic preferences on TCNS, and therefore they are currently receiving tower notifications for the entire United States. For these Tribes and NHOs, you are required to use reasonable and good faith efforts to

determine if the Tribe or NHO may attach religious and cultural significance to historic properties that may be affected by its proposed undertaking. Such efforts may include, but are not limited to, seeking information from the relevant SHPO or THPO, Indian Tribes, state agencies, the U.S. Bureau of Indian Affairs, or, where applicable, any federal agency with land holdings within the state (NPA, Section IV.B). If after such reasonable and good faith efforts, you determine that a Tribe or NHO may attach religious and cultural significance to historic properties in the area and the Tribe or NHO does not respond to TCNS notification within a reasonable time, you should make a reasonable effort to follow up, and must seek guidance from the Commission in the event of continued non-response or in the event of a procedural or substantive disagreement. If you determine that the Tribe or NHO is unlikely to attach religious and cultural significance to historic properties within the area, you do not need to take further action unless the Tribe or NHO indicates an interest in the proposed construction or other evidence of potential interest comes to your attention.

None

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

6. Environmental Review Coordinator Renee GledhillEarley - NC State Historic Preservation Office - Raleigh, NC - electronic mail

7. Deputy SHPO David Brook - Historic Preservation Office - Raleigh, NC - electronic mail

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

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

Notification Received: 10/24/2012

Notification ID: 89719

Tower Owner Individual or Entity Name: Berkley Group, LLC

Consultant Name: Jon Pruitt

Street Address: 10612-D Providence Road, PMB 742

City: Charlotte

State: NORTH CAROLINA

Zip Code: 28277

Phone: 704-907-7104

Email: jonpruitt@wctel.net

Structure Type: POLE - Any type of Pole

Latitude: 35 deg 3 min 46.6 sec N

Longitude: 80 deg 47 min 32.9 sec W

Location Description: Ballantyne Commons Parkway (JM Robinson)

City: Charlotte

State: NORTH CAROLINA

County: MECKLENBURG

Ground Elevation: 196.3 meters

Support Structure: 53.3 meters above ground level

Overall Structure: 57.9 meters above ground level

Overall Height AMSL: 254.2 meters above mean sea level

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

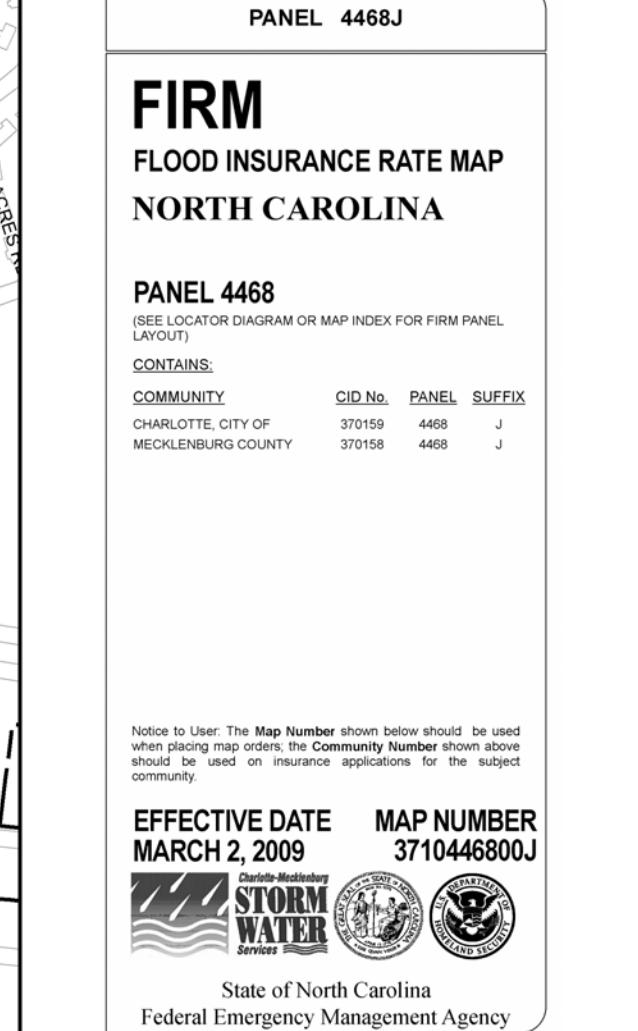
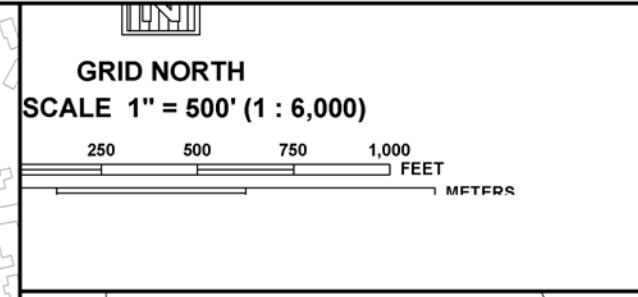
<http://wireless.fcc.gov/outreach/notification/contact-fcc.html>.

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

Thank you,
Federal Communications Commission

FEMA Map

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