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FRED G. FRANCIS
1916-2003

October 14, 2009

RECEIVED

OCT 20 2009

PUBLIC SERVICE
COMMISSION

Public Service Commission
211 Sower Blvd.
Frankfort, Kentucky 40602

**RE: Lee Etta Cummings/East Kentucky Network
PSC Case No. 2009-00064**

Dear Members:

We herewith submit for the review of the Public Service Commission, the NEPA Assessment submitted by the Applicant in the above matter in connection with its FCC approval of the Dry Fork Tower Site.

The NEPA Assessment is filed pursuant to directions by the PSC staff and the honorable hearing officer at the close of the hearing of this matter which was conducted on October 6, 2009.

Relevant portions of the Assessment having to do with the SHPO Assessment are shown at Appendix 4 and also as part of the Cultural Resource Survey Report dated May 13, 2009 near the back of the report.

Sincerely,

FRANCIS, KENDRICK & FRANCIS


William S. Kendrick

WSK/tbf
Enclosures

cc: Hon. Allyson Honaker
Hon. Nora Shepherd



**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

INVOICE

*OK
JJA*

DATE	INVOICE #
6/16/2009	2009-440

*Please Include the
Invoice Number with
your payment*

TERMS	<i>Due on receipt</i>
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**PO Box 7058
Lake Worth, FL 33466
Phone: 877-968-4787**

SHIP TO
Ms. Teresa Apel East Kentucky Networks 201 Technology Trail Ivel, KY 41642

BILL TO
Ms. Teresa Apel East Kentucky Networks 201 Technology Trail Ivel, KY 41642

PO / FILE NUMBER
N/A

SITE / FUND NUMBER

DEA PROJECT NUMBER
20903028

DESCRIPTION OF SERVICES	QTY	RATE	AMOUNT
<p>Additional Section 106 Report for the following Site:</p> <p>Dry Fork approximately 3.0 miles NW of Whitesburg at Dry Fork in Letcher County KY Whitesburg (Letcher) KY</p> <p>Please remit payment to: Dynamic Environmental Associates, Inc. 3850 Lake Street, Suite C Macon, GA 31204</p> <p><i>rec-6/26/09</i></p>		900.00	900.00
		<i>04-1439-8120</i>	

Thank you for the opportunity to be of service.

TOTAL DUE \$900.00

E-mail	Admin@DynamicEnvironmental.com	Web Site	www.DynamicEnvironmental.com
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EAST KENTUCKY NETWORK

067481

Vendor ID	Name	Payment Number	Check Date	Document Number	
DYNAMIC ENVIRON	DYNAMIC ENVIRONMENTAL ASSO	00000000000069006	7/31/2009	067481	
Our Voucher Number	Date	Amount	Amount Paid	Discount	Net Amount Paid
2009-496	7/16/2009	\$2,160.00	\$2,160.00	\$0.00	\$2,160.00
2009-506	7/21/2009	\$2,245.00	\$2,245.00	\$0.00	\$2,245.00
2009-505	7/21/2009	\$2,175.00	\$2,175.00	\$0.00	\$2,175.00

APPALACHIAN WIRELESS	\$6,580.00	\$6,580.00	\$0.00	\$6,580.00
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**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

INVOICE

*OK
ASAP*

DATE	INVOICE #
7/16/2009	2009-496

*Please Include the
Invoice Number with
your payment*

TERMS	<i>Due on receipt</i>
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**PO Box 7058
Lake Worth, FL 33466
Phone: 877-968-4787**

SHIP TO
Ms. Teresa Apel East Kentucky Networks 101 Technology Trail Ivel, KY 41642

BILL TO
Ms. Teresa Apel East Kentucky Networks 101 Technology Trail Ivel, KY 41642

PO / FILE NUMBER
N/A

SITE / FUND NUMBER
N/A

DEA PROJECT NUMBER
20903028

DESCRIPTION OF SERVICES	QTY	RATE	AMOUNT
NEPA Assessment for the following Site:		1,900.00	1,900.00
Public Notice AD for the following Site:		145.00	145.00
Consultation fee paid to the Shawnee Tribe for the following Site:		50.00	50.00
Consultation fee paid to the United Keetoowah Band of Cherokee Indians of Oklahoma for the following Site:		65.00	65.00
Dry Fork KY - <i>Rec'd 7/30/09</i> approximately 3.0 miles NW of Whitesburg at Dry Fork in Letcher County KY Whitesburg (Letcher) KY			
Please remit payment to: Dynamic Environmental Associates, Inc. 3850 Lake Street, Suite C Macon, GA 31204			
<i>04-1439-2120</i>		<i>OK 7-31-09</i>	

<i>Thank you for the opportunity to be of service.</i>	TOTAL DUE \$2,160.00
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E-mail	Admin@DynamicEnvironmental.com	Web Site	www.DynamicEnvironmental.com
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**NEPA Assessment
Dry Fork Site
Letcher County, KY**

DEA Project No. 20903028



July 13, 2009

PREPARED FOR:

**EAST KENTUCKY
NETWORK** 
d/b/a Appalachian Wireless
101 Technology Trail
Ivel, KY 41642

PREPARED BY:



DYNAMIC ENVIRONMENTAL ASSOCIATES, INC.

P.O. Box 7058, Lake Worth, Florida 33466 • www.DynamicEnvironmental.com • (877) 968-4787

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 - 2. Letter to the Kentucky SHPO Office
 - 3. Letter to the City of Whitesburg
 - 4. Letter to Letcher County
 - 5. Response from the Kentucky Trust for Historic Preservation
 - 6. Letter to the Kentucky Trust for Historic Preservation
 - 7. Proof of Public Notice
- V. Participation of Native American Tribes
 - 1. Tower Construction Notification System (TCNS) Documentation
 - 2. Native American Tribal Consultation Documentation
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1. INTRODUCTION

1.1 Scope of Services

Pursuant to authorization issued by East Kentucky Network, LLC d/b/a Appalachian Wireless, a NEPA Assessment was performed for the Dry Fork Site in Whitesburg, Letcher County, Kentucky. This report presents the findings of our investigation.

The work performed and the preparation of this report were conducted under the supervision of David Jermakian, President.

1.2 Site Location/Description

Appalachian Wireless proposes to construct a 314-foot self-support tower located west of Kentucky Hwy 15, approximately three miles northwest of Whitesburg, Letcher County, Kentucky. Access to the Site is via an unpaved drive extending from the terminus of Pansey Road. The Site is found within a reclaimed mountaintop mine area, located in a rural area of Letcher County.

The Site (Lease Parcel) is an irregularly shaped, approximately 182' x 152' area which is part of a larger Parent Tract of land located southeast of the community of Van, in Whitesburg, Letcher County, Kentucky at Latitude N37-08-49.4, Longitude W82-52-06.4. The Site is located within the northern portion of the Parent Tract property, which is dominated by a former mountaintop mine on the northern portion, and undeveloped land on the southern portion. The surrounding area is rural in nature and dominated by undeveloped properties, with occasional residential and commercial properties located throughout the area.

Please refer to *Figure 1* for a general location map.

2. SCREENING SUMMARY TABLE

The following Table illustrates the results of the NEPA screening that was conducted on the Site and surrounding area:

NEPA-FCC Land Use Screening Checklist Summary					
		Raw Land		Rooftop or Co-Locate	
NEPA Issue Screening		<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
1.	Is the proposed facility located in an officially designated wilderness area?		X		
2.	Is the proposed facility located in an officially designated wildlife preserve?		X		
3.	Will the proposed facility likely affect threatened or endangered species or designated critical habitats?		X		
4.	Will the proposed facility affect districts, Sites, buildings structures or objects significant in American history, architecture, archeology, engineering or culture that are listed or potentially eligible for listing in the National Register of Historic Places?		X		
5.	Will the facility affect Indian religious Sites?		X		
6.	Is the proposed facility located in a flood plain?		X		
7.	Will construction of the proposed facility involve significant change in surface features (i.e.: wetlands, deforestation or water diversion)?		X		
8.	Is the proposed facility located in a residential neighborhood and required to be equipped with high intensity white lights?		X		
9.	Will the antenna structure equal or exceed total power output limitations set forth in 47 CFR, Chapter 1, Subpart I, § 1.1307, Table 1?		X		

3. NEPA EVALUATION SUMMARY

3.1 Designated Wilderness Areas

Is the Site located in an officially designated wilderness area? No.

Based on a review of U.S.G.S. Topographic Maps ("Mayking, KY" Quadrangle) and DeLorme Street Atlas, the Site is not located in a designated wilderness area.

3.2 Designated Wildlife Preserves

Is the Site located in an officially designated wildlife preserve? No.

Based on a review of U.S.G.S. Topographic Maps ("Mayking, KY" Quadrangle) and DeLorme Street Atlas, the Site is not located in a designated wildlife preserve.

3.3 Threatened & Endangered Species and Habitat

Will the proposed facility likely affect threatened or endangered (T&E) species or designated critical habitats? No.

A current listing of threatened and endangered species in the area of the subject site was obtained from the U.S. Fish & Wildlife Service (FWS) website. Using the FWS supplied information in conjunction with our own data, an Informal Biological Assessment (IBA) was conducted by DEA to determine if any of the listed or proposed T&E species were readily observable and/or whether habitat necessary to support the listed species is present on or in proximity to the Site. The IBA and T&E Species list is provided in the appendix.

Our evaluation of flora and fauna in the Site area used the current list of Threatened and Endangered Species that have been identified in the county. No listed or proposed threatened or endangered species were observed on or in proximity to the Site. Further, it is our opinion that the proposed project will have no effect on habitat that may be used by T&E species. Based on the data available and our field observations, we find that the project will have no effect on listed threatened or endangered species.

Our IBA was submitted to the U.S. Fish and Wildlife Service (FWS), requesting concurrence with our findings. The FWS concurred with our findings, by letter dated May 13, 2009 (attached).

The Site is not designated as "Critical Habitat" as defined in 50 CFR.

3.4 Historical & Cultural Concerns

Will the proposed project 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? No.

DEA conducted a Section 106 Review for the proposed tower construction project in accordance with the requirements stipulated by the Nationwide Programmatic Agreement (NPA) and the Kentucky Heritage Council. The Review defined the approximately 182' x 152' lease area as the Area of Potential Effect (APE) for Direct Effects. The Review defined an area 1 mile in radius from the Site as the Area of Potential Effect (APE) for Visual Effects. This work concluded that there would be no effect to historic resources within either APE.

As required by the NPA, Public Participation as well as notification to Local Governments and other Potentially Interested Parties was conducted. A Public Notice was posted in the Letcher County News on April 29, 2009 & May 06, 2009, inviting review and comment on the proposed project by the general public. This notice provided for a 30 day comment period. As of the date of this report we are aware of no comments made by the public.

Notification letters, dated April 09, 2009, April 20, 2009, and April 30, 2009 inviting comment on the proposed tower project, were directed to the City of Whitesburg, Letcher County, and the Kentucky Trust for Historic Preservation, respectively.

Mr. Robert M. Polsgrove, President of the Kentucky Trust for Historic Preservation responded stating that his organization has no responsibility within the Section 106 Review process and that they are not in a position to evaluate the projects. As of the date of this report we have received no responses from the City of Whitesburg or Letcher County. Therefore, we consider the lack of response as an indication that these parties have chosen not to participate in the review process.

As required by the NPA, a completed FCC Form 620 was submitted to the Kentucky SHPO requesting concurrence that the proposed project would have "No Effect" on historical or cultural resources in the area. By letter dated July 6, 2009, the SHPO concurred. Copies of all correspondence, including Form 620, are included in the Appendix.

3.5 Indian Religious Sites

Will the proposed project affect Indian religious Sites? No.

A review of Native American owned lands was conducted using available mapping and other data available from the Department of the Interior. In addition, in accordance with the requirements stipulated by the Nationwide Programmatic Agreement (NPA), notification of the proposed project was made via the FCC Tower Construction Notification System (TCNS). Seven (7) Native American Tribes, registered as having a potential interest in the geographic area of the project, were notified of the project by the TCNS. As of this date, all seven (7) Tribes have responded stating they have no objection to, or comments on, the proposed project, including:

Absentee-Shawnee Tribe of Indians of Oklahoma
Cherokee Nation
Eastern Band of Cherokee Indians
Eastern Shawnee Tribe of Oklahoma

Kialegee Tribal Town
Shawnee Tribe
United Keetoowah Band of Cherokee Indians

3.6 Floodplains

Is the Site located in a flood plain? No.

According to information depicted on FEMA - Flood Insurance Rate Mapping, Panel No. 21133C0125C, dated March 18, 2008, the Site is located in Flood Zone "X", an area outside the 100 year flood zone.

3.7 Significant Change in Surface Features

Will the proposed project involve significant change in surface features (i.e.: wetlands, deforestation or water diversion)? No.

No wetlands were observed on or near the Site.

No water bodies are located on or in proximity to the Site.

Removal of trees or shrubbery will not be required.

3.8 National Scenic Trails

Is the proposed facility located within one mile of a National Scenic Trail? No.

We have reviewed the Scenic Trail information at http://www.pueblo.gsa.gov/cic_text/travel/nattrails/trailmap.htm. Based on a review of the information contained on this web site, the Site is not within one mile of a National Scenic Trail.

3.9 High Intensity White Lights

Is the proposed facility located in a residential neighborhood and required to be equipped with high intensity white lights? No.

The tower is proposed to be 314 feet tall, and to the best of our knowledge, will not be equipped with High Intensity White Lights.

3.10 Radio Frequency Radiation

Will the proposed project potentially cause exposure of workers or the general public to levels of radio frequency radiation in excess of the standards set by ANSI/IEEE? No.

It is assumed that Appalachian Wireless will ensure that the tower meets all regulatory requirements for "maximum permissible exposure" of RF Radiation.

4. LIMITATIONS

This report is based upon a visual inspection of the Site, information provided by Appalachian Wireless, and documentation obtained through research conducted by DEA. The activities described, and the results, findings, and recommendations included herein are based on information gathered during an investigation which was limited in scope. A more comprehensive investigation, which may be done later, may produce different results. The information contained herein was prepared for the exclusive use of Appalachian Wireless, solely in conjunction with the subject investigation. The findings and recommendations set forth herein are based on the conditions encountered at the subject Site, and the evidence which was available at the time the Site investigation was conducted. Future investigations and findings could change the contents of this report. This work conducted and the report preparation were conducted in accordance with generally-accepted environmental consulting practices. No other expressed or implied warranty is made. This report is not a legal opinion which can only be provided by individuals licensed to practice law.

5. CERTIFICATION

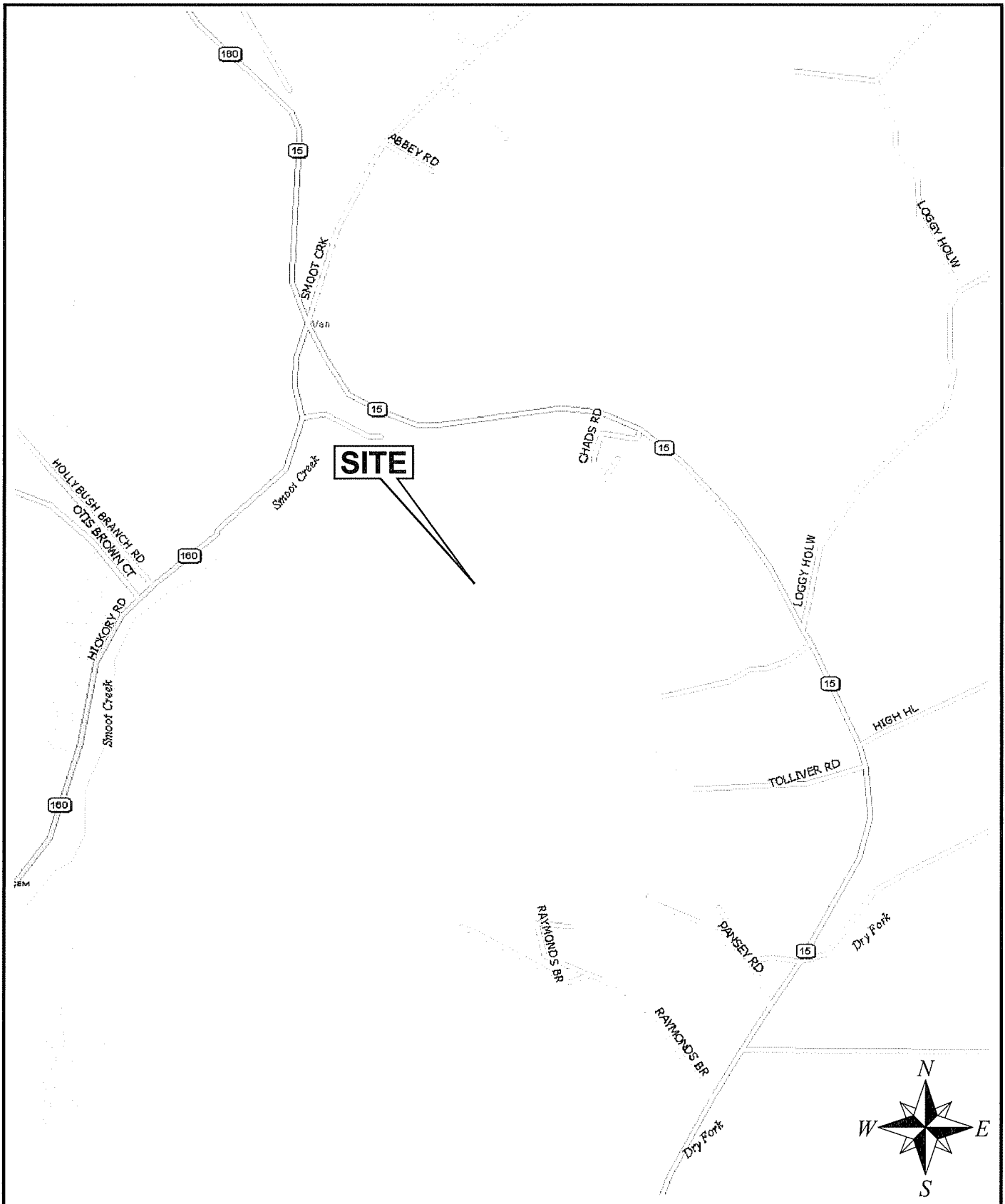
The findings presented herein, which may be limited as described above, are accurate to the best of our knowledge and may be relied on by Appalachian Wireless.



Digitally signed by David
A Jermakian
Reason: I am approving
this document

David A. Jermakian, CHMM
President

Appendix I - Figures



SITE LOCATION MAP



DYNAMIC ENVIRONMENTAL ASSOCIATES, INC.

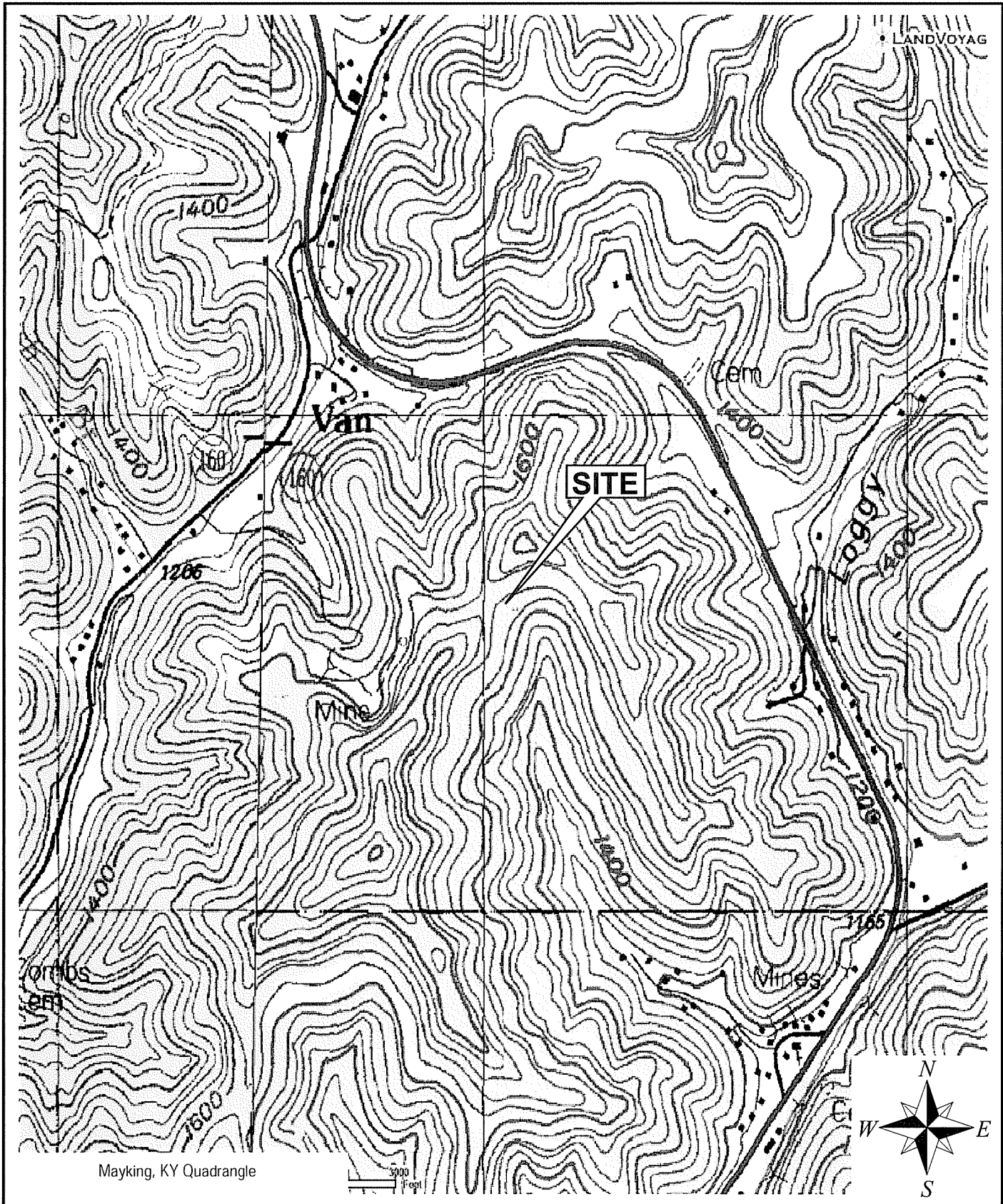
www.DynamicEnvironmental.com

NEPA Site Assessment
 Dry Fork Tower Site
 Letcher County, Texas

Figure No.: 1

Date: 07/13/09

DEA No.: 20903028



U.S.G.S. Topographic Map



**DYNAMIC
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NEPA Site Assessment
Dry Fork Tower Site
Letcher County, Texas

Figure No.: 2

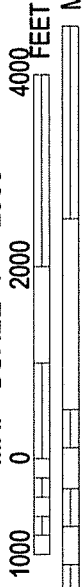
Date: 07/13/09

DEA No.: 20903028

Appendix II - FEMA Flood Insurance Rate Map



MAP SCALE 1" = 2000'



NFIP

PANEL 0125C

FIRM
FLOOD INSURANCE RATE MAP
LETCHER COUNTY,
KENTUCKY
AND INCORPORATED AREAS

PANEL 125 OF 375
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:
COMMUNITY NUMBER **PANEL SUFFIX**
LETCHER COUNTY 210289 0125 C

Note to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

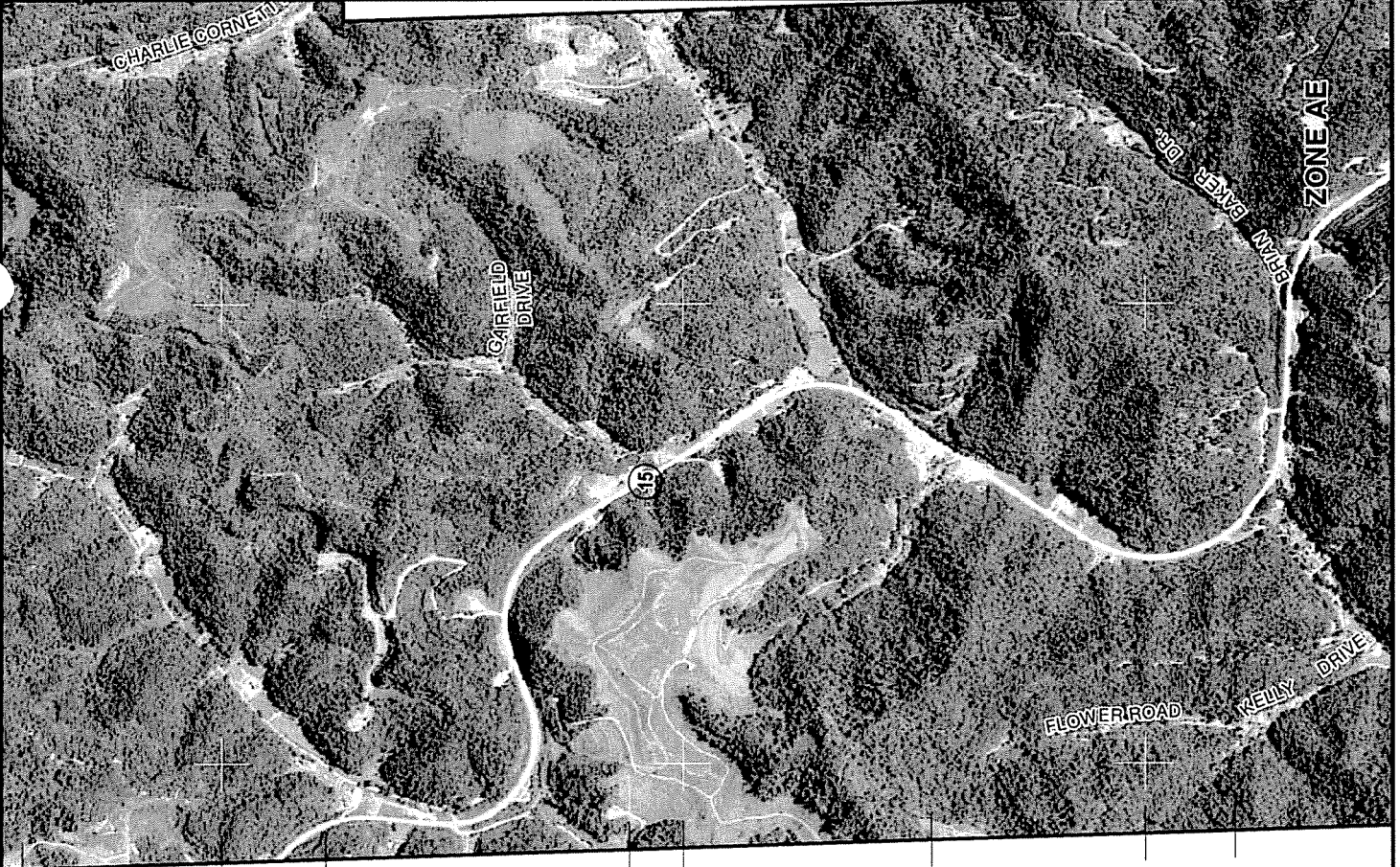


MAP NUMBER
21133C0125C
EFFECTIVE DATE
MARCH 18, 2008

Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



3595000 FT

3590000 FT

3585000 FT

**Appendix III - Threatened & Endangered
Species Documentation**

**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

A PROFESSIONAL ENVIRONMENTAL CONSULTING FIRM

May 8, 2009

USFWS, Kentucky Ecological Services Field Office
JC Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670

No significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from this proposal.

Re: Informal Biological Assessment
Dry Fork Tower Site
Whitesburg, Letcher County, Kentucky
DEA No. 20903028

W. J. St. Aubert 5/13/09
Field Supervisor Date
U. S. Fish and Wildlife Service
Frankfort, KY 40601

To Whom it May Concern:

Dynamic Environmental Associates, Inc. is completing a NEPA Review for the proposed construction of a telecommunication tower facility within the State of Kentucky, in accordance with 47 CFR 1.1307 (a) 3. As described herein, an Informal Biological Assessment (IBA) has been conducted for East Kentucky Network, LLC d/b/a Appalachian Wireless to identify federal and state threatened and endangered species (T&E) and/or critical habitat that may be located at or near the proposed project location. The following information, as well as the information on the enclosed attachment, presents the findings of this work:

Project Description: Appalachian Wireless is proposing to construct a 300' tall (overall of height 314' with appurtenances) self-support tower within an undeveloped area. The proposed project includes a lease parcel area (Site), approximately 182' x 152' (21,685 sq. ft.) in size, for the development of a proposed self-support tower and associated equipment area for a 10' x 16' equipment shelter and an emergency generator with an associated propane tank.

Project Location: The Site is located approximately 3.0 miles northwest of the City of Whitesburg, KY in the jurisdiction of Letcher County. The Site is found at Latitude N37-08-49.4 and Longitude W82-52-06.4. Access to the Site is via an unpaved drive, north, from Highway 15.

Location Maps: The subject Site location is shown on a portion of the USGS Mayking, KY 7.5-minute topographic quadrangle and Street Atlas road map, enclosed.

Photographs: Color photographs of the tower Site and immediate project area are enclosed.

Description of Project Area:

The following has been derived from information provided by Appalachian Wireless, a review of available data and literature, and on observations made during a site visits:

- Location Description: The Site is located within a reclaimed mine area.
- Area Description: The surrounding area is rural in nature, dominated by undeveloped properties with occasional residential properties..
- Vegetation (Onsite): Vegetation on Site is sparse and dominated by grasses with occasional shrubs and trees.

KY FIELD OFFICE

RECEIVED

**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

A PROFESSIONAL ENVIRONMENTAL CONSULTING FIRM

May 8, 2009

USFWS, Kentucky Ecological Services Field Office
JC Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670

Re: Informal Biological Assessment
Dry Fork Tower Site
Whitesburg, Letcher County, Kentucky
DEA No. 20903028

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Project Description: Appalachian Wireless is proposing to construct a 300' tall (overall of height 314' with appurtenances) self-support tower within an undeveloped area. The proposed project includes a lease parcel area (Site), approximately 182' x 152' (21,685 sq. ft.) in size, for the development of a proposed self-support tower and associated equipment area for a 10' x 16' equipment shelter and an emergency generator with an associated propane tank.

Project Location: The Site is located approximately 3.0 miles northwest of the City of Whitesburg, KY in the jurisdiction of Letcher County. The Site is found at Latitude N37-08-49.4 and Longitude W82-52-06.4. Access to the Site is via an unpaved drive, north, from Highway 15.

Location Maps: The subject Site location is shown on a portion of the USGS Mayking, KY 7.5-minute topographic quadrangle and Street Atlas road map, enclosed.

Photographs: Color photographs of the tower Site and immediate project area are enclosed.

Description of Project Area:

The following has been derived from information provided by Appalachian Wireless, a review of available data and literature, and on observations made during a site visits:

Location Description:	The Site is located within a reclaimed mine area.
Area Description:	The surrounding area is rural in nature , dominated by undeveloped properties with occasional residential properties..
Vegetation (Onsite):	Vegetation on Site is sparse and dominated by grasses with occasional shrubs and trees.

Description of Project Area:	
Vegetation (Vicinity):	Vegetation in the surrounding area is sparse and dominated by grasses.
Hydrology & Wetlands (Onsite):	No water bodies or wetlands were observed on the Site. Hydric soils and hydrophytic vegetation were not present on the site.
Hydrology & Wetlands (Vicinity):	No wetlands or water bodies are mapped by NWI within 1/4 mile of the site, nor were any observed.
T&E Species Analysis:	<p>Species lists and habitat information for plants and animals protected or proposed for protection under the Federal Endangered Species Act were obtained from the sources listed on Table 1 (attached). We also reviewed "designated critical habitat" as defined in 50 CFR, and confirmed that no designated or proposed critical habitats exist in the site area.</p> <p>Table 1 presents state and federal listed and candidate T&E species known to exist in Letcher County, KY. The table compares habitat and/or range requirements of each species with existing site and surrounding area conditions to serve as rationale for a "no impact" determination. Fish and Amphibians have been omitted from the table since their presence on the Site and potential impact is not applicable to this project.</p>
T&E Species Evidence Observed:	No evidence or occurrences of Threatened or Endangered Species, or other wildlife, were observed on or adjacent to the Site.

Conclusions: Based on visual observations, various maps, and publicly available information it is DEA's opinion that:

- 1) The above designated Site is not located in an officially designated wilderness area.
- 2) The Site is not designated as "Critical Habitat" as defined in 50 CFR.
- 3) The Site is not located in an officially designated wildlife preserve.
- 4) This project will not likely effect listed T&E species or designated critical habitats.
- 5) The project is not likely to jeopardize the continued existence of any proposed T&E species or result in the destruction of, or adverse modification of proposed critical habitats.

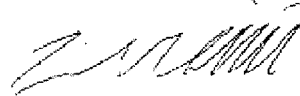
Minimization of impacts to migratory birds will be been accomplished by adhering to the USFWS guidelines for telecommunications towers to the extent practical.

- 1) The proposed project involves the construction of a new telecommunications tower facility, including a 314' tall self-support tower.
- 2) Lighting will be as required by FAA regulations. We recommend that the minimum permitted lighting be utilized.
- 3) The tower will have the ability to accept co-located transmitters.
- 4) The tower will not be constructed with guy wires.

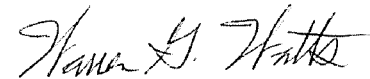
While a more comprehensive and/or a long term study may provide different results, based on the efforts undertaken during this IBA, we have concluded that there is minimal potential for the proposed tower to have a significant effect on migratory bird species.

We trust that this information is suitable for your needs and we request your concurrence with the findings presented herein. Should you have any questions, please do not hesitate to call.

Very truly yours,
**Dynamic Environmental
Associates, Inc.**



Timothy M. Gilliland
Project Manager



Warren G. Watts
Senior Environmental Biologist

enc: Table 1 - Species List
Color Photographs
Site Location Map
USGS Topographic Map
Aerial Photograph
Biologist CV

20903028 - IBA

**Table 1 - State/Federal Endangered, Threatened, or Candidate Species
Dry Fork Tower Site
Letcher County, Kentucky**

Site Conditions	The Site is located within a reclaimed mine area with sparse vegetation dominated by grasses.				
Common Name	Scientific Name	Fed.	St.	Habitat/Range Requirements	Potential Impacts
American Black Bear	<i>Ursus Americanus</i>		S	Prefers mixed deciduous-coniferous forests with a thick understory, but may occur in various situations. Large hardwood swamps and pocosins are important habitats on the Atlantic Coastal Plain. When inactive, occupies den under fallen tree, in ground-level or above-ground tree cavity or hollow log, in underground cave-like sites, on on ground surface in dense cover.	No Effect. Adequate habitat may exist in the Site area. However, the range of species is large and the construction of the tower compound would not result in any significant loss of habitat. No evidence of this species was observed.
American Coot	<i>Fulica americana</i>		E	Freshwater lakes, ponds, marshes, and larger rivers, wintering also on brackish estuaries and bays. Also on land bordering these habitats. Calm open water with plenty of algae and other aquatic vegetation (Stiles and Skutch 1989). Typically builds floating nest among marsh plants in 30-100 cm of water (Harrison 1979).	No Effect. No habitat exists onsite or in the general area.
Barn Owl	<i>Tyto alba</i>		S	Fields of dense grass. Open and partly open country (grassland, marsh, lightly grazed pasture, hayfields) in a wide variety of situations, often around human habitation (AOU 1983). Nests in buildings (church steeples, attics, platforms in silos and barns, wooden water tanks, duckblinds), caves, crevices on cliffs, burrows, and hollow trees, rarely in trees with dense foliage (AOU 1983). Caves, cliff crevices, and cut bank burrows are commonly used in the western U.S., rarely in the east. Uses nest boxes (Marti and	No anticipated effect. Adequate habitat may exist in the Site area. However, development of the facility would not result in any significant loss of habitat.

**Table 1 - State/Federal Endangered, Threatened, or Candidate Species
Dry Fork Tower Site
Letcher County, Kentucky**

Site Conditions	The Site is located within a reclaimed mine area with sparse vegetation dominated by grasses.				
Common Name	Scientific Name	Fed.	St.	Habitat/Range Requirements	Potential Impacts
				Wagner 1985). Nesting Habitat: This is a cavity-nesting bird which uses natural as well as human-created cavities. Tree cavities are the principal nest site used in most areas of the Northeast (Colvin et al. 1984); those most frequently used are silver maple (<i>Acer saccharinum</i>), American sycamore (<i>Platanus occidentalis</i>), and white oak (<i>Quercus alba</i>) (Colvin et al. 1984, Byrd and Rosenberg 1986).	
Blackburnian Warbler	<i>Dendroica fusca</i>		T	Breeding: Coniferous (primarily balsam fir or hemlock) and mixed forest, open woodland, second growth. In migration in various forest, woodland, scrub, and thicket habitats (AOU 1983). In winter, forests and woodlands of mountain slopes; forest canopy and edge, semi-open areas, tall second growth (Stiles and Skutch 1989). De La Zerda Lerner and Stauffer (1998) report a preference for dense trees, shrubs, and snags, with use of both large forest fragments and small or linear patches, but not solitary trees in pastures or non-native pine plantations. Birds were observed most commonly in the upper third of tree canopies.	No Effect. No habitat exists onsite with only limited habitat in the general area.
Cinereus Shrew	<i>Sorex cinereus</i>		S	Occupies most terrestrial habitats excluding areas with very little or no vegetation. Thick leaf litter in damp forests may represent favored habitat, although appears adaptable to major successional disturbances. Nest sites are typically in shallow burrows or	No anticipated effect. Adequate habitat may exist in the Site area. However, development of the facility would not result in any significant loss of habitat.

**Table 1 - State/Federal Endangered, Threatened, or Candidate Species
Dry Fork Tower Site
Letcher County, Kentucky**

Site Conditions	The Site is located within a reclaimed mine area with sparse vegetation dominated by grasses.				
Common Name	Scientific Name	Fed.	St.	Habitat/Range Requirements	Potential Impacts
				above ground in logs and stumps.	
Common Raven	<i>Corvus corax</i>		T	Various situations from lowlands to mountains, open country to forested regions, and humid regions to desert; most frequently in hilly or mountainous areas, especially in vicinity of cliffs (AOU 1983).	No anticipated effect. Adequate habitat may exist in the Site area. However, development of the facility would not result in any significant loss of habitat.
Eastern Small-footed Myotis	<i>Myotis leibii</i>		T	Habitat is mostly hilly or mountainous areas, in or near deciduous or evergreen forest, sometimes in mostly open farmland. Unpublished data from the Kentucky Heritage Program indicate that summer roosts include caves, coal mines, buildings, and bridges over rivers (in expansion joints). Warm-season roosts include buildings, towers, hollow trees, spaces beneath the loose bark of trees, cliff crevices, and bridges. Tuttle (1964) reported two individuals found in April in Tennessee under a large flat rock at the edge of a quarry surrounded by woods and cow pastures. They have been seen resting in limestone caves in West Virginia in spring and summer (Krutzsich 1966).	No anticipated effect. Adequate habitat may exist in the Site area. However, development of the facility would not result in any significant loss of habitat.
Eastern Spotted Skunk	<i>Spilogale putorius</i>		S	Prefer forested areas or habitats with significant cover (Dragoo and Honeycutt, in Wilson and Ruff 1999). Also open and brushy areas, rocky canyons and outcrops in woodlands and prairies. When inactive or bearing young, occupies den in burrow abandoned by other mammal, under brushpile, in hollow log or tree, in rock crevice, under building, or in	No Effect. No habitat exists onsite with only limited habitat in the general area.

**Table 1 - State/Federal Endangered, Threatened, or Candidate Species
Dry Fork Tower Site
Letcher County, Kentucky**

Site Conditions	The Site is located within a reclaimed mine area with sparse vegetation dominated by grasses.				
Common Name	Scientific Name	Fed.	St.	Habitat/Range Requirements	Potential Impacts
				similar protected site.	
Golden-winged Warbler	<i>Vermivora chrysoptera</i>		T	Deciduous woodland, usually in dry uplands or areas of thick undergrowth in swampy areas; woodland edge with low cover; hillside scrub; overgrown pastures; abandoned farmland; powerline right-of-ways; recently logged sites; bogs; forest openings; territories usually have patches of herbs and shrubs, sparse tree cover, and a wooded perimeter (Confer 1992). Habitat tracts of 10-15 ha can support several pairs and are preferred over both smaller and larger areas (Confer 1992). Habitat can be created through logging, burning, and intermittent farming (Confer 1992). Habitat is ephemeral and requires periodic disturbance to return it to favorable early successional conditions. Nests on or a little above ground, in grass tuft, fern or weed clump, or concealed in herbage at base of shrub, tree, ferns, briars, or goldenrod (Harrison 1978, Confer 1992). Often the clump includes a taller stem used for descent to the nest. Nests usually at the ecotone of a forest with a field or marsh, or in a small opening in a forest (Confer 1992).	No Effect. No habitat exists onsite with only limited habitat in the general area.
Indiana Bat	<i>Myotis sodalis</i>	E	E	In hibernation, limestone caves with pools are preferred. Hall (1962) noted that preferred caves are of medium size with large, shallow passageways. Roosts usually are in the coldest part of the cave. During the fall, when these bats swarm and mate at their hibernacula,	No Effect. No habitat exists onsite with only limited habitat in the general area.

**Table 1 - State/Federal Endangered, Threatened, or Candidate Species
Dry Fork Tower Site
Letcher County, Kentucky**

Site Conditions	The Site is located within a reclaimed mine area with sparse vegetation dominated by grasses.				
Common Name	Scientific Name	Fed.	St.	Habitat/Range Requirements	Potential Impacts
				males roost in trees nearby during the day and fly to the cave during the night. In summer, habitat consists of wooded or semiwooded areas, mainly along streams. Solitary females or small maternity colonies bear their offspring in hollow trees or under loose bark of living or dead trees (Humphrey et al. 1977, Garner and Gardner 1992).	
Gray Myotis	<i>Myotis grisescens</i>	E		Roost sites are nearly exclusively restricted to caves throughout the year (Hall and Wilson 1966, Barbour and Davis 1969, Tuttle 1976), though only a few percent of available caves are suitable (Tuttle 1979). Large summer colonies utilize caves that trap warm air and provide restricted rooms or domed ceilings; maternity caves often have a stream flowing through them and are separate from the caves used in summer by males.	No Effect. No habitat exists onsite or in the general area. No caves are located in the general area.
Kentucky Red-backed Vole	<i>Myodes gapperi maurus</i>		S	The red-backed vole is found in the southern Appalachians ecoregion. Within that ecoregion, the vole can be found in habitat with mesic mixed forests, mesic deciduous hardwood, and high altitude coniferous forests and beech gaps. A mesic environment with an abundance of litter, rotting logs, moss covered rocks, exposed roots and rock crevices would be considered an ideal habitat. Generally, the presence of a bog area or streambed at altitudes above 762 m (2,500 feet) offers an appropriate habitat (Webster et	No Effect. No habitat exists onsite with only limited habitat in the general area.

**Table 1 - State/Federal Endangered, Threatened, or Candidate Species
Dry Fork Tower Site
Letcher County, Kentucky**

Site Conditions	The Site is located within a reclaimed mine area with sparse vegetation dominated by grasses.				
Common Name	Scientific Name	Fed.	St.	Habitat/Range Requirements	Potential Impacts
				al. 1985). Neither forest age, nor successional stage, has been reported as critical factors in determining habitat preference. Red-backed voles do not colonize post burn communities as readily as other species (Merritt and Zegler 1991) but will inhabit clear cuts (Kirkland 1990; Schloyer 1977; Martell 1983; Monthey and Soutiere 1985).	
Least Weasel	<i>Mustela nivalis</i>		S	Habitat varies geographically and includes open forests, farmlands and cultivated areas, grassy fields and meadows, riparian woodlands, hedgerows, alpine meadows, scrub, steppe and semi-deserts, prairies, coastal dunes, and sometimes rural residential areas; snow cover is not an obstacle; generally avoids deep dense forest and sandy desert. When inactive, occupies burrow made by vole or mole, or rests in nest in hole in wall of building or under corn shock or similar site. Den site may change often. Young are born in abandoned underground burrows made by other mammals (or similar secluded sites).	No anticipated effect. Adequate habitat may exist in the Site area. However, development of the facility would not result in any significant loss of habitat.
Long-tailed or Rock Shrew	<i>Sorex dispar blitchi</i>		E	Most commonly found in boulder piles on steep mountain slopes.	No Effect. No habitat exists onsite with only limited habitat in the general area.
Northern Pinesnake	<i>Pituophis melanoleucus melanoleucus</i>		T	Require dry pine-oak forest types growing on very infertile sandy soils such as Lakehurst or Lakewood sands (Burger and Zappalorti 1988, 1989). Both human-caused and natural disturbances (e.g. agriculture,	No Effect. No habitat exists onsite or in the general area.

**Table 1 - State/Federal Endangered, Threatened, or Candidate Species
Dry Fork Tower Site
Letcher County, Kentucky**

Site Conditions	The Site is located within a reclaimed mine area with sparse vegetation dominated by grasses.				
Common Name	Scientific Name	Fed.	St.	Habitat/Range Requirements	Potential Impacts
				forestry, and fire) are probably involved in creating the types of openings important for nesting and basking. Sandy infertile soil not only provides for persistent openings in disturbed sites, but may also be important because pine snakes are the only snakes known to dig hibernacula and summer dens.	
Rafinesque's Big-eared Bat	<i>Corynorhinus rafinesquii</i>		S	This is a bat of forested regions. Hibernation in the north and in mountainous regions most often occurs in caves or similar sites; small caves are selected, and the bats stay near the entrance (often within 30 meters) and are thought to move about in winter (Handley 1959, Barbour and Davis 1969). In Kentucky, shallow caves or rock shelters in sandstone formations of the Cumberland Plateau often are used (MacGregor 1992). Winter habitat in the south is poorly known, but usually this species is not found in caves during winter. In the Coastal Plain they are suspected to use hollow trees for cold weather and possibly winter roosts (Clark 1992). In the southern portions of the range these bats often roost in buildings year round.	No Effect. No habitat exists onsite with only limited habitat in the general area.
Rose-breasted Grosbeak	<i>Pheucticus ludovicianus</i>		S	Second-growth woods, mature forest edge, borders of swamps and wooded streams, dense growths of small trees, gardens and parks, old orchards. In migration and winter in various forest, woodland, and scrub habitats; avoids interior of closed forest. Usually remains high in trees but sometimes descends to ground (Stiles and	No Effect. No habitat exists onsite with only limited habitat in the general area.

**Table 1 - State/Federal Endangered, Threatened, or Candidate Species
Dry Fork Tower Site
Letcher County, Kentucky**

Site Conditions	The Site is located within a reclaimed mine area with sparse vegetation dominated by grasses.				
Common Name	Scientific Name	Fed.	St.	Habitat/Range Requirements	Potential Impacts
				Skutch 1989). Nests usually in thickets or small trees, generally 2-5 m above ground.	
Sharp-shinned Hawk	<i>Accipiter striatus</i>		S	Forest and open woodland, coniferous, mixed, or deciduous, primarily in coniferous in more northern and mountainous portion of range (AOU 1983). Young, dense, mixed or coniferous woodlands are preferred for nesting (Platt 1976, Reynolds et al. 1982, Meyer 1987). Where conifers are scarce, as in the prairie regions, cottonwoods, poplars, and other members of the Betulaceae may be used (Bent 1937).	No anticipated effect. Adequate habitat may exist in the Site area. However, development of the facility would not result in any significant loss of habitat.
Listed vegetation	various			Various	No Effect. No listed species was observed on the Site.

Federal Status	State Status
E - Endangered	E - Endangered
T - Threatened [(S/A) similar appearance]	T - Threatened
C - Candidate	S - Species of Concern
SC - Species of Concern	H - Historic
PT - Proposed Threatened	X - Extirpated
PE - Proposed Endangered	

Notes:

1. Fish, marine mammals, and other amphibian species were excluded from assessment as not applicable to this project.

Sources:

1. NatureServe Online database. Association for Biodiversity Information. <http://www.natureserve.org/>
2. Kentucky Department of Fish and Wildlife Resources. <http://fw.ky.gov/kfwis/speciesInfo/speciesInfo.asp>
3. U.S. Fish & Wildlife Service, Kentucky Field Office. http://www.fws.gov/frankfort/endangered_species.html



Photo 1 - View facing north from Site.



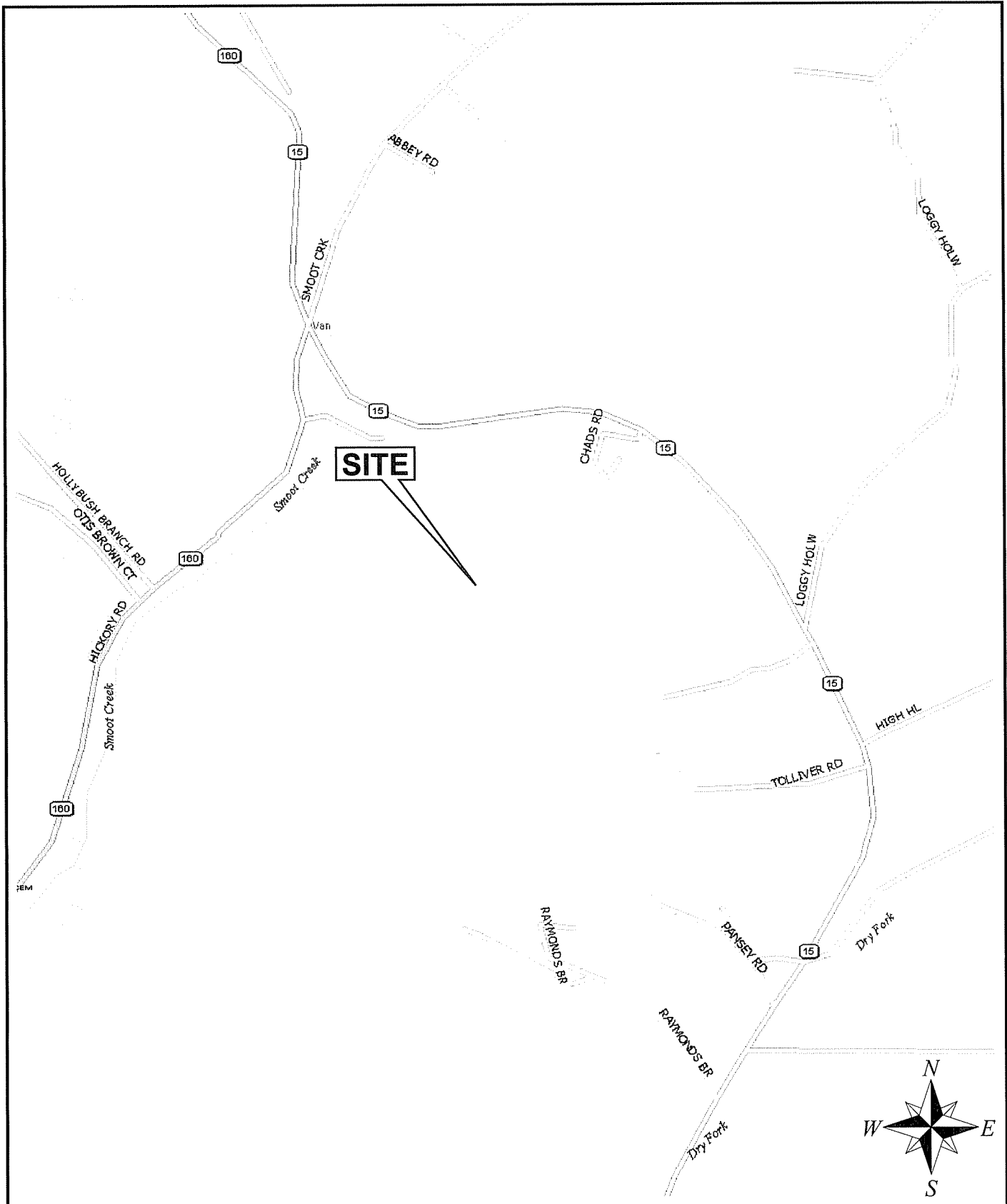
Photo 2 - View facing south from Site.



Photo 3 -View facing east from Site.



Photo 4 - View facing west from Site.



SITE LOCATION MAP



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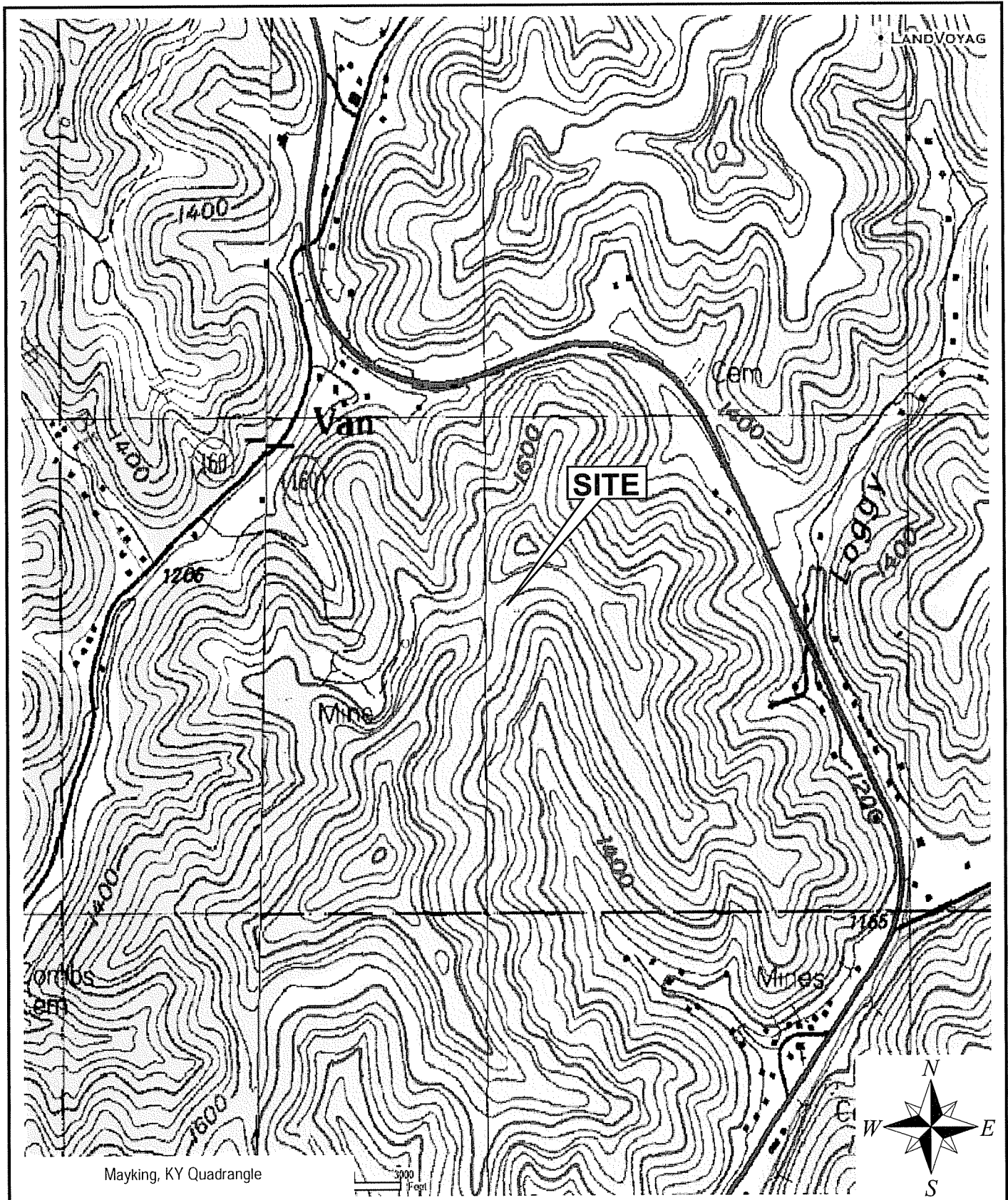
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Informal Biological Assessment
 Dry Fork Tower Site
 Letcher County, Kentucky

Figure No.: 1

Date: 05/05/09

DEA No.: 20903028



Mayking, KY Quadrangle



U.S.G.S. Topographic Map



DYNAMIC ENVIRONMENTAL ASSOCIATES, INC.

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Informal Biological Assessment
 Dry Fork Tower Site
 Letcher County, Kentucky

Figure No.: 2

Date: 05/05/09

DEA No.: 20903028



2006 Aerial Photograph



**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

www.DynamicEnvironmental.com

Informal Biological Assessment
Dry Fork Tower Site
Letcher County, Kentucky

Figure No.: 3

Date: 05/08/09

DEA No.: 20903028

WARREN G. WATTS

Mr. Watts is a Project Manager with the firm and has over twenty years of experience in the environmental arena. His responsibilities include completion of: Phase I and Phase II Environmental Site Assessments for construction of cellular communication towers and other industrial projects; biological impact assessments under NEPA, state, and local requirements; RCRA compliance and remedial investigation & design for industrial sites; and environmental compliance auditing. As a Project Manager, he is responsible for direct communications with clients and with personnel from federal, state and local regulatory agencies.

Mr. Watts has extensive experience in providing environmental impact assessment and compliance implementation for both small and large scale industrial construction projects, including: multimedia environmental regulatory/legislative requirement interpretation, permit acquisition and compliance oversight, field evaluation of potential biological impacts and mitigation measures, project management, site supervision, and health & safety compliance oversight. Specific environmental program area experience includes environmental management systems development, environmental compliance assurance for utility industry power plant and gas & electric transmission/distribution facility construction and operation, NPDES monitoring, soil/ground water investigations and remediation, underground and aboveground storage tank management, hazardous/toxic/solid waste management and pollution prevention initiatives, superfund/hazardous/PCB waste site investigations and remedial designs, emergency response action oversight and planning, EA/EIS preparation, NEPA compliance, wetland and floodplain delineations, and erosion & sediment control for large construction projects. He has extensive experience with field investigation, environmental sampling/analysis methods and equipment, personal protective equipment, and health and safety equipment and practices.

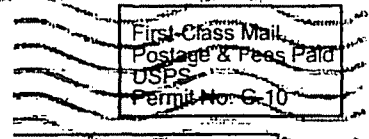
As Manager of Environmental Compliance & Auditing with a Mid-Atlantic utility, he was responsible for corporate-wide compliance of gas and electric utility operations in five (5) Mid-Atlantic states. He supervised a large technical staff in all functional areas of the environmental field, including compliance management systems development, safety and environmental program integration, permit acquisition, compliance auditing, personnel training, compliance guidance development, and real property contamination assessment and remediation.

As Senior Environmental Specialist with a major gas transmission company, he managed all environmental matters relating to construction and operation of gas transmission pipeline and compressor station facilities in five northeastern states. As the sole environmental professional on staff, he was responsible for assessment of proposed facilities to support FERC licensing, construction policy and permitting, property assessment and remediation, safety and environmental compliance procedure development, personnel training, and expert witness testimony for environmental matters.

BACKGROUND:

B.S. Chemistry, Metropolitan State College
M.S. Environmental Engineering course work, Northeastern University
Southeastern Electric Exchange, Former Environmental Committee Chairman
AGA, INGAA, UWAG and USWAG Utility Industry Trade Groups, Member

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <i>X Leroy M. Koch</i>
1. Article Addressed to: USFWS, Kentucky Ecological Services Field Office JC Watts Federal Building, Room 265 330 West Broadway Frankfort, KY 40601-8670	B. Received by (Printed Name) <i>Leroy M. Koch</i>
2. Article Number <i>(Transfer from service label)</i>	C. Date of Delivery <i>5-12-09</i>
PS Form 3811, February 2004	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
Domestic Return Receipt	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
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Restricted Delivery Fee (Endorsement Required)												
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Appendix IV - Section 106 (SHPO) Documentation



STEVEN L. BESHEAR
GOVERNOR

**TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL**

MARCHETA SPARROW
SECRETARY

THE STATE HISTORIC PRESERVATION OFFICE
300 WASHINGTON STREET
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-7005
FAX (502) 564-5820
www.heritage.ky.gov

MARK DENNEN
EXECUTIVE DIRECTOR AND
STATE HISTORIC PRESERVATION OFFICER

July 6, 2009

Virginia M. Janssen
Project Manager
Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C
Macon, GA 31204

**RE: Section 106 Review - Form 620 and Archaeological Assessment for the Dry
Fork Site in Letcher County, Kentucky (DEA No. 20903028)**

Dear Ms. Janssen,

The State Historic Preservation Office has received for review and comment the above referenced FCC Form 620, Cultural Historic Survey report, and archaeological survey report. One previously recorded above-ground cultural historic property (LR-23) was located during the records review, but was found to be no longer extant during the field survey. Two previously unrecorded cultural historic properties (LR-134 and LR-135) were identified and evaluated within the APE. We are in agreement with the report author that neither site is eligible for listing in the NRHP. No sites were identified through the archaeological assessment.

Therefore, it is our finding that the project will have **No Effect** on Historic Properties. If you have any questions, please contact Craig Potts or Lori Stahlgren of my staff at 502-564-7005.

Sincerely,

Mark Dennen, Director
Kentucky Heritage Council and
State Historic Preservation Officer

cc: Robert W. Ball (Wilbur Smith)

**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

A PROFESSIONAL ENVIRONMENTAL CONSULTING FIRM

By: Overnight Delivery

May 8, 2009

Mr. Mark Dennen
State Historic Preservation Office
Kentucky Heritage Council
300 Washington Street
Frankfort, KY 40601

Re: Section 106 Review of Proposed Tower Site
**Appalachian Wireless
Tower Site - Dry Fork**
Whitesburg, Letcher County, Kentucky
DEA No. 20903028

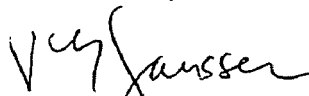
Dear Mr. Dennen:

On behalf of East Kentucky Network, LLC d/b/a Appalachian Wireless, Dynamic Environmental Associates, Inc. (DEA) is requesting a review of potential impacts to historic properties that may result from the construction of a telecommunications tower at the above location. Federal Communications Commission's (FCC) regulations require that Appalachian Wireless complete the process mandated by Section 106 of the National Historic Preservation Act (NHPA) and in accordance with the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (NPA).

DEA is submitting this Section 106 Review including Form 620 and its attachments, to comply with requirements identified in the NPA. The Cultural Historic Report is attached to the Form 620. In addition, please find Kentucky Individual Building Survey Forms for LR134, LR135, and a CD with image files of same.

We have concluded that there will be No Effect on historic or cultural resources as a result of the proposed project. We request your concurrence.

Very truly yours,
**Dynamic Environmental
Associates, Inc.**



Virginia M. Janssen
Project Manager

enc.:

20903028 - SHPO Letter

A copy of the Form 620 and Attachments
submitted along with this letter as part of the Section 106 Process
is included in Appendix VI



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May 14,2009

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Mr. Mark Dennen
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**DYNAMIC
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ASSOCIATES, INC.**

A PROFESSIONAL ENVIRONMENTAL CONSULTING FIRM

By: Certified Mail

April 9, 2009

Mayor James Wiley Craft
City of Whitesburg, City Hall
38 East Main Street
Whitesburg, KY 41858

Re: Invitation to Comment
**East Kentucky Network, LLC d/b/a Appalachian Wireless
Tower Site - Dry Fork**
Whitesburg, Letcher County, Kentucky
DEA No. 20903028

Dear Mayor Craft:

East Kentucky Network, LLC d/b/a Appalachian Wireless is proposing to construct a telecommunications tower in Letcher County, Kentucky. At this time, Dynamic Environmental Associates, Inc. (DEA) is conducting a Section 106 Review to assess the potential impact this proposed project may have on historic resources that are listed or eligible for listing in the National Register of Historic Places. As part of the Section 106 Review process, we are inquiring whether you have any knowledge of historic resources that may be affected by the project and/or whether you wish to comment on this proposed project.

Details on the proposed facility are presented below.

Site Name:	Dry Fork
Address or Location:	Approximately 3.0 miles NW of Whitesburg at Dry Fork
City, County, State:	Whitesburg, Letcher County, KY 41858
Latitude:	N37-08-49.4
Longitude:	W82-52-06.4
Approximate Ground Elevation:	1665' AMSL
Proposed Structure Height & Type:	314' tall Self-Support tower

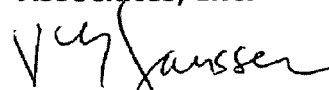
In addition to contacting you, please be advised that we have also requested comments from the following parties:

Letcher County
The Kentucky Trust for Historic Preservation
General Public via published Public Notice

The findings of our Section 106 Review will be submitted to the State Historic Preservation Office (SHPO) in the near future for their review. Therefore, we respectfully request receiving your comments within 30 days of receipt of this letter. If you have any questions regarding the proposed development or wish to discuss this project in more detail, please do not hesitate to contact us.

Your assistance is greatly appreciated and we look forward to hearing from you even if you should decide that this Project is of no interest to you.

Very truly yours,
**Dynamic Environmental
Associates, Inc.**



Virginia (M) Janssen
Principal Archaeologist

Contact Information:

Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C
Macon, GA 31204
Phone: (478) 745-7740
Fax: (478) 745-7415
E-mail: Sec106@DynamicEnvironmental.com

enc:

20903028 - City Letter

**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

A PROFESSIONAL ENVIRONMENTAL CONSULTING FIRM

By: Certified Mail

April 20, 2009

Mr. Harold Bolling, County Attorney
Letcher County
95A Main St.
Whitesburg, KY 41858

Re: Invitation to Comment
**East Kentucky Network, LLC d/b/a Appalachian Wireless
Tower Site - Dry Fork**
Whitesburg, Letcher County, Kentucky
DEA No. 20903028

Dear Mr. Bolling:

East Kentucky Network, LLC d/b/a Appalachian Wireless is proposing to construct a telecommunications tower in Letcher County, Kentucky. At this time, Dynamic Environmental Associates, Inc. (DEA) is conducting a Section 106 Review to assess the potential impact this proposed project may have on historic resources that are listed or eligible for listing in the National Register of Historic Places. As part of the Section 106 Review process, we are inquiring whether you have any knowledge of historic resources that may be affected by the project and/or whether you wish to comment on this proposed project.

Details on the proposed facility are presented below.

Site Name:	Dry Fork
Address or Location:	Approximately 3.0 miles NW of Whitesburg at Dry Fork
City, County, State:	Whitesburg, Letcher County, KY 41858
Latitude:	N37-08-49.4
Longitude:	W82-52-06.4
Approximate Ground Elevation:	1665' AMSL
Proposed Structure Height & Type:	314' tall Self-Support tower

In addition to contacting you, please be advised that we have also requested comments from the following parties:

City of Whitesburg
The Kentucky Trust for Historic Preservation
General Public via published Public Notice

The findings of our Section 106 Review will be submitted to the State Historic Preservation Office (SHPO) in the near future for their review. Therefore, we respectfully request receiving your comments within 30 days of receipt of this letter. If you have any questions regarding the proposed development or wish to discuss this project in more detail, please do not hesitate to contact us.

Your assistance is greatly appreciated and we look forward to hearing from you even if you should decide that this Project is of no interest to you.

Very truly yours,
**Dynamic Environmental
Associates, Inc.**



Virginia (M) Janssen
Principal Archaeologist

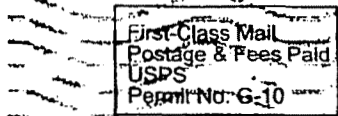
Contact Information:

Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C
Macon, GA 31204
Phone: (478) 745-7740
Fax: (478) 745-7415
E-mail: Sec106@DynamicEnvironmental.com

enc:

20903028 - County Letter

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> <i>S. Bell</i> <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Mr. Harold Bolling, County Attorney Letcher County 95A Main Street Whitesburg, KY 41858</p>	<p>B. Received by (Printed Name) C. Date of Delivery 4-22-09</p>
<p>2. Article Number (Transfer from service label)</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>PS Form 3811, February 2004</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7008 1830 0000 7332 6411</p>	
<p>Domestic Return Receipt 102595-02-M-1540</p>	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>												
<p>For delivery information visit our website at www.usps.com</p>		<p>ZIP+4 in this box •</p>										
<table border="1"> <tr> <td>Postage</td> <td>\$ 42</td> </tr> <tr> <td>Certified Fee</td> <td>270</td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td>220</td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Total Postage & Fees</td> <td>\$ 532</td> </tr> </table>	Postage	\$ 42	Certified Fee	270	Return Receipt Fee (Endorsement Required)	220	Restricted Delivery Fee (Endorsement Required)		Total Postage & Fees	\$ 532	<p>74-20-09</p> <p>Postmark Here</p>	<p>209103028</p> <p>Country</p>
Postage	\$ 42											
Certified Fee	270											
Return Receipt Fee (Endorsement Required)	220											
Restricted Delivery Fee (Endorsement Required)												
Total Postage & Fees	\$ 532											
<p>Sent To: 209103028</p> <p>Street Apt. No. or PO Box No. County</p> <p>City, State, ZIP+4</p>	<p>Country</p>											
<p>PS Form 3800, August 2006 See Reverse for Instructions</p>		<p>7008 1830 0000 7332 6411</p>										

Admin

From: polsgrove@aol.com

Sent: Monday, May 04, 2009 1:17 PM

To: Admin

Subject: Invitation to Comment on DEA No. 20903029, 20903028, and 20904002

Dear Virginia Janssen,

Please advise on what you are requesting that the Kentucky Trust for Historic Trust should do with these three reports that you sent to us via Certified Mail. We are not a state or federal agency and have no responsibility within the Section 106 Review process and are not in a position to evaluate the projects.

Sincerely,

Robert M. Polsgrove, President

A Great Credit Score is 750 or Higher. [See Your 3 CREDIT SCORES FREE - Online!](#)

**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

A PROFESSIONAL ENVIRONMENTAL CONSULTING FIRM

By: Certified Mail

April 30, 2009

Mr. Bob Polsgrove
The Kentucky Trust for Historic Preservation
503 Wapping Street
Frankfort, KY 40601

Re: Invitation to Comment
**East Kentucky Network, LLC d/b/a Appalachian Wireless
Tower Site - Dry Fork**
Whitesburg, Letcher County, Kentucky
DEA No. 20903028

Dear Mr. Polsgrove:

East Kentucky Network, LLC d/b/a Appalachian Wireless is proposing to construct a telecommunications tower in Letcher County, Kentucky. At this time, Dynamic Environmental Associates, Inc. (DEA) is conducting a Section 106 Review to assess the potential impact this proposed project may have on historic resources that are listed or eligible for listing in the National Register of Historic Places. As part of the Section 106 Review process, we are inquiring whether you have any knowledge of historic resources that may be affected by the project and/or whether you wish to comment on this proposed project.

Details on the proposed facility are presented below. Also, please find enclosed the requested site file research results for this site.

Site Name:	Dry Fork
Address or Location:	Approximately 3.0 miles NW of Whitesburg at Dry Fork
City, County, State:	Whitesburg, Letcher County, KY 41858
Latitude:	N37-08-49.4
Longitude:	W82-52-06.4
Approximate Ground Elevation:	1665' AMSL
Proposed Structure Height & Type:	314' tall Self-Support tower

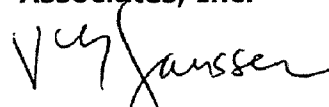
In addition to contacting you, please be advised that we have also requested comments from the following parties:

City of Whitesburg
Letcher County
General Public via published Public Notice

The findings of our Section 106 Review will be submitted to the State Historic Preservation Office (SHPO) in the near future for their review. Therefore, we respectfully request receiving your comments within 30 days of receipt of this letter. If you have any questions regarding the proposed development or wish to discuss this project in more detail, please do not hesitate to contact us.

Your assistance is greatly appreciated and we look forward to hearing from you even if you should decide that this Project is of no interest to you.

Very truly yours,
**Dynamic Environmental
Associates, Inc.**



Virginia M. Janssen
Principal Archaeologist

Contact Information:

Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C
Macon, GA 31204
Phone: (478) 745-7740
Fax: (478) 745-7415
E-mail: Sec106@DynamicEnvironmental.com

enc:

20903028 - State HS Letter

Kentucky Heritage Council

300 Washington Street, Frankfort, KY 40601

Phone: 502-564-7005 Fax: 502-564-5820

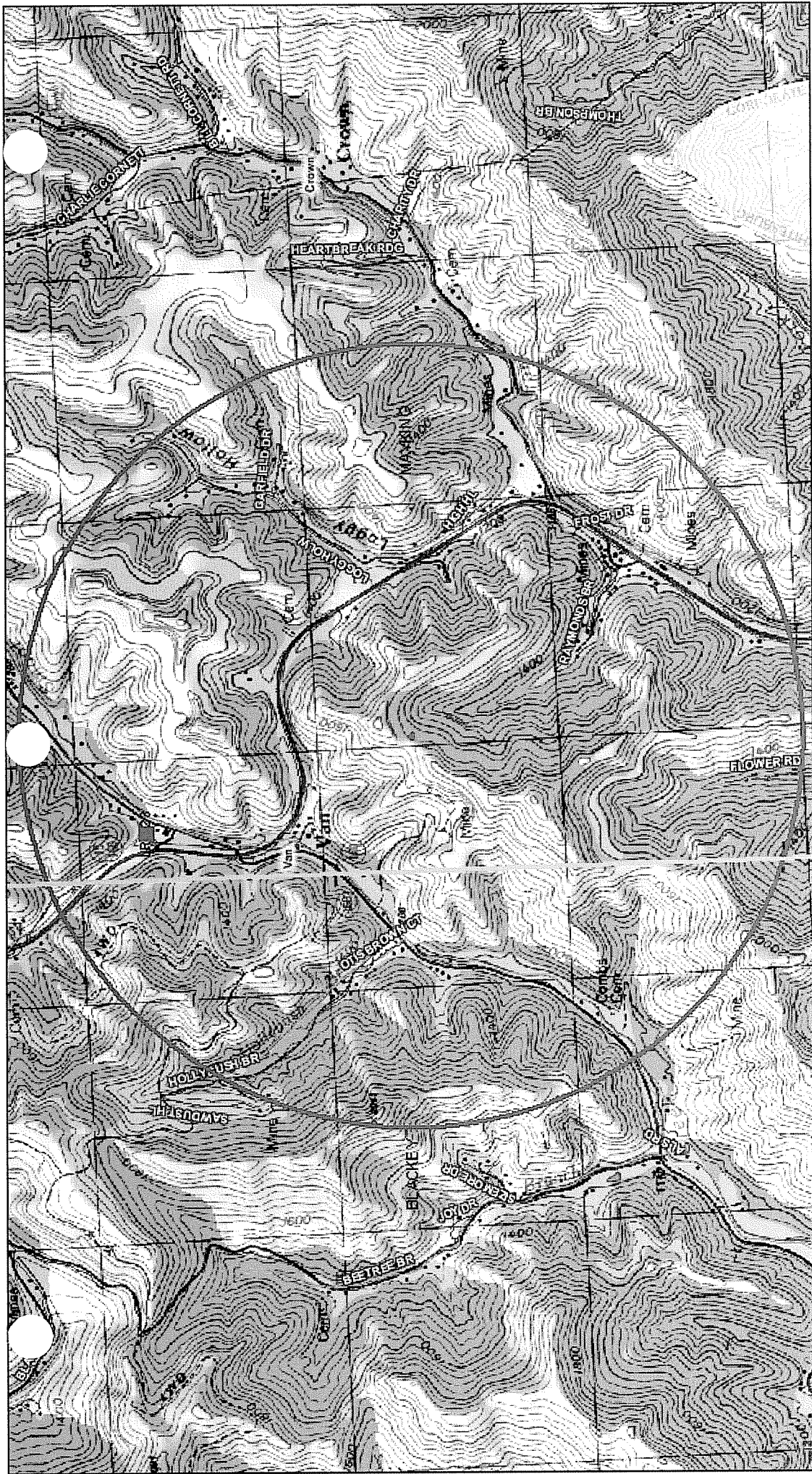
Confidential Information

Not for Public Release

Title: FY09-0614 Dry Fork Tower Site Survey Property

Data available as of: 4/17/2009

Site Number	Sub#	Historic Name	Location	Status
LR 23		WILLY CAUDILL CABIN	SMOOT CREEK - KY 160	UNDETERMINED



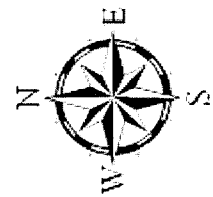
Title: FY#








Kentucky Heritage Council

300 Washington Street, Frankfort, KY 40601

Phone: 502-564-7005 Fax: 502-564-5820

**Confidential Information
Not for Public Release**



-  Project Area
-  National Register Properties
-  National Historic Landmarks
-  Historic Survey Resources
-  Historic Coded Properties
-  Large National Register Properties
-  National Register Districts

0.07590.180.270.360.45





SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X <i>Rose E. Polsgrove</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>Mr. Bob Polsgrove The Kentucky Trust for Historic Preservation 503 Wapping Street Frankfort, KY 40601</p>	<p>B. Received by (Printed Name) _____ C. Date of Delivery 5-2-09</p>
<p>2. Article Number (Transfer from service label) 7008 1830 0000 7332 6534</p>	<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>PS Form 3811, February 2004</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>Domestic Return Receipt</p>	<p>102595-02-M-1540</p>

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)												
For delivery information visit our website at www.usps.com		ZIP+4 in this box •										
<table border="1"> <tr> <td>Postage</td> <td>\$ 151</td> </tr> <tr> <td>Certified Fee</td> <td>270</td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td>220</td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Total Postage & Fees</td> <td>\$ 641</td> </tr> </table>	Postage	\$ 151	Certified Fee	270	Return Receipt Fee (Endorsement Required)	220	Restricted Delivery Fee (Endorsement Required)		Total Postage & Fees	\$ 641	01 30-09 Postmark Here:	20904002 20903028 20903029 State MS
Postage	\$ 151											
Certified Fee	270											
Return Receipt Fee (Endorsement Required)	220											
Restricted Delivery Fee (Endorsement Required)												
Total Postage & Fees	\$ 641											
<p>Sent to 20904002 State MS</p> <p>Street Apt. No. 20903028</p> <p>City, State, ZIP+4 20903029</p>	PS Form 3800, August 2006	See Reverse for Instructions										

SECTION 106 PUBLIC NOTICE

East Kentucky Network, LLC d/b/a Appalachian Wireless is proposing to construct a telecommunications tower located approximately 3.0 miles NW of Whitesburg at Dry Fork in Letcher County, KY at Latitude N37-08-49.4. Longitude W82-52-06.4. The tower is proposed to be a self-support design and 314' tall. Appalachian Wireless seeks comments from all interested persons on the impact of the tower on any districts, sites, buildings, structures, or objects significant in American history, architecture, archaeology, engineering, or culture, that are listed or eligible for listing in the National Register of Historic Places. Specific information about the project, including the historic preservation reviews that Appalachian Wireless is conducting pursuant to the rules of the Federal Communications Commission (47 C.F.R. Sections 1.1307(4)) and the Advisory Council on Historic Preservation (36 C.F.R. Part 800) will be made available to interested persons who request the information from the contact below. All questions, comments, and correspondence should be directed to Virginia Janssen, Principal Archaeologist, Dynamic Environmental Associates, Inc., 3850 Lake Street, Suite C, Macon, GA 31204, Sec106@DynamicEnvironmental.com by 05/29/2009.

20903028

Appendix V - Participation of Native American Tribes

Admin

From: towernotifyinfo@fcc.gov
Sent: Tuesday, March 31, 2009 1:50 PM
To: Admin
Subject: Proposed Tower Structure Info - Email ID #2158077

Dear Virginia M Janssen,

Thank you for submitting a notification regarding your proposed structure via the Tower Construction Notification Application. Note that the FCC has assigned a unique Notification ID number for this proposed structure.

You will need to reference this Notification ID number when you update your project's Status with us.

Below are the details you provided for the tower you have proposed to construct:

Notification Received: 03/31/2009

Notification ID: 50371

Tower Owner Individual or Entity Name: East Kentucky Network, LLC d/b/a Appalachian Wireless (20903028)

Consultant Name: Virginia M Janssen

Street Address: c/o Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C

City: Macon

State: GEORGIA

Zip Code: 31204

Phone: 478-745-7740

Email: NATC@DynamicEnvironmental.com

Structure Type: UTOWER - Unguyed - Free Standing Tower

Latitude: 37 deg 08 min 49.4 sec N

Longitude: 82 deg 52 min 06.4 sec W

Location Description: Approximately 3 miles NW of Whitesburg at Dry Fork

City: Whitesburg

State: KENTUCKY

County: LETCHER

Ground Elevation: 507.5 meters

Support Structure: 91.4 meters above ground level

Overall Structure: 95.7 meters above ground level

Overall Height AMSL: 603.2 meters above mean sea level

Admin

From: towernotifyinfo@fcc.gov
Sent: Friday, April 03, 2009 3:01 AM
To: Admin
Cc: kim.pristello@fcc.gov; diane.dupert@fcc.gov
Subject: NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED TOWER CONSTRUCTION NOTIFICATION INFORMATION - Email ID #2161293

Dear Sir or Madam:

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

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

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

1. THPO Karen Kaniatobe - Absentee-Shawnee Tribe of Indians of Oklahoma - Shawnee, OK - electronic mail and regular mail

Exclusions: If the ground of the proposed project area has been previously disturbed or if there will be no ground disturbing activity, then we request no project notification. If the project is within our state/county of interest please send a copy of the culturalresources/archeological survey and the response letter from the respective SHPO from your state regarding the project. Please Include county of proposed project location.

We do request to be notified upon the discovery of American Indian remains and related and/or unrelated funerary objects anywhere within the state.

If the applicant/tower builder receives no response from the Absentee-Shawnee Tribe of Indians of Oklahoma within 30 days after notification through TCNS, the Absentee-Shawnee Tribe of Indians of Oklahoma has no interest in participating in pre-construction review for the proposed site. The Applicant/tower builder, however, must immediately notify the Absentee-Shawnee Tribe of Indians of Oklahoma in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the

Nationwide Programmatic Agreement and applicable law.

2. Tribal Historic Preservation Specialist Yolanda M Saunooke - Eastern Band of Cherokee Indians - Cherokee, NC - electronic mail and regular mail

Exclusions: In order to review the proposed tower location, the EBCI THPO requests a complete 620, color photos, and a completed phase I archeological survey preferably sent by email to Yolanda Saunooke, yolasaun@nc-chokeee.com. This information can also be sent via the US Postal Service to Yolanda Saunooke, Eastern Band of Cherokee Indians, PO Box 455, Cherokee, North Carolina 28719. Or, if you prefer, you can send it by UPS (or Fedex, etc.) to 2877 Governor's Island Road, Bryson City, North Carolina 28713.

The EBCI THPO does not need to review collocations for proposed cell tower construction projects. In the event that such a project includes new ground disturbing activities, please continue to submit the proper paperwork.

3. MEKKO and Acting Tribal Administrator Jennie Lillard - Kialegee Tribal Town - Wetumka, OK - regular mail

Exclusions: If the Applicant receives no response from the Kialegee Tribal Town within 30 days after notification through TCNS, the Kialegee Tribal Town has no interest in participating in pre-construction review for the site. The Applicant, however, must immediately notify the Kialegee Tribal Town in the event archaeological properties or human remains are discovered during construction.

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

Exclusions: 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 rallen@chokeee.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

5. Acting Tribal Historic Preservation Offi Lisa C Stopp - United Keetoowah Band of Cherokee Indians - Tahlequah, OK - electronic mail and regular mail

Exclusions: As of April 1, 2009, The United Keetoowah Band of Cherokee Indians in Oklahoma requires a review fee of \$65.00 per Cell Tower Notification in order to review the project and provide final determination. You will receive an invoice for each project, along with our determination. Firms which have outstanding invoices past 90 days will not receive determinations until accounts are up to date. Further information may be obtained from Lisa C Stopp, Acting Tribal Historic Preservation Officer, United Keetoowah Band of Cherokee Indians in Oklahoma at lstopp@unitedkeetoowahband.org

6. Administrative Assistant Jo Ann Beckham - Eastern Shawnee Tribe of Oklahoma - Seneca, MO - electronic mail

Exclusions: 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))

7. THPO Belinda Pryor - Shawnee Tribe - Miami, OK - regular mail

Exclusions: 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 Belinda Pryor 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). Belinda Pryor, 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 notifications 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.

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.

8. SHPO William L Wheeler - Illinois Historic Preservation Agency - Springfield, IL - regular mail

9. Chief of Staff, Deputy SHPO Theodore Hild - Illinois Historic Preservation Agency - Springfield, IL - electronic mail

10. Deputy SHPO Anne Haaker - Illinois Historic Preservation Agency - Springfield, IL - regular mail

11. SHPO Robert E Carter Jr - Department of Natural Resources - Indianapolis, IN - electronic mail and regular mail

Exclusions: If your APE (Area of Potential Effects) includes a portion of the state of Indiana, the Indiana SHPO will need to be notified of the project.

12. Deputy SHPO Jon C Smith - Department of Natural Resources - Indianapolis, IN - electronic mail

Exclusions: If your APE (Area of Potential Effects) includes a portion of the State of Indiana, the Indiana SHPO will need to notified of the project.

13. Environmental Review Coordinator Janie-Rice Brother - Kentucky Heritage Council - Frankfurt, KY - electronic mail

14. SHPO Stephen Mahfood - State Department of Natural Resources - Jefferson City, MO - regular mail

15. Deputy SHPO, Director Mark Miles - Historic Preservation Program, Division of State Parks - Jefferson City, MO - electronic mail

16. Deputy SHPO Sara Parker - State Department of Natural Resources - Jefferson City, MO - electronic mail

17. Department Head Mark J Epstein - Ohio Historic Preservation Office - Columbus, OH - electronic mail and regular mail

18. Deputy SHPO Franco Ruffini - Ohio Historic Preservation Office - Columbus, OH - electronic mail

19. Deputy SHPO Susan Pierce - West Virginia Division of Culture & History, Historic Preservation Office - Charleston, WV - electronic mail

20. Department Head, Res. Protect. & Rev. Mark Epstein - Ohio Historic Preservation Office - Columbus, OH - electronic mail and regular mail

21. SHPO & Executive Director Donna Neary - Kentucky Heritage Council - Frankfort, KY - electronic mail

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

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

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

Notification Received: 03/31/2009
Notification ID: 50371
Tower Owner Individual or Entity Name: East Kentucky Network, LLC d/b/a Appalachian Wireless (20903028)
Consultant Name: Virginia M Janssen
Street Address: c/o Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C
City: Macon
State: GEORGIA
Zip Code: 31204
Phone: 478-745-7740
Email: NATC@DynamicEnvironmental.com

Structure Type: UTOWER - Unguyed - Free Standing Tower
Latitude: 37 deg 8 min 49.4 sec N
Longitude: 82 deg 52 min 6.4 sec W
Location Description: Approximately 3 miles NW of Whitesburg at Dry Fork
City: Whitesburg
State: KENTUCKY
County: LETCHER
Ground Elevation: 507.5 meters
Support Structure: 91.4 meters above ground level
Overall Structure: 95.7 meters above ground level
Overall Height AMSL: 603.2 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

DEA, Inc.

Full Name: 20903028 - Ms. Karen Kaniatobe
Last Name: Kaniatobe
First Name: Karen
Job Title: Dry Fork
Company: 001 - Absentee-Shawnee Tribe of Indians of Oklahoma

Business Address: Ms. Karen Kaniatobe
Absentee-Shawnee Tribe
of Indians of Oklahoma
2025 South Gordan Cooper Drive
Shawnee, OK 74801

Business: (405) 275-4030
Business Fax: (405) 275-5637

Categories: TCNS No. 50371

03/31/09 – Notification completed via TCNS No. 50371.

04/02/09 – TCNS Notification list published.

05/11/09 – Letter with requested information sent.

Note on FCC TCNS website: This Tribe/NHO has indicated that no response means they have no interest.

**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

A PROFESSIONAL ENVIRONMENTAL CONSULTING FIRM

By: Certified Mail

May 11, 2009

Ms. Karen Kaniatobe
Absentee-Shawnee Tribe
of Indians of Oklahoma
2025 South Gordan Cooper Drive
Shawnee, OK 74801

Re: Follow Up - Invitation to Comment on Potential Impact to
Sites of Religious and Cultural Importance
TCNS No. 50371
East Kentucky Network, LLC d/b/a Appalachian Wireless
Tower Site - Dry Fork
DEA No. 20903028

Dear Ms. Kaniatobe:

In accordance with the *Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings*, we are respectfully requesting comment on the proposed telecommunications facility, as it relates to potential impacts on resources of religious and/or cultural importance to the Absentee-Shawnee Tribe of Indians of Oklahoma.

Details on the proposed facility are presented below.

Site Name:	Dry Fork Site
TCNS Notification ID No.:	50371
TCNS Notification Date:	April 2, 2009
Address or Location:	Approximately 3.0 miles northwest of Whitesburg at Dry Fork
City, County, State:	Whitesburg, Letcher County, KY 41858
Latitude:	N37-08-49.4
Longitude:	W82-52-06.4
Structure Height & Type:	314' tall self-support tower

For your use, we are also enclosing a copy of the *FCC Form 620*, which has been submitted to the State Historic Preservation Office.

As of the date of this letter, we have not received a reply from the Kentucky State Historic Preservation Office. Upon receipt, a copy of the SHPO's reply will be forwarded to your attention via fax.

As this project is proposed for development in the very near future, we would appreciate receiving your comments within 10 days of receipt of this letter. If you have any questions

regarding the proposed development or wish to discuss this project in more detail, please do not hesitate to contact us.

For your convenience, we have enclosed a *Native American Consultation Response Form*, which may be used in lieu of preparing a formal letter. Your assistance is greatly appreciated and we look forward to hearing from you even if you should decide that this site is of no interest to the Absentee-Shawnee Tribe of Indians of Oklahoma.

Very truly yours,
**Dynamic Environmental
Associates, Inc.**



Virginia M. Janssen
Principal Archaeologist

Contact Information:

Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C
Macon, GA 31204
Phone: (478) 745-7740
Fax: (478) 745-7415
E-mail: NATC@DynamicEnvironmental.com

enc:

20903028 - Absentee-Shawnee Letter

Dynamic Environmental Associates, Inc.
Section 106 Review
Native American Consultation Response Form

From: Absentee-Shawnee Tribe of Indians of Oklahoma

DEA No. 20903028

Site Name:	Dry Fork Site
TCNS Notification ID No.:	50371
TCNS Notification Date:	April 2, 2009
Address or Location:	Approximately 3.0 miles northwest of Whitesburg at Dry Fork
City, County, State:	Whitesburg, Letcher County, KY 41858
Latitude:	N37-08-49.4
Longitude:	W82-52-06.4
Structure Height & Type:	314' tall self-support tower

Response:

- We have no comments related to the proposed project.
- Based on the information provided by Dynamic Environmental Associates, Inc., we concur that the proposed project will not impact properties of religious and/or cultural importance to the Tribe.

Exception: If archaeological materials or human remains are encountered during construction, the State Historic Preservation Office and applicable Native American Tribes are to be notified.

Signature

Date

Printed Name

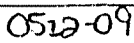
Telephone No.

Title

Please return this completed form to:
Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C
Macon, GA 31204
Phone: (478) 745-7740 • Fax: (478) 745-7415
Email: NATC@DynamicEnvironmental.com

A copy of the Form 620 and Attachments
submitted along with this letter as part of the Section 106 Process
is included in Appendix VI

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <i>X. W. Bettis</i></p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery 5/18</p>
<p>1. Article Addressed to:</p> <p>Ms. Karen Kaniatobe Absentee-Shawnee Tribe of Indians of Oklahoma 2025 South Gordan Cooper Drive Shawnee, OK 74801</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <u>7008 1830 0000 7332 5636</u></p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-4-1540</p>	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		 First Class Mail Postage & Fees Paid USPS Permit No. G-10										
For delivery information visit our website at www.usps.com												
<table border="1"> <tr> <td>Postage</td> <td>\$ 204</td> </tr> <tr> <td>Certified Fee</td> <td>280</td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td>230</td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Total Postage & Fees</td> <td>\$ 714</td> </tr> </table>	Postage	\$ 204	Certified Fee	280	Return Receipt Fee (Endorsement Required)	230	Restricted Delivery Fee (Endorsement Required)		Total Postage & Fees	\$ 714	ZIP+4 in this box • Postmark Here 0512-09	ZIP+4 in this box • 20903028 Absentee Shawnee
Postage	\$ 204											
Certified Fee	280											
Return Receipt Fee (Endorsement Required)	230											
Restricted Delivery Fee (Endorsement Required)												
Total Postage & Fees	\$ 714											
<table border="1"> <tr> <td>Sent To</td> <td>20903028</td> </tr> <tr> <td>Street Apt. No. or PO Box No</td> <td>Absentee Shawnee</td> </tr> <tr> <td>City, State, ZIP+4</td> <td>20903028</td> </tr> </table>		Sent To	20903028	Street Apt. No. or PO Box No	Absentee Shawnee	City, State, ZIP+4	20903028	Absentee Shawnee				
Sent To	20903028											
Street Apt. No. or PO Box No	Absentee Shawnee											
City, State, ZIP+4	20903028											
PS Form 3800, August 2005 See Reverse for Instructions		Absentee Shawnee										

Refer Notification

Notification ID: 50371
Notification Submitted: 03/31/2009
Notification sent to the Tribe: 04/01/2009

Location: Approximately 3 miles NW of Whitesburg at Dry Fork, Whitesburg, KY

The Tribes/NHOs listed below were initially notified of this proposed tower construction.

Second Contact Date Information

Provide the date of your second contact attempting to obtain a response from each Indian Tribe/NHO about this proposed tower or antenna.

If you made your second contact with all Tribes/NHOs that have not responded on the same date, you may enter that date at the top of the screen below. If you made your second contacts with different Tribes/NHOs on different dates, you must enter the appropriate date for each Tribe/NHO that you select.

Select the Tribes/NHOs who have not responded

Select All | Reset

	Tribe/NHO Name	Comment	Second Contact Date <small>Apply to Selected Tribes/NHOs</small>
<input type="checkbox"/>	Absentee-Shawnee Tribe of Indians of Oklahoma	This Tribe/NHO has indicated that no response means they have no interest.	
<input type="checkbox"/>	Cherokee Nation		
	Eastern Band of Cherokee Indians	This Tribe/NHO submitted a <u>response to your notification</u> through TCNS.	
	Eastern Shawnee Tribe of Oklahoma	This Tribe/NHO submitted a <u>response to your notification</u> through TCNS. This Tribe/NHO has indicated that no response means they have no interest.	
	Kialagee Tribal Town	This Tribe/NHO has indicated that no response means they have no interest.	
	Shawnee Tribe	This Tribe/NHO submitted a <u>response to your notification</u> through TCNS.	
<input type="checkbox"/>	United Keetoowah Band of Cherokee Indians		

CONTINUE ▶

DEA, Inc.

Full Name: 20903028 - Dr. Richard L. Allen
Last Name: Allen
First Name: Richard
Job Title: Dry Fork
Company: 053 - Cherokee Nation

Business Address: Dr. Richard L. Allen
Cherokee Nation
P.O. Box 948
Tahlequah, OK 74465-0948

Business: (918) 453-5466

E-mail: rallen@cherokee.org
E-mail Display As: Richard L. Allen (rallen@cherokee.org)

Categories: TCNS No. 50371

03/31/09 – Notification completed via TCNS No. 50371.

04/02/09 – TCNS Notification list published.

05/11/09 – Letter with requested information sent.

05/19/09 – Response received. No objections.

**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

A PROFESSIONAL ENVIRONMENTAL CONSULTING FIRM

By: Email

May 11, 2009

Dr. Richard L. Allen
Cherokee Nation
P.O. Box 948
Tahlequah, OK 74465-0948

Re: Follow Up - Invitation to Comment on Potential Impact to
Sites of Religious and Cultural Importance
TCNS No. 50371
East Kentucky Network, LLC d/b/a Appalachian Wireless
Tower Site - Dry Fork
DEA No. 20903028

Dear Dr. Allen:

In accordance with the *Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings*, we are respectfully requesting comment on the proposed telecommunications facility, as it relates to potential impacts on resources of religious and/or cultural importance to the Cherokee Nation.

Details on the existing facility and the proposed modification are presented below.

Site Name:	Dry Fork Site
TCNS Notification ID No.:	50371
TCNS Notification Date:	April 2, 2009
Address or Location:	Approximately 3.0 miles northwest of Whitesburg at Dry Fork
City, County, State:	Whitesburg, Letcher County, KY 41858
Latitude:	N37-08-49.4
Longitude:	W82-52-06.4
Structure Height & Type:	314' tall self-support tower

For your use, and in accordance with procedures previously established with you, we are also enclosing a brief project description, a summary of our findings, and relevant photos and maps of this site.

As this project is proposed for development in the very near future, we would appreciate receiving your comments within 10 days of receipt of this letter. If you have any questions regarding the proposed development or wish to discuss this project in more detail, please do not hesitate to contact us.

Your assistance is greatly appreciated and we look forward to hearing from you even if you should decide that this site is of no interest to the Cherokee Nation.

Very truly yours,
**Dynamic Environmental
Associates, Inc.**



Virginia M. Janssen
Principal Archaeologist

Contact Information:

Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C
Macon, GA 31204
Phone: (478) 745-7740
Fax: (478) 745-7415
E-mail: NATC@DynamicEnvironmental.com

enc:

20903028 - Cherokee Letter

ADDITIONAL SITE INFORMATION

East Kentucky Network, LLC d/b/a Appalachian Wireless has proposed to construct a telecommunications tower facility in Letcher County, Kentucky (Figures 1, 2, and 3). The proposed Site will consist of an irregularly-shaped lease area, approximately 182' x 152' (55.5 x 46.3 m) in size. Within this lease area will be a 314' (95.7 m) tall self-support tower and associated communications equipment to be mounted by the Applicant. Site access and utilities will follow an existing unpaved road extending west from Highway 15.

AREAS OF POTENTIAL EFFECT

APE for Direct Effects

The APE for direct effects is the construction site for the proposed telecommunications facility, where such construction would result in ground disturbance and dislocation of soil. This area of potential direct effects, determined by an examination of plan maps provided by East Kentucky Network, LLC d/b/a Appalachian Wireless, consists of the 182' x 152' (55.5 x 46.3 m) lease area.

APE for Visual Effects

The APE for visual effects is the geographic area in which the proposed undertaking has the potential to introduce visual elements that would diminish or alter the setting of any historic property where integrity of setting is a character-defining feature of such property that, in part, makes it eligible for the National Register of Historic Places (National Register). Specifically, this geographic area is the extent to which the proposed telecommunication tower would be visible, and if so, would have the potential to introduce visual elements that would alter or diminish the integrity of any historic property's relationship to surrounding features and open space, therefore compromising the ability of such property to convey its historic significance.

In accordance with the Kentucky Heritage Council guidelines, a one mile (1.61 km) APE for visual effects is applicable to this 314' telecommunications tower (See Figure 4 and Figure 5).

IDENTIFICATION OF HISTORIC PROPERTIES & ASSESSMENT OF DIRECT EFFECTS

Based on a Geologic Site Assessment (attached) performed by Kentucky Registered Professional Geologist, Wendell Holmes, P.G., the lease area for the proposed tower facility is located on a reclaimed (filled) mountain top that was previously a strip mine site. The assessment concluded that the Site consists of approximately 70 feet of fill material over bedrock. Therefore, since the lease area (i.e APE for direct effects) has been significantly modified by past land use practices, no onsite archeological investigation was conducted and records of the Office of State Archaeology were not examined as part of the assessment process. The access easement and a proposed utility easement are both existing.

A site inspection conducted by DEA and WSA personnel confirmed the historical use of the project area as a strip-mine and that the lease area is located on a man-made, filled, bench feature.

During the site inspection it was discovered that the construction of the proposed facility had commenced with tower footings and a concrete pad for equipment having been placed. The Client was immediately notified and all work has ceased until the conclusion of this Section 106 Review and other NEPA related activities. It is noted that the soil/material disturbance, associated with the placement of above infrastructure, has had no material affect on the conclusions of this assessment given the entire site area is reclaimed/filled mine land. No further archaeological investigations work is recommended at this site.

Nevertheless, it should be noted that ground disturbing activity should be halted when it is reasonable to believe that an archaeological site has been encountered which will be affected by this undertaking, and that the State Historic Preservation Office be notified of these finds. Also, if human burials or human remains are encountered during ground disturbance, it is imperative that local law enforcement, as well as the district medical examiner and the State Historic Preservation Office, is notified prior to resuming work.

WENDELL R. HOLMES, P.G.
120 Church Street
Apartment 2
Whitesburg, KY 41858
(606) 633-1511

February 16, 2009

Dry Fork Tower Site

Purpose:

A site assessment was conducted for Appalachian Wireless on a tract of land located in Letcher County near Isom, Kentucky. The site of the proposed tower is now a reclaimed mountaintop removal mine site. The purpose of this investigation was to determine the depth to bedrock and of what type of rock the bedrock consists.

Site Investigation:

The method used to determine the type of material is on the proposed tower site. A Caterpillar excavator was used to try to expose the bedrock material however, the fill material was too deep for the excavator to reach to the bedrock. From researching mine maps in the area and coordinates from GPS location it is approximately 70.00 feet to the bedrock. (See attached page for descriptions of materials encountered.)

The terrain in Letcher County is moderately to very steep. The tower site is located on a ridgeline between Smoot Creek and Dry Fork, both being tributaries of the North Fork of the Kentucky River, approximately one half mile southeast of the junction of KY 160 and KY 15 in Letcher County.

Conclusions:

The proposed tower site is located on a ridge in the area. The unconsolidated mine fill is from an abandoned mountain top removal surface mine which was mined over twenty years ago. Tests were not conducted to determine the load-bearing strength of the mine fill. However, it is apparent that the tower will be constructed on the unconsolidated mine fill.

The field work for this site was performed by Wendell R. Holmes, using generally accepted methods in the practice of geological science.

Wendell R. Holmes, P.G.



WENDELL R. HOLMES, P.G.

**120 Church Street
Apartment 2
Whitesburg, Ky. 41858**

Geologist Log

Location: Dry Fork Tower Site

Unit Thickness	Total depth	Strata	Description
70.00'	70.00'	Mine Fill	Brown and Gray, Sandstone and Shale Fragments

IDENTIFICATION OF HISTORIC PROPERTIES & ASSESSMENT OF VISUAL EFFECTS

Wilbur Smith Associates conducted an investigation of the APE for visual effects. The Cultural Historic Report for this project is included in Attachment 12 and summarized herein. Records of the Kentucky Heritage Council (KHC) historic site inventory and the Letcher County Property Valuation Administrator were examined on April 16 and 21, 2009. In addition, the Department of the Interior's National Register web site was examined to identify any historic properties listed on the National Register of Historic Places (NRHP), or considered eligible by consensus between the SHPO and the Federal Highway Administration. No properties listed on the NRHP or determined eligible for listing by consensus between the SHPO and the Federal Highway Administration have been identified within the APE for visual effects. Research identified one property of undetermined eligibility located within the APE for visual effects; this property is the Willey Caudill Cabin (LR23). The location of this property is identified in Figure 4 and Figure 5.

Field investigation of the APE for visual effects, coupled with the aforementioned research and map reviews, identified two additional structures within the APE that are greater than 50 years old. Field investigation included a visit to the previously identified property, LR23, and to each of the two new properties to assess their current conditions and integrity. The two new properties identified during the current investigation include a house identified as LR134, and a cemetery identified as LR135; the locations of these properties are identified on Figure 4 and Figure 5.

Field investigations determined that previously identified LR 23 was no longer extant. On-site evaluation of architectural qualities and additional research into both LR134 and LR135 did not identify any characteristics, or historic associations, that would qualify them as eligible for listing on the NRHP. It is recommended that neither of the two examined properties are eligible for listing on the National Register of Historic Places.

PHOTOGRAPHS

The following photographs of the project site are presented herein:

1	View of proposed lease area and associated access easement, facing west.
2	View of proposed lease area, facing northeast.
3	View of proposed lease area, facing south.
4	View from lease area, facing north.
5	View from lease area, facing south.
6	View from lease area, facing east.
7	View from lease area, facing west.
8	View of existing access road from lease area, facing southeast.

Site photographs were recorded on April 21, 2008⁹ using a lense focal length of 40 mm.



Photo 1 - View of proposed lease area and associated access easement, facing west.



Photo 2 - View of proposed lease area, facing northeast.



Photo 3 - View of proposed lease area, facing south.



Photo 4 - View from lease area, facing north.



Photo 5 - View from lease area, facing south.



Photo 6 - View from lease area, facing east.



Photo 7 - View from lease area, facing west.

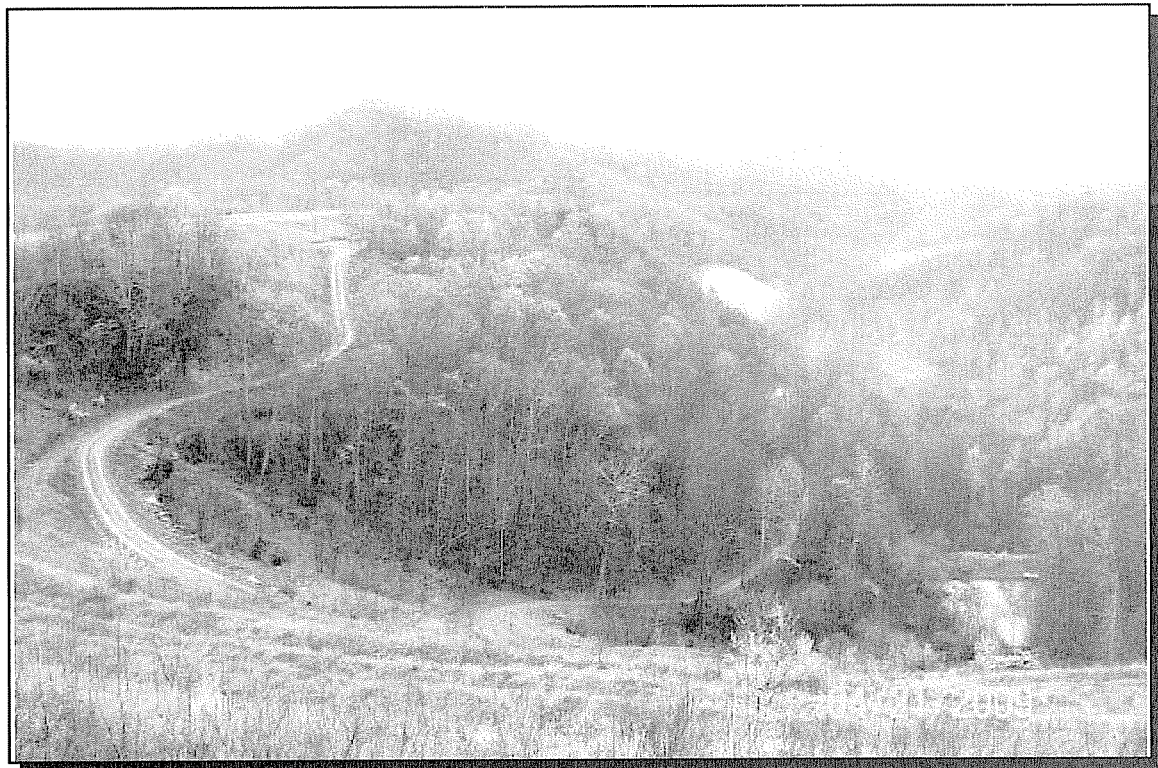
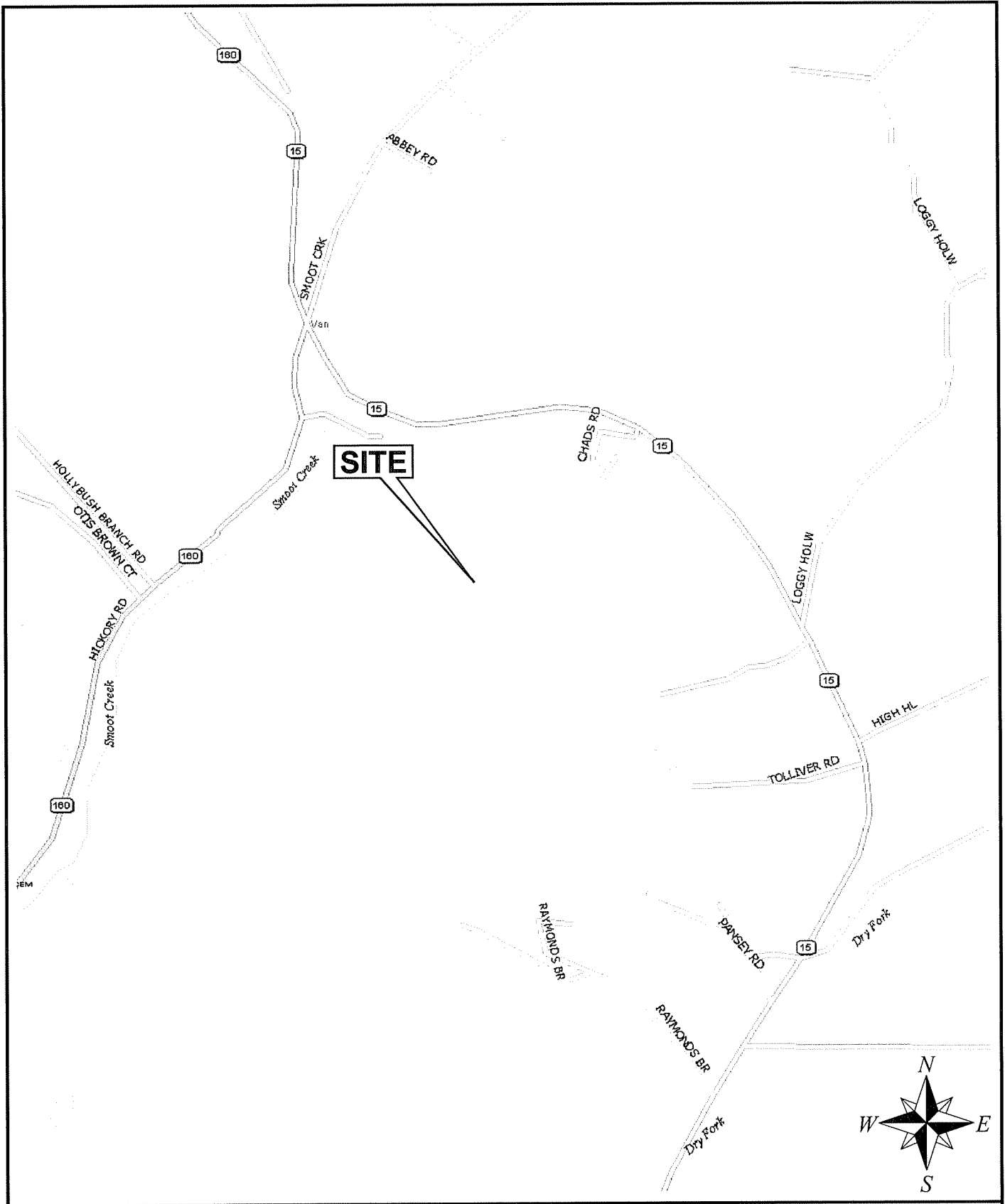


Photo 8 - View of existing access road from lease area, facing southeast.

FIGURES

The following figures of the project site are presented herein:

Figure No.	<u>Figure Title</u>
1	Site Location Map
2	Site and Access Easement Plan
3	Site Plan
4	U.S.G.S. Topographic Map, 7.5 Minute Series w/ Visual APE
5	2007 Aerial Photograph w/ Visual APE



SITE LOCATION MAP



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ASSOCIATES, INC.**

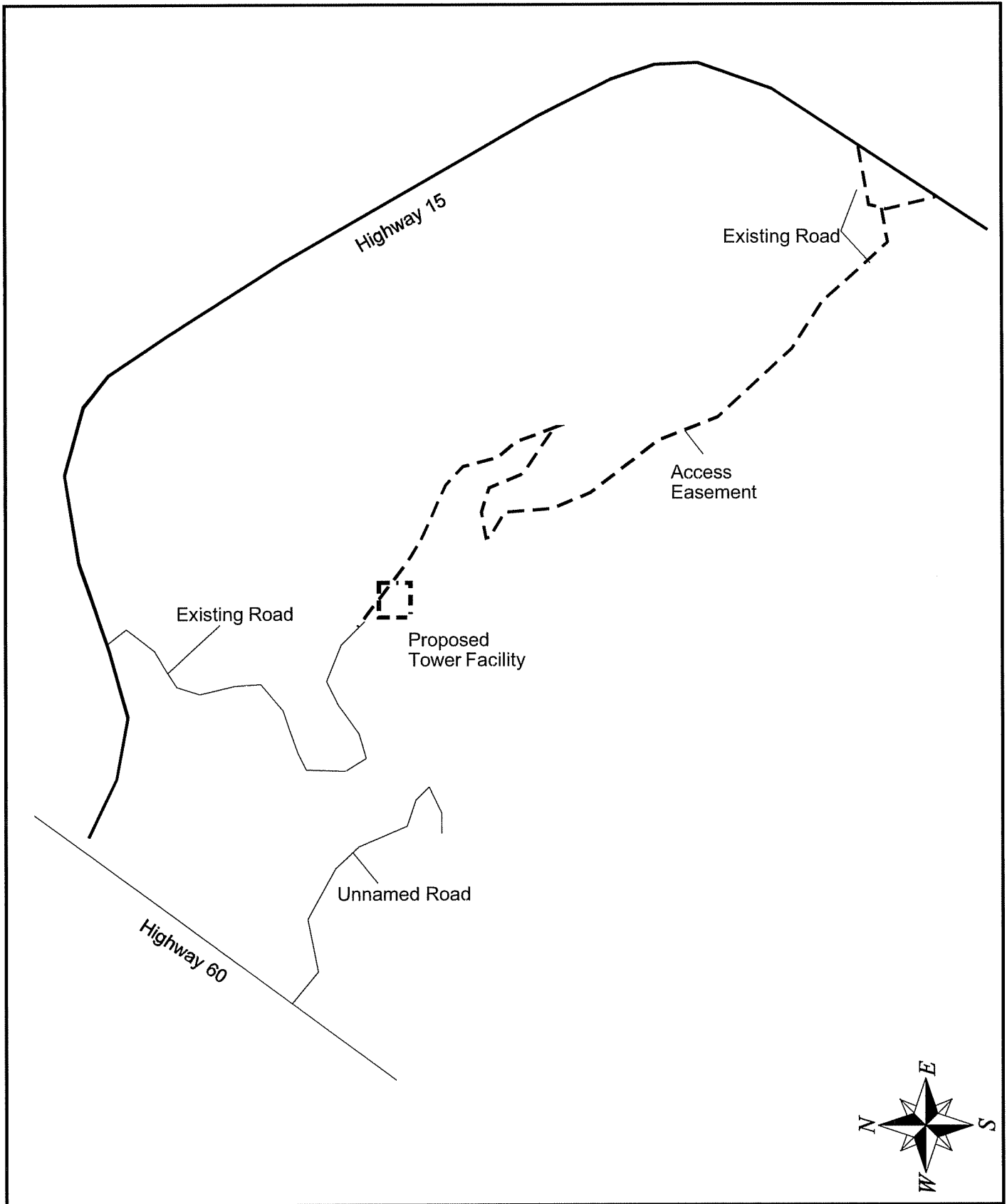
www.DynamicEnvironmental.com

Section 106 Review
Dry Fork Tower Site
Letcher County, Texas

Figure No.: 1

Date: 05/08/09

DEA No.: 20903028



SITE AND ACCESS EASEMENT PLAN



DYNAMIC ENVIRONMENTAL ASSOCIATES, INC.

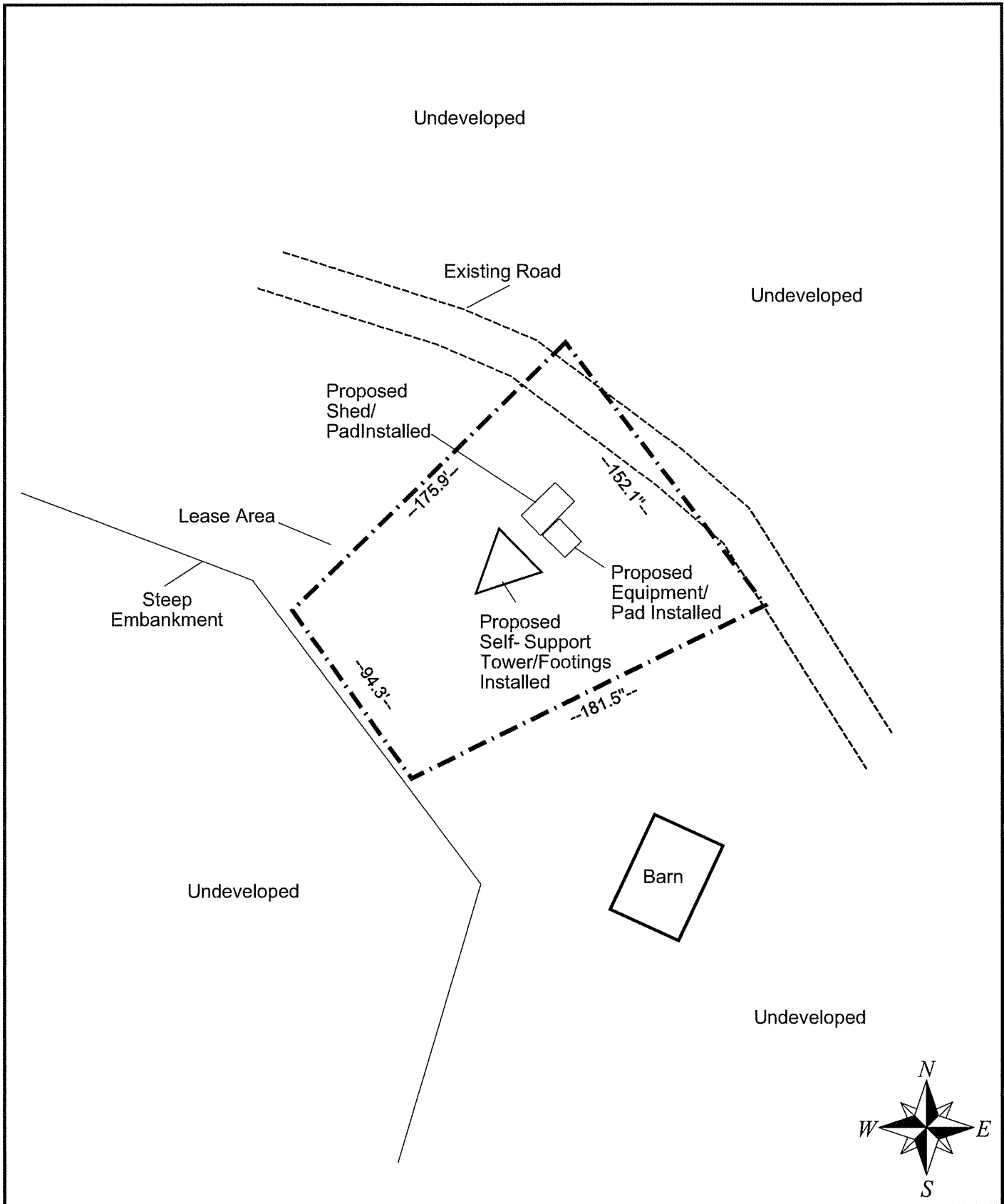
www.DynamicEnvironmental.com

Section 106 Review
 Dry Fork KY Tower Site
 Letcher County, Kentucky

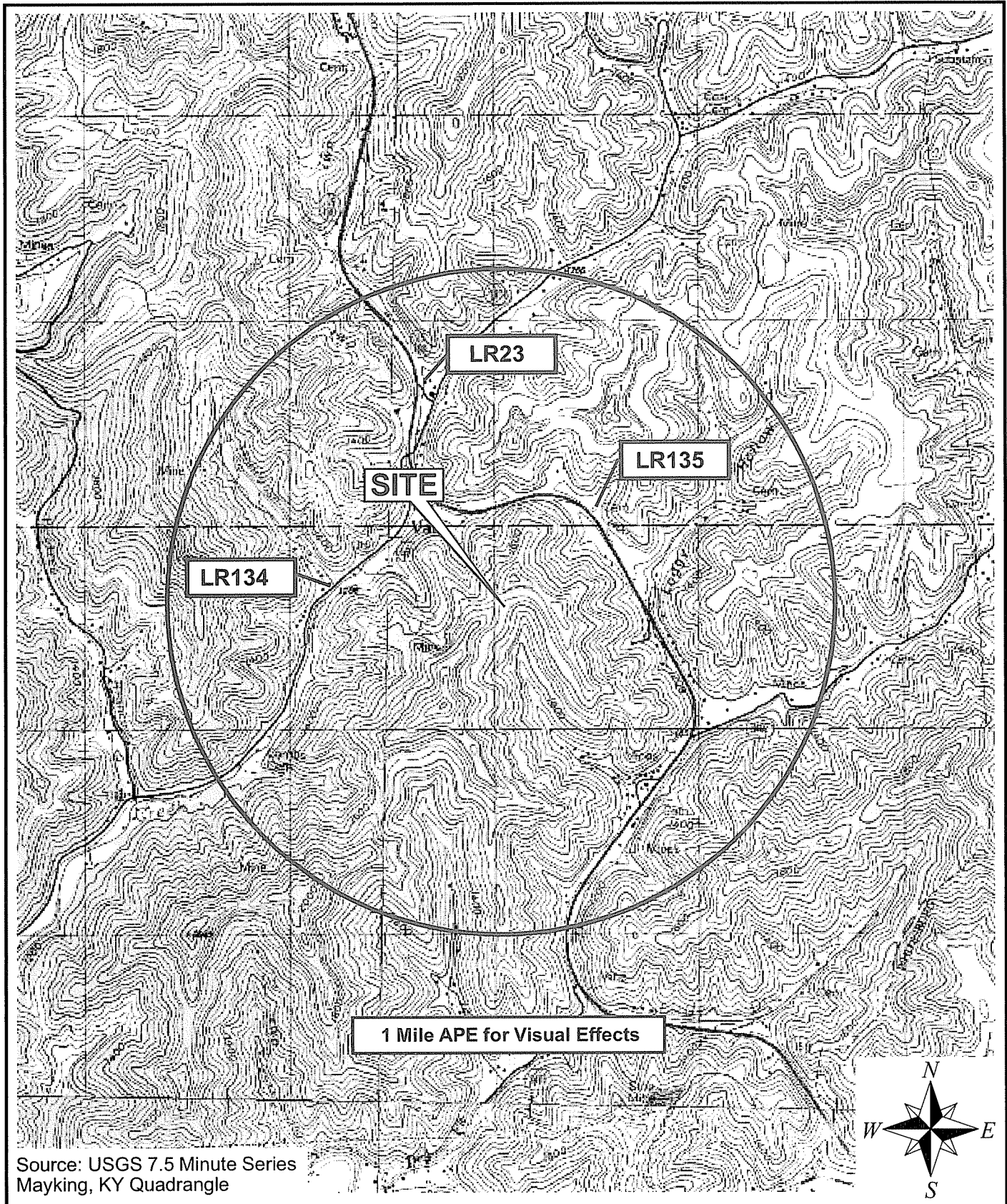
Figure No.: 2

Date: 05/08/09

DEA No.: 20903028



SITE PLAN



Source: USGS 7.5 Minute Series
Mayking, KY Quadrangle

U.S.G.S. Topographic Map, 7.5 Minute Series w/Visual APE



**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

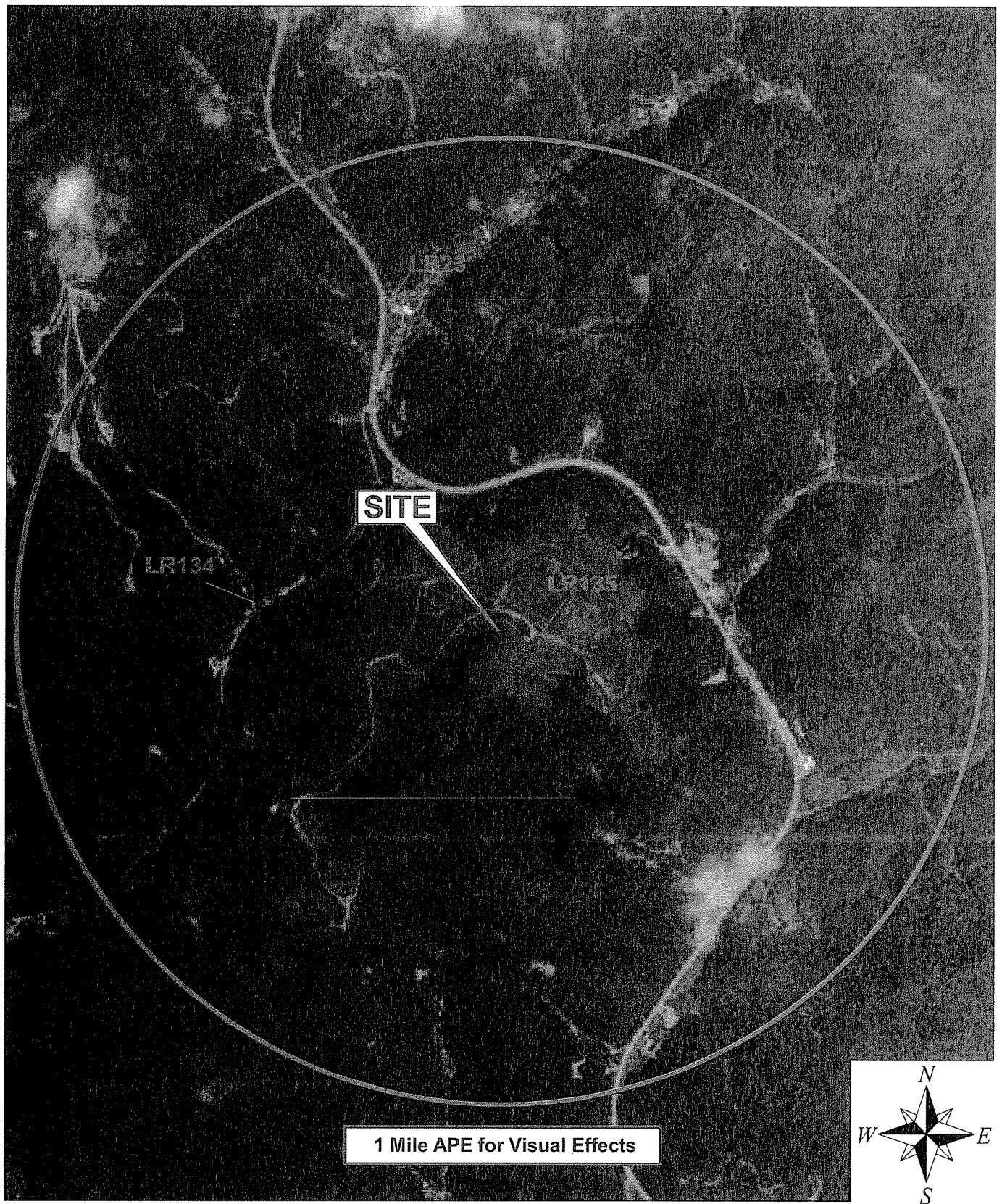
www.DynamicEnvironmental.com

Section 106 Review
Dry Fork Tower Site
Letcher County, Kentucky

Figure No.: 4

Date: 05/08/09

DEA No.: 20903028



2007 Aerial Photograph w/Visual APE

Admin

From: Richard Allen [Richard-Allen@cherokee.org]
To: Admin
Sent: Tuesday, May 19, 2009 4:37 PM
Subject: Read: TCNS No. 50371 - Dry Fork (DEA No. 20903028)

Your message

To: Richard-Allen@cherokee.org
Subject:

was read on 5/19/2009 4:37 PM.

Admin

From: Richard Allen [Richard-Allen@cherokee.org]
Sent: Tuesday, May 19, 2009 4:37 PM
To: Admin
Subject: RE: TCNS No. 50371 - Dry Fork (DEA No. 20903028)

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
Cherokee Nation
P.O. Box 948
Tahlequah, Oklahoma 74465
(918) 453-5466 (office)
(918) 822-2707 (cell)
(918) 458-5898 (fax)

From: Admin [mailto:Admin@dynamicenvironmental.com]
Sent: Monday, May 11, 2009 2:20 PM
To: Richard Allen
Subject: TCNS No. 50371 - Dry Fork (DEA No. 20903028)

Jr. Allen -

For your use, and in accordance with procedures previously established with you, please find the enclosed letter and requested information regarding the above referenced Site.

If you have any questions, or would like to discuss the project in more detail, please do not hesitate to contact us.

Thank you,

**Dynamic Environmental
Associates, Inc.**
3850 Lake Street, Suite C
Macon, GA 31204
phone: 478-745-7740
fax: 478-745-7415

DEA, Inc.

Full Name: 20903028 - Ms. Yolanda Saunooke
Last Name: Saunooke
First Name: Yolanda
Job Title: Dry Fork
Company: 100 - Eastern Band of Cherokee Indians

Business Address: Ms. Yolanda Saunooke
Eastern Band of Cherokee Indians
Tribal Historic Preservation Office
2877 Governor's Island Road
Bryson City, NC 28713

Business: (828) 554-6854

E-mail: Yolasaun@nc-cherokee.com
E-mail Display As: Yolanda Saunooke

Categories: TCNS No. 50371

03/31/09 – Notification completed via TCNS No. 50371.

04/02/09 – TCNS Notification list published.

05/15/09 – Letter with requested information sent.

05/18/09 – Response received via email. No objections.

05/18/09 – Response received via TCNS. No objections.

**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

A PROFESSIONAL ENVIRONMENTAL CONSULTING FIRM

By: E-Mail

May 15, 2009

Ms. Yolanda Saunooke
Eastern Band of Cherokee Indians
Tribal Historic Preservation Office
2877 Governor's Island Road
Bryson City, NC 28713

Re: Follow Up - Invitation to Comment on Potential Impact to
Sites of Religious and Cultural Importance
TCNS No. 50371
East Kentucky Network, LLC d/b/a Appalachian Wireless
Tower Site - Dry Fork
DEA No. 20903028

Dear Ms. Saunooke:

In accordance with the *Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings*, we are respectfully requesting comment on the proposed telecommunications facility, as it relates to potential impacts on resources of religious and/or cultural importance to the Shawnee Tribe.

Details on the proposed facility are presented below.

Site Name:	Dry Fork Site
TCNS Notification ID No.:	50371
TCNS Notification Date:	April 2, 2009
Address or Location:	Approximately 3.0 miles northwest of Whitesburg at Dry Fork
City, County, State:	Whitesburg, Letcher County, KY 41858
Latitude:	N37-08-49.4
Longitude:	W82-52-06.4
Structure Height & Type:	314' tall self-support tower

For your use, and in accordance with your request, we are submitting to you a copy of the *FCC Form 620*, which has been submitted to the State Historic Preservation Office, as well as a professional cultural/archeological survey report.

As of the date of this letter, we have not received a reply from the Kentucky State Historic Preservation Office. Upon receipt, a copy of the SHPO's reply will be forwarded to your attention via fax.

If you have any questions regarding the proposed development or wish to discuss this project in more detail, please do not hesitate to contact us.

Your assistance is greatly appreciated and we look forward to hearing from you even if you should decide that this site is of no interest to the Eastern Band of Cherokee Indians.

Very truly yours,
**Dynamic Environmental
Associates, Inc.**



Virginia M. Janssen
Principal Archaeologist

Contact Information:

Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C
Macon, GA 31204
Phone: (478) 745-7740
Fax: (478) 745-7415
E-mail: NATC@DynamicEnvironmental.com

enc:

20903028 - EBCI Letter

**Cultural Resource
Survey Report
Dry Fork Site
Letcher County, Kentucky**

DEA No. 20903028

May 13, 2009

SUBMITTED ON BEHALF OF:

EAST KENTUCKY
NETWORK 
dba Appalachian Wireless
101 Technology Trail
Ivel, KY 41642

PREPARED BY:



DYNAMIC ENVIRONMENTAL ASSOCIATES, INC.

P.O. Box 7058, Lake Worth, Florida 33466 • www.DynamicEnvironmental.com • (877) 968-4787

Abstract

Following standards set forth in the Nationwide Programmatic Agreement of March 2005, DEA investigated the potential impacts of a proposed telecommunication tower to be constructed by East Kentucky Wireless, LLC d/b/a Appalachian Wireless, approximately 3.0 miles northwest of Whitesburg at Dry Fork in Letcher County, Kentucky. The proposed Site will consist of an irregularly-shaped 182' x 152' (55.5 x 46.3 m) lease parcel to contain a 314' (95.7 m) self-support tower and associated communications equipment. Proposed site access and utility easement follows an existing road extending west from Highway 15 to the lease area. Background research indicated one previously recorded cultural resource within the APE for visual effects and none within the APE for direct effects. Research identified one property of undetermined eligibility located within the APE for visual effects; this property is the Willey Caudill Cabin (LR23). Field investigations determined that previously identified LR23 was no longer extant. Two new properties were identified within the APE for visual effects during the current investigation. These properties include a house (LR134) and a cemetery (LR135). Evaluation of architectural qualities and additional research into both LR134 and LR135 did not identify any characteristics, or historic associations, that would qualify them as eligible for listing on the NRHP. It is recommended that neither of the two examined properties are eligible for listing on the National Register of Historic Places. No cultural resources have yet to be identified by contacted governmental entities or members of the general public. Archaeological investigations were not performed at the site due the determination that the APE for direct effects had been previously strip mined. It is recommended that no significant historic resources will be impacted by the proposed undertaking.

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1. Introduction

East Kentucky Wireless, LLC d/b/a Appalachian Wireless, proposes to construct a telecommunications tower facility approximately 3.0 miles northwest of Whitesburg at Dry Fork in Letcher County, Kentucky (Figure 1). The proposed Site will consist of an irregularly-shaped lease area, approximately 182' x 152' (55.5 x 46.3 m) in size. Within this lease area will be a 314' (95.7 m) tall self-support tower and associated communications equipment to be mounted by the Applicant. Site access and utilities will follow an existing unpaved road extending west from Highway 15 (Figures 2 and 3; Appendix II Photographs).

2. Methods

Following the methods and standards set forth by the Nationwide Programmatic Agreement of March 2005, site evaluation included requested input from Native American Tribes, as well as, local, regional, state entities as to the potential impacts to historic resources posed by the proposed tower construction. Native American Tribes were notified of the proposed telecommunication tower construction through the Tower Construction Notification System (TCNS) located on the FCC website (www.fcc.gov). Letters, requesting comments, were sent by certified mail on April 9, 2009, to the offices of the City of Whitesburg, Letcher County, and The Kentucky Trust for Historic Preservation. Comments from the general public concerning the proposed project were also solicited in the form of a public notice ad published in a newspaper of record circulated in the project vicinity. This public notice ad was published in the *Letcher County News* on April 29 and May 5, 2009. As of the date of this submission, no comments have been received from the City of Whitesburg, Letcher County, The Kentucky Trust for Historic Preservation, or members of the general public.

An APE for both visual and direct effects were identified for the proposed tower facility. The APE for visual, or indirect, effects is the geographic area in which the proposed undertaking has the potential to introduce visual elements that would diminish or alter the setting of any historic property where integrity of setting is a character-defining feature of such property that, in part, makes it eligible for the National Register. Specifically, this geographic area is the area in which the proposed telecommunication tower would be visible, and if so, would have the potential to introduce visual elements that would alter or diminish the integrity of any historic property's relationship to surrounding features and open space, therefore compromising the ability of such property to convey its historic significance.

In accordance with the Kentucky Heritage Council guidelines, a one mile (1.61 km) APE for visual effects is applicable to this 314' telecommunications tower (Figure 4).

Wilbur Smith Associates (WSA) conducted an investigation of the APE for visual effects. Records of the Kentucky Heritage Council (KHC) historic site inventory and the Letcher County Property Valuation Administrator were examined on April 16 and 21, 2009. In addition, the Department of the Interior's National Register web site was examined to identify any historic properties listed on the National Register of Historic Places (NRHP), or considered eligible by consensus between the SHPO and the Federal Highway Administration. No properties listed on the NRHP or determined eligible for listing by consensus between the SHPO and the Federal Highway Administration have been identified within the APE for visual effects. This research did identify one property of undetermined eligibility located within the APE for visual effects; this property is the Willey Caudill Cabin (LR23).

In addition, the APE for direct effects was determined by an examination of plan maps

submitted by Appalachian Wireless. Further, the APE for direct effects is the construction site for the proposed tower facility, where such construction would result in ground-disturbance and dislocation of soil. The APE for direct effects consists of the 182' x 152' (55.5 x 46.3 m) lease area. Site access and utilities will follow an existing road that extends west from Highway 15 to the lease area.

Based on a Geologic Site Assessment performed by Kentucky Registered Professional Geologist, Wendell Holmes, P.G., the lease area for the proposed tower facility is located on a reclaimed (filled) mountain top that was previously a strip mine site. The assessment concluded that the Site consists of approximately 70 feet of fill material over bedrock. Therefore, since the lease area (i.e APE for direct effects) has been significantly modified by past land use practices, no onsite archeological investigation was conducted and records of the Office of State Archaeology were not examined as part of the assessment process.

3. Results

Field investigation of the APE for visual effects, coupled with the aforementioned research and map reviews, identified two additional structures within the APE that are greater than 50 years old. Field investigation included a visit to the previously identified property, LR23, and to each of the two new properties to assess their current conditions and integrity. The two new properties identified during the current investigation include a house identified as LR134, and a cemetery identified as LR135.

Field investigations determined that previously identified LR 23 was no longer extant. On-site evaluation of architectural qualities and additional research into both LR134 and LR135 did not identify any characteristics, or historic associations, that would qualify them as eligible for listing on the NRHP.

A site inspection conducted by DEA and WSA personnel confirmed the historical use of the project area as a strip-mine and that the lease area is located on a man-made, filled, bench feature. During the site inspection it was discovered that the construction of the proposed facility had commenced with tower footings and a concrete pad for equipment having been placed. The Client was immediately notified and all work has ceased until the conclusion of this Section 106 Review and other NEPA related activities.

Nevertheless, it should be noted that ground disturbing activity should be halted when it is reasonable to believe that an archaeological site has been encountered which will be affected by this undertaking, and that the State Historic Preservation Officer be notified of these finds. Also, if human burials or human remains are encountered during ground-disturbance, it is imperative that local law enforcement, as well as the district medical examiner and the State Historic Preservation Officer, is notified prior to resuming work.

4. Recommendations

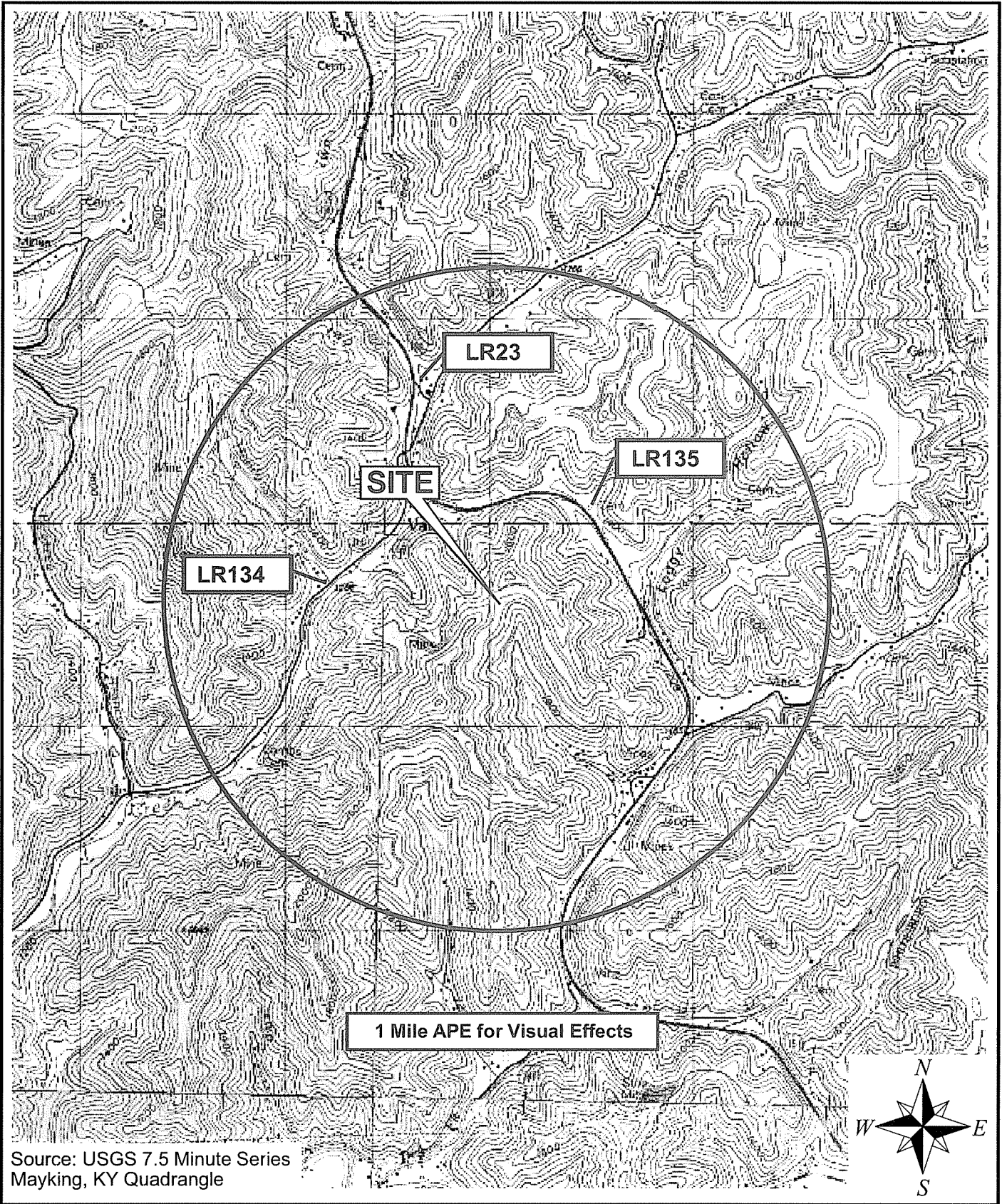
It is noted that the soil/material disturbance, associated with the placement of above infrastructure, has had no material affect on the conclusions of this assessment given the entire site area is reclaimed/filled mine land. No further archaeological investigations work is recommended at this site. It is the opinion of the principal investigator that no intact archeological site will be affected by this undertaking.

Nevertheless, it should be noted that ground disturbing activities should be halted when it is reasonable to believe that an archaeological site has been encountered which will be

affected by this undertaking, and that the State Historic Preservation Officer be notified of these finds. Also, if human burials or human remains are encountered during ground-disturbance, it is imperative that local law enforcement, as well as the district medical examiner and the State Historic Preservation Officer, is notified prior to resuming work.

Field investigations determined that previously identified LR 23 was no longer extant. It is recommended that neither of the two newly identified properties, LR134 and LR135, meet the criteria for listing on the National Register of Historic Places. It is recommended that neither of the two properties are eligible for listing on the National Register of Historic Places.

Appendix I - Figures



Source: USGS 7.5 Minute Series
 Mayking, KY Quadrangle

U.S.G.S. Topographic Map, 7.5 Minute Series w/Visual APE



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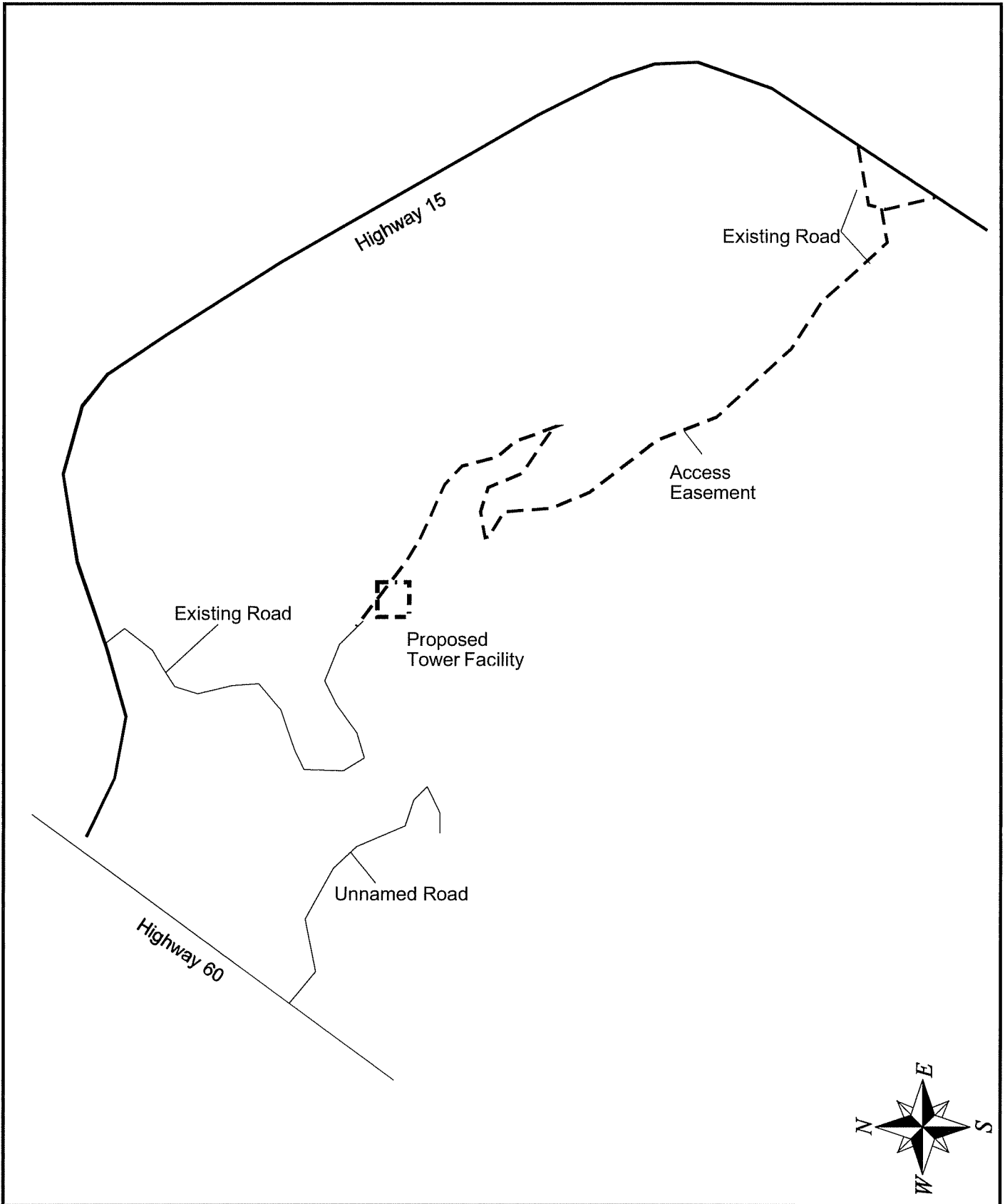
www.DynamicEnvironmental.com

Cultural Resources Survey
 Dry Fork Tower Site
 Letcher County, Kentucky

Figure No.: 1

Date: 05/15/09

DEA No.: 20903028



SITE AND ACCESS EASEMENT PLAN



DYNAMIC ENVIRONMENTAL ASSOCIATES, INC.

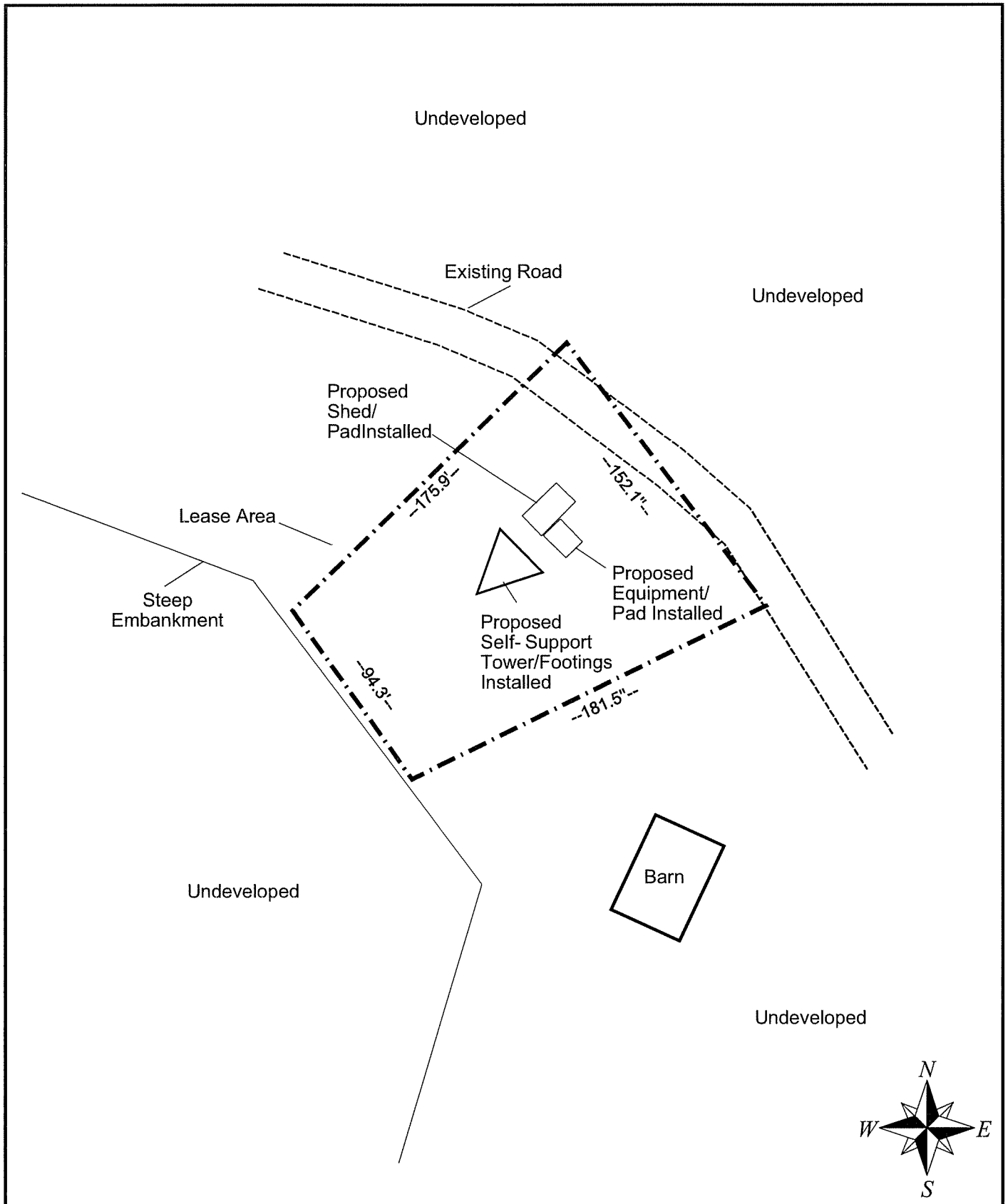
www.DynamicEnvironmental.com

Cultural Resources Survey
 Dry Fork KY Tower Site
 Letcher County, Kentucky

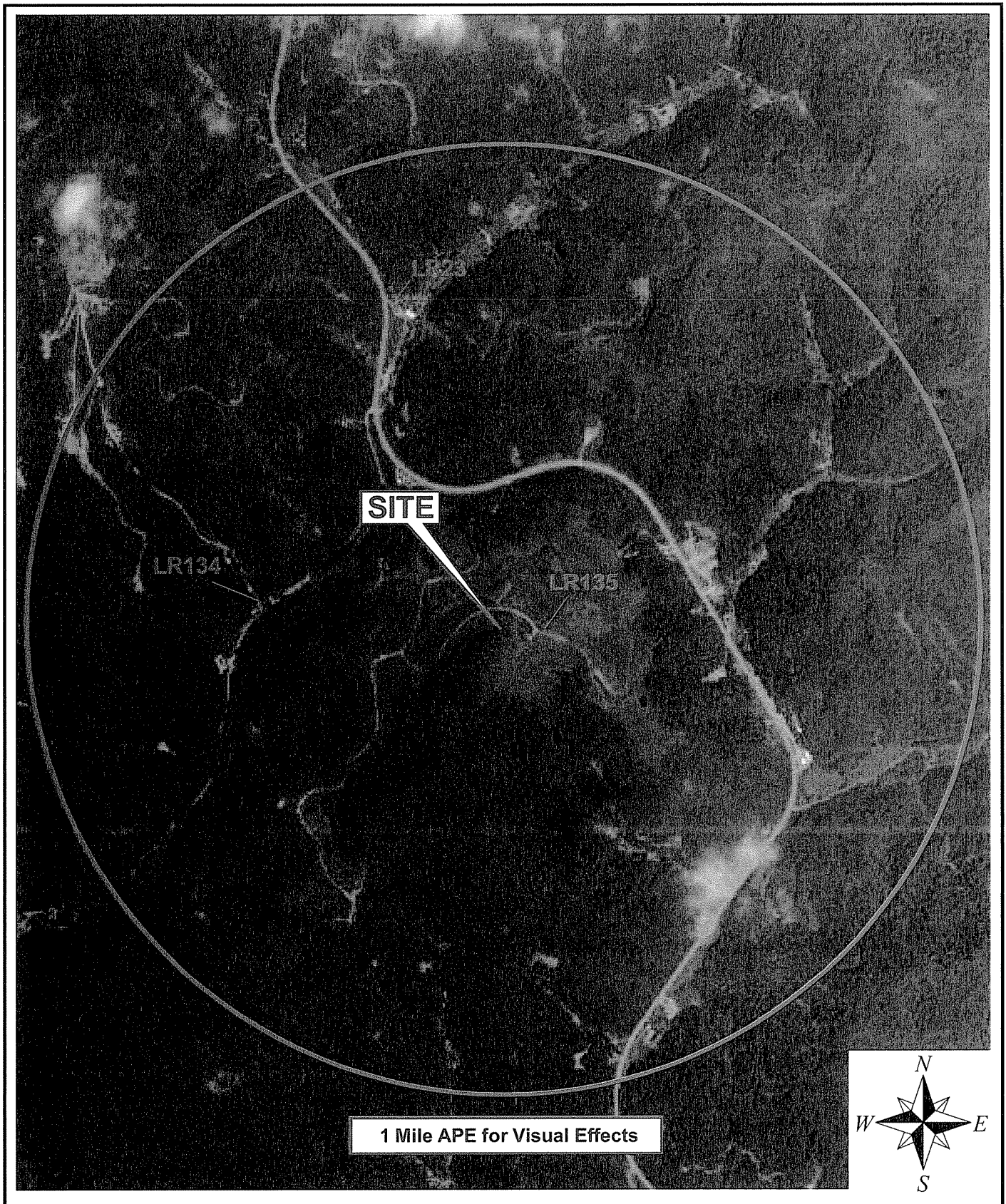
Figure No.: 2

Date: 05/15/09

DEA No.: 20903028



SITE PLAN



2007 Aerial Photograph w/Visual APE



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ASSOCIATES, INC.**

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Cultural Resources Survey
Dry Fork Tower Site
Letcher County, Kentucky

Figure No.: 4

Date: 05/15/09

DEA No.: 20903028

Appendix II - Photographs



Photo 1 - View of proposed lease area and associated access easement, facing west.



Photo 2 - View of proposed lease area, facing northeast.



Photo 3 - View of proposed lease area, facing south.



Photo 4 - View from lease area, facing north.



Photo 5 - View from lease area, facing south.



Photo 6 - View from lease area, facing east.



Photo 7 - View from lease area, facing west.



Photo 8 - View of existing access road from lease area, facing southeast.

A copy of the Form 620 and Attachments
submitted along with this letter as part of the Section 106 Process
is included in Appendix VI

Admin

From: Yolanda Saunooke [yolasaun@nc-chokeee.com]
Sent: Monday, May 18, 2009 8:53 AM
To: Admin
Subject: RE: TCNS No. 50371 - Dry Fork (DEA No. 20903028)

The EBCI THPO has reviewed the provided materials including the Phase I archeological report for the proposed communications tower construction on Dry Fork tower site located near Whitesburg, Letcher County, KY. The EBCI THPO concurs with the archeologist's recommendations that no archeological sites eligible for inclusion on the National Register of Historic Places were encountered during the recent phase I archeological field survey. It is the opinion of the EBCI THPO that no cultural resources important to the Cherokee people will be adversely affected by the proposed undertaking. As such, the proposed undertaking may proceed as planned. In the event that construction plans change, or cultural resources or human remains are encountered during the construction phase, all work should cease, and this office notified to continue consultation as mandated under Section 106 of the NHPA.

Please do not hesitate to contact me should you have any questions or comments.

Sincerely,

Yolanda Saunooke
Tribal Historic Preservation Office
Eastern Band of Cherokee Indians
828-554-6854

From: Admin [mailto:Admin@dynamicenvironmental.com]
Sent: Friday, May 15, 2009 5:15 PM
To: Yolanda Saunooke
Subject: TCNS No. 50371 - Dry Fork (DEA No. 20903028)

Ms. Saunooke -

For your use, and in accordance with your procedures, please find the enclosed letter and CRS Report regarding the above referenced Site. Due to large file sizes, the FCC Form 620 will be sent in a separate e-mail.

If you have any questions, or would like to discuss the project in more detail, please do not hesitate to contact us.

Thank you,

**Dynamic Environmental
Associates, Inc.**
3850 Lake Street, Suite C
Macon, GA 31204
phone: 478-745-7740
fax: 478-745-7415

Admin

From: towernotifyinfo@fcc.gov
Sent: Monday, May 18, 2009 8:52 AM
To: Admin
Cc: towernotifyinfo@fcc.gov; yolasaun@nc-chokeee.com
Subject: Reply to Proposed Tower Structure (Notification ID #50371) - Email ID #2199864

Dear Virginia M Janssen,

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

The following message has been sent to you from Tribal Historic Preservation Specialist Yolanda M Saunooke of the Eastern Band of Cherokee Indians in reference to Notification ID #50371:

The EBCI THPO has reviewed the provided materials including the Phase I archeological report for the proposed communications tower construction on Dry Fork tower site located near Whitesburg, Letcher County, KY. The EBCI THPO concurs with the archeologist's recommendations that no archeological sites eligible for inclusion on the National Register of Historic Places were encountered during the recent phase I archeological field survey. It is the opinion of the EBCI THPO that no cultural resources important to the Cherokee people will be adversely affected by the proposed undertaking. As such, the proposed undertaking may proceed as planned. In the event that construction plans change, or cultural resources or human remains are encountered during the construction phase, all work should cease, and this office notified to continue consultation as mandated under Section 106 of the NHPA.

Please do not hesitate to contact me should you have any questions or comments.

Sincerely,

Yolanda Saunooke
Tribal Historic Preservation Office
Eastern Band of Cherokee Indians
828-554-6854

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

Notification Received: 03/31/2009
Notification ID: 50371
Tower Owner Individual or Entity Name: East Kentucky Network, LLC d/b/a Appalachian Wireless (20903028)
Consultant Name: Virginia M Janssen
Street Address: c/o Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C
City: Macon
State: GEORGIA
Zip Code: 31204
Phone: 478-745-7740
Email: NATC@DynamicEnvironmental.com

Structure Type: UTOWER - Unguyed - Free Standing Tower
Latitude: 37 deg 8 min 49.4 sec N
Longitude: 82 deg 52 min 6.4 sec W
Location Description: Approximately 3 miles NW of Whitesburg at Dry Fork
City: Whitesburg
State: KENTUCKY
County: LETCHER
Ground Elevation: 507.5 meters
Support Structure: 91.4 meters above ground level
Overall Structure: 95.7 meters above ground level
Overall Height AMSL: 603.2 meters above mean sea level

DEA, Inc.

Full Name: 20903028 - Ms. Jo Ann Beckham
Last Name: Beckham
First Name: Jo
Job Title: Dry Fork
Company: 101 - Eastern Shawnee Tribe of Oklahoma

Business Address: Ms. Jo Ann Beckham
Eastern Shawnee Tribe of Oklahoma
P.O. Box 350
Seneca, MO 64865

Business: (918) 666-2435
Business Fax: (918) 666-2186

Categories: TCNS No. 50371

03/31/09 – Notification completed via TCNS No. 50371.

04/02/09 – TCNS Notification list published.

05/01/09 – Response received. No objections.

Admin

From: towernotifyinfo@fcc.gov
Sent: Friday, May 01, 2009 1:36 PM
To: Admin
Cc: towernotifyinfo@fcc.gov
Subject: Reply to Proposed Tower Structure (Notification ID #50371) - Email ID #2189411

Dear Virginia M Janssen,

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

The following message has been sent to you from Administrative Assistant Jo Ann Beckham of the Eastern Shawnee Tribe of Oklahoma in reference to Notification ID #50371:

We have no interest in this site. However, if the Applicant discovers archaeological remains or resources during construction, the Applicant should immediately stop construction and notify the FCC and the Tribe, pursuant to 47 C.F.R Sec. 1.1312 of the Commission's rules.

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

Notification Received: 03/31/2009
Notification ID: 50371
Tower Owner Individual or Entity Name: East Kentucky Network, LLC d/b/a Appalachian Wireless (20903028)
Consultant Name: Virginia M Janssen
Street Address: c/o Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C
City: Macon
State: GEORGIA
Zip Code: 31204
Phone: 478-745-7740
Email: NATC@DynamicEnvironmental.com

Structure Type: UTOWER - Unguyed - Free Standing Tower
Latitude: 37 deg 8 min 49.4 sec N
Longitude: 82 deg 52 min 6.4 sec W
Location Description: Approximately 3 miles NW of Whitesburg at Dry Fork
City: Whitesburg
State: KENTUCKY
County: LETCHER
Ground Elevation: 507.5 meters
Support Structure: 91.4 meters above ground level
Overall Structure: 95.7 meters above ground level
Overall Height AMSL: 603.2 meters above mean sea level

DEA, Inc.

Full Name: 20903028 - Ms. Jennie Lillard
Last Name: Lillard
First Name: Jennie
Job Title: Dry Fork
Company: 174 - Kialegee Tribal Town

Business Address: Ms. Jennie Lillard
Kialegee Tribal Town
P.O. Box 332
Wetumka, OK 74883

Business: (405) 452-3037

Categories: TCNS No. 50371

03/31/09 – Notification completed via TCNS No. 50371.

04/02/09 – TCNS Notification list published.

--Exclusion applies.

Exclusions: If the Applicant receives no response from the Kialegee Tribal Town within 30 days after notification through TCNS, the Kialegee Tribal Town has no interest in participating in pre-construction review for the site. The Applicant, however, must immediately notify the Kialegee Tribal Town in the event archaeological properties or human remains are discovered during construction.

DEA, Inc.

Full Name: 20903028 - Ms. Kim Jumper
Last Name: Jumper
First Name: Kim
Job Title: Dry Fork
Company: 460 - Shawnee Tribe

Business Address: Ms. Kim Jumper
Shawnee Tribe
Historic Preservation Department
29 South 69A Highway
Miami, OK 74355

Business: (918) 542-2441
Business Fax: (918) 542-9915

Categories: TCNS No. 50371

03/31/09 – Notification completed via TCNS No. 50371.

04/02/09 – TCNS Notification list published.

04/02/09 – Response received. Follow-up needed.

05/11/09 – Letter with requested information sent.

06/25/09 – Response received. No objections.

Admin

From: towernotifyinfo@fcc.gov
Sent: Thursday, April 02, 2009 12:25 PM
To: Admin
Cc: towernotifyinfo@fcc.gov
Subject: Reply to Proposed Tower Structure (Notification ID #50371) - Email ID #2163979

Dear Virginia M Janssen,

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

The following message has been sent to you from THPO Belinda Pryor of the Shawnee Tribe in reference to Notification ID #50371:

WE HAVE UPDATED OUR PROCEDURES FOR 2008 (EFFECTIVE 1-14-08). PLEASE MAKE SURE THAT YOU HAVE RECEIVED AND READ A COPY OF OUR UPDATED PROCEDURES .

Please use only the following address when sending materials to us:

Please use this fax number to contact us: 918-542-9915. Please do not contact us via e-mail.

SHAWNEE TRIBE
ATT: KIM JUMPER
HISTORIC PRESERVATION DEPT.
29 SOUTH HIGHWAY 69A
MIAMI, OK 74354

The Shawnee Tribe is interested in consulting on this tower, as we are in all towers in this geographic area. Ms. Kim Jumper is our manager for cell tower consultation. Please contact Kim Jumper, Asst. THPO, at 918-542-2441 if you have any questions on this or any other TCNS project.

For this particular tower to which we are responding, please follow our consultation procedures. If this tower is a CO-LOCATION, please fax us and let us know. We cannot always reliably tell from the TCNS web site when a tower is a co-location.

PLEASE, when you are mailing us regarding a cell tower, be sure to put Kim Jumper's name and Historic Preservation Department in the address. If you send any mailing just generally to the Shawnee Tribe, without including the name and department, several days or more may pass before the mailing is properly directed.

In the event that you are building another tower in this state and you did not receive a response from us through the TCNS, it is because the project was omitted from the TCNS web site, as we respond to ALL towers listed in our geographic areas on that web site. We take this opportunity to remind you that, even if a tower has been omitted from the TCNS web site, as occasionally happens, we are still interested in consulting on it.

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

Notification Received: 03/31/2009
Notification ID: 50371
Tower Owner Individual or Entity Name: East Kentucky Network, LLC d/b/a Appalachian Wireless (20903028)
Consultant Name: Virginia M Janssen

Street Address: c/o Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C

City: Macon
State: GEORGIA
Zip Code: 31204
Phone: 478-745-7740
Email: NATC@DynamicEnvironmental.com

Structure Type: UTOWER - Unguyed - Free Standing Tower
Latitude: 37 deg 8 min 49.4 sec N
Longitude: 82 deg 52 min 6.4 sec W
Location Description: Approximately 3 miles NW of Whitesburg at Dry Fork
City: Whitesburg
State: KENTUCKY
County: LETCHER
Ground Elevation: 507.5 meters
Support Structure: 91.4 meters above ground level
Overall Structure: 95.7 meters above ground level
Overall Height AMSL: 603.2 meters above mean sea level

**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

A PROFESSIONAL ENVIRONMENTAL CONSULTING FIRM

By: Certified Mail

May 11, 2009

Ms. Kim Jumper
Shawnee Tribe
Historic Preservation Department
29 South 69A Highway
Miami, OK 74355

Re: Follow Up - Invitation to Comment on Potential Impact to
Sites of Religious and Cultural Importance
TCNS No. 50371
East Kentucky Network, LLC d/b/a Appalachian Wireless
Tower Site - Dry Fork
DEA No. 20903028

Dear Ms. Jumper:

In accordance with the *Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings*, we are respectfully requesting comment on the proposed telecommunications facility, as it relates to potential impacts on resources of religious and/or cultural importance to the Shawnee Tribe.

Details on the proposed facility are presented below.

Site Name:	Dry Fork Site
TCNS Notification ID No.:	50371
TCNS Notification Date:	April 2, 2009
Address or Location:	Approximately 3.0 miles northwest of Whitesburg at Dry Fork
City, County, State:	Whitesburg, Letcher County, KY 41858
Latitude:	N37-08-49.4
Longitude:	W82-52-06.4
Structure Height & Type:	314' tall self-support tower

Also in accordance with the *Shawnee Tribe Historic Preservation Department 2008 Cell Tower Consultation Procedures*, we are submitting to you the following: the requested \$50.00 review fee, a brief project description, a summary of our findings, and relevant photos and maps of this site.

As of the date of this letter, we have not received a reply from the Kentucky State Historic Preservation Office. Upon receipt, a copy of the SHPO's reply will be forwarded to your attention via fax.

If you have any questions regarding the proposed development or wish to discuss this project in more detail, please do not hesitate to contact us.

Your assistance is greatly appreciated and we look forward to hearing from you even if you should decide that this site is of no interest to the Shawnee Tribe.

Very truly yours,
**Dynamic Environmental
Associates, Inc.**



Virginia M. Janssen
Principal Archaeologist

Contact Information:

Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C
Macon, GA 31204
Phone: (478) 745-7740
Fax: (478) 745-7415
E-mail: NATC@DynamicEnvironmental.com

enc:

20903028 - Shawnee Letter

ADDITIONAL SITE INFORMATION

East Kentucky Network, LLC d/b/a Appalachian Wireless has proposed to construct a telecommunications tower facility in Letcher County, Kentucky (Figures 1, 2, and 3). The proposed Site will consist of an irregularly-shaped lease area, approximately 182' x 152' (55.5 x 46.3 m) in size. Within this lease area will be a 314' (95.7 m) tall self-support tower and associated communications equipment to be mounted by the Applicant. Site access and utilities will follow an existing unpaved road extending west from Highway 15.

AREAS OF POTENTIAL EFFECT

APE for Direct Effects

The APE for direct effects is the construction site for the proposed telecommunications facility, where such construction would result in ground disturbance and dislocation of soil. This area of potential direct effects, determined by an examination of plan maps provided by East Kentucky Network, LLC d/b/a Appalachian Wireless, consists of the 182' x 152' (55.5 x 46.3 m) lease area.

APE for Visual Effects

The APE for visual effects is the geographic area in which the proposed undertaking has the potential to introduce visual elements that would diminish or alter the setting of any historic property where integrity of setting is a character-defining feature of such property that, in part, makes it eligible for the National Register of Historic Places (National Register). Specifically, this geographic area is the extent to which the proposed telecommunication tower would be visible, and if so, would have the potential to introduce visual elements that would alter or diminish the integrity of any historic property's relationship to surrounding features and open space, therefore compromising the ability of such property to convey its historic significance.

In accordance with the Kentucky Heritage Council guidelines, a one mile (1.61 km) APE for visual effects is applicable to this 314' telecommunications tower (See Figure 4 and Figure 5).

IDENTIFICATION OF HISTORIC PROPERTIES & ASSESSMENT OF DIRECT EFFECTS

Based on a Geologic Site Assessment (attached) performed by Kentucky Registered Professional Geologist, Wendell Holmes, P.G., the lease area for the proposed tower facility is located on a reclaimed (filled) mountain top that was previously a strip mine site. The assessment concluded that the Site consists of approximately 70 feet of fill material over bedrock. Therefore, since the lease area (i.e. APE for direct effects) has been significantly modified by past land use practices, no onsite archeological investigation was conducted and records of the Office of State Archaeology were not examined as part of the assessment process. The access easement and a proposed utility easement are both existing.

A site inspection conducted by DEA and WSA personnel confirmed the historical use of the project area as a strip-mine and that the lease area is located on a man-made, filled, bench feature.

During the site inspection it was discovered that the construction of the proposed facility had commenced with tower footings and a concrete pad for equipment having been placed. The Client was immediately notified and all work has ceased until the conclusion of this Section 106 Review and other NEPA related activities. It is noted that the soil/material disturbance, associated with the placement of above infrastructure, has had no material affect on the conclusions of this assessment given the entire site area is reclaimed/filled mine land. No further archaeological investigations work is recommended at this site.

Nevertheless, it should be noted that ground disturbing activity should be halted when it is reasonable to believe that an archaeological site has been encountered which will be affected by this undertaking, and that the State Historic Preservation Office be notified of these finds. Also, if human burials or human remains are encountered during ground disturbance, it is imperative that local law enforcement, as well as the district medical examiner and the State Historic Preservation Office, is notified prior to resuming work.

WENDELL R. HOLMES, P.G.

120 Church Street
Apartment 2
Whitesburg, KY 41858
(606) 633-1511

February 16, 2009

Dry Fork Tower Site

Purpose:

A site assessment was conducted for Appalachian Wireless on a tract of land located in Letcher County near Isom, Kentucky. The site of the proposed tower is now a reclaimed mountaintop removal mine site. The purpose of this investigation was to determine the depth to bedrock and of what type of rock the bedrock consists.

Site Investigation:

The method used to determine the type of material is on the proposed tower site. A Caterpillar excavator was used to try to expose the bedrock material however, the fill material was too deep for the excavator to reach to the bedrock. From researching mine maps in the area and coordinates from GPS location it is approximately 70.00 feet to the bedrock. (See attached page for descriptions of materials encountered.)

The terrain in Letcher County is moderately to very steep. The tower site is located on a ridgeline between Smoot Creek and Dry Fork, both being tributaries of the North Fork of the Kentucky River, approximately one half mile southeast of the junction of KY 160 and KY 15 in Letcher County.

Conclusions:

The proposed tower site is located on a ridge in the area. The unconsolidated mine fill is from an abandoned mountain top removal surface mine which was mined over twenty years ago. Tests were not conducted to determine the load-bearing strength of the mine fill. However, it is apparent that the tower will be constructed on the unconsolidated mine fill.

The field work for this site was performed by Wendell R. Holmes, using generally accepted methods in the practice of geological science.

Wendell R. Holmes, P.G.



WENDELL R. HOLMES, P.G.

**120 Church Street
Apartment 2
Whitesburg, Ky. 41858**

Geologist Log

Location: Dry Fork Tower Site

Unit Thickness	Total depth	Strata	Description
70.00'	70.00'	Mine Fill	Brown and Gray, Sandstone and Shale Fragments

IDENTIFICATION OF HISTORIC PROPERTIES & ASSESSMENT OF VISUAL EFFECTS

Wilbur Smith Associates conducted an investigation of the APE for visual effects. The Cultural Historic Report for this project is included in Attachment 12 and summarized herein. Records of the Kentucky Heritage Council (KHC) historic site inventory and the Letcher County Property Valuation Administrator were examined on April 16 and 21, 2009. In addition, the Department of the Interior's National Register web site was examined to identify any historic properties listed on the National Register of Historic Places (NRHP), or considered eligible by consensus between the SHPO and the Federal Highway Administration. No properties listed on the NRHP or determined eligible for listing by consensus between the SHPO and the Federal Highway Administration have been identified within the APE for visual effects. Research identified one property of undetermined eligibility located within the APE for visual effects; this property is the Willey Caudill Cabin (LR23). The location of this property is identified in Figure 4 and Figure 5.

Field investigation of the APE for visual effects, coupled with the aforementioned research and map reviews, identified two additional structures within the APE that are greater than 50 years old. Field investigation included a visit to the previously identified property, LR23, and to each of the two new properties to assess their current conditions and integrity. The two new properties identified during the current investigation include a house identified as LR134, and a cemetery identified as LR135; the locations of these properties are identified on Figure 4 and Figure 5.

Field investigations determined that previously identified LR 23 was no longer extant. On-site evaluation of architectural qualities and additional research into both LR134 and LR135 did not identify any characteristics, or historic associations, that would qualify them as eligible for listing on the NRHP. It is recommended that neither of the two examined properties are eligible for listing on the National Register of Historic Places.

PHOTOGRAPHS

The following photographs of the project site are presented herein:

1	View of proposed lease area and associated access easement, facing west.
2	View of proposed lease area, facing northeast.
3	View of proposed lease area, facing south.
4	View from lease area, facing north.
5	View from lease area, facing south.
6	View from lease area, facing east.
7	View from lease area, facing west.
8	View of existing access road from lease area, facing southeast.

Site photographs were recorded on April 21, 20089 using a lense focal length of 40 mm.



Photo 1 - View of proposed lease area and associated access easement, facing west.



Photo 2 - View of proposed lease area, facing northeast.



Photo 3 - View of proposed lease area, facing south.



Photo 4 - View from lease area, facing north.



Photo 5 - View from lease area, facing south.



Photo 6 - View from lease area, facing east.



Photo 7 - View from lease area, facing west.

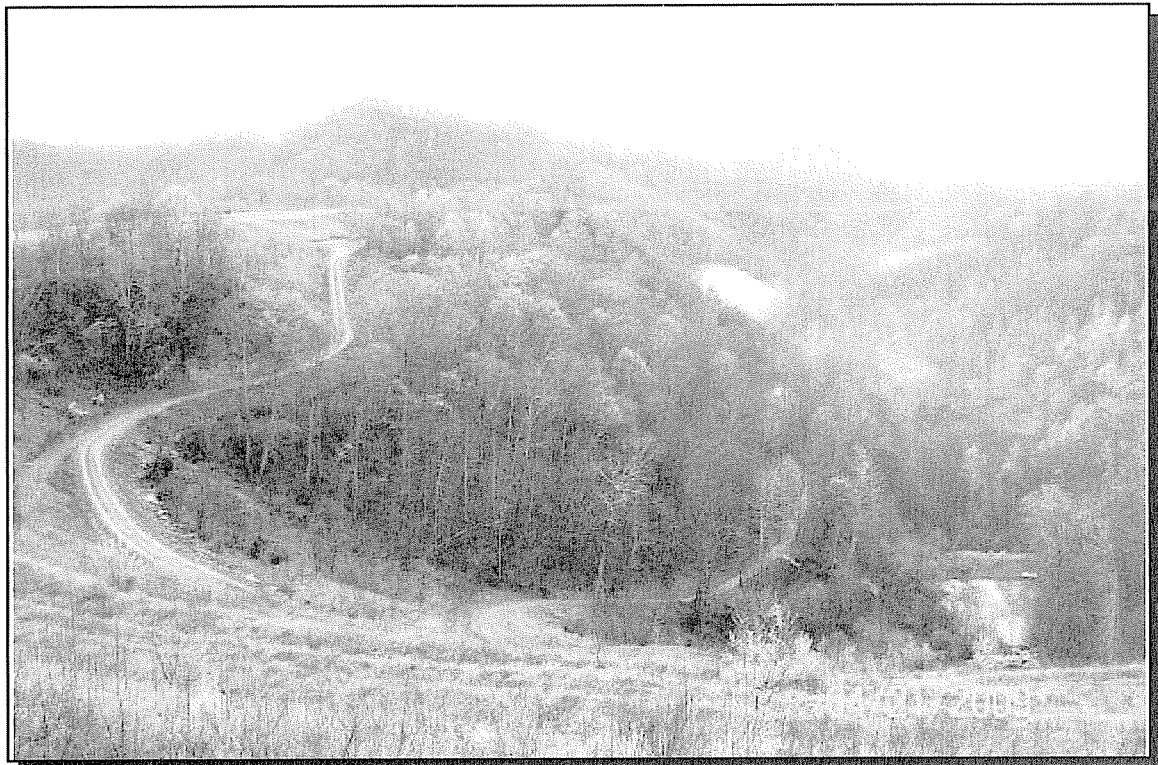
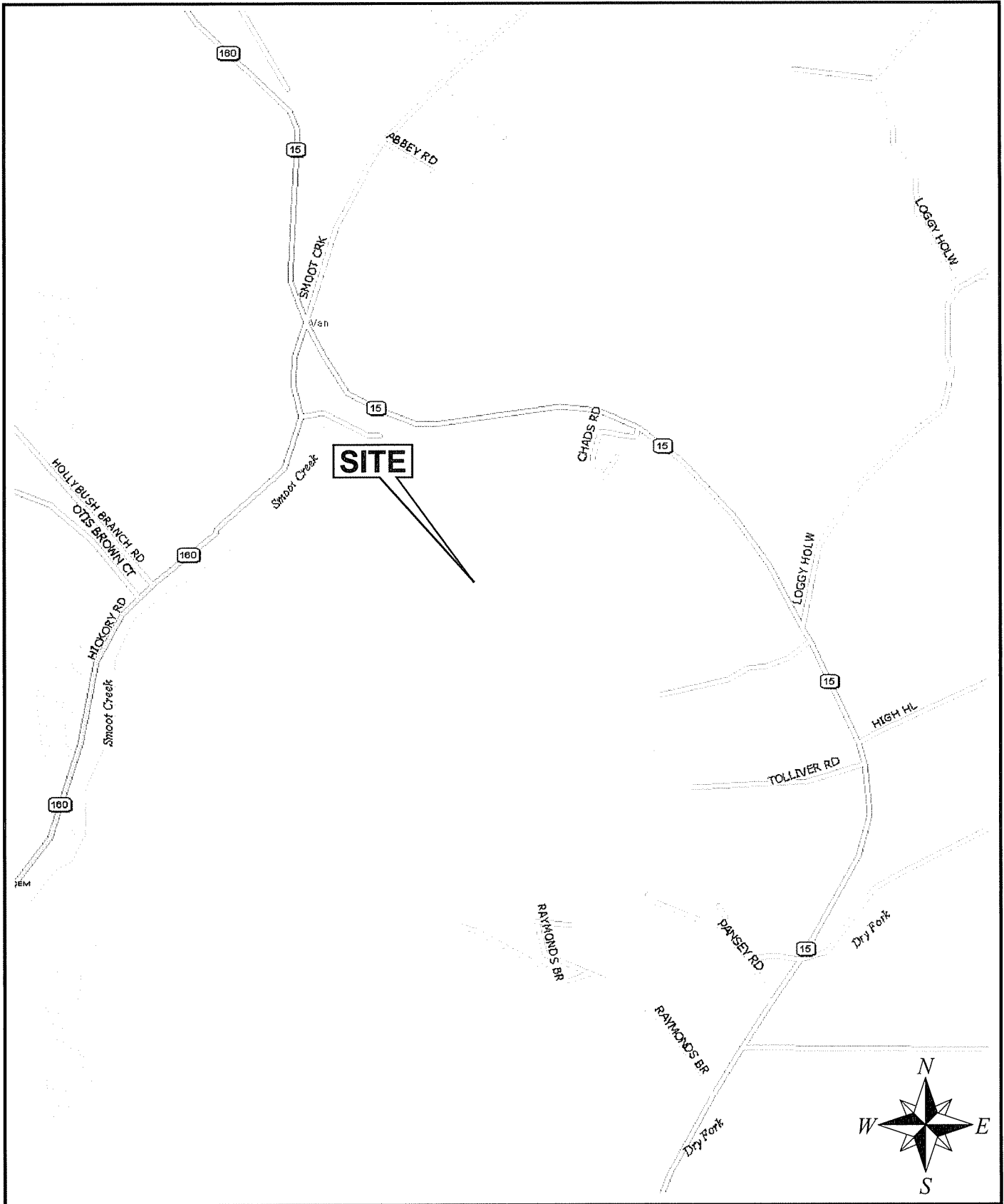


Photo 8 - View of existing access road from lease area, facing southeast.

FIGURES

The following figures of the project site are presented herein:

Figure No.	<u>Figure Title</u>
1	Site Location Map
2	Site and Access Easement Plan
3	Site Plan
4	U.S.G.S. Topographic Map, 7.5 Minute Series w/ Visual APE
5	2007 Aerial Photograph w/ Visual APE



SITE LOCATION MAP



DYNAMIC ENVIRONMENTAL ASSOCIATES, INC.

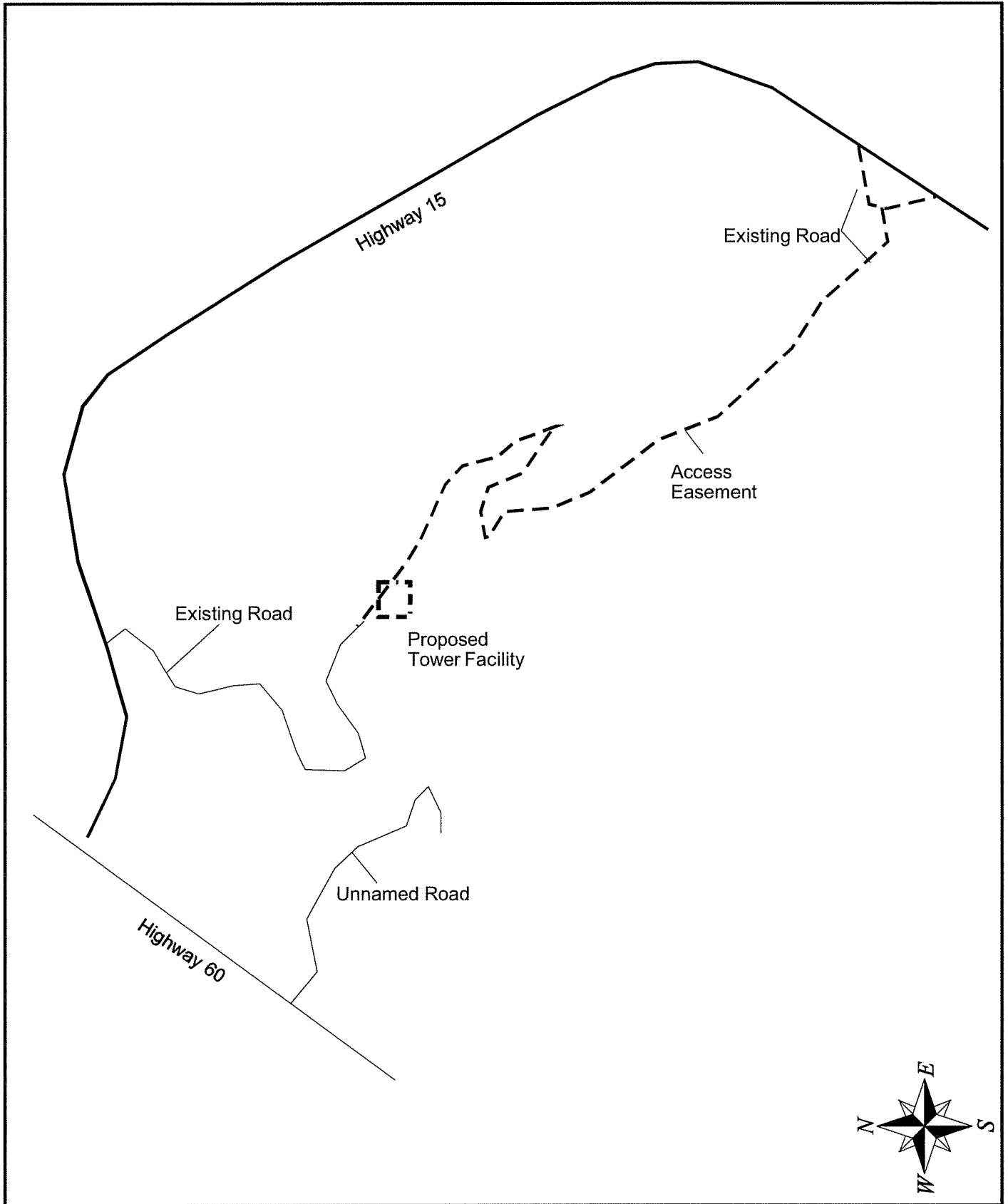
www.DynamicEnvironmental.com

Section 106 Review
 Dry Fork Tower Site
 Letcher County, Texas

Figure No.: 1

Date: 05/08/09

DEA No.: 20903028



SITE AND ACCESS EASEMENT PLAN



DYNAMIC ENVIRONMENTAL ASSOCIATES, INC.

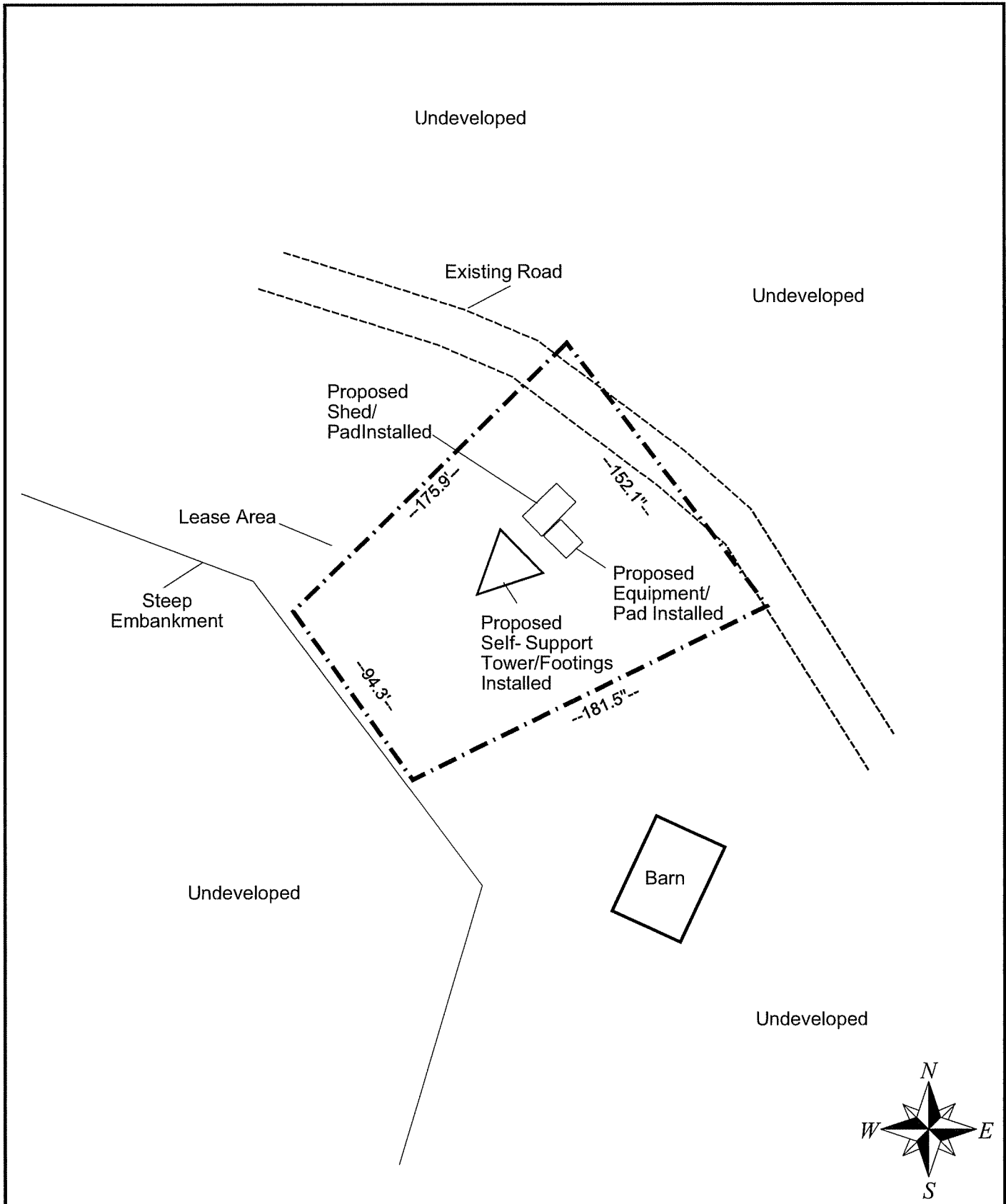
www.DynamicEnvironmental.com

Section 106 Review
 Dry Fork KY Tower Site
 Letcher County, Kentucky

Figure No.: 2

Date: 05/08/09

DEA No.: 20903028



SITE PLAN



DYNAMIC ENVIRONMENTAL ASSOCIATES, INC.

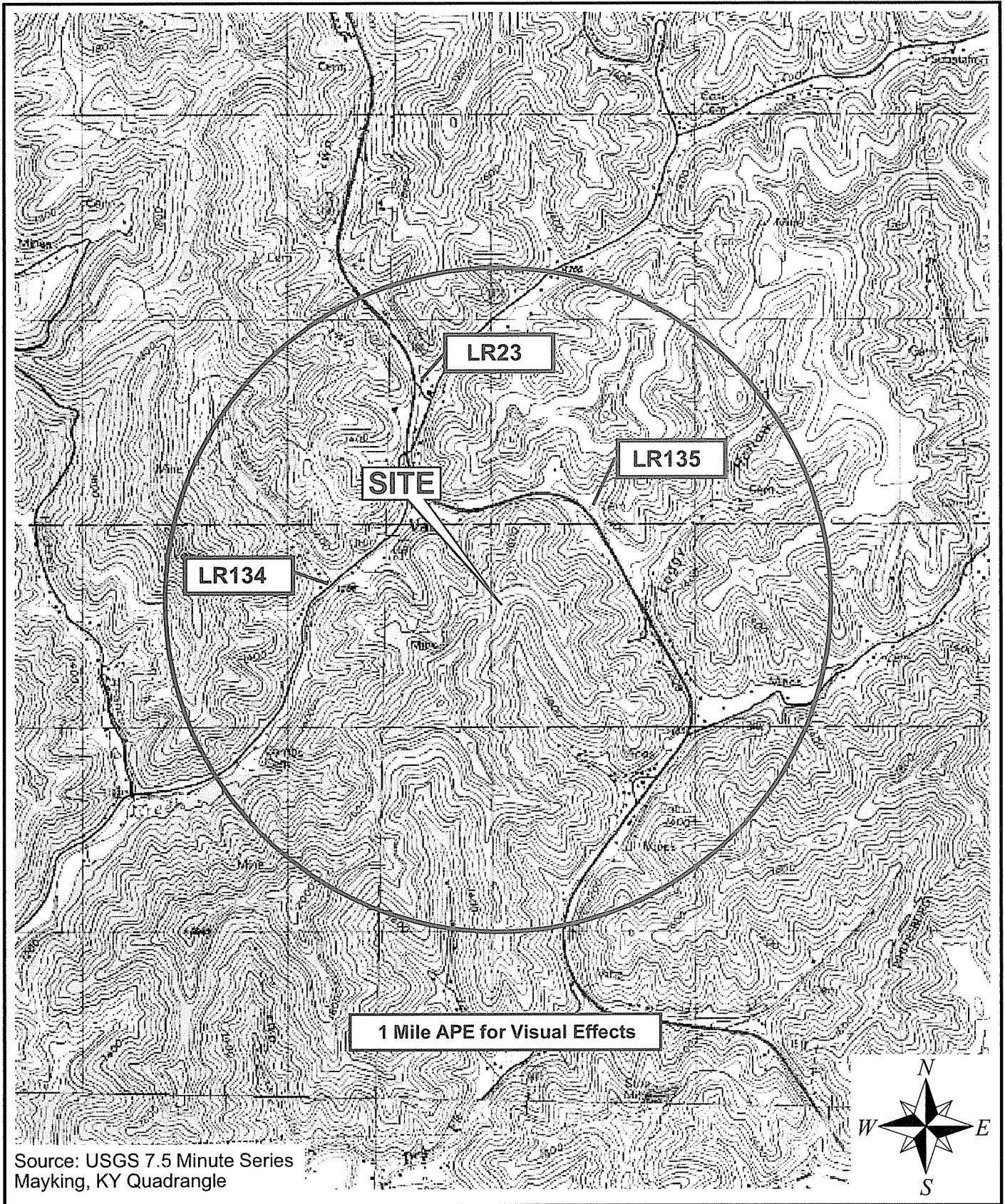
www.DynamicEnvironmental.com

Section 106 Review
 Dry Fork KY Tower Site
 Letcher County, Kentucky

Figure No.: 3

Date: 05/08/09

DEA No.: 20903028



U.S.G.S. Topographic Map, 7.5 Minute Series w/Visual APE



**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

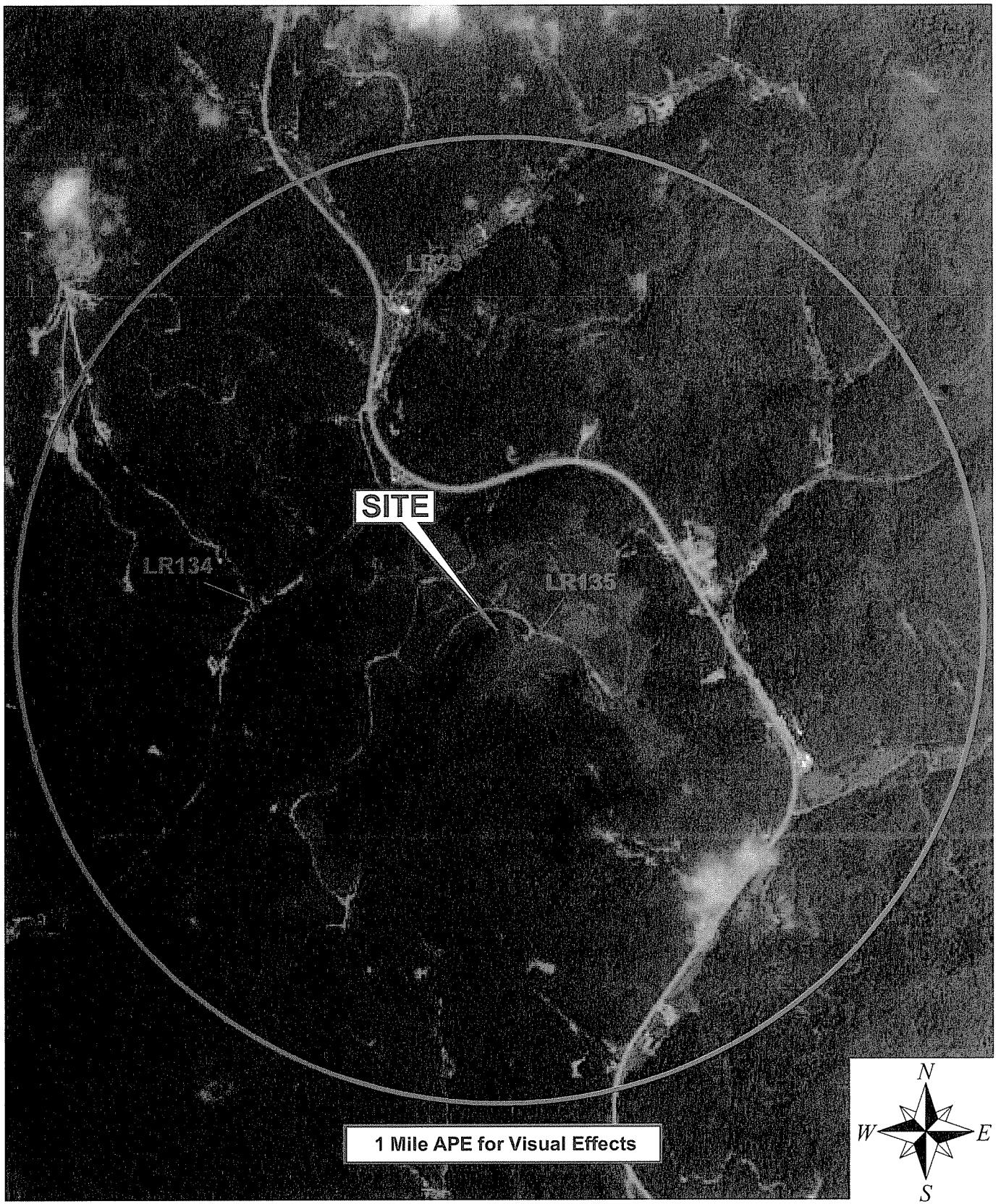
www.DynamicEnvironmental.com

Section 106 Review
Dry Fork Tower Site
Letcher County, Kentucky

Figure No.: 4

Date: 05/08/09

DEA No.: 20903028



2007 Aerial Photograph w/Visual APE



**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

www.DynamicEnvironmental.com

Section 106 Review
Dry Fork Tower Site
Letcher County, Kentucky

Figure No.: 5

Date: 05/08/09

DEA No.: 20903028

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>X [Signature]</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>Ms. Kim Jumper Shawnee Tribe Historic Preservation Department 29 South 69A Highway Miami, OK 74355</p>	<p>B. Received by (Printed Name) <i>A. Sappington</i> C. Date of Delivery <i>5-18-09</i></p>
<p>2. Article Number (Transfer from service label)</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>PS Form 3811, February 2004</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>Domestic Return Receipt</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7008 1830 0000 7332 5629</p>	
<p>102585-02-M-1540</p>	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		First-Class Mail Postage & Fees Paid USPS Permit No. G-10										
<p>For delivery information visit our website at www.usps.com</p>												
7332 5629 0000 0000 0000 0000	<table border="1"> <tr> <td>Postage</td> <td>\$ 153</td> </tr> <tr> <td>Certified Fee</td> <td>280</td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td>230</td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Total Postage & Fees</td> <td>\$ 663</td> </tr> </table>	Postage	\$ 153	Certified Fee	280	Return Receipt Fee (Endorsement Required)	230	Restricted Delivery Fee (Endorsement Required)		Total Postage & Fees	\$ 663	<p>05-12-09</p>
Postage	\$ 153											
Certified Fee	280											
Return Receipt Fee (Endorsement Required)	230											
Restricted Delivery Fee (Endorsement Required)												
Total Postage & Fees	\$ 663											
<p>Sent To <i>20903028</i></p> <p>Street Apt. No. or PO Box No. <i>Shawnee</i></p> <p>City, State, ZIP+4 <i>Shawnee</i></p>		<p>ZIP+4 in this box •</p> <p><i>20903028</i> <i>Shawnee</i></p>										
<p>PS Form 3800, August 2005 See Reverse for Instructions</p>												



SHAWNEE TRIBE
HISTORIC PRESERVATION DEPARTMENT
29 SOUTH HIGHWAY 69A
MIAMI, OKLAHOMA 74354
918 ^ 542 ^ 2441 PHONE 918 ^ 542 ^ 9915 FAX

FACSIMILE COVER PAGE

To: Virginia FROM: Kim Jumper
 FIRM/AGENCY: DEA DATE/TIME: 6/25/09
 FAX NUMBER: 478-745-7415 NO. OF PAGES, INCLUDING COVER: _____
 PHONE NUMBER: _____ MEMO: 51459, 50371, 51327
51048,

Message: The Shawnee Tribe's Tribal Historic Preservation Officer concurs that no known historic properties will be negatively impacted by construction of this tower site (see memo line above for TCNS number/s). The Shawnee Tribe's archives do not reveal any issues of concern at this tower location. In the event that archaeological materials are encountered later during construction, use, or maintenance of this tower location, please re-notify us at that time as we would like to resume consultation under such a circumstance.

The Shawnee Tribe's Environmental and Natural Resources Department takes this opportunity to express its concerns that telecommunication towers can have a potentially destructive impact on bats and migratory birds, particularly those that migrate at night, including species listed as threatened and endangered by both states and the federal government, as well as other species. The Shawnee Tribe suggests that this tower be constructed in accordance with the guidelines available from the US Fish and Wildlife Service to reduce the adverse effects of telecommunications towers on migratory birds, these guidelines may be found at: www.fws.gov/migratorybirds/issues/towers/comtow.html.

The Shawnee Tribe's Environmental and Natural Resources Department is further concerned that the proliferation of cell towers may play a role in honey bee Colony Collapse Disorder. We acknowledge that cell phone technology may not be to blame, especially by itself, as other potential causative factors for the decline have been noted, such as insecticides, tracheal and varroa mites [an immunosuppressant], other parasites, pesticides used on hives to eliminate parasites, genetically modified plants, *Nosema* fungus, Israeli Acute Paralysis Virus (IAPV) perhaps introduced from Australia in 2004, Kashmir Bee Virus (KBV), climate change, and drought.

Finally, the Shawnee Tribe's Environmental and Natural Resources Department requests that cell tower sites, whenever remotely feasible, be restored to native vegetation. In all cases, habitat restoration can protect a variety of species, even in small project areas. The large number of cell tower sites provides an as yet unrealized opportunity for region-wide habitat restoration. The Tribe urges the cell phone industry to provide a model for native habitat restoration for other industries.

Please do not hesitate to call us for additional comment.

20905001
20903028
20904025
20904015

DEA, Inc.

Full Name: 20903028 - Ms. Lisa C. Stopp
Last Name: Stopp
First Name: Lisa
Job Title: Dry Fork
Company: 530 - United Keetoowah Band of Cherokee Indians

Business Address: Ms. Lisa C. Stopp
United Keetoowah Band of Cherokee Indians
P.O. Box 117
Park Hill, OK 74451

Business: (918) 456-5126

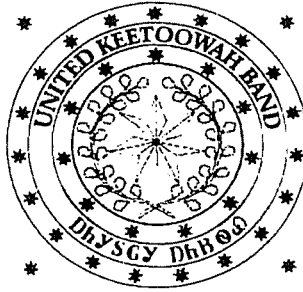
E-mail: lstopp@unitedkeetoowahband.org
E-mail Display As: Lisa Stopp (lstopp@unitedkeetoowahband.org)

Categories: TCNS No. 50371

03/31/09 – Notification completed via TCNS No. 50371.

04/02/09 – TCNS Notification list published.

04/03/09 – Response received. No objections.



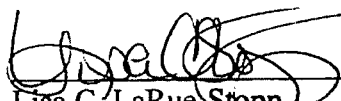
United Keetoowah Band of Cherokee Indians in Oklahoma
Historic Preservation
P.O. Box 746
Tahlequah, OK 74465
918.772.4389

Date APR 03 2009 TCNS# 50371

To: Appalachian Wireless
Dynamic Environmental
Associates

We have reviewed our records regarding the proposed location of the project listed above, and have determined:

- This location is not in our historic interest area.
- This location is in our historic interest area. but we have ^{no} objections. However, if any human remains and/or associated funerary items are inadvertently discovered, please cease work immediately and contact us at 918-822-1952.
- We have concerns about likely discoveries at this site, please include our tribe in an on-going government-to-government consultation regarding this project.



Lisa C. LaRue-Stopp
Tribal Historic Preservation Officer (Acting)

4-3-9
Date

Appendix VI - FCC Form 620 with Attachments

**Section 106 Review
Form 620
Dry Fork Site
Letcher County, KY**

DEA No. 20903028



May 8, 2009

PREPARED FOR:

**EAST KENTUCKY
NETWORK** 
dba Appalachian Wireless
101 Technology Trail
Ivel, KY 41642

PREPARED BY:



DYNAMIC ENVIRONMENTAL ASSOCIATES, INC.

P.O. Box 7058, Lake Worth, Florida 33466 • www.DynamicEnvironmental.com • (877) 968-4787

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1. FCC Form 620 (New Tower Submission Packet)
2. Personnel Resumes
3. Additional Site Information
4. Tribal and NHO Involvement
5. Areas of Potential Effect
6. Identification of Historic Properties & Assessment of Direct Effects
7. Identification of Historic Properties & Assessment of Visual Effects
8. Local Government Involvement
9. Other Consulting Parties & Public Involvement
10. Photographs
11. Figures
12. Cultural Historic Report: Proposed Cell Tower Letcher County Kentucky

Notification Date:
File Number:

See instructions for
public burden estimates

General Information

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

Applicant Information

3) FCC Registration Number (FRN):
4) Name: East Kentucky Network, LLC d/b/a Appalachian Wireless (20903028)

Contact Name

5) First Name: Mike	6) MI:	7) Last Name: Johnson	8) Suffix:
9) Title: Manager of Technical Operations			

Contact Information

10) P.O. Box:	And /Or	11) Street Address: 201 Technology Trail	
12) City: Ivel		13) State: KY	14) Zip Code: 41642
15) Telephone Number: (606)477-2355		16) Fax Number:	
17) E-mail Address: mjohnson@ekn.com			

Consultant Information

18) FCC Registration Number (FRN): 0012585485
19) Name: Dynamic Environmental Associates, Inc.

Principal Investigator

20) First Name: Virginia	21) MI: M	22) Last Name: Janssen	23) Suffix:
24) Title: Principal Archaeologist			

Principal Investigator Contact Information

25) P.O. Box:	And /Or	26) Street Address: 3850 Lake Street Suite C	
27) City: Macon		28) State: GA	29) Zip Code: 31204
30) Telephone Number: (478)745-7740		31) Fax Number:	
32) E-mail Address: Sec106@DynamicEnvironmental.com			

Professional Qualification

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

Additional Staff

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

If "YES," complete the following:

36) First Name: Robert	37) MI:	38) Last Name: Ball	39) Suffix:
40) Title: Archaeologist			
41) Areas of Professional Qualification: (<input checked="" type="checkbox"/>) Archaeologist (<input checked="" type="checkbox"/>) Architectural Historian (<input type="checkbox"/>) Historian (<input type="checkbox"/>) Architect (<input type="checkbox"/>) Other (Specify) _____			

Site Information

Tower Construction Notification System

1) TCNS Notification Number: 50371

Site Information

2) Site Name: Dry Fork		
3) Site Address: Approximately 3 miles NW of Whitesburg at Dry Fork		
4) City: Whitesburg	5) State: KY	6) Zip Code: 41858
7) County/Borough/Parish: LETCHER		
8) Nearest Crossroads: SR 15 Chad's Rd.		
9) NAD 83 Latitude (DD-MM-SS.S): 37-08-49.4	(<input checked="" type="checkbox"/>) <u>N</u> or () <u>S</u>	
10) NAD 83 Longitude (DD-MM-SS.S): 082-52-06.4	() <u>E</u> or (<input checked="" type="checkbox"/>) <u>W</u>	

Tower Information

11) Tower height above ground level (include top-mounted attachments such as lightning rods): 95.7 _____ () Feet (<input checked="" type="checkbox"/>) Meters
12) Tower Type (Select One): () Guyed lattice tower (<input checked="" type="checkbox"/>) Self-supporting lattice () Monopole () Other (Describe): _____

Project Status

13) Current Project Status (Select One):	
() Construction has not yet commenced	
(<input checked="" type="checkbox"/>) Construction has commenced, but is not completed	Construction commenced on: 02/2009 _____
() Construction has been completed	Construction commenced on: _____
Construction completed on: _____	

Determination of Effect

14) Direct Effects (Select One):

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

15) Visual Effects (Select One):

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

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(<input checked="" type="checkbox"/>) <u>Yes</u> (<input type="checkbox"/>) <u>No</u>
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>50371</u>	Number of Tribes/NHOs: <u>7</u>
2b) Tribes/NHOs contacted through an alternate system:	Number of Tribes/NHOs: <u>0</u>

Tribal/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Absentee-Shawnee Tribe of Indians of Oklahoma

Contact Name

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

Dates & Response

10) Date Contacted <u>04/02/2009</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Tribal/NHO Contacted Through TCNS

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

Contact Name

5) First Name: Richard	6) MI: L	7) Last Name: Allen	8) Suffix:
9) Title: Policy Analyst			

Dates & Response

10) Date Contacted <u>04/01/2009</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(<input checked="" type="checkbox"/>) Yes (<input type="checkbox"/>) No
--	---

2a) Tribes/NHOs contacted through TCNS Notification Number: <u>50371</u>	Number of Tribes/NHOs: <u>7</u>
2b) Tribes/NHOs contacted through an alternate system:	Number of Tribes/NHOs: <u>0</u>

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Eastern Band of Cherokee Indians

Contact Name

5) First Name: Yolanda	6) MI: M	7) Last Name: Saunooke	8) Suffix:
9) Title: Tribal Historic Preservation Specialist			

Dates & Response

10) Date Contacted <u>04/02/2009</u>	11) Date Replied _____
<input checked="" type="checkbox"/> No Reply <input type="checkbox"/> Replied/No Interest <input type="checkbox"/> Replied/Have Interest <input type="checkbox"/> Replied/Other	

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Eastern Shawnee Tribe of Oklahoma

Contact Name

5) First Name: Jo Ann	6) MI:	7) Last Name: Beckham	8) Suffix:
9) Title: Administrative Assistant			

Dates & Response

10) Date Contacted <u>04/01/2009</u>	11) Date Replied <u>05/01/2009</u>
<input type="checkbox"/> No Reply <input checked="" type="checkbox"/> Replied/No Interest <input type="checkbox"/> Replied/Have Interest <input type="checkbox"/> Replied/Other	

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(<input checked="" type="checkbox"/>) <u>Yes</u> (<input type="checkbox"/>) <u>No</u>
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>50371</u>	Number of Tribes/NHOs: <u>7</u>
2b) Tribes/NHOs contacted through an alternate system:	Number of Tribes/NHOs: <u>0</u>

Tribal/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Kialegee Tribal Town

Contact Name

5) First Name: Jennie	6) MI:	7) Last Name: Lillard	8) Suffix:
9) Title: MEKKO and Acting Tribal Administrator			

Dates & Response

10) Date Contacted <u>04/02/2009</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Tribal/NHO Contacted Through TCNS

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

Contact Name

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

Dates & Response

10) Date Contacted <u>04/02/2009</u>	11) Date Replied <u>04/02/2009</u>
(<input type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input checked="" type="checkbox"/>) Replied/Other	

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(<input checked="" type="checkbox"/>) Yes (<input type="checkbox"/>) No
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>50371</u>	Number of Tribes/NHOs: <u>7</u>
2b) Tribes/NHOs contacted through an alternate system:	Number of Tribes/NHOs: <u>0</u>

Tribes/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: United Keetoowah Band of Cherokee Indians

Contact Name

5) First Name: Lisa	6) MI: C	7) Last Name: Stopp	8) Suffix:
9) Title: Acting Tribal Historic Preservation Offi			

Dates & Response

10) Date Contacted <u>04/02/2009</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Other Tribes/NHOs Contacted

Tribe/NHO Information

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

Contact Name

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

Contact Information

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

Dates & Response

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

Historic Properties

Properties Identified

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

Historic Property

4) Property Name:
5) SHPO Site Number:

Property Address

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

Status & Eligibility

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

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

Local Government Involvement

Local Government Agency

1) FCC Registration Number (FRN):
2) Name: City of Whitesburg

Contact Name

3) First Name: James	4) MI: W	5) Last Name: Craft	6) Suffix:
7) Title: Mayor			

Contact Information

8) P.O. Box:	And /Or	9) Street Address: 38 East Main Street		
10) City: Whitesburg		11) State: KY	12) Zip Code: 41858	
13) Telephone Number: (606)633-3705			14) Fax Number:	
15) E-mail Address:				
16) Preferred means of communication:				
<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Letter <input type="checkbox"/> Both				

Dates & Response

17) Date Contacted <u>04/09/2009</u>	18) Date Replied _____
<input checked="" type="checkbox"/> No Reply <input type="checkbox"/> Replied/No Interest <input type="checkbox"/> Replied/Have Interest <input type="checkbox"/> Replied/Other	

Additional Information

19) Information on local government's role or interest (optional):
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Local Government Involvement

Local Government Agency

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

Contact Name

3) First Name: Harold	4) MI:	5) Last Name: Bolling	6) Suffix:
7) Title: County Attorney			

Contact Information

8) P.O. Box: 1085	And /Or	9) Street Address:	
10) City: Whitesburg		11) State: KY	12) Zip Code: 41858
13) Telephone Number: (606)633-0126		14) Fax Number:	
15) E-mail Address:			
16) Preferred means of communication:			
<input type="checkbox"/> E-mail			
<input checked="" type="checkbox"/> Letter			
<input type="checkbox"/> Both			

Dates & Response

17) Date Contacted <u>04/09/2009</u>	18) Date Replied _____
<input checked="" type="checkbox"/> No Reply	
<input type="checkbox"/> Replied/No Interest	
<input type="checkbox"/> Replied/Have Interest	
<input type="checkbox"/> Replied/Other	

Additional Information

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

Other Consulting Parties Contacted

1) Has any other agency been contacted and invited to become a consulting party?	(<input checked="" type="checkbox"/>) Yes (<input type="checkbox"/>) No
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Consulting Party

2) FCC Registration Number (FRN):
3) Name: The Kentucky Trust for Historic Preservation

Contact Name

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

Contact Information

9) P.O. Box:	And /Or	10) Street Address: 503 Wapping Street	
11) City: Frankfort		12) State: KY	13) Zip Code: 40601
14) Telephone Number: (502)875-1223		15) Fax Number:	
16) E-mail Address:			
17) Preferred means of communication:			
(<input type="checkbox"/>) E-mail			
(<input checked="" type="checkbox"/>) Letter			
(<input type="checkbox"/>) Both			

Dates & Response

18) Date Contacted <u>04/30/2009</u>	19) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Additional Information

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

Designation of SHPO/THPO

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

SHPO/THPO


Name: <u>Kentucky Heritage Council</u>
--

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

SHPO/THPO Name: _____
SHPO/THPO Name: _____
SHPO/THPO Name: _____

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

Certification

I certify that all representations on this FCC Form 620 Submission Packet and the accompanying attachments are true, correct, and complete.			
Party Authorized to Sign			
First Name: <u>Virginia</u>	MI: <u>M.</u>	Last Name: <u>Janssen</u>	Suffix:
Signature: <u>Virginia M. Janssen</u>		Digitally signed by Virginia M. Janssen Reason: I am approving this document	Date: <u>05/08/2009</u>
FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.			
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).			

Personnel Resumes

VIRGINIA MARKHAM JANSSEN

Ms. Janssen is a Principal Archaeologist with the firm and has over ten years of experience in cultural resource management arena. Her responsibilities include supervision and management of all Cultural Resource investigation and management work for the firm. As Principal Investigator on a variety of projects, she he is responsible for direct communications with clients, SHPO and THPO offices, as well as other federal, state and local agencies.

Working in both academia and the private consulting sector, Ms. Janssen has considerable experience in field investigation techniques, artifact identification, data logging and assessment as well as the assessment of effects to cultural resources.

The following includes selected highlights of Ms. Janssen's career:

Principal Investigator and Field Director for a five-year service contract for site testing with the National Park Service. Site testing was performed at Fort Stewart and Hunter Army Airfield in Georgia.

Principal Investigator and/or Field Director for data recovery on seven sites with various components. Investigated sites were located in Spartanburg, Beaufort, and Charleston Counties in South Carolina and Cobb County, Georgia.

Field Director for over 20 site testing projects in Banks, Laurens, Chattahoochee, and Muscogee Counties in Georgia; Macon County, North Carolina; and Beaufort County, South Carolina. Examined sites included both prehistoric and historic components.

Principal Investigator and/or Field Director for numerous Phase 1 Cultural Resource Surveys. Project types included new road construction and improvements; fiber optic, pipeline, public greenway corridors; public and private development tracts ranging in size from 4-1000 acres.

Ms. Janssen has considerable experience working on military installations including the Charleston Naval Weapons Station in South Carolina, Fort Benning in Georgia, Pope Air Force Base in North Carolina, and Fort McClellan in Alabama.

During graduate school, Ms. Janssen was employed in research and teaching assistant positions with the Department of Anthropology at Western Washington University and the Museum of Anthropology at the University of Missouri-Columbia. In addition, Ms. Janssen served as the lab director for survey and testing of the Iron Goat Trail, Mt. Baker-Snoqualmie National Forest in Washington. For three years Ms. Janssen was the lab director for the Department of Anthropology at the University of North Carolina-Wilmington.

BACKGROUND

M.A. in Anthropology, Western Washington University, 1993

B.A. in Anthropology, University of North Carolina at Wilmington, 1989



Education

MHP, Historic Preservation,
University of Kentucky, 2005

BA, Anthropology, University
of Kentucky, 1995

Years of Experience

Total Years: 14

WSA: 13

Professional Registrations:

*Register of Professional
Archaeologists*

Professional Affiliations:

Vernacular Architecture
Forum

National Trust for Historic
Preservation

Sigma Pi Kappa - Historic
Preservation Honor Society

Applicable Technical Training

Various Workshops on
Section 106 Implementation
FHWA – KYTC
Implementing Procedures for
Section 106 of the National
Historic Preservation Act
Section 106 and National
Register Training, Ohio
Department of Transportation

Technical Specialties

Phase I, II, III archaeological
research, cultural historic
survey, archival research, field
investigation, artifact analysis,
technical report writing, and
marketing and proposal
development. Database
Management, mapping,
statistical and analytical
software with applications in
planning and cultural resource
management.

Robert W. Ball, MHP, RPA

Cultural Resources Coordinator

Mr. Ball is the coordinator for the cultural resources staff as well as serving as an architectural historian and archaeologist responsible for crew supervision, field investigation, archival research, artifact analysis, state site forms, and technical report preparation of Phase I, II, and III archaeological investigations and cultural historic surveys. Work outside of Kentucky includes investigations and surveys conducted in West Virginia, Tennessee, South Carolina, Michigan, Georgia, Mississippi, Ohio, Indiana, and Illinois. Relevant project experience includes:

State Level I Documentation, Bell County, KY – Project involved the documentation of early 20th century WPA school in Bell County, Kentucky. Served as Project Manager for the project as well as the Principal Investigator for the documentation.

Baseload Generating Facility Survey, Letart Township, Meigs County, OH - Project involved a cultural historic survey for a proposed power plant and associated landfill in southeastern Ohio. Served as Project Manager for the project as well as the Principal Investigator for the cultural historic survey.

Chatham Area Transit Center, Savannah, GA – Project involved a Phase I archaeological and cultural historic survey on two perspective sites for the new Savannah Chatham Area Transit Transfer Center in Savannah, Georgia. Served as the Principal Investigator for the cultural historic survey and field director for the archaeological survey.

Hott Curve Realignment, Pendleton County, WV – Project involved a Phase I archaeological and cultural historic survey for a proposed curve realignment near Fort Seybert, West Virginia. Served as Project Manager for the project as well as the Principal Investigator for the cultural historic survey and participated in the field work on the archaeological survey.

Blue Water Bridge Travel Plaza, Port Huron, MI – Project involved a Phase I archaeological and cultural historic survey for proposed modifications to the Blue Water Bridge Plaza. Served as the Co-Principal Investigator for the cultural historic survey and field director on the archaeological survey.

Blue Grass Airport Expansion, Lexington, KY – Project involved a Phase I archaeological and cultural historic survey for the proposed construction of Runway 9-27, a relocated general aviation facility and taxiway and a general aviation road at the Blue Grass Airport. Served as Project Manager for the project as well as the Principal Investigator for the cultural historic survey.

Holmes Street Area Re-development, Frankfort, KY – Project involved the documentation and assessment of 400 properties for a proposed re-development in Frankfort. Served as Project Manager for the project as well as the Principal Investigator for the cultural historic survey.

US 220 Widening, Hardy County, WV – Project involved a Phase I archaeological and cultural historic survey for a proposed road widening near Moorefield, West Virginia. Served as Project Manager for the project as well as

Employment History:

Wilbur Smith Associates

*Cultural Resources Coordinator
Aug. 2005 - Present*

*Architectural Historian
2000-Present*

*Staff Archaeologist
1995 - Present*

University of Kentucky
*Lab & Flotation technician
1993-1995*

Papers Presented

Site Structure, Activities and Garbage Dumps: Issues in the Political Economy of the Fort Ancient period as Viewed from 15ME62. By Melody Pope, Robert W. Ball, and William Huser. Paper presented at the Sixteenth Annual Kentucky Heritage Council Archaeological Conference, February 26-28, 1999, Lexington, Kentucky.

Published Book Reviews:

Clay Lancaster's Antebellum Architecture of Kentucky. Material Culture, Fall 2004.

Unpublished Thesis:

The Graham House:
A Multi-Disciplinary Approach To Preservation, Interpretation and Future Planning Summers County, West Virginia Master's Thesis, University of Kentucky, Department of Design, Lexington, KY, 2005.

the Principal Investigator for the cultural historic survey.

FirstEnergy Conveyor Belt Survey, OH – Project involved a cultural historic survey for a proposed conveyor belt route in eastern Ohio. The architectural/historic resource survey involved the development of a historic context; field documentation of historic sites which includes mapping, photography, and completion of SHPO survey forms; and the integration and analysis of all data resulting in determinations of eligibility for the National Register and determinations of effect for all resources 50 years of age or older. Served as Project Manager for the project as well as the Principal Investigator for the cultural historic survey.

LG&E Expansion, Trimble County, KY – Project involved a cultural historic survey for a proposed facility expansion in northwestern Kentucky. Served as Project Manager for the project as well as the Principal Investigator for the cultural historic survey.

Scattered Site Housing Project, Pulaski County, KY – Project involved the documentation and assessment of a rural structure (general store/residence) in southern Kentucky. Served as Project Manager for the project as well as the Principal Investigator for the assessment.

State Level I Documentation, Letcher County, KY – Project involved the documentation of three late 19th century to early 20th century structures in Letcher County, Kentucky. Served as Project Manager for the project as well as the Principal Investigator for the documentation.

Illinois Pipeline, Decatur, IL – Project involved a cultural historic survey for a proposed 165-mile pipeline route in central Illinois Served as Project Manager for the project as well as the Principal Investigator for the cultural historic survey.

Mississippi Pipeline, Greensville, MS – Project involved a cultural historic survey for a proposed 90 mile pipeline route in central Mississippi. Served as Project Manager for the project as well as the Principal Investigator for the cultural historic survey.

Cell Tower, KY346P, Georgetown, KY – Project involved a Phase I archaeological and cultural historic survey for a proposed cell tower near Georgetown, KY. In addition to being the Project Manager, also served as the Principal Investigator for the cultural historic survey and field director for the archaeological survey.

Baraga Airport Expansion, Baraga, MI – Project involved a Phase I archaeological and cultural historic survey of 137.3 acres for the public use airport for Baraga County, Michigan. Served as the Principal investigator for the cultural historic survey as well as participated in the field work for the archaeological survey.

Watt Road/Old Stage Road, Knox County, TN – Project involved a cultural historic survey for a proposed new corridor and road widening in Farragut, Tennessee. Served as the Principal investigator for the cultural historic survey.

Additional Site Information

ADDITIONAL SITE INFORMATION

East Kentucky Network, LLC d/b/a Appalachian Wireless has proposed to construct a telecommunications tower facility in Letcher County, Kentucky (Figures 1, 2, and 3). The proposed Site will consist of an irregularly-shaped lease area, approximately 182' x 152' (55.5 x 46.3 m) in size. Within this lease area will be a 314' (95.7 m) tall self-support tower and associated communications equipment to be mounted by the Applicant. Site access and utilities will follow an existing unpaved road extending west from Highway 15.

Tribal and NHO Involvement

TRIBAL AND NHO INVOLVEMENT

As required by the *Nationwide Programmatic Agreement for Review of Effects on Historic Properties*, DEA, on behalf of the Applicant, East Kentucky Network, LLC d/b/a Appalachian Wireless, has made a reasonable and good faith effort to identify Native American Tribes that may attach religious and/or cultural importance to resources that may be affected by this project.

These efforts included notification via the Tower Construction Notification System (TCNS) located on the FCC website (www.fcc.gov). Confirmation of the TCNS notification, including a listing of Native American Tribes that were notified by the FCC as a result of the TCNS filing, is included in this Attachment.

Please note that all Federally Recognized Native American Tribes who appear on the FCC list, "Notice of organization(s) which were sent proposed tower construction notification information" will be consulted with in strict compliance with the *Nationwide Programmatic Agreement for Review of effects on Historic Properties* (FCC 04-222, 09/04). Copies of all future correspondences are available upon request.

Admin

From: towernotifyinfo@fcc.gov
Sent: Tuesday, March 31, 2009 1:50 PM
To: Admin
Subject: Proposed Tower Structure Info - Email ID #2158077

Dear Virginia M Janssen,

Thank you for submitting a notification regarding your proposed structure via the Tower Construction Notification Application. Note that the FCC has assigned a unique Notification ID number for this proposed structure.

You will need to reference this Notification ID number when you update your project's Status with us.

Below are the details you provided for the tower you have proposed to construct:

Notification Received: 03/31/2009

Notification ID: 50371

Tower Owner Individual or Entity Name: East Kentucky Network, LLC d/b/a Appalachian Wireless (20903028)

Consultant Name: Virginia M Janssen

Street Address: c/o Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C

City: Macon

State: GEORGIA

Zip Code: 31204

Phone: 478-745-7740

Email: NATC@DynamicEnvironmental.com

Structure Type: UTOWER - Unguyed - Free Standing Tower

Latitude: 37 deg 08 min 49.4 sec N

Longitude: 82 deg 52 min 06.4 sec W

Location Description: Approximately 3 miles NW of Whitesburg at Dry Fork

City: Whitesburg

State: KENTUCKY

County: LETCHER

Ground Elevation: 507.5 meters

Support Structure: 91.4 meters above ground level

Overall Structure: 95.7 meters above ground level

Overall Height AMSL: 603.2 meters above mean sea level

Admin

From: towernotifyinfo@fcc.gov
Sent: Friday, April 03, 2009 3:01 AM
To: Admin
Cc: kim.pristello@fcc.gov; diane.dupert@fcc.gov
Subject: NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED TOWER CONSTRUCTION NOTIFICATION INFORMATION - Email ID #2161293

Dear Sir or Madam:

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

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

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

1. THPO Karen Kaniatobe - Absentee-Shawnee Tribe of Indians of Oklahoma - Shawnee, OK - electronic mail and regular mail

Exclusions: If the ground of the proposed project area has been previously disturbed or if there will be no ground disturbing activity, then we request no project notification. If the project is within our state/county of interest please send a copy of the culturalresources/archeological survey and the response letter from the respective SHPO from your state regarding the project. Please Include county of proposed project location.

We do request to be notified upon the discovery of American Indian remains and related and/or unrelated funerary objects anywhere within the state.

If the applicant/tower builder receives no response from the Absentee-Shawnee Tribe of Indians of Oklahoma within 30 days after notification through TCNS, the Absentee-Shawnee Tribe of Indians of Oklahoma has no interest in participating in pre-construction review for the proposed site. The Applicant/tower builder, however, must immediately notify the Absentee-Shawnee Tribe of Indians of Oklahoma in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the

Nationwide Programmatic Agreement and applicable law.

2. Tribal Historic Preservation Specialist Yolanda M Saunooke - Eastern Band of Cherokee Indians - Cherokee, NC - electronic mail and regular mail

Exclusions: In order to review the proposed tower location, the EBCI THPO requests a complete 620, color photos, and a completed phase I archeological survey preferably sent by email to Yolanda Saunooke, yolasaun@nc-choerokee.com. This information can also be sent via the US Postal Service to Yolanda Saunooke, Eastern Band of Cherokee Indians, PO Box 455, Cherokee, North Carolina 28719. Or, if you prefer, you can send it by UPS (or Fedex, etc.) to 2877 Governor's Island Road, Bryson City, North Carolina 28713.

The EBCI THPO does not need to review collocations for proposed cell tower construction projects. In the event that such a project includes new ground disturbing activities, please continue to submit the proper paperwork.

3. MEKKO and Acting Tribal Administrator Jennie Lillard - Kialegee Tribal Town - Wetumka, OK - regular mail

Exclusions: If the Applicant receives no response from the Kialegee Tribal Town within 30 days after notification through TCNS, the Kialegee Tribal Town has no interest in participating in pre-construction review for the site. The Applicant, however, must immediately notify the Kialegee Tribal Town in the event archaeological properties or human remains are discovered during construction.

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

Exclusions: 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 rallen@choerokee.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

5. Acting Tribal Historic Preservation Officer Lisa C Stopp - United Keetoowah Band of Cherokee Indians - Tahlequah, OK - electronic mail and regular mail

Exclusions: As of April 1, 2009, The United Keetoowah Band of Cherokee Indians in Oklahoma requires a review fee of \$65.00 per Cell Tower Notification in order to review the project and provide final determination. You will receive an invoice for each project, along with our determination. Firms which have outstanding invoices past 90 days will not receive determinations until accounts are up to date. Further information may be obtained from Lisa C Stopp, Acting Tribal Historic Preservation Officer, United Keetoowah Band of Cherokee Indians in Oklahoma at lstopp@unitedkeetoowahband.org

6. Administrative Assistant Jo Ann Beckham - Eastern Shawnee Tribe of Oklahoma - Seneca, MO - electronic mail

Exclusions: 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))

7. THPO Belinda Pryor - Shawnee Tribe - Miami, OK - regular mail

Exclusions: 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 Belinda Pryor 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). Belinda Pryor, 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 notifications 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.

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.

- 8. SHPO William L Wheeler - Illinois Historic Preservation Agency - Springfield, IL - regular mail

- 9. Chief of Staff, Deputy SHPO Theodore Hild - Illinois Historic Preservation Agency - Springfield, IL - electronic mail

- 10. Deputy SHPO Anne Haaker - Illinois Historic Preservation Agency - Springfield, IL - regular mail

- 11. SHPO Robert E Carter Jr - Department of Natural Resources - Indianapolis, IN - electronic mail and regular mail
Exclusions: If your APE (Area of Potential Effects) includes a portion of the state of Indiana, the Indiana SHPO will need to be notified of the project.

- 12. Deputy SHPO Jon C Smith - Department of Natural Resources - Indianapolis, IN - electronic mail
Exclusions: If your APE (Area of Potential Effects) includes a portion of the State of Indiana, the Indiana SHPO will need to notified of the project.

- 13. Environmental Review Coordinator Janie-Rice Brother - Kentucky Heritage Council - Frankfurt, KY - electronic mail

- 14. SHPO Stephen Mahfood - State Department of Natural Resources - Jefferson City, MO - regular mail

- 15. Deputy SHPO, Director Mark Miles - Historic Preservation Program, Division of State Parks - Jefferson City, MO - electronic mail

- 16. Deputy SHPO Sara Parker - State Department of Natural Resources - Jefferson City, MO - electronic mail

- 17. Department Head Mark J Epstein - Ohio Historic Preservation Office - Columbus, OH - electronic mail and regular mail

- 18. Deputy SHPO Franco Ruffini - Ohio Historic Preservation Office - Columbus, OH - electronic mail

19. Deputy SHPO Susan Pierce - West Virginia Division of Culture & History, Historic Preservation Office - Charleston, WV - electronic mail

20. Department Head, Res. Protect. & Rev. Mark Epstein - Ohio Historic Preservation Office - Columbus, OH - electronic mail and regular mail

21. SHPO & Executive Director Donna Neary - Kentucky Heritage Council - Frankfort, KY - electronic mail

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

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

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

Notification Received: 03/31/2009
Notification ID: 50371
Tower Owner Individual or Entity Name: East Kentucky Network, LLC d/b/a Appalachian Wireless (20903028)
Consultant Name: Virginia M Janssen
Street Address: c/o Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C
City: Macon
State: GEORGIA
Zip Code: 31204
Phone: 478-745-7740
Email: NATC@DynamicEnvironmental.com

Structure Type: UTOWER - Unguyed - Free Standing Tower
Latitude: 37 deg 8 min 49.4 sec N
Longitude: 82 deg 52 min 6.4 sec W
Location Description: Approximately 3 miles NW of Whitesburg at Dry Fork
City: Whitesburg
State: KENTUCKY
County: LETCHER
Ground Elevation: 507.5 meters
Support Structure: 91.4 meters above ground level
Overall Structure: 95.7 meters above ground level
Overall Height AMSL: 603.2 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

Areas of Potential Effect

AREAS OF POTENTIAL EFFECT

APE for Direct Effects

The APE for direct effects is the construction site for the proposed telecommunications facility, where such construction would result in ground disturbance and dislocation of soil. This area of potential direct effects, determined by an examination of plan maps provided by East Kentucky Network, LLC d/b/a Appalachian Wireless, consists of the 182' x 152' (55.5 x 46.3 m) lease area.

APE for Visual Effects

The APE for visual effects is the geographic area in which the proposed undertaking has the potential to introduce visual elements that would diminish or alter the setting of any historic property where integrity of setting is a character-defining feature of such property that, in part, makes it eligible for the National Register of Historic Places (National Register). Specifically, this geographic area is the extent to which the proposed telecommunication tower would be visible, and if so, would have the potential to introduce visual elements that would alter or diminish the integrity of any historic property's relationship to surrounding features and open space, therefore compromising the ability of such property to convey its historic significance.

In accordance with the Kentucky Heritage Council guidelines, a one mile (1.61 km) APE for visual effects is applicable to this 314' telecommunications tower (See Figure 4 and Figure 5).

**Identification of Historic Properties
& Assessment of Direct Effects**

IDENTIFICATION OF HISTORIC PROPERTIES & ASSESSMENT OF DIRECT EFFECTS

Based on a Geologic Site Assessment (attached) performed by Kentucky Registered Professional Geologist, Wendell Holmes, P.G., the lease area for the proposed tower facility is located on a reclaimed (filled) mountain top that was previously a strip mine site. The assessment concluded that the Site consists of approximately 70 feet of fill material over bedrock. Therefore, since the lease area (i.e APE for direct effects) has been significantly modified by past land use practices, no onsite archeological investigation was conducted and records of the Office of State Archaeology were not examined as part of the assessment process. The access easement and a proposed utility easement are both existing.

A site inspection conducted by DEA and WSA personnel confirmed the historical use of the project area as a strip-mine and that the lease area is located on a man-made, filled, bench feature.

During the site inspection it was discovered that the construction of the proposed facility had commenced with tower footings and a concrete pad for equipment having been placed. The Client was immediately notified and all work has ceased until the conclusion of this Section 106 Review and other NEPA related activities. It is noted that the soil/material disturbance, associated with the placement of above infrastructure, has had no material affect on the conclusions of this assessment given the entire site area is reclaimed/filled mine land. No further archaeological investigations work is recommended at this site.

Nevertheless, it should be noted that ground disturbing activity should be halted when it is reasonable to believe that an archaeological site has been encountered which will be affected by this undertaking, and that the State Historic Preservation Office be notified of these finds. Also, if human burials or human remains are encountered during ground disturbance, it is imperative that local law enforcement, as well as the district medical examiner and the State Historic Preservation Office, is notified prior to resuming work.

WENDELL R. HOLMES, P.G.
120 Church Street
Apartment 2
Whitesburg, KY 41858
(606) 633-1511

February 16, 2009

Dry Fork Tower Site

Purpose:

A site assessment was conducted for Appalachian Wireless on a tract of land located in Letcher County near Isom, Kentucky. The site of the proposed tower is now a reclaimed mountaintop removal mine site. The purpose of this investigation was to determine the depth to bedrock and of what type of rock the bedrock consists.

Site Investigation:

The method used to determine the type of material is on the proposed tower site. A Caterpillar excavator was used to try to expose the bedrock material however, the fill material was too deep for the excavator to reach to the bedrock. From researching mine maps in the area and coordinates from GPS location it is approximately 70.00 feet to the bedrock. (See attached page for descriptions of materials encountered.)

The terrain in Letcher County is moderately to very steep. The tower site is located on a ridgeline between Smoot Creek and Dry Fork, both being tributaries of the North Fork of the Kentucky River, approximately one half mile southeast of the junction of KY 160 and KY 15 in Letcher County.

Conclusions:

The proposed tower site is located on a ridge in the area. The unconsolidated mine fill is from an abandoned mountain top removal surface mine which was mined over twenty years ago. Tests were not conducted to determine the load-bearing strength of the mine fill. However, it is apparent that the tower will be constructed on the unconsolidated mine fill.

The field work for this site was performed by Wendell R. Holmes, using generally accepted methods in the practice of geological science.

Wendell R. Holmes, P.G.



WENDELL R. HOLMES, P.G.

**120 Church Street
Apartment 2
Whitesburg, Ky. 41858**

Geologist Log

Location: Dry Fork Tower Site

Unit Thickness	Total depth	Strata	Description
70.00'	70.00'	Mine Fill	Brown and Gray, Sandstone and Shale Fragments

**Identification of Historic Properties
& Assessment of Visual Effects**

IDENTIFICATION OF HISTORIC PROPERTIES & ASSESSMENT OF VISUAL EFFECTS

Wilbur Smith Associates conducted an investigation of the APE for visual effects. The Cultural Historic Report for this project is included in Attachment 12 and summarized herein. Records of the Kentucky Heritage Council (KHC) historic site inventory and the Letcher County Property Valuation Administrator were examined on April 16 and 21, 2009. In addition, the Department of the Interior's National Register web site was examined to identify any historic properties listed on the National Register of Historic Places (NRHP), or considered eligible by consensus between the SHPO and the Federal Highway Administration. No properties listed on the NRHP or determined eligible for listing by consensus between the SHPO and the Federal Highway Administration have been identified within the APE for visual effects. Research identified one property of undetermined eligibility located within the APE for visual effects; this property is the Willey Caudill Cabin (LR23). The location of this property is identified in Figure 4 and Figure 5.

Field investigation of the APE for visual effects, coupled with the aforementioned research and map reviews, identified two additional structures within the APE that are greater than 50 years old. Field investigation included a visit to the previously identified property, LR23, and to each of the two new properties to assess their current conditions and integrity. The two new properties identified during the current investigation include a house identified as LR134, and a cemetery identified as LR135; the locations of these properties are identified on Figure 4 and Figure 5.

Field investigations determined that previously identified LR 23 was no longer extant. On-site evaluation of architectural qualities and additional research into both LR134 and LR135 did not identify any characteristics, or historic associations, that would qualify them as eligible for listing on the NRHP. It is recommended that neither of the two examined properties are eligible for listing on the National Register of Historic Places.

Local Government Involvement

LOCAL GOVERNMENT INVOLVEMENT

In order to provide the local jurisdictional governments with an opportunity to participate in the Section 106 Process, letters were mailed to the following parties inviting their participation and comments on the proposed project's impact on historic resources:

City of Whitesburg
Letcher County

As of the date of this submission, no comments that "substantially relate to potentially affected Historic Properties"¹ have been received from local governments. However, any future material comments will be forwarded to the State Historic Preservation Office upon receipt.

Copies of all correspondence are included in this Attachment.

¹Nationwide Programmatic Agreement for Review of Effects on Historic Properties (FCC 04-222, 09/04).

**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

A PROFESSIONAL ENVIRONMENTAL CONSULTING FIRM

By: Certified Mail

April 9, 2009

Mayor James Wiley Craft
City of Whitesburg, City Hall
38 East Main Street
Whitesburg, KY 41858

Re: Invitation to Comment
**East Kentucky Network, LLC d/b/a Appalachian Wireless
Tower Site - Dry Fork**
Whitesburg, Letcher County, Kentucky
DEA No. 20903028

Dear Mayor Craft:

East Kentucky Network, LLC d/b/a Appalachian Wireless is proposing to construct a telecommunications tower in Letcher County, Kentucky. At this time, Dynamic Environmental Associates, Inc. (DEA) is conducting a Section 106 Review to assess the potential impact this proposed project may have on historic resources that are listed or eligible for listing in the National Register of Historic Places. As part of the Section 106 Review process, we are inquiring whether you have any knowledge of historic resources that may be affected by the project and/or whether you wish to comment on this proposed project.

Details on the proposed facility are presented below.

Site Name:	Dry Fork
Address or Location:	Approximately 3.0 miles NW of Whitesburg at Dry Fork
City, County, State:	Whitesburg, Letcher County, KY 41858
Latitude:	N37-08-49.4
Longitude:	W82-52-06.4
Approximate Ground Elevation:	1665' AMSL
Proposed Structure Height & Type:	314' tall Self-Support tower

In addition to contacting you, please be advised that we have also requested comments from the following parties:

Letcher County
The Kentucky Trust for Historic Preservation
General Public via published Public Notice

The findings of our Section 106 Review will be submitted to the State Historic Preservation Office (SHPO) in the near future for their review. Therefore, we respectfully request receiving your comments within 30 days of receipt of this letter. If you have any questions regarding the proposed development or wish to discuss this project in more detail, please do not hesitate to contact us.

Your assistance is greatly appreciated and we look forward to hearing from you even if you should decide that this Project is of no interest to you.

Very truly yours,
**Dynamic Environmental
Associates, Inc.**



Virginia (M) Janssen
Principal Archaeologist

Contact Information:

Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C
Macon, GA 31204
Phone: (478) 745-7740
Fax: (478) 745-7415
E-mail: Sec106@DynamicEnvironmental.com

enc:

20903028 - City Letter

**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

A PROFESSIONAL ENVIRONMENTAL CONSULTING FIRM

By: Certified Mail

April 20, 2009

Mr. Harold Bolling, County Attorney
Letcher County
95A Main St.
Whitesburg, KY 41858

Re: Invitation to Comment
**East Kentucky Network, LLC d/b/a Appalachian Wireless
Tower Site - Dry Fork**
Whitesburg, Letcher County, Kentucky
DEA No. 20903028

Dear Mr. Bolling:

East Kentucky Network, LLC d/b/a Appalachian Wireless is proposing to construct a telecommunications tower in Letcher County, Kentucky. At this time, Dynamic Environmental Associates, Inc. (DEA) is conducting a Section 106 Review to assess the potential impact this proposed project may have on historic resources that are listed or eligible for listing in the National Register of Historic Places. As part of the Section 106 Review process, we are inquiring whether you have any knowledge of historic resources that may be affected by the project and/or whether you wish to comment on this proposed project.

Details on the proposed facility are presented below.

Site Name:	Dry Fork
Address or Location:	Approximately 3.0 miles NW of Whitesburg at Dry Fork
City, County, State:	Whitesburg, Letcher County, KY 41858
Latitude:	N37-08-49.4
Longitude:	W82-52-06.4
Approximate Ground Elevation:	1665' AMSL
Proposed Structure Height & Type:	314' tall Self-Support tower

In addition to contacting you, please be advised that we have also requested comments from the following parties:

City of Whitesburg
The Kentucky Trust for Historic Preservation
General Public via published Public Notice

The findings of our Section 106 Review will be submitted to the State Historic Preservation Office (SHPO) in the near future for their review. Therefore, we respectfully request receiving your comments within 30 days of receipt of this letter. If you have any questions regarding the proposed development or wish to discuss this project in more detail, please do not hesitate to contact us.

Your assistance is greatly appreciated and we look forward to hearing from you even if you should decide that this Project is of no interest to you.

Very truly yours,
**Dynamic Environmental
Associates, Inc.**



Virginia (M) Janssen
Principal Archaeologist

Contact Information:

Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C
Macon, GA 31204
Phone: (478) 745-7740
Fax: (478) 745-7415
E-mail: Sec106@DynamicEnvironmental.com

enc:

20903028 - County Letter

**Other Consulting Parties
& Public Involvement**

OTHER CONSULTING PARTIES AND PUBLIC INVOLVEMENT

DEA, on behalf of the Applicant, East Kentucky Network, LLC d/b/a Appalachian Wireless, has made a reasonable and good faith effort to identify other parties that may potentially have an interest in participating in the Section 106 Process for the proposed project. A letter was mailed to the following party inviting its participation and comments on the proposed project's impact on historic resources:

The Kentucky Trust for Historic Preservation

As of the date of this submission, no comments that "substantially relate to potentially affected Historic Properties"² have been received from the contacted party. However, any future material comments will be forwarded to the State Historic Preservation Office upon receipt. Copies of all correspondence are included in this Attachment.

In order to provide the General Public with an opportunity to participate in the Section 106 Process and/or to comment on the proposed project, a Public Notice has been published in a local "newspaper of record" which solicits comments on the proposed project's impact on historic resources. The following Public Notice is being published in the *Letcher County News* on 04/29/09 & 05/06/09:

SECTION 106 PUBLIC NOTICE

East Kentucky Network, LLC d/b/a Appalachian Wireless is proposing to construct a telecommunications tower located approximately 3.0 miles NW of Whitesburg at Dry Fork in Letcher County, KY at Latitude N37-08-49.4, Longitude W82-52-06.4. The tower is proposed to be a self-support design and 314' tall. Appalachian Wireless seeks comments from all interested persons on the impact of the tower on any districts, sites, buildings, structures, or objects significant in American history, architecture, archaeology, engineering, or culture, that are listed or eligible for listing in the National Register of Historic Places. Specific information about the project, including the historic preservation reviews that Appalachian Wireless is conducting pursuant to the rules of the Federal Communications Commission (47 C.F.R. Sections 1.1307(4)) and the Advisory Council on Historic Preservation (36 C.F.R. Part 800) will be made available to interested persons who request the information from the contact below. All questions, comments, and correspondence should be directed to Virginia Janssen, Principal Archaeologist, Dynamic Environmental Associates, Inc., 3850 Lake Street, Suite C, Macon, GA 31204, Sec106@DynamicEnvironmental.com by 05/29/2009.

As of the date of this submission, no comments that "substantially relate to potentially affected Historic Properties" have been received from the general public. However, any future material comments will be forwarded to the State Historic Preservation Office upon receipt.

²Nationwide Programmatic Agreement for Review of Effects on Historic Properties (FCC 04-222, 09/04).

**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

A PROFESSIONAL ENVIRONMENTAL CONSULTING FIRM

By: Certified Mail

April 30, 2009

Mr. Bob Polsgrove
The Kentucky Trust for Historic Preservation
503 Wapping Street
Frankfort, KY 40601

Re: Invitation to Comment
**East Kentucky Network, LLC d/b/a Appalachian Wireless
Tower Site - Dry Fork**
Whitesburg, Letcher County, Kentucky
DEA No. 20903028

Dear Mr. Polsgrove:

East Kentucky Network, LLC d/b/a Appalachian Wireless is proposing to construct a telecommunications tower in Letcher County, Kentucky. At this time, Dynamic Environmental Associates, Inc. (DEA) is conducting a Section 106 Review to assess the potential impact this proposed project may have on historic resources that are listed or eligible for listing in the National Register of Historic Places. As part of the Section 106 Review process, we are inquiring whether you have any knowledge of historic resources that may be affected by the project and/or whether you wish to comment on this proposed project.

Details on the proposed facility are presented below. Also, please find enclosed the requested site file research results for this site.

Site Name:	Dry Fork
Address or Location:	Approximately 3.0 miles NW of Whitesburg at Dry Fork
City, County, State:	Whitesburg, Letcher County, KY 41858
Latitude:	N37-08-49.4
Longitude:	W82-52-06.4
Approximate Ground Elevation:	1665' AMSL
Proposed Structure Height & Type:	314' tall Self-Support tower

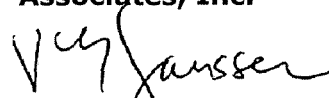
In addition to contacting you, please be advised that we have also requested comments from the following parties:

City of Whitesburg
Letcher County
General Public via published Public Notice

The findings of our Section 106 Review will be submitted to the State Historic Preservation Office (SHPO) in the near future for their review. Therefore, we respectfully request receiving your comments within 30 days of receipt of this letter. If you have any questions regarding the proposed development or wish to discuss this project in more detail, please do not hesitate to contact us.

Your assistance is greatly appreciated and we look forward to hearing from you even if you should decide that this Project is of no interest to you.

Very truly yours,
**Dynamic Environmental
Associates, Inc.**



Virginia M. Janssen
Principal Archaeologist

Contact Information:

Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C
Macon, GA 31204
Phone: (478) 745-7740
Fax: (478) 745-7415
E-mail: Sec106@DynamicEnvironmental.com

enc:

20903028 - State HS Letter

Kentucky Heritage Council

300 Washington Street, Frankfort, KY 40601

Phone: 502-564-7005 Fax: 502-564-5820

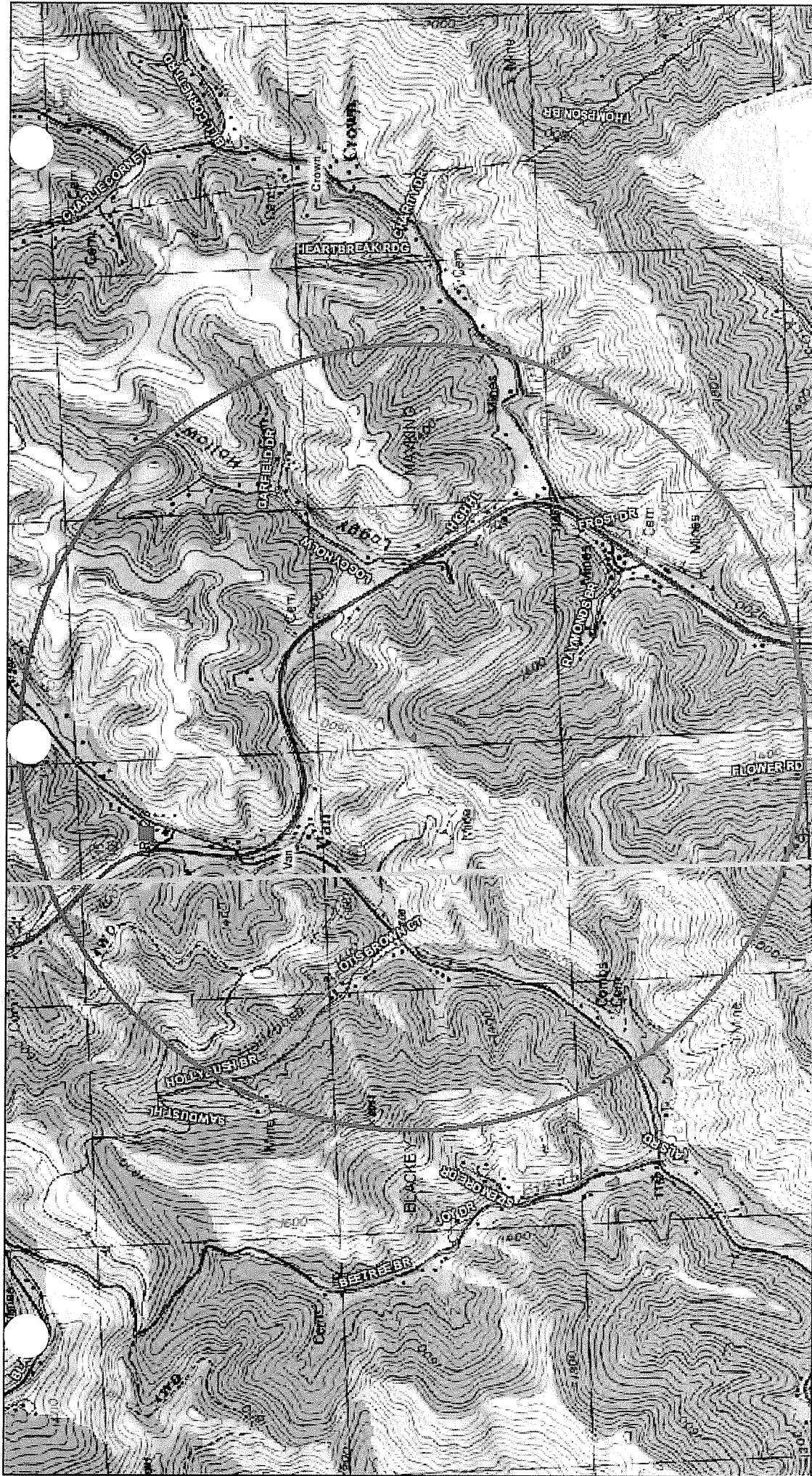
Confidential Information

Not for Public Release

Title: FY09-0614 Dry Fork Tower Site Survey Property

Data available as of: 4/17/2009

Site Number	Sub#	Historic Name	Location	Status
LR 23		WILLY CAUDILL CABIN	SMOOT CREEK - KY 160	UNDETERMINED



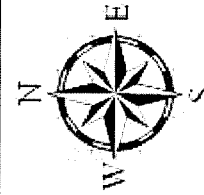
Title: FY#








Kentucky Heritage Council

300 Washington Street, Frankfort, KY 40601

Phone: 502-564-7005 Fax: 502-564-5820

**Confidential Information
Not for Public Release**



-  Project Area
-  National Register Properties
-  National Historic Landmarks
-  Historic Survey Resources
-  Historic Coded P Properties
-  Large National Register P Properties
-  National Register Districts

0.00 0.50 1.00 2.00 3.00 Miles





Photographs

PHOTOGRAPHS

The following photographs of the project site are presented herein:

1	View of proposed lease area and associated access easement, facing west.
2	View of proposed lease area, facing northeast.
3	View of proposed lease area, facing south.
4	View from lease area, facing north.
5	View from lease area, facing south.
6	View from lease area, facing east.
7	View from lease area, facing west.
8	View of existing access road from lease area, facing southeast.

Site photographs were recorded on April 21, 20089 using a lense focal length of 40 mm.



Photo 1 - View of proposed lease area and associated access easement, facing west.



Photo 2 - View of proposed lease area, facing northeast.



Photo 3 - View of proposed lease area, facing south.



Photo 4 - View from lease area, facing north.



Photo 5 - View from lease area, facing south.



Photo 6 - View from lease area, facing east.



Photo 7 - View from lease area, facing west.

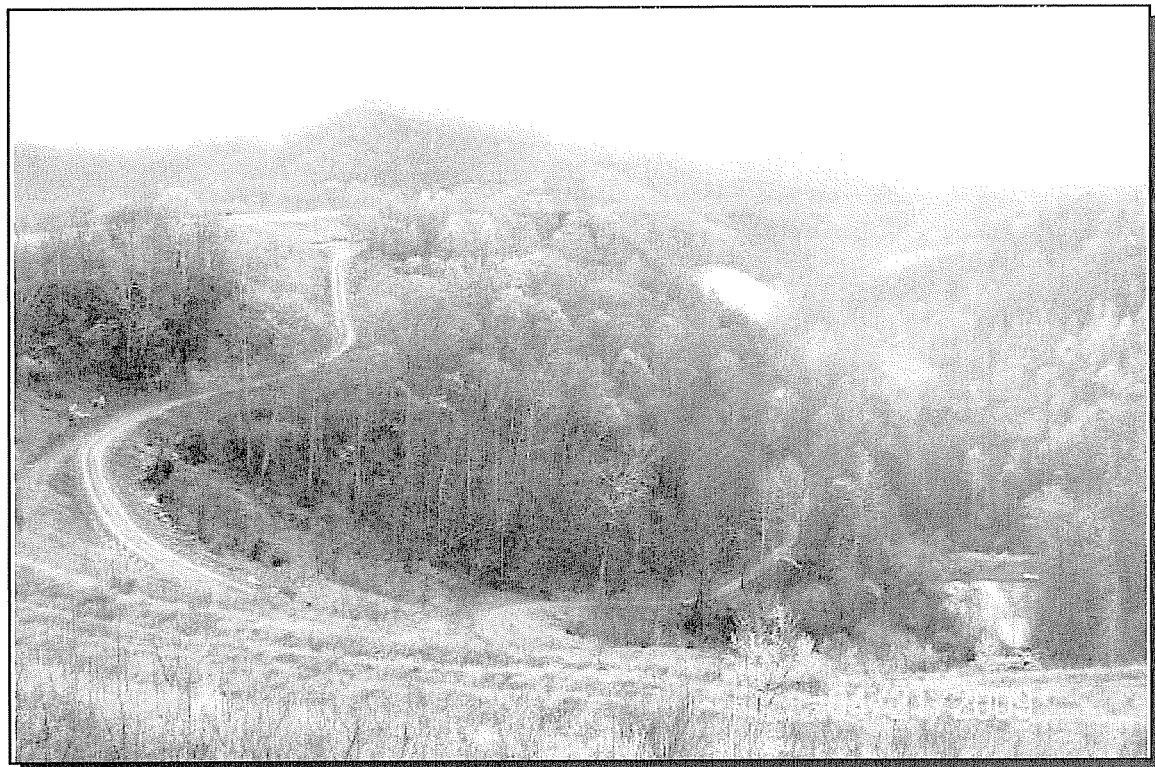


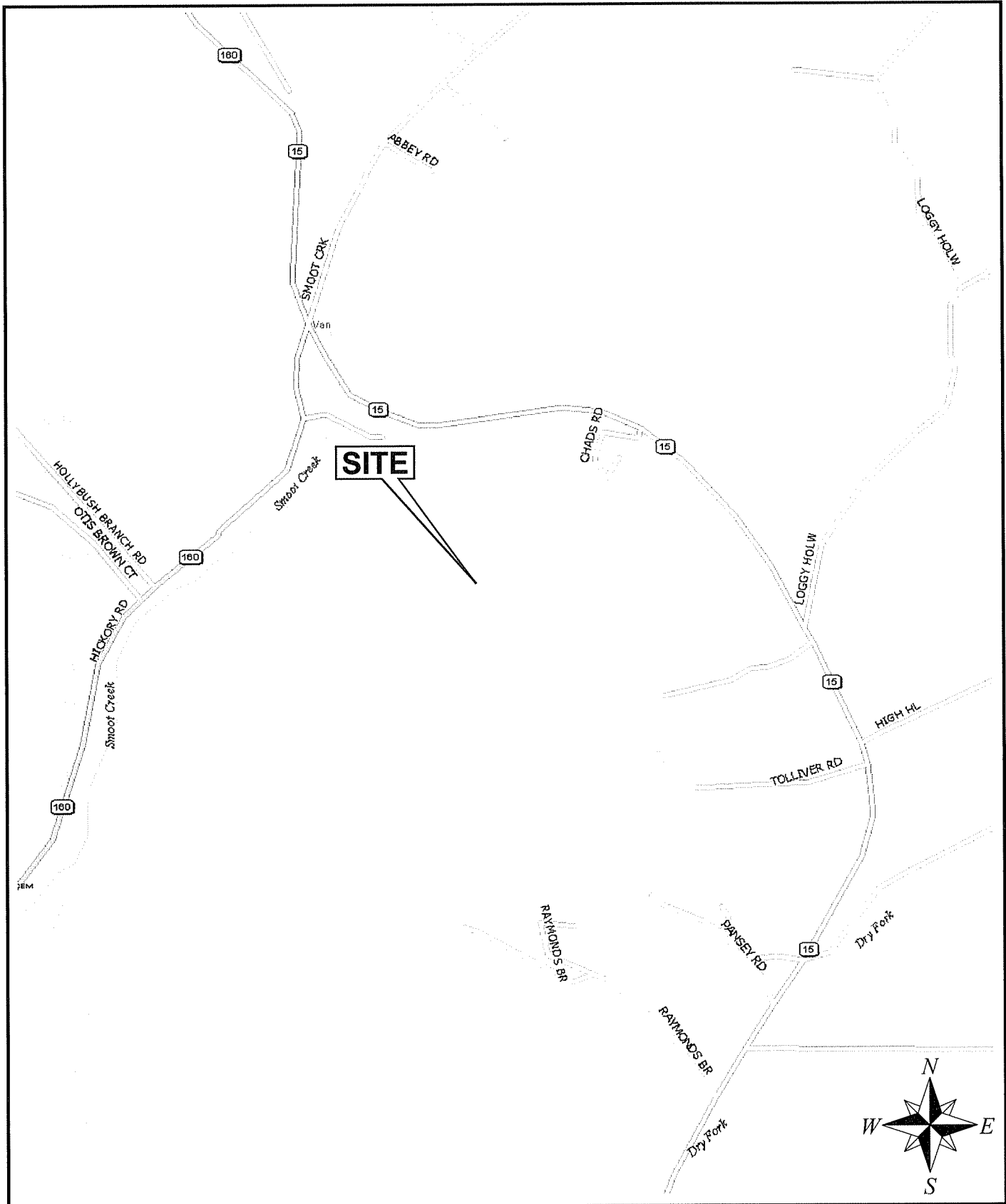
Photo 8 - View of existing access road from lease area, facing southeast.

Figures

FIGURES

The following figures of the project site are presented herein:

Figure No.	Figure Title
1	Site Location Map
2	Site and Access Easement Plan
3	Site Plan
4	U.S.G.S. Topographic Map, 7.5 Minute Series w/ Visual APE
5	2007 Aerial Photograph w/ Visual APE



SITE LOCATION MAP



**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

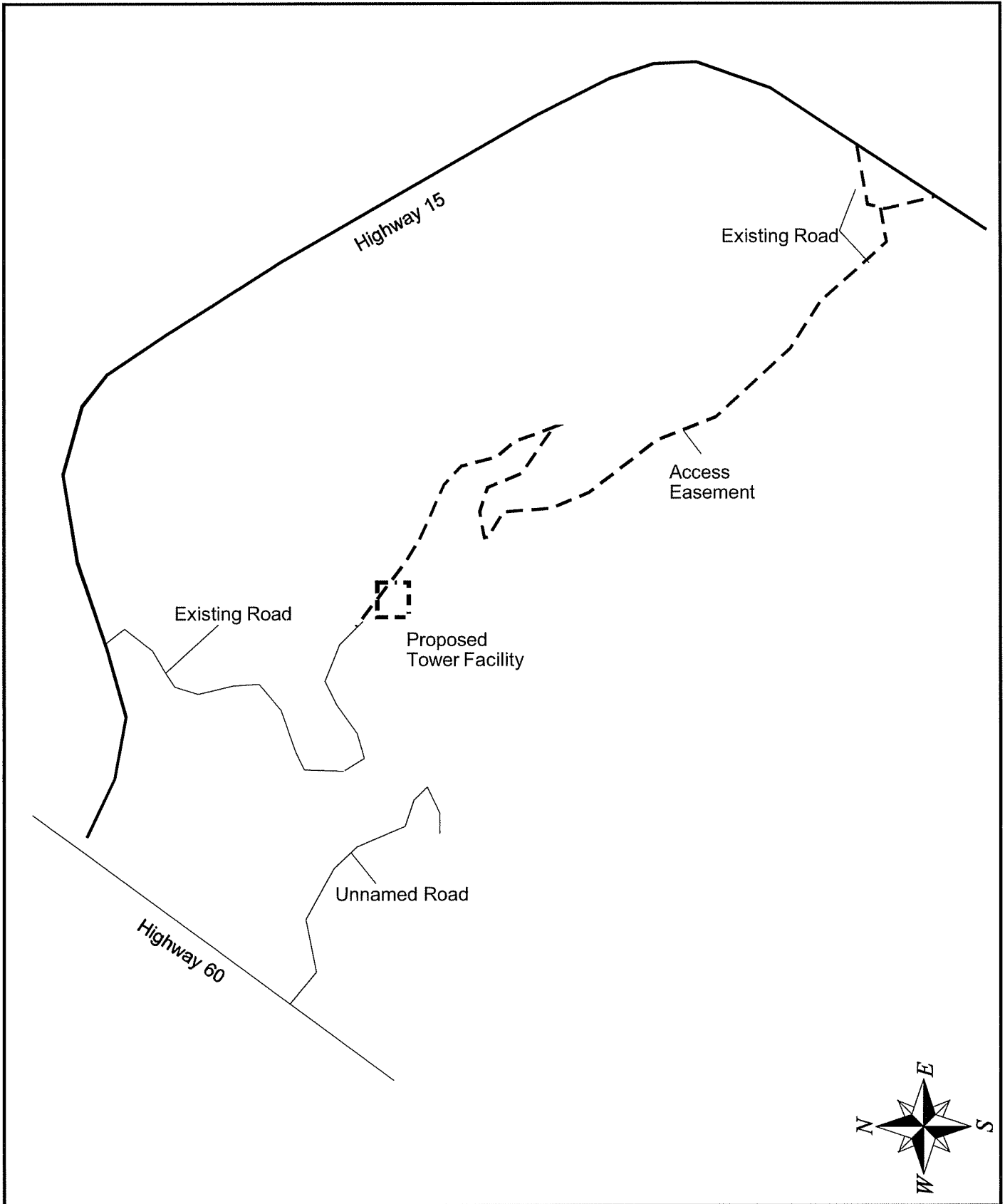
www.DynamicEnvironmental.com

Section 106 Review
Dry Fork Tower Site
Letcher County, Texas

Figure No.: 1

Date: 05/08/09

DEA No.: 20903028



SITE AND ACCESS EASEMENT PLAN



DYNAMIC ENVIRONMENTAL ASSOCIATES, INC.

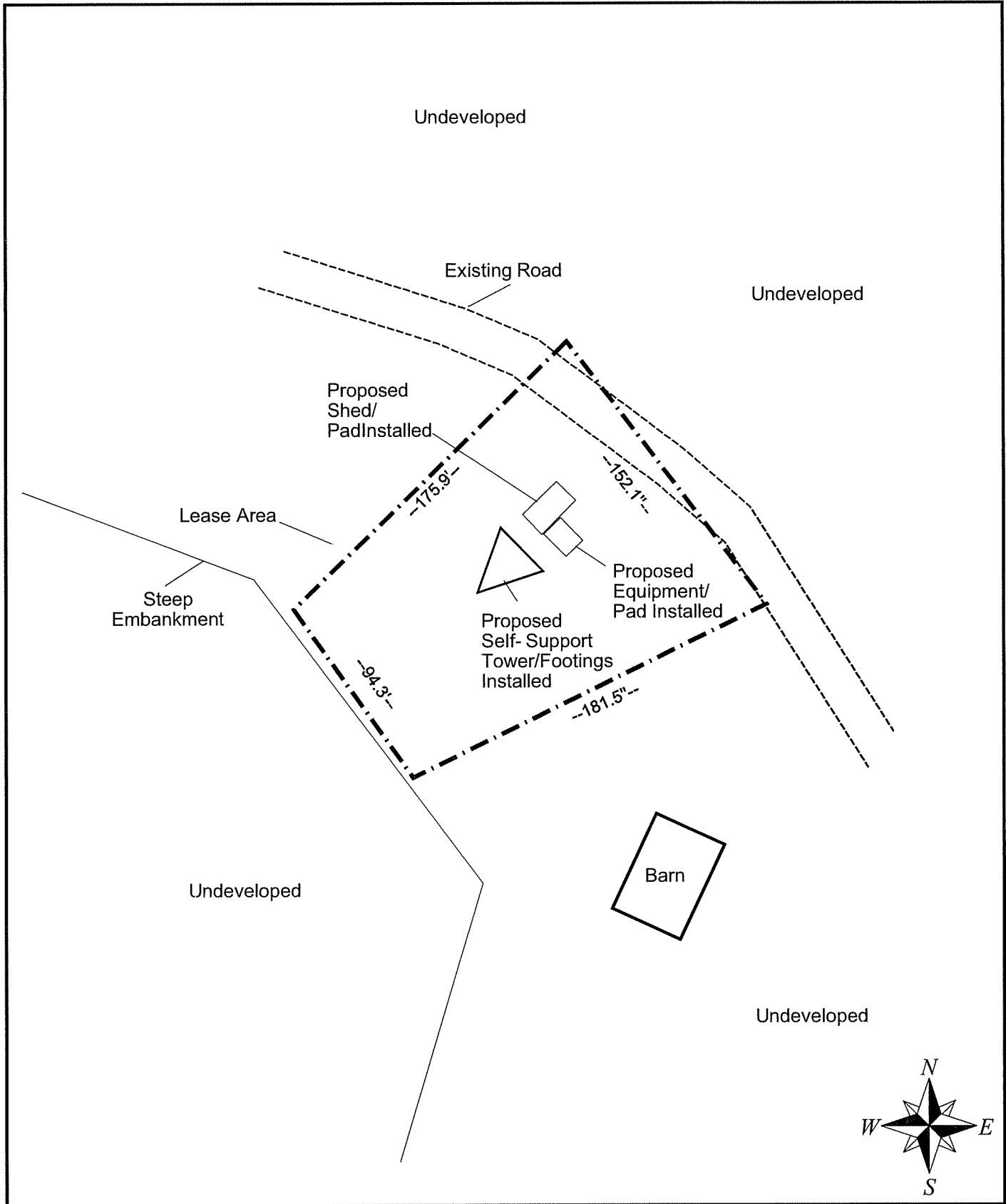
www.DynamicEnvironmental.com

Section 106 Review
 Dry Fork KY Tower Site
 Letcher County, Kentucky

Figure No.: 2

Date: 05/08/09

DEA No.: 20903028



SITE PLAN



DYNAMIC ENVIRONMENTAL ASSOCIATES, INC.

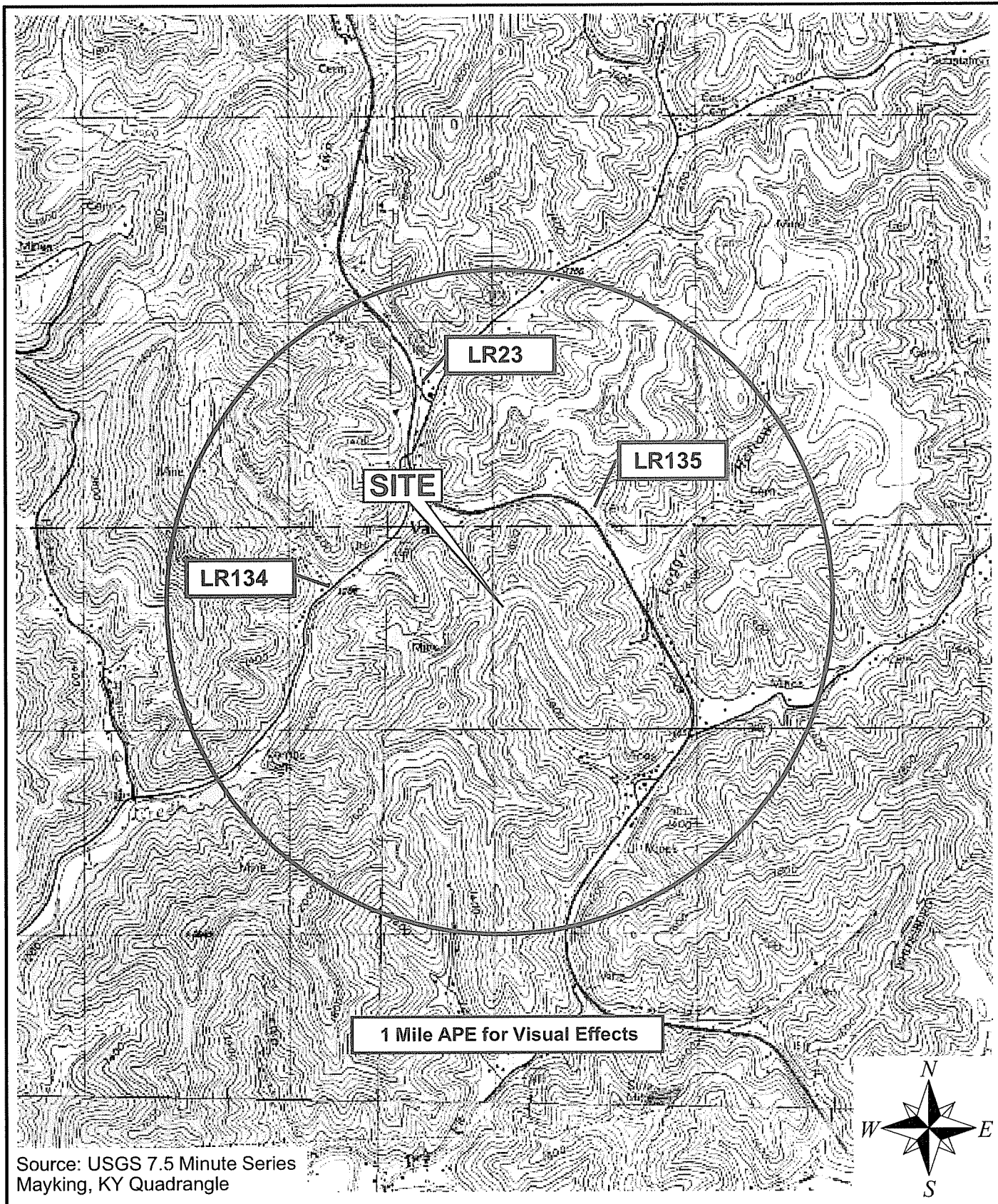
www.DynamicEnvironmental.com

Section 106 Review
 Dry Fork KY Tower Site
 Letcher County, Kentucky

Figure No.: 3

Date: 05/08/09

DEA No.: 20903028



U.S.G.S. Topographic Map, 7.5 Minute Series w/Visual APE



**DYNAMIC
ENVIRONMENTAL
ASSOCIATES, INC.**

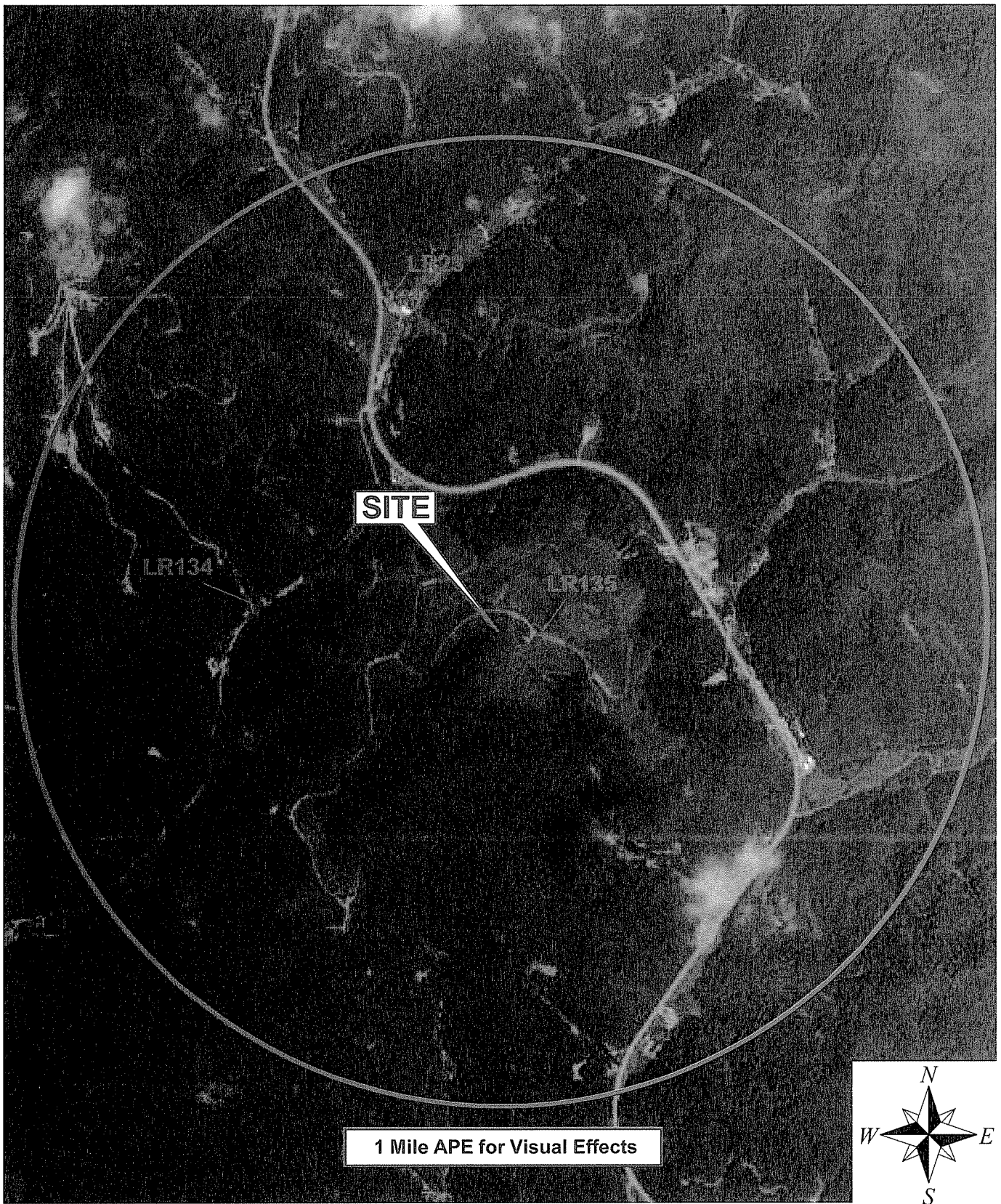
www.DynamicEnvironmental.com

Section 106 Review
Dry Fork Tower Site
Letcher County, Kentucky

Figure No.: 4

Date: 05/08/09

DEA No.: 20903028



2007 Aerial Photograph w/Visual APE

**Proposed Cell Tower
Letcher County, Kentucky
KHC Project Registration Number: FY09-0614**

By
Robert Ball

Submitted by
Wilbur Smith Associates
465 E. High Street, Suite 100
Lexington, Kentucky 40507
Phone: (859) 254-5759
Fax: (859) 254-5764

For
Dynamic Environmental Associates, Inc.
3850 Lake Street, Suite C
Macon, Georgia 31204
Contact: Virginia Markham Janssen
Phone: (478) 745-7740
Fax: (478) 745-7415

Lead Review Agency
The Kentucky Heritage Council
300 Washington Street
Frankfort, Kentucky 40601
Phone: (502) 564-7005
Fax: (502) 564-5820



Robert W. Ball, M.H.P.
Principal Investigator
465 East High Street, Suite 100
Lexington, Kentucky 40507
Tel (859) 254-5759 Fax (859) 254-5764
rball@wilbursmith.com

April 2009

Lead Federal Agency:
Federal Communications Commission

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Section 1. Introduction to the Project

Introduction

This report describes a Historic Structures Inventory conducted by Robert Ball of Wilbur Smith Associates in April of 2009. Wilbur Smith Associates was asked by Dynamic Environmental Associates to conduct a Historic Structures Survey of the proposed cell tower location near Van in Letcher County, Kentucky.

The survey was conducted in compliance with the Kentucky Heritage Council Guidelines (Sanders 2001) and provisions of the National Historic Preservation Act of 1966 (P.L. 89-655; 80 Stat. 915, 16 U.S.C. 470 et seq), the National Environmental Policy Act of 1969 (P.L. 910190; 83 Stat. 852, 42 U.S.C. 4321 et seq), Procedures of the Advisory Council on Historic Preservation (36CFR800), Executive Order 11593, Protection and Enhancement of the Cultural Environment (16 U.S.C. 470; supp. 1, 1971), Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (NPA, FCC 04-222, 2004), and Kentucky Heritage Council Historic Buildings Cellular Communications Guidelines (Pollack 2005). The regulatory authority under which the cultural resource assessment is being conducted is the Federal Communications Commission.

Project Objectives

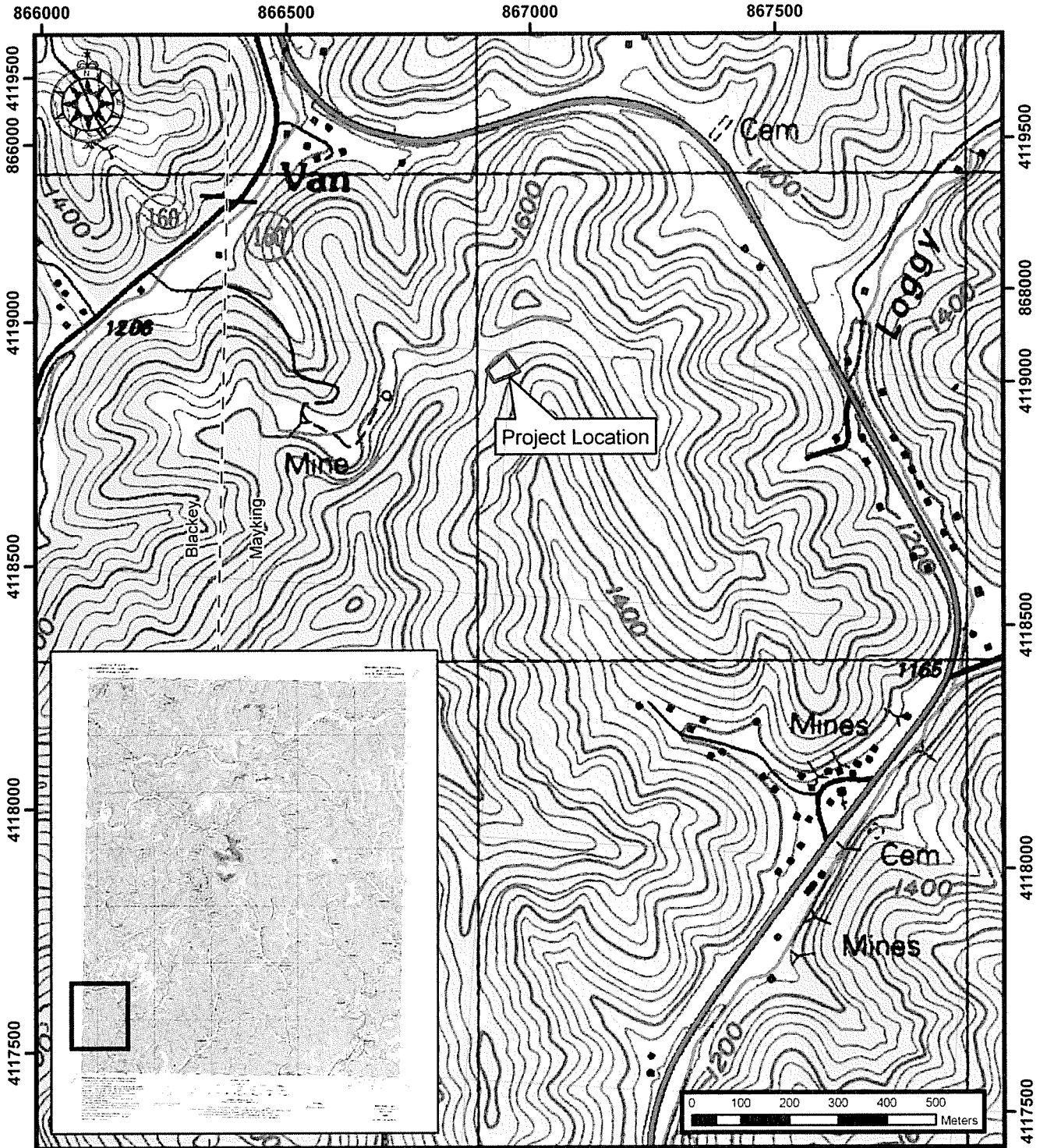
The Historic Structures Survey was conducted to identify all previously listed and determined eligible resources for the National Register of Historic Places. Also, it was to inventory and evaluate for potential nomination to the National Register of Historic Places any unidentified historic properties (i.e. over 50 years of age) within the Area of Potential Effect (APE).

Project Location

The project area is located on a reclaimed mountaintop removal mine site just southeast of the community of Van in Letcher County, Kentucky (Figures 1 and 2). The proposed location will occupy an artificial, flat ridge top which contains an existing access road.

Project Area of Potential Effect

The Area of Potential Effect consists of a 2,570 m² (27,664 ft²) proposed lease area, comprising a 55.5 m (182 ft) by 46.3 m (152 ft) fenced cellular tower compound and a 95.7 m (314 ft) self-supporting tower. The tower will be accessed by an existing access road to the north.




	<p>MAYKING, KY. <small>NO. 4 WHITESENSE 15 QUAD/QUAD#1 37082-B7-TF-024</small></p> <p>1992</p> <p><small>DMA 445B III NE-SERIES V853</small></p> <p><small>UTM 17 NAD 27</small></p>
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Figure 1. Project Location



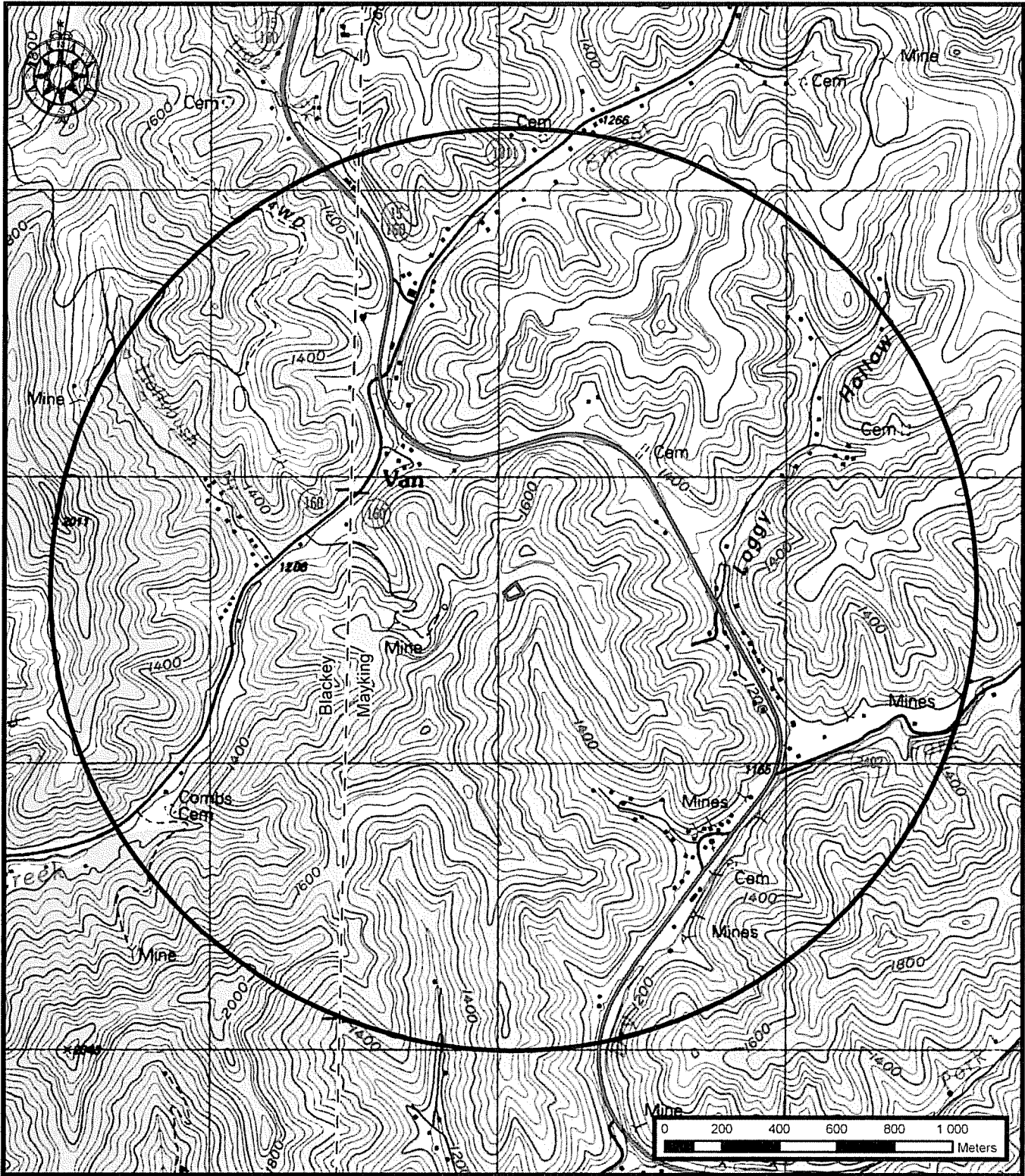
Figure 2. Photograph of Project Location

In addition to the area being directly affected by the construction of the cell tower, a one mile buffer circling the proposed location was also surveyed for visual effects to any historic properties as required by the National Programmatic Agreement for Cell Towers. Figure 3 illustrates this visual effects area.

Section 2. Research Methodology

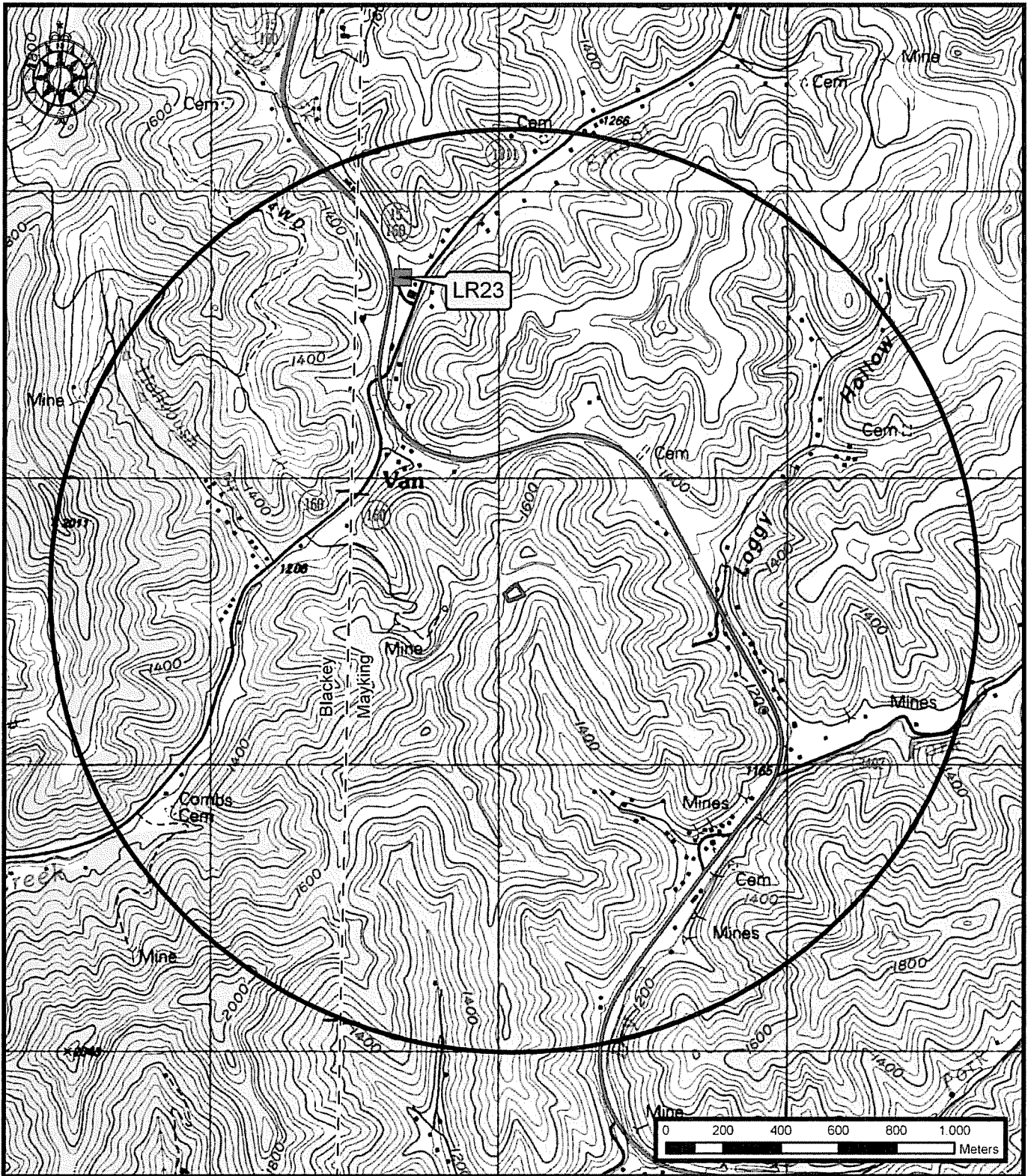
Archival Work

As prescribed by the Kentucky Heritage Council (KHC) Historic Buildings Cellular Communications Guidelines (Pollack 2005), a review of the KHC historic site inventory records and records maintained by the Letcher County Property Valuation Administrator was conducted on April 16 & 21, 2009. These records along with the Department of the Interior's National Register web site identified that there were no individual properties within the project's APE currently listed on the National Register of Historic Places, and no properties previously determined eligible by consensus between SHPO and the Federal Highway Administration. There were, however, one previously recorded property with an undetermined status within the one mile APE. This resource is illustrated in Figure 4 and listed in Table 1.



<p>  Dry Fork Tower Site  1 Mile Buffer </p>	<p> MAYKING, KY. NE/4 WHITESBURG 15 QUADKAWILL 37082-B7-TF-024 1992 DMA 4458 III NE-SERIES V953 </p>
---	--

Figure 3. One Mile Visual Effects APE



	Dry Fork Tower Site		Previously Recorded Properties
	1 Mile Buffer		

MAYKING, KY.
 NE 4 WHITESBURG 15 QUADRANGLE
 37082-87-TF-024
 1992
 DMA 4458 III NE-SERIES V853




Figure 4. Location of Previously Recorded Properties within the APE

Table 1. Previously Recorded Property within the One Mile APE

KHC #	Resource Name	Resource Address	Eligibility	Comments
LR23	Willy Caudill Cabin	KY 160 Van, KY 41858	Undetermined	

Nineteenth and twentieth century maps were also consulted to identify property locations over 50 years of age, transportation routes, and population centers. These historic maps were then compared with more recent ones to establish resources that would need to be checked during fieldwork. The historic maps utilized included the following:

- Blackey 15' topo, 1992 ed.
- Mayking 15' topo, 1992 ed.
- Letcher County General Highway Map, 1999 ed.
- Map of Letcher County, 1919.
- Structural Geologic Map of Letcher County, 1949.

Fieldwork

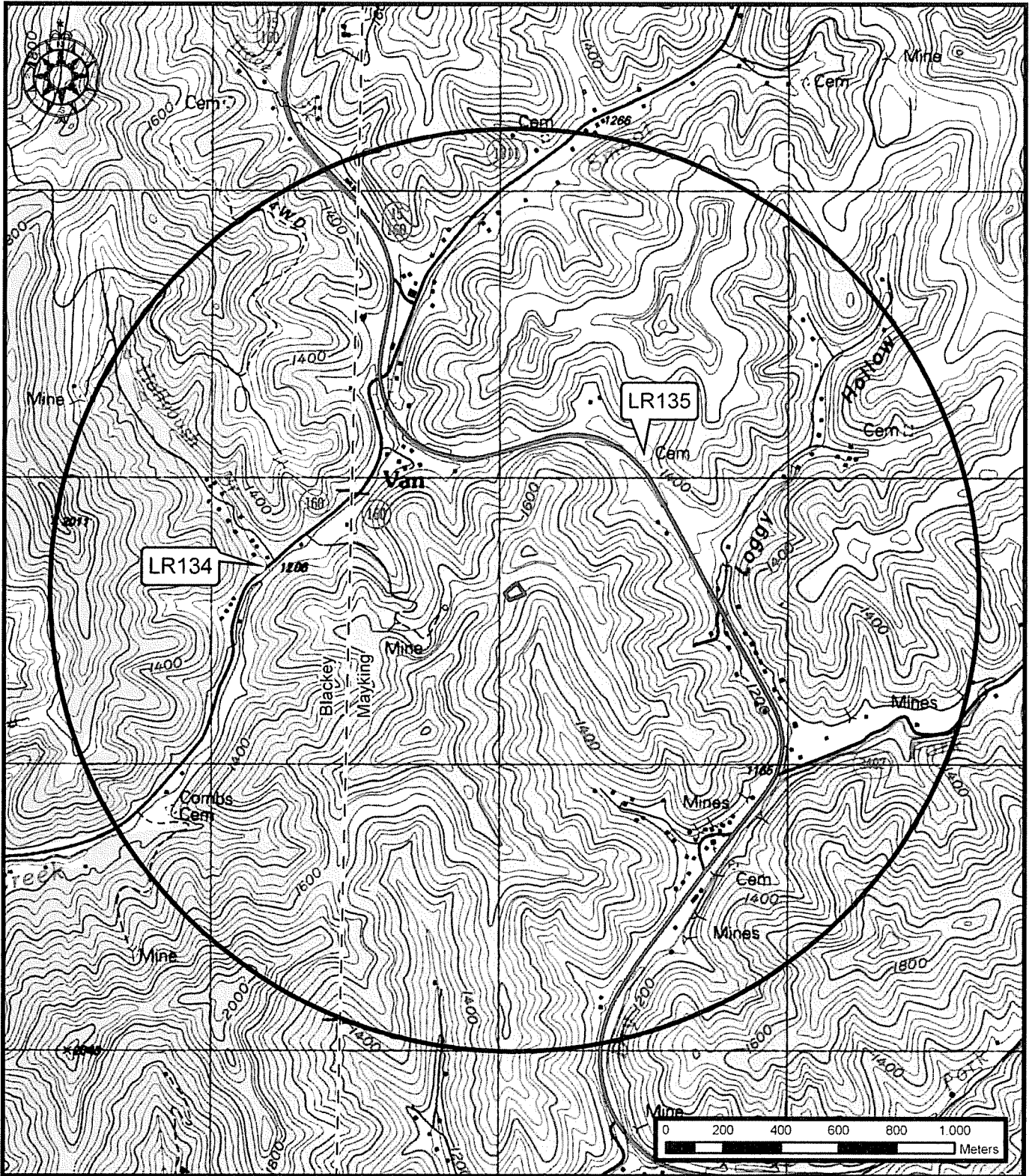
Fieldwork was conducted on April 21, 2009. Field research used project GIS maps to identify a one mile radius buffer zone around the proposed tower location to establish the APE for the project. All previously recorded properties were re-evaluated for condition and integrity. Upon completion of the survey, it was determined that there were two resources within the APE over 50 years of age that had not been previously surveyed (Figure 5).

Section 3. Findings and Effect


One previously recorded property and two newly recorded properties were identified and evaluated within the APE. The one previously recorded property; LR23 has been demolished, which left a total of two (2) properties to be evaluated. The two properties evaluated are not recommended for listing in the National Register of Historic Places. Table 2 summarizes the findings of the fieldwork.

Table 2. Summary of Properties Within the APE

KHC #	Resource Name	Resource Address	Eligibility	Comments
LR23	Willy Caudill Cabin	KY 160 Van, KY 41858	Not Extant	N/A
LR134	House	KY 160 Van, KY 41858	Not Eligible	N/A
LR135	Cemetery	KY 15 Van, KY 41858	Not Eligible	N/A



	Dry Fork Tower Site		Newly Recorded Properties
	1 Mile Buffer		



MAYKING, KY.
 NE/4 WHITESBURG 15 QUADRANGLE
 37082-87-TF-024
 1992
 DMA 4458 III NE-SERIES V853

Figure 5. Location of Newly Inventoried Properties within the APE

The following is detailed: KHC number issued; location, resident's name if known, function, circa or known date of construction, UTM coordinates, USGS map name, description of site including outbuildings, description of condition of site and general area, for the newly recorded sites that fell within the project's APE.

KHC#: LR134
Property Address: KY160
Resident's Name: N/A
Property Function: House
Construction Date: c. 1900

USGS: Blackey 1992
UTM Zone: 17
East: 333156
North: 4112693
Figure: 6 - 7

Property Description

LR134 is a one story, five bay (d/w/d/w/d), frame structure that is topped by a side gable roof covered in standing seam metal. The site sits on the western side of KY 160 and is oriented to the southeast. Based upon materials and form the building dates to circa 1900. The residence is clad in weatherboard siding. The structure rests on a continuous concrete block foundation.

A full-width porch adorns the front facade. It is inset under the roof of the main residence. The porch's roof is supported by simple, square wood posts. The porch deck is constructed of wood and rests on a continuous concrete block foundation. The fenestration pattern appears to be unaltered; although a portion of the original windows have been replaced.

A large, rear addition is present. It is topped by an end gable roof covered in standing seam metal. The addition is clad in board and batten. A large exterior, stone chimney is located on the gable end of the addition as well as interior brick chimney near the same gable end.

The house is in poor condition as it is vacant and not being maintained.

NRHP Evaluation: Not Eligible The residence does not embody the distinctive characteristics of a style, method, or period of construction. It is not a particularly outstanding example of an early twentieth century residential architecture. In addition, modifications to the house have compromised the integrity necessary to convey its significance. The historic qualities of design, materials, workmanship, and feeling have been diminished by the large, rear addition which has affected the massing of the structure, replacement windows and the non-historic porch supports. Archival research did not yield information associating the site with a significant person or event in history. As a result, this site does not appear eligible for listing in the NRHP under Criterion A, B, or C.

Determination of Effects – N/A



Figure 6. LR134 – West and South Façades

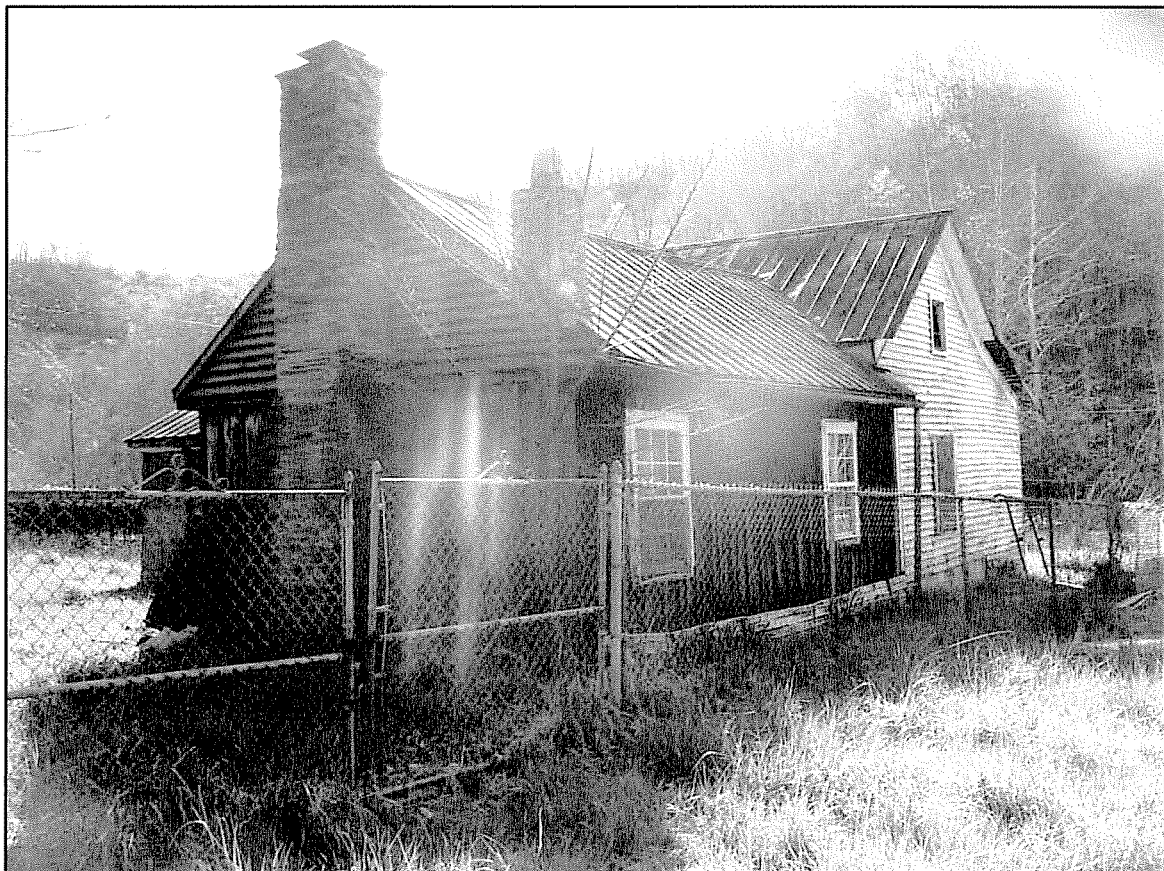


Figure 7. LR134 – North and West Façades

KHC#: LR135
Property Address: KY15
Resident's Name: N/A
Property Function: Cemetery
Construction Date: c. 1900

USGS: Mayking 1992
UTM Zone: 17
East: 334497
North: 4113089
Figure: 8 - 10

LR135 is the Hall Cemetery located east of KY 15 southeast of the community of Van. It lies in an area of grass flanked by a wooded area. There are approximately twenty-five marked graves from the late nineteenth century up to the late twentieth century.

Examples of the historic grave sites are:

Nancy Brown Born: 1885 Died: 1938
James E. Brown Born: 1934 Died: 1994
Jinia Wells Born: 1884 Died: 1964
Albert H. Brown Born: 1907 Died: 1940

The cemetery is kept in good condition although several headstones have fallen and cracked. The surrounding area is woods.

National Register Evaluation

As a general rule, cemeteries are not normally considered eligible for listing on the National Register. For a cemetery to be considered eligible it must not only meet the significance requirements of Criteria A, B, C, or D but it must also fulfill the requirements of either Criteria Consideration C or D as well (Potter and Boland 1992: 1).

Criteria Consideration C states that "A birthplace or grave of a historical figure is eligible if the person is of outstanding importance and if there is no other appropriate site or building directly associated with his or her productive life" (Potter and Boland 1992: 16).

Criteria Consideration D states that "A cemetery is eligible if it derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events" (Potter and Boland 1992: 16).

This property is not recommended as eligible for listing in the National Register of Historic Places.

Criterion A – Research did not reveal association with any known significant event.

Criterion B - Research did not reveal association with any known significant individuals.

Criterion C – This property does not display any exceptional architectural qualities nor is it associated with any significant builders or architects.

Determination of Effects – N/A



Figure 8. LR135 – Looking East



Figure 9. LR135 – Headstone Example



Figure 10. LR135 – Headstone Example

Based upon the archival research and fieldwork conducted, the proposed cellular tower presents no effects to any National Register listed, determined or recommended eligible properties in the area.

References Cited

- Pollack, David,
2005 *Historic Buildings Cellular Communications Guidelines*. Kentucky Heritage Council. Frankfort, Kentucky.
- Potter, Elisabeth Walton and Beth M. Boland
1992 *National Register Bulletin 41: Guidelines for Evaluating and Registering Cemeteries and Burial Places*. National Park Service: Washington, D.C.
- Robinson, L.C.
1949 *Structural Geologic Map of Letcher County, Kentucky*. Kentucky Geological Survey. University of Kentucky.
- Sanders, Thomas N.
2001 *Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports*. Kentucky Heritage Council. Frankfort, Kentucky.
- Sellier, Lucian M.
1915 *Map of Letcher County*. Kentucky Geological Survey. University of Kentucky.
- United States Geological Survey
1966 Kentucky, Clay City Quadrangle, 15' Minute Topographic Quad