

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

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**In the Matter of Sprint Cellular and APC Realty Equipment Company's Cellular
Tower Applications in Rappahannock County, Virginia**

Sprint PCS ID #s: WA33XC030-D; WA33XC162-E; WA33XC239-B; WA33XC034-C;
WA33XC168-C; WA33XC169-B AND WA33XC145-E

**Petition for Order Mandating Preparation of an Environmental Assessment or
Environmental Impact Statement**

PETITIONERS

Forest Conservation Council

Piedmont Environmental Council

Friends of the Earth

Public Employees for Environmental Responsibility

December 5th, 2001

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December 5th, 2001

Sent by regular and electronic mail

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW, Room TW-B204
Washington, D.C. 20554

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FCC MAIL ROOM

Dan Abeyta, Chief
Commercial Wireless Division
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: FCC Dkt. RM-9913 and Petition for Order Mandating Preparation of an Environmental Assessment or Environmental Impact Statement

Dear Ms. Salas, Mr. Abeyta;

Pursuant to 47 C.F.R. § 1.1307 (c), Forest Conservation Council (“Council”) Piedmont Environmental Council (“PEC”), Friends of the Earth (“FoE”) and Public Employees for Environmental Responsibility (“PEER”) hereby petition the Federal Communications Commission (“FCC”) for an order mandating preparation of an environmental assessment or environmental impact statement for registration of 7 proposed cellular communications towers in Rappahannock County, Virginia by Sprint PCS and APC Realty and Equipment Company, LLC.

The subject towers hold the following Sprint PCS identification numbers:

- WA33XC030-D
- WA33XC162-E
- WA33XC239-B
- WA33XC034-C
- WA33XC168-C
- WA33XC169-B
- WA33XC145-E.

In these matters, the applicant has failed to prepare an environmental assessment or environmental impact statement addressing the direct, indirect, and cumulative effects of these proposed cellular towers in violation of FCC's regulations implementing the National Environmental Policy Act ("NEPA") found at 47 C.F.R. § 1.1301-1.1319 and the Council of Environmental Quality's ("CEQ") regulations implementing NEPA found at 40 C.F.R. § 1500-1508. Instead, the applicant has inappropriately authorized these structures under FCC's categorical exclusion rules found at 47 C.F.R. § 1.1306.

Our claims are set forth below:

A. An Environmental Assessment or Environmental Impact Statement is Required by FCC's NEPA Regulations.

FCC's NEPA regulations found at 47 C.F.R. § 1.1301-1.1319 establish eight conditions that automatically trigger requirements for preparation of an environmental assessment ("EA") or environmental impact statement ("EIS") for proposed antenna structures. These conditions include potential adverse effects on (a) designated wilderness areas, (b) officially designated wildlife preserves, (c) listed or proposed threatened or endangered species or their critical habitats, (d) districts, sites, buildings, structures, or objects protected or eligible for protection under the National Register of Historic Places, (e) floodplains, and (e) Indian religious sites. These conditions also include (g) significant changes in surface features, such as wetland fill or deforestation, and (h) whether or not the facilities will be equipped with high intensity white lights.

Under Rappahannock County ("County") zoning requirements for telecommunications facilities, the seven proposed facilities have been submitted for County approval as a "comprehensive plan" for wireless coverage.¹ According to the applicant, "the seven (7)

¹ Rappahannock Code § 170-108.5. Exhibit 1.

proposed sites form a comprehensive network that is interconnected to provide seamless digital coverage in the eastern, central and northern areas of the County.”² The service is expected to accommodate approximately 65% of the County’s population. Id.

Because the seven towers form an interconnected network, environmental analysis conducted by the applicant and the FCC under the National Environmental Policy Act must address all these proposed tower sites together, as a single action. Federal agencies and entities to which NEPA authority has been delegated have a specific duty to “group together” and evaluate as a single project, all individual activities which are related on either a geographical or functional basis, or are logical parts of a “composite of contemplated actions.”³ Thus, there is no question that the seven proposed towers must be evaluated in a single environmental assessment or environmental impact statement.

Taken together, and based on our preliminary review, the seven proposed structures trigger NEPA review under the FCC’s NEPA regulations for the following reasons:

- 1. The proposed structures may adversely affect districts, sites, buildings, structures or objects that are listed or eligible for listing in the National Register of Historic Places.**

According to records maintained by the Virginia Division of Historic Landmarks, more than 50 sites of historic significance may be adversely affected by the proposed antenna structures. These include historic bridges, schools, houses, farms, and churches in the Flint Hill, Massie’s Corner, Chester Gap, Amissville, and Little Battle Mountain areas as well as the historic town of Washington. A list of affected sites is attached as Exhibit 3. The construction of visual eyesores represented by the proposed structures is incompatible with the historic character

² Application cover letter filed by Patricia Collins of McCandlish Kaine to the Rappahannock County Administrator on July 27, 2001. Exhibit 2.

³ See *Society Hill Towers Owners’ v. Rendell*, 20 F. Supp. 855 (E.D. Pa. 1998) (citing HUD regulations).

of these historic landmarks. According to applicant's submissions to the County, an analysis of effects on historic and cultural resources is currently "pending."

However, as evidenced by the declaration of historic resources expert Eugene Scheel, attached as Exhibit 4, there is no question that all of these proposed structures will adversely affect properties listed or eligible for listing in the National Register. According to Mr. Scheel's declaration, there are five historic properties within a mile radius of the Duxbury Isthmus site, nine within a mile radius of the Nicholson slope site, seven within a mile radius of the Eastham slope site, eleven within a mile radius of the Rosehill site, ten within a mile radius of the Miller site (as well as numerous structures in the historic Washington district), eleven within a mile radius of the Welch Slope site, and twelve within a mile radius of the Huntley site. There are dozens of other structures within a mile radius of the other, unnamed sites (presumably alternative locations considered) on the structure location map provided by Sprint and APC realty.

In all of these cases, Mr. Scheel concludes that the proposed antenna structures may have an adverse effect on the properties identified "by diminishing the integrity of the property's setting, feeling, and association, and by introducing visual and audible elements that are out of character with these properties."⁴

2. The proposed structures may adversely affect floodplains.

Access roads to at least three of the proposed structures will cross two perennial streams (including Big Branch River) and one intermittent stream and require construction of bridges and culverts. Exhibits 5, 6, and 7. By definition, stream courses are located in floodplains, and the construction of bridges and culverts will obviously affect floodplain function and the flow of debris in flood events.

⁴ Declaration of Eugene Scheel at 3.

This point is amplified by the declaration of hydrologist John Rice, attached as Exhibit 8. According to Mr. Rice, infrastructure required by two of the proposed structures may adversely affect floodplain functions, “Roads and bridges to be constructed for the proposed Duxbury and Miller towers cross perennial streams and associated floodplains. As a result, the streams and floodplains may adversely be affected by these projects.”⁵

3. The proposed antenna structures may adversely affect Native American religious sites.

At least one active Native American church is located within visual distance of a proposed structure. Other structures may be located on lands containing important Native American artifacts. According to the applicant’s submissions to the County, an analysis of effects on Native American cultural sites is “pending.”

4. Construction of the proposed antenna structures and associated facilities will result in significant changes to surface features.

All of the proposed facilities will involve the permanent loss of prime farmland or the destruction and fragmentation of native hardwood forest. In addition, access roads to at least three of the sites will cross perennial and intermittent streams and require construction of bridges and culverts. Thus, there is simply no question that the facilities will significantly alter significant surface features including prime farmland, forests, and riparian zones.

B. An Environmental Assessment or Environmental Impact Statement is Required by CEQ’s NEPA Regulations.

FCC decisions to either (a) permit the applicant to categorically exclude its proposed structures from environmental review or (b) approve the applicant’s environmental assessment should one be prepared are bound by the Council on Environmental Quality (“CEQ”) regulations implementing NEPA. The CEQ NEPA regulations at 40 C.F.R. § 1508.27 set forth ten factors

⁵ Declaration of John Rice at 1.

the FCC must consider in determining whether the applicant must prepare an environmental impact statement or environmental assessment for the proposed structures. These factors include the degree to which (a) effects are either beneficial or adverse, (b) the proposed action affects public health or safety, (c) the activity is proximate to unique geographic and protected areas, (d) effects of the proposal are likely to be highly controversial, (e) effects are highly uncertain or involve unique risks, (f) the action may establish precedent for future action, (g) the proposal generates significant cumulative impacts, (g) the proposal adversely affects scientific, cultural, or historic resources, (h) the proposal affects listed or proposed threatened and endangered species, and (i) the proposal threatens violation of federal, state, or local land use requirements designed to protect environmental quality.

Of these factors, at least eight are triggered by the applicant's proposed cellular network:

1. Increased cellular phone use and radio-frequency radiation may adversely affect public health and safety.

There has been consistent documentation of the fact that increased use of cellular devices on the nation's highways is contributing to an increase in fatal accidents. According to a recent study in the New England Journal of Medicine, the risk of a collision when using a cellular telephone is four times higher than when a cellular phone is not in use. The scenic byways and country roads of Rappahannock County will be made more dangerous by increased cellular phone use. In addition, the public health impacts of increased exposure to radio-frequency radiation are of great concern. An increasing number of scientific studies are making links between use of cellular devices and a host of serious medical conditions such as genetic damage in the blood, brain cancer, memory loss, and compromise of the blood-brain barrier. These public health concerns should automatically trigger preparation of an environmental impact statement when cellular coverage is expanded into a new area.

2. The proposed antenna structures are proximate to many unique geographic areas.

As indicated by the map attached as Exhibit 9, at least 5 of the seven proposed structures will be located within sensitive viewsheds of the Skyline Drive National Historic District or the Shenandoah National Park. Impacts to the viewshed must be carefully studied and mitigated. Specifically, the environmental impact of the towers on the viewsheds from the Hogwallow Gap Overlook to the Thorton Mountain Overlook must be studied to determine not only the impact on the recreational mission of the Shenandoah National Park, but also on the historic preservation of sites in and around Massie's Corner which were documented by the U.S. Department of Interior, National Park Service's *Study of Civil War Sites in the Shenandoah Valley of Virginia*, conducted pursuant to Public Law No. 101-628. The impact seems especially severe on National Park users traveling to and from, and using, Hogback Overlook (3385 ft.), the Sugar Loaf Trail, Rattlesnake Point Overlook (3105 ft.), and the Piney Branch and Piney Ridge Trails. In addition, several of the proposed structures are proximate to conservation easements held by the Virginia Outdoors Foundation. Finally, most, if not all of the proposed structures are proximate to protected historic landmarks or are proximate to prime farmlands.

3. Effects of the proposed towers are highly controversial.

The applicant's proposed cellular network has been a significant source of controversy within Rappahannock County for several years. Controversies over the effects of the proposed structures on a wide range of environmental quality factors continue to this day. Adjacent landowners as well as citizens throughout the County have raised concerns.

Exhibits 10 through 15 are declarations submitted by landowners who will be directly and indirectly impacted by the proposed structures. In each of these declarations, these landowners and members of both FCC and PEC have clearly demonstrated that the proposed

structures and ongoing maintenance activities will harm them by degrading scenery, generating irritating noise, exacerbating soil erosion, diminishing the integrity of scenic and historic resources which they regularly enjoy, and adversely affecting recreational and wildlife values they derive from streams and rivers in the area.

In addition, Exhibit 16 is a citizen's petition signed by 121 citizens⁶ of Rappahannock County who are concerned with the potential adverse impacts of the proposed structures on public health and safety, migratory birds, the scenic integrity of Shenandoah National Park, and on the historic and cultural heritage of their communities.

In both the landowner declarations and the petition, affected citizens have called on the FCC to address the direct, indirect, and cumulative impacts of the proposed towers in the context of an environmental assessment or environmental impact statement.

4. The proposed action may establish precedent for future action.

If approved, the antenna structures supporting Sprint PCS's cellular network will be the first such approvals under the 1999 telecommunications amendments to the Rappahannock County land use plan. The manner in which this ordinance will be applied and enforced in the future depends heavily on how the ordinance will be applied and enforced in this case.

5. The proposed towers may generate significant cumulative impacts.

The applicant's proposed antenna structures are just seven of hundreds of past, present, and reasonably foreseeable antenna structures in the Blue Ridge Mountain region of west-central and northwest Virginia. According to FCC records, there are currently 196 such structures registered in this region already, and the rate of new applications is growing rapidly.⁷ Exhibit 17 indicates the location of existing towers in the region, their height, and whether or not there have

⁶ Note that Rappahannock County is a small, rural county.

⁷ Federal Communications Commission, 2001: Universal Licensing System database.

hardwood, old-field and rare, relict patches of spruce fir found in the Appalachians provide a diversity of habitat. The diverse array of habitats in these forests make this a prime stopover point for migrating neotropical songbirds such as wood warblers, vireos, and thrushes. More than 95 percent of this ecoregion has been heavily degraded over the past 200 years.⁹

Neotropical migratory birds account for 340 of the 600 species of birds that breed and nest in North America. Many of these species are found in the Appalachian Mountains and Mid-Atlantic Piedmont. Breeding Bird Survey results exhibit declines for a significant number of neotropical migratory birds in the Appalachian Mountains.¹⁰ The remaining tracts of old growth forest and old-field habitats provide critical refuge for neotropical migrants.

Neotropical migratory birds are particularly vulnerable to mortality caused by electronic communications towers, and thrushes, vireos, as well as warblers are the species most vulnerable.¹¹ At least 52 Migratory Non-Game Species of Management Concern (SMC list) are recorded for the Southeastern and Northeastern Regions of the U.S. Fish and Wildlife Service and at least 29 of those species have recorded kills at electronic communication tower sites.¹²

Among the species of particular concern in the Appalachian region are the worm-eating warbler, black-throated blue warbler, golden-winged warbler, Bewick's wren and Henslow's Sparrow. The worm-eating warbler requires mid-late successional deciduous forest. This interior,

⁹ www.nationalgeographic.com.

¹⁰ Peterjohn, B.G., J.R. Sauer and S. Orsillo. Breeding Bird Survey: Population Trends 1966-92. National Biological Service.

¹¹ Manville, A. M. II. 2000. The ABCs of avoiding bird collisions at communication towers: the next steps. Proceedings of the Avian Interactions Workshop, December 2, 1999, Charleston, SC. Electric Power Research Institute (in press).

¹² USFWS 1995 Migratory Non-Game Species of Management Concern and Shire, G.S., K. Brown, and G. Winegrad. 2000.

been NEPA documents prepared addressing the environmental impacts of their construction. Remarkably, not a single antenna structure indicated on this map has been constructed with the benefit of NEPA analysis. Given this, and given that the significant cumulative impacts of these structures on migratory birds, scenic, historic, and cultural resources, prime farmland, forests, and many other environmental quality factors has been rigorously documented and of increasing concern to public officials throughout the region, the FCC would be in serious violation of NEPA if it permitted Sprint and APC Realty's proposal to also skirt by with no NEPA analysis. Instead, the FCC must halt the construction of new antenna structures in this region until the many significant environmental impacts associated with these structures is disclosed and mitigated.

The cumulative impacts of communication towers in this region to migratory birds are of particular concern to petitioners. The U.S. Fish and Wildlife Service estimates that as many as 40 million migratory birds each year may be killed by collisions with antenna structures.⁸ Tower kill records in the Appalachian Mountain region are abundant. Two imperiled species of concern in this matter-the northern harrier (*Circus cyaneus*) and dickcissel (*Spiza Americana*) have a history of fatal tower collisions. Exhibit 18. However, there are many more species that have yet to be surveyed in the areas affected by the proposed towers.

The Appalachian Mountains support a multitude of neotropical migrant bird species as well as other sensitive terrestrial vertebrate species, many of which are susceptible to electronic tower-caused mortality and habitat alteration associated with tower facilities and construction. The Appalachian mixed mesophytic forests are themselves a relic of the forests that once covered much of the Mid-Atlantic region. Specifically, the oak and oak-hickory, northern

⁸ USFWS, 1999: Memorandum from Jamie Clark, Director to Mr. William E. Kennard, FCC Chairman regarding bird mortality at communications towers.

ground-nesting species is on the USFWS SMC list and has been recorded at a minimum of 7 different towers for a total recorded mortality of 255 individuals.

The black-throated blue warbler prefers northern hardwood/spruce-fir forests, is on the USFWS SMC list and has been recorded at 25 separate tower sites for a total mortality of 2,061.

The golden-winged warbler is found in high-elevation, early successional scrub habitats, can be found on the USFWS SMC list and has been recorded killed at 15 different towers for a total of 542 individuals. This species has exhibited a significant decline of 7.5% since 1966 in the Northeastern Region of the USFWS.¹³

Bewick's wren nests in cavities, particularly those associated with snags and down logs, appears on the USFWS SMC list, and has recorded tower-related mortality.

Finally, Henslow's sparrow uses wet fields and meadows, is on the USFWS SMC list and 49 individuals have been recorded killed from 4 separate tower sites. Henslow's sparrow has exhibited a significant population decline of 12.2% since 1966.¹⁴

In addition to bird species, which have been the greatest subject of interest in relation to tower-related mortality, there are a multitude of sensitive and imperiled terrestrial vertebrate species as well as plant species that are susceptible to habitat modification. In particular, the variable sedge, ginseng, northeastern bulrush, eastern tiger salamander, and wood turtle. Many of these species are especially sensitive to habitat modification or modification of hydrologic processes. Construction of towers and their facilities can affect these species.

¹³ www.birds.cornell.edu/pifcapemay/rosenberg_wells-table_1.html

¹⁴ www.birds.cornell.edu/pifcapemay.

6. The proposed towers may adversely affect scientific, cultural, and historic resources.

As indicated above, the proposed towers may adversely affect at least 50 historic as well as at least one Native American cultural site. In addition, one proposed structure may impact an archaeological site important for scientific research on prehistoric woolly mammoths.

7. The proposal threatens violation of federal, state, or local land use requirements designed to protect environmental quality.

Because the direct, indirect, and cumulative impacts to migratory birds from antenna structures is already a significant concern in the region, the applicant's proposal may threaten violation of the Migratory Bird Treaty Act (16 U.S.C. § 703-711), which prohibits taking of migratory bird species through any means.

The applicant's proposal also threatens numerous provisions of Rappahannock County's land use code and the 1999 telecommunications amendments to that code. Exhibit 19. For instance, there is serious question as to whether or not the applicant's proposal is consistent with the "cornerstones" of Rappahannock County's comprehensive land use plan. Such cornerstones include (a) preservation of the viewshed, scenic ridgetops, rural and open spaces, (b) protection of natural, scenic and historic resources, (c) protection of prime farmland from conversion to other uses, and (d) encouraging and maintaining a viable rural agricultural and tourism-based economy. In fact, the entire emphasis of Rappahannock County's land use plan is preservation of the kinds of natural and historic features jeopardized by the proposed structures:

"Central to Rappahannock County's definition of itself are the mountains, among the oldest on earth, and its intact ecosystem. Rappahannock's agricultural, forestry and tourism industries are critically dependent upon the careful nurturing of these natural resources. To acknowledge this unique status, we the people of Rappahannock declare it to be a 'scenic county' and all goals, principles, and policies will reflect and devolve from this fundamental recognition."¹⁵

¹⁵ Rappahannock County Land Use Plan, Chapter Six: Goals, Principles and Policies, page 82.

Another concern is potential violations of requirements found in the telecommunications amendments related to noise abatement, documentation of effects on property values, and co-location. None of these requirements have been met by the subject proposal.

All parties to this petition have clearly established standing in regards to FCC decisions pursuant to the Antenna Structure Registration Program. We ask the FCC to take official notice of this standing. In addition, the declarations attached establish particular harm that will be incurred by our members in the local area.

Thank you for your time and attention to this urgent matter. Because of the extensive documentation provided here indicating that the applicant's proposal clearly triggers many of the concerns included in both the FCC's and CEQ's NEPA regulations, we believe an order requiring Sprint and APC Realty to prepare appropriate NEPA documentation is justified at this time. Please direct all future correspondence to each of the signatories, as indicated below.

Sincerely,



John Talberth, Director of Conservation
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For:

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§ 170-108.5

RAPPAHANNOCK CODE

§ 170-108.5

- (5) Whether the applicant has provided a comprehensive plan to provide wireless communications and avoid the piecemeal construction of redundant facilities.
 - (6) Whether the applicant proposes to take reasonable steps to minimize the visual impact of facilities.
 - (7) Whether the application is in proper form and complete.
 - (8) Whether the applicant has demonstrated it is, or will be, in compliance with all performance standards set forth in this article.
 - (9) Whether the applicant has demonstrated it is responsible, has honored its commitments to other jurisdictions with respect to the permitting, construction, operation, maintenance and removal of its facilities and has the ability to perform and comply with all terms and conditions applicable to the use permit it seeks.
- B. Terms and conditions applicable to use permits. The Board may make any use permit subject to such terms, safeguards and conditions as may be necessary to ensure compliance with this article, or which will minimize the adverse impact of proposed or existing facilities on the goals, policies and standards established by this article. Such terms, safeguards and conditions may include restrictions on dimensions; the number, appearance and location of facilities; and the type of antenna support structure to be located at a particular site, provided that such restrictions shall not have the effect of prohibiting wireless service or discriminating between service providers.
- (1) Acceptance of the use permit by the permit holder shall constitute its agreement to pay all court costs, expenses, legal and expert's fees incurred by the county to enforce the terms of this article or the use permit or any state or federal law applicable to the permitted facilities. This provision shall apply whether the enforcement is necessary against the permit holder or against a co-user whose use of facilities derives from the use permit issued to the permit holder.
 - (2) As a condition of every personal wireless services facilities use permit, the permit holder agrees to defend, indemnify and hold harmless the County of Rappahannock, its officials, agents and employees against any and all judgments, suits, actions, claims, demands, rights of action and causes of action for injury to

§ 170-108.4

ZONING

§ 170-108.5

registered with the Zoning Administrator, who may require the submission of any information required in a use permit application.

- D. Zoning districts in which facilities are permitted. Personal wireless services facilities may be located in any zoning district so long as all provisions of this article are satisfied; provided that all buildings, fences, etc., constructed or modified as part of the facilities are governed by the general zoning law. For example, if a barn were to be constructed to house facilities, it will be allowed in such zoning districts as allow barns, and all buildings shall meet normal setbacks and other requirements of the general zoning laws.

§ 170-108.5. Personal wireless services facilities use permits.

No personal wireless services facilities shall be located or placed in Rappahannock County, nor shall construction of any such facilities or any site access road begin, without a personal wireless services facilities use permit ("use permit") and a building permit.

- A. Standards for issuance of use permits. A use permit may be issued by the Board of Supervisors by special exception after receiving the recommendation of the Planning Commission. In evaluating each application for a use permit, the Planning Commission and Board shall consider:
 - (1) The impact of all proposed facilities on public health, safety and welfare, including danger from structural failure, electrical shock and unauthorized access, as well as benefits to public safety organizations, provision of communications in times of natural disaster and the provision of health-related and emergency services.
 - (2) Whether the application maximizes the use of existing facilities.
 - (3) Whether the application promotes the joint use of proposed and existing facilities.
 - (4) The impact of the proposed facilities on the creation of a convenient, attractive and harmonious community and on property values, tourism, agricultural and forestal lands and the existing use and character of land.

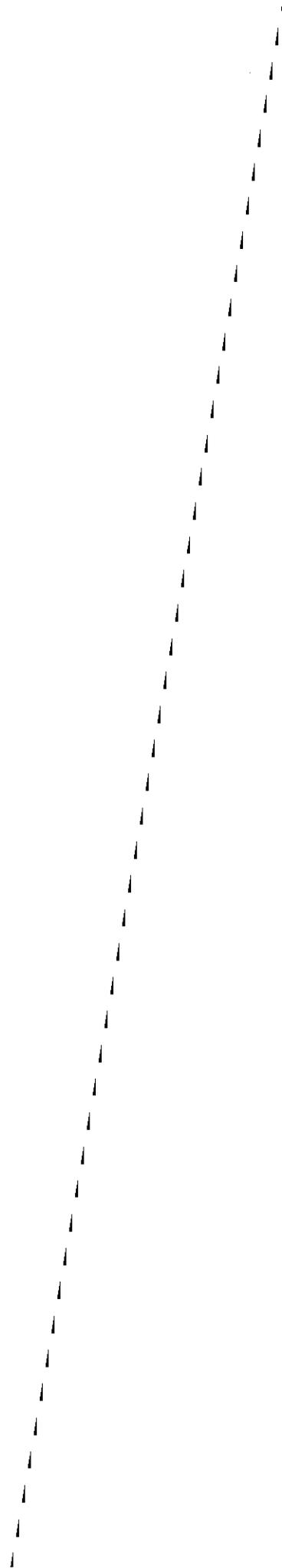
§ 170-108.6

ZONING

§ 170-108.6

- (4) A map and statement showing how the proposed facilities fit into and complement a comprehensive plan to provide cellular telephone service, taking into account all other facilities of the applicant, or to which the applicant has, or may acquire, co-use rights, in Rappahannock County and all adjoining counties, whether the facilities are existing or planned within the next four years.
- (5) Copies of all necessary permits and licenses required by the federal government for the construction and operation of the personal wireless services facilities requested; provided that, if such material is, in the opinion of the Zoning Administrator, too voluminous, the applicant may submit only such portions as are necessary in light of the facilities requested. If any such license or permit is renewable, the applicant shall state the time of renewal and the time any public comment period begins with the FCC relative to such renewal. If the applicant is required by federal law to file an environmental assessment with the FCC, a copy of the assessment shall be filed with the application. The applicant shall state the time of any comment period on the environmental assessment.
- (6) Proof that the facilities requested fall within the definition of personal wireless services facilities.
- (7) A list of the location and type of all other antenna support structures owned or operated by the applicant in Virginia, to a maximum of five, and the names, telephone numbers and addresses of any authorities from which the applicant has obtained permits to construct and/or operate such structures. If the applicant has ever been notified by any governmental entity that it was in violation of any permit, law or condition, the applicant shall provide a copy of such notice and explain the resolution thereof. The applicant may additionally, at its option, provide the names of other governmental entities as references to the fulfillment of the conditions of its prior permits.
- (8) If the applicant is a corporation, LLC or partnership, proof of authority to do business in Virginia, and the name and address of any registered agent. If the applicant is a closely held corporation, LLC or a partnership, then the names and addresses of all persons who have an ownership interest. This information must





Virginia Division of Historic Landmarks - con't

Amissville area Oak Shade 078-0063

In vicinity of Little Battle Mountain
Red Hill off Rt. 729 078-0040
Meadow Grove 078-0059
Laurel Mills 078-0058

Another Flint Hill site:
Windsor Lodge- JA Dahlgren House 078-0075

Virginia Division of Hist

Exhibit 3

A lot of these sites ^{are} ~~were~~ right on Rt. 522 - 45 sites total

Flint Hill Bernard, JA House 078-0075
Flint Hill Rt. 522 Big Indian Stream Bridge 078-0159
Massie's Corner Battle Run Primitive Church 078-0005
Massie's Corner V/N Ben Venue 078-0003
Massie's Corner Black Rock Farm 078-0095
Massie's Corner Browning Cabin 078-0056
Flint Hill Old Rt. 522 Bridge 078-0085
Chester Gap V/N Caledonia (Fountain Hall) 078-0085
Flint Hill Clifton 078-0009
Flint Hill Deardoff House 078-0097
Flint Hill Nine Gate Eastham House 078-0138
Flint Hill Flint Hill Baptist Church 078-0066
Flint Hill Flint Hill Methodist Church 078-0067
Flint Hill Glenway 078-0080
Flint Hill High Meadow Farm 078-0019
Flint Hill Hittle's Mill 078-0082
Flint Hill Hittle's Mill Stream Bridge Rt. 522 078-0160
Flint Hill Hillsboro 078-0172
Flint Hill House, log 078-0091
Chester Gap House, log Rt. 629 078-0103
Flint Hill House, Rt. 634 078-0072
Flint Hill House, Rt. 634 078-0073
Flint Hill House, Rt. 637 078-0083
Flint Hill House, Rt. 659 078-0088
Flint Hill House, Rt. 622 078-0079
Chester Gap House, Rt. 628 078-0105
Flint Hill Huntly Post Office 078-0074
Flint Hill Locust Grove 078-0026
Flint Hill Log House 078-0091
Massie's Corner Meadow Grove 078-0059
Flint Hill Rt. 522 Mill 078-0081
Chester Gap The Oaks 078-0136
Flint Hill Poplar Grove James Foster House 078-0101
Flint Hill Reager School 078-0071
Flint Hill Mary F. Robinson 078-0077
Chester Gap Rock Hill Farm 078-0104
Massie's Corner Rose Hill 078-0044
Flint Hill Sandy Hook Baptist Church 078-0076
Massie's Corner Toll Gate Farm 078-0117
Flint Hill Truss Bridge Rt. 637 078-0099
Flint Hill Vawter, Henry A House 078-0086
Flint Hill Wakefield School Boarding 078-0078
Flint Hill Wakefield Manor 078-0053
Flint Hill William's Place 078-0068
Flint Hill Willis Memorial Chapel 078-0070
Flint Hill Windsor Lodge, JA Dahlgren House 078-0075
Rt 522

Patricia A. Collins
Direct Dial: 804.775.7204
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McCandlish Kaine
A PROFESSIONAL CORPORATION

Exhibit 2

Guangzhou, China

Paris, France (Affiliate)

July 27, 2001

By Hand Delivery

Mr. John W. McCarthy
County Administrator and Zoning Administrator
County of Rappahannock
290 Gay Street
Post Office Box 519
Washington, Virginia 22747

Re: Property referred to as "Duxbury Isthmus," Rappahannock County, Tax/Parcel No. Map 33, Parcel 62, owned by Robert A. and Joan M. Duxbury; Sprint PCS ID No. WA33XC030-D (a 199' monopole Category 4 facility, 148 Weaver Road, Amissville).

Property referred to as "Nicholson Slope," Rappahannock County Tax/Parcel No. Map 32, Parcel 7B, owned by Eugene W. and Evangeline F. Nicholson; Sprint PCS ID No. WA33XC162-E (an 80' monopole Category 4 facility, 14240 Lee Highway, Amissville).

Property referred to as "Eastham Slope," Rappahannock County Tax/Parcel No. Map 22, Parcel 28, owned by Louise Fletcher King Eastham; Sprint PCS ID No. WA33XC239-B (an 80' monopole Category 4 facility, 38 Ben Venue Road, Washington).

Property referred to as "Rosehill Silo" Rappahannock County Tax/Parcel No. Map 20, Parcel 49, owned by Thomas B. and Aney M. Massie; Sprint PCS ID No. WA33XC034-C (a 90' stealth silo Category 2 facility 13320 Lee Highway, Washington).

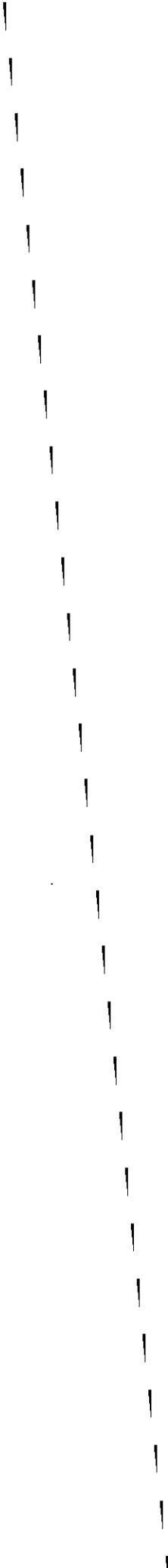
Property referred to as "Miller's Silo," Rappahannock County, Tax/Parcel No. Map No. 29, Parcel 9, owned by D. Brooke and Ann Miller; Sprint PCS ID No. WA33XC168-C (a 90' stealth silo Category 2 facility Route 211, Washington).

Property referred to as "Welch Slope," Rappahannock County Tax/Parcel No. Map 21, Parcel 35, owned by Arland F. Welch; Sprint PCS ID No. WA33XC169-B (an 80' monopole Category 4 facility 444 Zachary Taylor Highway, Flint Hill).

Property referred to as "Huntly Silo," Rappahannock County Tax/Parcel No. Map. No. 5, Parcel 16D, owned by Arland F. Welch; Sprint PCS ID No. WA33XC145-E (a 100' stealth silo Category 2 facility 6 Little Long Mountain Road, Huntly).

Dear Mr. McCarthy:

On behalf of my client, APC Realty and Equipment Company, LLC, a Delaware limited liability company and a wholly owned subsidiary of Sprint Spectrum Holding, L.P (d/b/a Sprint PCS, and hereinafter referred to as Sprint PCS), I submit the enclosed package containing Applications for Personal Wireless Services Facilities Use Permits



co-location capacity requirements pursuant to § 170-108.12.D(4). The coverage provided by this facility will be along SR 211, some parts of SR 522 north and SR 729. This site is designed to connect with Nicholson Slope to the east, the Welch Slope facility to the north, and the Rosehill Silo facility to the west and south.

- The Rosehill Silo facility is a 90' stealth silo that will replace an existing abandoned silo at Massie's Corner on SR 211 near the Town of Washington. This facility is intended to connect with the Eastham facility to the east, possibly to the Welch facility approaching Flint Hill, and the Miller Silo facility to the west. This site is necessary to maintain coverage along SR 211 and potentially along SR 522 to the north.
- The Millers' Silo facility is also a 90' stealth silo near the Town of Washington. It's function is to provide coverage into the Town of Washington, along SR 211 and part of SR 522 north. The facility is intended to connect coverage with the Rosehill Silo, and the Welch Slope facility.
- The Welch Slope facility is an 80' monopole with antenna that should extend no more than 20' above the average tree canopy on the downslope and below the ridgeline on Zachary Taylor Highway near Flint Hill. The facility will be designed to accommodate at least one additional co-locator. Provision of any additional co-location slots would necessitate a taller tower which would create an unnecessary visual impact on the surrounding area and would not appear to meet any need in the reasonably foreseeable future. Consequently the structure should be exempt from the additional co-location capacity requirements pursuant to § 170-108.12.D(4). The function of this facility is to provide coverage primarily along SR 522 north of SR 211 and connect to the Miller Silo to the west and to the Huntly Silo to the north.
- The Huntly Silo facility is a 100' stealth silo north of Flint Hill and is intended to cover from Chester Gap in the north along SR 522 until it connects with the Welch Slope facility south of Flint Hill. This facility was suggested by citizens of the County who objected to a previously proposed 199' lattice structure in Huntly east of SR 522.

~~These seven (7) proposed facilities are integrally related to each other and all are necessary in their present locations and at their present heights if comprehensive digital coverage is to be provided to these areas of the County. Sprint PCS has scoured the County for existing sites but has been unable to locate any existing structures that it could utilize to meet the proposed coverage objectives.~~

4. Copies of Federal Licenses and Statement of NEPA and NHPA Compliance. Pursuant to § 170-108.6.C.(5), a copy of the Federal Communications Commission ("FCC") license issued to the applicant to provide digital wireless services in this region dated December 13, 1994 is found behind Tab 3.²

It will be noted that the FCC license provided expires on December 13, 2004. I

² The applicability of the FCC license behind Tab 3 to these applications is explained in fn. 1, above.

Eugene Scheel
Box 257
Waterford, Va. 20197
540-882-3428
facs: 540-882-3540

November 23, 2001

Declaration of Eugene Scheel

Re: FCC Dkt. RM-9913 and Petition for Order Mandating Preparation of an Environmental Assessment or Environmental Impact Statement for Sprint PCS and APC Realty Cell Tower Network Proposal in Rappahannock County, Virginia.

1. I, Eugene Scheel, make the following declaration pursuant to 28 U.S.C. Sec. 1746 in support of the foregoing petition of Forest Conservation Council and Piedmont Environmental Council for an order mandating preparation of an environmental assessment or environmental-impact statement for Sprint PCS and APC Realty's cell-tower network proposal in Rappahannock County, Virginia. I declare under penalty of perjury that all of the statements herein are true and correct to the best of my knowledge.

2. My name is Eugene Scheel. I live at 39264 Old Wheatland Road, Waterford, Virginia. My office is at Second Street and Market Square, Waterford, Virginia.

3. I have considerable expertise in matters related to historic properties and sites, including those eligible for listing, or listed on, the National Register of Historic Places:

A.B., Geography, Clark University, graduated cum laude, Phi Beta Kappa, Rhodes Scholar candidate from the State of Massachusetts. M.A., English, Georgetown University. M.A., Urban Planning, University of Virginia School of Architecture.

I have written nine books on various aspects of the history of the Virginia Piedmont, and have drawn more than forty detailed historical maps of counties, regions, and farms, mostly in Virginia, but also in Maryland, West Virginia, New York, New Hampshire, and the Bermuda Islands. All of these maps are

Declaration of Eugene Scheel (2)

meticulously field checked for accuracy.

I have also prepared five national park plans for the Government of Bermuda, and have conducted numerous historic-site surveys and archaeological reconnaissances for governments, landowners, and environmental organizations in Virginia and the Bermuda Islands. From 1995-1997 I was the historian for a Federal Highway Administration project which sought to modify road-building standards to protect historic, archaeological, and scenic sites and areas.

Since 1999 I have been writing a column on Virginia Piedmont history for the rural Virginia editions of the Washington Post.

4. In regard to Rappahannock County, I have considerable expertise regarding properties affected by Spring PCS and APC Realty's proposed cell-tower network.

I have worked in Rappahannock since 1973, and my major projects concerning that county began in 1975, when I prepared a map showing how the county looked in colonial times. My 1984 book, *Culpeper: A Virginia County's History*, covered the beginnings of Rappahannock, prior to 1833 when it was a part of Culpeper.

From the fall of 1997 until the summer of 1999 I worked on my detailed historical map of Rappahannock. The map shows all the significant structures built prior to 1950, and also either names them, denotes who they were built for, or names persons who lived in or operated the structures (in the case of stores, etc.) for a considerable period. The map, among many aspects of historic and geographic detail, also shows the historic churches, schools, and commercial and public buildings.

As a subscriber to the Rappahannock News, I keep abreast with happenings in the county and surrounding regions.

In the following sections I have noted all the historic properties within a mile's radius of the cell-tower sites

Declaration of Eugene Scheel (3)

located on a map given to me by John Talberth, Director of Conservation of the Forest Conservation Council. He names the map Exhibit A. I then transferred these locations to my 1999 Map of Rappahannock County, ~~Exhibit~~ "B."

As I last visited many of these sites two to four years ago, I can only draw from my memory those that might be eligible for inclusion on the National Register of Historic Places. Note that when I researched the dates of structures, in most cases I did not see the interior of the structures. And, I did not record outbuildings. Also, in most cases I did not record the prominence of the property's owners through time. These aforementioned factors are important in regard to whether or not a property has National Register status.

5. In the area within a mile's radius of the proposed Duxbury Isthmus Tower, about two miles northwest of the village of Amissville, the following historic structures are on my map: Bleakland, N. Anderson's tenant, 2nd Poe's Road School, Mt. Moriah Primitive Baptist Church, and Allen.

I also recall that the school and church stand in an African-American neighborhood, traditionally a Negro settlement of the late-19th or early-20th centuries.

In addition, the heights of Pierce's, Stark's, and Jefferson Mountains are prime scenic areas in that neighborhood.

Thus, referring to the effects criteria of 36 CFR 800.9, the proposed Duxbury Isthmus tower may have an adverse effect on the above properties by diminishing the integrity of the property's setting, feeling, and association, and by introducing visual and audible elements that are out of character with these properties.

6. Regarding the unnamed proposed cell tower on the map noted as Exhibit A (marked 6 on my map), the following historic structures are on my map: B. Jordan, E. Jordan's Store & Service

Declaration of Eugene Scheel (4)

Station, Allen, N. Anderson's tenant, and Bleakland.

Again, the heights of Pierce's and Jefferson Mountains, and part of the slopes of Stark's Mountain, fall within this area.

The final paragraph under my statement (5.) again holds in reference to this site.

7. Regarding the proposed Nicholson Slope tower, the following historic structures are on my map: Grigsby, Devers, Allen, N. Anderson's tenant, Bleakland, B. Jordan, E. Jordan's Store and Service Station, J. Atkins, and Atkins' Store.

Once more, the scenic heights of Jefferson and Pierce's Mountain are within a mile's radius, and, I remember, the vistas along South Poe's Road and along Lee Highway--especially to the west--are noteworthy.

The final paragraph under my statement (5.) holds in reference to this site.

8. Regarding the proposed Eastham Slope tower, the following historic structures are on my map: Chappellear, Battle Run Primitive Baptist Church, Ben Venue, W. Fletcher, Deatherage's Store and P.O. [the old Gaines's X Roads Post Office], Ben Venue Market, and Chappellear's tenant.

The farm complex known as Ben Venue, which includes the house, W. Fletcher, Deatherage's Store & P.O., the fine three brick slave quarters, and other significant outbuildings--plus both the owners' and slave graveyards--should be on the National Register, if it is not already on it.

The views from both Ben Venue Road and the Lee Highway are beautiful, and Meetinghouse Mountain, the locus of the proposed tower, is a scenic height

The final paragraph under my statement (5.) holds in regard to this site.

Declaration of Eugene Scheel (6)

The final paragraph under my statement (5.) holds in regard to this site.

11. Regarding the proposed Welch Slope tower, the following historic structures appear on my map: Flint Hill Pentecostal Church, Mountain View, Clifton, Sutphin, Dowden, Buena Vista, M. Corbin, J. Lillard, G. Pullen, C. Eastham, and M. Eastham's Tea Room.

I recall that Mountain View, Buena Vista, and Clifton might be eligible for inclusion on the National Register.

In addition, the area encircled encompasses most of scenic Hickerson's or Hickman's Mountain and Little Murky Mountain, and the west slope of Fogg Mountain. Views along Zachary Taylor Highway south of Little Murky are resplendant, as are those along Ben Venue Road--scenic in its entirety.

The final paragraph under my statement (5.) holds in regard to this site.

12. Regarding the proposed Huntly Silo tower, the following historic structures are on my map: Greenway, D. North, N. Dearing, also the first Huntly Post Office, the second Huntly Post Office, Dearing's tenant, A. Williams's Store, Windsor Lodge, Russell, Huntly (Black Rock) School, The Lodge, and Wakefield Manor.

The area about the old school and church, known as Schultztown, is a late-19th-century black village, which is still a prominent African-American settlement in the upper part of Rappahannock. Together, Wakefield Manor and The Lodge might be eligible--to the best of my memory--for the National Register, and I also recall that Greenway was a rather significant 18th-century home. The two post offices at Huntly are survivors of a bygone era.

My encircled area also encompasses pristine Russell Mountain and high outliers of the Blue Ridge at west. Views from the

Declaration of Eugene Scheel (5)

9. Regarding the proposed Rosehill Silo tower, the following historic structures are on my map: Rose Hill, A. Utterback, Jett's? Distillery, Bell, Cary's Service Station, [Sperryville & Rappahannock Turnpike] Tollhouse, Hampden (Hampton) Hall, Rudasill, Pleasant Valley (Echo Hill), Rowles, W. Massie's tenant.

Rose Hill, to my recollection, might be eligible for the National Register. The tollhouse is one of the last two surviving tollhouses on the early-19th-century Sperryville & Rappahannock Turnpike. There is an historic road--the predecessor of Long Mountain Road--which appears to be on the site of the proposed tower.

High Hill is a scenic height, and nearly all views in every direction are noteworthy.

The final paragraph under my statement (5.) holds in regard to this site.

10. Regarding the proposed Miller Silo tower, the following historic structures are on my map: G. Wharton, Tollhouse [of the Sperryville & Rappahannock Turnpike], A. Clark, A. Richardson, H. Timbers, Baldwin's Grocery (Timbers' Service Station), Compton, Big Branch School, R. Brown, Greenfield, and innumerable structures in the Town of Washington (see inset map at upper left).

Greenfield, if my memory is correct, might be eligible for the National Register, as are numerous individual properties in the Town of Washington, which is--or probably should be-- a National Historic Landmark town. In addition, the area includes much of the village of Blacksburg, the late-19th and early-20th-century Negro neighborhood of Washington.

The heights of Ginger Hill and Little Jenkins Mountain are significant natural areas, and the views east and south of Lee Highway are beautiful. Even more magnificent are the views west from old Lee Highway (Main Street in Washington).

Declaration of Eugene Scheel (7)

Zachary Taylor Highway, especially to the west, take in a vast scope of the Blue Ridge.

The final paragraph under my statement (5.) holds in regard to this site.

13. Regarding the unnamed proposed cell-tower site shown on Exhibit A, in the vicinity of Hittle's or Germany Mill, on the Zachary Taylor Highway, the following historic structures are shown on my map: B. Eastham, Germany Mills, Voigt, Locust Grove, and Turner's (Hittle's, Germany) Mill.

The still-standing mill is one of Rappahannock County's oldest manufacturing structures, and it and the site, which included a distillery, could be eligible for a National Register designation. B. Eastham and Locust Grove are also significant 19th-century homes--perhaps older.

Views, especially to the west of Zachary Taylor Highway, are of the expansive Blue Ridge.

The final paragraph under my statement (5.) holds in regard to this site.

14. Regarding the unnamed proposed cell-tower site shown on Exhibit A, about one-quarter of a mile southwest of the old Redeviva Post Office, the following historic structures are shown on my map: J. T. Gore, San Jacinto, C. Bruce, Pine Knot Inn, J. Wayland, L. Kilby, W. Wood, and the aforementioned old post office and C. Jenkins' Store.

Views in all directions from Lee Highway abound, especially to the north and west.

The final paragraph under my statement (5.) holds in regard to this site.

15. Regarding the unnamed proposed cell-tower site shown on Exhibit A, about one-half mile northwest of the village of Sperryville, the following historic structures are shown on

Declaration of Eugene Scheel (8)

my map: R. Taylor, L. Taylor's (T. Schwartz's) Store, the two Thornton's Gap Baptist Churches, Primitive and Regular, T. Atkins, Rosewood, E. Schwartz, J. Estes' Mill, L. Brown, Leake, and Cab-Inn Tourist Cabins. Also, this area includes the entire village of Sperryville with its historic structures too numerous to mention. See the Sperryville inset on my map, at upper right. Sperryville, if not an historic district, certainly should be one--possibly of National Register merit.

Scenic heights include Hickory Flat and the eastern spine of Oven Top Mountain.

The final paragraph under my statement (5.) holds in regard to this site.

16. Regarding the unnamed proposed cell-tower site shown on Exhibit A, about a mile northwest of the village of Woodville, the following sites are shown on my map: E. Jenkins, Cedar Cottage, A. Burke, L. Rudasill, Maple Shade, Kibler, Sunstroke Manor, W. T. Yancey, Oak Forest, Stone Haven, Clover Hill, Slaughter's tenant, and O'Leary.

Also, this sector includes several historic structures in the village of Woodville. They are located on the Woodville inset at the lower left of my map.

Scenic heights in this area include Slaughter's Mountain, the eastern slopes of Fielding's Mountain, the southern slopes of Little Mason Mountain, and the westerly foothills of Red Oak Mountain. Views to the west of Sperryville Pike and along Rudasill Mill Road are beautiful.

The final paragraph under my statement (5.) holds in regard to this site.

17. Regarding the unnamed proposed cell-tower site shown on Exhibit A, along the Sperryville Pike, about a half mile north of the Round Hill Road corner, the following sites are located on my map: D. Deal, Thermopylae, Hawkins' Shop, C. Hawkins'

Declaration of Eugene Scheel (9)

Mill, 2nd Round Hill School, E. Hawkins, M. Weaver, Nokes, C. Butler, and C. Cooksey's Store.

The complex of Thermopylae and the Hawkins's Mill and Shop might qualify for the National Register. I recall that Charlie Hawkins was the leading builder in southwest Rappahannock and northwest Culpeper in the early- and mid-20th centuries.

Natural sites of scenic beauty include the Round Hill and the easterly slopes of Butler Mountain.

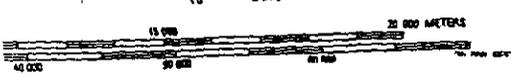
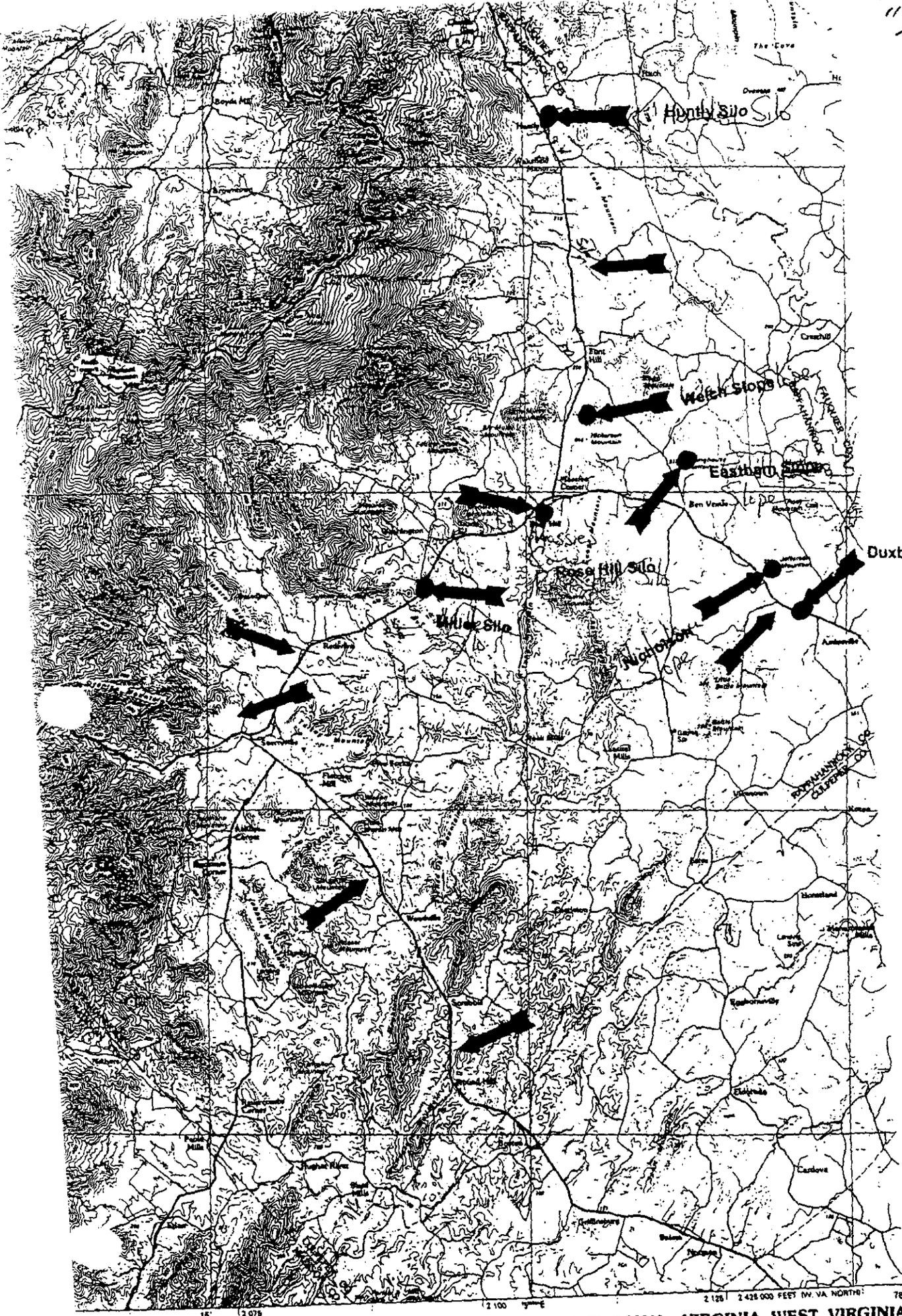
The final paragraph under my statement (5.) holds in regard to this site.

18. I have read the foregoing commentary, and the statements written are true to the best of my knowledge, without consulting supporting documents. Dated at Waterford, Virginia, this 24th day of November, 2001.



Eugene Scheel

EXHIBIT
"A"



FRONT ROYAL, VIRGINIA-WEST VIRGINIA
38078-F1-TM.100

2 125 2 428 000 FEET (V. VA. NORTH) 78

DOCUMENT OFF-LINE

This page has been substituted for one of the following:

- o An oversize page or document (such as a map) which was too large to be scanned into the ECFS system.

- o Microfilm, microform, certain photographs or videotape.

- o Other materials which, for one reason or another, could not be scanned into the ECFS system.

The actual document, page(s) or materials may be reviewed by contacting an Information Technician at the FCC Reference Information Center, at 445 12th Street, SW, Washington, DC, Room CY-A257. Please note the applicable docket or rulemaking number, document type and any other relevant information about the document in order to ensure speedy retrieval by the Information Technician.

Exhibit B

MAP

SITE NARRATIVE

1.0 SITE DESCRIPTION

The proposed telecommunications site is located north of Rte 211 (Lee Highway) immediately west of the Rappahannock/Culpeper county line. It will be situated on a small knoll northeast of the landfill at the end of Weaver Road. An unnamed perennial stream borders the area to the south and east. The land was historically used for livestock grazing and is characterized by reverting field surrounded by hay pastures and mixed deciduous-coniferous forest dominated by pine (*Pinus* spp.) and oak (*Quercus* spp.). Due to livestock disturbance over time, the riparian zone along the stream is limited primarily to the banks (See Site Photographs).

2.0 PROPOSED WORK

The project will include the installation of a 194-foot monopole tower and foundation as well as supporting equipment within a proposed 70-foot by 70-foot lease area. An existing dirt road approximately 1,100 feet in length that currently provides access to the back of the property will be lined with gravel to facilitate the construction, operation and maintenance of the facilities. A low-water bridge will be installed across the stream in association with an additional 250 feet of new road required to access the proposed site from the south (See Section V, Site Plans). No impacts to the river are anticipated and no fill is proposed within United State waters therefore, no permit is required by the Army Corps of Engineers.

SITE NARRATIVE

1.0 Site Description

The proposed telecommunications site is located south of Lee Highway (Rte 211) in Rappahannock County. It will be situated atop a hill approximately 280 feet east of the Big Branch River. There is currently a 14-foot wide silo located on the hill. The site is presently being used as pasture for livestock grazing and is characterized as grass field dominated by grass stubble interspersed with browse-tolerant herbaceous species. Tree cover is limited to the outer perimeters of the field and is dominated by deciduous species such as oak (*Quercus* spp.), hickory (*Carya* spp.), and apple (*Malus sylvestris*). The Big Branch River is a perennial stream that lies at the base of the hill and is crossed by an approximately 200-foot long, 12-foot wide access road leading to the site. Due to the cattle disturbance over time, the riparian zone along the stream is limited primarily to the banks (See Section II, Site Photographs).

2.0 Proposed Work

The project will include the installation of a 90-foot silo with associated cellular telecommunications appurtenances. The telecommunications antenna will be installed within the silo. The associated antenna foundations, equipment shelters, a generator, and other supporting equipment will also be installed within the silo. The silo will be constructed on a slab adjacent the existing silo. The existing 14-foot silo will be removed during the time of construction. The existing dirt road will be upgraded to 12-foot wide. At the crossing of the Big Branch River, there is proposed a low water bridge. All work will be contained within the limits as defined by erosion controls (ie: haybale/siltfence) that will be installed prior to the commencement of construction activities (See Section IV Site Plan). No impacts to the river are anticipated and no fill is proposed within United State waters therefore, no permit is required by the Army Corps of Engineers.

5.

SITE NARRATIVE

1.0 SITE DESCRIPTION

The proposed telecommunications site occurs on the east side of Rte 522 (Zachary Taylor Highway) south of Flint Hill and the intersection with Rte 729 (Ben Venue Road). The site is located on the northwest facing slope of Hickerson Mountain at the edge of pastureland in a mixed deciduous forest dominated by oak (*Quercus* spp.), hickory (*Carya* spp.) and tulip tree (*Liriodendron tulipifera*). The site occurs on an active farm. Livestock have grazed the area heavily, resulting in fields dominated by a close-cropped mixed grass community interspersed with various browse-tolerant forbs. The proposed site is located adjacent to an abandoned cistern formerly used as a water source for the farmhouse overlooking Rte 522. The access road to the telecommunications site begins at the end of the driveway leading to the farmhouse and follows a dirt road through a ravine and across an intermittent stream to pastures at the back of the property. The stream has been heavily disturbed from past and current livestock use (See Site Photographs).

2.0 PROPOSED WORK

In conjunction with the installation of the tower, the stream and shallow ravine would be fenced to exclude livestock use and promote the natural restoration of vegetative communities and stream function. The dirt road would be upgraded with gravel, and a culvert would be installed under the road to maintain stream flow. Approximately 400 feet of new road would be constructed on the hillside west of the proposed site to provide access. In addition to the tower, a 50-foot by 50-foot lease area enclosed in a chain-link fence and a 10-foot by 20-foot equipment area would be constructed. The proposed tower will be approximately 80-feet in height, extendable to 150-feet (See Section V, Site Plans). No impacts to the intermittent stream are anticipated and no fill is proposed within United State waters therefore, no permit is required by the Army Corps of Engineers.

2.

DECLARATION OF JOHN RICE

RE: FCC Dkt. RM-9913 and Petition for Order Mandating Preparation of an Environmental Assessment or Environmental Impact Statement for Sprint PCS and APC Realty Cell Tower Network Proposal in Rappahannock County, Virginia.

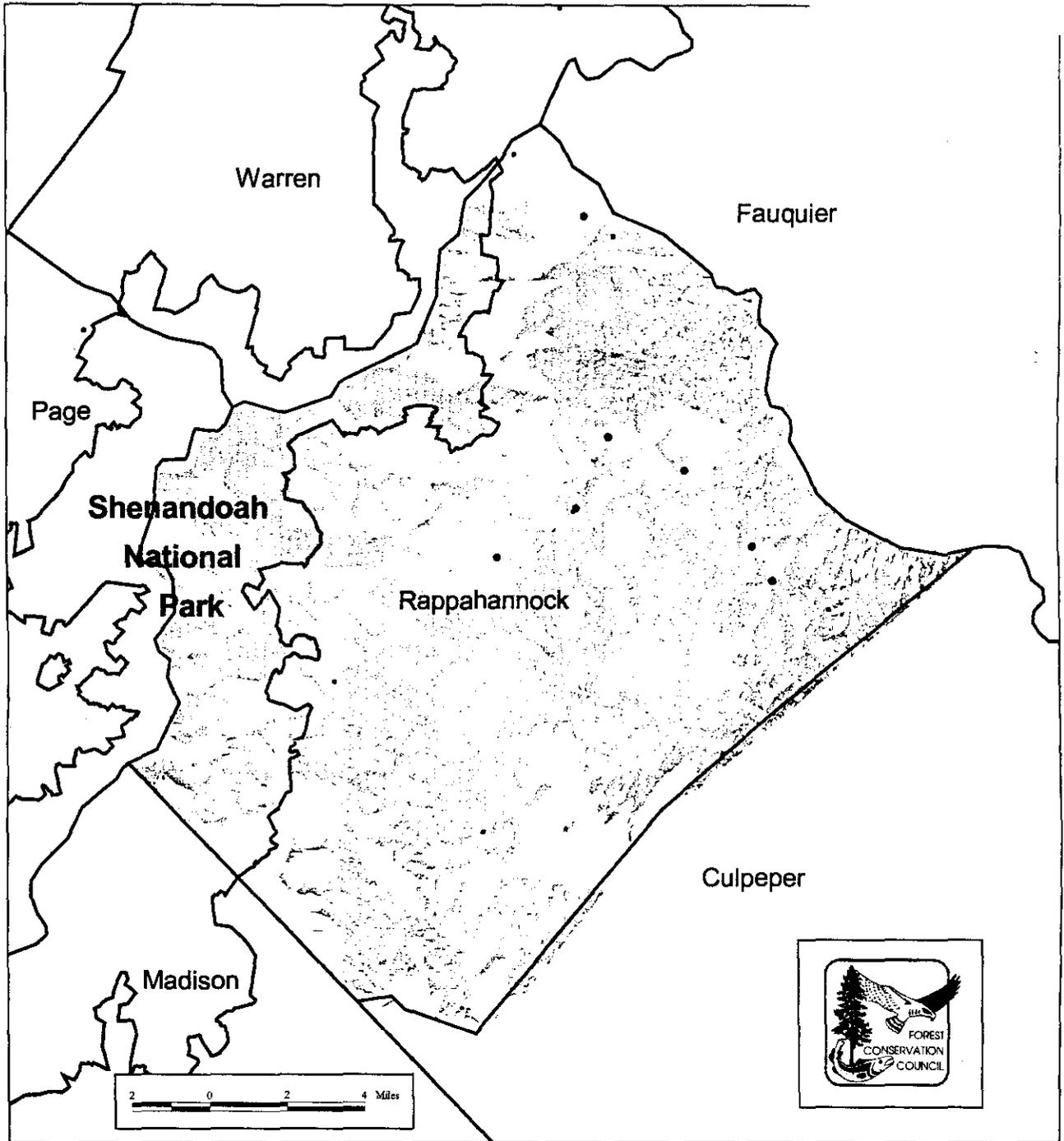
1. I, John Rice make the following declaration pursuant to 28 U.S.C. Sec 1746 in support of the foregoing petition of Forest Conservation Council and Piedmont Environmental Council for an order mandating preparation of an environmental assessment or environmental impact statement for Sprint PCS and APC Realty's cell tower network proposal in Rappahannock County, Virginia
2. My name is John Rice. I work professionally as a hydrologist for Piedmont Environmental Council. I hold a BS from James Madison University, '82 and an MS from Utah State University, '87 with degrees in Geology. I have 15 years experience in the environmental consulting industry. My professional work is heavily concentrated in the area of hydrogeologic investigations and remediation. I am a Virginia Certified Professional Geologist.
3. I have reviewed the project files and tower locations for the Duxbury and Miller sites. Roads and bridges to be constructed for the proposed Duxbury and Miller towers cross perennial streams and associated floodplains. As a result, the streams and floodplains may adversely be affected by these projects.
4. The proposed bridge construction is within the mean high water zone of the stream channel at both of these sites. In addition, at the Duxbury site, fill material associated with the proposed access road will be placed in a possible wooded wetland. The Miller site will utilize an existing roadbed, but expansion/upgrade of the road may impact additional wetland areas.
5. The design details for the low water bridges at both sites are the same. It would appear that the designs are "boilerplate", without consideration of site specific

conditions, despite clear differences in the hydrologic characteristics of the two sites. Specifically, the watershed above the Miller site is nearly twice that of the watershed area above Duxbury (approx. 1750 and 900 acres, respectively), therefore some design variation is likely appropriate.

6. Both applications state, “no impacts to the river are anticipated and no fill is proposed within U.S. waters, therefore no permit is required by the Army Corps of Engineers.” However, at the Duxbury site, the applicant is proposing an additional 250 feet of new road in the vicinity of the crossing over the unnamed, but perennial, stream located there. This new road will cross the floodplain area on either side of the stream, and, based on the topography and the appearance of the area (from the application photos), it may also be crossing a wooded wetland. It seems likely that some permit from the Army Corps of Engineers will be necessary at this site, if only a Nationwide type permit. At the Miller site the applicant is proposing to use an existing farm road for access, and therefore only questions associated with the construction of the low water bridge across Big Branch River are likely to be pertinent. There may be some expansion/upgrading of the road, which could further impact wetland areas, but probably over a limited area. Nevertheless, it would be very prudent for the applicant to consult with Army Corps personnel prior to moving forward with the projects.
7. At Duxbury and, especially, at the Miller site, there will be the potential for problematic debris accumulation at the bridge crossings, particularly given their designs (numerous relatively small pipes to accommodate flow beneath the bridge). This could lead to a damming effect during flood events which could cause stream bank and floodplain erosion. The application included no discussion of this issue, such as a provision for maintenance to avoid such problems.
8. Despite the clear impacts to floodplains at these two sites, the applicant fails to identify floodplain impacts in the NEPA checklists accompanying the application packets. In support of their applications, FEMA floodplain maps are enclosed

Tower Structures in Shenandoah National Park Viewsheds Rappahannock County, Virginia

Exhibit 9



- Proposed tower structures:
- Existing tower structures:
 - More than 200 ft. tall, no NEPA documentation
 - Less than 200 ft. tall, no NEPA documentation
- ▭ Shenandoah National Park Boundary
-  Visible from Shenandoah National Park Scenic Overlooks

Data sources:

Rappahannock County viewshed data are from the Shenandoah National Park.

Proposed tower structure locations are from the Federal Communications Commission.

Existing tower structure data are from the Federal Communications Commission's Universal Licensing System Antenna Structure Registration database. Tower structures registered with the FCC as of March, 2001 are displayed.

showing the tower locations outside of mapped floodplains. However, the applicant fails to recognize that these maps are not complete . These maps only delineate floodplains along a limited number of stream and river segments in the County.

9. I have read the foregoing statements and such statements are true to the best of my knowledge, information, and belief. Dated at Washington, Virginia this 5th day of November, 2001.

A handwritten signature in cursive script that reads "John B. Rice, Jr." with a horizontal line underneath the text.

John B. Rice, Jr., CPG
VA Certified Professional Geologist # 763

DECLARATION

RE: FCC Dkt. RM-9913 and Petition for Order Mandating Preparation of an Environmental Assessment or Environmental Impact Statement for Sprint PCS and APC Realty Cell Tower Network Proposal in Rappahannock County, Virginia.

1. Pat Patrick make the following declaration pursuant to 28 U.S.C. Sec 1746 in support of the foregoing petition of Forest Conservation Council and Piedmont Environmental Council for an order mandating preparation of an environmental assessment or environmental impact statement for Sprint PCS and APC Realty's cell tower network proposal in Rappahannock County, Virginia
2. My name is Saturday Patrick I live at 205 Gr View Rd near, Washington Virginia. I am a member of both Forest Conservation Council and Piedmont Environmental Council.
3. I have chosen to live where I am now because of my desire to live in an area where it remains possible to enjoy the unique scenic, recreational, cultural, historic, and ecological values of a rural community like Rappahannock County. The cell tower network proposed by Sprint PCS and APC Realty will degrade the rural character of Rappahannock County and forever alter the attributes of my property that I value the most.
4. These towers will greatly diminish the vistas I now enjoy from my home and the views I enjoy when traveling through the County. Generators used to power the facility will create irritating noise. Access roads being constructed for these projects will have the adverse effect of further degrading our scenic vistas and exacerbating soil erosion. Many of these towers will necessitate the logging of natural forests, disturbing the wildlife habitats of many species that we treasure. Installation and ongoing maintenance of the facility will bring additional traffic close by our house.

5. The proposed tower network will also degrade the character of historic properties that I regularly enjoy as well as the entire historic district of the town of Washington.
Rappahannock County is home to numerous historic resources, and is one of the last areas in Virginia where such resources can be viewed in relative abundance in settings that are not contaminated by incompatible modern intrusions such as power lines and cell phone towers. Each of the proposed cell phone towers will diminish the historical integrity of churches, schools, houses, bridges, and farms that I enjoy and alter the peaceful historical settings in which these structures are currently found. Taken together, the impacts of the proposed towers will cause a significant deterioration to the diversity and abundance of Rappahannock County's historic resources.

6. The proposed tower network will also diminish the quality of recreational activities I regularly engage in. For instance, I often drive through the County to enjoy the views of forests and farmland. Several of the proposed towers would also be visible from Skyline Drive and diminish my enjoyment of the scenery. Furthermore, three of the proposed towers: Duxbury Isthmus, Miller Silo, and Welch Slope will require the construction of access roads and bridges across streams. Not only would these roads bring traffic and noise from construction and maintenance vehicles, but, more importantly, the loss of riparian zones and sedimentation associated with the roads and bridges would detrimentally affect the scenic, recreational, and wildlife habitat value of these streams.

7. Another major concern I have is with the increase in public safety risks associated with cell phone use while driving. I am aware of the many studies reported by the media linking increased cell phone use with an increased number of accidents on the highways. I do not think that the increased convenience of making telephone calls from a car is even remotely worth the risks of injury from accidents on the highways caused by distracted drivers.

8. In the foregoing petition, FCC and PEC have asked the Federal Communications Commission to require Sprint PCS and APC Realty to prepare an environmental assessment ("EA") or environmental impact statement ("EIS") for the proposed cell tower network in Rappahannock County. I strongly support this request for three main

DECLARATION

RE: FCC Dkt. RM-9913 and Petition for Order Mandating Preparation of an Environmental Assessment or Environmental Impact Statement for Sprint PCS and APC Realty Cell Tower Network Proposal in Rappahannock County, Virginia.

1. I, Gilmer Van Poole make the following declaration pursuant to 28 U.S.C. Sec 1746 in support of the foregoing petition of Forest Conservation Council and Piedmont Environmental Council for an order mandating preparation of an environmental assessment or environmental impact statement for Sprint PCS and APC Realty's cell tower network proposal in Rappahannock County, Virginia
2. My name is Gilmer Van Poole I live at 263 Ingle Valley near, _____
Washington, Virginia. I am a member of both Forest Conservation Council and Piedmont Environmental Council.
3. I have chosen to live where I am now because of my desire to live in an area where it remains possible to enjoy the unique scenic, recreational, cultural, historic, and ecological values of a rural community like Rappahannock County. The cell tower network proposed by Sprint PCS and APC Realty will degrade the rural character of Rappahannock County and forever alter the attributes of my property that I value the most.
4. These towers will greatly diminish the vistas I now enjoy from my home and the views I enjoy when traveling through the County. Generators used to power the facility will create irritating noise. Access roads being constructed for these projects will have the adverse effect of further degrading our scenic vistas and exacerbating soil erosion. Many of these towers will necessitate the logging of natural forests, disturbing the wildlife habitats of many species that we treasure. Installation and ongoing maintenance of the facility will bring additional traffic close by our house.
5. The proposed Miller tower(s) will also be in plain view of my house. Taken together, the cumulative impact of these towers and their access roads to the scenic

vistas from my property would be enormous. These towers would forever alter the scenic character of my property, neighborhood and rural community and consequently could have a detrimental impact on my property value as well.

6. The proposed tower network will also degrade the character of historic properties that I regularly enjoy as well as the entire historic district of the town of Washington. Rappahannock County is home to numerous historic resources, and is one of the last areas in Virginia where such resources can be viewed in relative abundance in settings that are not contaminated by incompatible modern intrusions such as power lines and cell phone towers. Each of the proposed cell phone towers will diminish the historical integrity of churches, schools, houses, bridges, and farms that I enjoy and alter the peaceful historical settings in which these structures are currently found. Taken together, the impacts of the proposed towers will cause a significant deterioration to the diversity and abundance of Rappahannock County's historic resources.
7. The proposed tower network will also diminish the quality of recreational activities I regularly engage in. For instance, I often drive through the County to enjoy the views of forests and farmland. Several of the proposed towers would also be visible from Skyline Drive and diminish my enjoyment of the scenery. Furthermore, three of the proposed towers: Duxbury Isthmus, Miller Silo, and Welch Slope will require the construction of access roads and bridges across streams. Not only would these roads bring traffic and noise from construction and maintenance vehicles, but, more importantly, the loss of riparian zones and sedimentation associated with the roads and bridges would detrimentally affect the scenic, recreational, and wildlife habitat value of these streams.
8. Another major concern I have is with the increase in public safety risks associated with cell phone use while driving. I am aware of the many studies reported by the media linking increased cell phone use with an increased number of accidents on the highways. I do not think that the increased convenience of making telephone calls from a car is even remotely worth the risks of injury from accidents on the highways caused by distracted drivers.

DECLARATION

RE: FCC Dkt. RM-9913 and Petition for Order Mandating Preparation of an Environmental Assessment or Environmental Impact Statement for Sprint PCS and APC Realty Cell Tower Network Proposal in Rappahannock County, Virginia.

1. I, John W. Norman make the following declaration pursuant to 28 U.S.C. Sec 1746 in support of the foregoing petition of Forest Conservation Council and Piedmont Environmental Council for an order mandating preparation of an environmental assessment or environmental impact statement for Sprint PCS and APC Realty's cell tower network proposal in Rappahannock County, Virginia
2. My name is John W. Norman. I live at 35 PARK LANE near, WASH., Virginia. I am a member of both Forest Conservation Council and Piedmont Environmental Council.
3. I have chosen to live where I am now because of my desire to live in an area where it remains possible to enjoy the unique scenic, recreational, cultural, historic, and ecological values of a rural community like Rappahannock County. The cell tower network proposed by Sprint PCS and APC Realty will degrade the rural character of Rappahannock County and forever alter the attributes of my property that I value the most.
4. These towers will greatly diminish the vistas I now enjoy from my home and the views I enjoy when traveling through the County. Generators used to power the facility will create irritating noise. Access roads being constructed for these projects will have the adverse effect of further degrading our scenic vistas and exacerbating soil erosion. Many of these towers will necessitate the logging of natural forests, disturbing the wildlife habitats of many species that we treasure. Installation and ongoing maintenance of the facility will bring additional traffic close by our house.
5. The proposed middle side tower tower(s) will also be in plain view of my house. Taken together, the cumulative impact of these towers and their access roads to the scenic

vistas from my property would be enormous. These towers would forever alter the scenic character of my property, neighborhood and rural community and consequently could have a detrimental impact on my property value as well.

6. The proposed tower network will also degrade the character of historic properties that I regularly enjoy as well as the entire historic district of the town of Washington.

Rappahannock County is home to numerous historic resources, and is one of the last areas in Virginia where such resources can be viewed in relative abundance in settings that are not contaminated by incompatible modern intrusions such as power lines and cell phone towers. Each of the proposed cell phone towers will diminish the historical integrity of churches, schools, houses, bridges, and farms that I enjoy and alter the peaceful historical settings in which these structures are currently found. Taken together, the impacts of the proposed towers will cause a significant deterioration to the diversity and abundance of Rappahannock County's historic resources.

7. The proposed tower network will also diminish the quality of recreational activities I regularly engage in. For instance, I often drive through the County to enjoy the views of forests and farmland. Several of the proposed towers would also be visible from Skyline Drive and diminish my enjoyment of the scenery. Furthermore, three of the proposed towers: Duxbury Isthmus, Miller Silo, and Welch Slope will require the construction of access roads and bridges across streams. Not only would these roads bring traffic and noise from construction and maintenance vehicles, but, more importantly, the loss of riparian zones and sedimentation associated with the roads and bridges would detrimentally affect the scenic, recreational, and wildlife habitat value of these streams.

8. Another major concern I have is with the increase in public safety risks associated with cell phone use while driving. I am aware of the many studies reported by the media linking increased cell phone use with an increased number of accidents on the highways. I do not think that the increased convenience of making telephone calls from a car is even remotely worth the risks of injury from accidents on the highways caused by distracted drivers.

DECLARATION

RE: FCC Dkt. RM-9913 and Petition for Order Mandating Preparation of an Environmental Assessment or Environmental Impact Statement for Sprint PCS and APC Realty Cell Tower Network Proposal in Rappahannock County, Virginia.

1. I, Jonathan Stacy Bailey make the following declaration pursuant to 28 U.S.C. Sec 1746 in support of the foregoing petition of Forest Conservation Council and Piedmont Environmental Council for an order mandating preparation of an environmental assessment or environmental impact statement for Sprint PCS and APC Realty's cell tower network proposal in Rappahannock County, Virginia
2. My name is Jonathan Bailey Stacy Bailey. I live at 36 Little Long Mtn Rd near, Huntly, Virginia. I am a member of both Forest Conservation Council and Piedmont Environmental Council.
3. I have chosen to live where I am now because of my desire to live in an area where it remains possible to enjoy the unique scenic, recreational, cultural, historic, and ecological values of a rural community like Rappahannock County. The cell tower network proposed by Sprint PCS and APC Realty will degrade the rural character of Rappahannock County and forever alter the attributes of my property that I value the most.
4. These towers will greatly diminish the vistas I now enjoy from my home and the views I enjoy when traveling through the County. Generators used to power the facility will create irritating noise. Access roads being constructed for these projects will have the adverse effect of further degrading our scenic vistas and exacerbating soil erosion. Many of these towers will necessitate the logging of natural forests, disturbing the wildlife habitats of many species that we treasure. Installation and ongoing maintenance of the facility will bring additional traffic close by our house.
5. The proposed Huntly Site tower(s) will also be in plain view of my house. Taken together, the cumulative impact of these towers and their access roads to the scenic

vistas from my property would be enormous. These towers would forever alter the scenic character of my property, neighborhood and rural community and consequently could have a detrimental impact on my property value as well.

6. The proposed tower network will also degrade the character of historic properties that I regularly enjoy as well as the entire historic district of the town of Washington. Rappahannock County is home to numerous historic resources, and is one of the last areas in Virginia where such resources can be viewed in relative abundance in settings that are not contaminated by incompatible modern intrusions such as power lines and cell phone towers. Each of the proposed cell phone towers will diminish the historical integrity of churches, schools, houses, bridges, and farms that I enjoy and alter the peaceful historical settings in which these structures are currently found. Taken together, the impacts of the proposed towers will cause a significant deterioration to the diversity and abundance of Rappahannock County's historic resources.
7. The proposed tower network will also diminish the quality of recreational activities I regularly engage in. For instance, I often drive through the County to enjoy the views of forests and farmland. Several of the proposed towers would also be visible from Skyline Drive and diminish my enjoyment of the scenery. Furthermore, three of the proposed towers: Duxbury Isthmus, Miller Silo, and Welch Slope will require the construction of access roads and bridges across streams. Not only would these roads bring traffic and noise from construction and maintenance vehicles, but, more importantly, the loss of riparian zones and sedimentation associated with the roads and bridges would detrimentally affect the scenic, recreational, and wildlife habitat value of these streams.
8. Another major concern I have is with the increase in public safety risks associated with cell phone use while driving. I am aware of the many studies reported by the media linking increased cell phone use with an increased number of accidents on the highways. I do not think that the increased convenience of making telephone calls from a car is even remotely worth the risks of injury from accidents on the highways caused by distracted drivers.

DECLARATION

RE: FCC Dkt. RM-9913 and Petition for Order Mandating Preparation of an Environmental Assessment or Environmental Impact Statement for Sprint PCS and APC Realty Cell Tower Network Proposal in Rappahannock County, Virginia.

1. I, Grace Sims make the following declaration pursuant to 28 U.S.C. Sec 1746 in support of the foregoing petition of Forest Conservation Council and Piedmont Environmental Council for an order mandating preparation of an environmental assessment or environmental impact statement for Sprint PCS and APC Realty's cell tower network proposal in Rappahannock County, Virginia

2. My name is Grace Sims. I live at 235 Tige Valley Rd near, Washington Virginia. I am a member of both Forest Conservation Council and Piedmont Environmental Council.

3. I have chosen to live where I am now because of my desire to live in an area where it remains possible to enjoy the unique scenic, recreational, cultural, historic, and ecological values of a rural community like Rappahannock County. The cell tower network proposed by Sprint PCS and APC Realty will degrade the rural character of Rappahannock County and forever alter the attributes of my property that I value the most.

4. These towers will greatly diminish the vistas I now enjoy from my home and the views I enjoy when traveling through the County. Generators used to power the facility will create irritating noise. Access roads being constructed for these projects will have the adverse effect of further degrading our scenic vistas and exacerbating soil erosion. Many of these towers will necessitate the logging of natural forests, disturbing the wildlife habitats of many species that we treasure. Installation and ongoing maintenance of the facility will bring additional traffic close by our house.

5. The proposed tower network will also degrade the character of historic properties that I regularly enjoy as well as the entire historic district of the town of Washington.

Rappahannock County is home to numerous historic resources, and is one of the last areas in Virginia where such resources can be viewed in relative abundance in settings that are not contaminated by incompatible modern intrusions such as power lines and cell phone towers. Each of the proposed cell phone towers will diminish the historical integrity of churches, schools, houses, bridges, and farms that I enjoy and alter the peaceful historical settings in which these structures are currently found. Taken together, the impacts of the proposed towers will cause a significant deterioration to the diversity and abundance of Rappahannock County's historic resources.

6. The proposed tower network will also diminish the quality of recreational activities I regularly engage in. For instance, I often drive through the County to enjoy the views of forests and farmland. Several of the proposed towers would also be visible from Skyline Drive and diminish my enjoyment of the scenery. Furthermore, three of the proposed towers: Duxbury Isthmus, Miller Silo, and Welch Slope will require the construction of access roads and bridges across streams. Not only would these roads bring traffic and noise from construction and maintenance vehicles, but, more importantly, the loss of riparian zones and sedimentation associated with the roads and bridges would detrimentally affect the scenic, recreational, and wildlife habitat value of these streams.
7. Another major concern I have is with the increase in public safety risks associated with cell phone use while driving. I am aware of the many studies reported by the media linking increased cell phone use with an increased number of accidents on the highways. I do not think that the increased convenience of making telephone calls from a car is even remotely worth the risks of injury from accidents on the highways caused by distracted drivers.
8. In the foregoing petition, FCC and PEC have asked the Federal Communications Commission to require Sprint PCS and APC Realty to prepare an environmental assessment ("EA") or environmental impact statement ("EIS") for the proposed cell tower network in Rappahannock County. I strongly support this request for three main

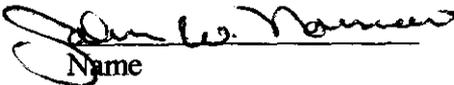
9. In the foregoing petition, FCC and PEC have asked the Federal Communications Commission to require Sprint PCS and APC Realty to prepare an environmental assessment ("EA") or environmental impact statement ("EIS") for the proposed cell tower network in Rappahannock County. I strongly support this request for three main reasons. First, by forcing the companies to prepare a scientifically credible study, as required by law, many of the concerns I have will be addressed in a more thorough manner or addressed for the first time. For example, none of the documents I have seen so far address public safety risks, risks to water quality and fish habitat, or cumulative effects on scenic vistas. It is my understanding that federal laws require that the requested EA or EIS address these issues. Secondly, if Sprint and APC prepare an EA or EIS, it will provide an opportunity for me to work with them to mitigate the injuries I will suffer as a result of the proposed towers. It is my understanding that by preparing an EA or EIS, a company not only has to disclose the impacts of its proposal, but also develop measures to mitigate those impacts. Finally, it is my understanding that in the context of an EA or EIS, Sprint and APC will have to thoroughly examine alternative configurations of their proposed network, including an alternative of not building the network at all or building it in such a way as to reduce or eliminate the kinds of harm I have described above. It is my hope that an alternative less harmful to my community will be chosen as a result of the EA or EIS both FCC and PEC seek.

10. I have read the foregoing statements and such statements are true to the best of my knowledge, information, and belief. Dated at Huntly, Virginia this 26 day of October, 2001.

Stacey B Bailey / Jonathan S. Bailey
Name

9. In the foregoing petition, FCC and PEC have asked the Federal Communications Commission to require Sprint PCS and APC Realty to prepare an environmental assessment ("EA") or environmental impact statement ("EIS") for the proposed cell tower network in Rappahannock County. I strongly support this request for three main reasons. First, by forcing the companies to prepare a scientifically credible study, as required by law, many of the concerns I have will be addressed in a more thorough manner or addressed for the first time. For example, none of the documents I have seen so far address public safety risks, risks to water quality and fish habitat, or cumulative effects on scenic vistas. It is my understanding that federal laws require that the requested EA or EIS address these issues. Secondly, if Sprint and APC prepare an EA or EIS, it will provide an opportunity for me to work with them to mitigate the injuries I will suffer as a result of the proposed towers. It is my understanding that by preparing an EA or EIS, a company not only has to disclose the impacts of its proposal, but also develop measures to mitigate those impacts. Finally, it is my understanding that in the context of an EA or EIS, Sprint and APC will have to thoroughly examine alternative configurations of their proposed network, including an alternative of not building the network at all or building it in such a way as to reduce or eliminate the kinds of harm I have described above. It is my hope that an alternative less harmful to my community will be chosen as a result of the EA or EIS both FCC and PEC seek.

10. I have read the foregoing statements and such statements are true to the best of my knowledge, information, and belief. Dated at 10-24-01, Virginia this 24th day of October, 2001.


Name

9. In the foregoing petition, FCC and PEC have asked the Federal Communications Commission to require Sprint PCS and APC Realty to prepare an environmental assessment ("EA") or environmental impact statement ("EIS") for the proposed cell tower network in Rappahannock County. I strongly support this request for three main reasons. First, by forcing the companies to prepare a scientifically credible study, as required by law, many of the concerns I have will be addressed in a more thorough manner or addressed for the first time. For example, none of the documents I have seen so far address public safety risks, risks to water quality and fish habitat, or cumulative effects on scenic vistas. It is my understanding that federal laws require that the requested EA or EIS address these issues. Secondly, if Sprint and APC prepare an EA or EIS, it will provide an opportunity for me to work with them to mitigate the injuries I will suffer as a result of the proposed towers. It is my understanding that by preparing an EA or EIS, a company not only has to disclose the impacts of its proposal, but also develop measures to mitigate those impacts. Finally, it is my understanding that in the context of an EA or EIS, Sprint and APC will have to thoroughly examine alternative configurations of their proposed network, including an alternative of not building the network at all or building it in such a way as to reduce or eliminate the kinds of harm I have described above. It is my hope that an alternative less harmful to my community will be chosen as a result of the EA or EIS both FCC and PEC seek.

10. I have read the foregoing statements and such statements are true to the best of my knowledge, information, and belief. Dated at Washington, Virginia this 26 day of October, 2001.

Lehmer VanPoole
Name

reasons. First, by forcing the companies to prepare a scientifically credible study, as required by law, many of the concerns I have will be addressed in a more thorough manner or addressed for the first time. For example, none of the documents I have seen so far address public safety risks, risks to water quality and fish habitat, or cumulative effects on scenic vistas. It is my understanding that federal laws require that the requested EA or EIS address these issues. Secondly, if Sprint and APC prepare an EA or EIS, it will provide an opportunity for me to work with them to mitigate the injuries I will suffer as a result of the proposed towers. It is my understanding that by preparing an EA or EIS, a company not only has to disclose the impacts of its proposal, but also develop measures to mitigate those impacts. Finally, it is my understanding that in the context of an EA or EIS, Sprint and APC will have to thoroughly examine alternative configurations of their proposed network, including an alternative of not building the network at all or building it in such a way as to reduce or eliminate the kinds of harm I have described above. It is my hope that an alternative less harmful to my community will be chosen as a result of the EA or EIS both FCC and PEC seek.

9. I have read the foregoing statements and such statements are true to the best of my knowledge, information, and belief. Dated at ~~Washington~~, Virginia this 11/1/01, ~~day of October, 2001.~~ Washington


Name