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July 8, 2009

VIA HAND-DELIVERY

Mr. Tom Brechko
Metropolitan Planning Commission
City-County Building, Suite 403
400 Main Street
Knoxville, TN 37902

Re: U.S. Cellular Corporation ("USCC")
MPC File No.: 6-I-09-UR

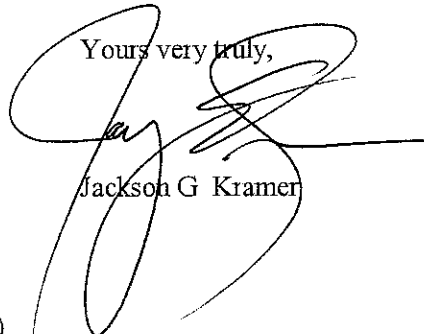
Dear Mr. Brechko:

This letter is written on behalf of USCC in regard to the issue of the bald eagle's nest in the vicinity of USCC's proposed monopole site on Graves Road bearing the captioned MPC file number. Since USCC's environmental consultant, Terracon, has not received any further correspondence from the U.S. Fish and Wildlife Service subsequent to its initial letter dated August 15, 2008, USCC requested that Terracon provide a letter setting forth the substance of Terracon's conversations with the U.S. Fish and Wildlife Service representative concerning this bald eagle's nest. I enclose herewith for your review the letter from James Duncan, the Terracon Environmental Department Manager, setting forth his discussions with Wally Brines of the U.S. Fish and Wildlife Service.

Please do not hesitate to contact me upon receipt of this letter if you have any questions.

With kind regards, I am

Yours very truly,



Jackson G. Kramer

JGK/tsg
Enclosure

cc: Mr. John Locascio (via e-mail w/ enclosure)
Mr. Chuck Burton (via e-mail w/ enclosure)
Mr. James Duncan (via e-mail w/ enclosure)

July 7, 2009

Mr. John Locascio
US Cellular
9731 Cogdill Road, #200
Knoxville, Tennessee 37932



Terracon Consultants, Inc.
5217 Linbar Drive, #309
Nashville Tennessee 37211
Phone 615 333 6444
Fax 615 333 6443
www.terracon.com

Re: Bald Eagle Management and Protection
Site Name: 4 Way Inn, Site Number: 223485
8219 N. Ruggles Ferry Pike
Strawberry Plains, Knox County, Tennessee
Terracon Project Number: 18087380

Dear Mr. Locascio:

Terracon has contacted the regional US Fish and Wildlife Service (USFWS) office in Cookeville, Tennessee to obtain their comments regarding the impact, if any, of the proposed tower on the identified Bald Eagle's nest located in the vicinity of the planned tower. The request for comments from the USFWS came after a meeting of the Knoxville MPC garnered questions from local residents

In August 2008, Terracon, an environmental consultant to US Cellular, submitted a request to the USFWS for review of the planned tower site under Section 7 of the Endangered Species Act as part of US Cellular's compliance with FCC regulations and Federal National Environmental Policy Act (NEPA) guideline requirements. As part of the submittal to the Cookeville office of the USFWS was information regarding the planned tower location, tower construction, tower height, proximity to the Holston River and other environmental aspects of the planned construction. Included in that submittal was information regarding the presence of a bald eagle, seen in the area during recent visits by US Cellular contractors. At the time of document submittal, the location of the eagle's nest was not known, but it was determined by Terracon, and others, to not be located on the planned area of the proposed tower compound. It was later determined that the nest is located approximately 3,000 feet west of the planned tower site, across the Holston River (see the attached topographic map indicating the tower location and the approximate location of the nest)

In response to request for Section 7 review, the USFWS states in their letter dated August 15, 2008 that "Endangered species collection records available to the Service do not indicate that federally listed or proposed endangered or threatened species occur within the impact area of the project." In addition, their letter states "We also note that cell towers located near large water courses may become targets for bald eagle (*Haliaeetus leucocephalus*) and osprey (*Pandion haliaetus*) nest construction. Since this proposed tower is in close proximity to the Holston River, we recommend that you install some type(s) of migratory bird exclusion devices to preclude any nesting and/or perching activity by these birds." A copy of the letter from the USFWS is enclosed.

In recent conversations with Mr. Wally Brines of the Cookeville USFWS office regarding the eagle's nest, he indicated that the bald eagle is no longer protected under the Endangered Species Act, but is protected under the Bald and Golden Eagle Protection Act. Mr. Brines indicated that this Act generally addresses impacts to and disturbance of nests and young chicks, in particular the "taking" (removing) of nests and the "taking" or "disturbance" of the young chicks or "disturbance" of adult eagle behavior.

In reviewing the Bald and Golden Eagle Protection Act, it defines disturbance as "...to agitate or bother a bald or golden eagle to the degree that causes or likely to cause, based on the best scientific information available 1) injury, 2) decrease in productivity by interfering with breeding, feeding or

sheltering behavior, 3) nest abandonment or 4) impacts from human-induced alternation initiated around a previously used nest site during a time when the eagle is not present such that upon the eagle's return, the alteration agitates or bothers the eagle's breeding, feeding or sheltering behavior."

When Terracon asked Mr. Brines to comment and reply regarding the potential impact of the planned tower on the nest, he indicated that since the eagle is no longer on the Endangered Species list and since the planned tower will not directly disturb the nest or the young chicks, his office did not need to comment. In asking Mr. Brines if he felt the tower would have an impact on the eagle's foraging activities, he indicated that since the eagle is predominately a fish eater, removal of trees in the area of the planned tower would likely have little impact on the foraging habits of the eagle. In asking Mr. Brines if he felt the tower was a potential hazard to the eagle, he indicated that if tower was constructed using appropriate bird diversion techniques, and since the tower would not have guy wires and would not be lit, it would not likely pose a hazard to the eagle. Mr Brines referred Terracon to the USFWS website for information on determining if the tower would disturb bald eagles (<http://www.fws.gov/southeast/es/baldeagle/>).

The website outlines steps used to determine if planned activities would disturb nesting bald eagles. In addressing communication towers, the website recommends to "site wind turbines, communications towers, and high voltage transmission power lines away from nests, foraging areas and communal roosting sites." In addressing construction near nests, the website recommends a minimum buffer zone of 660 feet be maintained between the nest and the planned construction site. The website also recommends use of bird diversion techniques to prevent nesting on communication towers and other human-made structures.

Considering the following:

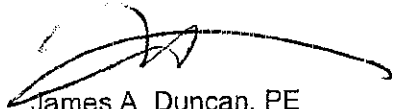
- The tower will be located approximately 3,000 feet east of the known eagle nest location;
- USFWS's recommended buffer zone is 660 feet between new construction and known nest sites,
- The tower will not directly disturb the nest or the young chicks,
- Since the eagle's diet includes fish, the tower will not have an adverse impact on the foraging habits of the adult eagle,
- The minimal area of construction of the tower and tower compound will not have an impact on the eagle's foraging area,
- The tower will be constructed with bird diversion techniques to eliminate potential nesting activities and bird collisions,
- The eagle is no longer listed on the Federal Endangered Species list,
- The eagle is protected under the Bald and Golden Eagle Protection Act, and
- The tower meets the general siting and construction criteria under this Act.

Therefore, the tower is not anticipated to have an adverse impact on the nest, the young chicks, or the breeding, feeding or sheltering behavior of the adult eagle. As such, no further assessment of impact is necessary and further consultation with the USFWS is not warranted.

Bald Eagle Management and Protection
Site Name: 4-Way Inn Tower
Terracon Project No 18087380
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We hope this letter provides you with sufficient information at this time. Please review this letter and the attachments and contact our office if you have any questions.

Sincerely,
TERRACON

A handwritten signature in black ink, appearing to read 'James A. Duncan', with a long, sweeping horizontal stroke extending to the right.

James A. Duncan, PE
Environmental Department Manager

Enclosures



United States Department of the Interior

FISH AND WILDLIFE SERVICE
446 Neal Street
Cookeville, TN 38501

August 15, 2008

Mr. James A. Duncan
Project Manager
TERRACON
5217 Linbar Drive, #309
Nashville, Tennessee 37211

Re: FWS #08-FA-0816

Dear Mr. Duncan:

Thank you for your correspondence of August 6, 2008, regarding a proposed telecommunication tower site (4 Way Inn Site, #223484) in Knox County, Tennessee. U.S. Fish and Wildlife Service (Service) personnel have reviewed the information submitted and we offer the following comments.

Information available to the Service does not indicate that wetlands exist in the vicinity of the proposed project. However, our wetland determination has been made in the absence of a field inspection and does not constitute a wetland delineation for the purposes of Section 404 of the Clean Water Act. The Corps of Engineers and Tennessee Department of Environment and Conservation should be contacted if other evidence, particularly that obtained during an on-site inspection, indicates the potential presence of wetlands.

Endangered species collection records available to the Service do not indicate that federally listed or proposed endangered or threatened species occur within the impact area of the project. We note, however, that collection records available to the Service may not be all-inclusive. Our data base is a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitat and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality. However, based on the best information available at this time, we believe that the requirements of section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. Obligations under section 7 of the Act must be reconsidered if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

The number of applications for new communication towers including radio, television, cellular, microwave, emergency broadcast, national defense, and paging has grown considerably in the United States over the last decade. Many officials are aware of aesthetic and possible health concerns posed by these structures. Fewer may be aware that the towers often pose a serious hazard to migrating birds. Many migrating birds crash into the towers or their supporting structures and are killed. Based on well-documented research, the Service now estimates that at least four to five million birds, and possibly as many as 40 million, are killed cumulatively at these towers each year. Accordingly, the Service has issued a set of guidelines (see enclosure) for siting and construction of new towers to help ensure greater safety at towers for migrating birds. We further note that we recommend the use of the enclosed "Tower Site Evaluation Form" to aid in our future evaluation of towers.

We also note that cell towers located near large water courses may become targets for bald eagle (*Haliaeetus leucocephalus*) and osprey (*Pandion haliaetus*) nest construction. Since this proposed tower is in close proximity to the Holston River, we recommend that you install some type(s) of migratory bird exclusion devices to preclude any nesting and/or perching activity by these birds.

Thank you for the opportunity to comment on this proposed action. If you have any questions regarding the information which we have provided, please contact Wally Brines of my staff at 931/528-6481, extension 222, or at wally_brines@fws.gov.

Sincerely,



Lee A. Barclay, Ph.D
Field Supervisor

Enclosures