

Draft Environmental Assessment
Pasadena Police Department
Telecommunications Tower

City of Pasadena, Harris County, Texas
Homeland Security Grant Program
Project #: 2009-SS-T9-0064 – (9909)

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LIST OF ACRONYMS

APE	Area of Potential Effect
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CO	Carbon Monoxide
CWA	Clean Water Act
DHS	Department of Homeland Security
DNL	Day-Night Average Sound Level
EA	Environmental Assessment
EIS	Environmental Impact State
EMS	Emergency Response System
EO	Executive Orders
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FCC	Federal Communication Commission
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
lb	Pound
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NHO	National Hawaiian Organization
NO2	Nitrogen Dioxide
NPDES	National Pollution Discharge Elimination Systems
O3	Ozone
PM10	Particulate Matter
Pb	Lead
SHPO	State Historic Preservation Office
SO2	Sulfur Dioxide
SOPs	Standard Operating Procedures
T&E	Threatened and Endangered Species
TCNS	Tower Construction Notification System
USACE	United States Army Corps of Engineers
VOCs	Volatile Organic Compounds

1.0- INTRODUCTION

The proposed Pasadena Police Department telecommunications tower site, “Proposed Action”, would provide radio coverage in the area for various federal, state, and local disaster and emergency personnel as part of the state-wide interoperability communications project under the Department of Homeland Security (DHS)-Federal Emergency Management Agency’s (FEMA) Homeland Security Grant Program.

This Environmental Assessment (EA) has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the President’s Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations [CFR] Parts 1500 through 1508), and FEMA’s regulations implementing NEPA (44 CFR Part 10). FEMA is required to consider potential environmental impacts before funding or approving actions and projects. The purpose of this EA is to analyze the potential environmental impacts of the Proposed Action. FEMA will use the findings in this EA to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

2.0 - PURPOSE AND NEED

Communications interoperability is the ability of emergency responders to communicate among jurisdictions, disciplines, and levels of government using a variety of frequency bands, as needed and as authorized. System operability is required for system interoperability. It means, in any multi-agency, multi-discipline response, everyone is able to communicate as needed. Communications interoperability is essential for effective and efficient emergency response as it allows emergency response personnel to maximize resources in preparing for major planned events such as sporting events, large community gatherings, or music festivals. Without interoperable communications among police, fire, and Emergency Medical Services (EMS), the lives of Texas citizens and emergency responders are at risk.

Communications operability is the ability of emergency responders to establish and sustain communications in support of mission operations. Mission operations include responding to and recovering from traffic incidents, house fires, medical emergencies, or critical incidents such as hurricanes, tornadoes, and wildland fires. Communications operability is a critical building block for interoperability; emergency response officials first must be able to establish communications within their own agency before they can interoperate with neighboring jurisdictions and other agencies.

To achieve interoperability, emergency responders must either acquire at least three separate radios (for UHF, VHF, and 700/800 MHz), or integrate gateway devices which can be limited in capability and range. This inability to communicate, results in greater expense, loss of operational efficiency, and wasted time switching between the radios and channels.

For decades, inadequate and unreliable communications have compromised the ability of emergency responders^[1] across the nation to perform mission-critical duties. Responders often have difficulty communicating when adjacent agencies are assigned to different radio bands, use incompatible proprietary systems and infrastructure, and lack adequate standard operating procedures (SOPs) and effective multi-jurisdictional, multi-disciplinary governance structures.

Radio communications systems throughout Texas vary greatly and many areas are impacted by limited operability of emergency response radio communications systems. Due to sparsely populated areas, barren regions, and piney forest wilderness areas, much of rural Texas has few land telephone lines and even less cellular telephone service. Even though urban areas tend to have more advanced communication systems, some agencies in these areas are still unable to communicate with other disciplines or neighboring jurisdictions.

Every day, more than 5,300 emergency response agencies respond to emergency and life-threatening incidents throughout Texas. They often rely on antiquated, vendor-

^[1] The term 'emergency responders' refers to persons from the broad public safety and first responder community including but not limited to: law enforcement, fire, emergency medical services, emergency management, transportation, public works, and hospitals.

proprietary, and/or stove-piped communication systems that operate in different radio frequency bands (e.g., VHF, UHF, 700/800 MHz) that limit their ability to share vital information with other agencies at the scene of an incident. In some cases, responders are not even able to talk to other responders within their own agency.

There are a variety of challenges to achieving operability and interoperability. Key emergency response communications problems in Texas that are preventing or hampering basic operability and interoperability include, but are not limited to:

- A lack of radio communications equipment (i.e., no radios for some agencies)
- Limited coverage for some agencies
- Obsolete and ineffective radio systems, radio towers, and antenna systems
- Disparate frequency bands
- Radios in one frequency band cannot directly communicate with radios in another band, i.e., VHF radios cannot directly communicate with UHF or 700/800 MHz radios
- Federal Communications Commission (FCC) mandate for narrow banding – failure to meet this requirement by the end of 2012 will result in no voice communications capabilities for non-narrow banded agencies

There is a need for the City of Pasadena to upgrade the UHF/VHF communication system that will meet the FCC mandate for narrow banding; to help improve coverage areas; and will support interoperability for talk groups.

3.0- ALTERNATIVES

The following alternatives were considered to address the need for radio coverage in all of Harris County: the No Action alternative, renting space on existing telecommunication tower, and construction of a new 200-foot telecommunications tower for improved coverage in the City of Pasadena, Harris County (Proposed Action).

3.1 Alternatives Considered and Dismissed

Using existing towers for interoperable communication were considered. But, no towers were available for purchase. Renting space on an existing tower was an option; however, rental fees were prohibitively expensive. Therefore, these alternatives were dismissed from consideration and will not be discussed further in this EA.

3.1.1 *Alternative 1 – No Action Alternative*

The current coverage system would not meet the city's purpose and need to improve the overall radio communications for the City of Pasadena. Consequently, the risk of coverage loss during an emergency event would continue to jeopardize command control, rescue, or event analysis operations.

3.1.2 *Alternative 2 - Construction of Telecommunication Facility at Pasadena Police Department Facility (Proposed Action)*

The Proposed Action, the Pasadena Police Department Tower, site is located at 1201 Davis Street, Pasadena, Harris County, Texas (Figure 1). The center of the tower is located approximately at 29.692554 latitude, and -95.194715 longitude (NAD83). The Site is shown on the USGS Pasadena, Texas 7.5 Minute Series Topographic Map dated 1982 (Figure 2).

The City of Pasadena has analyzed the proposed construction of telecommunication infrastructure site, including a 200-foot tower with antennas, cabling, and associated electronic equipment, to provide improved radio coverage to its existing public safety radio communications system (Figures 3, 4, and 5). The City of Pasadena has determined that the Proposed Action would successfully address radio coverage issues.

The Proposed Action will utilize an equilateral triangular pattern with either steel pipe or solid steel legs, and tubular or angle steel cross bracing with bolted construction. The cross bracing is angular solid tubing and is welded to the legs. The sections are hot-dipped galvanized after fabrication. This tower shall be engineered to specifically meet and adequately handle the equipment to be installed.

All materials and services described herein shall be installed at the Pasadena Police Department facility. The Proposed Action site shall house Motorola Simulcast equipment to provide connectivity to the City of Houston.

The specific equipment included with this proposal is identified below.

The Pasadena Police Department will house the equipment identified herein.

- One 200-foot Self Supporting Tower. Structure Class III, Exposure Category C and Topographic Category I
- One 12x38-foot concrete equipment shelter with an integrated generator room
- Indoor rated 100kW NG/LP Generator
- One 500 gallon LP fuel tank
- Motorola provided infrastructure equipment

Pasadena PD Antenna Networks

- Motorola provided Sinclair SC412-HF2LDF antenna at 200 feet and 1-1/4-inch LDF transmission line
- Motorola provided Sinclair SC412-HF2LDF antennas at 180 feet
- Motorola provided Tower Top Amplifier and 2 runs of 7/8-inch transmission lines and 2 runs of half-inch transmission line

VHF and UHF Antenna Networks

- Sinclair SC229 at 170 feet; 1 run of 7/8-inch transmission line
- DB410 or equivalent at 120 feet; 1 run of 7/8-inch transmission line

4.0 - AFFECTED ENVIRONMENT AND POTENTIAL IMPACTS

4.1 PHYSICAL ENVIRONMENT

While historic properties, flood plains, wetlands, prime farmlands, airport runway clear zones and other environmentally sensitive areas exist within the City of Pasadena, none of the aforementioned areas are found within the boundaries of the Proposed Action site.

This Proposed Action will not create adverse impacts on the environmental areas in the following sections of this environmental assessment. The overall physical environment within the Proposed Action area will not be significantly impacted by the construction of the proposed telecommunications tower.

4.2 PHYSICAL RESOURCES

4.2.1 *Geology and Soils*

Soil resources include geologic features; and prime and unique farmlands, which are protected under the Farmland Protection Policy Act of 1981 (FPPA) (P.L. 97–98, 7 U.S.C. §4201). The FPPA applies to prime and unique farmlands and those that are of State and local importance. “Prime farmland” is defined as land that has the best combination of physical and chemical characteristics for successfully producing crops. “Unique” farmland is defined as land that is used for the production of certain high-value crops, such as citrus, tree nuts, olives, and fruits. The Act requires Federal agencies to examine the potentially adverse effects to these resources before approving any action that would irreversibly convert farmlands to nonfarm uses.

The Proposed Action is located within the corporate boundaries of the City of Pasadena, within an area of commercial development. Per the Natural Resources Conservation Service, USDA 7 CFR 658.2(a), land within city corporate boundaries is not considered as Farmland and therefore, this site is precluded from FPPA consideration. The Proposed Action is located on the Beaumont Formation according to the Geologic Atlas of Texas, Houston Sheet, 1982 published by the Texas Bureau of Economic Geology. The Beaumont Formation consists of predominantly of sand and also contains silt, clay, or mud with gravel related to near-shore marine sedimentation. All temporary staging areas will be located on existing concrete paved areas currently used for parking by the existing facility. No impacts related with temporary staging for the Proposed Action are anticipated.

No Action Alternative - Under the No Action alternative, no impacts to prime or important farmland would occur.

Proposed Action Alternative - Under the Proposed Action, no significant impacts to geologic features, prime, or important farmland would occur.

4.2.2 *Air Quality Protection*

The Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment. The Act established two types of national air quality standards: primary standards set limits to protect public health, including the health of “sensitive”

populations such as asthmatics, children, and the elderly, and secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation and buildings. The current criteria pollutants are: Carbon Monoxide (CO), Nitrogen Dioxide (NO₂), Ozone (O₃), Lead (Pb), Particulate Matter (PM₁₀), and Sulfur Dioxide (SO₂).

The Proposed Action anticipates the use of heavy equipment during construction/upgrade activities may only result in short-term and de minimis impacts on air quality at or near the Proposed Action. De minimis condition generally does not present a threat to human health or the environment and generally would not be subject to a regulatory enforcement action. Typically, construction/upgrade related to air quality impacts will last only for the duration of construction/upgrade activities and occur during normal working hours (i.e., 7:00 a.m. to 5:00 p.m.), and will not likely increase air pollutants. Air quality impacts resulting from vehicle and equipment emissions, and dust generation are expected to be minimal due to limited construction activities. Therefore, it is not anticipated that adverse long-term impacts on ambient air quality levels will occur. Further, no significant adverse impact to air quality from future operational activities is expected.

Air pollution emissions were evaluated for the Proposed Action and were compared to the emission rates in 40 CFR 93.153(b)(1). Under general conformity an action is deemed exempt, even if it is to be located in a designated nonattainment county, if the total direct and indirect emissions are less than the specified rates in 40 CFR 93.153(b)(1). The Proposed Action total emissions per pollutant were significantly less than the de minimis limits shown in the following table:

Total Emissions Emitted

Emissions	Tons/year
Ozone (VOC,s or NO _x):	
Series NAA's	50
Severe NAA's	25
Extreme NAA's	10
Carbon Monoxide: All NAA's	100
SO ₂ Or NO ₂ : All NAA's	
PM 10:	100
Moderate NAA's	100
Serious NAA's	70
PM 2.5:	
Direct Emissions	100

Proposed Action Total Emission Calculation

Emission Category	CO (lb)	NOx (lb)	PM-10 (lb)	PM-2.5 (lb)	SO2 (lb)	VOC (lb)
Construction Equipment	15.46	29.87	4.44	4.44	7.3	4.98
Fugitive Emissions	NA	NA	198	198	NA	NA
Generator Emissions Actual	873.14	25.69	0.08	0.08	0.01	9.87

Projects located in non-attainment areas must also demonstrate that the project direct and indirect emissions are not regionally significant. A regionally significant action is defined under Texas regulations, Title 30, Chapter 101, Rule 101.3, as having direct and indirect emissions that are 10 percent or more of the nonattainment or maintenance area's emissions inventory for that pollutant. The individual pollutant emissions for the Proposed Action are less than one ton for each of the following: (CO), (NO₂), (PM₁₀), and (SO₂) which are considered to be de minimis. Because the emissions are insignificant under the State of Texas Air Regulations, the Proposed Action's activities pose no significant impact.

The emergency generators are regulated under the State permit by rule, Title 30 Chapter 30 Rule 106.511. To comply with Rule 106.511, the operator must be able to show a letter from the site owner stating that the site is covered under Rule 106.511 Permit by Rule. The owner must also demonstrate that the emergency generator operating hours do not exceed 10% of the normal annual operating schedule. For emergency generators, this has been defined by the federal government as 500 or less hours on a rolling annual basis. It is recommended that the emergency generators should be equipped with an hour meter.

No Action Alternative - Under the No Action alternative, there would be no impacts to air quality because no construction would occur.

Proposed Action Alternative - Under the Proposed Action, there could be short-term minor impacts to air quality during the construction phase due to heavy equipment use.

Measures would be taken to limit emission of fugitive dust, including watering down of construction areas. In addition, episodic emissions from the emergency generator would occur during routine maintenance and testing and form during emergency use. Since the emergency generator is designed for short term use, emissions are anticipated to be de minimis. No significant impacts to air quality are anticipated.

4.3 WATER RESOURCES

Water resources are streams, lakes, rivers, and other aquatic habitats in an area and include surface water, groundwater, wetlands, floodplains, coastal resources, and wild and scenic rivers. Water resources—such as lakes, rivers, streams, canals, and drainage ditches—make up the surface hydrology of a given watershed. Federal statutes, executive orders (EO), and other regulations and directives protect water quality and the beneficial

uses of water resources. EO 11988 (Floodplain Management) and EO 11990 (Protection of Wetlands) mandate the control of activities that indirectly influence water quality.

4.3.1 Water Quality

The ground disturbance of the Proposed Action will be less than 0.25 acres which includes the compound area and temporary construction staging area. Due to the limited construction activities, the small amount of ground disturbance, and because no new ground disturbance will occur outside the specified area, a National Pollution Discharge Elimination System (NPDES) permit is not necessary for the Proposed Action. Construction activities will not require any significant amounts of water; therefore, the generation of wastewater will be low to none. There are no streams in the immediate area of the Proposed Action. According to EPA Region 6, the Proposed Action does not lie over a sole source aquifer.

Due to the limited construction and operational footprint, the Proposed Action, which is located in a commercial building court yard, will have little or no impact on surface water quality.

No Action Alternative - Under the No Action alternative, no impacts to surface water resources would occur.

Proposed Action Alternative - Under the Proposed Action, there would be no significant impacts to surface water.

4.3.2 Wetland Protection

The U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged or filled material into waters of the U.S., including wetlands, pursuant to Section 404 of the Clean Water Act (CWA). Additionally, EO 11990 (Protection of Wetlands) requires federal agencies to avoid, to the extent possible, adverse impact of wetlands.

No Action Alternative - Under the No Action alternative, no impacts to wetlands would occur.

Proposed Action Alternative - Under the Proposed Action, no impacts to wetlands are anticipated, because the Proposed Action is not located in or near a wetland. The Proposed Action location is an existing court yard of a commercial building complex and no wetlands are present (Figure 9).

4.3.3 Floodplains

EO 11988 (Floodplain Management) requires federal agencies to take action to minimize occupancy and modification of the floodplain. Specifically, EO 11988 prohibits federal agencies from funding construction in the 100-year floodplain unless there are no practicable alternatives.

The City of Pasadena participates in the Flood Insurance Rate Map (FIRM) process and FIRM map 48201C0905L (Effective Date June 18, 2007) was used to determine that the Proposed Action location is not located within a floodplain. Based on the FIRM, the

Proposed Action is located in Zone X. Zone X is defined as areas determined to be outside the 0.2% annual chance floodplain (Figure 7).

No Action Alternative - Under the No Action alternative, no impacts to floodplains would occur.

Proposed Action Alternative - Under the Proposed Action, no impacts to floodplains are anticipated, because the Proposed Action site is not located in or near a floodplain.

4.4 COSTAL RESOURCES

According to the US Fish and Wildlife Coastal Barrier Map (Figure 8) and the Texas General Land Office (GLO) Costal Management Map (Figure 10), the Proposed Action is not located within the US Fish and Wildlife Coastal Barrier System; however, the Proposed Action is within the Coastal Management Zone Boundary with the GLO.

Based on consultation with the Texas GLO and review of review of the Coastal Coordination Council (CCC) General Concurrence #5, FEMA has determined that the Proposed Action is deemed consistent with the goals and policies of the Texas Coastal Management Program (CMP) and consistency review procedures as implemented by the GLO. A copy of the General Concurrence #5 Memorandum is attached (Appendix C).

4.5 BIOLOGICAL RESOURCES

Biological resources are animals, plants, and their habitats that are native to an area, including threatened or endangered species. In general, biological resources can include native and introduced plants that comprise the various habitats, animals present in such habitats, and natural areas that help support these plant and wildlife populations. The Endangered Species Act (ESA) (16 U.S.C. §1531) requires Federal agencies to conserve endangered species by listing endangered and threatened species of plants and animals and designating the critical habitat for animal species. The ESA defines an endangered species as any species in danger of extinction throughout all or a significant area of its range and a threatened species as any species likely to become endangered in the near future.

The vegetation in the area consists of landscaped trees, grasses and shrubs. The entire area is a developed commercial facility. All of the vegetation within the Proposed Action area has been planted for landscaping purposes and none of the vegetation within the Proposed Action area is in a native state.

4.5.1 Threatened and Endangered Species and Critical Habitat and Wildlife and Fish

In accordance with Section 7 of the Endangered Species Act (ESA) of 1973, the Proposed Action area was evaluated for the potential occurrences of federally listed threatened and endangered species. The ESA requires any federal agency that funds, authorizes, or carries out an action to ensure that their action is not likely to jeopardize the continued existence of any endangered or threatened species (including plant species) or result in the destruction or adverse modification of designated critical habitats (FEMA 1996).

According to the United States Fish and Wildlife Service Species Reports, the following threatened and endangered species have been identified as occurring within the boundaries of Harris County:

- Texas Prairie Dawn-flower - *Hymenoxys texana*
- West Indian Manatee – *Trichechus manatus*

The existing developed infrastructure of paved parking lots, manicured lawns, landscaped plant beds, and buildings preclude the habitat of these federally listed threatened and endangered species. Therefore, the Proposed Action will not impact threatened or endangered species potentially occurring within the Harris County area.

No Action Alternative - Under the No Action alternative, no impacts to threatened or endangered species would occur.

Proposed Action Alternative – Under the Proposed Action, no impacts to threatened or endangered species are anticipated. FEMA has determined that this project, as defined by the scope of work, will not have an effect on federally listed threatened and endangered species or their associated critical habitats.

4.5.2 Migratory Birds

Under the Migratory Bird Treaty Act, taking, killing or possessing migratory birds is unlawful. Migratory birds are a federal trust resource that the US Fish and Wildlife Service is authorized to protect, and the Service has put forth recommendations for communication tower design and height to mitigate collision-related mortality. Mitigation measures outlined in the Service Interim Guidelines For Recommendations On Communications Tower Siting, Construction, Operation and Decommissioning issued by the US Fish and Wildlife Service will be implemented as practical for this Proposed Action.

Construction of the Proposed Action has been determined to be the best option because co-locating the communications equipment on an existing tower or other structure is not an available option. The Proposed Action will be a self-support tower and will not require guy wires. The Proposed Action will be lighted in accordance with FAA requirements and will not be a part of a multiple-tower array or antenna farm.

According to resource reviews, this Proposed Action location will not be sited in or near wetlands, other known bird concentration areas, in known migratory or daily movement flyways, or in habitat of threatened or endangered species. The Proposed Action location is not in an area with a high incidence of fog, mist, and low ceilings.

No Action Alternative - Under the No Action alternative, no impacts to migratory birds would occur.

Proposed Action Alternative - Under the Proposed Action, tower design and location would mitigate collision-related bird mortality.

4.6 CULTURAL RESOURCES

The existing built environment surrounding the Proposed Action location consists of a brick building and concrete parking and sidewalks that are primarily commercial in nature. The

adjacent properties are commercial in nature. None of the adjacent properties are listed on the National Register of Historic Places.

In addition to review under NEPA, consideration of impacts to cultural resources is mandated under Section 106 of the National Historic Preservation Act (NHPA), as amended, and implemented by 36 CFR Part 800. Requirements include identification of significant historic properties that may be impacted by the Proposed Action. Historic properties are defined as archaeological sites, standing structures, or other historic resources listed in or eligible for listing in the National Register of Historic Places (NRHP).

As defined in 36 CFR Part 800.16(d), the Area of Potential Effect (APE), “is the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if such properties exist.”

4.6.1 *Historic Properties*

The Texas State Historic Preservation Office (SHPO) has determined that “No Historic Properties Affected Project May Proceed” regarding the proposed construction of the telecommunications facility (Appendix B). The Texas SHPO has determined that this Proposed Action will not result in a significant impact on historic properties.

No Action Alternative - Under the No Action Alternative, no impacts to cultural resources would occur.

Proposed Action Alternative - Under the Proposed Action, no impacts to cultural resources are anticipated. In the event that archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted and the applicant shall stop all work immediately in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The applicant will inform FEMA immediately, FEMA will consult with the SHPO or THPO, and Tribes and work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act.

4.6.2 *American Indian/Native Hawaiian/Native Alaskan Cultural/Religious Sites*

Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, “Protection of Historic Properties” (36 CFR Part 800) and the Nationwide Programmatic Agreement on the Collocation of Wireless Antennas (adopted March 16, 2001), and the Nationwide Programmatic Agreement effective March 7, 2005, require consultation with Native American tribal groups and Native Hawaiian organizations (NHO) regarding proposed projects and potential impacts to Native American religious sites. In order to determine which Native American tribal groups may potentially have areas of cultural interest within this area of Texas, Prudent submitted to the Tower Construction Notification System (TCNS) on July 2, 2011 and referenced as TCNS# 77823. Prudent requested government to government consultation between the FCC and tribal groups that had not responded by August 17, 2011.

The FCC responded on August 18, 2011 that the FCC – Tribal Consultation process had been initiated. A 20-day period has elapsed since initiation of the FCC – Tribal Consultation process and no further tribal responses have been received, therefore, in accordance with the FCC Declaratory Ruling FCC 05-176, the Tribal Consultation process is considered complete. Copies of correspondence are attached in Appendix B of this report.

While no Native American religious grounds or archeological deposits are known to be in the area of the site, buried cultural materials might still be present. In the event that archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted and the applicant shall stop all work immediately in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The applicant will inform FEMA immediately, FEMA will consult with the SHPO or THPO, and Tribes and work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act. Based on SHPO and Tribal Consultation determined that this Proposed Action will not result in a significant impact on sites that are culturally significant to Native Americans.

No Action Alternative - Under the No Action Alternative, no impacts to Indian religious or archaeological sites would occur.

Proposed Action Alternative - Under the Proposed Action, no impacts to Indian religious or archaeological sites are anticipated.

4.7 SOCIOECONOMIC RESOURCES

The City of Pasadena was founded in 1893 and is located within the Houston-Sugar Land-Baytown metropolitan area. The city is the second-largest in Harris County. The Proposed Action is located at the Pasadena Police Department facility in a commercial area. The city's population was reported to be 149,043 according to the 2010 U.S. Census and the Pasadena Volunteer Fire Department is the largest all volunteer department in the United States.

4.7.1 Environmental Justice (*Executive Order 12898*)

EO 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) mandates that federal agencies identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations.

According to city-data.com, the estimated median household income in Harris County was \$43,659 in 2008. The average wage per job was \$35,218 in 2003. In 2008, 13.4 percent of residents living in Harris County were below the poverty level. The amount of whites/non-Hispanics consists of 67.3 percent, Hispanics make up 18.4 percent, and the remainder of other races including blacks and American Indian make up 25.8 percent of Harris County residents (total percentage is over 100 because Hispanics are counted in other races).

No Action Alternative - Under the No Action Alternative, there would be no disproportionately high and adverse effects on minority or low-income populations. All

populations could potentially be adversely affected by a loss of radio coverage during an emergency.

Proposed Action - Under the Proposed Action, no disproportionately high and adverse impacts on minority or low-income populations are anticipated. The radio coverage upgrade would benefit all populations by improving communication related to public safety.

4.7.2 Noise

Noise is generally defined as unwanted sound. Sound is most commonly measured in decibels (dB) on the A-weighted scale, which is the scale most similar to the range of sounds that the human ear can hear. The Day-Night Average Sound Level (DNL) is an average measure of sound. The DNL descriptor is accepted by federal agencies as a standard for estimating sound impacts and establishing guidelines for compatible land uses. EPA guidelines, and those of many other federal agencies, state that outdoor sound levels in excess of 55 dB DNL are “normally unacceptable” for noise-sensitive land uses such as residences, schools, or hospitals.

The Proposed Action is located in a court yard area of the Pasadena Police Department facility. Because of the occasional and intermittent operation of the backup generator, the Proposed Action is not anticipated to cause adverse long-term impacts or measurably increase the ambient noise levels. Impacts to ambient noise levels resulting from the Proposed Action would not exceed typical operating noise levels and would be short-term. Therefore, no significant long-term noise impacts are expected.

No Action Alternative - Under the No Action alternative, no significant impacts to noise would occur.

Proposed Action Alternative - Under the Proposed Action, temporary short-term increases in noise levels are anticipated due to construction activities and the use of heavy equipment. The Proposed Action does not readily create noise, except for occasional backup power generator activation. There are no noise sensitive land uses within the Proposed Action area.

4.7.3 Solid Waste

Due to limited construction activities and the prefabricated nature of the main equipment components, no significant solid waste will be generated, nor will any regulated, permit requiring amounts of hazardous waste be generated during the construction activities. The Proposed Action will have little or no impact on waste management (hazardous waste/solid waste/asbestos).

No Action Alternative - Under the No Action alternative, there would be no impacts to waste management because no construction would occur.

Proposed Action Alternative - Under the Proposed Action, no significant impacts to waste management are anticipated.

4.7.4 *Man-Made Hazards*

The Proposed Action is not being constructed for residential, institutional, recreational, commercial or industrial use and mitigating hazardous materials or hazardous gases will not be necessary.

This portion of the review will not be subjected to additional scrutiny because the proposed action will not result in the construction of residential, institutional, recreational, commercial or industrial usage.

No Action Alternative - Under the No Action alternative, no man-made hazards would need to be mitigated.

Proposed Action Alternative - Under the Proposed Action, no man-made hazards would need to be mitigated.

4.7.5 *Infrastructure*

The Proposed Action is in a developed commercial area, infrastructure currently exists that would have the capacity to support the proposed telecommunications tower. Commercial utility power is located on the parent property and is adjacent to the Proposed Action location, and there is currently an existing access road to the site. No significant amount of trenching activities area anticipated. The addition of the Proposed Action would improve interoperable emergency communications coverage in the area. The requirements to power the Proposed Action would be within the capacity of the existing system, and the Proposed Action would have no significant impacts to infrastructure.

No Action Alternative - Under the No Action alternative, no infrastructure needs would need to be mitigated.

Proposed Action Alternative - Under the Proposed Action, no infrastructure needs would need to be mitigated.

The table below summarizes the potential impacts of the Proposed Action Alternative, and identifies conditions or mitigation measures to minimize those impacts, where appropriate. Following the summary table, each environmental area is explained in detail.

Affected Environment/ Resource Area	Impacts	Agency Coordination/Permits	Mitigation/BMPs
Geology and Soils	No Significant Impacts	Total area of disturbance is less than 1 acre	None
Air Quality and Noise	Minor, Short-term Impacts due during construction	None	Standard BMP for dust control and equipment maintenance
Water Resources	No Significant Impacts	None	None
Floodplains	No Significant Impacts	Un-shaded Zone X Per FIRM 48201C0905L	None
Wetlands	No Significant Impacts	Site visit and NWI maps	None
Vegetation and Habitat	No Significant Impacts	Site visit and USFWS listings	None
T&E Species and Migratory Birds	No Significant Impacts	Site visit and USFWS listings	FWS "Service Guidance on Siting, Construction, Operation and Decommissioning of Communication Towers (September 2000)"
Historic and Cultural Resources	No Significant Impacts	SHPO August 5, 2011	None
Native American Resources	No Significant Impacts	FCC August 18, 2011	None
Land Use	No Significant Impacts	None	None
Infrastructure	No Significant Impacts	None	None
Human Health & Safety and EJ	No Significant Impacts	None	None

5.0 - CUMULATIVE IMPACTS

Cumulative impacts are those effects on the environment that result from the incremental effect of an action when added to past, present and reasonably foreseeable future actions, regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

There are no known on-going or planned projects in the vicinity of the Proposed Action location. Therefore, no cumulative impacts are anticipated.

6.0 - PUBLIC PARTICIPATION

The availability of this EA will be advertised by public notice in the local weekly newspaper. Copies of the EA will be available locally. The public comment period will extend for a period of fifteen (15) days. The EA can also be viewed and downloaded from the FEMA's website at <http://www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm>. If no substantive comments are received, the EA will become final and the initial public notice will also serve as the final public notice. The EA will then be archived on FEMA's website at <http://www.fema.gov/library/>.

7.0 - PERMITS

The applicant and their contractors are required to comply with all applicable federal, state tribal and local laws, regulations, etc. and obtain all required permits.

8.0 - CONCLUSION

No impacts to geology, floodplains, wetlands, socioeconomic resources, environmental justice, or cultural resources are anticipated under the Proposed Action. During the construction period, there are potential short-term and minor impacts to soils, surface water, air quality, and noise. All short-term impacts require conditions to minimize and mitigate impacts to the Proposed Action location and surrounding areas. The proposed 200-foot telecommunications tower could have potential adverse impacts on migratory birds. However, the tower's location outside of sensitive habitats and flyways would mitigate collision-related bird mortality.

The new system set up on the 200-foot communications tower would be a great asset to the residents of the City of Pasadena and Harris County in the event of an emergency. Fire fighters, rescue squad and the sheriff's department would be able to communicate with each other in almost every point of the county.

9.0 - LIST OF PREPARERS AND ATTACHEMNTS

This EA was prepared by:

Prepared by: Tomas Hernandez, Jr., P.G.
Amanda L. Miller

Company: Prudent Environmental Services, Inc.
4242 Medical Dr.
Suite 5250
San Antonio, Texas 78229

Government Contributors

Kevin Jaynes, CHMM, Regional Environmental Officer, FEMA Region 6
Alan Hermely, Environmental Specialist, FEMA Region 6

10.0 - REFERENCES

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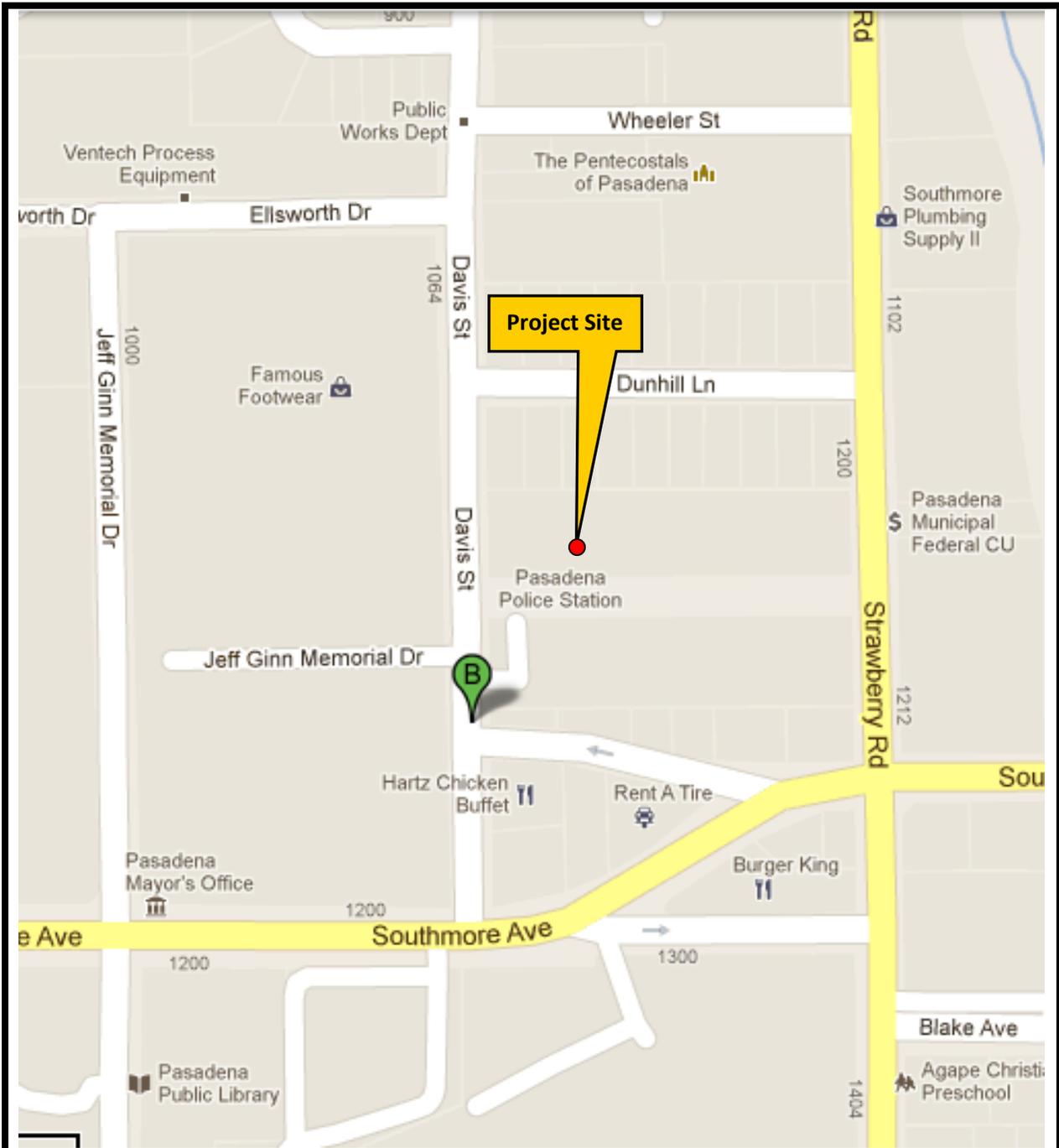
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FIGURES

- Figure 1: Vicinity Map
- Figure 2: Topographic Map
- Figure 3: Site Plan
- Figure 4: Site Overview
- Figure 5: Tower Elevation
- Figure 6: Aerial Map
- Figure 7: FEMA Map
- Figure 8: Coastal Barrier Systems Location Map
- Figure 9: Nation Wetlands Inventory Map
- Figure 10: Texas Coastal Management Programs Map



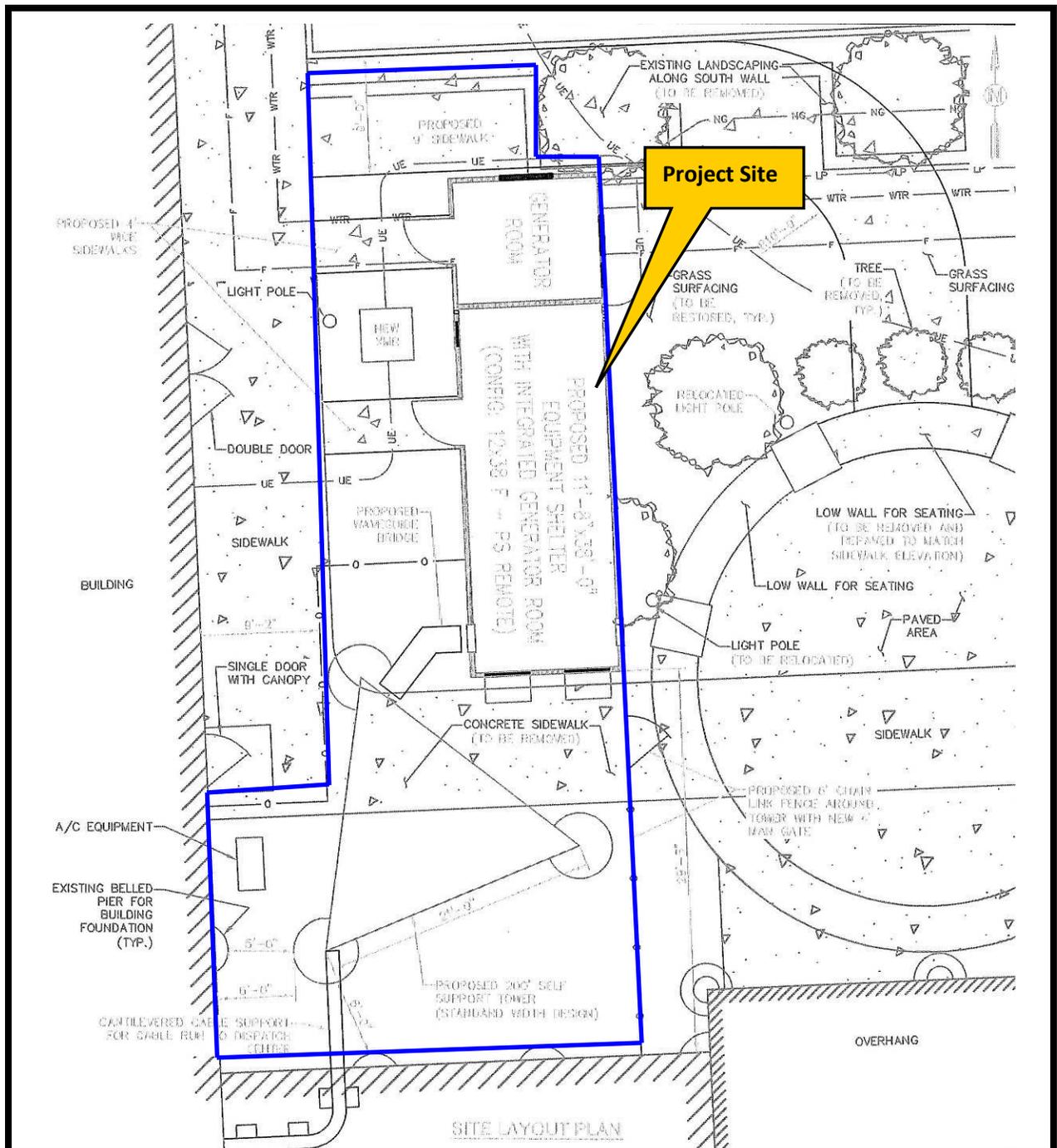
VICINITY MAP

FIGURE 1
(Not to Scale)

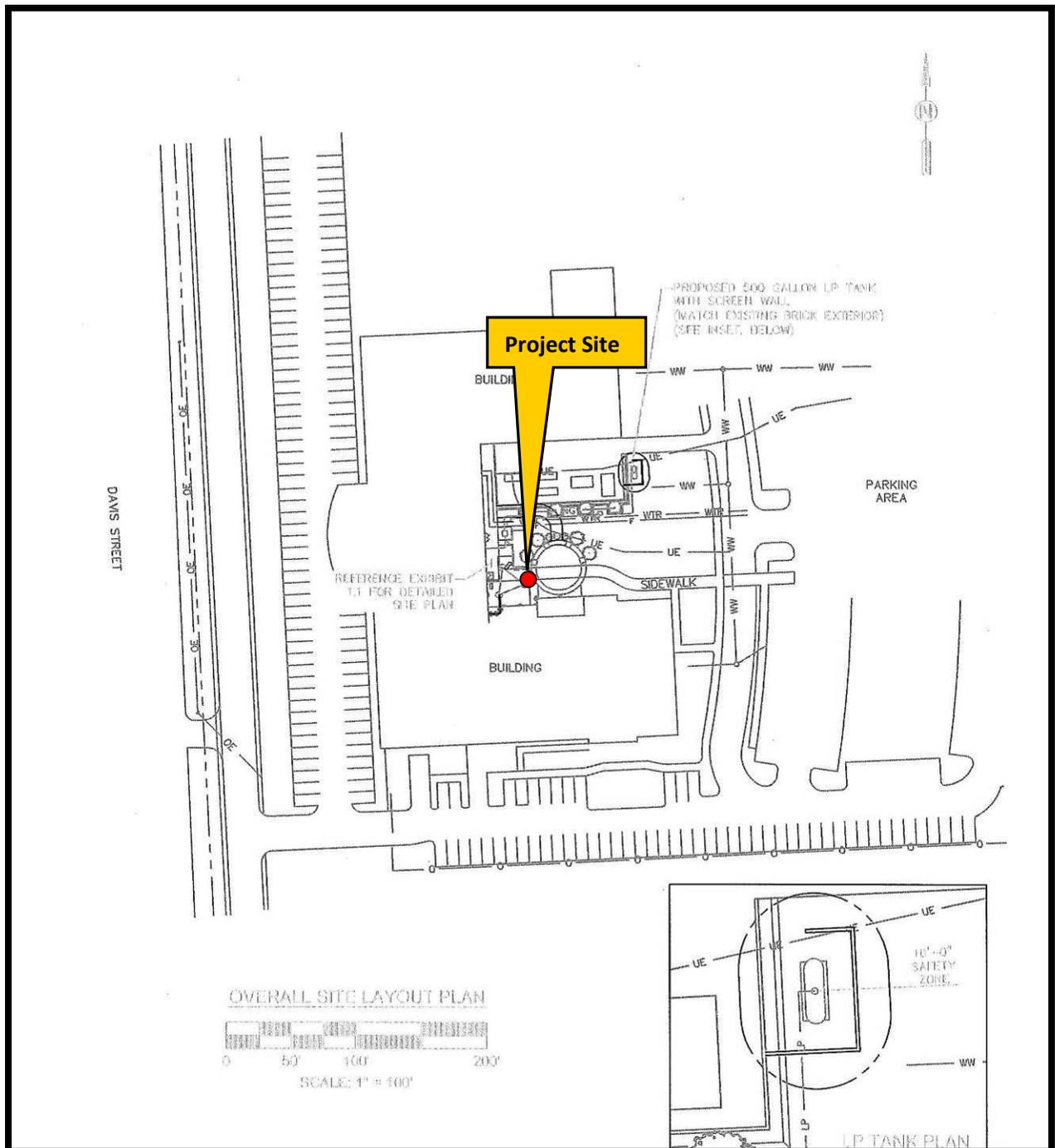


Site Name: Pasadena Tower
 1201 Davis Street
 Pasadena, Texas

Project Number: C311013



<p>SITE PLAN</p>	<p>FIGURE 3 Source: CTS Telecom (Not to Scale)</p>	<p>N↑</p>
 <p>PRUDENT TECHNOLOGIES, INC. dba Prudent Environmental Services, Inc.</p>	<p>Site Name: Pasadena Tower 1201 Davis Street Pasadena, Texas Project Number: C311013</p>	



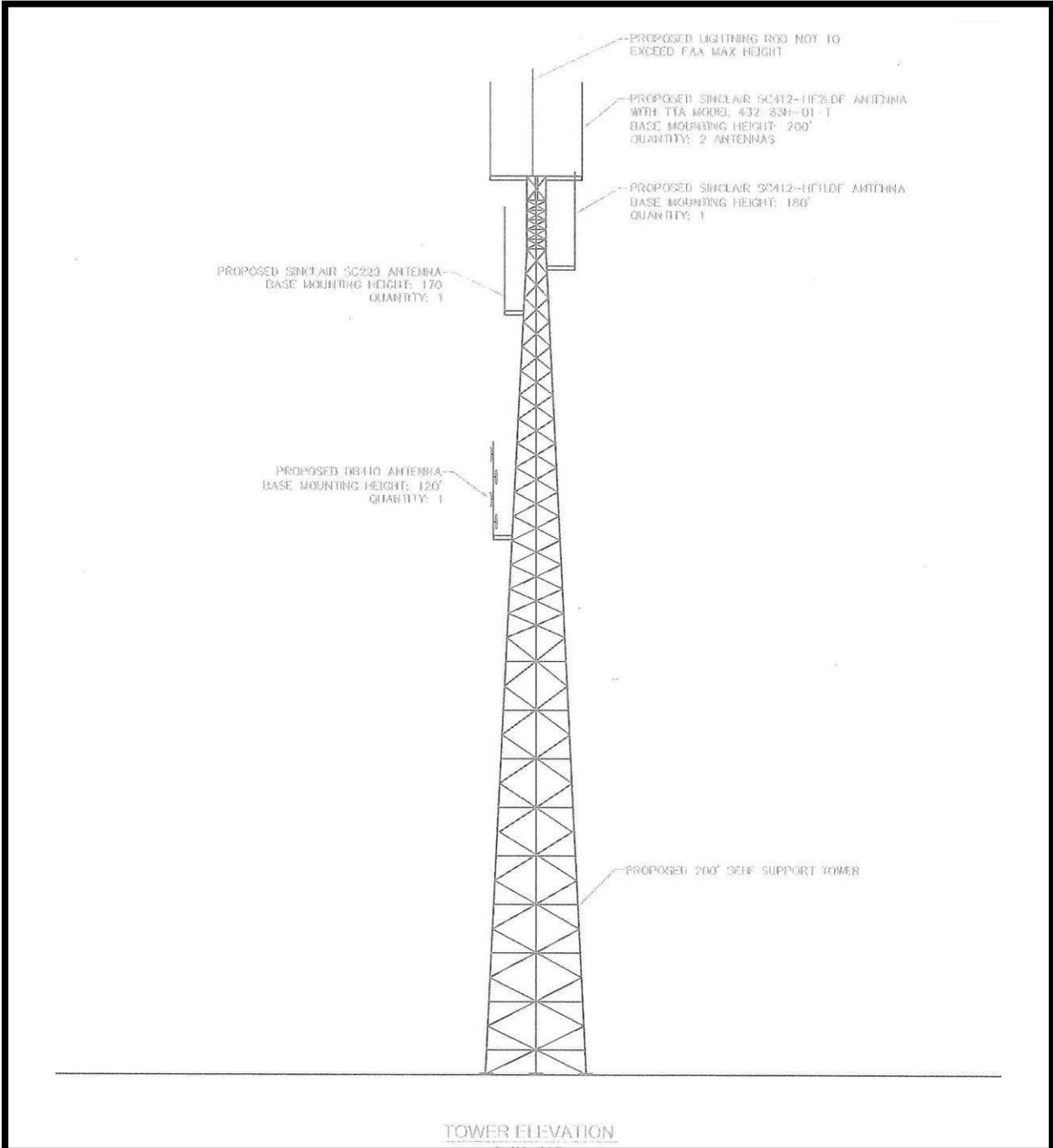
SITE OVERVIEW

FIGURE 4
DRAWING NOT TO SCALE



Site Name: Pasadena Tower
1201 Davis Street
Pasadena, Texas

Project Number: C311013



TOWER ELEVATION

<p>TOWER ELEVATION</p>	<p>FIGURE 5 Source: CTS Telecom (Not to Scale)</p>	<p>N ↑</p>
	<p>Site Name: Pasadena Tower 1201 Davis Street Pasadena, Texas</p> <p>Project Number: C311013</p>	



AERIAL MAP

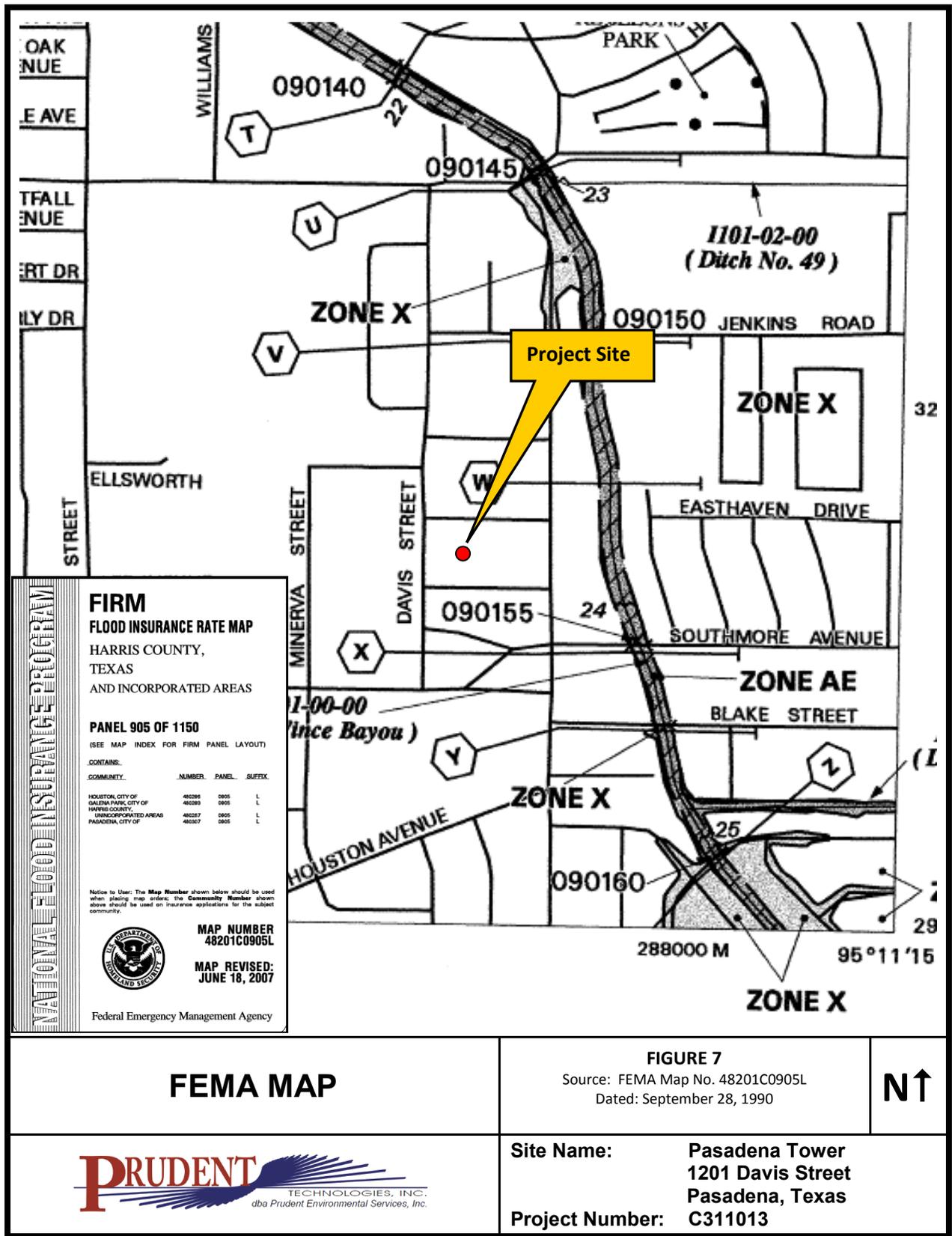
FIGURE 6
(Not to Scale)

N↑



Site Name: Pasadena Tower
 1201 Davis Street
 Pasadena, Texas

Project Number: C311013



FIRM
FLOOD INSURANCE RATE MAP
 HARRIS COUNTY,
 TEXAS
 AND INCORPORATED AREAS

PANEL 905 OF 1150
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
HOUSTON, CITY OF	480295	0905	L
CALVIN PARK, CITY OF	480293	0905	L
HARRIS COUNTY, UNINCORPORATED AREAS	480287	0905	L
PASADENA, CITY OF	480307	0905	L

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

MAP NUMBER
 48201C0905L

MAP REVISED:
 JUNE 18, 2007

Federal Emergency Management Agency

FEMA MAP

FIGURE 7
 Source: FEMA Map No. 48201C0905L
 Dated: September 28, 1990

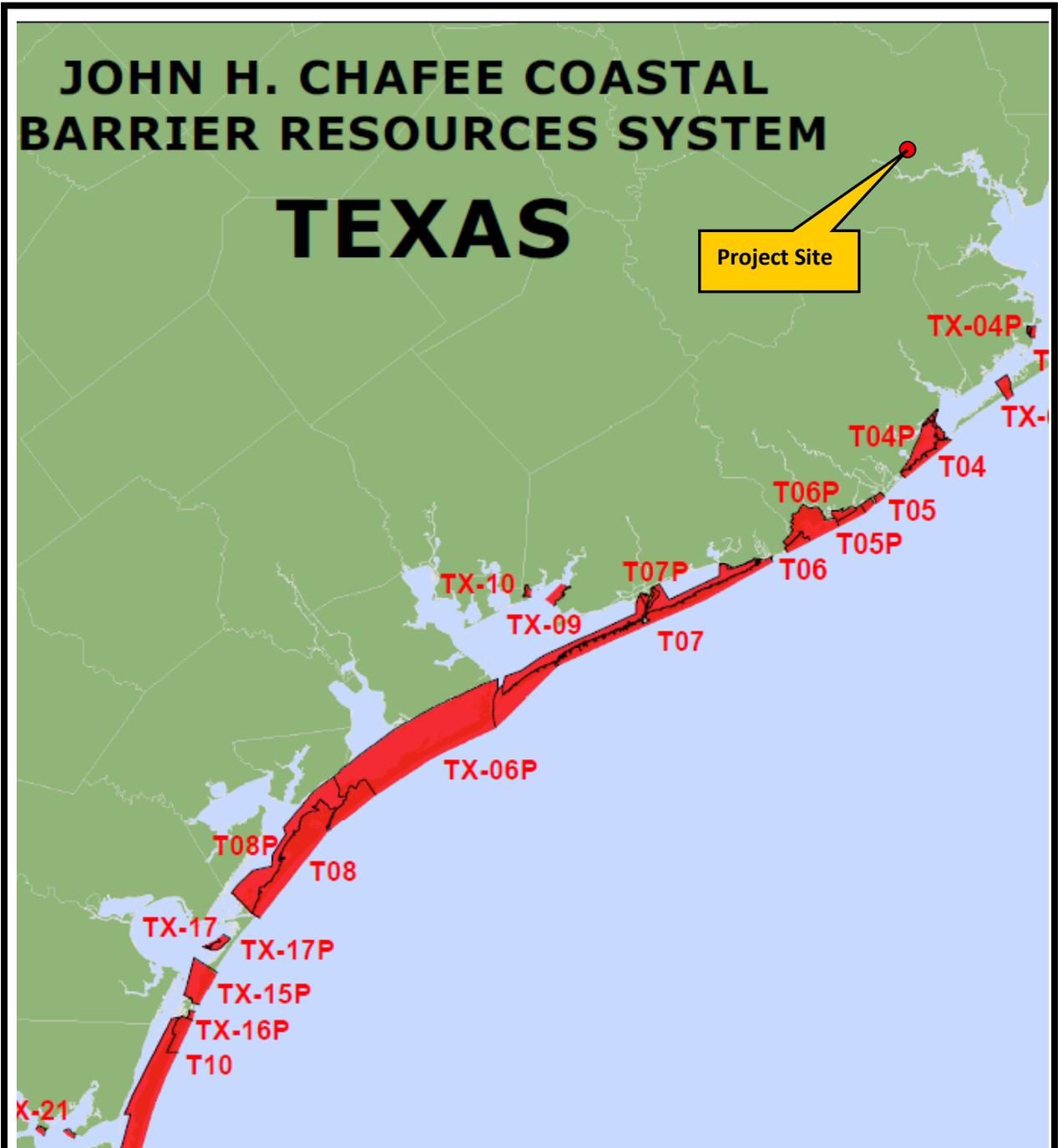
N ↑

Site Name: Pasadena Tower
 1201 Davis Street
 Pasadena, Texas

Project Number: C311013

JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM

TEXAS



**COASTAL BARRIER SYSTEMS
LOCATION MAP**

FIGURE 8
(Not to Scale)



Site Name: Pasadena Tower
1201 Davis Street
Pasadena, Texas

Project Number: C311013



U.S. Fish and Wildlife Service
National Wetlands Inventory

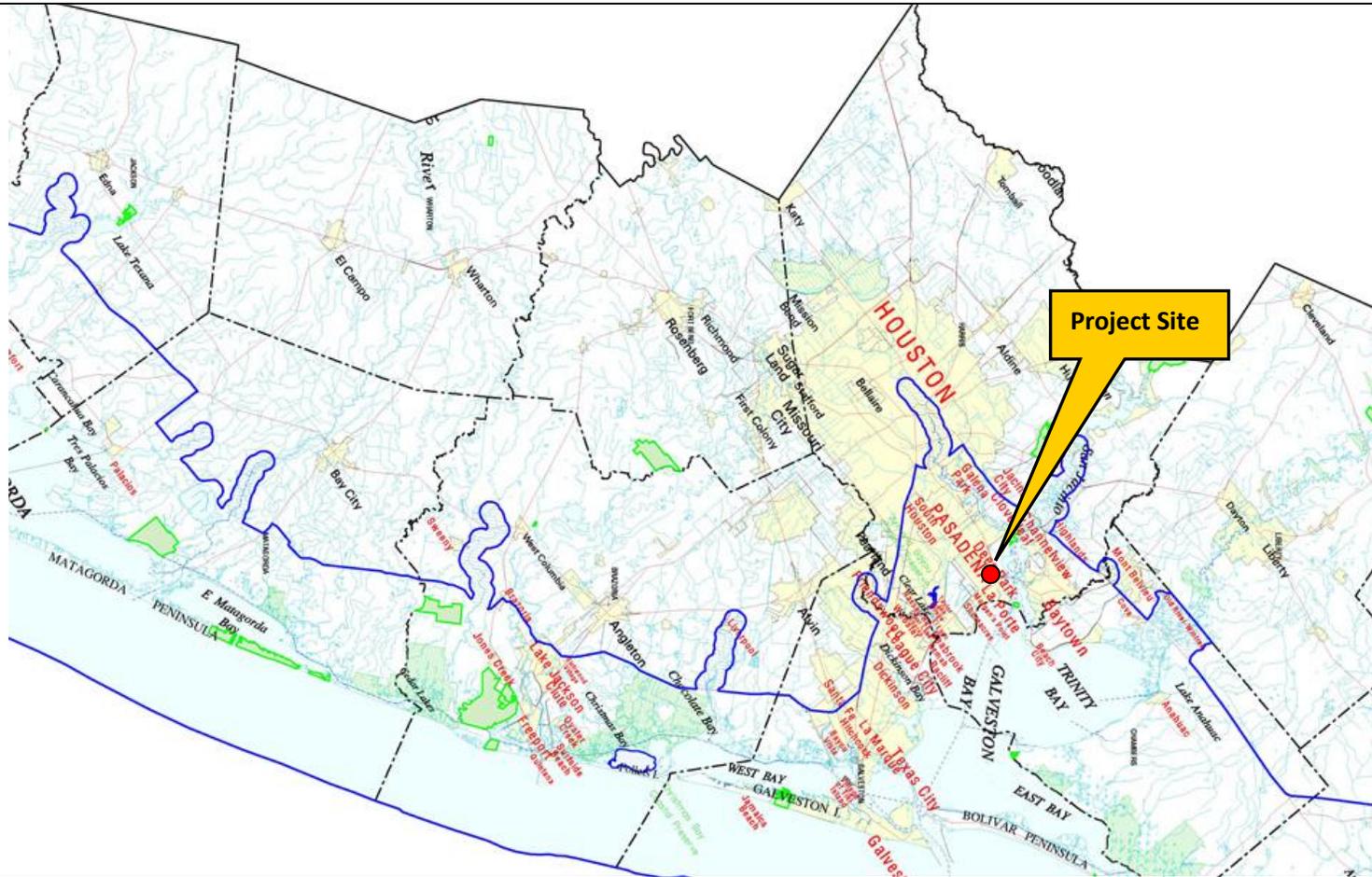


NATIONAL WETLAND INVENTORY
MAP

FIGURE 9
(Not to Scale)



Site Name: Pasadena Tower
1201 Davis Street
Pasadena, Texas
Project Number: C311013



TEXAS COASTAL MANAGEMENT PROGRAM MAP

FIGURE 10
(Not to Scale)



Site Name: Pasadena Tower
1201 Davis Street
Pasadena, Texas

Project Number: C311013

APPENDIX A – PHOTOGRAPHS



Photo 1: View shows the entrance to the Police Department.



Photo 2: View shows the proposed tower location facing west.



Photo 3: View shows the proposed tower location facing



Photo 4: View facing east away from the proposed tower

APPENDIX B – SECTION 106

July 19, 2011

Ms. Linda Henderson
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276

RECEIVED

JUL 21 2011

History Programs Division

**Re: Section 106 Assessment - NT
Pasadena PD Tower
1201 Davis Street
Pasadena, Texas
TCNS# 77823
Prudent Project Number: C3110013**

Dear Ms. Henderson:

Prudent Environmental Services, Inc., (Prudent) is performing a National Environmental Policy Act (NEPA) review on a continuing basis for Consolidated Telecom Services, Ltd (CTS) for collocation and new tower construction sites. Prudent is submitting for comment to the Texas SHPO, in respect to the Section 106 of the National Historic Preservation Act of 1966 for this FCC-regulated wireless telecommunication facility undertaking. **CTS Communication, Inc. is seeking a letter of no effect for a proposed 200-foot self-support telecommunications tower and associated equipment compound to comply with Federal Communications Commission (FCC) requirements as identified in 47CFR Ch. I §1.1307.** Your comments are also being requested pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's regulation for compliance with Section 106, codified at 36 CFR Part 800. Enclosed is the CO Submission Packet – FCC Form 621 and appropriate attachments.

In the meantime, if you have questions about information in this report or if we can be of further assistance, please contact the undersigned at (210) 822-9588.

Respectfully submitted,
Prudent Environmental Services, Inc.


Tomas Hernandez, Jr., P.G.
Senior Project Manager

**NO HISTORIC
PROPERTIES AFFECTED
PROJECT MAY PROCEED**
by 
for Mark Wolfe
State Historic Preservation Officer
Date 5 August 2011

Attachments: NT Submission Packet – FCC Form 620 and appropriate attachments

Tomas Hernandez

From: towernotifyinfo@fcc.gov
Sent: Thursday, August 18, 2011 8:04 AM
To: thernandez@prudentweb.com
Cc: Diane.Dupert@fcc.gov; Kim.Pristello@fcc.gov
Subject: Proposed Construction of Communications Facilities Notification of Final Contacts - Email ID #10224

Consolidated Telecom Services, LLC
Tomas Hernandez Jr
4242 Medical Drive
Suite 5250
San Antonio, TX 78229

Dear Applicant:

This letter addresses the proposed communications facilities listed below that you have referred to the Federal Communications Commission (Commission) for purposes of contacting federally recognized Indian Tribes, including Alaska Native Villages (collectively Indian Tribes), and Native Hawaiian Organizations (NHOs), as specified by Section IV.G of the Nationwide Programmatic Agreement (NPA). Consistent with the procedures outlined in the Commission's recent Declaratory Ruling (1), we have contacted the Indian Tribes or NHOs identified in the attached Table for the projects listed in the attached Table. You referred these projects to us between 08/11/2011 and 08/18/2011. Our contact with these Indian Tribes or NHOs was sent on 08/18/2011.

Thus, as described in the Declaratory Ruling (2), if you or Commission staff do not receive a statement of interest regarding a particular project from any Tribe or NHO within 20 calendar days of 08/18/2011, your obligations under Section IV of the NPA with respect to these Indian Tribes or NHOs are complete(3). If an Indian Tribe or NHO responds that it is interested in participating within the 20 calendar day period, the Applicant must involve it in the review as set forth in the NPA, and may not begin construction until the process set forth in the NPA is completed.

You are reminded that Section IX of the NPA imposes independent obligations on an Applicant when a previously unidentified site that may be a historic property, including an archeological property, is discovered during construction or after the completion of review(4). In such instances, the Applicant must cease construction and promptly notify, among others, any potentially affected Indian Tribe or NHO. An Indian Tribe's or NHO's failure to express interest in participating in pre-construction review of an undertaking does not necessarily mean it is not interested in archeological properties or human remains that may inadvertently be discovered during construction. Hence, an Applicant is still required to notify any potentially affected Indian Tribe or NHO of any such finds pursuant to Section IX or other applicable law.

Sincerely,
Dan Abeyta
Assistant Chief
Spectrum and Competition Policy Division
Wireless Telecommunications Bureau

1) See Clarification of Procedures for Participation of Federally Recognized Indian Tribes and Native Hawaiian Organizations Under the Nationwide Programmatic Agreement, Declaratory Ruling, FCC 05-176 (released October 6, 2005) (Declaratory Ruling).

2) Id S 8-10.

3) We note that, under the Declaratory Ruling, an expression of interest by an Indian Tribe or NHO addressed solely to the Commission staff during the 20-day period is sufficient even if it does not contact the Applicant.

4) Id at S 11.

LIST OF PROPOSED COMMUNICATIONS TOWERS

TCNS# 77823 Referred Date: 08/17/2011 Location: 1201 Davis Street, Pasadena, TX

Tribe Name: Comanche Nation

Tribe Name: Mescalero Apache Tribe

LEGEND:

* - Notification numbers are assigned by the Commission staff for sites where initial contact was not made through TCNS.

Tomas Hernandez

From: towernotifyinfo@fcc.gov
Sent: Monday, July 11, 2011 11:04 AM
To: thernandez@prudentweb.com
Cc: tcns.fccarchive@fcc.gov; jwaffle@tonkawatribe.com
Subject: Reply to Proposed Tower Structure (Notification ID: 77823) - Email ID #2838231

Dear Kristen Simpson,

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

The following message has been sent to you from Tribal Administrator Joshua Waffle of the Tonkawa Tribe in reference to Notification ID #77823:

The following site(s) have been reviewed and to date (Monday, July 11, 2011) with current resources, the Tonkawa Tribe has no known burial sites of the Tonkawa Indians. If any remains or artifacts are discovered please contact the appropriate Agencies and our Tribal Facilities immediately. If the Tonkawa Tribes databases change in regards to the statement in this letter, a Tribal Representative will contact you.

Respectfully,

Joshua Waffle

Tribal Administrator Tonkawa Tribe

Ph 580 628 2561 124

Fx 580 628 2279

Cl 580 491 1209

jwaffle@tonkawatribe.com

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

Notification Received: 07/02/2011

Notification ID: 77823

Tower Owner Individual or Entity Name: Consolidated Telecom Services, LLC

Consultant Name: Tomas Hernandez Jr

Street Address: 4242 Medical Drive
Suite 5250

City: San Antonio

State: TEXAS

Zip Code: 78229

Phone: 210-822-9588

Email: thernandez@prudentweb.com

Structure Type: UTOWER - Unguyed - Free Standing Tower

Latitude: 29 deg 41 min 33.2 sec N

Longitude: 95 deg 11 min 40.9 sec W

Location Description: 1201 Davis Street

City: Pasadena

State: TEXAS

County: HARRIS

Ground Elevation: 9.8 meters

Support Structure: 61.0 meters above ground level
Overall Structure: 61.0 meters above ground level
Overall Height AMSL: 70.8 meters above mean sea level

Tomas Hernandez

From: towernotifyinfo@fcc.gov
Sent: Friday, July 15, 2011 4:35 PM
To: thernandez@prudentweb.com
Cc: tcns.fccarchive@fcc.gov; Celestine.bryant@actribe.org
Subject: Reply to Proposed Tower Structure (Notification ID: 77823) - Email ID #2842672

Dear Kristen Simpson,

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

The following message has been sent to you from Historic Preservation Officer Bryant J Celestine of the Alabama-Coushatta Tribe of Texas in reference to Notification ID #77823:

If your firm has not already done so, please forward a copy of your Form 620/621 in accordance with our pre-notification statement. Thank You!

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

Notification Received: 07/02/2011
Notification ID: 77823
Tower Owner Individual or Entity Name: Consolidated Telecom Services, LLC
Consultant Name: Tomas Hernandez Jr
Street Address: 4242 Medical Drive
Suite 5250
City: San Antonio
State: TEXAS
Zip Code: 78229
Phone: 210-822-9588
Email: thernandez@prudentweb.com

Structure Type: UTOWER - Unguyed - Free Standing Tower
Latitude: 29 deg 41 min 33.2 sec N
Longitude: 95 deg 11 min 40.9 sec W
Location Description: 1201 Davis Street
City: Pasadena
State: TEXAS
County: HARRIS
Ground Elevation: 9.8 meters
Support Structure: 61.0 meters above ground level
Overall Structure: 61.0 meters above ground level
Overall Height AMSL: 70.8 meters above mean sea level

Tomas Hernandez

From: towernotifyinfo@fcc.gov
Sent: Friday, July 08, 2011 2:01 AM
To: thernandez@prudentweb.com
Cc: kim.pristello@fcc.gov; diane.dupert@fcc.gov
Subject: NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED TOWER CONSTRUCTION NOTIFICATION INFORMATION - Email ID #2836216

Dear Sir or Madam:

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

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

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

1. THPO Assistant Kelly Glancy - Comanche Nation - Lawton, OK - regular mail
Details: The Comanche Nation Historic Preservation Office does not need to review proposed projects under the following conditions; those that involve pre-existing above-ground feature additions or modifications, unless there is an increase in height, and those where the proposed project is within the city limits and proposed to be located on a previously disturbed site that has already been evaluated by the Comanche Nation.

If the proposed project does not meet the aforementioned conditions, the Comanche Nation Historic Preservation Office requires the following items; photographs taken of all 4 directions (north, south, east and west) from the center of the project site (where possible), legal description of the proposed site (i.e.; section, range, township, etc.) and

any existing archeological/environmental reports or surveys relating to the site. We do not require, but request that you provide us with an aerial view of the proposed site if possible.

Due to the heavy volume of requests, we can no longer accept email requests.

Please send all materials to the Comanche Nation Historic Preservation Office, C/O Kelly Glancy, P.O. Box 908, Lawton, Oklahoma 73502 via regular or express mail, with a \$500 review fee, per project (payable to the Comanche Nation Historic Preservation Office). Please note on the cashier s check/money order (or on an attachment), the TCNS Number/Project Name that the review fee is being provided for. Upon receipt of review fee, the Comanche Nation Historic Preservation Office will promptly respond to your review request.

Note: If the Comanche Nation Office of Historic Preservation has commented previously on the project under requested review, inform us of the date in the body of the review request, and you will not be assessed a review fee. If you are in need of additional information you may contact us directly at (580) 595-9960 or 9618 for clarification. In addition, this message serves as the 'Official' Notice from the Comanche Nation Historic Preservation Office and can be printed for your records, if necessary.

Thank you!

Sincerely,
Jimmy Arterberry, THPO

2. TCNS Representative & GAP Technician Jason Prince - Wichita and Affiliated Tribes - Anadarko, OK - electronic mail and regular mail

If the applicant/tower builder receives no response from the Wichita and Affiliated Tribes within 30 days after notification through TCNS, the Wichita and Affiliated Tribes has no interest in participating in pre-construction review for the proposed site. The Applicant/tower builder, however, must immediately notify the Wichita and Affiliated Tribes in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

3. Tribal Administrator Joshua Waffle - Tonkawa Tribe - Tonkawa, OK - electronic mail

4. Historic Preservation Officer Bryant J Celestine - Alabama-Coushatta Tribe of Texas - Livingston, TX - electronic mail

Details: Please consider this notification as our interest for consultation regarding your proposal. The Alabama-Coushatta Tribe of Texas requests an administrative fee of \$300.00 for our services including internal file searches, elder consultations, and if necessary, travel expenses for a site visit to complete our determination regarding your proposal. TAKE NOTE of the following procedures as this will assist our efforts to provide your firm with the most efficient process in returning our determinations:

1. Submit your Form 620 or 621 by email to celestine.bryant@actribe.org. Each submission is logged and within 10 days of receipt, an invoice will be returned to the email account we receive your supplemental information. IF YOU HAVE NOT RECEIVED THIS BY 15DAYS, PLEASE INQUIRE.

2. INCLUDE your invoice number on your payment and submit according to the Invoice instructions. We cannot track your payment by project number so please do not submit without an invoice number.

3. Within 20 days of your original submission, you will receive an email response from our Office relating to our determinations for your proposal. This may occur despite a delay in fee payment. If you have not received our determination within 25 days, PLEASE INQUIRE.
4. IN THE EVENT OF AN OUTSTANDING BALANCE, a detailed invoice will be submitted in place of our determination. In this manner, your Section 106 obligations without Tribe ARE NOT complete until we have forwarded our written response indicating our determination.
5. If the applicant/tower builder decides to withdraw a proposal, please advise our office as soon as possible to avoid an outstanding balance in the future and any unnecessary research by our office.

Thank you, Bryant J. Celestine - Historic Preservation Officer

5. Tribal Historic Preservation Officer Holly B Houghten - Mescalero Apache Tribe - Mescalero, NM - electronic mail

Details: The Mescalero Apache Tribe does not wish to review towers that are being placed upon existing buildings. For review of all other proposed towers located within the Mescalero Apache Tribe's traditional homelands, the Tribe will charge a \$125.00 review fee. Please send this fee to the Historic Preservation Office, Mescalero Apache Tribe, P.O. Box 227, Mescalero, NM 88340. Please make the check payable to the Mescalero Apache Tribe and note on the check, or an attachment, the TCNS# or project name/number that the review fee is provided for. Upon receipt of the review fee, the Mescalero Apache Tribe will promptly respond to your review request.

The information you provided was also forwarded to the additional Tribes and NHOs listed below. These Tribes and NHOs have NOT set their geographic preferences on TCNS, and therefore they are currently receiving tower notifications for the entire United States. For these Tribes and NHOs, you are required to use reasonable and good faith efforts to determine if the Tribe or NHO may attach religious and cultural significance to historic properties that may be affected by its proposed undertaking. Such efforts may include, but are not limited to, seeking information from the relevant SHPO or THPO, Indian Tribes, state agencies, the U.S. Bureau of Indian Affairs, or, where applicable, any federal agency with land holdings within the state (NPA, Section IV.B). If after such reasonable and good faith efforts, you determine that a Tribe or NHO may attach religious and cultural significance to historic properties in the area and the Tribe or NHO does not respond to TCNS notification within a reasonable time, you should make a reasonable effort to follow up, and must seek guidance from the Commission in the event of continued non-response or in the event of a procedural or substantive disagreement. If you determine that the Tribe or NHO is unlikely to attach religious and cultural significance to historic properties within the area, you do not need to take further action unless the Tribe or NHO indicates an interest in the proposed construction or other evidence of potential interest comes to your attention.

None

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

6. SHPO Cathie Matthews - Department of Arkansas Heritage - Little Rock, AR - electronic mail

7. Deputy SHPO Ken Grunewald - Department of Arkansas Heritage - Little Rock, AR - electronic mail

8. SHPO Bob L Blackburn - Oklahoma Historical Society - Oklahoma City, OK - regular mail

9. Historian Linda Henderson - Texas Historical Commission - Austin, TX - electronic mail

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

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

Notification Received: 07/02/2011
Notification ID: 77823
Tower Owner Individual or Entity Name: Consolidated Telecom Services, LLC
Consultant Name: Tomas Hernandez Jr
Street Address: 4242 Medical Drive
Suite 5250
City: San Antonio
State: TEXAS
Zip Code: 78229
Phone: 210-822-9588
Email: thernandez@prudentweb.com

Structure Type: UTOWER - Unguyed - Free Standing Tower
Latitude: 29 deg 41 min 33.2 sec N
Longitude: 95 deg 11 min 40.9 sec W
Location Description: 1201 Davis Street
City: Pasadena
State: TEXAS
County: HARRIS
Ground Elevation: 9.8 meters
Support Structure: 61.0 meters above ground level
Overall Structure: 61.0 meters above ground level
Overall Height AMSL: 70.8 meters above mean sea level

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

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

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

Thank you,
Federal Communications Commission

APPENDIX C – GENERAL CONCURRENCE #5 MEMORANDUM

**COASTAL COORDINATION COUNCIL
GENERAL CONCURRENCE #5**

**Regarding Federal Emergency Management Agency (FEMA) assistance to areas of
Texas designated as major disaster areas**

Pursuant to 31 Texas Administrative Code (TAC) §§506.28 & 506.35 and 15 Code of Federal Regulations (CFR) §930.53(b), the Coastal Coordination Council (Council) issues the following General Concurrence #5 (GC5) for FEMA assistance in federally declared disaster areas.

Section 1: Purpose and Intent

- A. The purpose of this GC5 is to assist FEMA by expediting consistency review of certain FEMA-funded activities under the Texas Coastal Management Program (CMP) and to identify the certain activities affecting certain coastal natural resource areas (CNRAs) that must undergo a full consistency determination. The purpose of the GC5 is to minimize the number of consistency reviews that must be performed for activities that are minor in scope and that do not have significant adverse effects on CNRAs within the Texas CMP boundary. The CMP boundary is depicted in Appendix A of this document and is more particularly described in 31 TAC §503.1.
- B. FEMA and the Council acknowledge that the implementation of disaster assistance will be more effective if specific procedures are developed to expedite consistency review activities by the Council for activities with little potential to affect CMP Areas. This GC5 should shorten the time needed to comply with the Texas CMP for FEMA-funded projects and allow FEMA to more readily provide assistance following a federally declared disaster on the Texas coast.
- C. FEMA and DEM implement the Individual and Public 'grants' under FEMA's Individual and Public Assistance programs, as defined in 44 CFR §206.2(15)&(20). FEMA has determined that the implementation of the programs in 44 CFR Part 206 may have an effect upon properties within the Texas CMP boundary. Therefore, FEMA and the Council agree that these disaster assistance programs shall be administered in accordance with the following Sections, which will ensure compliance under the CMP.

Section 2: Activities Covered

- A. This GC5 is intended to incorporate FEMA's existing process for providing assistance for projects in major disaster areas. FEMA proposes to administer federal programs pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (Stafford Act), and its implementing regulations contained in Title 44 CFR Part 206, regarding assistance for the repair or replacement of damaged facilities and structures,

including approved Stafford Act Section 404 and 406 mitigation measures, 42 U.S.C. §§5170c & 5172.

B. The Council finds that the following assistance activities will not have direct or significant adverse effects on CNRAs and determines that FEMA or its grantees and subgrantees need not submit consistency findings for the following activities within the Texas CMP boundaries:

1. Funding of emergency response activities as provided under Stafford Act Section 403 (42 U.S.C. §5170b), Category A: Debris Removal and Category B: Emergency Protective Measures that are necessary when there is an unacceptable hazard to life, when there is an immediate threat of significant loss of property, or where an immediate and unforeseen economic hardship is likely if corrective action is not taken within a time period less than the normal time needed under standard procedures in 31 TAC §506.51. This includes activities that are necessary to protect public health and safety, as defined in Emergency 44 CFR §206.2(9), including direct federal assistance, funded by FEMA, such as water, ice, and power generation teams.
2. Individual 'grants' under FEMA's Individual Assistance Program, as defined in 44 CFR § 206.2(15).
3. Repair and construction projects that are covered under Categories C: Roads and Bridges, D: Water Control Facilities, E: Buildings and Equipment, F: Utilities, and G: Parks, Recreational Facilities, and other Items included in Stafford Act Section 403 (42 U.S.C. §5170b), and that have the same function, capacity, and footprint as existed prior to the major disaster, including upgrades to current codes and standards, provided that all three conditions are met. These projects are only exempt from the consistency requirements if they do not fall within the CNRAs listed in subsection "C" below. Even if all three conditions are met, a project may require a consistency determination, as outlined in subsection "C" below.
4. Repair or replacement of automobiles and equipment.
5. Repairs and construction inside or outside of structures in the same footprint, even if the repairs have a different function and capacity than previously existed; and which may occur in previously disturbed areas around the exterior of the structure.
6. Reconstruction of Coastal Historic Areas. A historic area is defined as a site that is specially identified in rules adopted by the Texas Historical Commission as being coastal in character and that is: (A) a site on or eligible for the National Register of Historic Places, designated under 16 USC §470a and 36 CFR, Part 63, Chapter 1: or (B) a state archaeological landmark, as defined by Texas Natural Resource Code (TNRC), Subchapter D, Ch. 191. These are governed by the *Programmatic Agreement Among the Federal Emergency Management Agency, the Texas State Historic Preservation Office, the Texas Department of Public*

Safety, Division of Emergency Management, and the Advisory Council on Historic Preservation (PA) or any subsequent replacement documents. Compliance with the PA satisfies the requirements of 31 TAC §501.14(o), and no separate consistency review is required.

- C. Consistency determinations are required for activities over which the Council has jurisdiction, if they occur in certain CNRA areas within the CMP boundary, even if the project has the same function, capacity, and footprint as existed prior to the major disaster. FEMA may fund a necessary emergency response activity within a CNRA without a consistency determination when the emergency response activity was performed to prevent an unacceptable hazard to life, an immediate threat of significant loss of property, or where an immediate and unforeseen economic hardship is likely if corrective action were not taken within a time period less than the normal time needed under standard procedures in 31 TAC §506.51. Maps and information on all of the CNRA areas below may be found on the General Land Office's web site at <http://www.glo.state.tx.us/gisdata/gisdata.html>. FEMA must provide consistency determinations for projects that fall within the following CNRA areas.
1. Critical Areas. These are defined in TNRC §33.203(8) and 31 TAC §501.3(a)(8) as a coastal wetland, oyster reef, hard substrate reef, submerged aquatic vegetation, or tidal sand or mud flat. Each of these critical areas is more specifically described under 31 TAC §501.3(b) (See Appendix B). Dredging and construction of structures in, or the discharge of dredged or fill material into critical areas must comply with the policies in 31 TAC §501.14(h).
 2. Submerged Lands "Submerged land" means land located under waters under tidal influence or under waters of the open Gulf of Mexico, without regard to whether the land is owned by the state or a person other than the state. TNRC §33.203(15) and 31 TAC §501.3(b)(12). Development on submerged lands must comply with the policies in 31 TAC §501.14(i).
 3. Beach/Dune System and Critical Dune Areas. "Critical dune area" is defined as a protected sand dune complex on the Gulf shoreline within 1,000 feet of Mean High Tide in TNRC §33.203(9) and 31 TAC §501.3(b)(6). Construction in critical dune areas and adjacent to Gulf beaches must comply with the policies in 31 TAC §501.14(k).
 4. Coastal Hazard Areas. These are defined in 31 TAC §501.3(a)(4) as special hazard areas and critical erosion areas. Definitions of special hazard areas and critical erosion areas may be found in Appendix C. Goals and policies for determining the consistency of development in coastal hazard areas are found in 31 TAC §501.14(l).
 5. Coastal Barriers. These are defined in TNRC §33.203(2) and 31 TAC §501.3(b)(1) as an undeveloped area on a barrier island, peninsula, or other protected area, as designated by United States Fish and Wildlife Service maps. Development of new infrastructure or major repair of

existing infrastructure within or supporting development within Coastal Barrier Resource System Units and Otherwise Protected Areas designated on maps dated October 24, 1990, under the Coastal Barrier Resources Act, 16 United States Code Annotated, §3503(a), must comply with the policies in 31 TAC §501.14(m).

6. State Parks, Wildlife Management Areas or Preserves. "Coastal preserve" is defined in 31 TAC §501.3(b)(3) as any land, including a park or wildlife management area, that is owned by the state and that is subject to Chapter 26, Parks and Wildlife Code, because it is a park, recreation area, scientific area, wildlife refuge, or historic site; and designated by the Texas Parks and Wildlife Commission as being coastal in character. Under 31 TAC §501.14(n), development by a person other than the Parks and Wildlife Department that requires the use or taking of any public land in such areas must comply with Texas Parks and Wildlife Code, Chapter 26.
7. Coastal shore areas, defined in TNRC §33.203(5) as an area within 100 feet landward of the highwater mark on submerged land.
8. Water under tidal influence, defined in TNRC §33.203(19) as water in this state, as defined by Section 26.001(5), Water Code, that is subject to tidal influence according to the Texas Commission on Environmental Quality's (formerly the Texas Natural Resource Conservation Commission's) stream segment map. The term includes coastal wetlands. The Council shall provide FEMA a detailed map indicating these areas influenced by tidal waters.

Section 3: Notification Procedures

For those proposed activities that will be reviewed for consistency with the CMP under the Council's rules (31 TAC §§506.50-506.52), FEMA shall submit to the Council Secretary FEMA's project worksheet, proposed work, and the name, address and telephone number for a point of contact. A description of the project must include at least the application, and location map, and supporting material required by FEMA, as well as the information required by Council rules at 31 TAC §506.50(c), which includes a brief evaluation on the relationship of the proposed activity to the CMP goals and policies and an evaluation of any reasonably foreseeable coastal effects. Under 31 TAC §506.51(d), if three members do not refer an application to the Council within 30 days of the date the Council Secretary receives a copy of the application, then the application is conclusively presumed to be consistent with the CMP.

Section 4: Interagency Coordination Procedures

The Council will work with FEMA and DEM in scoping meetings to identify CMP concerns and CMP applicability to FEMA activities following a federally declared disaster. FEMA and the Council may adopt amendments to this GC5 based on the scope of an individual disaster.

Section 5: Termination

- A. The Council may modify this GC5 by issuing another general concurrence, amendment or further revision. Prior to issuing any general concurrence or amendment that modifies or revises this GC5, the Council shall coordinate any modifications or revisions with FEMA.
- B. After consultation with FEMA, the Council may terminate this GC5 by publishing notice of the termination in the *Texas Register* at least thirty days prior to the termination date.
- C. FEMA may terminate this GC5 by providing 30 days written notice to the Council, provided that FEMA and the Council will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. This GC5 may be terminated by the execution of a subsequent GC that explicitly terminates or supersedes its terms.

Coastal Coordination Council
General Concurrence #5

David Dewhurst

David Dewhurst
Chairman
Coastal Coordination Council

10-25-2002

Date

Ron Castleman

Ron Castleman
Regional Director
FEMA, Region VI

11-6-02

Date

~~Jack Colley
State Coordinator
Texas Department of Public Safety
Division of Emergency Management~~

~~Date~~

Tom Haas

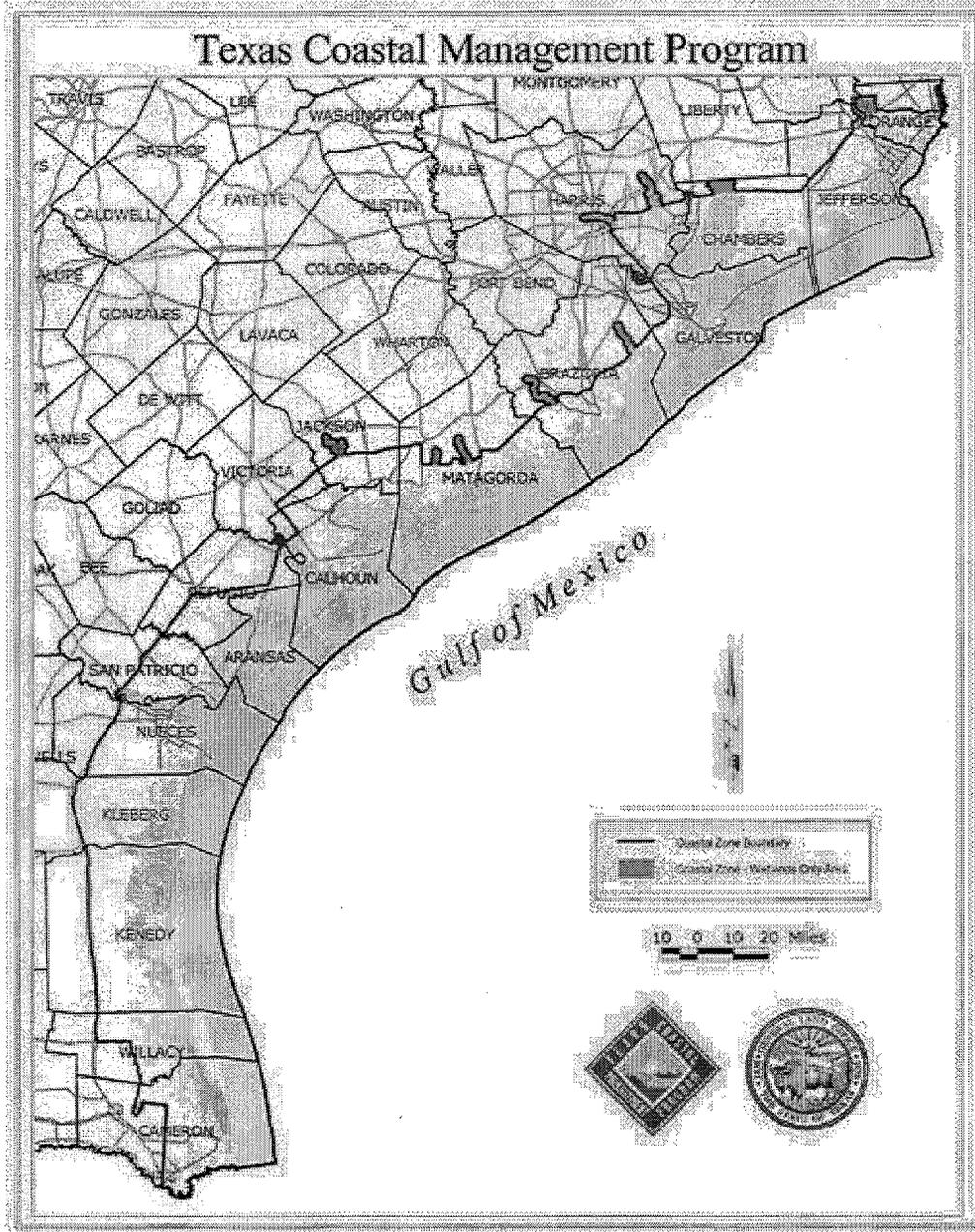
Tom Haas

11-13-02

Date

Chief Financial Officer
Texas Department of Public Safety

FEMA General Concurrence 5
APPENDIX A – MAP OF COASTAL MANAGEMENT PROGRAM BOUNDARY



FEMA General Concurrence 5
APPENDIX B – CRITICAL AREAS

Critical Areas. Defined in Texas Natural Resource Code (TNRC) §33.203(8) and 31 TAC §501.3(a)(8) as a coastal wetland, oyster reef, hard substrate reef, submerged aquatic vegetation, or tidal sand or mud flat. Dredging and construction of structures in, or the discharge of dredged or fill material into critical areas must comply with the policies in 31 TAC §501.14(h).

a. Coastal Wetlands. Defined in TNRC §33.203(7) and 31 TAC §501.3(b)(5), are Wetlands, as the term is defined by Texas Water Code §11.502, located:

(1) seaward of the Coastal Facility Designation Line, established by rules adopted under Texas Natural Resources Code, Chapter 40;

(2) within rivers and streams to the extent of tidal influence, as shown on the Texas Natural Resource Conservation Commission's stream segment maps and described as follows:

(a) Arroyo Colorado from FM Road 1847 to a point 100 meters (110 yards) downstream of Cemetery Road south of the Port of Harlingen in Cameron County;

(b) Nueces River from US Highway 77 to the Calallen Dam 1.7 kilometers (1.1 miles) upstream of U.S. Highway 77 in Nueces/San Patricio County;

(c) Guadalupe River from State Highway 35 to the Guadalupe-Blanco River Authority Salt Water Barrier at 0.7 kilometers (0.4 miles) downstream of the confluence with the San Antonio River in Calhoun/Refugio County;

(d) Lavaca River from FM Road 616 to a point 8.6 kilometers (5.3 miles) downstream of US Highway 59 in Jackson County;

(e) Navidad River from FM Road 616 to Palmetto Bend Dam in Jackson County;

(f) Tres Palacios Creek from FM Road 521 to a point 0.6 kilometer (0.4 mile) upstream of the confluence with Wilson Creek in Matagorda County;

(g) Colorado River from FM Road 521 to a point 2.1 kilometers (1.3 miles) downstream of the Missouri-Pacific Railroad in Matagorda County;

(h) San Bernard River from FM Road 521 to a point 3.2 kilometers (2.0 miles) upstream of State Highway 35 in Brazoria County;

(i) Chocolate Bayou from FM Road 2004 to a point 4.2 kilometers (2.6 miles) downstream of State Highway 35 in Brazoria County;

(j) Clear Creek from Interstate Highway 45 to a point 100 meters (110 yards) upstream of FM Road 528 in Galveston/Harris County;

(k) Buffalo Bayou (Houston Ship Channel) from Interstate Highway 610 to a point 400 meters (440 yards) upstream of Shepherd Drive in Harris County;

(l) San Jacinto River from Interstate Highway 10 upstream to the Lake Houston dam in Harris County;

(m) Cedar Bayou from Interstate Highway 10 to a point 2.2 kilometers (1.4 miles) upstream of Interstate Highway 10 in Chambers/Harris County;

(n) Trinity River from Interstate Highway 10 to the border between Chambers and Liberty Counties;

(o) Neches River from Interstate Highway 10 to a point 11.3 kilometers (7.0 miles) upstream of Interstate Highway 10 in Orange County;

(p) Sabine River from Interstate Highway 10 upstream to Morgan Bluff in Orange County; or

(3) within one mile of the mean high tide line of the portion of rivers and streams described by subparagraph (2) of this paragraph, except for the Trinity and Neches rivers.

(a) For the portion of the Trinity River described by subparagraph (2) of this paragraph, coastal wetlands include those wetlands located between the mean high tide line on the western shoreline of that portion of the river and FM Road 565 and FM Road 1409 or located between the mean high tide line on the eastern shoreline of that portion of the river and FM Road 563.

(b) For the portion of the Neches River described by subparagraph (2) of this paragraph, coastal wetlands include those wetlands located within one mile of the mean high tide line of the western shoreline of that portion of the river or located between the mean high tide line on the eastern shoreline of that portion of the river and FM Road 105.

b. Oyster reef. Defined in TNRC §33.203(13) and 31 TAC §501.3(b)(10), as a natural or artificial formation that is:

- (1) composed of oyster shell, live oysters, and other living or dead organisms;
- (2) discrete, contiguous, and clearly distinguishable from scattered oyster shell or oysters; and
- (3) located in an intertidal or subtidal area.

c. Hard substrate reef. A naturally occurring hard substrate formation, including a rock outcrop or serpulid worm reef, living or dead, in an intertidal or subtidal area. TNRC §33.203(12) and 31 TAC §501.3(b)(9).

d. Submerged aquatic vegetation. Rooted aquatic vegetation growing in permanently inundated areas in estuarine and marine systems. TNRC §33.203(16) and 31 TAC §501.3(b)(13).

e. Tidal sand or mud flat. A silt, clay, or sand substrate, without regard to whether it is vegetated by algal mats, that occur in intertidal areas and that are regularly or intermittently exposed and flooded by tides, including tides induced by weather. TNRC §33.203(17) and 31 TAC §501.3(b)(14).

FEMA General Concurrence 5
APPENDIX C – COASTAL HAZARD AREAS

Coastal Hazard Areas are defined in 31 TAC §501.3(a)(4) as special hazard areas and critical erosion areas. Goals and policies for determining the consistency of development in coastal hazard areas are found in 31 TAC §501.14(1).

a. A “special hazard area” is defined in TNRC §33.203(14) and 31 TAC §501.3(b)(11) as an area designated under 42 USCA §4001 et seq. as having special flood, mudslide or mudflow, or flood-related erosion hazards and shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E. Under 31 TAC §501.14(1)(1), subdivisions participating in the National Flood Insurance Program shall adopt ordinances or orders governing development in special hazard areas.

b. A “critical coastal erosion area” or “critical erosion area” is defined in TNRC §33.601(4) and 31 TAC §501.3(b)(7) as a coastal area that is experiencing historical erosion, according to the most recently published data of the Bureau of Economic Geology of The University of Texas at Austin, that the commissioner finds to be a threat to:

1. Public health, safety, or welfare;
2. Public beach use or access;
3. General recreation;
4. Traffic safety;
5. Public property or infrastructure;
6. Private commercial or residential property;
7. Fish or wildlife habitat; or
8. An area of regional or national importance.