

Draft Environmental Assessment

**Texas City
Telecommunications Tower**

*Texas City, Galveston County, Texas
5701 Attwater Avenue
Texas City, Texas 77590*

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LIST OF ACRONYMS

AGL	Above Ground Level
APE	Area of Potential Effect
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CO	Carbon Monoxide
CWA	Clean Water Act
dB	Decibel
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
FAA	Federal Aviation Administration
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
GHz	Gigahertz
GLO	General Land Office
kW	Kilowatt
lb	Pound
MHz	Megahertz
NAAQS	National Ambient Air Quality Standards
NAD83	North American Datum of 1983
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NHO	National Hawaiian Organization
NO ₂	Nitrogen Dioxide
NO _x	Nitrogen Oxide
NPDES	National Pollution Discharge Elimination Systems
NRHP	National Register of Historic Places
O ₃	Ozone
PM _{2.5/10}	Particulate Matter 2.5/10 micrometers or less
Pb	Lead
Qb	Beaumont Formation
SHPO	State Historic Preservation Office

SO ₂	Sulfur Dioxide
SOPs	Standard Operating Procedures
TAC	Texas Administrative Code
TCEQ	Texas Commission on Environmental Quality
TCNS	Tower Construction Notification System
THPO	Tribal Historic Preservation Office
UHF	Ultra High Frequency
USACE	United States Army Corps of Engineers
USDA	United State Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VHF	Very High Frequency
VOCs	Volatile Organic Compounds

1.0 - INTRODUCTION

The proposed Texas City 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 statewide 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 (CEQ, 1993 & 1997). 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 wild-land 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 ultra-high frequency [UHF], very high frequency [VHF], and 700/800 megahertz [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 or vendor-proprietary

^[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.

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 Texas City 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 Galveston County: the No Action alternative, renting space on existing telecommunication tower, and construction of a new 400-foot telecommunications tower for improved coverage in Texas City, Galveston County, Texas (Proposed Action).

3.1 Alternatives Considered and Dismissed

Using existing towers for interoperable communication were considered. However, 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 Texas City. 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 in Texas City, Texas (Proposed Action Alternative)

The Proposed Action, the Texas City Tower, is located at approximately 5701 Attwater Avenue between Highway 146 and Humble Camp Road, Galveston County, Texas City, Texas (Figure 1). The center of the tower is located approximately at 29.427944, latitude, and -94.978222 longitude of the North American Datum of 1983 (NAD83). The Proposed Action site is shown on the United States Geological Survey (USGS) Texas City, Texas 7.5 Minute Series Topographic Map dated 2010 (USGS, 2010) (Figure 2).

Texas City has analyzed the proposed construction of a telecommunication infrastructure site, including a 400-foot self-support tower with antennas, coaxial cabling, equipment shelter, and associated electronic equipment, to provide improved radio coverage to its existing public safety radio communications system (Figures 3, 4, and 5). Texas City 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 Proposed Action site. The Proposed Action site shall house the Texas City Tower Antenna Networks and Motorola Simulcast equipment to provide connectivity to Texas City.

The specific equipment included with this proposal is identified below.

The Proposed Action will house the equipment identified herein.

- One 400-foot self-supporting Tower. Structure Class III, Exposure Category C and Topographic Category I.
- One 12x32-foot concrete equipment shelter on raised foundation (15-feet above ground level [AGL]) with an integrated generator room at the north end of the shelter.
- Indoor rated 20-kilowatt (kW) propane generator.
- Motorola provided infrastructure equipment.

Texas City Tower Antenna Networks

- Motorola provided six Sinclair 806-869 7.5dB fiberglass; 800 MHz SC412-HF2LDF antennas.
- Motorola provided two 5.925 – 6.425 gigahertz (GHz) Parabolic microwave antennas.
- TWR P/N-LK1E2/3DBSL Federal Aviation Administration (FAA) E2 120VAC Medium Intensity Dual L-864(LED)/L-865(Strobe) lighting system including three Dual LED/Strobe L-864/865 Beacons, E2/3DBSL controller with photocell and Form-C dry contact alarm points, two levels of three OL1V LED sidelights with mounting kits for a maximum 10-ft face width tower, cabling for a 400-ft tower and cable ties per line items #19-22 for beacon and sidelights and all misc. installation hardware per BOM TWR drawing #603(attached).

All temporary construction-staging activities are proposed to occur in the vacant lot located adjacent to the Proposed Action site. Staging will occur for only the amount of time necessary to complete construction of the Proposed Action, approximately 14 weeks. Furthermore, staging will encompass only the necessary amount of space to complete the construction of the Proposed Action, less than 500 square-feet.

Changes may occur due to customer review, permitting and site conditions.

4.0 - AFFECTED ENVIRONMENT AND POTENTIAL IMPACTS

4.1 PHYSICAL ENVIRONMENT

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

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. FPPA 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 Texas City, within an area of commercial development. Per the United States Department of Agriculture, Natural Resources Conservation Service (USDA) 7 CFR 658.2(a) (USDA, 2000); 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 *Beaumont Formation (Qb)* according to the Geologic Atlas of Texas, Houston Sheet, 1982(Bureau of Economic Geology, 1982). Qb consists of mostly clay, silt, and sand; it includes stream channel, point-bar, natural levee, backswamp, coastal marsh and mud-flat deposits. The Proposed Action does not contain any significant geologic features, prime, or unique farmland. The Proposed Action is located in a commercial facility setting and would have no impact on prime or significant farmland. All temporary staging areas will be located on the side of the existing road. No impacts related with temporary staging for the Proposed Action are anticipated.

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

Proposed Action Alternative - Under the Proposed Action, no significantly impact geology or soils at the site would occur. Excavated soil and waste materials will be managed and disposed of in accordance with applicable local, state, and federal regulations. If contaminated materials are discovered during the construction activities, the work will cease until the appropriate procedures can be implemented and permits obtained. Any hazardous materials discovered, generated, or used during construction will be handled and disposed of in accordance with applicable local, State, and Federal regulations. The total area of disturbance is less than 1 acre. The project site is not considered prime farmland.

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 Clean Air 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 of 2.5 or 10 micromeres or less (PM-2.5 and PM-10), and Sulfur Dioxide (SO₂) (NAAQS, 2011).

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:

List of EPA’s NAAQS’s Per Criteria Pollutant (NAAQS, 2011)

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

Proposed Action Total Emission Calculation (calculations conducted by Prudent)

Emission Category	CO (lb)	NO _x (lb)	PM-10 (lb)	PM-2.5 (lb)	SO ₂ (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 Actual Emissions	873.14	25.69	0.08	0.08	0.01	9.87

Key:

CO – Carbon Monoxide

EPA – Environmental Protection Agency

lb - Pounds

NAAQS – National Ambient Air Quality Standards

NO₂ – Nitrogen DioxideNO_x – Nitrogen OxidePM_{2.5/10} - Particulate Matter 2.5/10 micrometers or lessSO₂ – Sulfur Dioxide

VOCs – Volatile Organic Compounds

Projects located in non-attainment areas must also demonstrate that the project's direct and indirect emissions are not regionally significant. A non-attainment area is defined under Texas Administrative Code (TAC) regulations, Title 30, Chapter 101, Rule §101.1, 1976, as having direct and indirect emissions that are 10 percent or more of the non-attainment 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), (PM-2.5 and PM-10), 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 Texas Commission on Environmental Quality (TCEQ) permit by rule, Title 30 Chapter 30 Rule §106.511 (TCEQ, 2000). 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. 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. In addition, episodic emissions from the

emergency generator would occur during routine maintenance and testing; and during emergency use. 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.

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 minimal. 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 (EPA, 2008).

Due to the limited construction and operational footprint, the Proposed Action 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 impacts to surface water.

4.3.2 Wetland Protection

The United States 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 (EO 11990, 1977).

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

Proposed Action Alternative - According to the United States Fish and Wildlife Services (USFWS) National Wetland Inventory Map (Figure 8) riverine system is located approximately

95 feet east of the Proposed Action site; a lake is located approximately 487 feet north of the Proposed Action site; and freshwater emergent wetlands are located approximately 1,135 feet south-southeast of the Proposed Action site (USFWS, 2012). Under the Proposed Action, no impacts to wetlands are anticipated, because the Proposed Action is not located in a wetland. At the time of the site reconnaissance, there was no evidence of potential wetlands, or hydrophytic vegetation at the site. Also determined from site reconnaissance, the riverine wetlands are located on the opposite side of elevated terrain. Therefore, runoff from the Proposed Action is not anticipated to flow to the riverine and instead will flow toward and along Attwater Avenue. Furthermore, the lake and freshwater emergent wetlands are not located in runoff proximity to the Proposed Action. Based on the findings of this review, the Proposed Action will result in no impacts to wetlands.

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 (EO 11988, 1977).

Texas City participates in the Flood Insurance Rate Map (FIRM) process and FIRM map 4855140030C (Effective Date May 2, 1983) was used to determine the Proposed Action flood hazard (FEMA, 2002) (Figure 6). A review of the FIRM determined that the Proposed Action is located within Zone B. According to the FEMA, Zone B is classified as “areas between limits of the 100-year flood and the 500-year flood; or certain areas subject to 100-year flooding with average depths less than one foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood.”

No Action Alternative - Under the No Action alternative, construction activities would not take place and there would be no potential impacts to floodplains.

Proposed Action Alternative - Under the Proposed Action, no impacts to floodplains occur, because the Proposed Action is not located within a Zone A (areas of 100-year flood).

4.4 COASTAL RESOURCES

According to the US Fish and Wildlife Coastal Barrier Map (Figure 7) and the Texas General Land Office (GLO) Coastal Management Map (Figure 9), the Proposed Action is not located within the US Fish and Wildlife Coastal Barrier System (USFWS, Chafee); however, the Proposed Action is within the Coastal Management Zone Boundary and designated as *Municipal Area* by the GLO (GLO, 1996).

The GLO’s Coastal Management Zone Boundary encompasses the entirety of Galveston County and surrounding areas. Therefore, there are no practicable alternatives from building within the Coastal Management Zone Boundary. Based on consultation with GLO and review of Coastal Coordination Council General Concurrence #5, FEMA has determined that this project is deemed consistent with the goals and policies of the Texas Coastal Management Program and consistency review procedures as implemented by the GLO (Appendix C). Based on the

findings of this review, the Proposed Action will result in no significant effects to coastal resources.

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 (ESA, 1973).

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

In accordance with Section 7 of the 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 Galveston County (USFWS, Southwest Region, Endangered Species):

- Attwater's Great Prairie Chicken – *Tympanuchus cupido attwateri*
- Eskimo Curlew – *Numenius borealis*
- Piping Plover – *Charadrius melodus*
- West Indian Manatee – *Trichechus manatus*
- Hawksbill Sea Turtle – *Eretmochelys imbricate*
- Leatherback Sea Turtle – *Dermochelys coriacea*
- Kemp's Ridley Sea Turtle – *Lepidochelys Kempil*
- Green Sea Turtle – *Chelonia mydas*
- Loggerhead Sea Turtle – *Caretta caretta*

Habitats for these species were compared to the habitat observed at the Proposed Action; the tower construction is proposed in a commercial area adjacent to a paved roadway. None of the

habitats for these species were observed on the site and habitat was not identified with a potential to be found at the Proposed Action. The Proposed Action will not impact threatened or endangered species potentially occurring within the Galveston County area. Prudent has determined that the Proposed Action will not result in a significant impact on endangered species.

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. The Proposed Action is located within a commercial area and is surrounded by various kinds of development. FEMA has determined that this project, as defined by the scope of work and current land use, 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 (USFWS, 1918). Migratory birds are a federal trust resource that the USFWS is authorized to protect, and the USFWS has put forth recommendations for communication tower design and height to mitigate collision-related mortality. Mitigation measures outlined in the USFWS 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 (USFWS, Clark, 2000).

Galveston County is located within the Central Flyway for migratory birds (USFWS, 2011). Fall and spring migrants use the region for temporary stops during travel between the northern and southern hemispheres. Best management practices should be implemented for avoiding harassment and harm to migratory birds during construction activities. Impacts on migratory birds could be expected as a result of collision with operating towers, antennae, and other tall structures, particularly during periods of low visibility and as a result of tower lighting that might be distracting to some species. The probability of collision is difficult to determine programmatically due to the range of variables that affect the potential for collision and the lack of conclusive data on the causes of collision.

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 Federal Aviation Administration (FAA) requirements (described in Section 3.1.2 of this report).

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

Proposed Action Alternative - Under the Proposed Action, the following measures will be included to mitigate bird collision. The Proposed Action will be located in commercial area to avoid habitat loss. The Proposed Action will not utilize guyed-line designed and will be a self-

support tower. FAA required, non-high intensity lighting will be mounted to the tower for visual awareness. The Proposed Action will allow for additional equipment collocation to reduce the need for additional towers in the area.

4.6 CULTURAL RESOURCES

The environment surrounding the Proposed Action location consists of a man-made lake, concrete buildings, paved street, and undeveloped land. The adjacent properties are commercial or industrial in nature. None of the adjacent properties are listed on the National Register of Historic Places (NRHP) (Texas Historical Commission, State Historical Site).

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 NRHP.

As defined in 36 CFR Part 800.16(d), the Area of Potential Effects (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 Tribal Historic Preservation Office (THPO), and Tribes. 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 NHPA.

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

Section 106 of the 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 May 24, 2012 and referenced as TCNS# 85736. Prudent did not request government to government consultation between the FCC and tribal groups because all groups had responded by June 28, 2012.

Due to the fact all tribal groups responded after the first notification, the FCC – Tribal consultation process was not initiated. The tribal consultation process is considered complete. Copies of the 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 NHPA. 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

Texas City was founded in 1878 but is known to have been inhabited since the early 1500's by Native American Tribes. Texas City economy is based on heavy industry, particularly shipping at the Port of Texas City as well as petroleum and petrochemical refining. The city is located within the Houston-Sugar Land Baytown metropolitan area and is the third-largest in Galveston County. The Proposed Action is located at approximately 5701 Attwater Avenue in a commercial area. The city's population was reported to be 45,099 according to the 2010 U.S. Census.

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 (city-data.com, 2012), the estimated median household income in Galveston County was \$56,562 in 2009. The average wage per job was \$37,890 in 2005. In 2003, 13.7 percent of residents living in Galveston County were below the poverty level. The amount of whites/non-Hispanics consists of 45.0 percent, Hispanics make up 31.3 percent, and the remainder of all other races including Blacks, Asians and American Indian make up 23.9 percent of Galveston County residents.

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 (USEPA, 1974).

The Proposed Action is located in a commercial area of Texas City, and not located near any residential districts. 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 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 does not appear to be any 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). Prudent has determined that the Proposed Action will not result in a significant impact on solid waste.

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 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 on an undeveloped site in a commercial area, minimal infrastructure would be needed to support the proposed telecommunications tower. Commercial utility power would be run to the Proposed Action location from existing utility lines that run along Attwater Avenue. There is currently an existing access to the site. No significant amount of trenching activities area anticipated. The only anticipated trenching activities will be for utility lines (maximum three-feet in depth) to connect the tower to the existing electrical grid. 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 requirements would need to be mitigated.

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

5.0 - SUMMARY

The overall physical environment within the Proposed Action area will not be significantly impacted by the construction of the proposed telecommunications tower. Therefore, no significant mitigation measures will need to be implemented as result of this Proposed Action.

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	Excavated soil and waste materials will be managed and disposed of in accordance with applicable local, state, and federal regulations.
Air Quality and Noise	Minor, Short-term Impacts due during construction	None	Measures would be taken to limit emission of fugitive dust, including watering down of construction areas. 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.).
Water Quality	No Impacts	None	None
Wetland Protection	No Impacts	None	None
Floodplains	No Impacts	None	None
Coastal Resources	No Significant Impacts	Coastal Coordination Council General Concurrence #5 Letter	None
Threatened and Endangered Species and Migratory Birds	No Significant Impacts	None	FWS "Service Guidance on Siting, Construction, Operation and Decommissioning of Communication Towers (September 2000)"
Historic Properties	No Impacts	SHPO	None
American Indian/Native Hawaiian/Native Alaskan Cultural/Religious Sites	No Impacts	FCC	None
Environmental Justice	Beneficial Impacts	None	None
Solid Waste	No Impacts	None	None
Man-made Hazards	No Impacts	None	None
Infrastructure	No Impacts	None	None

6.0 - 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.

7.0 - PUBLIC PARTICIPATION

The availability of this EA will be advertised by public notice in the Galveston Daily News 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 <https://www.fema.gov/environmental-documents-and-public-notice-in-region-vi>. 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/>.

8.0 - 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.

9.0 - 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 400-foot telecommunications tower could have potential adverse impacts on migratory birds. However, the tower's location outside of sensitive habitats and flyways, absence of guyed wires, and use of non-high intensity light would mitigate collision-related bird mortality.

The new system set up on the 400-foot communications tower would be a great asset to the residents of Texas City and Galveston 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.

10.0 - LIST OF PREPARERS

This EA was prepared by:

Prepared by: Tomas Hernandez, Jr., P.G.
Morgan M. Helfrich
Prudent Environmental Services, Inc.

Government Contributors

Kevin Jaynes, Regional Environmental Officer, FEMA Region 6

Alan Hermely, Environmental Specialist, FEMA Region 6

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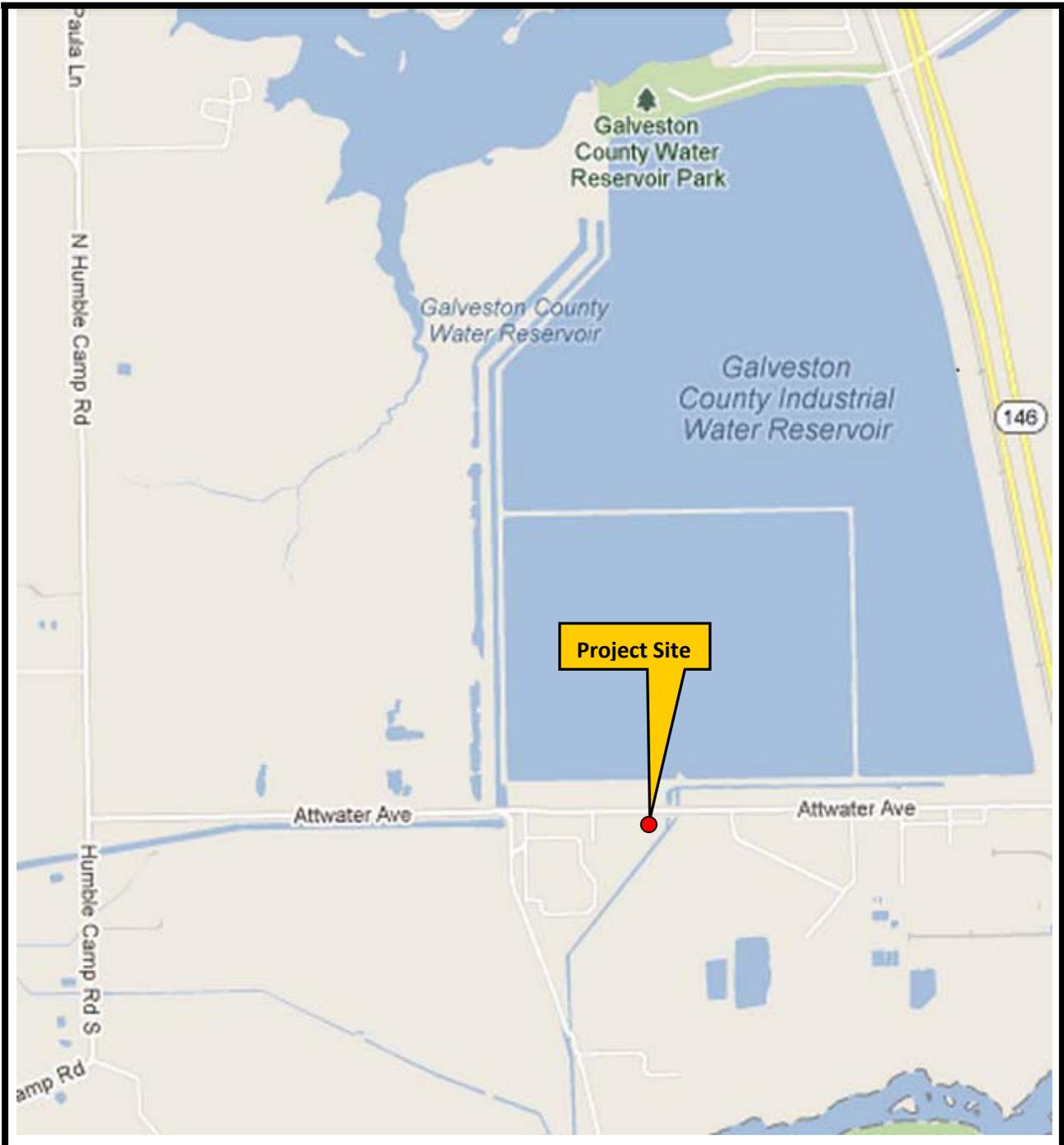
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FIGURES

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



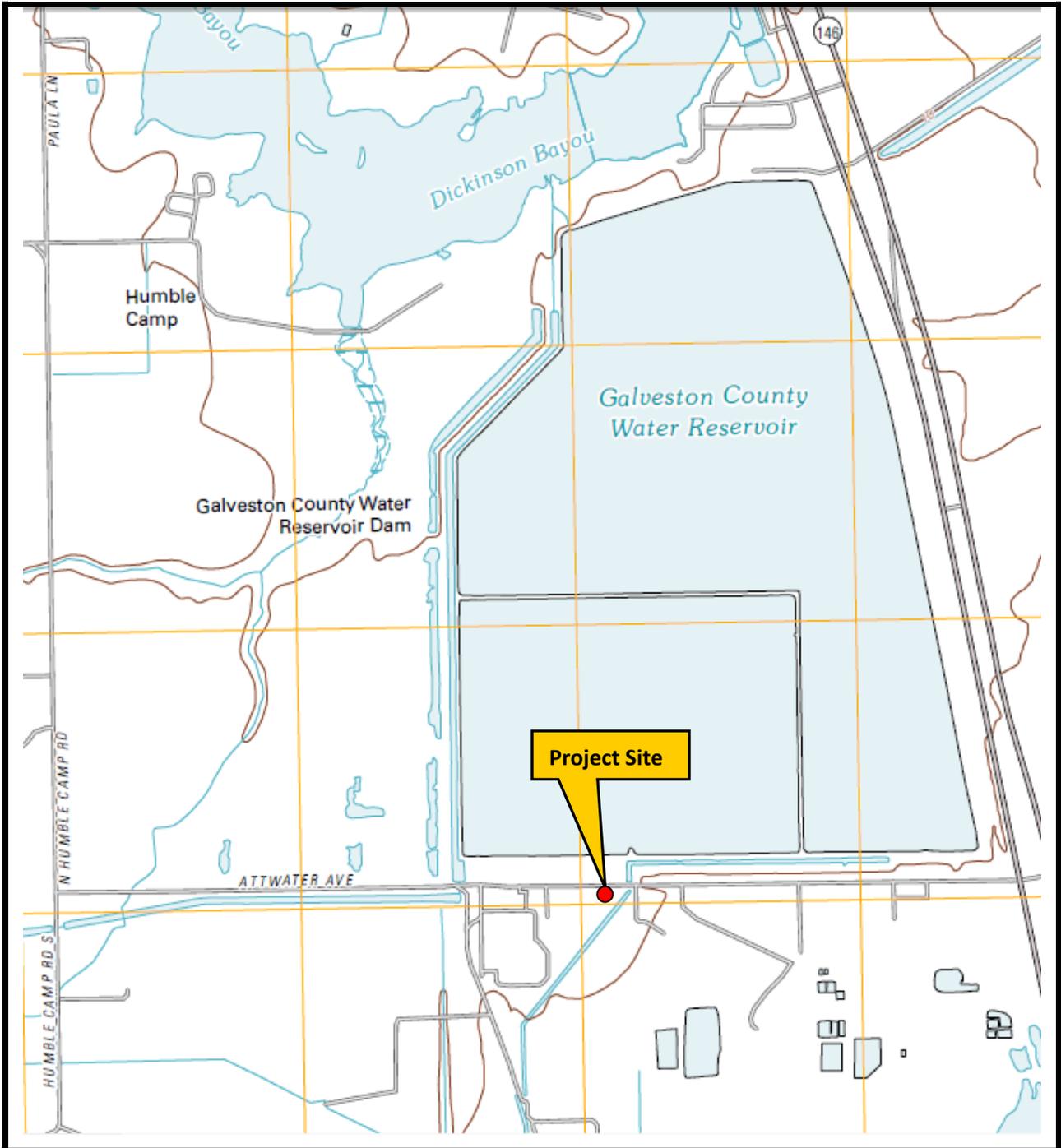
VICINITY MAP

FIGURE 1
(Not to Scale)



Site Name: Texas City Tower
5701 Attwater Avenue
Texas City, Texas

Project Number: C312008



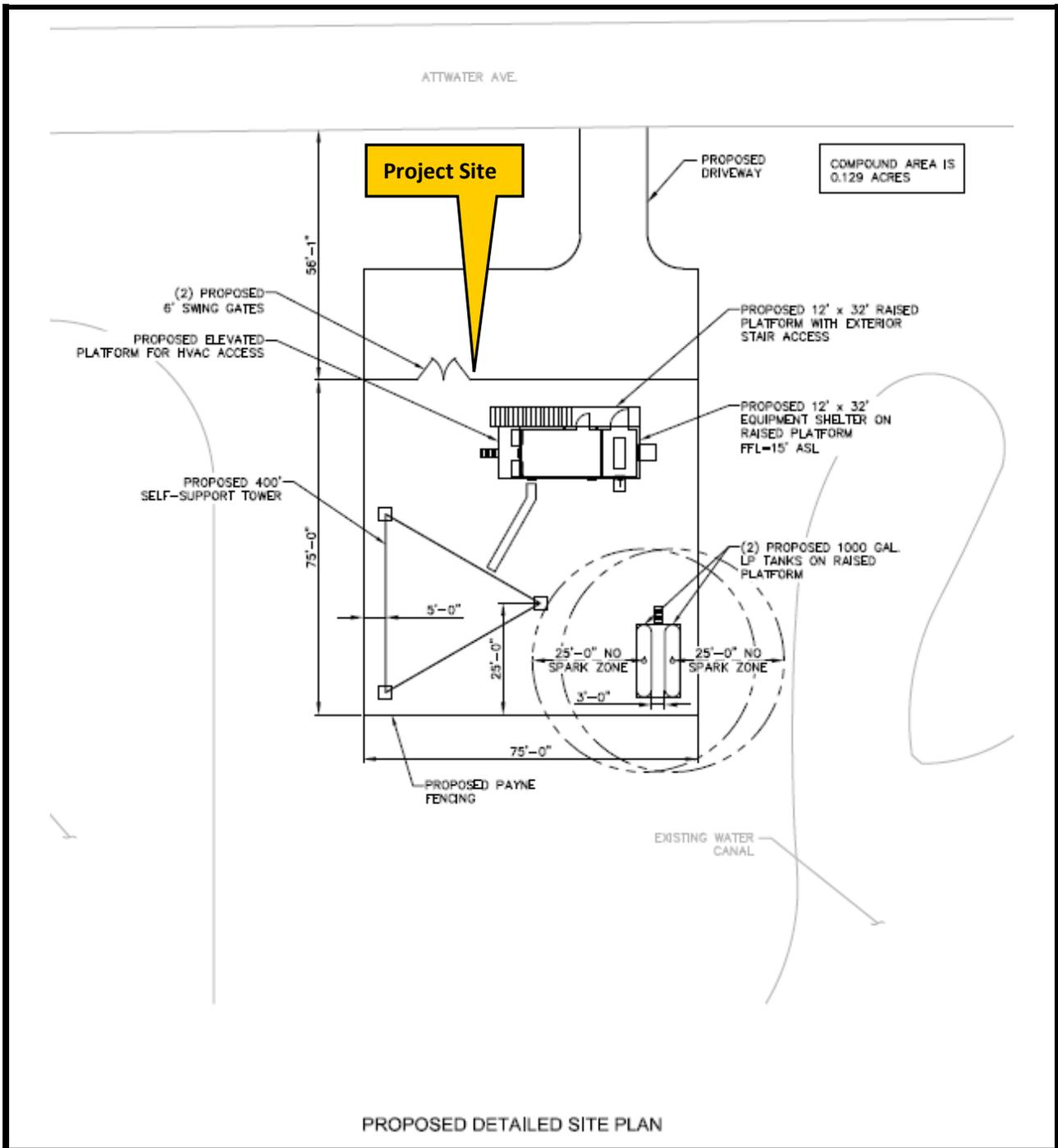
TOPOGRAPHIC MAP

FIGURE 2
 Source: USGS 7.5 Minute Topographic Map
 Texas City, Texas Quadrangle 2010



Site Name: Texas City Tower
 5701 Attwater Avenue
 Texas City, Texas

Project Number: C312008



SITE PLAN	FIGURE 3 Source: CTS Telecom (Not to Scale)	N↑
	<p>Site Name: Texas City Tower 5701 Attwater Avenue Texas City, Texas</p> <p>Project Number: C312008</p>	



SITE OVERVIEW

FIGURE 4
DRAWING NOT TO SCALE



Site Name: Texas City Tower
5701 Attwater Avenue
Texas City, Texas

Project Number: C312008



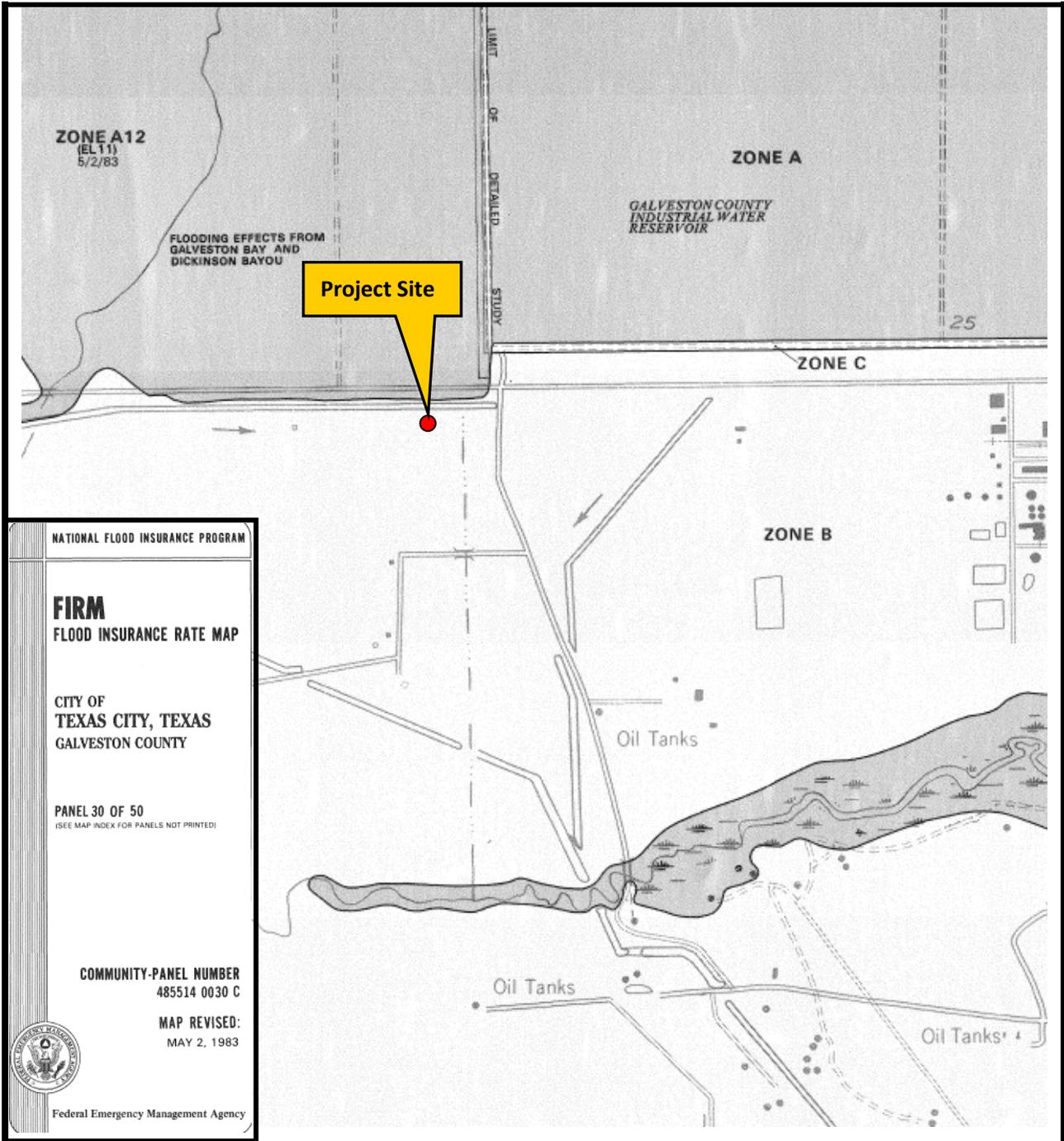
AERIAL MAP

FIGURE 5
(Not to Scale)



Site Name: Texas City Tower
5701 Attwater Avenue
Texas City, Texas

Project Number: C312008



FEMA MAP

FIGURE 6

Source: FEMA Map No. 4855140030C
Dated: May 2, 1983



Site Name: Texas City Tower
5701 Attwater Avenue
Texas City, Texas

Project Number: C312008

JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM TEXAS



Number of CBRS Units:	35
Number of System Units:	17
Number of Otherwise Protected Areas:	18
Total Acres:	649,670
Upland Acres:	101,738
Associated Aquatic Habitat Acres:	547,932
Shoreline Miles:	307

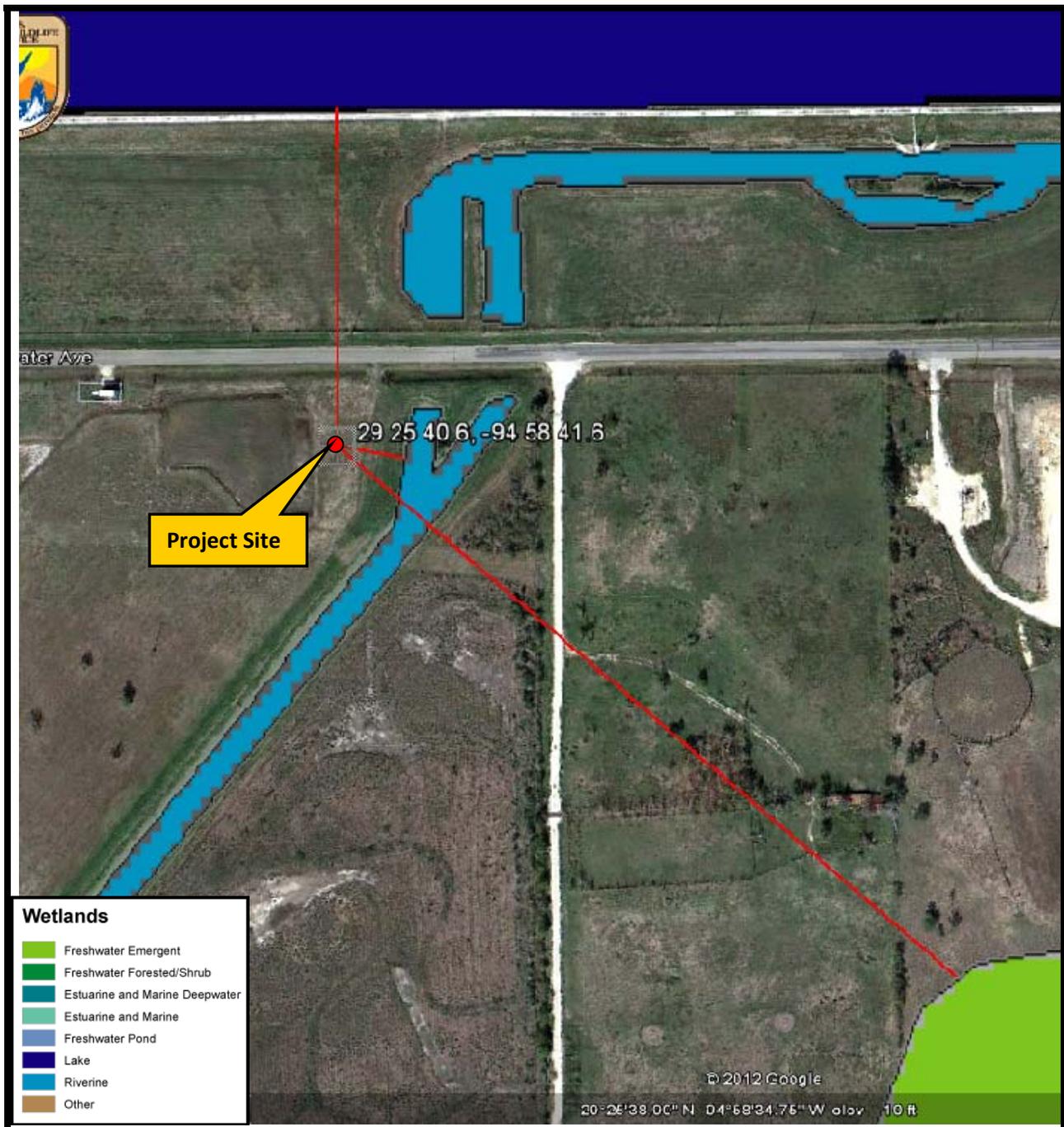
COASTAL BARRIER SYSTEMS LOCATION MAP

FIGURE 7
(Not to Scale)



Site Name: Texas City Tower
5701 Attwater Avenue
Texas City, Texas

Project Number: C312008



NATIONAL WETLAND INVENTORY MAP	FIGURE 8 (Not to Scale)	N↑
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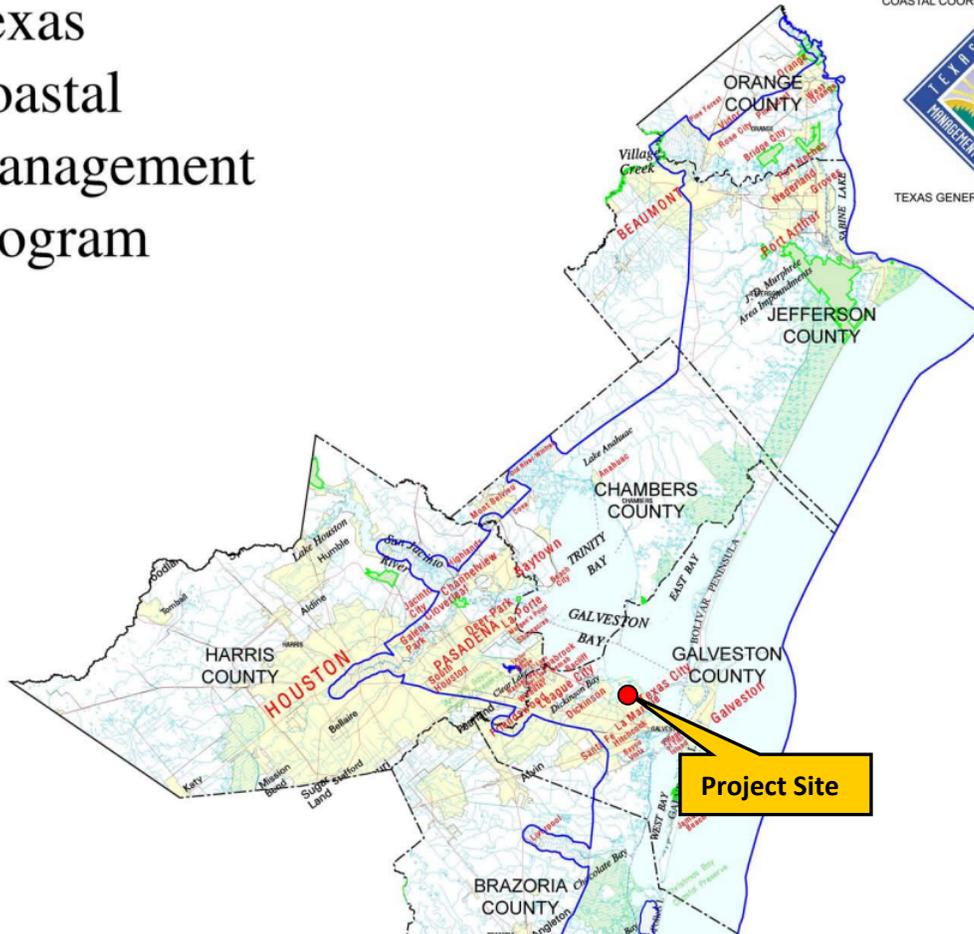
	<p>Site Name: Texas City Tower 5701 Attwater Avenue Texas City, Texas</p> <p>Project Number: C312008</p>
--	--

Texas Coastal Management Program

COASTAL COORDINATION COUNCIL



TEXAS GENERAL LAND OFFICE



- City/Town** Red place names indicate municipal areas located completely or partially within the Coastal Zone Boundary
- Coastal Zone Boundary** Texas General Land Office
- Municipal Boundary** TXDOT 1:100,000
- County Boundary** TNRCC 1:24,000
- Federal or State Highway** USDOT
- Ship Channel/Gulf Intracoastal Waterway** USACE 1:24,000

- State Park/Wildlife Management Area** TPWD, GLO, USGS or TXDOT
- Municipal Area** TXDOT
- Coastal Management Program/Wetlands Only** Texas General Land Office
- National Wildlife Refuge** USFWS
- Coastal Preserve** Texas General Land Office
- State Park/Wildlife Management Area** TPWD, GLO, USGS or TXDOT
- National Park** NPS

- Water** USGS 1:100,000 DLG
- Industrial Water** USGS 1:100,000 DLG
- Inundation Area** USGS 1:100,000 DLG
- Intermittent Water Body** USGS 1:100,000
- Marsh, Wetland, or Swamp** USGS 1:100,000
- Flats (Mud, Sand, Gravel, Tidal)** USGS 1:100,000

TEXAS COASTAL MANAGEMENT PROGRAM MAP

FIGURE 9
(Not to Scale)



Site Name: Texas City Tower
5701 Attwater Avenue
Texas City, Texas

Project Number: C312008

APPENDIX A – PHOTOGRAPHS



Photo 1: View shows the proposed tower location facing east.



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



Photo 3: View shows the proposed tower location facing southwest toward the Galveston County Juvenile Justice.



Photo 4: View shows the proposed tower location facing west toward the Carol Young Medical Facility.



Photo 5: View shows the proposed tower location facing north.



Photo 6: Image is taken from proposed tower location facing east toward the elevated terrain separating the Proposed Action from the riverine wetlands.

APPENDIX B – SECTION 106

**SECTION 106 ASSESSMENT
NEW TOWER (NT) SUBMISSION PACKET
FOR
PROPOSED 400-FOOT SELF SUPPORT
TELECOMMUNICATIONS TOWER**

**Texas City Tower
5707 Attwater Avenue
Texas City, Texas 77590
Prudent Project Number: C312008**

Prepared for:

C Faulkner Engineering, LP
4544 S. Lamar, Bldg. G-300
Austin, Texas 78745

Prepared by:



4242 Medical Drive, Suite 5250
San Antonio, Texas 78229

April 5, 2013

April 5, 2013

Mr. Mark Wolfe
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276

**Re: Section 106 Assessment - NT
Texas City Tower
5701 Attwater Avenue
Texas City, Texas 77590
TCNS# 85736
Prudent Project Number: C312008**

Dear Mr. Wolfe:

Prudent Environmental Services, Inc., (Prudent) is performing a National Environmental Policy Act (NEPA) review on a continuing basis for C Faulkner Engineering, LP (CFE Telecom) 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. **CFE Telecom is seeking a letter of no effect for a proposed 400-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.

A handwritten signature in black ink, appearing to read 'T. Hernandez', with a stylized flourish at the end.

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

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

FCC Wireless Telecommunications Bureau New Tower (“NT”) Submission Packet

NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT OF 1974 AND THE PAPERWORK REDUCTION ACT OF 1995

We have estimated that each response to this collection of information will take on average 5 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Washington, DC 20554, Paperwork Reduction Project (3060-1039). We will also accept your comments via the Internet if [you](mailto:PRA@fcc.gov) send them to PRA@fcc.gov. *Please do not send completed application forms to this address.*

You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection unless it displays a currently valid OMB control number with this notice. This collection has been assigned OMB control number 3060-1039.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of a statute, FCC regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party to a proceeding before the body or has an interest in the proceeding.

All parties and entities doing business with the Commission must obtain a unique identifying number called the FCC Registration Number (FRN) and supply it when doing business with the Commission. Failure to provide the FRN may delay the processing of the application. This requirement is to facilitate compliance with the Debt Collection Improvement Act of 1996 (DCIA). The FRN can be obtained electronically from the FCC's website at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available from the FCC's web site at <http://www.fcc.gov/formpage.html>, by calling the FCC's Forms Distribution Center at (800) 418-FORM (3676), or from the FCC's Fax Information System by dialing (202) 418-0177.

This notice is required by the Privacy Act of 1974, Public Law 93-579, December 31, 1974, 5 U.S.C. Section 552a (e)(3), and the Paperwork

Reduction Act of 1995, Public Law 104-13, October 1, 1995, 44 U.S.C. 3507.



General Information

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

Applicant Information

3) FCC Registration Number (FRN):
4) Name: CFE Telecom

Contact Name

5) First Name: John	6) MI: P	7) Last Name: Menniti	8) Suffix:
9) Title: Project Manager			

Contact Information

10) P.O. Box:	And /Or	11) Street Address: 907 West 5th Street, Suite 250	
12) City: Austin		13) State: TX	14) Zip Code: 78703
15) Telephone Number: (512) 674-9484		16) Fax Number: ()	
17) E-mail Address: jmenniti@ccc411.com			

Consultant Information

18) FCC Registration Number (FRN): 0021298310
19) Name: Morgan Helfrich

Principal Investigator

20) First Name: Herbert	21) MI: G	22) Last Name: Uecker	23) Suffix:
24) Title: Archaeologist			

Principal Investigator Contact Information

25) P.O. Box:	And /Or	26) Street Address: 30803 Buck Lane	
27) City: Bulverde		28) State: TX	29) Zip Code: 78163-2117
30) Telephone Number: (830) 980-7805		31) Fax Number: (830) 438-8666	
32) E-mail Address: starsllc@gvtc.com			

Professional Qualification

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

Additional Staff

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

If "Yes", complete the following:

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

**This page may be copied to include additional staff.
Consultant Information Attachments required – See instructions for details.**

Site Information

Tower Construction Notification System

1) TCNS Notification Number: **85736**

Site Information

2) Site Name: **Texas City Tower**

3) Site Address: **5701 Attwater Avenue**

4) City: **Texas City**

5) State: **TX**

6) Zip Code: **77590**

7) County/Borough/Parish: **Galveston County**

8) Nearest Crossroads: **East of Interstate 45, west of Highway 146 and north of Highway 197.**

9) NAD 83 Latitude (DD-MM-SS.S): **N29 25 40.6**

() N or () S

10) NAD 83 Longitude (DD-MM-SS.S): **W94 58 41.55**

() E or () W

Tower Information

11) Tower height above ground level (include top-mounted attachments such as lightning rods): (**400**) Feet () Meters

12) Tower Type (Select One):

() Guyed lattice tower

() Self-supporting lattice

() Monopole

() Other (Describe):

Project Status

13) Current Project Status (Select One):

() Construction has not yet commenced

() Construction has commenced, but is not completed

Construction commenced on: ____/____/____

() Construction has been completed

Construction commenced on: ____/____/____

Construction completed on: ____/____/____

Site Information Attachments required – See instructions for details.

Determination of Effect

14) Direct Effects (Select One):

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

15) Visual Effects (Select One):

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

Determination of Effect Attachments required – See instructions for details.

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(<input checked="" type="checkbox"/>) <u>Yes</u> (<input type="checkbox"/>) <u>No</u>
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>85736</u>	Number of Tribes/NHOs: <u>6</u>
2b) Tribes/NHOs contacted through an alternate system: <u>NA</u>	Number of Tribes/NHOs: _____

Tribe/NHO Contacted Through TCNS

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

Contact Name

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

Dates & Response

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

**This page may be copied to include additional Tribes/NHOs contacted.
Tribal/NHO Involvement Attachments may be required – See instructions for details.**

Other Tribes/NHOs Contacted

Tribe/NHO Information

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

Contact Name

3) First Name: Kelly	4) MI:	5) Last Name: Glance	6) Suffix:
7) Title: THPO Assistant			

Contact Information

8) P.O. Box:	And /Or	9) Street Address: #6 SW 'D' Avenue, Suite A	
10) City: Lawton		11) State: OK	12) Zip Code: 73502
13) Telephone Number: (580) 595-9960		14) Fax Number: ()	
15) E-mail Address:			
16) Preferred means of communication:			
() E-mail			
(X) Letter			
() Both			

Dates & Response

17) Date Contacted <u>5/16/2012</u>	18) Date Replied <u>5/25/2012</u>
() No Reply	
() Replied/No Interest	
(X) Replied/Have Interest	
() Replied/Other _____	

This page may be copied to include additional Tribes/NHOs.

Other Tribes/NHOs Contacted

Tribe/NHO Information

1) FCC Registration Number (FRN):
2) Name: Wichita and Affiliated Tribes

Contact Name

3) First Name: Jason	4) MI:	5) Last Name: Prince	6) Suffix:
7) Title: TCNS Representative and GAP Technician			

Contact Information

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

Dates & Response

17) Date Contacted <u>5/16/2012</u>	18) Date Replied <u> / / </u>
(X) No Reply	
() Replied/No Interest	
() Replied/Have Interest	
() Replied/Other _____	

This page may be copied to include additional Tribes/NHOs.

Other Tribes/NHOs Contacted

Tribe/NHO Information

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

Contact Name

3) First Name: Joshua	4) MI:	5) Last Name: Waffle	6) Suffix:
7) Title: Tribal Administrator			

Contact Information

8) P.O. Box:	And /Or	9) Street Address:	
10) City:		11) State:	12) Zip Code:
13) Telephone Number: (580) 628-2561 ex. 124		14) Fax Number: ()	
15) E-mail Address: jwaffle@tonkawatribe.com			
16) Preferred means of communication: (<input checked="" type="checkbox"/>) E-mail () Letter () Both			

Dates & Response

17) Date Contacted <u>5/16/2012</u>	18) Date Replied <u>5/29/2012</u>
() No Reply	
(<input checked="" type="checkbox"/>) Replied/No Interest	
() Replied/Have Interest	
() Replied/Other _____	

This page may be copied to include additional Tribes/NHOs.

Other Tribes/NHOs Contacted

Tribe/NHO Information

1) FCC Registration Number (FRN):
2) Name: Alabama-Coushatta Tribe of Texas

Contact Name

3) First Name: Bryant	4) MI: J	5) Last Name: Celestine	6) Suffix:
7) Title: Historic Preservation Officer			

Contact Information

8) P.O. Box:	And /Or	9) Street Address:	
10) City: Livingston		11) State: TX	12) Zip Code:
13) Telephone Number:		14) Fax Number: ()	
15) E-mail Address: Celestine.bryant@actribe.org			
16) Preferred means of communication: (<input checked="" type="checkbox"/>) E-mail () Letter () Both			

Dates & Response

17) Date Contacted <u>5/16/2012</u>	18) Date Replied <u>5/25/2012</u>
() No Reply	
() Replied/No Interest	
(<input checked="" type="checkbox"/>) Replied/Have Interest	
() Replied/Other _____	

This page may be copied to include additional Tribes/NHOs.

Other Tribes/NHOs Contacted

Tribe/NHO Information

1) FCC Registration Number (FRN):
2) Name: Coushatta Indian Tribe

Contact Name

3) First Name: Linda	4) MI: P	5) Last Name: Langley	6) Suffix:
7) Title: THPO			

Contact Information

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

Dates & Response

17) Date Contacted <u>5/16/2012</u>	18) Date Replied <u>6/5/2012</u>
<input type="checkbox"/> No Reply	
<input type="checkbox"/> Replied/No Interest	
<input checked="" type="checkbox"/> Replied/Have Interest	
<input type="checkbox"/> Replied/Other _____	

This page may be copied to include additional Tribes/NHOs.

Other Tribes/NHOs Contacted

Tribe/NHO Information

1) FCC Registration Number (FRN):
2) Name: Mescalero Apache Tribe

Contact Name

3) First Name: Holly	4) MI: B	5) Last Name: Houghten	6) Suffix:
7) Title: THPO			

Contact Information

8) P.O. Box: 227	And /Or	9) Street Address:	
10) City: Mescalero		11) State: NM	12) Zip Code: 88340
13) Telephone Number: (580) 595-9960		14) Fax Number: ()	
15) E-mail Address:			
16) Preferred means of communication: (<input checked="" type="checkbox"/>) E-mail () Letter () Both			

Dates & Response

17) Date Contacted <u>5/16/2012</u>	18) Date Replied <u>5/25/2012</u>
() No Reply	
() Replied/No Interest	
(<input checked="" type="checkbox"/>) Replied/Have Interest	
() Replied/Other _____	

This page may be copied to include additional Tribes/NHOs.

Historic Properties

Properties Identified

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

Historic Property

4) Property Name:
5) SHPO Site Number:

Property Address

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

Status & Eligibility

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

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

**This page may be copied to include additional Historic Properties.
Historic Property Attachments required – See instructions for details.**

Local Government Involvement

Local Government Agency

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

Contact Name

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

Contact Information

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

Dates & Response

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

Additional Information

19) Information on local government's role or interest (optional):
--

**This page may be copied to include additional local government agencies.
Local Government Attachments required – See instructions for details.**

Other Consulting Parties

Other Consulting Parties Contacted

1) Has any other agency been contacted and invited to become a consulting party?	() <u>Y</u> es (X) <u>N</u> o
--	--

Consulting Party

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

Contact Name

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

Contact Information

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

Dates & Response

18) Date Contacted ____/____/____

19) Date Replied ____/____/____

No Reply

Replied/No Interest

Replied/Have Interest

Replied/Other _____

Additional Information

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

**This page may be copied to include additional consulting parties.
Consulting Parties Attachments required – See instructions for details.**

Designation of SHPO/THPO

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

SHPO/THPO

Name: Texas SHPO

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

SHPO/THPO Name: NA

SHPO/THPO Name: NA

SHPO/THPO Name: NA

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

Certification

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

Party Authorized to Sign

First Name: **Tomas**

MI:

Last Name: **Hernandez**

Suffix:

Signature:

Date: ___/___/___

FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

ATTACHMENT 1

RESUMES

TOMAS HERNANDEZ, JR., P.G.

Senior Project Manager

EDUCATION

- Graduate Geology Courses, University of Texas at San Antonio, 1999-2002
- B.S., Geology, University of Texas at San Antonio, 1999

PROFESSIONAL REGISTRATION

- Professional Geoscientist (TX #3297, 2003)
- LPST Project Manager (TX #161, 2004)

PROFESSIONAL SUMMARY

Mr. Hernandez has over ten years of experience in environmental consulting. Responsibilities have included project management, marketing, reporting, and field support. Mr. Hernandez is experienced in providing project management for projects involving subsurface, surface, and groundwater investigations, wetlands determinations, biological assessments, threatened/endangered species and critical habitat reviews, environmental assessments, and NEPA audits. As a project manager, he develops program plans, prepares cost estimates and negotiates delivery orders with the client, manages and oversees subcontractors, performs contract administration and reporting tasks, and serves as the client liaison with federal and state regulatory agencies. His duties also include business development, report preparation, and performance of field investigations.

SELECTED PROFESSIONAL EXPERIENCE

- **Environmental Assessment / Black & Veatch Corporation and San Antonio Water Systems / Texas.** Responsible for the project management of the environmental assessment and coordination of the wetlands review for a proposed 110 mile water pipeline, for the Gonzales County Carrizo Aquifer Program, recovery and storage aquifer project. The environmental assessment involved investigating potential environmental concerns related to recognized environmental conditions, critical habitat evaluations, and identifications for federal and state threatened and endangered species. Services were performed for the San Antonio Water Systems.
- **Environmental Site Assessments / Medicine Bow Ranch/ Wyoming.** Responsible for the project management of the environmental assessment of a 65,000-acre proposed wind farm development in Medicine Bow, Wyoming.
- **Environmental Assessment / Community Development Corporation of Brownsville / Texas.** Responsible for the project management and environmental assessment of impacts of HUD Colonias Initiative (HCI) Program developments in the Brownsville and McAllen, Texas sites.

- **Phase I Environmental Site Assessments / USA and Mexico.** Responsible for the project management and assessment of over 1,000 Phase I ESAs and transaction screens for various financial institutions and private companies.
- **Geotechnical and Environmental Project Management / Various Telecommunication Projects / USA.** Project Manager responsible for soliciting and managing telecommunication construction projects across 18 states. Coordinated field work and report writing for geotechnical and environmental assessments for over 1,500 sites, including managing Section 106 reviews, archaeological assessments, and notifications to FCC's Tower Construction Notification System for telecommunication projects.
- **Site Investigations / City of San Antonio / San Antonio, Texas.** Responsible for development of the investigation plan to assess metals and hydrocarbon contamination of soil and groundwater the Brickyard Project. Services were performed for the City of San Antonio.
- **Site Investigations / Furniture Solutions / Ciudad Juarez, Mexico.** Responsible for project management and development of the investigation plan to assess volatile and semi-volatile compounds for an old industrial facility.
- **Geologic Assessments / Southerland Communities/ Texas.** Responsible for the project management and assessment of geologic features located on the Edwards Aquifer Recharge Zone for a proposed 850-acre residential development.

TRAINING AND CERTIFICATIONS

- OSHA 40-Hour HAZWOPER and annual 8-Hour refreshers
- OSHA 8-Hour Management & Supervisor Training
- First Aid / CPR
- Training Theory & Practical Applications of Grounding and Bonding with Special Emphasis on Ground System and Soil Resistivity Testing, CA – Lyncole XIT Grounding, 2001

ATTACHMENT 2

ADDITIONAL SITE INFORMATION

Additional Site Information

The Site is located at 5701 Attwater Avenue, Texas City, Texas and is the location for a proposed 400-foot self-support telecommunications tower and equipment compound. The Site is located in a rural area of Galveston County, Texas. The property is inside of the city limits of Texas City, Texas. According to the information provided by CFE Telecom, the Site is located at N29° 25' 40.62" Latitude and W94° 58' 41.55" Longitude (NAD83).

ATTACHMENT 3

TRIBAL AND NHO INVOLVEMENT

Prudent used the FCC's Tower Construction Notification System (TCNS) Notification I.D. 85736 on May 16, 2012 to contact federally registered tribes to determine whether the proposed tower would have visual or direct effects on tribal religious or cultural property within the Area of Potential Effect (APE). A copy of the FCC's TCNS Notification is attached.

Additional Correspondence

A response was not received by the date of this submittal from the tribes notified by the TCNS. If a response is not received within 30 days of the TCNS, a second letter submittal will be sent to each of the tribal contacts on the 'geographic preference list' provided by the FCC. Prudent will request government-to-government consultation between the FCC and tribal groups that had not responded.

ATTACHMENT 4

LOCAL GOVERNMENT

The local government offices have been contacted by CFE Telecom regarding the proposed tower construction.

ATTACHMENT 5

PUBLIC INVOLVEMENT

A legal notice was published in a local newspaper, on June 4, 2012 in the *Galveston County Daily News* in Galveston, Texas.

Public Notice -

This notice serves to comply with Nationwide Programmatic Agreement for Review of Effects on Historic Properties - Section 106 Notice that CFE Telecom proposes plans for the following telecommunications site in Galveston County, Texas: 400-foot self-support tower at 5701 Attwater Avenue, Texas City, Texas. Please submit public comments to mhelfrich@prudentweb.com

Published: June 4, 2012

ADDITIONAL CONSULTING PARTIES

No other parties were consulted.

ATTACHMENT 6

AREAS OF POTENTIAL EFFECTS

A. Direct Effects

The Area of Potential Effect (APE) for Direct Effects was determined to be the footprint of the proposed 400-foot self-support telecommunications tower and associated equipment compound. No listed National Register of Historic Places (NRHP) eligible properties, state-surveyed historic resources, or historic standing structures are located within or adjacent to the Site. Therefore, no significant direct effects were identified.

Our Atlas search indicated that no prior archeological investigations or resources prerecorded for the Site. According to the archaeological review there were no NRHP-listed sites within or adjacent to the Site; however, the Site has the potential for the existence of undiscovered/unrecorded archeological resources in or near the Site.

Any archeological resources that might be in or near the Site have probably been disturbed or destroyed by previous activities (construction and staging of the existing road) and have negligible or negative research potential. Therefore, the proposed tower project would have no significant direct effect on any archeological or cultural resources and Prudent recommends no further archeological study at the Site.

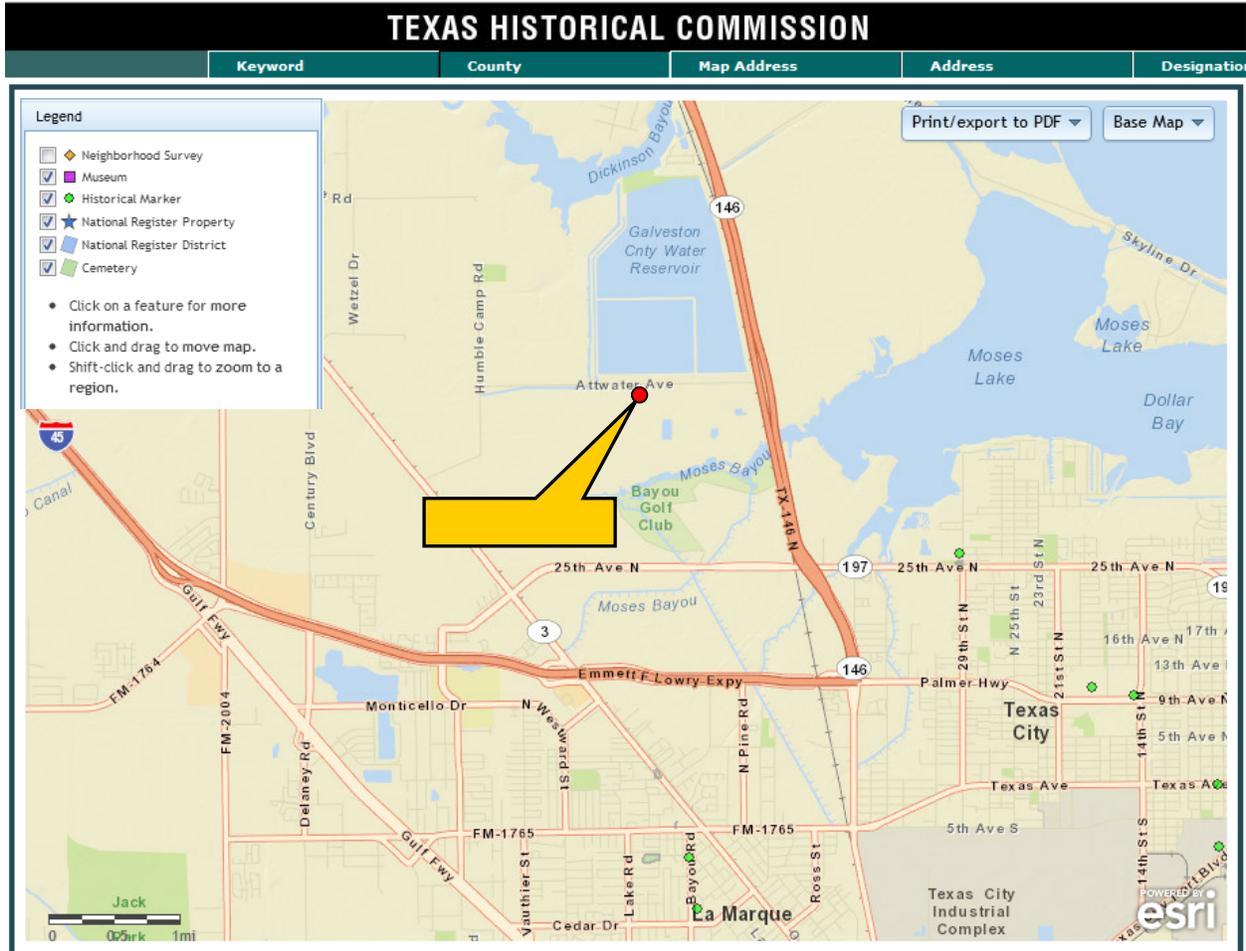
B. Visual Effects

The APE for visual effects for this project is a 1.50-mile radius from the proposed 400-foot self-support telecommunications tower (see attached USGS 7.5 Minute Series Topographic map, Figure 1).

Prudent conducted a records review at the Texas Historical Commission, Texas Historic Sites Atlas Web Site, <http://atlas.thc.state.tx.us/>, to identify any resources listed in the National Register of Historic Places (NRHP), eligible properties, state-surveyed historic resources, within the APE for visual effects of the proposed project. No listed National Register of Historic Places (NRHP) eligible properties or state-surveyed historic resources were noted within the APE for visual effects of the proposed project.

HISTORIC PROPERTIES IDENTIFIED IN THE APE FOR VISUAL EFFECTS

Based on a review of the Texas Historical Commission, Texas Historic Sites Atlas Web Site, <http://atlas.thc.state.tx.us/> no listed National Register of Historic Places (NRHP) eligible properties were noted within the APE for visual effects of the proposed project.



HISTORIC PROPERTIES IDENTIFIED IN THE APE FOR DIRECT EFFECTS

No listed National Register of Historic Places (NRHP) eligible properties, state-surveyed historic resources, or historic standing structures are located within the APE. Therefore, no significant direct effects were identified.

Our Atlas search indicated that no prior archeological investigations or resources prerecorded for the Site. According to the archaeological review there were no NRHP-listed sites within or adjacent to the Site; however, the Site has the potential for the existence of undiscovered/unrecorded archeological resources in or near the Site. However, any archeological resources that might be in or near the Site have probably been disturbed or destroyed by previous activities (construction and staging of the existing road) and have negligible or negative research potential. Therefore, Prudent requests the SHPO make a determination on whether or not an archaeological survey will be warranted due to the existing construction activities at the site.

VISUAL EFFECTS ON IDENTIFIED PROPERTIES

No listed National Register of Historic Places (NRHP) eligible properties or state-surveyed historic resources were noted within the APE for potential visual effects of the proposed project. Therefore, no significant visual effects were identified.

An archaeological review was conducted to identify any listed archaeological resources with the APE. The review indicated that there are no NRHP-listed archaeological sites within the project APE. According to the archaeological review, the project location is in an area with low probability for the existence of undiscovered/unrecorded prehistoric archaeological resources. Construction activities have been halted until further SHPO review has been conducted.

ATTACHMENT 7
ARCHEOLOGICAL REPORT



South Texas Archeological Research Services, LLC
Cultural Resource Managers & Archeological Contractors
FRIENDLY PROFESSIONAL SERVICE

June 15, 2012

Ms. Morgan M. Helfrich
Staff Scientist
Prudent Environmental Services, Inc.
4242 Medical Drive, Suite 7250
San Antonio, Texas 78229

Re: Desktop Archeological Review: Texas City Cell Tower Project Area, Texas City, Texas

Dear Ms. Helfrich:

Per your request, we conducted a review for the above-referenced cell tower site (CTS) according to the Federal Communications Commission's Nationwide Programmatic Agreement (PA; 47 CFR Part 1). **In our opinion, no further archeological work should be necessary in order to satisfy applicable provisions of Section 106 of the National Historic Preservation Act for the CTS.** Our review concerned only archeological resources within or adjacent to the CTS and was based only on the items you provided and our research and opinions as described herein. We performed: (1) an internet search in the *Texas Archeological Sites Atlas* (Atlas) of the Texas State Historic Preservation Officer (SHPO) for evidence of previously recorded archeological resources; and (2) a preliminary estimate of the general probability for the presence of undiscovered/unrecorded archeological resources. We did not visit the CTS, and other, non-archeological categories of protected cultural resources might exist in or near the CTS or any area of potential visual effects (APVE) described in the PA.

Our Atlas search indicated that no prior archeological investigations or resources were recorded for the CTS. Considering that the CTS is over a kilometer from the nearest archeological sites shown to be registered with the State of Texas and apparently is not near any present-day or relict natural water source, we believe there is a low probability for the existence of undiscovered or unrecorded archeological resources in or near the CTS.

We do not warrant the accuracy of Atlas data or the presence, absence, or condition of archeological or other cultural resources of the CTS or APVE and do not purport to give legal advice. This review is not intended as a substitute for review by the SHPO and the SHPO's opinions might differ from ours concerning the archeological potential or requirements for the CTS. If you have any questions, or if we may be of any further assistance, please contact me anytime. Thank you for the opportunity to be of service to Prudent Environmental Services, Inc.

Sincerely,

A handwritten signature in black ink, appearing to read "Herbert G. Uecker".

Herbert G. Uecker
Principal Investigator and Cultural Resources Director

National Historic Preservation Act Section 106 and Antiquities Code of Texas Compliance
30803 Buck Lane, Bulverde, Texas 78163-2117
Phone: 830/980-7805 Fax: 830/438-8666
Email: starsllc@gvtc.com

ATTACHMENT 8

PHOTOGRAPHS



Photo 1: View shows the proposed tower location facing east.



Photo 2: View is facing east from the proposed location.



Photo 3: View is facing south from the proposed location.



Photo 4: View is facing southwest from the proposed location



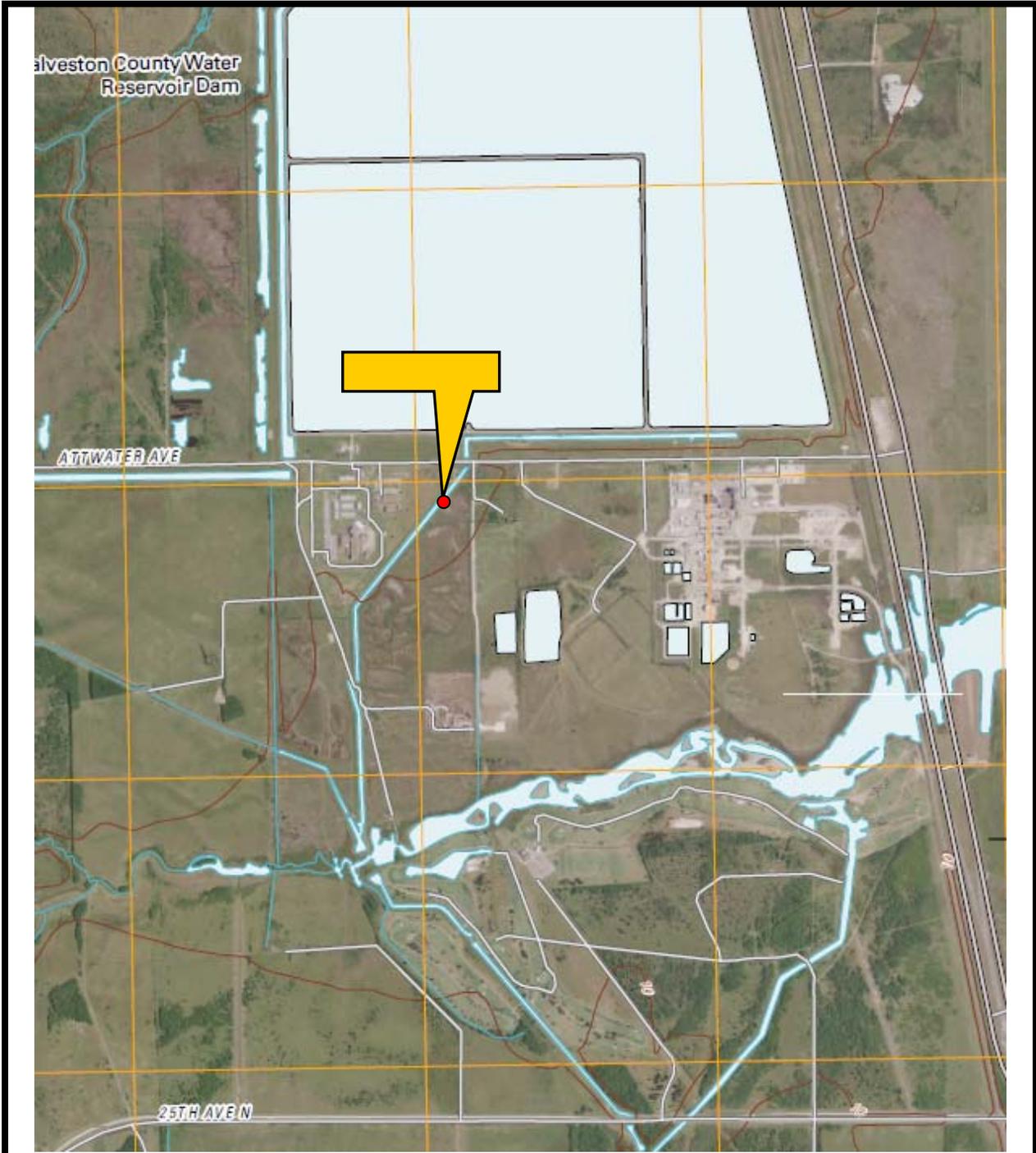
Photo 5: View is facing west from the proposed location.



Photo 6: View is facing north from the proposed location.

ATTACHMENT 9

MAPS



APE MAP

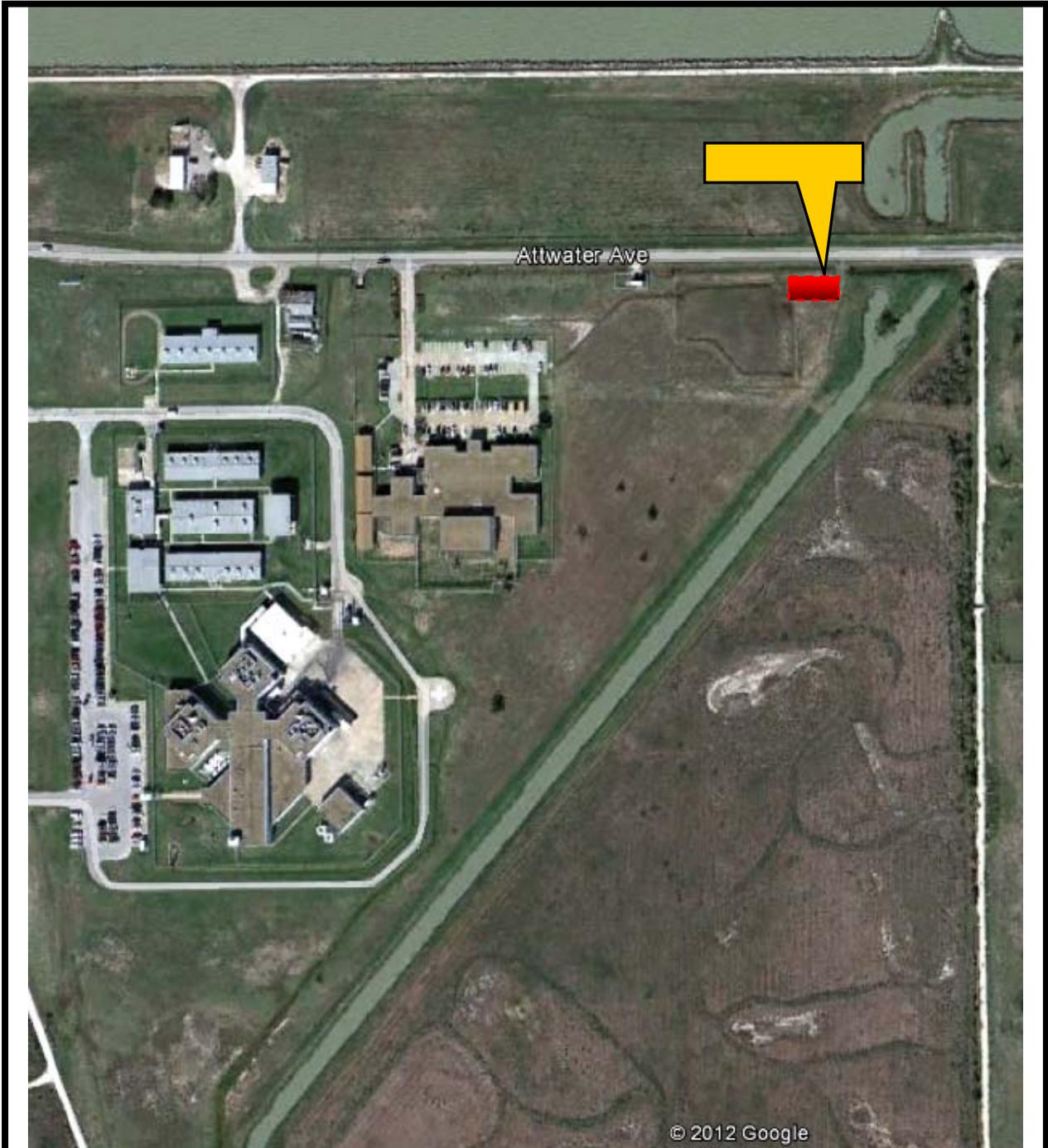
FIGURE 1

Source: USGS 7.5 Minute Topographic Map
Texas City, Texas Quadrangle 2010



Site Name: Texas City Tower
5701 Attwater Ave. Street
Texas City, Texas

Project Number: C312008



AERIAL MAP

FIGURE 2
DRAWING NOT TO SCALE

N↑



Site Name: Texas City Tower
5701 Attwater Ave. Street
Texas City, Texas

Project Number: C312008

**APPENDIX C – GLO COASTAL COORDINATION COUNCIL GENERAL
CONCURRENCE #5 LETTER**

**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 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.