

**Advisory Council on Historic Preservation  
Electronic Section 106 Documentation Submittal System (e106) Form**

**I. Basic information**

**1. Name of federal agency (If multiple agencies, state them all and indicate whether one is the lead agency):**

First Responder Network Authority (FirstNet Authority) – Lead Agency

Federal Communications Commission (FCC) – Consulting Party/Cooperating Agency

**2. Name of undertaking/project (Include project/permit/application number if applicable):**

Massey's Gun Range Site / SX2083

FCC File# 0008904209 / TCNS # 178521 / EBI# 6118007944

**3. Location of undertaking (Indicate city(s), county(s), state(s), land ownership, and whether it would occur on or affect historic properties located on tribal lands):**

1 Massey Way, Brownsville, Cameron County, Texas 78521

Private land

The proposed undertaking would not occur on nor affect historic properties located on tribal lands.

**4. Name and title of federal agency official and contact person for this undertaking, including email address and phone number:**

**REDACTED**

**5. Purpose of notification.**

The FirstNet Authority intends to utilize the *Program Comment for Streamlining Section 106 Review for Wireless Communications Facilities Construction and Modification Subject to Review Under the FCC Nationwide Programmatic Agreement and/or the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas* to comply with Section 106 of the National Historic Preservation Act of 1966 (NHPA) requirements for communications facilities being deployed as part of the nationwide public safety broadband network (NPSBN). Pursuant to FCC's 2004 Nationwide Programmatic Agreement (NPA) regarding Section 106 of the NHPA, this documentation is provided to notify the Advisory Council on Historic Preservation (ACHP) of a finding that a proposed undertaking may adversely affect historic properties, and invite the ACHP to participate in a Section 106 consultation.

## II. Information on the Undertaking

### 6. Describe the undertaking and nature of federal involvement (if multiple federal agencies are involved, specify involvement of each):

AT&T Mobility, LLC proposes the construction of a new telecommunications facility. The facility will include a 193-foot monopole tower with a six-foot lightning rod bringing the total overall height to 199 feet, and support equipment within a 100-foot by 100-foot lease area with a 4594-foot by 20-foot access and utility easement. The access/utility easement extends east then north from the lease area to terminate at Boca Chica Boulevard. The total area to be included in the proposed undertaking is 2.34-acre.

FirstNet, as both an independent federal authority and a licensee of the FCC, must satisfy its own NHPA requirements as well as comply with FCC-promulgated NHPA procedures. Based on discussions with FCC, since the primary purpose for the construction of this tower is to establish adequate coverage of the NPSBN in this area, the FirstNet Authority will assume the role of lead agency for NHPA compliance. The FCC will be a consulting party and will be a signatory to any memorandum of agreement (MOA) that may be executed. Once executed, the MOA would serve as both FirstNet Authority and FCC compliance with NHPA.

### 7. Describe the Area of Potential Effects:

FirstNet operates under the FCC's Nationwide Programmatic Agreement for the Section 106 process, which limits the area of potential effects (APEs) for direct effects to the area of potential ground disturbance and any property, or any portion thereof, that will be physically altered or destroyed by the undertaking. The FCC further clarified in direct communication that the APE for direct effects for new tower construction is limited to the proposed lease area, including the access route and utility corridor. The APEs for this project were designated consistent with the FCC definitions.

AT&T's subcontractor completed a field survey to determine that the APE for direct effects is limited to the 20-foot wide access/utility route and the proposed 100-foot by 100-foot lease area.

The APE for visual effects is the geographic area in which the undertaking has the potential to introduce visual elements that diminish or alter the setting, including the landscape, where the setting is a character-defining feature of a historic property that makes it eligible for listing on the National Register of Historic Places (NRHP). The presumed APE for visual effects for construction of new facilities is the area from which the tower will be visible: a. within a ½ mile from the tower site if the proposed tower is 200 feet or less in overall height; b. within ¾ of a mile from the proposed tower site if the proposed tower is more than 200 but no more than 400 feet in overall height; or c. within 1 ½ miles from the proposed tower site if the proposed tower is more than 400 feet in overall height. Due to the height of the proposed tower, the APE for visual effects is a ½-mile radius from the tower site.

### 8. Describe steps taken to identify historic properties:

AT&T's consultant and subconsultant performed a background literature and records search

through the Texas Historical Commission (SHPO), Texas Archaeological Sites Atlas, Texas Archaeological Research Laboratory, and NHRP database. In addition, historic maps were reviewed through online sources and historic aerial photography was reviewed through the Natural Resources Conservation Service's Texas Natural Resources Information Service. AT&T's consultant and subconsultant completed cultural resources field surveys and architectural historical assessments to identify historic properties and assess potential effects. Lastly, AT&T's consultant conducted consultation with various interested parties, such as the Texas SHPO, United States Fish and Wildlife Service (USFWS), National Park Service (NPS), national and local organizations and government, and ten federally recognized tribes.

**9. Describe the historic property (or properties) and any National Historic Landmarks within the APE (or attach documentation or provide specific link to this information):**

The proposed undertaking is located within the boundaries of the Palmito Ranch Battlefield site, which is both listed on the NRHP and as a National Historic Landmark (NHL). The Battle of Palmito Ranch is considered the final battle of the American Civil War. The NRHP nomination states that the "Palmito Ranch Battlefield retains exceptional integrity of setting, feeling, association and location, nearly 130 years after the battle which occurred on May 12 and 13, 1865." There are no known physical remnants of the battle, although archaeological resources could exist as there has been no systematic survey of the historic property/NHL. However, the land itself and the historic landscape are the defining feature of the historic property/NHL and the current integrity is largely unchanged since the NRHP nomination.

**10. Describe the undertaking's effects on historic properties:**

As described above, the integrity of the historic property/NHL's setting is noted as being "exceptional" in the NRHP nomination and remains largely unchanged since the NRHP nomination. Due to the flat topography of the region, the tower is expected to be visible within various areas of the historic property/NHL.

Viewshed mapping for the ½-mile visual effects APE for the proposed tower was created by AT&T's consultant. The viewshed mapping is a predictive modeling tool that utilizes the proposed tower's height and the topography and vegetation heights in the vicinity of the proposed tower to indicate areas where there may be visibility of the proposed tower. There is low scrub vegetation surrounding the proposed undertaking site as well as to the north. The vegetation is not tall enough to provide significant screening when viewing the tower from a distance within the historic property/NHL; however, it does reduce the visibility of the tower when in the vegetated areas. The nonvegetated areas within the ½ mile radius from where the proposed tower will be visible comprises under one percent of the nearly 6,000 acres of the NHL (.0839% of the NHL acreage).

As a result, AT&T's consultant found that construction of the proposed undertaking within the historic property/NHL boundaries constitutes an adverse effect. The Texas SHPO concurred with their findings.

**11. Explain how this undertaking would adversely affect historic properties (include information on any conditions or future actions known to date to avoid, minimize, or mitigate**

adverse effects):

As discussed above, the potential undertaking could adversely affect a historic property/NHL. AT&T has performed an extensive alternatives analysis to determine what, if any, other options are available to both meet the purpose and need of the undertaking and avoid, reduce, minimize, or mitigate potential adverse effects. AT&T, under contract with the FirstNet Authority, is working with federal, state, and local law enforcement and public safety entities to help build the NPSBN. The undertaking site addresses a significant gap in coverage in the surrounding area near the U.S./Mexico border. The undertaking site is adjacent to the border with Mexico and is the only privately owned parcel in the vicinity. The surrounding land is federally managed, largely by the USFWS as the Lower Rio Grande Valley National Wildlife Refuge, making this parcel one of the only locations available for the proposed undertaking.

Since alternative locations are not suitable, AT&T has attempted to reduce the effects to the historic property/NHL through tower design. The original tower design consisted of a 210-foot-tall, self-support lattice tower. Since the tower would have been over 200 feet tall, FAA hazard lighting would be required which may have increased the salience of the tower from portions of the historic property/NHL. AT&T reduced the height of the proposed tower so that it would no longer require FAA hazard lighting and changed the design from a self-support lattice to a monopole to reduce the visual profile.

Although efforts have been made by AT&T to avoid and minimize the effect, consultation with the Texas SHPO resulted in a concurrence with AT&T's consultant's findings that construction of the proposed undertaking within the historic property/NHL boundaries constitutes an adverse effect.

**12. Provide copies or summaries of the views provided to date by any consulting parties, Indian tribes or Native Hawai'ian organizations, or the public, including any correspondence from the SHPO and/or THPO.**

AT&T's consultant conducted consultation with various interested parties, such as the Texas SHPO, USFWS, NPS, national and local organizations and government, and ten federally recognized tribes. AT&T's consultant also posted a copy of the legal notice regarding the proposed undertaking in *The Brownsville Herald* on December 5, 2019.

### **III. Optional Information**

**13. Please indicate the status of any consultation that has occurred to date.** Are there any consulting parties involved other than the SHPO/THPO? Are there any outstanding or unresolved concerns or issues that the ACHP should know about in deciding whether to participate in consultation?

As discussed above, AT&T's consultant conducted consultation with various interested parties, such as the Texas SHPO, USFWS, NPS, national and local organizations and government, and ten federally recognized tribes. The FCC, Texas SHPO, and NPS has asked to be consulting parties moving forward. The NHL Program, on behalf of the Secretary of Interior, will also be consulted due to the potential adverse effects to an NHL. All other parties

initially consulted have either not responded or stated that they do not have an interest in the proposed undertaking; however, those that have not responded will be given the opportunity to comment and reengaged as we continue consultation.

AT&T's consultant also posted a copy of the legal notice regarding the proposed undertaking in *The Brownsville Herald* on December 5, 2019. As of the date of this submission packet, no comments regarding this notice have been received.

The FirstNet Authority does not have any outstanding or unresolved concerns or issues that the ACHP should know about in deciding whether to participate in consultation for this undertaking.

**14. Does your agency have a website or website link where the interested public can find out about this project and/or provide comments? Please provide relevant links:**

With Texas SHPO's concurrence that the proposed undertaking has the potential to adversely affect the historic property/NHL, the FirstNet Authority will consult and reengage interested parties. The FirstNet Authority plans to notify the public of the potential undertaking by publication in a local newspaper of general circulation as well as posting undertaking information on the Environmental Page of the FirstNet Authority website.

**15. Is this undertaking considered a "major" or "covered" project listed on the Federal Infrastructure Projects Permitting Dashboard or other federal interagency project tracking system? If so, please provide the link or reference number:**

The undertaking is not considered a "major" or "covered" undertaking listed on the Federal Infrastructure Projects Permitting Dashboard or other federal interagency project tracking system.