

AT&T's Alternative Analysis for the Proposed Massey's Gun Range Project

EBI Consulting (EBI) was contracted to prepare an environmental review on behalf of AT&T Mobility, LLC for the proposed Massey's Gun Range Project/SX2083, located at 1 Massey Way, Brownsville, Texas, as part of its regulatory review by the Federal Communications Commission (FCC). The review focused on the National Environmental Policy Act (NEPA) compliance and included an evaluation of whether historic properties or archaeological sites may be affected by the proposed telecommunications facilities at the address noted above under Section 106 of the National Historic Preservation Act (NHPA). As a result of the review process, it was identified that the proposed facility would adversely affect the National Historic Landmark Palmito Ranch Battlefield. The Texas State Historic Preservation Office concurred with this finding of effect. As a part of the continuing consultation process under Section 106, the FCC determined that the First Responder Network Authority (FirstNet Authority) should be the lead federal agency for the proposed undertaking.

EBI has shared the full FCC Form 620 which included a discussion of alternatives considered by AT&T to avoid adversely affecting the Palmito Ranch Battlefield. After reviewing the documentation, the FirstNet Authority requested additional information to assist in understanding the "need" for the site and how alternatives have been exhausted.

Historically, the FCC has utilized radio frequency mapping demonstrating gaps in coverage or dropped calls data to document the need for "capacity" sites. For this particular site, there is a lack of reliable wireless service in the area. Radio frequency mapping demonstrates poor coverage with the existing constellation of AT&T Mobility on-air sites and this same area is improved with the proposed site (identified as "SXL02083"). As explained in an email from Mr. Harry Steward, RAN Director, "The primary objective of this search ring is to find a candidate location that will cover a portion of an area near the border - that our existing sites (7-8 miles) away do not sufficiently cover. This includes a portion of Boca Chica Blvd as well as areas the United States Customs and Border Patrol (CBP) patrols. With this bifurcated goal (cover portal areas near the border and Boca Chica Blvd) both to improve coverage (primarily for CBP) moving the site further north becomes more and more challenging with respect to meeting these goals."

A "search ring" around the project location was identified to identify a proposed solution for the gap in coverage. The ring is approximately one mile in diameter and encompasses an area where the vast majority of the property ownership is the United States of America – lands managed by the U.S. Fish and Wildlife Service (USFWS) as a wildlife preserve. The client's representatives have had conversations with Refuge Manager, Bryan Winton, of the USFWS where the agency has expressed no interest in a facility on the property they manage. Additionally, once the current privately-owned site was identified, the same agency has strongly expressed concerns relative to the impacts of laying fiber and electrical along the existing access easement.

And while there are a few other parcels within the Search Ring that are privately owned, AT&T Mobility's site acquisition vendor, Jamie Walls of Powder River Development Services, LLC has stated that "[t]he parcels were either "landlocked" thus not suitable for development or the landlords were unresponsive to our initial inquiries." The vendor also provided the graphic below.

The search ring is effectively bisected into a north half and a south half by Boca Chica Boulevard. The entirety of the search ring south of Boca Chica Boulevard is included within the National

Historic Landmark (NHL) boundaries of the Palmito Ranch Battlefield. Since the vegetation within the southern half of the search ring is limited to low-growing vegetation, shifting the tower's location within the southern half of the search ring will not eliminate the direct effects and is unlikely to eliminate or reduce the visual effects on the Battlefield. The northern half of the search ring is outside of the NHL boundaries, but is nearly entirely occupied by the wildlife refuge, the only exception is the grouping of small parcels circled with the orange oval on the graphic above. The privately-owned parcels are approximately 0.15 acres or 6,600 square feet and therefore, not large enough to accommodate the construction of the proposed 10,000 square foot lease area. The remaining parcels are landlocked by the USFW-managed land and placement of a road and utility routes across the USFWS land would have been necessary. As stated above, the USFWS is not a willing landlord, therefore, there are no available locations other than the one currently proposed. The current privately-owned parcel is large enough to accommodate the proposed development, is at the southern edge of the historic resource, and has an existing access drive and power pole line to the parcel.