

APPENDIX H

CONSULTATION RESPONSES

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APPENDIX H-1

U.S. Army Corps of Engineers



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, DC 20230

August 27, 2013

Mr. Alfonso Moreno
U.S. Army Corps of Engineers
Asset Management Division
915 Wilshire Blvd., Suite 1100
Los Angeles, CA 900177

Re: **ARRA Funded Grant:** National Environmental Policy Act (NEPA) Consultations
Regarding Broadband Technology Opportunities Program (BTOP) Grant Recipient #7835,
Los Angeles Regional Interoperable Communications System Joint Powers Authority (LA
RICS), Fiber Optic Network Infrastructure Project

Dear Mr. Moreno,

In 2010 the National Telecommunications and Information Administration (NTIA) awarded a grant to LA RICS, through the Broadband Technology Opportunities Program (BTOP), as part of the American Recovery and Reinvestment Act (ARRA). Since receiving the grant award, LA RICS has revised their project description to include the construction of a series of 232 radio base station equipment facilities (known as eNodeB) to be placed throughout Los Angeles County, CA for the purpose of creating a Public Safety Broadband Network (PSBN). In order to meet ARRA timelines and expedite the review process, NTIA is sending this project notification letter to the Army Corps of Engineers (ACOE) seeking your timely cooperation in reviewing and responding to this NTIA ARRA funded project.

An eNodeB facility is being proposed at the LA City Fire Station 88, which is located on land managed by the ACOE. Accordingly, the proposed activities should be reviewed by your office. Special Award Conditions (SAC) in the NTIA grant require LA RICS to consult with all Federal agencies involved in the development and/or construction of their project. The grant recipient may not commence project implementation (including demolition, construction, ground disturbance, etc.) on ACOE managed lands, until they have obtained a permit to do so. A project description with maps is included in the attached CD for your review. The description of activities proposed at the LA City Fire Station 88 site can be found in Appendix 2-D.

The grant recipient, LA RICS, is being copied with this letter. They will be contacting you to apply for any required permit(s); seek review and comment on their proposed use; and complete all required analysis and plans in order to receive the requested permit(s).

If any issues or questions arise during these consultations please contact me at (202) 482-4208, or FMonteferrante@ntia.doc.gov. NTIA is prepared and willing at any time to participate directly in the review process as needed. As monitoring the progress of each of these projects is

vital to their success, I would appreciate being copied on any correspondence you have in the future with the grant recipient regarding this project. Please do not send any return correspondence via US Mail since most mail is irradiated and will take extra time for delivery. All correspondence should be either by e-mail, fax (202-482-2156), or by express mail services (FedEx or similar carrier).

Sincerely,



Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and
Information Administration
U.S. Department of Commerce
H.C. Hoover Bldg. Room 4826
1401 Constitution Avenue, NW
Washington, DC 20230

Attachment

cc: Nancy Yang, LA RICS (NYang@isd.lacounty.gov)

APPENDIX 2-D

**LA-RICS SITES ON LAND MANAGED BY
US ARMY CORPS OF ENGINEERS (USACE)**

LA CITY FIRE STATION 88 (LAFD088)

Project Description

Site on USACE Land (LAFD088)

Site LAFD088 is an existing fire station with transmitter/receiver (refer to **Figure 2D-1**). Located at 5101 North Sepulveda Boulevard in Sherman Oaks, the site is in a fully developed urban area with ornamental trees and landscaping. The surrounding land is intensely developed with a mix of residential and commercial buildings. A two-story building and hose tower appropriate to facilitate the operational activities of a fire station exist on site.

On most federally-owned sites, including the Los Angeles City Fire Station 88 (LAFD088) site on US Army Corps of Engineers land, LTE system requirements for reliability and continuous operation meeting current industry standards and code requirements would necessitate the provision of new equipment (generators, fuel tanks, backup batteries, etc.) rather than relying on existing equipment already in place that may not be designed to support additional equipment or that may not meet current standards and codes. At many sites, there is no existing infrastructure meeting system requirements that could provide the coverage, reliability, or public safety-grade hardening required by the LA-RICS PSBN. Hence, preliminary project design assumes that new infrastructure would be required. At sites where there is existing infrastructure, engineering studies and analyses would be performed during system design to verify its sufficiency for use in the LTE system. Existing infrastructure that meets system requirements would be used.

Though small lattice towers with omni whip antennas exist on Site LAFD088, they are already heavily utilized and there is no existing stand-alone support structure of sufficient height to provide the necessary radio coverage required by the LTE system. Furthermore, it is not anticipated that the existing antenna support structures would meet the current telecommunications industry structural standard for the design of antenna support structures or the level of infrastructure hardening required for the LA-RICS LTE system. The existing on-site generator would be used if found to be sufficient to support all LTE system loads and meet the backup time requirement, as determined during System and Site design.

The LA-RICS LTE project would construct a single 70-foot free-standing monopole tower with a (maximum) 15-foot pole-top lightning rod (for an overall height of 85 feet above ground level or AGL), add outdoor equipment cabinets with communications equipment and backup batteries, and install ancillary equipment as described below in **Table 2D-1**. Project design, construction, operation, and maintenance activities, including vegetation clearance, are described in the Project Description under Sections 2.3, 2.4 and 2.5. **Appendix 2-A** contains additional information about the LAFD088 site.

Concurrent with conducting an environmental review of the project, LA-RICS Authority is developing site access/use agreements with member agencies that have leasehold interest on the proposed LTE sites. Construction activities and equipment installation for the proposed LTE system would be coordinated with LA-RICS Authority's member, who would in turn coordinate with the federal land proprietor for review and approval.

Project Description

Table 2D-1
LA-RICS LTE SITE MANAGED BY ARMY CORPS OF ENGINEERS
(LAFD088)

Site ID/Coordinates	Ownership	Equipment	Property Character
LAFD088 – LA City Fire Station 88 34°09'46.45228"N, 118°27'58.92632"W (NAD83)	U.S. Army Corps of Engineers	<ul style="list-style-type: none">• 85-foot antenna support structure consisting of a 70-foot undisguised monopole with a 15 feet lightning rod atop the monopole• Up to 3 outdoor LTE equipment cabinets• 25kW diesel generator with integrated sub-base fuel tank• Utility connections to existing facilities via underground conduits placed in trench approximately 70'L x 2'W x 3'D	Developed as fire station containing communications equipment.

Source: LA-RICS Authority

Figure 2D-1 shows the current condition of LAFD088, while **Figure 2D-2** contains an aerial map of the site and surrounding area.

Figure 2D-1
LA-RICS LTE SYSTEM LA CITY FIRE STATION 88 SITE (LAFD088)



Source: LA-RICS Authority



Project Description



Service Layer Credits: Source: Esri, iCubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community, Copyright © 2011 Esri, DeLorme, NAVTEQ, Terracon, LA County 2013, LA-RICS 2013, UltraSystems Environmental Inc 2013 August 5, 2013

LA-RICS LTE Project
Aerial Overview
 Site ID: LAFD088
 Site Name: FS 088

UltraSystems

DATA CONTACT REPORT

Attendees: USACE: Katie Parks, Carvel Bass
NTIA: Kurt Buchholz, Frank Monteferrante
LA-RICS: Nancy Yang, Nicole Gordon, Jim Hoyt

Subject: **LTE EA - Discussion of NEPA, Biological Resources, and Cultural Resources Issues Associated with Site LAFD088**

Date: April 1, 2014, 1:00 pm

Nancy provided a project overview noting that the project was 231 sites, one of which was at LAFD088.

Frank noted that NTIA wished for USACE to review analysis of the single site and accomplish this quickly.

Carvel noted that LAFD088 just did an EA for a rope tower. Initially LAFD wanted to put the rope tower closer to the Los Angeles River, but were precluded from doing this. Carvel said to use the new rope tower site as a marker designating the closest we should consider siting a monopole to the river.

Carvel noted there was some cultural resources concern at the site, and that two archaeologists came to investigate, and performed SHPO and tribal coordination. One of these was a USACE archaeologist named John Killeen who works in the Los Angeles District office of USACE.

Carvel noted that USACE would likely be content reviewing a draft document and adopting that with a categorical exclusion, completing their NEPA requirements. Carvel asked when this would be forwarded to him, and Frank thought perhaps late April.

Prior to permitting, USACE would require that LA-RICS coordinate site use with the LA Fire Department.

Carvel noted that they would want to see completed drawings within 45 days after geotech is completed, and that typically USACE would want to see these completed drawings as part of the project description for NEPA review. He also noted that a request for geotech would be reviewed separately as would a right of entry, both required prior to geotech occurring.

It was determined that a call should be set up for this week or next between the City, USACE, and LA-RICS to further the NEPA effort.

The call ended approximately 1:40 pm.

Action items:

1. Set up a call or visit between LAFD, USACE, and LA-RICS
2. Produce a request for geotech along with a right of entry request
3. Provide project description including site drawings to USACE.



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, DC 20230

May 21, 2014

Ms. Katie Parks
Department of the Army
Los Angeles District, Corps of Engineers
915 Wilshire Blvd.
Los Angeles, CA 90017

Dear Ms. Parks,

The National Telecommunications and Information Administration (NTIA) has awarded a grant to Los Angeles Regional Interoperable Communications System Joint Powers Authority (LA RICS Authority), through the Broadband Technology Opportunities Program (BTOP), as part of the American Recovery and Reinvestment Act (ARRA). Under ARRA the funding must be obligated and the project must be completed by September 2015. This timeline is driven by the laws and regulations governing the use of this ARRA grant funding. The project proposes to develop a county-wide microwave broadband network using long-term evolution (LTE) technology to improve shared voice and data communication systems for public safety agencies throughout the greater Los Angeles area, including project activities at the Los Angeles Fire Station 88.

We are providing one hardcopy of the draft final Environmental Assessment (EA) for the LA RICS Authority project (without Appendices) and the Appendix B Site Data Summary for the USACE site (LA City Fire Station 88) along with four CDs of the complete EA for your review and comment. These documents will be express mailed by LA RICS Authority to your office. We ask that due to the expedited time frames associated with ARRA that you provide any feedback or comments to NTIA within three weeks from your receipt of this document, giving particular consideration to those topics on which your agency is acknowledged to possess jurisdiction by law or special expertise in the NEPA, and NHPA.

Please let me know if you have any questions or comments on this draft final EA. I can be reached at 202-482-4208 or fmonteferrante@ntia.doc.gov. Please copy Nancy Yang, the LA RICS Authority point of contact on all technical questions or comments that you might have since she is better prepared to handle those issues. She can be reached at (323) 267-2922, or NYang@isd.lacounty.gov.

Thank you for your time and consideration on this very important matter.

Sincerely,

Frank J. Monteferrante, PhD
Environmental Compliance Specialist
U.S. Department of Commerce
H.C. Hoover Bldg. Room 4826
1401 Constitution Avenue, NW
Washington, DC 20230

Attachment

cc: Nancy Yang, LA RICS (NYang@isd.lacounty.gov)

APPENDIX H-2

Bureau of Land Management



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, DC 20230

August 27, 2013

Mr. Jeff Childers
Branch Chief of Land and Minerals
Ridgecrest Field Office
Bureau of Land Management
300 S. Richmond Road
Ridgecrest, CA 93555

Re: **ARRA Funded Grant:** National Environmental Policy Act (NEPA) Consultations
Regarding Broadband Technology Opportunities Program (BTOP) Grant Recipient #7835,
Los Angeles Regional Interoperable Communications System Joint Powers Authority (LA
RICS), Fiber Optic Network Infrastructure Project

Dear Mr. Childers,

In 2010 the National Telecommunications and Information Administration (NTIA) awarded a grant to LA RICS, through the Broadband Technology Opportunities Program (BTOP), as part of the American Recovery and Reinvestment Act (ARRA). Since receiving the grant award, LA RICS has revised their project description to include the construction of a series of 232 radio base station equipment facilities (known as eNodeB) to be placed throughout Los Angeles County, CA for the purpose of creating a Public Safety Broadband Network (PSBN). In order to meet ARRA timelines and expedite the review process, NTIA is sending this project notification letter to the Bureau of Land Management (BLM) seeking their timely cooperation in reviewing and responding to this NTIA ARRA funded project.

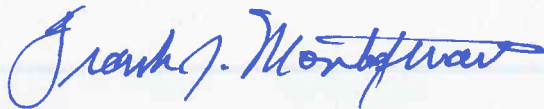
An eNodeB facility is being proposed at the Blue Rock site, which is managed by the BLM. Accordingly, the proposed activities should be reviewed by your office. Special Award Conditions (SAC) in the NTIA grant require LA RICS to consult with all Federal agencies involved in the development and/or construction of their project. The grant recipient may not commence project implementation (including demolition, construction, ground disturbance, etc.) on BLM lands, until they have obtained a permit to do so. A project description with maps is included in the attached CD for your review. The description of activities proposed at the Blue Rock site can be found in Appendix 2-B.

The grant recipient, LA RICS, is being copied with this letter. They will be contacting you to apply for the required permit(s); seek review and comment on their proposed use; and complete all required analysis and plans in order to receive the requested land use permit(s).

If any issues or questions arise during these consultations please contact me at (202) 482-4208, or FMonteferrante@ntia.doc.gov. NTIA is prepared and willing at any time to participate directly in the review process as needed. As monitoring the progress of each of these projects is

vital to their success, I would appreciate being copied on any correspondence you have in the future with the grant recipient regarding this project. Please do not send any return correspondence via US Mail since most mail is irradiated and will take extra time for delivery. All correspondence should be either by e-mail, fax (202-482-2156), or by express mail services (FedEx or similar carrier).

Sincerely,



Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and
Information Administration
U.S. Department of Commerce
H.C. Hoover Bldg. Room 4826
1401 Constitution Avenue, NW
Washington, DC 20230

Attachment

cc: Nancy Yang, LA RICS (NYang@isd.lacounty.gov)

APPENDIX 2-B

**LA-RICS SITES ON LAND MANAGED BY
BUREAU OF LAND MANAGEMENT (BLM)**

BLUE ROCK (BRK)

Project Description

Table 2B-1

PROPOSED LA-RICS LTE SITE AT BLUE ROCK COMMUNICATIONS SITE ON BLM PROPERTY

Site ID/Coordinates	Ownership	Proposed Equipment	Property Character
BRK – Blue Rock 34°42'06.17045" N, 117°49'27.64519" W (NAD83)	U.S. Bureau of Land Management	<ul style="list-style-type: none">• 85-foot antenna support structure consisting of a 70-foot undisguised monopole with a 15 feet lightning rod atop the monopole.• Up to 3 outdoor LTE equipment cabinets• 25kW diesel generator with integrated sub-base fuel tank• Utility connections to existing facilities via underground conduits placed in trench approximately 100'L x 2'W x 3'D• Approximately 70 linear feet of chain-link fencing with barbed wire atop to enclose all LTE system components potentially placed on the level, paved area within the existing perimeter fence at the end of the access road. Specific site layout would be detailed in the construction drawings to be prepared for the project.	Developed site secured by perimeter chain-link fencing containing communications equipment.

Source: LA-RICS Authority

Figure 2B-1 shows the current condition of BRK, while **Figure 2B-2** contains an aerial map of the site and surrounding area.

Figure 2B-1
LA-RICS LTE SYSTEM BLUE ROCK SITE (BRK)



Source: LA-RICS Authority

Project Description

Site on BLM Land (BRK)

LA-RICS Authority proposes to build a Public Safety Broadband Network (PSBN) with Long Term Evolution (LTE) technology in the greater Los Angeles region to provide broadband communications service for the region's 34,000 first responder and 17,000 secondary responder personnel. LA-RICS' LTE project includes installation of system components at one site located on Federal land managed by the Bureau of Land Management (BLM).

The Blue Rock (BRK) site is located in the unincorporated northern desert of the County of Los Angeles. It is east of the city of Lancaster, near Saddleback Butte State Park and the northeastern border of the County. The land surrounding the Blue Rock site is undeveloped with sparse vegetation typical of the high desert.

Site BRK was developed as a water reservoir as well as a communications site by the County of Los Angeles. There is an existing prefabricated equipment shelter, a 60-foot communications lattice tower, and an emergency generator with propane fuel tank at BRK. The majority of the site is paved (except the rock outcrop where the existing tower is situated) with very little vegetation on site.

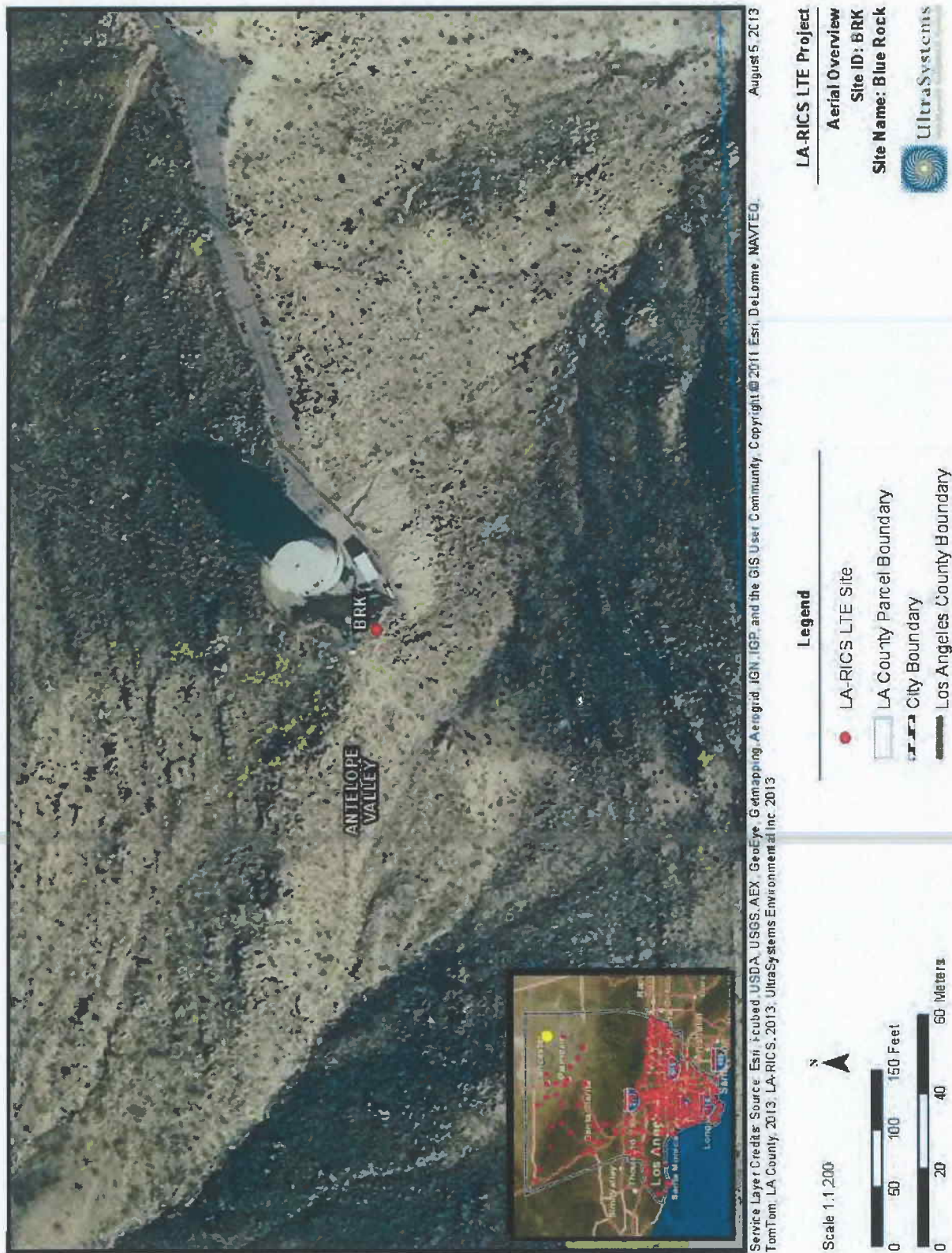
The LA-RICS LTE project would construct a single 70-foot free-standing monopole tower with a (maximum) 15-foot pole-top lightning rod (for an overall height of 85 feet above ground level or AGL), add outdoor equipment cabinets with communications equipment and backup batteries, and install ancillary equipment as described below in [Table 2B-1](#). Project design, construction, operation, and maintenance activities, including vegetation clearance, are described in the Project Description under Sections 2.3, 2.4 and 2.5. [Appendix 2-A](#) contains additional information about the BRK site.

The existing communications tower at BRK is congested with existing antennas and earmarked installations such that space is inadequate (on the part of the tower that would provide the desired coverage azimuth and backhaul paths) to accommodate the 12 eNodeB sector antennas and the two (minimum) 3-foot diameter microwave backhaul antennas anticipated for the LA-RICS LTE system. In addition, the existing equipment shelter onsite does not have adequate interior space for two to three 3-foot wide by 3-foot deep indoor cabinets that are anticipated for the LTE project. The BRK site is at an elevation of 3,262 feet. There are no other viable, existing sites within a 5-mile radius at similar elevation that could provide equivalent radio coverage, or that have readily available commercial power serving the site. The use of BRK provides compelling cost advantages by allowing the LTE project to leverage commercial power already available to the site and paved (i.e. previously disturbed) ground that only requires minor grading and pavement removal to install system components. Furthermore, BRK is a LA-RICS Authority member site with existing microwave network that could be leveraged to provide redundancy for the LTE system if determined to be feasible during system design. The sufficiency of the existing emergency power system at BRK to support the LTE equipment would be verified and evaluated during system design, and if feasible, the existing generator and fuel tank would be used to provide backup power.

Concurrent with conducting an environmental review of the project, LA-RICS Authority is developing site access/use agreements with member agencies that have leasehold interest on the proposed LTE sites. Construction activities and equipment installation for the proposed LTE system would be coordinated with LA-RICS Authority's member, who would in turn coordinate with the federal land proprietor for review and approval.

Images of the BRK site are provided in [Figures 2B-1 and 2B-2](#) below.

Figure 2B-2 SITE BRK AERIAL MAP



Intentionally left blank

Email correspondences regarding initial coordination between LA-RICS and BLM on Site BRK and location clarification

-----Original Message-----

From: Nancy Yang [<mailto:NYang@isd.lacounty.gov>]

Sent: Friday, August 30, 2013 8:33 AM

To: Frank Monteferrante

Cc: Buchholz, Kurt [USA]; Carrie Walker (walker_julia@bah.com) (walker_julia@bah.com); Andrew Spurgeon; Hite, Kathryn [USA] (hite_kathryn@bah.com); Susy Orellana-Curtiss; Betsy A. Lindsay; Robert Reicher

Subject: RE: LA RICS BLM Contact Info

Good morning Frank,

I called and left a voicemail message with Mr. Rodriguez at BLM this morning and hope to start the coordination activities with BLM soon while we work on the cost recovery issue you mentioned. I briefly clarified in the message that the project site Blue Rock is under a temporary use permit/right-of-way grant between BLM and a LA-RICS Authority member agency, and that, concurrent with the NEPA review, we are working with our member who will be coordinating with BLM on any proposed site construction activities through a separate, but parallel, process.

Site Blue Rock is served by an existing access road and is within close proximity to public roadways. We will coordinate with BLM on the site visits and can share updates on the coordination activities in our weekly conference call.

Thank you for the information.

Nancy Yang
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754
Tel: (323)267-2922
Fax: (323)980-0683

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privileged. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Frank Monteferrante [FMonteferrante@ntia.doc.gov]
Sent: Thursday, August 29, 2013 9:35 AM
To: Nancy Yang; Betsy Lindsay (blindsay@ultrasystems.com); 'Robert Reicher ' (rreicher@ultrasystems.com)
Cc: Buchholz, Kurt [USA]; Carrie Walker (walker_julia@bah.com) (walker_julia@bah.com); Andrew Spurgeon; Hite, Kathryn [USA] (hite_kathryn@bah.com)
Subject: FW: LA RICS BLM Contact Info

All:

I just spoke to Paul Rodriquez, Realty Specialist with the BLM Ridgecrest Field Office. He indicated that this site is in a remote area where there are no roads, and that a joint field visit with the archeologists will be needed. Also, there will be cost recovery required (BLM requires this on all projects). LARICS will need to work out an agreement with BLM on how this will be handled.

He is expecting a call from LARICS in order to begin the coordination process, which he indicated can take as long as a year, so this needs to get started ASAP. No work can begin until the EA and FONSI are issued, and all BLM concerns have been addressed and satisfied. Paul's contact information is contained in the message below. Thanks.

Frank

Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and Information Administration U.S. Department of Commerce Washington, DC 20230 Tel 202.482.4208

From: Rodriquez, Pablo [<mailto:prodriqu@blm.gov>]
Sent: Wednesday, August 28, 2013 2:58 PM
To: Frank Monteferrante
Subject: LA RICS

Dear Mr. Monteferrante:

There is only one site that is located in the Ridgecrest Field Office political boundary. If you could have the applicant contact me directly or have the the applicants contact information sent to me, I would appreciate it. This will allow me to coordinate a site visit to discuss this project. The NEPA process should include this site (Blue Rock). Coordination with our staff is essential to move this project through without any delays. I left you a voice today and would appreciate a time to talk with you about this project and the NEPA aspects of it. Thanks.

Paul Rodriquez
Realty Specialist
Ridgecrest Field Office

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DATA CONTACT REPORT

Attendees: Paul Rodriquez, BLM; Carrie Woods, BLM
Nancy Yang, LA-RICS; Jim Hoyt, LA-RICS

Subject: **LTE EA - Discussion of NEPA, Biological Resources, and Cultural Resources Issues
Associated with Site BRK**

Date: February 6, 2014

Nancy and Jim called Paul at approximately 10:45 am to discuss the subject topics. Paul mentioned that the archaeologists from UEI were out speaking with his archaeologist the previous day.

Paul noted there is a pre-existing authorization for use of the site as a communications site, and that may need to be amended.

Paul noted that BLM would likely fulfill its NEPA obligations with a categorical exclusion (CX), and that NTIA could simply reference that in the EA. Paul thought that rely on analysis conducted by the BLM biologist and BLM archaeologist to support the CX, rather than review the EA for support of the CX. If the BLM biologist and archaeologist provided a green light, then the project could be a go. Paul noted he already had clearance from the archaeologist, but not from the biologist. He suggested bringing Carrie Woods into the conversation (as Shelley Ellis – the BLM biologist dedicated to the project wasn't available today). Paul noted the CX form could be provided to LA-RICS for inclusion in the EA (as an appendix).

Paul noted there was a tortoise burrow found near the site, perhaps with additional sign. He noted that additional fencing would only be required at the site if the biologists required it.

Carrie asked that we provide them the backup data to help support the biological resources review for the project. Jim mentioned that LA-RICS had a master species table that included occurrence of BLM sensitive species.

Paul noted that BLM would require construction detail as part of the Plan of Development (POD). Nancy pointed out that we were still in the pre-contractor stage, and that our project description was still conceptual. She noted that within 60 days of contract award, the contractor was required to provide final design and we could get that to BLM once available.

It was unclear whether a new ROW grant would be required or if the current one could be amended.

POC information

prodriqu@blm.gov

cwoods@blm.gov

Action items

LA-RICS to send email to Paul and Carrie to confirm contact info.

LA-RICS to provide August 27 letter and master species occurrence potential list to BLM for review.

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From: Hoyt, James <Jim.Hoyt@Jacobs.Com>
Sent: Monday, February 10, 2014 11:25 AM
To: prodriqu@blm.gov; cwoods@blm.gov
Cc: Nancy Yang
Subject: L.A. RICS LTE Project - Blue Rock Site Information
Attachments: 7835 LARICS BLM letter 8.27.13.pdf.html; 7835 LARICS Federal_Lands_Appendices_08-26-13.pdf.html; 7835 LARICS_PSBN_LTE_Draft Project Description_08-26-13-2.pdf.html; Sensitive_Species_in_the_Study_Area_JT_3_JH.docx.html

Hi Paul and Carrie,

Apologies, I neglected to include a subject line on the previous email, please use this correspondence in its place. Thanks very much!

Regards,

Jim Hoyt | JACOBS | Environmental Program Manager | 909.974.2713 work | 760.954.8120 cell | 909.974.2759 fax | jim.hoyt@jacobs.com | www.jacobs.com

From: Hoyt, James
Sent: Monday, February 10, 2014 11:23 AM
To: prodriqu@blm.gov; cwoods@blm.gov
Cc: Nancy Yang (NYang@isd.lacounty.gov)
Subject:

Hi Paul and Carrie,

Thank you for taking time with Nancy and I on Thursday to discuss this important program. Your offer to review the species list and help us to expedite NEPA compliance and post-NEPA permitting for activities at the site are greatly appreciated. As we'd discussed, attached please find

- 1) the original August 27, 2013 NTIA correspondence originally, that includes a draft description of the Blue Rock site,
- 2) a brief project description associated with anticipated activities at the Blue Rock site. Please note that since the attached project description was developed a vetting process has occurred that has resulted in modifications that include a minor proposed generator size increase, clarification of the proposed project footprint description, etc. These changes are contained in the internal working draft of the EA and can be provided to you once NTIA (as lead agency for NEPA) has an opportunity to review them. No changes in work area boundaries, tower heights, or general project parameters have occurred since this was developed.
- 3) an overall project description (for the 232 LA RICS sites), also since updated; and
- 4) a master species occurrence potential table, which includes BLM Sensitive (BLMS) species occurrence. It's our hope that you can share this table with Shelly Ellis, who has been in contact with LA-RICS contracted environmental firm, Ultrasystems Environmental, and to our understanding, helped to vet the BLMS list. We would like to discuss the biological resources information with Shelly and/or Carrie at their earliest convenience to ensure we're on the right track.

We look forward to working with you on this important project. Should you have any questions or concerns, please contact Nancy Yang at 323.267.2922 or via her above-referenced email address.

Regards,

Jim Hoyt | JACOBS | Environmental Program Manager | 909.974.2713 work | 760.954.8120 cell | 909.974.2759 fax |
jim.hoyt@jacobs.com | www.jacobs.com

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LA-RICS status inquiry on BLM's NEPA review of the LTE project (specifically on Site Blue Rock)

From: Nancy Yang [mailto:NYang@isd.lacounty.gov]

Sent: Wednesday, May 07, 2014 6:35 PM

To: 'Paul Rodriguez '

Cc: Susy Orellana-Curtiss; 'James Hoyt'; Lauren Dods; Nicole H. Gordon; Frank J. Monteferrante; Robert Reicher

Subject: RE: LA-RICS Public Safety Broadband Network (PSBN) aka Long Term Evolution (LTE) Project

Good afternoon Paul,

This is a follow-up to my previous email and voicemail messages to find out if you may have further information regarding the Bureau of Land Management's NEPA review of the Public Safety Broadband Network (a.k.a. LTE system) proposed by LA-RICS for the Blue Rock communications site in Lancaster, one of the 231 project sites proposed for use in the LTE system. Site Blue Rock is on BLM-administered land.

As a status update, we are in the process of finalizing an administrative draft Environmental Assessment (EA) for the LTE project. The EA is anticipated to be available for your review in the second half of this month. A written concurrence from your office to NTIA regarding the EA is needed before NTIA issues the FONSI for the project to enable timely implementation of the LTE system by the end of the grant performance period in August, 2015.

Should you have any questions about the project or require additional information prior to receiving the EA, please feel free to contact me. Thank you for your assistance and consideration.

Best regards,

Nancy Yang
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754
Tel: (323)267-2922
Fax: (323)980-0683



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From: Nancy Yang
Sent: Monday, April 21, 2014 6:50 PM
To: Paul Rodriguez
Cc: James Hoyt
Subject: LA-RICS Public Safety Broadband Network (PSBN) aka Long Term Evolution (LTE) Project
Importance: High

Good afternoon Paul,

As a follow-up to our telephone discussion of March 18, I am writing to ascertain the status of your NEPA review for the proposed LA-RICS LTE project as it relates to the existing Blue Rock communications site (BRK) located east of Lancaster near Saddleback Butte State Park. Based on our discussion with you and Shelley Ellis on March 18 and prior discussion with Carrie Woods on February 6, we were anticipating that BLM would be fulfilling its NEPA obligations with a Categorical Exclusion (CX), and that BLM was planning to provide documentation of the CX for potential inclusion in NTIA's Environmental Assessment (EA) for the LTE project either as an appendix or as part of the Administrative Record for the project. As a reminder, site BRK is the lone BLM-administered site in the proposed 231-site LTE project.

Based on our February and March phone discussions, I understand that you had received verbal confirmation that impacts to biological and cultural resources at site BRK were not anticipated, and were waiting for technical reports and confirmation in writing from your biologist and archaeologist prior to completing your CX documentation. You had mentioned in the 3/18 call that, if applicable, the completed CX would be confirmation of this and that you anticipated its release shortly.

We are now in the final stages of developing the internal review draft EA to NTIA and are gathering remaining outstanding information necessary for inclusion in the EA.

If the CX documentation has been completed, we would greatly appreciate if you could send a copy of the signed CX documentation for the project record. If this has not occurred, it would be greatly appreciated if you could please provide a status update. Thank you very much for your consideration, and please feel free to contact me via reply email or at my mobile number, (323)371-8852, with any questions.

Best regards,

Nancy Yang
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754
Tel: (323)267-2922
Fax: (323)980-0683



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UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, DC 20230

May 21, 2014

Mr. Paul Rodriguez
Realty Specialist
Bureau of Land Management
Ridgecrest Field Office
300 S. Richmond Road
Ridgecrest, CA 93555

Dear Mr. Rodriguez,

The National Telecommunications and Information Administration (NTIA) has awarded a grant to Los Angeles Regional Interoperable Communications System Joint Powers Authority (LA RICS Authority), through the Broadband Technology Opportunities Program (BTOP), as part of the American Recovery and Reinvestment Act (ARRA). Under ARRA the funding must be obligated and the project must be completed by September 2015. This timeline is driven by the laws and regulations governing the use of this ARRA grant funding. The project proposes to develop a county-wide microwave broadband network using long-term evolution (LTE) technology to improve shared voice and data communication systems for public safety agencies throughout the greater Los Angeles area, including project activities at the Blue Rock communication site.

We are providing one hardcopy of the draft final Environmental Assessment (EA) for the LA RICS Authority project (without Appendices) and the Appendix B Site Data Summary for the BLM site (Blue Rock) along with two CDs of the complete draft EA for your review and comment. These documents will be express mailed by LA RICS Authority to your office. We ask that due to the expedited time frames associated with ARRA that you provide any feedback or comments to NTIA within three weeks from your receipt of this document, giving particular consideration to those topics on which your agency is acknowledged to possess jurisdiction by law or special expertise in the NEPA, and NHPA.

Please let me know if you have any questions or comments on this draft final EA. I can be reached at 202-482-4208 or fmonteferrante@ntia.doc.gov. Please copy Nancy Yang, the LA RICS Authority point of contact on all technical questions or comments that you might have since she is better prepared to handle those issues. She can be reached at (323) 267-2922, or NYang@isd.lacounty.gov.

Thank you for your time and consideration on this very important matter.

Sincerely,

A handwritten signature in cursive script, reading "Frank J. Monteferrante".

Frank J. Monteferrante, PhD
Environmental Compliance Specialist
U.S. Department of Commerce
H.C. Hoover Bldg. Room 4826
1401 Constitution Avenue, NW
Washington, DC 20230

Attachment

cc: Nancy Yang, LA RICS (NYang@isd.lacounty.gov)

APPENDIX H-2 - BLM EMAILS August 6, 2014 – May 22, 2014

AGENCY CORRESPONDENCE

From: Rodriguez, Pablo [<mailto:prodriqu@blm.gov>]

Sent: Wednesday, August 06, 2014 12:46 PM

To: Frank Monteferrante

Subject: Re: 7835 LA-RICS LTE DRAFT Environmental Assessment and Appendices for Review - Friendly Reminder

Thanks, that will work. Have a great day.

Paul Rodriguez
Realty Specialist
Ridgecrest Field Office
300 S. Richmond Rd.
Ridgecrest California 93555
Phone: 760 384-5455
Fax: 760 608-5499

On Wed, Aug 6, 2014 at 9:41 AM, Frank Monteferrante <FMonteferrante@ntia.doc.gov> wrote:

Paul,

Yes, we will do that. They (LARICS) will need to work with you to insure compliance with all BLM's requirements before construction can begin. The Special Award Condition will make sure that happens. Thanks.

Best wishes,

Frank

Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and Information Administration
U.S. Department of Commerce
Washington, DC 20230
Tel 202.482.4208

From: Rodriquez, Pablo [mailto:prodriqu@blm.gov]
Sent: Wednesday, August 06, 2014 12:31 PM
To: Frank Monteferrante
Subject: Re: 7835 LA-RICS LTE DRAFT Environmental Assessment and Appendices for Review - Friendly Reminder

Frank,

If you can Special Condition our part for now it would be greatly appreciated. The soonest I can get to this CX will be sometime by the end of the month. Please let me know if this works for your needs.

Thanks for you consideration for myself and family.

Paul Rodriquez
Realty Specialist
Ridgecrest Field Office
300 S. Richmond Rd.
Ridgecrest California 93555
Phone: 760 384-5455
Fax: 760 608-5499

On Wed, Aug 6, 2014 at 5:34 AM, Frank Monteferrante <FMonteferrante@ntia.doc.gov> wrote:

Paul,

We can Special Condition the BLM approval, so we don't really need the CatEX now. However if you have time, that will be fine too. I hope all is well with you and your family.

Frank

Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and Information Administration
U.S. Department of Commerce
Washington, DC 20230
Tel 202.482.4208

From: Rodriquez, Pablo [mailto:prodriqu@blm.gov]
Sent: Tuesday, August 05, 2014 5:16 PM
To: Frank Monteferrante
Subject: Re: 7835 LA-RICS LTE DRAFT Environmental Assessment and Appendices for Review - Friendly Reminder

Frank, because this is an improvement to the existing facility I will be doing a CX. I have not started it but I can try and have it done by this Friday, If time permits. I was out all last week and am only in the office 3 days a week.

Paul Rodriquez
Realty Specialist
Ridgecrest Field Office
300 S. Richmond Rd.
Ridgecrest California 93555
Phone: 760 384-5455
Fax: 760 608-5499

On Thu, Jul 31, 2014 at 9:14 AM, Frank Monteferrante <FMonteferrante@ntia.doc.gov> wrote:

Paul:

Will you be able to provide any comments on the draft EA? We are hoping to finalize the Final Draft EA by Monday of next week (Aug. 4), so if you have any comments or questions please send them to myself and to Nancy Yang ASAP this week. In any event, NTIA will place a Special Award Condition attached to the FONSI which will require the grant recipient (LARICS), to coordinate their work on BLM land with your office to insure compliance with all BLM requirements prior to the start of any work.

Thanks.

Frank

Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and Information Administration
U.S. Department of Commerce
Washington, DC 20230
Tel 202.482.4208

From: Frank Monteferrante
Sent: Monday, June 02, 2014 3:12 PM
To: Rodriquez, Pablo (prodriqu@blm.gov)
Cc: Nancy Yang; 'Robert Reicher ' (rreicher@ultrasystems.com); Susy Orellana-Curtiss; 'Jim Hoyt'; Andrew Spurgeon; Hite, Kathryn [USA] (hite_kathryn@bah.com); Buchholz, Kurt [USA]; Tomberlin, Joseph [USA] (tomberlin_joseph@bah.com); Carrie Walker (walker_julia@bah.com) (walker_julia@bah.com)
Subject: RE: 7835 LA-RICS LTE DRAFT Environmental Assessment and Appendices for Review - Friendly Reminder

Mr. Rodriquez:

This is simply a reminder concerning the draft Environmental Assessment that we sent to you on May 22 for your review and comment. I want to make sure that you received it, and to see if you have any questions or concerns. Our deadline for receiving Federal agency comments is June 13. We look forward to receiving your response next week.

Thank you for your cooperation.
Frank

Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and Information Administration
U.S. Department of Commerce
Washington, DC 20230
Tel 202.482.4208

From: Frank Monteferrante
Sent: Thursday, May 22, 2014 9:06 AM
To: Rodriguez, Pablo (prodriqu@blm.gov)
Cc: Nancy Yang; 'Robert Reicher ' (rreicher@ultrasystems.com); Susy Orellana-Curtiss; Jim Hoyt; Andrew Spurgeon; Hite, Kathryn [USA] (hite_kathryn@bah.com); Buchholz, Kurt [USA]; Tomberlin, Joseph [USA] (tomberlin_joseph@bah.com); Carrie Walker (walker_julia@bah.com) (walker_julia@bah.com)
Subject: 7835 LA-RICS LTE DRAFT Environmental Assessment and Appendices for Review

Dear Mr. Rodriguez:

Please see attached letter of transmittal and the Draft Environmental Assessment and Appendices for the LA RICS project funded by the U.S. Dept. of Commerce, NTIA's Broadband Technology Opportunities Program. The documents are available on the FTP site below. You will also receive by express delivery a paper copy and a DVD (the letter says you will receive 2 CDs, however they have been replaced by a DVD) containing the same materials available on the FTP site. Please let me know if you have any questions. Thanks.

Frank

Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and Information Administration
U.S. Department of Commerce
Washington, DC 20230
Tel 202.482.4208

The LA-RICS LTE Draft Environmental and Appendices have been uploaded to the UltraSystems FTP site under User14.

Access instructions are as follows.

Dear FTP User:

Here are instructions for accessing UltraSystems' FTP directory to upload and download files.

Please keep in mind this project directory is confidential, and only to be shared with trusted associates.

Use this website address to access the FTP login: <http://www.ultrasystems.biz/login.asp>.

Please use the following login credentials:

Username	Password	Assignment
-----	-----	-----
User14	5017	LA-RICS LTE Environmental Assessment

Select either Download or Upload using the navigation pane on the left. Follow the instructions for selecting / saving files. And please Logoff when done.

PLEASE NOTE THAT THE ULTRASYSTEMS FTP SITE WILL BE OFFLINE FROM SATURDAY, MAY 24 AT 12:01 AM (PACIFIC DAYLIGHT TIME) UNTIL SATURDAY, MAY 24 AT 11:59 PM (PACIFIC DAYLIGHT TIME) FOR CRITICAL SYSTEM MAINTENANCE. WE APOLOGIZE FOR THIS INCONVENIENCE.

Please feel free to contact me if you have any problems with the FTP site, or if you have any questions.

Robert Reicher | Project Manager

UltraSystems Environmental | WBE/DBE/SBE/WOSB

16431 Scientific Way | Irvine, CA 92618

Tel: 949/788.4900 Ext. 224 | Fax: 949/788-4901 | Cell: 714/305-8448

Website: www.ultrasystems.com

E-mail: reicher@ultrasystems.com



Please consider the environment before printing this e-mail. Thank you.

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APPENDIX H-3

California Coastal Commission



LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM AUTHORITY

2525 Corporate Place, Suite 200
Monterey Park, California 91754
(323) 881-8291

PATRICK J. MALLON
EXECUTIVE DIRECTOR

December 12, 2013

Mr. Mark Delaplaine
Federal Consistency Manager
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

FEDERAL CONSISTENCY REVIEW FOR THE LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM LTE PROJECT

Dear Mr. Delaplaine:

The Los Angeles Regional Interoperable Communications System (LA-RICS) Joint Powers Authority (LA-RICS Authority or Authority) proposes to build a Public Safety Broadband Network (PSBN) using Long Term Evolution (LTE) technology on 20 MHz of dedicated 700 MHz public safety broadband spectrum licensed to the First Responder Network Authority (FirstNet), an independent authority within the National Telecommunications Information Administration (NTIA), Department of Commerce, to provide emergency responders with the first nationwide, high-speed network dedicated to public safety. The LA-RICS PSBN (also known as LA-RICS LTE) project is being funded by NTIA, through the Broadband Technology Opportunities Program (BTOP) with some local matching funding, and includes construction at 232 sites (the LTE sites) located throughout Los Angeles County, most of which are existing public safety facilities or communications sites.

California's Coastal Management Program (CMP) requires a Federal Consistency review for federal activities within the Coastal Zone. The LA-RICS LTE project is not a federal agency activity or development project, but rather a project requiring federal authorization and funding. Therefore, we anticipate that a Consistency Certification may be the appropriate consistency review process. However, based on preliminary discussion between you and our environmental consultant, Melanie Traxler of UltraSystems, it is our understanding that the LA-RICS LTE project (including each individual LTE site) may be eligible for a Waiver of the federal consistency provisions.

The Authority seeks input from the Coastal Commission staff on the appropriate process to initiate the Federal Consistency review process, including the option and eligibility for a Waiver from the more formal application and review process.

To assist with your initial review and determination of the process, enclosed you will find a Project Description, which provides an overview and explanation of the entire LTE project, and descriptions of the 15 individual sites that would be located within the boundaries of the California Coastal Zone. The site descriptions also identify the applicable local agency and relevant Local Coastal Program.

Page 2
December 12, 2013

We look forward to an opportunity to speak with you for clarification and guidance in the Federal Consistency review process, as well as options for consolidating and streamlining the future coastal development permitting process to implement the project. The highest priority for the LA-RICS Authority at this time is to obtain the required Federal Consistency documentation (i.e., Certification or Waiver) from the Coastal Commission, and we are planning to submit such documentation to NTIA by late February or early March 2014.

Please do not hesitate to contact me or Nancy Yang at (323) 267-2922 should you have any questions or if you require additional information about the project.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Mallon", written in a cursive style.

PATRICK J. MALLON
EXECUTIVE DIRECTOR

Attachment: Project Description and Appendix (Site Descriptions)

c: Nancy Yang



LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM AUTHORITY

2525 Corporate Place, Suite 200
Monterey Park, California 91754
(323) 881-8291

PATRICK J. MALLON
EXECUTIVE DIRECTOR

April 15, 2014

Mr. Mark Delaplaine
Federal Consistency Manager
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

FEDERAL CONSISTENCY REVIEW FOR THE LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM (LA-RICS) AUTHORITY LTE PROJECT

Dear Mr. Delaplaine:

Per the telephone discussion with LA-RICS Authority staff on February 7, 2014, please consider this letter a formal request for Federal Coastal Consistency Certification for the Los Angeles Regional Interoperable Communications System Joint Powers Authority (LA-RICS Authority or Authority) proposal to build a Public Safety Broadband Network (PSBN) using Long Term Evolution (LTE) technology. The PSBN will provide emergency responders in Los Angeles County with the first countywide, high-speed broadband network dedicated to public safety. The LA-RICS PSBN (also known as LTE) project is being funded through the Broadband Technology Opportunities Program (BTOP) grant from the National Telecommunications Information Administration (NTIA), Department of Commerce (DOC) with some local matching funding. The LA-RICS LTE project involves the use of 231 existing sites located mostly throughout Los Angeles County that are primarily existing public safety facilities or communications sites, with one site each within Orange County and San Bernardino County. Fifteen of the 231 LTE sites are located within the boundaries of the California Coastal Zone.

The Project Description enclosed with my prior letter, dated December 12, 2013, provides an overview and explanation of the entire LTE project involving 232 proposed project sites. To further assist with your review, attached please find an updated description reflecting the 231-site project currently proposed (i.e. one proposed project site, site LACF112, was dropped since my letter of December 2013), as well as descriptions of the fifteen individual sites located within the boundaries of the California Coastal Zone.

As discussed on the February 7, 2014 call, the LA-RICS LTE project is a federally funded project through BTOP, an American Recovery and Reinvestment Act grant program administered through the DOC, NTIA. The LTE project will be constructed and implemented by the LA-RICS Authority. As the funding federal agency, NTIA seeks confirmation of Federal Consistency prior to its finalization of the Environmental Assessment (EA) and decision on the LTE project, which is anticipated in early spring 2014.

Please be advised that the Draft EA will acknowledge the need for and requires that Coastal Development Permits (CDPs) be obtained for fifteen sites located within the Coastal Zone prior to construction or ground disturbance at those sites. Application and processing of the CDPs, which involve local agency and/or Coastal Commission review of the project's consistency with the California Coastal

Mark Delaplaine
April 15, 2014
Page 2

Act, cannot be initiated until NTIA takes action on the LTE project by completing an EA, issues a Finding of No Significant Impact (FONSI), and makes a decision to release funding. Hence, the Authority now requests a Federal Consistency determination as to NTIA's funding of the LTE project for all sites within the coastal zone only, contingent upon the Authority obtaining CDPs prior to construction at such sites.

Thank you for your assistance in clarifying the consistency review process and identifying coordination options. We look forward to working with you as you complete this review. Please do not hesitate to contact me or Nancy Yang at (323) 267-2922 should you have any questions or if you require additional information about the project.

Sincerely,



PATRICK J. MALLON
EXECUTIVE DIRECTOR

Attachment: Project Description and Appendix (Site Descriptions)

c: Nancy Yang, LA-RICS
Frank J. Monteferrante, NTIA

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



April 24, 2014

Patrick J. Mallon
Executive Director
LA-RICSA
2525 Corporate Place, Suite 200
Monterey Park, CA 91754

Subject: No-Effects Determination NE-0004-14 (Federal Funding for Public Safety Broadband Network, Los Angeles County)

Dear Mr. Mallon:

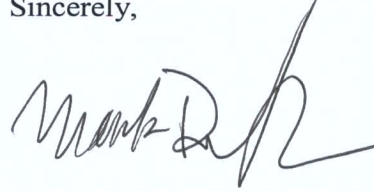
The Coastal Commission staff has reviewed the above-referenced no-effects determination. The Los Angeles Regional Interoperable Communications System Authority (LA-RICSA) proposes to construct a public safety broadband network to provide emergency responders in Los Angeles County with a county-wide, high-speed broadband network dedicated to public safety. The project will be funded through a grant from the National Telecommunications Information Administration (NTIA) in the Department of Commerce and with some local matching funding. Project communication equipment will be installed at 231 sites that are primarily existing public safety facilities or communications sites. Fifteen of the sites are located within the coastal zone.

The NTIA has requested confirmation from the LA-RICSA that the proposed communications project is consistent with the California Coastal Management Program (CCMP) prior to completing the Environmental Assessment (EA) for the project and making a final decision on project funding. The EA will acknowledge the need for and requires that coastal development permits (CDPs) be obtained by the LA-RICSA prior to construction of those project facilities located in the coastal zone. Application and processing of the CDPs will involve the Coastal Commission and/or local governments, depending on the location of the project sites. However, this application process cannot begin until the NTIA completes the EA, issues a Finding of No Significant Impact, and makes a decision to release the federal funding. To move this process forward, the LA-RICSA is requesting concurrence with its no-effects determination that the federal funding of the project is consistent with the CCMP.

The Commission staff **agrees** that the proposed federal funding of the broadband communications network will not adversely affect coastal resources and it consistent with the CCMP. This concurrence does not provide for the construction of any project facilities; that action will require the LA-RICSA to first obtain CDPs from the Commission and/or local

governments for each of the 15 project sites in the coastal zone. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles Lester', with a stylized flourish at the end.

(for)

CHARLES LESTER
Executive Director

cc: CCC – South Coast District
CCC – South Central Coast District

5

APPENDIX H-4

National Park Service



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, DC 20230

August 27, 2013

Ms. Christy Brigham
Chief of Planning, Science & Resource Management
National Park Service
401 West Hillcrest Drive
Thousand Oaks, CA 91360-4223

Re: **ARRA Funded Grant:** National Environmental Policy Act (NEPA) Consultations
Regarding Broadband Technology Opportunities Program (BTOP) Grant Recipient #7835,
Los Angeles Regional Interoperable Communications System Joint Powers Authority (LA
RICS), Fiber Optic Network Infrastructure Project

Dear Ms. Brigham,

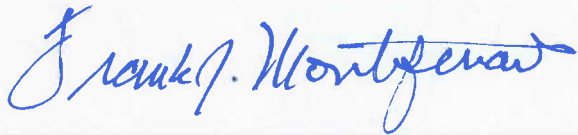
In 2010 the National Telecommunications and Information Administration (NTIA) awarded a grant to LA RICS, through the Broadband Technology Opportunities Program (BTOP), as part of the American Recovery and Reinvestment Act (ARRA). Since receiving the grant award, LA RICS has revised their project description to include the construction of a series of 232 radio base station equipment facilities (known as eNodeB) to be placed throughout Los Angeles County, CA for the purpose of creating a Public Safety Broadband Network (PSBN). In order to meet ARRA timelines and expedite the review process, NTIA is sending this project notification letter to the National Park Service (NPS) seeking your timely cooperation in reviewing and responding to this NTIA ARRA funded project.

Nine (9) PSBN facility sites are being proposed within the Santa Monica Mountains National Recreation Area, which is overseen by the NPS. These sites will include LA County Fire Station 69 (LACF069), LACF071, LACF072, LACF088, LACF097, LACF099, Zuma Lifeguard Headquarters (LALG300), Lost Hills Malibu Sheriff's Station (LHS), and San Vicente Peak (SVP). Accordingly, the proposed activities should be reviewed by your office. Special Award Conditions (SAC) in the NTIA grant require LA RICS to consult with all Federal agencies involved in the development and/or construction of their project. The grant recipient may not commence project implementation (including demolition, construction, ground disturbance, etc.) on sites within a designated national or state park management area, until they have obtained a permit to do so. A project description with maps is included in the attached CD for your review. The description of activities proposed at these nine NPS sites can be found in Appendix 2-E.

The grant recipient, LA RICS, is being copied with this letter. They will be contacting you to apply for the required permit(s); seek review and comment on their proposed use; and complete all required analysis and plans in order to receive the requested land use permit(s).

If any issues or questions arise during these consultations please contact me at (202) 482-4208, or FMonteferrante@ntia.doc.gov. NTIA is prepared and willing at any time to participate directly in the review process as needed. As monitoring the progress of each of these projects is vital to their success, I would appreciate being copied on any correspondence you have in the future with the grant recipient regarding this project. Please do not send any return correspondence via US Mail since most mail is irradiated and will take extra time for delivery. All correspondence should be either by e-mail, fax (202-482-2156), or by express mail services (FedEx or similar carrier).

Sincerely,



Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and
Information Administration
U.S. Department of Commerce
H.C. Hoover Bldg. Room 4826
1401 Constitution Avenue, NW
Washington, DC 20230

Attachment

cc: Nancy Yang, LA RICS (NYang@isd.lacounty.gov)

APPENDIX 2-E

**LA-RICS SITES ON LAND WITHIN
SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA (SMMNRA)**

LA COUNTY FIRE STATION 69 (LACF069)

LA COUNTY FIRE STATION 71 (LACF071)

LA COUNTY FIRE STATION 72 (LACF072)

LA COUNTY FIRE STATION 88 (LACF088)

LA CITY FIRE STATION 97 (LAFD097)

LA CITY FIRE STATION 99(LACF099)

ZUMA LIFEGUARD HEADQUARTERS (LALG300)

LOST HILLS MALIBU SHERIFF'S STATION (LHS)

SAN VICENTE PEAK (SVP)

Project Description

Sites within SMMNRA

In addition to the four sites on Federal lands, nine sites are within the Santa Monica Mountains National Recreation Area (SMMNRA), a unit of the National Park System established in 1978. Information about the SMMNRA sites can be found in **Tables 2E-1** through **2E-9** and **Figures 2E-1 to 2E-9**.

On most existing sites, including the 9 sites in the SMMNRA, requirements for reliability and continuous operation meeting current industry standards and code requirements would necessitate the provision of new equipment (generators, fuel tanks, backup batteries, etc.) rather than relying on existing equipment already in place that may not be designed to support additional equipment or that may not meet current standards and codes. At many sites, there is no existing infrastructure meeting system requirements that could provide the coverage, reliability, or public safety-grade hardening required by the LA-RICS PSBN. Hence, preliminary project design assumes that new infrastructure would be required. At sites where there is existing infrastructure, engineering studies and analyses would be performed during system design to verify its sufficiency for use in the LTE system. Existing infrastructure that meets system requirements would be used.

Table 2E-1
LA-RICS LTE SITE WITHIN THE SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
(LACF069)

Site ID/Coordinates	Ownership	Equipment	Property Character
LACF069 – LA County Fire Station 69 34° 05'02.02246"N, 118°35'59.59610" W (NAD83)	Los Angeles County Consolidated Fire	<ul style="list-style-type: none">• 85-foot antenna support structure consisting of a 70-foot undisguised monopole with a 15 feet lightning rod atop the monopole• Up to 3 outdoor LTE equipment cabinets• 25kW diesel generator with integrated sub-base fuel tank• Utility connections to existing facilities via underground conduits placed in trench approximately 100'L x 2'W x 3'D	Developed as fire station containing communications equipment.

Source: LA-RICS Authority

Site LACF069 at 401 South Topanga Canyon Boulevard (State Highway 27) is an existing county fire station surrounded by low-density residential housing intermixed with a few retail businesses. This project site is situated on a developed parcel that contains a single-story building appropriate to facilitate the operational activities of a fire department. The majority of the site is paved. Northeast of the site across from Topanga Canyon Boulevard is some dense woodland vegetation covering the hilly slope. A small lattice-like antenna support structure also exists on the southwest portion of the site.

The LA-RICS LTE project would construct a single 70-foot free-standing monopole tower with a (maximum) 15-foot pole-top lightning rod (for an overall height of 85 feet above ground level or AGL), add outdoor equipment cabinets with communications equipment and backup batteries, and install

Project Description

ancillary equipment as described above in **Table 2E-1**. Project design, construction, operation, and maintenance activities, including vegetation clearance, are described in the Project Description under Sections 2.3, 2.4 and 2.5. **Appendix 2-A** contains additional information about the LACF069 site.

Figure 2E-1 shows the current condition of LACF069, while **Figure 2E-2** contains an aerial map of the site and surrounding area.

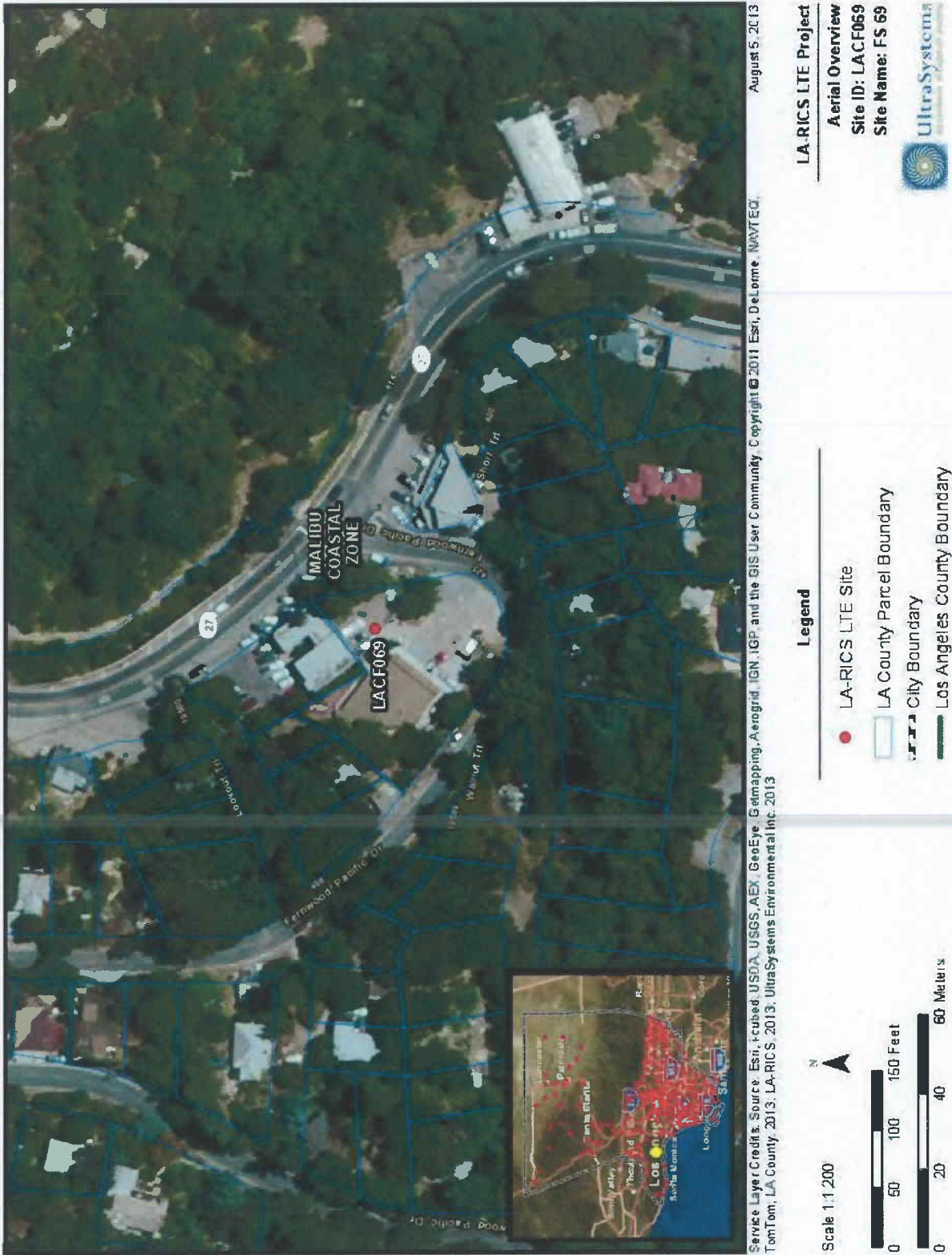
Figure 2E-1

LA-RICS LTE SYSTEM LA COUNTY FIRE STATION 69 SITE (LACF069)



Source: LA-RICS Authority

Figure 2E-2 SITE LACF069 AERIAL MAP



Project Description

Table 2E-2
LA-RICS LTE SITE WITHIN THE SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
(LACF071)

Site ID/Coordinates	Ownership	Equipment	Property Character
LACF071 – LA County Fire Station 71 34° 01' 12.34252"N, 118°47'50.23600"W (NAD83)	Los Angeles County	<ul style="list-style-type: none">• 35-foot antenna support structure consisting of a 28-foot undisguised monopole with a 7 feet lightning rod atop the monopole• Up to 3 outdoor LTE equipment cabinets• 25kW diesel generator with integrated sub-base fuel tank• Utility connections to existing facilities via underground conduits placed in trench approximately 60'L x 2'W x 3'D	Developed as fire station containing communications equipment.

Source: LA-RICS Authority

Site LACF071 is located at 28722 West Pacific Coast Highway in the City of Malibu. The project site is fully developed with a single-story building appropriate to facilitate the operation activities of a fire station. The majority of the site is paved and flat. Landscaping at the site is dense consisting of trees with large foliage as well as several ornamental trees and areas with planted ground cover including a large and flat lawn. A small surface parking lot with a hose tower is located in the southern part of the site. The surrounding land is moderately developed with a mix of residential, commercial, and public buildings. Buildings located in the immediate vicinity of the project site are low to medium rise. No tower or antenna support structures are observed at the site.

The LA-RICS LTE project would construct a single 28-foot free-standing monopole tower with a (maximum) 7-foot pole-top lightning rod (for an overall height of 35 feet AGL), add outdoor equipment cabinets with communications equipment and backup batteries, and install ancillary equipment as described above in **Table 2E-2**. Project design, construction, operation, and maintenance activities, including vegetation clearance, are described in the Project Description under Sections 2.3, 2.4 and 2.5. **Appendix 2-A** contains additional information about the LACF071 site.

Figure 2E-3 shows the current condition of LACF071, while **Figure 2E-4** contains an aerial map of the site and surrounding area.

Figure 2E-3
LA-RICS LTE SYSTEM LA COUNTY FIRE STATION 71 SITE (LACF071)



Source: LA-RICS Authority

Figure 2E-4 SITE LACF071 AERIAL MAP



Project Description

Table 2E-3

**LA-RICS LTE SITE WITHIN THE SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
(LACF072)**

Site ID/Coordinates	Ownership	Equipment	Property Character
LACF072 – LA County Fire Station 72 34° 04' 35.64532"N, 118° 52' 51.54874"W (NAD83)	Los Angeles County	<ul style="list-style-type: none">• 35-foot antenna support structure consisting of a 28-foot undisguised monopole with a 7 feet lightning rod atop the monopole• Up to 3 outdoor LTE equipment cabinets• 25kW diesel generator with integrated sub-base fuel tank• Utility connections to existing facilities via underground conduits placed in trench approximately 70'L x 2'W x 3'D.	Developed as fire station containing communications equipment.

Source: LA-RICS Authority

Site LACF072 is located at 1832 South Decker Canyon Road in the City of Malibu, and is a developed parcel that contains a single-story building appropriate to facilitate the operational activities of a fire station. The majority of the site is paved and flat. Landscaping consists of trees with large foliage as well as planted ground cover at the site. A small surface parking lot is situated at the rear of the site. The surrounding area is sparsely developed with the presence of a few institutional facilities. No existing tower or antenna support structure is observed on the site.

The LA-RICS LTE project would construct a single 28-foot free-standing monopole tower with a (maximum) 7-foot pole-top lightning rod (for an overall height of 35 feet AGL), add outdoor equipment cabinets with communications equipment and backup batteries, and install ancillary equipment as described above in **Table 2E-3**. Project design, construction, operation, and maintenance activities, including vegetation clearance, are described in the Project Description under Sections 2.3, 2.4 and 2.5. **Appendix 2-A** contains additional information about the LACF072 site.

Figure 2E-5 shows the current condition of LACF072, while **Figure 2E-6** contains an aerial map of the site and surrounding area.

Project Description

Figure 2E-5
LA-RICS LTE SYSTEM LA COUNTY FIRE STATION 72 SITE (LACF072)



Source: LA-RICS Authority

Figure 2E-6. SITE LACF072 AERIAL MAP



August 5, 2013

LA-RICS LTE Project

Aerial Overview
Site ID: LACF072
Site Name: FS 72



Legend

- LA-RICS LTE Site
- LA County Parcel Boundary
- City Boundary
- Los Angeles County Boundary



Scale 1:1200

0 50 100 150 Feet

0 20 40 60 Meters

Project Description

Table 2E-4
LA-RICS LTE SITE WITHIN THE SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
(LACF088)

Site ID/Coordinates	Ownership	Equipment	Property Character
LACF088 – LA County Fire Station 88 34° 02' 00.58250"N, 118° 41' 30.43606"W (NAD83)	Los Angeles County Consolidated Fire	<ul style="list-style-type: none">• 35-foot antenna support structure consisting of a 28-foot undisguised monopole with a 7 feet lightning rod atop the monopole• Up to 3 outdoor LTE equipment cabinets• 25kW diesel generator with integrated sub-base fuel tank• Utility connections to existing facilities via underground conduits placed in trench approximately 30'L x 2'W x 3'D.	Developed as fire station containing communications equipment.

Source: LA-RICS Authority

Site LACF088 is located in an urbanized coastal community at 23720 Malibu Road in the City of Malibu. The project site is fully developed with a small single-story building to facilitate the operational activities of a fire station. The site is mostly paved and flat with no natural vegetation. Some ornamental scrubs and trees exist in small planting areas.

The LA-RICS LTE project would construct a single 28-foot free-standing monopole tower with a (maximum) 7-foot pole-top lightning rod (for an overall height of 35 feet above ground level or AGL), add outdoor equipment cabinets with communications equipment and backup batteries, and install ancillary equipment as described above in **Table 2E-4**. Project design, construction, operation, and maintenance activities, including vegetation clearance, are described in the Project Description under Sections 2.3, 2.4 and 2.5. **Appendix 2-A** contains additional information about the LACF088 site.

Figure 2E-7 shows the current condition of LACF088, while **Figure 2E-8** contains an aerial map of the site and surrounding area.

Figure 2E-7
LA-RICS LTE SYSTEM LA COUNTY FIRE STATION 88 SITE (LACF088)



Source: Google Earth

Figure 2E-8. SITE LACF088 AERIAL MAP



Table 2E-5
LA-RICS LTE SITE WITHIN THE SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
(LACF099)

Site ID/Coordinates	Ownership	Equipment	Property Character
LACF099 – LA County Fire Station 99 34° 02' 23.26253"N, 118° 53' 00.91594"W (NAD83)	Los Angeles City Consolidated Fire	<ul style="list-style-type: none"> • 35-foot antenna support structure consisting of a 28-foot undisguised monopole with a 7 feet lightning rod atop the monopole • Up to 3 outdoor LTE equipment cabinets • 25kW diesel generator with integrated sub-base fuel tank • Utility connections to existing facilities via underground conduits placed in trench approximately 30'L x 2'W x 3'D 	Developed as fire station containing communications equipment.

Source: LA-RICS Authority

Site LACF099 is located at 32550 Pacific Coast Highway in the City of Malibu, and is a developed parcel with a single-story building appropriate to facilitate the operational activities of a fire station. A hose rack and a hose tower are also observed. The majority of the site is paved and flat. Landscaping is dense consisting of trees with large foliage. The site has limited planting areas and ground vegetation cover. No existing tower or antenna support structure is observed at the site.

The LA-RICS LTE project would construct a single 28-foot free-standing monopole tower with a (maximum) 7-foot pole-top lightning rod (for an overall height of 35 feet AGL), add outdoor equipment cabinets with communications equipment and backup batteries, and install ancillary equipment as described above in **Table 2E-5**. Project design, construction, operation, and maintenance activities, including vegetation clearance, are described in the Project Description under Sections 2.3, 2.4 and 2.5. **Appendix 2-A** contains additional information about the LACF099 site.

Figure 2E-9 shows the current condition of LACF099, while **Figure 2E-10** contains an aerial map of the site and surrounding area.

Figure 2E-9
LA-RICS LTE SYSTEM LA COUNTY FIRE STATION 99 SITE (LACF099)



Source: LA-RICS Authority

Project Description



Service Layer Credits: Source: Esri, Incubed, USDA, USGS, AEX, GeoEye, AeroGRID, IGN, IGP, and the GIS User Community, Copyright © 2011 Esri, DeLorme, NAVTEQ, TomTom, LA County, 2013, LA-RICS, 2013, UltraSystems Environmental Inc. 2013

LA-RICS LTE Project

Aerial Overview

Site ID: LACF099

Site Name: FS 99



Legend

● LA-RICS LTE Site

□ LA County Parcel Boundary

--- City Boundary

— Los Angeles County Boundary

Scale 1:1,200



0 50 100 150 Feet

0 20 40 60 Meters

Project Description

Table 2E-6
LA-RICS LTE SITE WITHIN THE SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
(LAFD097)

Site ID/Coordinates	Ownership	Equipment	Property Character
LAFD097 – LA City Fire Station 97 34° 07' 34.75240"N, 118° 22' 28.51623"W (NAD83)	Los Angeles City	<ul style="list-style-type: none">• 85-foot antenna support structure consisting of a 70-foot undisguised monopole with a 15 feet lightning rod atop the monopole• Up to 3 outdoor LTE equipment cabinets• 25kW diesel generator with integrated sub-base fuel tank• Utility connections to existing facilities via underground conduits placed in trench approximately 50'L x 2'W x 3'D	Developed as fire station containing communications equipment.

Source: LA-RICS Authority

Site LAFD097 is located at 8021 Mulholland Drive in the City of Los Angeles. The parcel is developed with a single-story building appropriate to facilitate the operational activities of a fire station. The majority of the site is paved and flat with a spacious surface parking lot. Ornamental shrubs and a few trees exist on the site as well in the surrounding area. The hill that fronts the project site is covered with some dense vegetation. The surrounding land largely consists of low-density single-family residences and open space.

The LA-RICS LTE project would construct a single 70-foot free-standing monopole tower with a (maximum) 15-foot pole-top lightning rod (for an overall height of 85 feet AGL), add outdoor equipment cabinets with communications equipment and backup batteries, and install ancillary equipment as described above in **Table 2E-6**. Project design, construction, operation, and maintenance activities, including vegetation clearance, are described in the Project Description under Sections 2.3, 2.4 and 2.5. **Appendix 2-A** contains additional information about the LAFD097 site.

Figure 2E-11 shows the current condition of LAFD097, while **Figure 2E-12** contains an aerial map of the site and surrounding area.

Figure 2E-11

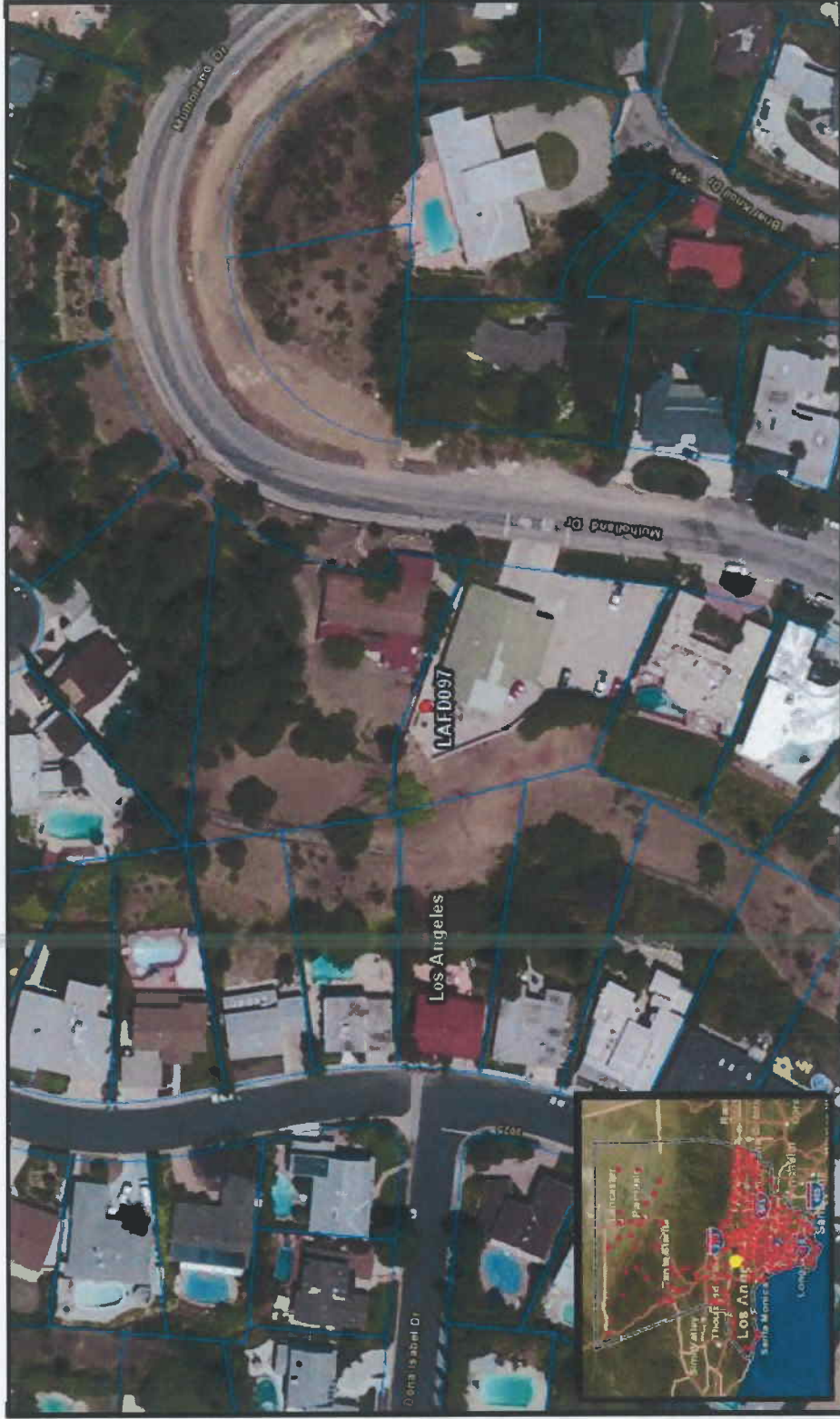
Project Description

LA-RICS LTE SYSTEM LA CITY FIRE STATION 97 SITE (LAFD097)



Source: Google Earth

Figure 2E-12 SITE LAFD097 AERIAL MAP



Service Layer Credits: Source: Esri, ArcGIS, USGS, AEX, GeoEye, GeoMapping, Aerogrid, IGN, IGP, and the GIS User Community, Copyright © 2011 Esri, DeLorme, NAVTEQ, TomTom, LA County, 2013, LA-RICS, 2013, UltraSystems Environmental Inc 2013

August 5, 2013

Legend

- LA-RICS LTE Site
- LA County Parcel Boundary
- City Boundary
- Los Angeles County Boundary

Scale 1:1,200

0 50 100 150 Feet

0 20 40 60 Meters

LA-RICS LTE Project

Aerial Overview

Site ID: LAFD097

Site Name: FS 097

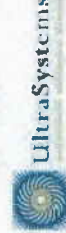


Table 2E-7
LA-RICS LTE SITE WITHIN THE SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
(LALG300)

Site ID/Coordinates	Ownership	Equipment	Property Character
LALG300– Zuma Lifeguard HQ 34° 01' 06.11365"N, 118° 49' 33.74420"W (NAD83)	Los Angeles County	<ul style="list-style-type: none"> • 35-foot antenna support structure consisting of a 28-foot undisguised monopole with a 7 feet lightning rod atop the monopole • Up to 3 outdoor LTE equipment cabinets • 25kW diesel generator with integrated sub-base fuel tank • Utility connections to existing facilities via underground conduits placed in trench approximately 30'L x 2'W x 3'D 	Part of Zuma Lifeguard headquarters, contains communications equipment.

Source: LA-RICS Authority

Site LALG300 is located at 30050 Pacific Coast Highway in the City of Malibu on the campus of the Zuma Beach Lifeguard Headquarters. Site LALG300 is situated in an urbanized environment with low-rise buildings in a coastal setting. The site abuts Zuma Beach to the south and Pacific Coast Highway to the north. Surrounding land is predominantly residential. The Lifeguard Department facility consists of one- and two-story buildings. The site is largely paved and flat with a small number of planting boxes, several ornamental trees, and landscaping. Roof-mounted antennas exist on the site.

The LA-RICS LTE project would construct a single 28-foot free-standing monopole tower with a (maximum) 7-foot pole-top lightning rod (for an overall height of 35 feet AGL), add outdoor equipment cabinets with communications equipment and backup batteries, and install ancillary equipment as described above in **Table 2E-7**. Project design, construction, operation, and maintenance activities, including vegetation clearance, are described in the Project Description under Sections 2.3, 2.4 and 2.5. **Appendix 2-A** contains additional information about the LALG300 site.

Figure 2E-13 shows the current condition of LALG300, while **Figure 2E-14** contains an aerial map of the site and surrounding area.

Figure 2E-13

LA-RICS LTE SYSTEM ZUMA LIFEGUARD HEADQUARTERS SITE (LALG300)



Source: LA-RICS Authority

Project Description

Table 2E-8
LA-RICS LTE SITE WITHIN THE SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA (LHS)

Site ID/Coordinates	Ownership	Equipment	Property Character
LHS – Lost Hills Malibu Sheriff's Station 34° 08' 13.40242"N, 118° 42' 52.13586"W (NAD83)	Los Angeles County	<ul style="list-style-type: none">• 85-foot antenna support structure consisting of a 70-foot undisguised monopole with a 15 feet lightning rod atop the monopole• Up to 3 outdoor LTE equipment cabinets• 25kW diesel generator with integrated sub-base fuel tank• Utility connections to existing facilities via underground conduits placed in trench approximately 30'L x 2'W x 3'D	Developed as a Sherriff's Station, containing communications equipment.

Source: LA-RICS Authority

Site LHS is located at 27050 Agoura Road in the community of Agoura, and is fully developed with buildings appropriate to facilitate the operational activities of a Sheriff station. The site is mostly paved and flat with small number of areas for planting boxes, several tall ornamental trees, scrubs, and landscaping. Land surrounding the project site is intensely developed with a mix of commercial buildings. A 100-foot lattice tower with microwave antenna is observed on the site.

The LA-RICS LTE project would construct a single 70-foot free-standing monopole tower with a (maximum) 15-foot pole-top lightning rod (for an overall height of 85 feet AGL), add outdoor equipment cabinets with communications equipment and backup batteries, and install ancillary equipment as described above in **Table 2E-8**. Project design, construction, operation, and maintenance activities, including vegetation clearance, are described in the Project Description under Sections 2.3, 2.4 and 2.5. **Appendix 2-A** contains additional information about the LHS site. During system design, structural engineering analysis would be performed on the existing lattice tower on site. If collocation is feasible and meet system coverage requirements, LTE system antennas would be installed on the existing tower. Similarly, the existing building and building systems (e.g. HVAC and emergency power) would be evaluated to determine the feasibility of housing the LTE equipment cabinets indoors.

Figure 2E-15 shows the current condition of LHS, while **Figure 2E-16** contains an aerial map of the site and surrounding area.

Figure 2E-15

Project Description

LA-RICS LTE SYSTEM LOST HILLS MALIBU SHERIFF'S STATION SITE (LHS)



Source: LA-RICS Authority

Figure 2E-16 SITE LHS AERIAL MAP



Service Layer Credits: Source: Esri, Contributed USDA, USGS, AEX, GeoEye, GeoMapping, AeroGRID, IGN, IGP, and the GIS User Community, Copyright © 2011 Esri, DeLorme, NAVTEQ, TomTom, LA County, 2013, LA-RICS, 2013, UltraSystems Environmental Inc 2013

August 5, 2013

Legend

- LA-RICS LTE Site
- LA County Parcel Boundary
- City Boundary
- Los Angeles County Boundary

Scale 1:1200

0 50 100 150 Feet

0 20 40 60 Meters

LA-RICS LTE Project

Aerial Overview

Site ID: LHS

Site Name: Lost Hills/Malibu



Project Description

Table 2E-9
LA-RICS LTE SITE WITHIN THE SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
(SVP)

Site ID/Coordinates	Ownership	Equipment	Property Character
SVP –San Vicente Peak 34° 07' 43.18362"N, 118° 30' 46.25574"W (NAD83)	Los Angeles City	<ul style="list-style-type: none">• 85-foot antenna support structure consisting of a 70-foot undisguised monopole with a 15 feet lightning rod atop the monopole• Up to 3 outdoor LTE equipment cabinets• 25kW diesel generator with integrated sub-base fuel tank• Utility connections to existing facilities via underground conduits placed in trench approximately 70'L x 2'W x 3'D	Contains communications equipment.

Source: LA-RICS Authority

Site SVP is located at 17500 Mulholland Drive in the City of Los Angeles and is partially developed with buildings appropriate to facilitate the operational activities for a former military facility, the Nike Missile Control site. Project site is mostly paved and flat with access roads covered in asphalt. On-site structures do not exceed three stories. Access entries indicate the presence of underground equipment cabinets. Chain link fence also surrounds the site, and two existing monopoles with omni and microwave antennas are observed. The land surrounding Site SVP is undeveloped with dense foliage. No buildings are located in the immediate vicinity of the project site.

The LA-RICS LTE project would construct a single 70-foot free-standing monopole tower with a (maximum) 15-foot pole-top lightning rod (for an overall height of 85 feet AGL), add outdoor equipment cabinets with communications equipment and backup batteries, and install ancillary equipment as described above in **Table 2E-9**. Project design, construction, operation, and maintenance activities, including vegetation clearance, are described in the Project Description under Sections 2.3, 2.4 and 2.5. **Appendix 2-A** contains additional information about the SVP site. During system design, structural engineering analysis would be performed on the existing monopoles onsite. If collocation is feasible for meeting system coverage requirements, LTE system antennas would be installed on the existing monopoles. Similarly, the existing equipment shelter and other infrastructure (e.g. HVAC and emergency power) would be evaluated to determine if they could support the LTE system.

Figure 2E-17 shows the current condition of LHS, while **Figure 2E-18** contains an aerial map of the site and surrounding area.

Figure 2E-17
LA-RICS LTE SYSTEM SAN VICENTE PEAK SITE (SVP)



Source: LA-RICS Authority

Figure 2E-18 SITE SVP AERIAL MAP



Email confirmation that no LA-RICS proposed LTE sites are located on NPS-owned lands.

From: Bob Reicher [mailto:rreicher@ultrasystems.com]

Sent: Monday, January 13, 2014 8:22 AM

To: Jim Hoyt; Lauren Dods; Mohamad Younes (myounes@citadelcpm.com); Nancy Yang; Nicole Hoeksma Gordon (ngordon@sohagi.com); Susy Orellana-Curtiss (Susy.Orellana-Curtiss@LA-RICS.org)

Cc: Betsy Lindsay; 'Michelle Tollett' (mtollett@ultrasystems.com); 'Melanie Doran Traxler' (mtraxlerpplus@aol.com); 'Ken Koch'; Joe Thompson

Subject: FW: Ownership of NPS/SMMNRA Lands and Special Use Permits-Confidential/Attorney-Client Privileged

Importance: High

The following e-mail thread (highlights added) provides a pretty definitive answer about the NPS position and role on lands within SMMNRA that are not owned by NPS (i.e., all the LA-RICS sites within SMMNRA).

In a nutshell, they may review our EA (at their option), but that is not a requirement. Further, we are not subject to their management plans.

Robert Reicher | Project Manager

UltraSystems Environmental | WBE/DBE/SBE/WOSB

16431 Scientific Way | Irvine, CA 92618

Tel: **949/788.4900 Ext. 224** | Fax: **949/788-4901**

Website: www.ultrasystems.com

E-mail: rreicher@ultrasystems.com

From: David Reynolds [mailto:david_a_reynolds@nps.gov]

Sent: Monday, January 13, 2014 5:57 AM

To: Beck, Melanie

Cc: Michelle Tollett; Jean Boscacci

Subject: Re: Ownership of NPS/SMMNRA Lands and Special Use Permits

Melanie- you're correct, in most cases NPS permitting authority applies only to NPS/ U.S. owned lands. I'm aware of a few exceptions where a management agreement transfers authority to NPS but that type of situation does not appear applicable here.

As FYI, a SUP is not the proper instrument for the described use.

Hope this helps, do not hesitate to contact Jean or myself with questions.

Dave

Sent from my iPhone

On Jan 10, 2014, at 4:03 PM, "Beck, Melanie" <melanie.beck@nps.gov> wrote:

Hi Michelle -

I've cc'd Dave Reynolds, our NPS program manager for right-of-way permits, which includes wireless telecommunications facilities. (Dave, please correct me if I am wrong on my word to Michelle. Maybe there is some sort of special federal permitting arrangement that has been worked out with Dept. of Commerce for a proposed project like the LA-RICS).

As I explained on the phone, NPS only has permitting jurisdiction for facilities proposed on NPS-owned lands. While Santa Monica Mountains National Recreation Area encompasses 153,250 acres, NPS actually owns only 23,500 acres. None of the LA-RICS-proposed WTF sites are located on NPS-owned lands. Therefore, NPS only holds an advisory/review role in your forthcoming EA or EIS. NPS will not require an NPS-issued right-of-way permit for the operation of the future WTFs. If you're concerned about this, you may want to mention in the EA or EIS that, should a WTF be relocated or added to a site on NPS-owned land, an NPS-issued right-of-way permit would be required.

I hope this helps.

- Melanie

Melanie Beck, Outdoor Recreation Planner
Santa Monica Mountains National Recreation Area
National Park Service
401 W. Hillcrest Dr.
Thousand Oaks, CA 91360
(805) 370-2346 voice
(805) 370-1850 fax
melanie_beck@nps.gov

On Fri, Jan 10, 2014 at 3:10 PM, Michelle Tollett <mtollett@ultrasystems.com> wrote:

Melanie,

Our land use department seems to be unclear on your conclusion concerning the management plan applicability to the LARICS site and need for approvals from NPS.

Based on my discussions with you, I advised our Biologists that the NPS Management Plan would not apply to our County/City owned parcels, however, they should expect comments from NPS as reviewing party only, but approvals will not be needed.

However, we have another personnel member feeling that we will have to apply for a SUP.

The document is due today and a little late to change our conclusions.

Please clarify.

Michelle Tollett | Senior Biologist, Manager Biological Resources 

UltraSystems Environmental | WBE/DBE/SBE/WOSB

16431 Scientific Way | Irvine, CA 92618
Tel: **949/788.4900 Ext. 243** | Fax: **949/788.4901**

Cell: **805/861.0199**

Website: www.ultrasystems.com

E-mail: mtollett@ultrasystems.com

<IMAGE001.JPG>

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UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, DC 20230

May 21, 2014

Ms. Melanie Beck
Santa Monica Mountains National Recreation Area
National Park Service
401 W. Hillcrest Dr.
Thousand Oaks, CA 91360

Dear Ms. Beck,

The National Telecommunications and Information Administration (NTIA) has awarded a grant to Los Angeles Regional Interoperable Communications System Joint Powers Authority (LA RICS Authority), through the Broadband Technology Opportunities Program (BTOP), as part of the American Recovery and Reinvestment Act (ARRA). Under ARRA the funding must be obligated and the project must be completed by September 2015. This timeline is driven by the laws and regulations governing the use of this ARRA grant funding. The project proposes to develop a county-wide microwave broadband network using long-term evolution (LTE) technology to improve shared voice and data communication systems for public safety agencies throughout the greater Los Angeles area, including project activities at nine sites located within the Santa Monica Mountains National Recreation Area. These nine proposed sites include Los Angeles County Fire Station 69 (LACF069), LACF071, LACF072, LACF088, LACF097, LACF099, Zuma Lifeguard Headquarters (LALG300), Lost Hills Malibu Sheriff's Station (LHS), and San Vicente Peak (SVP). However, these nine sites are not located on NPS-owned lands.

We are providing a CD of the draft final Environmental Assessment (EA) and appendices for the LA RICS Authority project for your review and comment, which will be express mailed by LA RICS Authority to your office. We ask that due to the expedited time frames associated with ARRA that you provide any feedback or comments to NTIA within three weeks from your receipt of this document, giving particular consideration to those topics on which your agency is acknowledged to possess jurisdiction by law or special expertise in the NEPA, and NHPA.

Please let me know if you have any questions or comments on this draft final EA. I can be reached at 202-482-4208 or fmonteferrante@ntia.doc.gov. Please copy Nancy Yang, the LA RICS Authority point of contact on all technical questions or comments that you might have since she is better prepared to handle those issues. She can be reached at (323) 267-2922, or NYang@isd.lacounty.gov.

Thank you for your time and consideration on this very important matter.

Sincerely,

Frank J. Monteferrante, PhD
Environmental Compliance Specialist
U.S. Department of Commerce
H.C. Hoover Bldg. Room 4826
1401 Constitution Avenue, NW
Washington, DC 20230

Attachment

cc: Nancy Yang, LA RICS (NYang@isd.lacounty.gov)



United States Department of the Interior

NATIONAL PARK SERVICE
Santa Monica Mountains National Recreation Area
401 West Hillcrest Drive
Thousand Oaks, California 91360-4207

In reply refer to:
L76 (SAMO)

July 15, 2014

Frank Monteferrante, PhD
Environmental Compliance Specialist
U.S. Department of Commerce
H.C. Hoover Building, Room 4826
1401 Constitution Avenue, NW
Washington, D.C. 20230

Dear Dr. Monteferrante:

The National Park Service (NPS) has reviewed the environmental assessment (EA) for the grant awarded to the Los Angeles Regional Interoperable Communications System Point Powers Authority (LA RICS Authority). The funded project proposes to develop a county-wide microwave broadband network using long-term evolution (LTE) technology to improve shared voice and data communication systems for public safety agencies throughout the greater Los Angeles area. The project proposes installation of telecommunications facilities (TF) at 231 sites, including nine proposed sites within Santa Monica Mountains National Recreation Area (SMMNRA), none of which are on NPS-owned parkland. The nine sites are Los Angeles County Fire Station 69 (LACF069), LACF071, LACF072, LACF088, LACF097, LACF099, Zuma Lifeguard Headquarters (LALG300), Lost Hills Malibu Sheriff Station (LHS), and San Vicente Peak (SVP). The TF would consist of a monopole typically 70 feet tall and approximately seven feet in diameter at the base. At sites with height restrictions, monopoles would be as short as 28 feet. Lightning rods would be attached at the apex of each monopole and microwave backhaul antennas and LTE panel antennas would be attached at varying heights along the monopole. Up to four climate-controlled equipment cabinets would house the backhaul equipment, network equipment, and backup batteries at each of the 231 LTE sites.

The National Park Service appreciates the opportunity to comment on the LA-RICS Authority project. We provide comments on the effects of private and public land development in the Santa Monica Mountains at the invitation of federal, state and local units of government with authority to prevent or minimize adverse uses. We offer the following comments. Overall, NPS concurs with the EA's impact level findings for the nine sites within SMMNRA. The proposed sites would not have negative impacts on natural, cultural, scenic, or recreational resources within SMMNRA.

Setting: The EA's description of SMMNRA and the jurisdictional setting of NPS within SMMNRA is accurate when mentioned throughout the document (Example Pages: 3.8-21, 5.4-4).

San Vicente Peak site (SVP): Appendix B (Page 2849) describes the SVP site as owned and managed by City of Los Angeles. There is an existing TF at this site that is operated by the city; however, the site is operated for public visitation by Mountains Recreation and Conservation Authority (MRCA), a local parkland management agency. The introduction description of the SVP site should be revised to reflect the parkland use of the property.

The SVP site is the only site of the nine within SMMNRA that is situated directly within parkland, the MRCA-owned Westridge Canyonback Park. The site is also within a scenic corridor, the Mulholland Scenic Parkway (Inner Corridor) as noted in Appendix B, Section 3.8 (Page 2854). Section 3.7, however, notes the site is not within a locally designated scenic corridor. This inconsistency should be corrected. The parkland setting should also be described in Section 3.7 Aesthetic and Visual Resources (Page 2854).

The EA notes that, in visually sensitive areas, the monopole height may be reduced to as short as 28 feet. At this location, the Nike Missile lookout platform is a popular scenic overlook. The lookout platform provides 360-degree views across parkland toward the ocean, as well as toward downtown Los Angeles, San Fernando Valley, and SMMNRA to the west. The site is also contiguous with MRCA-owned Westridge Canyonback Park. NPS recommends the proposed monopole be no taller than the height of the platform so that the TF would not obstruct the 360-degree views.

Coastal Commission jurisdiction: Projects in cities and unincorporated county areas without certified Local Coastal Programs are still permitted by both the local jurisdiction and must also obtain a Coastal Development Permit separately from Coastal Commission. Reference to the process on Page 3.7-6 is unclear on the jurisdiction of Coastal Commission, but is correctly indicated in later paragraphs (Pages. 3.8-5, 3.8-6).

Oat Mountain site: Table 4.12-1 (Page 4.12-2) describes the facility on Oat Mountain as being within SMMNRA. Oat Mountain is not within SMMNRA; therefore, please remove the reference to SMMNRA.

Thank you for the opportunity to comment. If you have questions, please call Melanie Beck at (805)370-2346.

Sincerely,


David Szymanski
Superintendent

cc: Joe Edmiston, Executive Director, Santa Monica Mountains Conservancy
Craig Sap, Superintendent, Angeles District, State Department of Parks and Recreation
Clark Stevens, District Manager, Resource Conservation District of the Santa Monica Mountains

APPENDIX H-4 - National Park Service EMAIL 10/2/14

NPS Comments Regarding San Vicente Peak Site

From: Beck, Melanie <melanie_beck@nps.gov>
Sent: Thu 10/2/2014 5:58 PM
To: Nancy Yang <NYang@isd.lacounty.gov>
Cc: James Hoyt <Jim.Hoyt@jacobs.com>
Subject: Re: LA-RICS LTE Project EA Review Comment Responses

Hi Nancy - I have reviewed the response to NPS comments on the LA RICS LTE EA. Thanks for the responses. I note the monopole at the San Vicente Mountain site would be 70 feet high per the LTE standard throughout all the proposed sites. Construction would be conditioned to paint the monopole in non-reflective, neutral colors. The monopole may be disguised to reduce visual impacts.

The 70-ft pole would still be 30 feet above the existing 40-foot-tall facilities. Combined with the 15-ft lightning rod, the new monopole would be 45 feet higher than existing facilities, i.e. more than double the existing height. While disguising the monopole is a consideration, adding any kind of bulk to the structure would only exacerbate the facility's visual impacts. It is the non-matching height that is the problem. If the monopole could be constructed downslope to avoid the height differential, that might be considered. Otherwise, NPS would encourage the LA RICS team to construct a monopole no higher than 40 feet at this site. An exception to the LTE project's 70-foot standard would be very welcomed at this site of magnificent 360-degree views widely enjoyed by the public, with minimal obstruction at this point by the 40-foot-tall cluster of wireless facilities.

Thank you for a second opportunity to advise on the LTE project, specifically for this location.

- Melanie

Melanie Beck, Outdoor Recreation Planner
Santa Monica Mountains National Recreation Area
National Park Service
401 W. Hillcrest Dr.
Thousand Oaks, CA 91360
(805) 370-2346 voice
(805) 370-1850 fax
melanie_beck@nps.gov

On Thu, Oct 2, 2014 at 4:32 PM, Nancy Yang <NYang@isd.lacounty.gov> wrote:
Hi Melanie,

This is a follow-up to find out if you would be commenting further on the LTE project. Written confirmation of this would help us to close out the EA process with NTIA. Please note that we will continue to work with the property owner (LA City) to address any concerns.

Thank you in advance for your confirmation and for your time in reviewing the EA and providing the comments!

Best regards,

Nancy Yang

LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754
Tel: (323)267-2922
Fax: (323)980-0683

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On Fri, Sep 26, 2014 at 2:28 PM, Nancy Yang <NYang@isd.lacounty.gov> wrote:
Hi Melanie,

Thank you very much for responding.

As a follow-up to my voicemail message this week, are you available for a call on Tuesday, Sept. 30 at 1PM? We are finalizing the LTE project EA early part of the next week and would like to address any questions or concerns you may have regarding the proposed antenna monopole at the San Vicente Peak site and incorporate any additional aesthetic mitigation that may be needed in the EA so NTIA could make the NEPA decision for the project. As the project is funded by an ARRA grant, we would like to complete the EA as soon as possible to enable the project to move forward to the next phase and complete within the grant performance period.

Thanks again!

Best regards,

Nancy Yang
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754
Tel: (323)267-2922
Fax: (323)980-0683

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From: Beck, Melanie [mailto:melanie_beck@nps.gov]
Sent: Tuesday, September 16, 2014 10:09 AM
To: Nancy Yang
Subject: Re: LA-RICS LTE Project EA Review Comment Responses

Hi Nancy - Got your voice message yesterday. Can the review of the Response to Comments wait until the week of September 29th?

Thx! - Melanie

Melanie Beck, Outdoor Recreation Planner
Santa Monica Mountains National Recreation Area
National Park Service
401 W. Hillcrest Dr.
Thousand Oaks, CA 91360
(805) 370-2346 voice
(805) 370-1850 fax
melanie_beck@nps.gov<mailto:melanie_beck@nps.gov>

On Wed, Sep 3, 2014 at 6:40 PM, Nancy Yang
<NYang@isd.lacounty.gov<mailto:NYang@isd.lacounty.gov>> wrote:
Melanie:

As per our phone conversation yesterday, the LA-RICS Authority has worked with NTIA and made revisions to the NEPA Environmental Assessment (EA) for the LA-RICS LTE project to incorporate review comments from National Park Service (NPS) per the Service's letter dated July 17 to Mr. Frank Monteferrante of NTIA (a copy is attached), and we thank the National Park Service's interest in the project and appreciate the Service's review and input for the LTE EA.

For your reference, attached please find our responses to the NPS EA comments per the July 17 letter that either provide further clarifications or show where revisions were made in the EA to address NPS' comments. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Nancy Yang
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754
Tel: (323)267-2922
Fax: (323)980-0683

[Description: Description: Description: Description: Description: Description: cid:3364881447_4263340]

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APPENDIX H-5

State Historic Preservation Officer

August 27, 2013

Ms. Carol Roland-Nawi
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Re: Notice of Project Change Affecting National Historic Preservation Act, Section 106,
Consultation Regarding Broadband Technology Opportunities Program Grant Recipient
#7835, Los Angeles Regional Interoperable Communications System Joint Powers
Authority (LA RICS), Fiber Optic Network Infrastructure Project

Dear Ms. Roland-Nawi,

In a letter dated November 5, 2010, the National Telecommunications and Information Administration (NTIA) informed your office of a grant awarded to LA RICS, through the Broadband Technology Opportunities Program (BTOP), as part of the American Recovery and Reinvestment Act (ARRA). Since our initial notification, LA RICS has revised their project description to include the construction of a series of 232 cellular towers/radio base station equipment facilities (known as eNodeB) to be placed throughout Los Angeles County, CA for the purpose of creating a Public Safety Broadband Network (PSBN). A project description with maps is included in the attached CD for your review.

NTIA has determined that this project is an undertaking with the potential to affect historic resources. This letter serves as re-initiation of consultation with your office under Section 106 of the National Historic Preservation Act per 36 CFR Part 800. NTIA will be notifying federally recognized Native American tribes of this project update in cooperation with the Federal Communication Commission (FCC) using their Tower Construction Notification System (TCNS).

LA RICS proposes to construct both new telecommunication facilities and co-locate new equipment on existing towers. NTIA will apply the Program Comment issued by the Advisory Council on Historic Preservation (Federal Register/Vol.74, No.223/ Friday, November 20, 2009) to comply with Section 106 for any FCC licensed communication facility components funded by the grant, so please expect associated consultation under the FCC's National Programmatic Agreement for these elements.

In order to streamline Section 106 compliance, BTOP applicants are authorized to gather information to identify and evaluate historic properties and assess effects. The grant recipient is in the process of determining whether properties eligible for listing in the National Register of Historic Places exist within the area of potential effect and determining the effects of the project activities on those sites. The grant recipient will consult with your office regarding their findings as required under Section 106. NTIA will participate in any consultations, if necessary, to

resolve adverse effects and develop any Memorandum of Agreement.

If you have any questions, please contact me at (202) 482-4208, or FMonteferrante@ntia.doc.gov. NTIA is prepared and willing at any time to participate directly in the review process as needed. As monitoring the progress of each of these projects is vital to their success, I would appreciate being copied on any correspondence you have in the future with the grant recipient regarding this project. Please do not send any return correspondence via US Mail since most mail is irradiated and will take extra time for delivery. All correspondence should be either by e-mail, fax (202-482-2156), or by express mail services (FedEx or similar carrier).

Sincerely,



Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and
Information Administration
U.S. Department of Commerce
H.C. Hoover Bldg. Room 4826
1401 Constitution Avenue, NW
Washington, DC 20230

Attachment

cc: Nancy Yang, LA RICS (NYang@isd.lacounty.gov)

APPENDIX H-6

Native American Consultation



July 16, 2013

Mr. Dave Singleton
Native American Heritage Commission
1550 Harbor Blvd., Suite 100
West Sacramento, California 95691

Re: Los Angeles Regional Interoperable Communications System; LTE Public Safety Broadband Network, Project No. 5850

Dear Mr. Singleton,

I am requesting a search of the Sacred Lands Files and a current Native American Contact List. UltraSystems Environmental Inc. is undertaking a cultural resources study for the Los Angeles Public Safety Broadband Network (PSBN) proposed by the Los Angeles Regional Interoperable Communications System (LA-RICS) Joint Powers Authority (JPA or the Authority) that will reach throughout the greater Los Angeles region. There are 232 potential project site locations to be investigated for the presence of possible cultural and historic resources. The study will consist of a literature research at the local CHRIS center and the U.S. Forest Service records center, a field reconnaissance, and an evaluation report that will be part of a larger environmental review undertaken pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The Authority is also charged with notifying all affected federally and California State recognized Native American tribes, as well as members of local Native American communities per Section 106 of the National Historic Preservation Act 2009 revised guidelines.

The Department of Commerce (DOC), National Telecommunications and Information Administration (NTIA) has awarded the Authority an American Recovery and Reinvestment Act, Broadband Technology Opportunity Program (BTOP) grant to develop and deploy the PSBN system, also known as the LTE broadband mobile data system. Approximately 232 LTE sites are needed to provide signal coverage across the diverse terrain of the greater Los Angeles region and meet the system throughput requirements. Of the 232 potential sites, 2 sites are collocation sites owned by JPA member agencies where system components would be installed on or in existing infrastructure, while the remaining 230 project sites will require new construction. New construction on the 230 sites would include the installation of new antenna support structures (generally self-supporting steel monopoles of up to 70 feet in height with a 15 feet lightning rod atop or some roof-top or wall-mounted structures), outdoor equipment cabinets, diesel generators, a concrete pad, and security fencing and lighting (where none currently exists). All of the project sites are publicly-owned sites owned or leased by the JPA members or other public entities (such as public utilities). 4 of the 232 potential project sites have been identified to be on land owned by federal agencies including the Bureau of Land Management, U.S. Army Corps of Engineers and the U.S. Forest Service.

The purpose of the LA-RICS Authority is to develop shared communications systems for all public safety agencies within the greater Los Angeles region. The City of Los Angeles and the County of Los Angeles, in collaboration with other municipalities and public sector entities in the region, entered into a Joint Powers

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Agreement in 2009 to create a JPA. A seventeen member Board of Directors, comprised of first responder stakeholders from throughout the greater Los Angeles region, governs the JPA. Together with the City of Los Angeles, the County of Los Angeles, and the Los Angeles Unified School District, more than 80 other municipalities and public sector entities within the region have joined the Authority as members. The purpose of the Authority is to construct, own, operate and maintain regional interoperable public safety wireless communications systems that will support more than 34,000 first responders and local mission-critical personnel within the greater Los Angeles region.

The PSBN or LTE broadband mobile data system would provide users field access to high-speed wireless data throughout the greater Los Angeles region. In addition to this system, the Authority is concurrently proposing a Land Mobile Radio (LMR) system to meet the operational voice communications requirements of JPA member agencies. The LMR system is funded through grants awarded by the Department of Homeland Security (DHS), Federal Emergency Management Authority (FEMA). There will be very limited, if any, shared infrastructure between the LTE and LMR networks if both are approved, and implementation of one network would not compel or preclude the implementation of the other network.

It is planned that the PSBN system will be implemented before August 2015 or the end of the performance period of the BTOP grant. After the Authority completes the PSBN system procurement and awards a contract to the system contractor, it is anticipated that the first two months will be spent on system design (including site design), finalizing arrangements with Authority member for site usage, and completing the permitting and environmental compliance process. Site construction will begin following final system design and is projected to take approximately eight to ten months to complete. As site construction is completed for each site, the PSBN system equipment will be installed and tested. Per our telephone conversation on April 14, 2013, the 232 potential LTE project site locations requiring study have been placed on a spreadsheet that gives the site ID, longitude and latitude, site name, address (street, city and zip code), as well as the name of the USGS 7.5 minute quad map, its Range, Township and Section number; in those areas where there is no section number available the site's location has been described by reference to nearby sections and topographical or man-made features as well as can be. Also included is a poster map of the greater Los Angeles region showing the LTE project site locations with red dots and their project IDs. The spreadsheet providing information for the 232 potential sites as described above is enclosed for your use. The spreadsheet will also be sent to the NAHC electronically.

If you require any additional information or have any questions, please contact me.

Thank you for your help,

Sincerely,



Stephen O'Neil, M.A./RPA
Cultural Resources Manager

soncil@ultrasystems.com
office: (949) 788-4900
cell: (949) 677-2391

STATE OF CALIFORNIA

Edmund G. Brown, Jr. Governor

**NATIVE AMERICAN HERITAGE
COMMISSION**

1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
(916) 373-3715
Fax (916) 373-6471
www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

July 25, 2013

Mr. Stephen O'Neill, M.A., RPA

UltraSystems

16431 Scientific Way
Irvine, CA 92618-7443

Sent By FAX to: 949-788-4901
No. of Pages: 5

Re: Request for Sacred Lands File Search and Native American Contacts list for the
**"Los Angeles Regional Interoperable Communication System LTE
Public Safety Broadband Network Project No. 5850;"** located at
multiple sites in the Greater Los Angeles Region, California

Dear Mr. O'Neill:

A record search of the NAHC Sacred Lands File failed to indicate the presence of Native American traditional cultural place(s) in the project sites submitted, based on the USGS coordinates submitted as part of the 'Areas of Potential Effect (APEs) with the exception of the following Township 2 South; Range 15 West (Civic Center & Santa Monica Boulevard; also, Township 2 South; Range 8 West Section 2 NW ¼ of SW ¼. ... Also, note that the NAHC SLF Inventory is not exhaustive; therefore, the absence of archaeological or Native American sacred places does not preclude their existence. Other data sources for Native American sacred places/sites should also be contacted. A Native American tribe or individual may be the only sources of presence of traditional cultural places or sites.

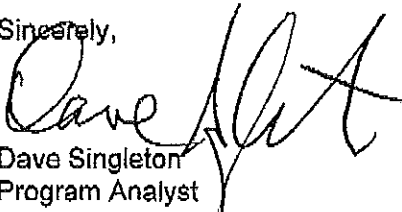
In the 1985 Appellate Court decision (170 Cal App 3rd 604; *EPIC v. Johnson*), the Court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

Attached is a list of Native American tribes, individuals/organization who may have knowledge of cultural resources in or near the project area. As part of the consultation process, the NAHC recommends that local governments and project developers contact the tribal governments and individuals to determine if any cultural places might be impacted by the proposed action. If a response is not received in two weeks of

notification the NAHC requests that a follow telephone call be made to ensure that the project information has been received.

If you have any questions or need additional information, please contact me at (916) 373-3715.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton", written over the printed name.

Dave Singleton
Program Analyst

Attachment

**Native American Contacts
Los Angeles County
July 25, 2013**

Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand Oaks, CA 91362
folkes9@msn.com
805 492-7255
(805) 558-1154 - cell
folkes9@msn.com

Chumash
Tataviam
Fernandeno

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th St, Rm. 403
Los Angeles, CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

Fernandeno Tataviam Band of Mission Indians
Ronnie Salas, Cultural Preservation Department
1019 - 2nd Street, Suite #1
San Fernando CA 91340
rortega@tataviam-nsn.gov
(818) 837-0794 Office

(818) 837-0796 Fax

Fernandeno
Tataviam

Owl Clan
Qun-tan Shup
48825 Sapaque Road
Bradley, CA 93426
mupaka@gmail.com
(805) 472-9536 phone/fax
(805) 835-2382 - CELL

Chumash

Barbareno/Ventureno Band of Mission Indians
Julie Lynn Tumamait-Stennslie, Chair
365 North Poli Ave
Ojai, CA 93023
jtumamait@sbcglobal.net
(805) 646-6214

Chumash

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B
Costa Mesa, CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino

Patrick Tumamait
992 El Camino Corto
Ojai, CA 93023
(805) 640-0481
(805) 216-1253 Cell

Chumash

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address
Gabrielino Tongva
tattnlaw@gmail.com
310-570-6567

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Los Angeles Regional Interoperable Communication System LTE Public Safety Broadband Network Project No. 5850," located in the Greater Los Angeles Region, California for which Sacred Lands File searches and Native American Contacts lists were requested.

**Native American Contacts
Los Angeles County
July 25, 2013**

Gabrielino/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson

PO Box 693
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Gabrielino Tongva

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources

P.O. Box 490
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Gabrielino Tongva

Randy Guzman - Folkes

6471 Cornell Circle
Moorpark , CA 93021
ndnRandy@yahoo.com
(805) 905-1675 - cell

Chumash
Fernandefio
Tataviam
Shoshone Paiute
Yaqui

Gabrielino-Tongva Tribe
Bernie Acuna, Co-Chairperson

P.O. Box 180
Bonsall , CA 92003
(619) 294-6660-work
(310) 428-5690 - cell
(760) 636-0854- FAX
bacuna1@gabrielinotribe.org

Gabrielino

Gabrielino Tongva Nation

Sam Dunlap, Cultural Resources Director
P.O. Box 86908
Los Angeles , CA 90086
samdunlap@earthlink.net

Gabrielino Tongva

(909) 262-9351 - cell

Gabrielino-Tongva Tribe
Linda Candelaria, Co-Chairperson

P.O. Box 180
Bonsall , CA 92003
palmsprings9@yahoo.com
626-676-1184- cell
(760) 636-0854 - FAX

Gabrielino

San Manuel Band of Mission Indians
Daniel McCarthy, M.S., Director-CRM Dept.

26589 Community Center. Drive
Highland , CA 92346
(909) 864-8933, Ext 3248
dmccarthy@sanmanuel-nsn.
gov
(909) 862-5152 Fax

Serrano

Santa Ynez Tribal Elders Council
Freddie Romero, Cultural Preservation ConsInt

P.O. Box 365
Santa Ynez , CA 93460
805-688-7997, Ext 37
freddyromero1959@yahoo.
com

Chumash

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**Native American Contacts
Los Angeles County
July 25, 2013**

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina, CA 91723
gabrielenoindians@yahoo.
(626) 926-4131

Gabrielino-Tongva Tribe
Conrad Acuna,
P.O. Box 180 Gabrielino
Bonsall, CA 92003

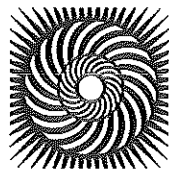
760-636-0854 - FAX

Coastal Band of the Chumash Nation
Michael Cordero
5246 El Carro Lane Chumash
Carpinteria, CA 93013
805-684-8281

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July 30, 2013

Michael Cordero
Coastal Band of the Chumash Nation
5246 El Carro Lane
Carpinteria, CA 93013

**RE: Los Angeles Regional Interoperable Communications System
LTE Public Safety Broadband Network, Project No. 5850**

Dear Mr. Cordero:

UltraSystems Environmental Inc. is undertaking a cultural resources study for the Los Angeles Public Safety Broadband Network (PSBN) proposed by the Los Angeles Regional Interoperable Communications System (LA-RICS) Joint Powers Authority (JPA or the Authority) that will reach throughout the greater Los Angeles region. There are 232 potential project site locations to be investigated for the presence of possible cultural and historic resources. The study will consist of a literature research at the local CHRIS center and the U.S. Forest Service records center, a field reconnaissance, and an evaluation report that will be part of a larger environmental review undertaken pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The Authority is also charged with notifying all affected federally and California State recognized Native American tribes, as well as members of local Native American communities per Section 106 of the National Historic Preservation Act 2009 revised guidelines.

The Department of Commerce (DOC), National Telecommunications and Information Administration (NTIA) has awarded the Authority an American Recovery and Reinvestment Act, Broadband Technology Opportunity Program (BTOP) Grant to develop and deploy the PSBN system, also known as the LTE broadband mobile data system. Approximately 232 LTE sites are needed to provide signal coverage across the diverse terrain of the greater Los Angeles region and meet the system throughput requirements. Of the 232 potential locations, two are collocation sites owned by JPA member agencies where system components would be installed on or in existing infrastructure, while the remaining 230 project sites will require new construction. New construction on the 230 sites would include the installation of new antenna support structures (generally self-supporting steel monopoles of up to 70 feet in height with a 15 feet lightning rod atop or some roof-top or wall-mounted structures), outdoor equipment cabinets, diesel generators, a concrete pad, and security fencing and lighting (where none currently exists). All of the project sites are publicly-owned sites owned or leased by the JPA members or other public entities (such as public utilities). 4 of the 232 potential project sites have been identified to be on land owned by federal agencies including the Bureau of Land Management, U.S. Army Corps of Engineers and the U.S. Forest Service.

The purpose of the LA-RICS Authority is to develop shared communications systems for all public safety agencies within the greater Los Angeles region. The City of Los Angeles and the County of Los Angeles, in collaboration with other municipalities and public sector entities in the region, entered into a Joint Powers Agreement in 2009 to create a JPA. A seventeen member Board of Directors, comprised of first responder stakeholders from throughout the greater Los Angeles region, governs the JPA. Together with the City of Los Angeles, the County of Los Angeles, and the Los Angeles Unified School District, more than 80 other municipalities and public sector entities within the region have joined the Authority as members. The

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purpose of the Authority is to construct, own, operate and maintain regional interoperable public safety wireless communications systems that will support more than 34,000 first responders and local mission-critical personnel within the greater Los Angeles region.

The PSBN or LTE broadband mobile data system would provide users field access to high-speed wireless data throughout the greater Los Angeles region. In addition to this system, the Authority is concurrently proposing a Land Mobile Radio (LMR) system to meet the operational voice communications requirements of JPA member agencies. The LMR system is funded through grants awarded by the Department of Homeland Security (DHS), Federal Emergency Management Authority (FEMA). There will be very limited, if any, shared infrastructure between the LTE and LMR networks if both are approved, and implementation of one network would not compel or preclude the implementation of the other network.

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We would appreciate hearing from you if there are sacred or traditional cultural sites you are aware of at the project locations that may be effected by the project, along with any other comments or suggestions you wish to make. The 232 potential LTE project site locations requiring study have been placed on a spreadsheet that gives the site ID, longitude and latitude, site name, address (street, city and zip code), as well as the name of the USGS 7.5 minute quad map, its Range, Township and Section number; in those areas where there is no section number available the site's location has been described by reference to nearby sections and topographical or man-made features as well as can be. Also included is a poster map of the greater Los Angeles region showing the LTE project site locations with red dots and their project ID's. The spreadsheet providing information for the 232 potential sites as described above is enclosed for your use.

If you require any additional information or have any questions, please contact me.

Respectfully yours,



Stephen O'Neil, M.A., RPA
Cultural Resources Manager

E: soneil@ultrasystems.com

T: 949/788-4900

C: 949/ 677-2391



UltraSystems
environmental • management • planning

July 30, 2013

Mr. Daniel McCarthy, M.S., Director-CRM Dept.
San Manuel Band of Mission Indians
26569 Community Center Dr.
Highland, CA 92346

**RE: Los Angeles Regional Interoperable Communications System
LTE Public Safety Broadband Network, Project No. 5850**

Dear Director McCarthy:

UltraSystems Environmental Inc. is undertaking a cultural resources study for the Los Angeles Public Safety Broadband Network (PSBN) proposed by the Los Angeles Regional Interoperable Communications System (LA-RICS) Joint Powers Authority (JPA or the Authority) that will reach throughout the greater Los Angeles region. There are 232 potential project site locations to be investigated for the presence of possible cultural and historic resources. The study will consist of a literature research at the local CHRIS center and the U.S. Forest Service records center, a field reconnaissance, and an evaluation report that will be part of a larger environmental review undertaken pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The Authority is also charged with notifying all affected federally and California State recognized Native American tribes, as well as members of local Native American communities per Section 106 of the National Historic Preservation Act 2009 revised guidelines.

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Facsimile: 949.788.4901
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If you require any additional information or have any questions, please contact me.

Respectfully yours,

Stephen O'Neil, M.A., RPA
Cultural Resources Manager

E: soneil@ultrasystems.com

T: 949/788-4900

C: 949/677-2391



July 30, 2013

Mr. Anthony Morales, Chairperson
Gabrieleno/Tongva San Gabriel Band of Mission Indians
PO Box 693
San Gabriel, CA 91778

**RE: Los Angeles Regional Interoperable Communications System
LTE Public Safety Broadband Network, Project No. 5850**

Dear Chairperson Morales:

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16431 Scientific Way
Irvine, CA 92618-7443
Telephone: 949.788.4900
Facsimile: 949.788.4901
Website: www.ultrasystems.com

Angeles, the County of Los Angeles, and the Los Angeles Unified School District, more than 80 other municipalities and public sector entities within the region have joined the Authority as members. The purpose of the Authority is to construct, own, operate and maintain regional interoperable public safety wireless communications systems that will support more than 34,000 first responders and local mission-critical personnel within the greater Los Angeles region.

The PSBN or LTE broadband mobile data system would provide users field access to high-speed wireless data throughout the greater Los Angeles region. In addition to this system, the Authority is concurrently proposing a Land Mobile Radio (LMR) system to meet the operational voice communications requirements of JPA member agencies. The LMR system is funded through grants awarded by the Department of Homeland Security (DHS), Federal Emergency Management Authority (FEMA). There will be very limited, if any, shared infrastructure between the LTE and LMR networks if both are approved, and implementation of one network would not compel or preclude the implementation of the other network.

It is planned that the PSBN system will be implemented before August 2015 or the end of the performance period of the BTOP grant. After the Authority completes the PSBN system procurement and awards a contract to the system contractor, it is anticipated that the first two months will be spent on system design (including site design), finalizing arrangements with Authority member for site usage, and completing the permitting and environmental compliance process. Site construction will begin following final system design and is projected to take approximately eight to ten months to complete. As site construction is completed for each site, the PSBN system equipment will be installed and tested. The study area is located throughout the County of Los Angeles, ranging from Santa Catalina Island, the Los Angeles Basin, the Santa Monica and San Gabriel Mountains, to the Mojave Desert. The California Native American Heritage Commission has identified you and your organization as a group whose traditional lands or current sphere of interest includes a portion of the project area. The Commission identified two places containing a traditional cultural place, in coastal Santa Monica and in the Chino area, but has left it to the local tribe to determine if they wish to identify its nature and location any further.

We would appreciate hearing from you if there are sacred or traditional cultural sites you are aware of at the project locations that may be effected by the project, along with any other comments or suggestions you wish to make. The 232 potential LTE project site locations requiring study have been placed on a spreadsheet that gives the site ID, longitude and latitude, site name, address (street, city and zip code), as well as the name of the USGS 7.5 minute quad map, its Range, Township and Section number; in those areas where there is no section number available the site's location has been described by reference to nearby sections and topographical or man-made features as well as can be. Also included is a poster map of the greater Los Angeles region showing the LTE project site locations with red dots and their project ID's. The spreadsheet providing information for the 232 potential sites as described above is enclosed for your use.

If you require any additional information or have any questions, please contact me.

Respectfully yours,



Stephen O'Neil, M.A., RPA
Cultural Resources Manager

E: soneil@ultrasystems.com

T: 949/788-4900

C: 949/ 677-2391



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and Information Administration
Washington, DC 20230



**NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED
BROADBAND PROJECT NOTIFICATION INFORMATION**

LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS
SYSTEM (LA-RICS)
NANCY YANG
H.C. HOOVER BUILDING
1401 CONSTITUTION AVENUE, NW
WASHINGTON, DC 20230

Date: 08/30/2013
Reference Number:

Dear Sir or Madam:

The National Telecommunications and Information Administration (NTIA) is using a modified version of the Federal Communications Commission's (FCC) Tower Construction Notification System (TCNS) as a means of expediting its Broadband Technology Opportunities Program (BTOP), part of President Obama's American Recovery and Reinvestment Act of 2009 (ARRA). This notice is to inform you that the following authorized parties were sent information about the application that you submitted to BTOP.

Those authorized parties who have received the information about your BTOP application include leaders of federally-recognized American Indian Tribes, including Alaska Native villages (collectively "Tribes"), or their designees, Native Hawaiian Organizations (NHOs), and State Historic Preservation Officers (SHPOs). For your convenience in identifying the referenced Tribes and in making further contacts, the City and State of the Seat of Government for each Tribe and NHO, as well as the designated contact person is included in the list below. NTIA notes that Tribes might attach religious and cultural significance to historic properties located in their ancestral homelands or other areas far removed from their current Seat of Government.

The information you provided was forwarded to the following Tribes and NHOs who have set their geographic preferences on TCNS.

1. Environmental Program Director - LeAnn Skrzynski - Kaibab Paiute Tribe - Fredonia, AZ - electronic mail and regular mail

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

2. Chairperson - Catherine Saubel - Los Coyotes Reservation - Warner Springs, CA - electronic mail and regular mail
Details: If the Applicant receives no response from the Los Coyotes Reservation within 30 days after notification through TCNS, the Los Coyotes Band of Indians has no interest in participating in pre-construction review for the proposed site. The Applicant, however, must immediately notify the Los Coyotes Band of Indians in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

The information you provided was also forwarded to the additional Tribes and NHOs listed below. These Tribes and NHOs have NOT set their geographic preferences on TCNS Broadband, and therefore they are currently receiving tower notifications for the entire United States.

The information you provided was also forwarded to the following SHPOs in the state in which you propose to construct and neighboring states. The information was provided to these SHPOs as a courtesy for their information and planning.

3. Deputy SHPO - Carol Griffith - Arizona State Parks - Phoenix, AZ - electronic mail

4. Deputy SHPO - William Collins - Arizona State Parks - Phoenix, AZ - electronic mail

Please be advised that the NTIA cannot guarantee that the contact(s) listed above opened and reviewed an electronic or regular mail notification. NTIA will contact you shortly to identify the next steps required for completing review under Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f and its implementing regulations (36 CFR Part 800).

The following information relating to the proposed project was forwarded to the person(s) listed above:

Notification Received: 08/21/2013

Notification ID: 98851

Project Number: 7835

Applicant: Los Angeles Regional Interoperable Communications System (LA-RICS)

Applicant Contact: Nancy Yang

Project Type(s): Multiple Project Components

Region(s) affected (State, County): CALIFORNIA, LOS ANGELES

Address or Geographical Location Description: LA-RICS proposes to build a Public Safety Broadband Network (PSBN) using Long Term Evolution (LTE) technology on the 20MHz of dedicated 700 MHz public safety broadband spectrum. The proposed PSBN will bring LTE broadband services to approximately 34,000 first responder and 17,000 secondary responder personnel throughout the greater Los Angeles region.

If you have any questions or comments regarding the content of this notice, please contact NTIA at btoptcns@ntia.doc.gov or the following:

Frank Monteferrante, Ph.D.
Environmental Compliance Specialist
Broadband Technology Opportunities Program
H.C. Hoover Building, Room 4228
14th St. and Constitution Avenue, NW
Washington, D.C. 20230
Telephone: (202) 482-1303
Fax: (202) 501-8009
Electronic Mail: btoptcns@ntia.doc.gov



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and Information Administration
Washington, DC 20230



**NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED
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LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS
SYSTEM (LA-RICS)
NANCY YANG
H.C. HOOVER BUILDING
1401 CONSTITUTION AVENUE, NW
WASHINGTON, DC 20230

Date: 08/30/2013
Reference Number:

Dear Sir or Madam:

The National Telecommunications and Information Administration (NTIA) is using a modified version of the Federal Communications Commission's (FCC) Tower Construction Notification System (TCNS) as a means of expediting its Broadband Technology Opportunities Program (BTOP), part of President Obama's American Recovery and Reinvestment Act of 2009 (ARRA). This notice is to inform you that the following authorized parties were sent information about the application that you submitted to BTOP.

Those authorized parties who have received the information about your BTOP application include leaders of federally-recognized American Indian Tribes, including Alaska Native villages (collectively "Tribes"), or their designees, Native Hawaiian Organizations (NHOs), and State Historic Preservation Officers (SHPOs). For your convenience in identifying the referenced Tribes and in making further contacts, the City and State of the Seat of Government for each Tribe and NHO, as well as the designated contact person is included in the list below. NTIA notes that Tribes might attach religious and cultural significance to historic properties located in their ancestral homelands or other areas far removed from their current Seat of Government.

The information you provided was forwarded to the following Tribes and NHOs who have set their geographic preferences on TCNS.

1. Environmental Program Director - LeAnn Skrzynski - Kaibab Paiute Tribe - Fredonia, AZ - electronic mail and regular mail

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

2. Chairperson - Catherine Saubel - Los Coyotes Reservation - Warner Springs, CA - electronic mail and regular mail
Details: If the Applicant receives no response from the Los Coyotes Reservation within 30 days after notification through TCNS, the Los Coyotes Band of Indians has no interest in participating in pre-construction review for the proposed site. The Applicant, however, must immediately notify the Los Coyotes Band of Indians in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

The information you provided was also forwarded to the additional Tribes and NHOs listed below. These Tribes and NHOs have NOT set their geographic preferences on TCNS Broadband, and therefore they are currently receiving tower notifications for the entire United States.

The information you provided was also forwarded to the following SHPOs in the state in which you propose to construct and neighboring states. The information was provided to these SHPOs as a courtesy for their information and planning.

3. Deputy SHPO - Carol Griffith - Arizona State Parks - Phoenix, AZ - electronic mail

4. Deputy SHPO - William Collins - Arizona State Parks - Phoenix, AZ - electronic mail

Please be advised that the NTIA cannot guarantee that the contact(s) listed above opened and reviewed an electronic or regular mail notification. NTIA will contact you shortly to identify the next steps required for completing review under Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f and its implementing regulations (36 CFR Part 800).

The following information relating to the proposed project was forwarded to the person(s) listed above:

Notification Received: 08/21/2013

Notification ID: 98851

Project Number: 7835

Applicant: Los Angeles Regional Interoperable Communications System (LA-RICS)

Applicant Contact: Nancy Yang

Project Type(s): Multiple Project Components

Region(s) affected (State, County): CALIFORNIA, LOS ANGELES

Address or Geographical Location Description: LA-RICS proposes to build a Public Safety Broadband Network (PSBN) using Long Term Evolution (LTE) technology on the 20MHz of dedicated 700 MHz public safety broadband spectrum. The proposed PSBN will bring LTE broadband services to approximately 34,000 first responder and 17,000 secondary responder personnel throughout the greater Los Angeles region.

If you have any questions or comments regarding the content of this notice, please contact NTIA at btoptcns@ntia.doc.gov or the following:

Frank Monteferrante, Ph.D.
Environmental Compliance Specialist
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UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and Information Administration
Washington, DC 20230



**NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED
BROADBAND PROJECT NOTIFICATION INFORMATION**

LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS
SYSTEM (LA-RICS)
NANCY YANG
H.C. HOOVER BUILDING
1401 CONSTITUTION AVENUE, NW
WASHINGTON, DC 20230

Date: 02/28/2014
Reference Number:

Dear Sir or Madam:

The National Telecommunications and Information Administration (NTIA) is using a modified version of the Federal Communications Commission's (FCC) Tower Construction Notification System (TCNS) as a means of expediting its Broadband Technology Opportunities Program (BTOP), part of President Obama's American Recovery and Reinvestment Act of 2009 (ARRA). This notice is to inform you that the following authorized parties were sent information about the application that you submitted to BTOP.

Those authorized parties who have received the information about your BTOP application include leaders of federally-recognized American Indian Tribes, including Alaska Native villages (collectively "Tribes"), or their designees, Native Hawaiian Organizations (NHOs), and State Historic Preservation Officers (SHPOs). For your convenience in identifying the referenced Tribes and in making further contacts, the City and State of the Seat of Government for each Tribe and NHO, as well as the designated contact person is included in the list below. NTIA notes that Tribes might attach religious and cultural significance to historic properties located in their ancestral homelands or other areas far removed from their current Seat of Government.

The information you provided was forwarded to the following Tribes and NHOs who have set their geographic preferences on TCNS.

1. Museum Director - Wilene Fisher-Holt - Colorado River Indian Tribes - Parker, AZ - regular mail

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

2. Culture Society Director - Linda D Otero - Fort Mojave Indian Tribe - Mohave Valley, AZ - regular mail

3. Environmental Program Director - LeAnn Skrzynski - Kaibab Paiute Tribe - Fredonia, AZ - regular mail

If the applicant/tower builder receives no response from the Kaibab Band of Paiute Indians within 30 days after notification through TCNS, the Kaibab Band of Paiute Indians has no interest in participating in pre-construction review for the proposed site. The Applicant/tower builder, however, must immediately notify the Kaibab Band of Paiute

Indians in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

4. Secretary/Treasurer - Ronald Escobar - Chemehuevi Tribe - Havasu Lake, CA - regular mail

5. Chairman - Luther Salgado Sr - Cahuilla Band of Mission Indians - Anza, CA - regular mail

Details: The Cahuilla Band of Mission Indians requires a street map and/or a topo map for all proposed tower sites. Please mark the proposed location with an 'x' or an arrow. Please e-mail the map(s) to: environmentalofficer@cahuilla.net. Please include the TCNS number on the map(s). Thank you!

6. Chairperson - Catherine Saubel - Los Coyotes Reservation - Warner Springs, CA - regular mail

Details: If the Applicant receives no response from the Los Coyotes Reservation within 30 days after notification through TCNS, the Los Coyotes Band of Indians has no interest in participating in pre-construction review for the proposed site. The Applicant, however, must immediately notify the Los Coyotes Band of Indians in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

7. Director of Planning - Franklin A Dancy - Morongo Band of Mission Indians - Banning, CA - regular mail

Details: The Morongo Band of Mission Indians ALWAYS requires the Assessor's Parcel Number for each proposed site In Riverside County. Please send a hard copy of this information to: Franklin A. Darcy, Project Manager, Dept. of Planning and Building Services, Morongo Band of Mission Indians, 49750 Seminole Drive, Cabazon, CA 92230.

8. Chairman - Christobal C Devers Sr - Pauma/Yuima Band of Mission Indians - Pauma Valley, CA - regular mail

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

9. Cultural Resources Coordinator - John Gomez - Ramona Band of Cahuilla - Anza, CA - regular mail

Details: The Ramona Band of Cahuilla requests that a copy of the Cultural Resource Assessment or Cultural Resource Report for EVERY proposed project be sent to us. Please send to: John Gomez, Cultural Resources Coordinator, Ramona Band of Cahuilla Indians, P.O.Box 391372, Anza, CA 92539, or e-mail to : jgomez@ramonatribe.com.

We also require a topo map for EVERY proposed site. Please e-mail the topo map in pdf format. Please mark the proposed site with an 'x' or an arrow and send to: jgomez@ramonatribe.com. Thank you!

10. Director of Cultural Resources - Joseph Ontiveros - Soboba Band of Luiseno Indians - San Jacinto, CA - regular mail

Details: For ALL proposed sites the Soboba Band of Luiseno Indians requires a \$200 tribal review processing fee. The review will commence immediately following the payment being posted.

During the review process the tribe will request the proposed project description, as well as a copy of any archaeological and cultural resources documentation for the project.

We may also request additional information such as:

- Copies of maps and photographs of the area
- Additional site surveys and site visits

Please include the TCNS number on the check, the project name, and the project address.
Check may be made payable to:

Soboba Band of Luiseno Indians
P.O. Box 487
San Jacinto, CA 92581

For additional concerns, please contact me directly.

Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseno Indians
951-663-5279 (cell)
jontiveros@soboba-nsn.gov

11. Chairman - Darrell Mike - Twenty Nine Palms Band of Mission Indians - Coachella, CA - regular mail
Details: If the proposed location is within a 50 mile radius of Palm Springs, CA, please send a hard copy street map with a marking (an 'x' or an arrow) identifying the proposed site to: Chairman Darrell Mike, Twenty Nine Palms Band of Mission Indians, 46-200 Harrison Place, Coachella, CA 92236.

Additionally, if the proposed location is within a 50 mile radius of Palm Springs, CA, please also e-mail the same map, with the proposed site marked with an 'x' or an arrow, to Anthony Madrigal, Cultural Resources Specialist for the Twenty Nine Palms Band of Mission Indians, at: amadriral@palms29.com Thank You!

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

12. Chairman - George Gholson - Timbisha Shoshone Tribe - Bishop, CA - regular mail
Details: If the Applicant receives no response from the Tribe within 30 days after notification through TCNS, the Tribe has no interest in participating in pre-construction review for the site. The Applicant, however, must notify the Tribe in the event archeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

The information you provided was also forwarded to the additional Tribes and NHOs listed below. These Tribes and NHOs have NOT set their geographic preferences on TCNS Broadband, and therefore they are currently receiving tower notifications for the entire United States.

The information you provided was also forwarded to the following SHPOs in the state in which you propose to construct and neighboring states. The information was provided to these SHPOs as a courtesy for their information and planning.

Please be advised that the NTIA cannot guarantee that the contact(s) listed above opened and reviewed an electronic or regular mail notification. NTIA will contact you shortly to identify the next steps required for completing review under Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f and its implementing regulations (36 CFR Part 800).

The following information relating to the proposed project was forwarded to the person(s) listed above:

Notification Received: 02/21/2014

Notification ID: 106581

Project Number: 7835

Applicant: Los Angeles Regional Interoperable Communications System (LA-RICS)

Applicant Contact: Nancy Yang

Project Type(s): Multiple Project Components

Region(s) affected (State, County): CALIFORNIA, ORANGE CALIFORNIA, SAN BERNARDINO

Address or Geographical Location Description: Please reference TCNS # 98851. This is a modified project description from LA-RICS for a revised portion of their proposed project; two LTE sites would be within or on the border of Orange and San Bernardino Counties. Please refer to attached project description and map for more clarification.

If you have any questions or comments regarding the content of this notice, please contact NTIA at btoptcns@ntia.doc.gov or the following:

Frank Monteferrante, Ph.D.
Environmental Compliance Specialist
Broadband Technology Opportunities Program
H.C. Hoover Building, Room 4228
14th St. and Constitution Avenue, NW
Washington, D.C. 20230
Telephone: (202) 482-1303
Fax: (202) 501-8009
Electronic Mail: btoptcns@ntia.doc.gov

Jolee Hui

From: Frank Monteferrante <FMonteferrante@ntia.doc.gov>
Sent: Tuesday, March 18, 2014 6:07 AM
To: jontiveros@soboba-nsn.gov
Cc: Walker, Julia [USA]; Hite, Kathryn [USA]; Buchholz, Kurt [USA]; Nancy Yang; Andrew Spurgeon; Susy Orellana-Curtiss
Subject: [External] 7835 LARICS Reply to The Soboba Band of Luiseno Indians TCNS Inquiry

Dear Mr. Ontiveros,

On March 4, 2014 NTIA received a response from your office through the TCNS system that provided information on the process and fee your office requires for project review pursuant to 36 CFR Part 800. The TCNS Notification ID is 106581.

NTIA is invested in maintaining the government-to-government consultation relationship with Tribes. As the fee required by your office for review is an approved expense through the grant funding of the LA-RICS project, NTIA is notifying the grantee of your process so that our grantee can expedite payment of the fee to your office so that review can be initiated. NTIA requests that all actual review requirements and review results be transmitted to NTIA via TCNS so that NTIA can maintain a complete administrative record and government-to-government consultation protocol. Please note that our grantee, while responsible for the review fee, is not authorized to consult directly with your office. However, unless you object, we have asked the grant recipient to contact you directly in order to expedite your request.

NTIA appreciates your interest in consulting on this proposed project modification and we have copied our grantee on this email. If you have any questions, please contact me at (202) 482-4208, or by e-mail at fmonteferrante@ntia.doc.gov. Thank you.

Frank J. Monteferrante

Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and Information Administration
U.S. Department of Commerce
Washington, DC 20230
Tel 202.482.4208

From: Frank Monteferrante <FMonteferrante@ntia.doc.gov>
Sent: Thursday, March 20, 2014 10:54 AM
To: jgomez@ramonatiribe.com
Cc: Walker, Julia [USA]; Hite, Kathryn [USA]; Andrew Spurgeon; Buchholz, Kurt [USA]; Nancy Yang; Susy Orellana-Curtiss
Subject: [External] Reply to TCNS Inquiry Concerning LARICS - TCNS Notification ID 106581

Dear Mr. Gomez,

On February 28, 2014 NTIA received an automated response from your office through the TCNS system requesting copies of any Cultural Resources Assessments or Cultural Resources Reports prepared for each site so that your office can initiate your review of the proposed project pursuant to 36 CFR Part 800. The TCNS Notification ID is 106581.

NTIA is invested in maintaining the government-to-government consultation relationship with Tribes. As the information required by your office for would be furnished to you by our grantee for the LA-RICS project, NTIA is notifying the grantee of your request so that our grantee can provide the requested materials directly. NTIA requests that all actual review requirements and review results be transmitted to NTIA via TCNS so that NTIA can maintain a complete administrative record and government-to-government consultation protocol. Please note that our grantee, while responsible for the review materials, is not authorized to consult directly with your office. However, unless you object, we have asked the grant recipient to contact you directly in order to expedite your request.

NTIA appreciates your interest in consulting on this proposed project modification and we have copied our grantee on this email. If you have any questions, please contact me at (202) 482-4208, or by e-mail at fmonteferrante@ntia.doc.gov. Thank you.

Frank Monteferrante

Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and Information Administration
U.S. Department of Commerce
Washington, DC 20230
Tel 202.482.4208

Jolee Hui

From: Frank Monteferrante <FMonteferrante@ntia.doc.gov>
Sent: Thursday, March 20, 2014 10:42 AM
To: amadriral@palms29.com
Cc: Walker, Julia [USA]; Hite, Kathryn [USA]; Andrew Spurgeon; Buchholz, Kurt [USA]
Subject: [External] REply to TCNS Inquiry Concerning LARICS

Dear Chairman Mike,

On February 28, 2014 NTIA received an automated response from your office through the TCNS system requesting information on the proposed project if it is within 50 miles of Palm Springs, California. To our knowledge, none of the over 200 proposed project sites are within 50 miles of Palm Springs. If we determine that any of the proposed sites are within 50 miles of Palm Springs later in the project we will notify your office. The TCNS Notification ID is 106581.

NTIA appreciates your interest in consulting on this proposed project modification and we have copied our grantee on this email. If you have any questions, please contact me at (202) 482-4208, or by e-mail at fmonteferrante@ntia.doc.gov. Thank you.

Frank Monteferrante

Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and Information Administration
U.S. Department of Commerce
Washington, DC 20230
Tel 202.482.4208

Jolee Hui

From: Frank Monteferrante <FMonteferrante@ntia.doc.gov>
Sent: Thursday, March 20, 2014 10:58 AM
To: environmentalofficer@cahuilla.net
Cc: Walker, Julia [USA]; Hite, Kathryn [USA]; Andrew Spurgeon; Buchholz, Kurt [USA]; Nancy Yang; Susy Orellana-Curtiss
Subject: [External] Reply to TCNS Inquiry Concerning LARICS - TCNS Notification ID 106581

Dear Mr. Salgado, Sr.,

On February 28, 2014 NTIA received an automated response from your office through the TCNS system requesting street maps and/or topographic maps with the proposed project sites noted so that your office can your review of the proposed project pursuant to 36 CFR Part 800. The TCNS Notification ID is 106581.

NTIA is invested in maintaining the government-to-government consultation relationship with Tribes. As the maps required by your office for would be furnished to you by our grantee for the LA-RICS project, NTIA is notifying the grantee of your request so that our grantee can provide the requested materials directly. NTIA requests that all actual review requirements and review results be transmitted to NTIA via TCNS so that NTIA can maintain a complete administrative record and government-to-government consultation protocol. Please note that our grantee, while responsible for the review materials, is not authorized to consult directly with your office. However, unless you object, we have asked the grant recipient to contact you directly in order to expedite your request.

NTIA appreciates your interest in consulting on this proposed project modification and we have copied our grantee on this email. If you have any questions, please contact me at (202) 482-4208, or by e-mail at fmonteferrante@ntia.doc.gov. Thank you.

Frank Monteferrante

Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and Information Administration
U.S. Department of Commerce
Washington, DC 20230
Tel 202.482.4208

Tower Construction Notification

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There are 3 replies for Notification ID 106581:

Reply Information

Reply Posted: March 21, 2014 From: Director of Cultural Resources Joseph Ontiveros, Soboba Band of Luiseno Indians	TCNS 106581/TCNS 98851 The Soboba Band of Luiseno Indians would like to request a more detailed project description as well as information for each of the 232 proposed project sites. Please send this information to: Joseph Ontiveros, Director of Cultural Resources Soboba Band of Luiseno Indians P.O. Box 487 San Jacinto, CA 92581 Jontiveros@soboba-nsn.gov
Reply Posted: March 4, 2014 From: Director of Cultural Resources Joseph Ontiveros, Soboba Band of Luiseno Indians	March 4, 2014 The Soboba Band of Luiseno Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. Your request for tribal review has been received through the TCNS website. The review will commence once an initial payment of \$200 has been received by the Soboba Band of Luiseno Indians for the cost of the said review. We request that an email notification be sent once the check has been mailed. The review will begin immediately following the payment being posted. During the review process we may request: - Copies of maps and photographs of the area - Copies of any archaeological and cultural resource documentation - Additional site surveys and site visits Once an evaluation has been completed through our department, a follow-up notification will be sent to you detailing specific requests and additional mitigation for the project if needed. Please include the TCNS number on the check, the project name, and the project address. Check may be made payable to: Soboba Band of Luiseno Indians P.O. Box 487 San Jacinto, CA 92581 For additional concerns, please contact me directly. Sincerely, Joseph Ontiveros Director of Cultural Resources Soboba Band of Luiseno Indians P.O. Box 487 San Jacinto, CA 92581 Phone (951) 654-5544 ext. 4137 Cell (951) 663-5279 jontiveros@soboba-nsn.gov
Reply Posted: February 27, 2014 From: Director of Planning Franklin A Dancy, Morongo Band of Mission Indians	We have no interest in this site. However, if the Applicant discovers archaeological remains or resources during construction, the Applicant should immediately stop construction and notify the appropriate Federal Agency and the Tribe.

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From: Hoyt, James <Jim.Hoyt@Jacobs.Com>

Sent: Fri 3/28/2014 12:26 PM

To: lshaker@soboba-nsn.gov; jontiveros@soboba-nsn.gov

Cc: fmonteferrante@ntia.doc.gov; buchholz_kurt@bah.com; asurgeon@ntia.doc.gov; walker_julia@bah.com; hite_kathryn@bah.com; Nancy Yang <NYang@isd.lacounty.gov>; Nicole H. Gordon <ngordon@sohagi.com>; Robert Reicher <rreicher@ultrasystems.com>; Susy Orellana-Curtiss <Susy.Orellana-Curtiss@LA-RICS.ORG>; jarismendez@isd.lacounty.gov

Subject: Request for Information, Tower Construction Notification System (TCNS) 106581

Dear Ms. Shaker and Mr. Ontiveros,

We are writing in response to the Soboba Band's request, as posted on TCNS on March 21, 2014, for a more detailed project description, as well as information for each of the 231 proposed project sites in the LA-RICS LTE Public Safety Broadband Network. The full project description provides details about the overall system and specifics about the parameters of its various elements, including a map(s) showing locations of all sites in the system. In addition, we have extensive information available about each site. Please find attached the full project description, along with more detailed information on an example site (Site CLM). Site CLM was chosen as an example as it is the sole site located (only partially) in San Bernardino County.

Please feel free to contact Nancy Yang directly if you have any questions about the attached project information. She can be reached at nyang@isd.lacounty.gov or 323.881.8049, and will be returning to work on Monday.

Regards,

Jim Hoyt | JACOBS | Environmental Program Manager | 909.974.2713 work | 760.954.8120 cell | 909.974.2759 fax | jim.hoyt@jacobs.com | www.jacobs.com

April 2, 2014

Attn: Jim Hoyt, Environmental Program Manager
Jacobs Engineering, Inc.
3257 E. Guasti Road, Suite 120
Ontario, CA 91761-1233



Re: TCNS 106581
Los Angeles Regional Interoperable Communications System (LA-RICS) Project

Thank you for providing the Soboba Band of Luiseño Indians with the detailed project description as well as the sample site specific documentation, these will be helpful in our site evaluations. Due to the scale and complexity of this project, the Soboba Band will need to address each individual site as a separate project in order to properly assess the sensitivity of the various proposed telecommunications locations.

In order to properly assess the sites the tribe will be requesting the following for each of the proposed locations:

- Copies of the specific documentation for each of the sites (as the sample you provided)
- Any cultural resources documentation regarding each of the proposed sites
- Copies of the confidential record search information pertaining to each of the proposed site locations (**including site records**) electronic version is fine
- \$200 processing fee for each of the proposed sites (this is our standard fee that covers the time and effort it takes to research and assess the sensitivity of each site)
- To avoid confusion, it is extremely important that **all documentation** we receive from you for each site (**including checks**) shall have the following details: TCNS number (**106581**); LA-RICS; and **the name of individual site identifier**

For example:

TCNS106581- LA-RICS Site: Claremont Microwave Tower (CMT)

Thank you for providing the Soboba Band of Luiseño Indians with the opportunity to consult on the LA-RICS LTE Project to help protect Native American cultural resources in your project area. We look forward to working with you to ensure that your project runs smoothly.

Sincerely,

Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov



UNITED STATES DEPARTMENT OF
COMMERCE

National Telecommunications and
Information Administration

Washington, DC 20230

APRIL 10, 2014

Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581

SUBJECT: TCNS 106581, Los Angeles Regional Interoperable Communications System (LA-RICS) Broadband Technology Opportunities Program (BTOP) Project

Dear Mr. Ontiveros,

Thank you for your correspondence of April 2, 2014 directed to LA-RICS, which detailed your office's review requirements for the LA-RICS BTOP project.

Due to the specific nature of your requests, and as the lead Federal agency for this project, NTIA felt it was important to respond directly to each point of letter, rather than delegating the responses to the grantee (LA-RICS).

- *Copies of the specific documentation for each of the sites (as the sample you provided)*

The grantee can provide this information for each of the proposed tower sites that the Soboba Band would like to review. The information will be provided to your office in the form of the appropriate FCC submission packet of Form 620/621 for each proposed tower site, plus all relevant appendices.

- *Any cultural resources documentation regarding each of the proposed sites*

This information will be included in the submission described above.

- *Copies of the confidential record search information pertaining to each of the proposed site locations (**including site records**) electronic version is fine*

NTIA respects the sensitive nature of information deemed confidential that is identified during record searches. The grantee's environmental contractor was authorized to gather this information from various sources. However, in order to maintain the confidential nature of the material, NTIA, its grantee, and the grantee's environmental contractor are unable to provide this confidential information to third parties. We regret any inconvenience this may cause your office.

- *\$200 processing fee for each of the proposed sites (this is our standard fee that covers the time and effort it takes to research and assess the sensitivity of each site)*

While we appreciate the diligence of your review efforts, NTIA considers this to be, and is funding it as, a single project involving multiple sites. The planning for this project did not anticipate a review of more than 10 project sites by your office. Our records show that you are not registered in TCNS as being interested in towers located in Los Angeles County. Thus, the grantee did not anticipate a larger effort by your office. The project's budget will allow for the payment of the above referenced fee to your office for no more than 10 planned tower sites.

Once NTIA is provided the list of up to 10 tower sites of interest by your office, we will ensure that the information relating to these tower sites (and appropriate payment) is forwarded to your office within two weeks, by the grantee. However, the review of additional tower sites by your office will need to be voluntary, for the reasons explained above.

- *To avoid confusion, it is extremely important that **all documentation** we receive from your for each site (**including checks**) shall have the following details: TCNS number (**106581**); **LA-RICS**; and **the name of individual site identifier***

For example:

TCNS106581- LA-RICS Site: Claremont Microwave Tower (CMT)

For clarification, the proposed tower site identifier will be submitted to your office as **TCNS106581-LA-RICS Site: LAFD01**. Unlike other tower projects, the individual site identifier for the LA-RICS project is not by a name or address. The grantee will provide a copy of the tracking spreadsheet that provides the address for each site and its individual site identifier.

Thank you for your interest in consulting on the proposed project. We look forward to providing your office with the information on up to 10 tower sites of interest.

If you have any questions, please contact me at 303-586-1417 or aspurgeon@ntia.doc.gov. Should your office encounter technical questions during your site evaluation, please contact Frank Monteferrante at NTIA, at 202-482-4208 or fmonteferrante@ntia.doc.gov.

Sincerely,



Andy Spurgeon
EHP Team Lead
Broadband Technology Opportunities Program
National Telecommunications and Information Administration

cc: Frank Monteferrante, NTIA
Max Fainberg, NTIA
Aimee Meacham, NTIA
Nancy Yang, LA-RICS
Jim Hoyt, Jacobs Engineering (LA-RICS)



**LOS ANGELES REGIONAL INTEROPERABLE
COMMUNICATIONS SYSTEM AUTHORITY**

2525 Corporate Place, Suite 200
Monterey Park, California 91754
(323) 881-8291

PATRICK J. MALLON
EXECUTIVE DIRECTOR

August 7, 2014

Mr. John Gomez
Cultural Resources Coordinator
Ramona Band of Cahuilla Indians
P.O. Box 391372
Anza, CA 92539

**National Telecommunications and Information Administration (NTIA)
Tower Construction Notification System (TCNS) Notification ID 106581
Los Angeles Regional Interoperable Communications System (LA-RICS)**

Dear Mr. Gomez:

We received your request for a cultural resources report on the above referenced TCNS project. Due to the nature of the project, Section 106 compliance for this project is being completed through the Federal Communications Commission (FCC) Nationwide Programmatic Agreement. While an overall cultural resources report is not being completed for this undertaking, we are more than happy to provide electronic copies of the FCC 620 Forms on specific sites of interest to your tribe. Due to the number of project sites associated with this project (over 230 project sites), we are unable to provide copies of each FCC 620 Form. However, we can easily provide copies of up to 16 project sites electronically.

We look forward to hearing from you regarding any sites your office would like to consider. If you have any questions, please do not hesitate to contact me at (323)881-8049, or by email at Nancy.Yang@LA-RICS.org.

Sincerely,

Nancy Yang
LA-RICS Project Team

c: Andrew Spurgeon (NTIA)
Frank J. Monteferrante (NTIA)

September 3, 2014

Susy Orellana-Curtiss
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754



Re: LA Fire Station 79 (LACF079)
Located at 33957 Longview Road, Pearblossom, CA
LA -RICS Project (TCNS 106581)

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department. The Soboba Band does not have any specific concerns regarding this site.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe", with a long horizontal line extending to the right.

Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

September 3, 2014

Susy Orellana-Curtiss
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754



Re: Claremont Microwave Tower (CLM)
Located at 1616 Monte Vista, Claremont, CA
LA –RICS Project (TCNS 106581)

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department. The Soboba Band does not have any specific concerns regarding this site.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe", followed by a long horizontal line.

Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

September 5, 2014

Susy Orellana-Curtiss
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754



Re: LA County Fire Station 80 (LACF080)
Located at 1533 W. Sierra Hwy, Acton, California
LA –RICS Project (TCNS 106581)

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department. Although we do not have knowledge of specific cultural resources in the immediate vicinity of the proposed project area, we do consider to be culturally sensitive. We recommend that you contact the San Fernando Band of Mission Indians for additional information regarding cultural resources in this area.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe", with a long horizontal line extending to the right.

Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

September 5, 2014

Susy Orellana-Curtiss
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754



Re: LA County Fire Station 81 (LACF081)
Located at 8710 W. Sierra Hwy, Agua Dulce, California
LA –RICS Project (TCNS 106581)

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department. Although we do not have knowledge of specific cultural resources in the immediate vicinity of the proposed project area, this site is located in an area of cultural sensitivity. We recommend that you contact the other tribes who are closer in vicinity to the site for additional information regarding cultural resources in this area.

Please notify the Soboba Band of Luiseño Indians in the event that inadvertent discoveries are encountered during the ground-disturbing activities and ensure that all of the proper procedures are followed. If Native American cultural resources are discovered, all work in the area shall halt until a qualified archaeologist can properly assess the find. In the event that human remains are recovered the Lead Agencies and the Developer should immediately contact the Coroner. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c).

Sincerely,

A handwritten signature in black ink, appearing to read "Joe", with a long horizontal line extending to the right.

Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
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Cell (951) 663-5279
jontiveros@soboba-nsn.gov

September 5, 2014

Susy Orellana-Curtiss
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754



Re: LA County Fire Station 114 (LACF114)
Located at 39939 N. 170 St. East, Lake Los Angeles, California
LA –RICS Project (TCNS 106581)

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department. The project located in an area that is culturally sensitive located in an area that has a potential to have subsurface cultural deposits. It is our recommendation that a qualified archaeologist be on site during the initial ground-disturbing activities associated with this project. We also request that contact other tribes who area closer in proximity to the project area for additional information regarding specific cultural resources that may be in the immediate vicinity of the project area.

Please notify the Soboba Band of Luiseño Indians in the event that inadvertent discoveries are encountered during the ground-disturbing activities and ensure that all of the proper procedures are followed. If Native American cultural resources are discovered, all work in the area shall halt until a qualified archaeologist can properly assess the find. In the event that human remains are recovered the Lead Agencies and the Developer should immediately contact the Coroner. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c).

Sincerely,

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Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

September 5, 2014

Susy Orellana-Curtiss
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754



Re: LA County Fire Station 140 (LACF140)
Located at 8723 Elizabeth Lake Road, Leona Valley, California
LA –RICS Project (TCNS 106581)

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department. The Soboba Band does not have any specific concerns regarding this site, and wish to defer to other tribes who are closer in proximity to the project area.

Sincerely,

A handwritten signature in black ink, appearing to read "JOE", followed by a long horizontal line extending to the right.

Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

September 5, 2014

Susy Orellana-Curtiss
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754



Re: Mira Loma Detention Center (MLM)
Located at 45100 N. 60th West, Lancaster, California
LA –RICS Project (TCNS 106581)

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department. The Soboba Band does not have any specific concerns regarding this site.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe", followed by a long horizontal line extending to the right.

Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

September 5, 2014

Susy Orellana-Curtiss
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754



Re: North County Correctional Facility (LASDNCC)
Located at 29340 The Old Road, Saugus, California
LA –RICS Project (TCNS 106581)

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department. The Soboba Band does not have any specific concerns regarding this site.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe", followed by a long horizontal line extending to the right.

Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

September 5, 2014

Susy Orellana-Curtiss
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754



Re: LA Fire Station 93 (LACF093)
Located at 37941 57th Street East Palmdale, California
LA –RICS Project (TCNS 106581)

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department. The Soboba Band does not have any specific concerns regarding this site.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe", with a long horizontal line extending to the right.

Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

September 5, 2014

Julia Carrie Walker, MHP Lead Associate
Booz Allen Hamilton
230 Peachtree Street NW, Suite 2100
Atlanta, GA 30303



Re: LA County Fire Station 78 (LACF078)
Located at 17021 W. Elizabeth Lake Road, Lake Hughes, California
LA –RICS Project (TCNS 106581)

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department. The project located in an area that is culturally sensitive located in an area that has a potential to have subsurface cultural deposits. It is our recommendation that a qualified archaeologist be on site during the initial ground-disturbing activities associated with this project. We also request that contact other tribes who area closer in proximity to the project area for additional information regarding specific cultural resources that may be in the immediate vicinity of the project area.

Please notify the Soboba Band of Luiseño Indians in the event that inadvertent discoveries are encountered during the ground-disturbing activities and ensure that all of the proper procedures are followed. If Native American cultural resources are discovered, all work in the area shall halt until a qualified archaeologist can properly assess the find. In the event that human remains are recovered the Lead Agencies and the Developer should immediately contact the Coroner. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c).

Sincerely,

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Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

September 5, 2014

Julia Carrie Walker, MHP
Lead Associate
Booz Allen Hamilton
230 Peachtree Street NW, Suite 2100
Atlanta, GA 30303



Re: LA County Fire Camp 9 (LACFCP09)
Located at 21521 N. Sand Canyon Road, Santa Clarita
LA –RICS Project (TCNS 106581)

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department, where it was concluded that although it is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas. This is located in an area that has a potential to have subsurface cultural deposits. Please contact Anthony Morales, Chairperson/Chief, of the Gabrielino/Tongva San Gabriel Band of Mission Indians for additional information and to inquire about having a Native American monitor onsite at this location (626) 286-1632. The Soboba Band will defer to Anthony Morales's tribe for this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe", with a long horizontal line extending to the right.

Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
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jontiveros@soboba-nsn.gov

September 5, 2014

Susy Orellana-Curtiss
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754



Re: Blue Rock (BRK)
Located at East Avenue J, Lancaster, California
LA –RICS Project (TCNS 106581)

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department. The project located in an area that is culturally sensitive located in an area that has a potential to have subsurface cultural deposits. It is our recommendation that a qualified archaeologist be on site during the initial ground-disturbing activities associated with this project. We also request that other tribes who area closer in proximity to the project area be contacted for additional information regarding specific cultural resources that may be in the immediate vicinity of the project area.

Please notify the Soboba Band of Luiseño Indians in the event that inadvertent discoveries are encountered during the ground-disturbing activities and ensure that all of the proper procedures are followed. If Native American cultural resources are discovered, all work in the area shall halt until a qualified archaeologist can properly assess the find. In the event that human remains are recovered the Lead Agencies and the Developer should immediately contact the Coroner. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c).

Sincerely,

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Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
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jontiveros@soboba-nsn.gov

September 5, 2014

Susy Orellana-Curtiss
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754



Re: Puente Hills (PHN)
Located in the vicinity of Vantage Pointe Dr, Rowland Heights, California
LA –RICS Project (TCNS 106581)

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department. The proposed project location is located in an area that is considered to be culturally sensitive for Native American cultural resources. Please contact Anthony Morales, Chairperson/Chief, of the Gabrielino/Tongva San Gabriel Band of Mission Indians for additional information regarding cultural resources at this location. The Soboba Band will defer to Anthony Morales's tribe for this project.

Sincerely,

A handwritten signature in black ink, appearing to read "JOE", with a long horizontal line extending to the right.

Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

September 8, 2014

Susy Orellana-Curtiss
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754



Re: Fire Station 92 (LACF092)
Located at 8905 E Avenue U, Littlerock, California
LA –RICS Project (TCNS 106581)

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department. The Soboba Band does not have any specific concerns regarding this site.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe", with a long horizontal line extending to the right.

Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

September 8, 2014

Susy Orellana-Curtiss
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754



**Re: Bald Mountain Site (BMT)
Los Angeles County, California
LA –RICS Project (TCNS 106581)**

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department. The tribes does not currently have any concerns regarding this site.

Please notify the Soboba Band of Luiseño Indians in the event that inadvertent discoveries are encountered during the ground-disturbing activities and ensure that all of the proper procedures are followed. If Native American cultural resources are discovered, all work in the area shall halt until a qualified archaeologist can properly assess the find. In the event that human remains are recovered the Lead Agencies and the Developer should immediately contact the Coroner. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c).

Sincerely,

A handwritten signature in black ink, appearing to read "Joe", with a long horizontal line extending to the right.

Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

September 8, 2014

Susy Orellana-Curtiss
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754



Re: Burnt Peak Site (BUR)
Los Angeles County, California
LA –RICS Project (TCNS 106581)

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department. The tribes does not currently have any concerns regarding this site.

Please notify the Soboba Band of Luiseño Indians in the event that inadvertent discoveries are encountered during the ground-disturbing activities and ensure that all of the proper procedures are followed. If Native American cultural resources are discovered, all work in the area shall halt until a qualified archaeologist can properly assess the find. In the event that human remains are recovered the Lead Agencies and the Developer should immediately contact the Coroner. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c).

Sincerely,

A handwritten signature in black ink, appearing to read "JOE", with a long horizontal line extending to the right.

Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

APPENDIX H-7
U.S. Forest Service



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, DC 20230

August 27, 2013

Mr. Thomas Contreras
Forest Supervisor
U.S. Forest Service
Angeles National Forest
701 N. Santa Anita Avenue
Arcadia, CA 91006-2725

Re: **ARRA Funded Grant:** National Environmental Policy Act (NEPA) Consultations
Regarding Broadband Technology Opportunities Program (BTOP) Grant Recipient #7835,
Los Angeles Regional Interoperable Communications System Joint Powers Authority (LA
RICS), Fiber Optic Network Infrastructure Project

Dear Mr. Contreras,

In 2010 the National Telecommunications and Information Administration (NTIA) awarded a grant to LA RICS, through the Broadband Technology Opportunities Program (BTOP), as part of the American Recovery and Reinvestment Act (ARRA). Since receiving the grant award, LA RICS has revised their project description to include the construction of a series of 232 radio base station equipment facilities (known as eNodeB) to be placed throughout Los Angeles County, CA for the purpose of creating a Public Safety Broadband Network (PSBN). In order to meet ARRA timelines and expedite the review process, NTIA is sending this project notification letter to the U.S. Forest Service seeking their timely cooperation in reviewing and responding to this NTIA ARRA funded project.

Two eNodeB facility sites are being proposed on land managed by the U.S. Forest Service, which include Burnt Peak and LA County Fire Camp 9. Accordingly, the proposed activities should be reviewed by the U.S. Forest Service. Special Award Conditions (SAC) in the NTIA grant require LA RICS to consult with all Federal agencies involved in the development and/or construction of their project. The grant recipient may not commence project implementation (including demolition, construction, ground disturbance, etc.) on U.S. Forest Service lands, until they have obtained a permit to do so. A project description with maps is included in the attached CD for your review. The description of activities proposed at the Burnt Peak and LA County Fire Camp 9 sites can be found in Appendix 2-C.

The grant recipient, LA RICS, is being copied with this letter. They will be contacting you to apply for the required permit(s); seek review and comment on their proposed use; and complete all required analysis and plans in order to receive the requested land use permit(s).

If any issues or questions arise during these consultations please contact me at (202) 482-4208, or FMonteferrante@ntia.doc.gov. NTIA is prepared and willing at any time to participate

directly in the review process as needed. As monitoring the progress of each of these projects is vital to their success, I would appreciate being copied on any correspondence you have in the future with the grant recipient regarding this project. Please do not send any return correspondence via US Mail since most mail is irradiated and will take extra time for delivery. All correspondence should be either by e-mail, fax (202-482-2156), or by express mail services (FedEx or similar carrier).

Sincerely,



Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and
Information Administration
U.S. Department of Commerce
H.C. Hoover Bldg. Room 4826
1401 Constitution Avenue, NW
Washington, DC 20230

Attachment

cc: Nancy Yang, LA RICS (NYang@isd.lacounty.gov)

APPENDIX 2-C

**LA-RICS SITES ON LAND MANAGED BY
US FOREST SERVICE**

**BURNT PEAK (BUR)
LOS ANGELES COUNTY FIRE CAMP 9 (LACFCP09)**

Project Description

Sites on US Forest Service Land (BUR & LACFCP09)

LA-RICS Authority proposes to build a Public Safety Broadband Network (PSBN) with Long Term Evolution (LTE) technology in the greater Los Angeles region to provide broadband communications service for the region's 34,000 first responder and 17,000 secondary responder personnel. LA-RICS' LTE project includes installation of system components at two sites located on Federal land in the Angeles National Forest managed by the United States Forest Service (USFS).

On most federally-owned sites, including the Burnt Peak (BUR) site and Los Angeles County Fire Camp 9 (LACFCP09) site on US Forest Service land, LTE system requirements for reliability and continuous operation meeting current industry standards and code requirements would necessitate the provision of new equipment (generators, fuel tanks, backup batteries, etc.) rather than relying on existing equipment already in place that may not be designed to support additional equipment or that may not meet current standards and codes. At many sites, there is no existing infrastructure meeting system requirements that could provide the coverage, reliability, or public safety-grade hardening required by the LA-RICS PSBN. Hence, preliminary project design assumes that new infrastructure would be required. At sites where there is existing infrastructure, engineering studies and analyses would be performed during system design to verify its sufficiency for use in the LTE system. Existing infrastructure that meets system requirements would be used.

Burnt Peak (BUR) is located within the Angeles National Forest, Santa Clara/Mojave Rivers Ranger District (SCMRD) and can be accessed from Forest Route 7N234 (Burnt Peak Spur). Site BUR is developed for use as a communications facility with an existing 30-foot monopole, a pre-fabricated communications equipment shelter with slab on grade construction, an emergency generator, and a propane fuel tank, all of which are enclosed in a perimeter of chain-link fence. The majority of the site is ungraded and unpaved. There is sparse natural vegetation on site. Land surrounding the site is undeveloped National Forest land and consists mainly of coniferous forest or scrub oak woodland.

As shown in **Figure 2C-1**, the existing monopole at BUR does not have sufficient space to support the anticipated baseline antennas (12 eNodeB panel antennas for 3 sectors and a minimum of two 3-foot diameter microwave backhaul antennas) for the LTE system. The LA-RICS LTE project would construct a single 30-foot free-standing monopole tower with a (maximum) 15-foot pole-top lightning rod (for an overall height of 45 feet above ground level or AGL), add outdoor equipment cabinets with communications equipment and backup batteries, and install ancillary equipment as described below in **Table 2C-1**. Project design, construction, operation, and maintenance activities, including vegetation clearance, are described in the Project Description under Sections 2.3, 2.4 and 2.5. **Appendix 2-A** contains additional information about the BUR site. During system design, engineering analysis would be performed to determine the sufficiency of other existing site infrastructure (e.g. shelter space, HVAC, emergency power supply) at BUR. If adequate, existing site infrastructure would be used for the LTE system.

Site LACFCP09 is located on a remote mountaintop within the Angeles National Forest and can be accessed through Santa Clara Truck Trail. This project site is situated on a fully developed parcel that contains single-story buildings appropriate to facilitate the operational activities of a fire department. The majority of the site is paved and flat. There is a guyed antenna tower on site with long omni antennas on top. The facility is equipped with an emergency generator and aboveground diesel fuel tank.

On Site LACFCP09, the existing antenna support structure is not anticipated to be adequate to support the LTE baseline antennas and meet current telecommunications industry structural standards for the design of antenna support structures to provide high-level of public safety-grade infrastructure hardening required for the PSBN. The LA-RICS LTE project would construct a single 70-foot free-

Project Description

standing monopole tower with a (maximum) 15-foot pole-top lightning rod (for an overall height of 85 feet AGL), add outdoor equipment cabinets with communications equipment and backup batteries, and install ancillary equipment as described below in **Table 2C-1**. Project design, construction, operation, and maintenance activities, including vegetation clearance, are described in the Project Description under Sections 2.3, 2.4 and 2.5. **Appendix 2-A** contains additional information about the LACFCP09 site. Where sufficient space exists inside existing buildings located in close proximity to the proposed new antenna monopole (so signal losses are minimized), equipment cabinets would be located indoors. The existing on-site generator and fuel tank would be used if they are sufficient to support all LTE system loads and meet the backup time requirement, as determined during System and Site design.

Table 2C-1
LA-RICS LTE SITES MANAGED BY FOREST SERVICE
(BUR AND LACFCP09)

Site ID/Coordinates	Ownership	Equipment	Property Character
BUR – Burnt Peak 34°21' 9.52951"N, 118°24'40.78734"W (NAD83)	U.S. Forest Service	<ul style="list-style-type: none"> • 45-foot antenna support structure consisting of a 30-foot undisguised monopole with a 15 feet lightning rod atop the monopole • Up to 3 outdoor LTE equipment cabinets • 25kW diesel generator with integrated sub-base fuel tank (In the event of forest wild fires, diesel fuel would be less flammable and more transportable than propane to the site to sustain generator operation when most needed during extended commercial power outage.) • Utility connections to existing facilities via underground conduits placed in trench approximately 55'L x 2'W x 3'D 	Developed site secured by perimeter chain-link fencing containing communications equipment.
LACFCP09 – LA County Fire Camp 9 34°21'9.52951"N, 118°24'40.78734"W (NAD83)	U.S. Forest Service	<ul style="list-style-type: none"> • 85-foot antenna support structure consisting of a 70-foot undisguised monopole with a 15 feet lightning rod atop the monopole • Up to 3 outdoor LTE equipment cabinets • 25kW diesel generator with integrated sub-base fuel tank • Utility connections to existing facilities via underground conduits placed in trench approximately 30'L x 2'W x 3'D 	Developed as fire camp containing communications equipment.

Source: LA-RICS Authority

Project Description

Figures 2C-1 and 2C-2 show the current conditions of BUR and LACFCP09 respectively, while Figures 2C-3 and 2C-4 contain maps of each site and surrounding area.

Figure 2C-1

LA-RICS LTE SYSTEM BURNT PEAK SITE (BUR)



Figure 2C-2

LA-RICS LTE SYSTEM LA COUNTY FIRE CAMP 9 SITE (LACFCP09)



Source: LA-RICS Authority

Figure 2C-3 SITE BUR AERIAL MAP

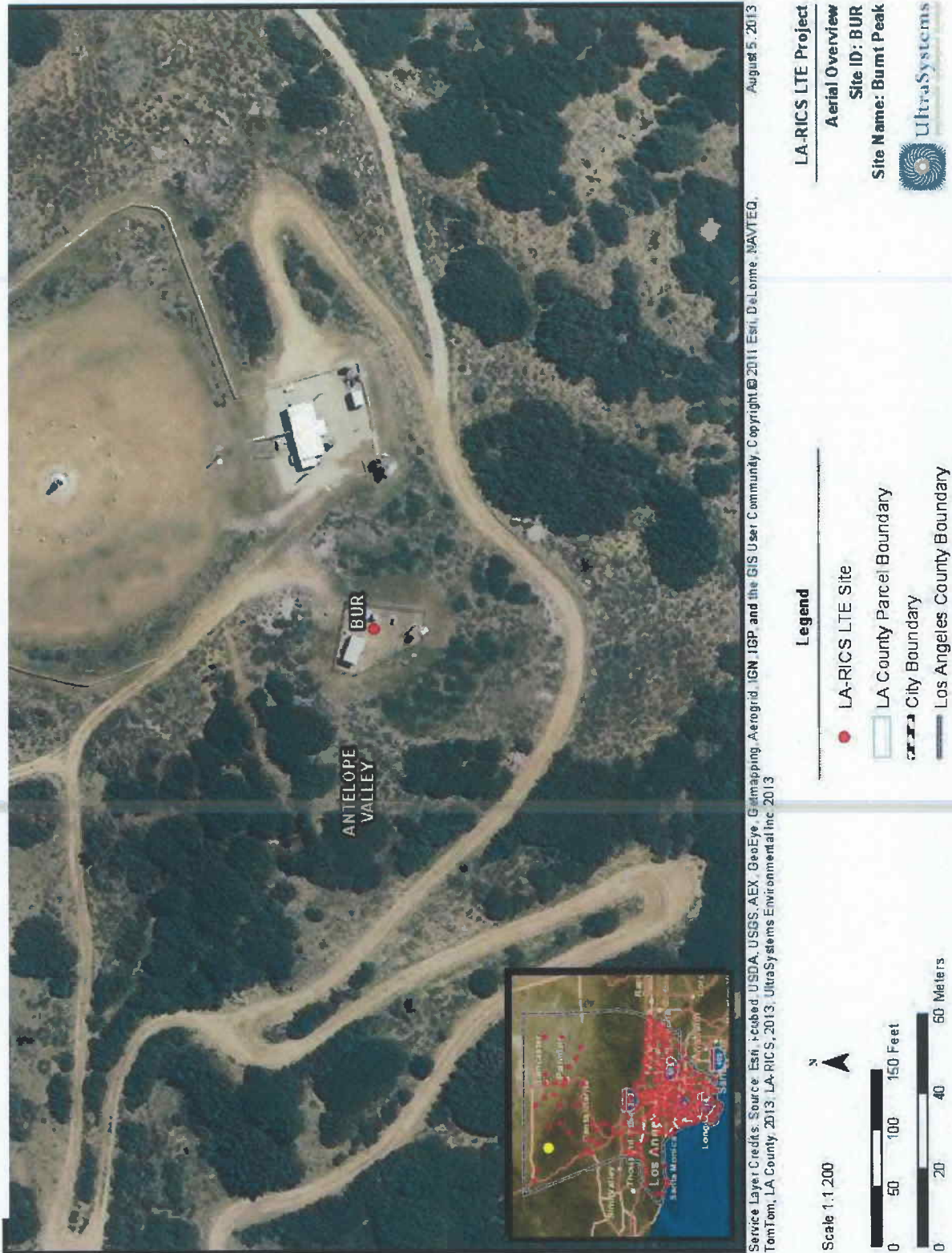
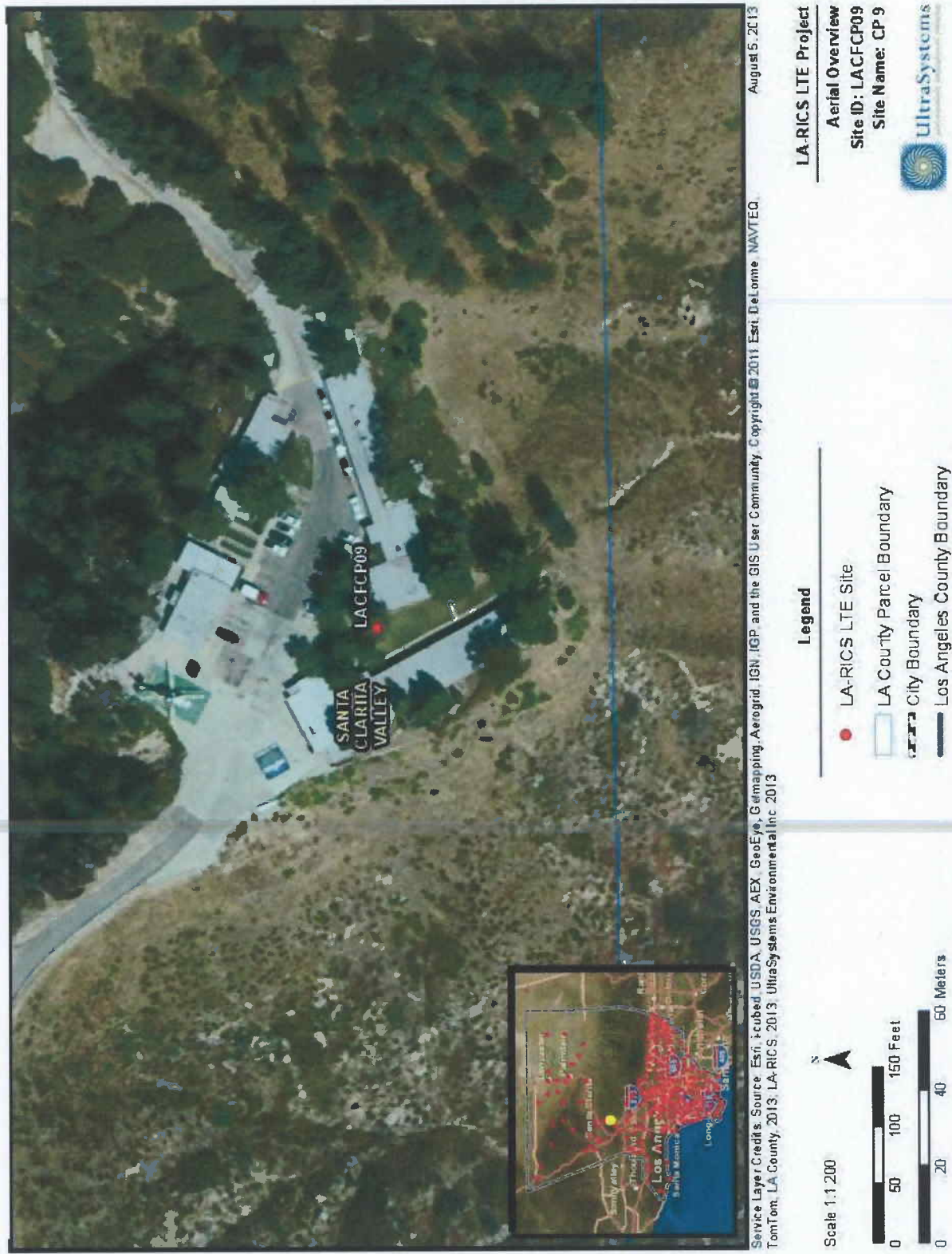


Figure 2C-4. SITE LACFCP09 AERIAL MAP





File Code: 1950/2720

Date: February 11, 2014

Frank Monteferrante
NEPA Compliance Specialist
National Telecommunications and Information
Administration
H.C. Hoover Building, Room 4826
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Mr. Monteferrante:

Thank you for your letter of August 27, 2013, regarding the Los Angeles Regional Interoperable Communications System, known as LA-RICS. I understand that the proposed project is funded through an American Reinvestment and Recovery Act grant administered by your agency, the National Telecommunications and Information Administration. The project seeks to provide an important public benefit of broadband technology for emergency first responders. I also acknowledge that your agency is the lead for compliance with the National Environmental Policy Act, and other applicable federal environmental laws.

I am aware that, of 200 sites, two project sites occur on National Forest System (NFS) lands. There are several requirements in federal regulation that are unique to NFS lands and documentation required for the project record. This information has been shared with you and LA-RICS staff over the last month through several conference calls.

The first requirement is the need for screening of new proposals prior to the NEPA process and issuance of permits. This requirement is outlined in the Code of Federal Regulations (CFR), Title 36, Part 251.54 (e)1. I have determined that your proposal is complete, but the site proposed at Los Angeles County Fire Camp #9 is not consistent with standards and guidelines in our Forest's Land Management Plan, since it is not a designated communications site. We have requested that LA-RICS staff investigate the feasibility of using two alternate sites that are designated for communications infrastructure, Loop Canyon and Contractor's Point. The other site proposed on NFS lands, Burnt Peak, is accepted and may proceed through the NEPA process. I will re-evaluate the proposal for a second site once I receive further information from LA-RICS.

Secondly, I would also like to formally establish the Forest Service role as a cooperating agency in the NEPA process pursuant to 40 CFR 1501.6. In this role, Forest Service staff will review environmental documents and provide feedback within a 3-week timeframe and be available to answer questions regarding NFS lands. It is also my understanding that NTIA will serve as the lead for compliance with the National Historic Preservation Act as well as the Endangered Species Act. Forest biology and archeology staff are assigned to coordinate these efforts with NTIA and LA-RICS.



Third, the Forest Service also has a regulatory requirement to conduct public scoping on all projects, regardless of the level of NEPA. I recognize that NTIA as the lead federal agency may not have that same requirement for this fast-track Environmental Assessment. To meet our requirements, forest staff will conduct public scoping for the two sites on NFS lands by posting information to our website for a 30-day comment period. Any public input will be reported to NTIA and LA-RICS for consideration.

Finally, National Forest regulations require that the public or agencies be given an opportunity to file pre-decisional objections for the two sites on NFS lands. This process begins with publication of a legal notice concurrent with the 30-day posting of the project to our website. I would then prepare a draft Decision Notice and Finding of No Significant Impact (DN/FONSI), which would officially adopt NTIA's Environmental Assessment, and publish a second legal notice announcing the opportunity to file objections on the proposed decision. Only those who submit comments during the first 30-day period are allowed to file objections. If any objections are filed, they are reviewed and settled by our Regional Office. I would then sign the DN/FONSI and begin working with LA-RICS to issue special use permits. Signing a separate decision will allow the Forest Service to meet our specific requirements, while not delaying the vast majority of the project not on NFS lands.

It is my desire to fully cooperate with NTIA and LA-RICS in order to meet the timeframes of the overall project. It is important for NTIA and LA-RICS to identify or respond to issues concerning NFS lands at the earliest possible time. To that end, I am designating Justin Seastrand, our Forest Environmental Coordinator, as your point of contact for the Forest Service. Justin will be available as needed for questions, meetings, or site visits, and can be reached at (626) 574-5278, or jseastrand@fs.fed.us. I look forward to working with NTIA and LA-RICS to expeditiously complete this important project.

Sincerely,



THOMAS A. CONTRERAS
Forest Supervisor

cc: LTanga Watson
Mike McIntyre
Wilburn M Blount

DATA CONTACT REPORT

Attendees: Justin Seastrand, USFS
Nancy Yang, LA-RICS; Jim Hoyt, LA-RICS

Subject: **LTE EA - LACFCP 09 and Alternates at Contractor's Point and Loop Canyon**

Date: March 20, 2014

Nancy and Jim called Justin at approximately 4:15 pm to discuss the subject topics. Nancy updated Justin on the work done since our last call. Nancy noted that one of the LA-RICS contractors had performed an analysis (per Justin's previous request) of system performance if either Contractor's Point or Loop Canyon were used as replacement LTE sites for LACFCP 09.

Nancy noted that she had provided the contractor with the communication site management plans Justin had provided LA-RICS. She noted that based on those plans, the contractor had determined a maximum allowable height of 60 feet would be the cap at either of the alternate sites. She noted that the plans did not allow for a continuously transmitting signal (which is one of the operating parameters of an LTE system). She noted that LA-RICS also considered collocation with existing infrastructure at these sites, but that at Loop Canyon there was insufficient space for new antennas and that at Contractor's Point the infrastructure appeared pretty frail. Nancy also noted that when the contractor ran the analysis, the two alternative sites did perform, but at a degraded level of service when compared to LACFCP09.

Justin noted that the communication site plans don't have the same force of law as the Forest Plan, and when the two conflict, the Forest Plan trumps the communication site plan. He noted if there were no conflict between the two plans, then the communication site plan would be the guidance document to follow.

Justin noted that LA-RICS should look closely at the carefully-crafted letter they'd received from the Forest Service. He said that the letter notes that the Forest has noted that use of LACFCP09 is not consistent with their Forest Plan. He noted that doesn't mean the site can't be used, but that it was incumbent on LA-RICS to make a strong proposal for its use. He said the Forest currently has three options for development of an LTE system:

- Disallow the use of any site
- Require the use of an alternative site (likely Loop Canyon)
- Allow the use of LACFCP09. Use of LACFCP09 would involve a plan amendment

He said that a desktop assessment is a good screening activity, but recommended that it would be wise for LA-RICS to actually visit the site, take pictures of existing infrastructure and facilities and include that information in the proposal for use of the site.

Nancy asked if Justin would be amenable to reviewing an advance copy of excerpts from the land use section of the EA that were applicable to the Forest Service. Justin said he would be happy to accommodate that next week.

Finally, Nancy noted that LA-RICS would also be soon contacting Justin regarding the LMR project, and that some outreach had already occurred between LA-RICS members and Forest Service communications staff.

Action items

LA-RICS to email EA Land Use excerpts to Justin Seastrand

LA-RICS to develop robust proposal for use of selected site on ANF



LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM AUTHORITY

2525 Corporate Place, Suite 200
Monterey Park, California 91754
(323) 881-8291

PATRICK J. MALLON
EXECUTIVE DIRECTOR

May 16, 2014

Mr. Justin Seastrand
Forest Environmental Coordinator
U.S Department of Agriculture, Forest Service
Angeles National Forest
701 N. Santa Anita Ave.
Arcadia, CA 91006 - 2725

LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM (LA-RICS) AUTHORITY LTE PROJECT ANALYSIS OF ALTERNATIVE SITES FOR PROPOSED LOS ANGELES COUNTY FIRE CAMP #9 ON NATIONAL FOREST SYSTEM LANDS

Dear Mr. Seastrand:

This letter is written to present the technical analysis conducted to determine feasibility of use of alternative sites to Los Angeles County Fire Camp #9 proposed by the Los Angeles Regional Interoperable Communications System (LA-RICS) Authority for its Public Safety Broadband Network (also known as the Long Term Evolution or LTE system). In our telephone discussion in February, 2014 regarding the LA-RICS LTE project and the Burnt Peak and Los Angeles County Fire Camp #9 sites on National Forest System (NFS) lands in the Angeles National Forest (ANF), it was pointed out to us that the site proposed at County Fire Camp #9 is not consistent with standards and guidelines in the ANF Land Management Plan since County Fire Camp #9 is not a designated communications site. At your request, we have investigated the feasibility of using two alternate sites that are designated for communications infrastructure, Loop Canyon and Contractor's Point, both of which were identified as the nearest communications sites to County Fire Camp #9. The request was formalized in a letter dated February 11, 2014 from Mr. Thomas Contreras, the ANF Forest Supervisor, to Mr. Frank Monteferrante, the NEPA Compliance Specialist of the National Telecommunications and Information Administration (NTIA). NTIA is the federal NEPA lead agency administering the Broadband Technology Opportunities Program (BTOP) grant that funds the development and implementation of the LA-RICS LTE system.

A technical analysis was performed by Televate, a broadband technology consultant to the LA-RICS Authority, to investigate the feasibility of using the Loop Canyon and Contractor's point communications sites in lieu of the proposed County Fire Camp #9. Televate's report of the analysis of the Loop Canyon and Contractor's Point sites is enclosed, and a summary of that analysis is below:

Loop Canyon

- Radio signal coverage: Loop Canyon's coverage over critical operational roadways is similar to County Fire Camp #9. Each site covers slightly different portions of the local access roads. Loop Canyon covers a smaller area of the ANF and the County Fire Camp #9 vicinity.
- Capacity and Interference: Due to its higher elevation, Loop Canyon's coverage overshoots into portions of Sylmar (which LTE placement at County Fire Camp #9 would not have), and would create interference with other proposed foothill LTE sites in the area due to overlapping coverage, thereby limiting the ability of frequency re-use and reducing system capacity and network

performance. To minimize overlapping signal would require reducing the antenna height at Loop Canyon which would also reduce coverage on critical operations and roadways in the ANF.

- Other Factors: Loop Canyon's Communications Site Management Plan contains site operation conditions on transmit power and method that cannot be met due to characteristics of the broadband technology and would render the system infeasible at this location.

Contractor's Point

- Radio Signal Coverage: Contractor Point's coverage over critical operational roadways is less than that with County Fire Camp 9. Contractor's Point covers a smaller area of the ANF and the immediate vicinity around County Fire Camp #9.
- Capacity and Interference: Due to its location, Contractor's Point overshoots into portions of Sylmar and would create interference with other proposed foothill LTE sites in the area due to overlapping coverage, thereby limiting the ability of frequency re-use and reducing system capacity and network performance.
- Other Factors: Contractor's Point's Communications Site Management Plan contains site operation conditions on transmit power and method that cannot be met due to characteristics of the broadband technology and would render the system infeasible at this location.

The conclusion from the technical analysis of alternative sites at Loop Canyon and Contractor's Point is that County Fire Camp #9 is the technically superior site as it optimizes the tradeoff between coverage and capacity, and therefore would not require additional sites to provide supplemental coverage in areas not covered by the alternative sites. Use of County Fire Camp #9 would enable meeting LTE network performance and design criteria for bandwidth and speed. Additionally, County Fire Camp #9 is strategically located to relay signals between the northern desert and LTE system core management in Los Angeles Basin, without which connectivity across the San Gabriel Mountains would not be feasible.

Please do not hesitate to contact me should you have any questions concerning the attached analysis or about the LA-RICS LTE project during the evaluation of LA-RICS' proposal for use of County Fire Camp #9. Thank you for your consideration.

Sincerely,



Nancy Yang
CEQA/NEPA Team Lead

Attachment: Loop Canyon and Contractor's Point Alternative Analysis

cc: Frank J. Monteferrante, NTIA



Los Angeles Regional Interoperable Communications System –

Loop Canyon and Contractor's Point Alternative Analysis

By: Televate, LLC

May 16, 2014

8229 Boone Blvd
Suite 720
Vienna, VA 22182

T.: 703-639-4211
F.: 703-992-6583
www.televate.com

SUMMARY

This is a technical report for the Los Angeles Regional Interoperable Communications System Authority (LA-RICS) analyzing and documenting whether the Loop Canyon and Contractor's Point sites are technically viable alternatives to the LA-RICS proposed site at Los Angeles County Fire Camp 9 (LACFCP09) for the LA-RICS Public Safety Broadband Network (PSBN, also known as the Long Term Evolution or LTE system). For this Alternative Analysis, Televate was provided a copy of the U.S. Forest Service Loop Canyon and Contractor's Point Communications Site Management Plans by LA-RICS to evaluate whether the LTE system would comply with the technical operating conditions found in the Site Management Plans. Location and general site condition at both Loop Canyon and Contractor's Point were observed by LA-RICS staff on April 29, 2014 to validate that location information from aerial imagery used in this analysis is appropriate.

Although the Loop Canyon and Contractor's Point sites have similar radio coverage as LACFCP09, because of their locations, coverage overshoots reduce network performance in some areas of the Foothills. Residential areas most negatively affected by the inclusion of either site in the design include those between Foothill Freeway and Pocomo Reservoir (areas along Hubbards Street, Gavina Avenue, Goldstone Avenue, Olive View Drive and their vicinities). Additionally, the radio equipment that LA-RICS proposes to install for the project uses LTE technology which transmits continuously. Therefore, if the LA-RICS LTE equipment is installed at either of these two alternate sites, it will not be able to meet the operation condition in either of the Site Management Plan. In conclusion, based on Televate's thorough analysis, it is our professional opinion that the proposed LTE installation at site LACFCP09 better meets the LTE wireless broadband network coverage, capacity and operational objectives for this area of Los Angeles County than either of the two alternative sites, and allows the greater Los Angeles area to be served with fewer number of radio base stations and sites.

LACFCP09 SITE DESIGN OBJECTIVES

Site LACFCP09, located at 21521 N. Sand Canyon Road in Santa Clarita as shown in Figure 1, was integrated into the 4G LTE network design of LA-RICS to provide wireless broadband service to major roads in Angeles National Forest including Forest Route 3N17 and some portions of Sand Canyon Road. It is essential in the LTE broadband network design as it provides coverage in an area where commercial carriers provide no service and where existing structures with power and backhaul connectivity are scarce.

A primary challenge in meeting these stated coverage objectives is providing a strong signal to deliver adequate radio frequency (RF) penetration to the current automobile traffic from first responders along Forest Route 3N17, and at the same time provide enough capacity to accommodate any future demand in broadband data usage in the area by new first responders and secondary users. The nearest LTE site is a fire station (Fire Station 123) in the North on Canyon Road. That site is less than 2.5 miles away but because of obstructions by mountains it cannot fill coverage holes that would be left by the absence of LACFCP09.

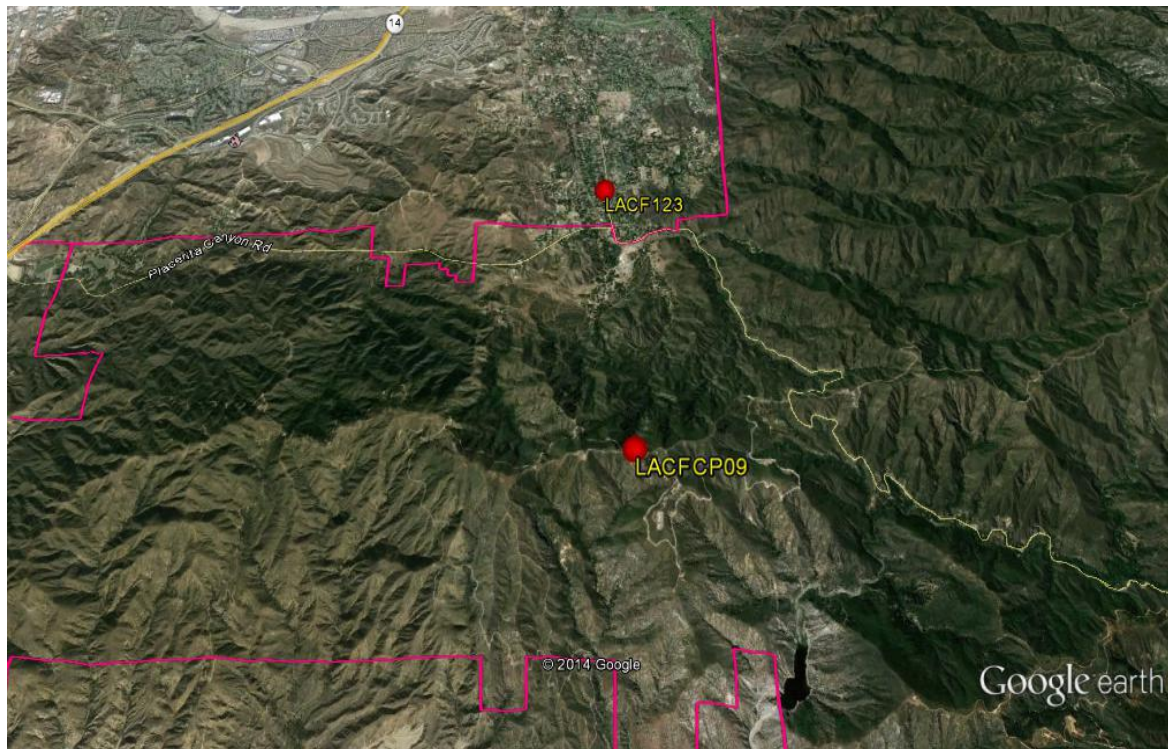


Figure 1: Location of proposed site LACFCP09

LACFCP09 also plays a critical role in the LA-RICS LTE network in terms of backhaul connectivity. As shown in Figure 2, LACFCP09 links sites located at fire stations 107, 123 and 132 to other sites in Foothills and beyond. Without LACFCP09 those three sites cannot be connected to the core network and become useless, depriving most of the areas in 14-Corridor of LTE service.



Figure 2: Microwave Connectivity

SUITABILITY OF LACFCP09 AS A SITE

The proposed LTE site LACFCP09 (County Fire Camp 9) is located at 21521 N Sand Canyon Rd in Santa Clarita. It provides adequate LTE service to the fire camp itself, Sand Canyon Road and Forest Route 3N17 in the East. Because the site is overlooking Foothills, especially the residential areas along I-210,

the design of this site is optimized such that its radio signal does not overshoot and create interference outside its coverage footprint.

It is important to note that, unlike legacy wireless technologies, LTE wireless broadband is designed to deliver extremely high data throughputs with latency performance equivalent to land line broadband alternatives. To efficiently achieve high data rates LTE requires the use of shared spectrum and large channel bandwidths. The reuse of the same frequencies at neighbor sites could result in network degrading interference and poor data performance if the network is not designed to minimize overlapping signals in high demand areas of the network. Throughput planning and Interference management design are key to LTE network performance. Therefore the design considerations of an LTE site involve much more than providing signal coverage. LACFCP09 site achieves its objective by delivering LTE radio signals where it is needed while minimizing performance degrading interference where it is not needed.

ANALYSIS OF ALTERNATIVE SITES TO LACFCP09

Alternative design and candidate sites were considered, but none of them could provide as much LTE coverage and performance as LA County Fire Camp 9. The alternative sites analyzed include Loop Canyon and Contractor's Point, indicated on Figure 3:

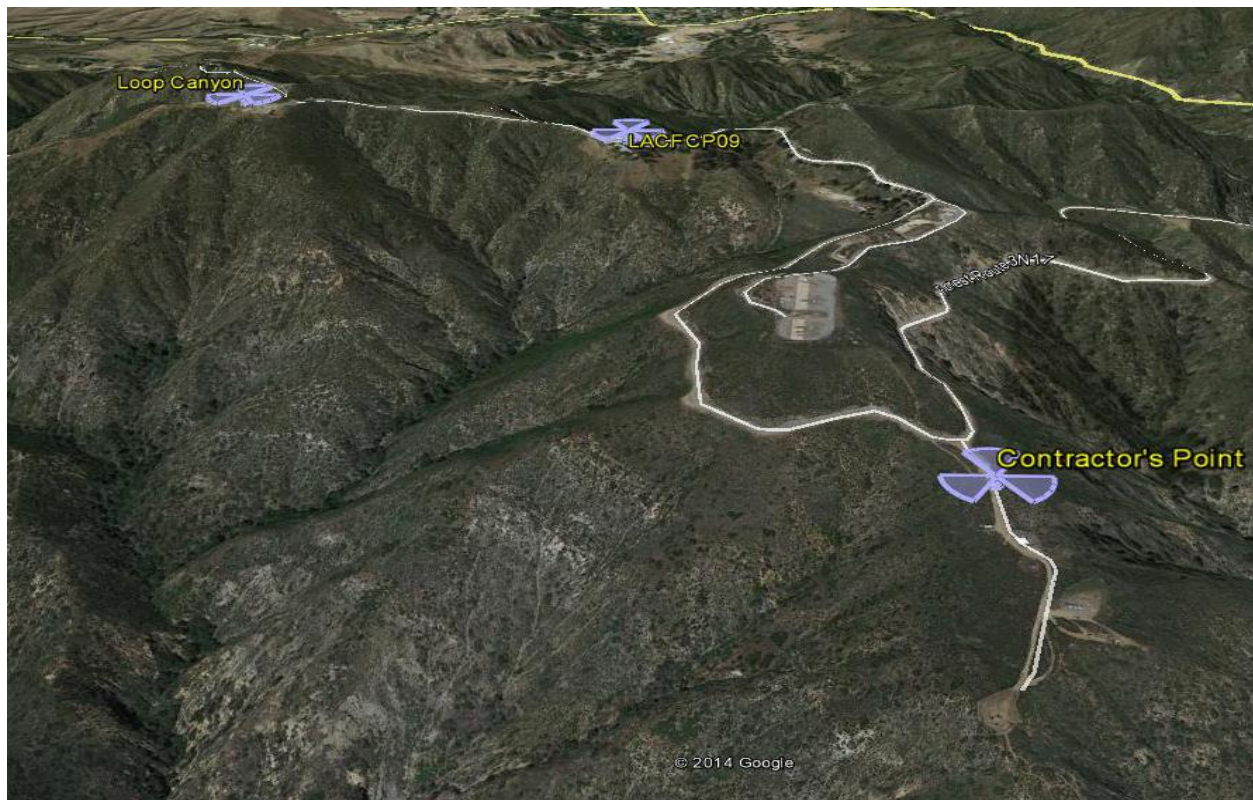


Figure 3: Alternative sites analyzed for LACFCP09: Loop Canyon and Contractor's Point

Coverage Comparison with Loop Canyon

Overall, the Loop Canyon site has similar radio coverage as site LACFCP09 for critical operational roadways. Loop Canyon provides less coverage in areas such as Little Tujunga Canyon road to the east, but marginally adds coverage on Placerita Canyon Road. Figure 4 shows the coverage comparison between sites LACFCP09 and Loop Canyon:

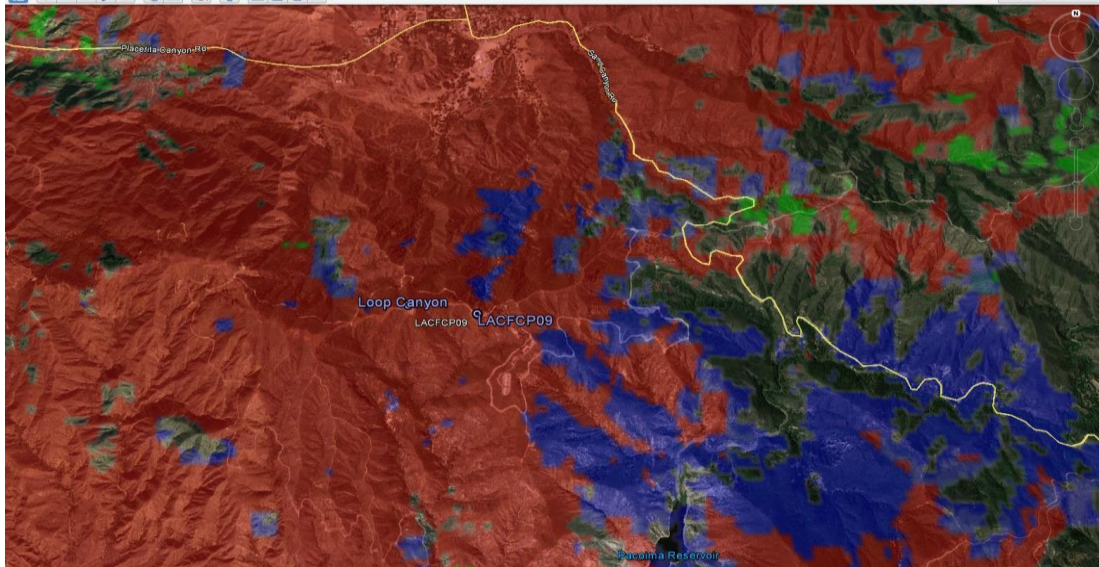


Figure 4: Coverage comparison between LACFCP09 and Loop Canyon

- Red: Area covered by both sites.
- Blue: Area covered only by LACFCP09.
- Green: Area covered only by Loop Canyon

Geographically, however, Loop Canyon has a smaller coverage footprint than LACFCP09 in the portion of Angeles National Forest around County Fire Camp 9.

Capacity implications of using Loop Canyon

The Loop Canyon site is on an elevation approximately 150 feet higher than LACFCP09. The difference in elevation explains why the Loop Canyon site splashes and creates some coverage spots on La Placerita Canyon Road. In those places, the coverage of Loop Canyon is an advantage. However, in areas around Hubbard Street and Gavina Avenue in Sylmar (see Figure 5), additional coverage from Loop Canyon site is detrimental because it creates interference and reduces network performance in those residential areas. The antennas could be mounted at lower height to reduce the interference but doing so would reduce coverage, especially on Forest Route 3N17 where Loop Canyon coverage is already weak because of shadowing from the mountains. In contrast, LACFCP09 is at a lower elevation and does not have

those Sylmar areas in its line-of-site. Therefore, the inclusion of LACFCP09 instead of Loop Canyon site provides more capacity to the LTE system.

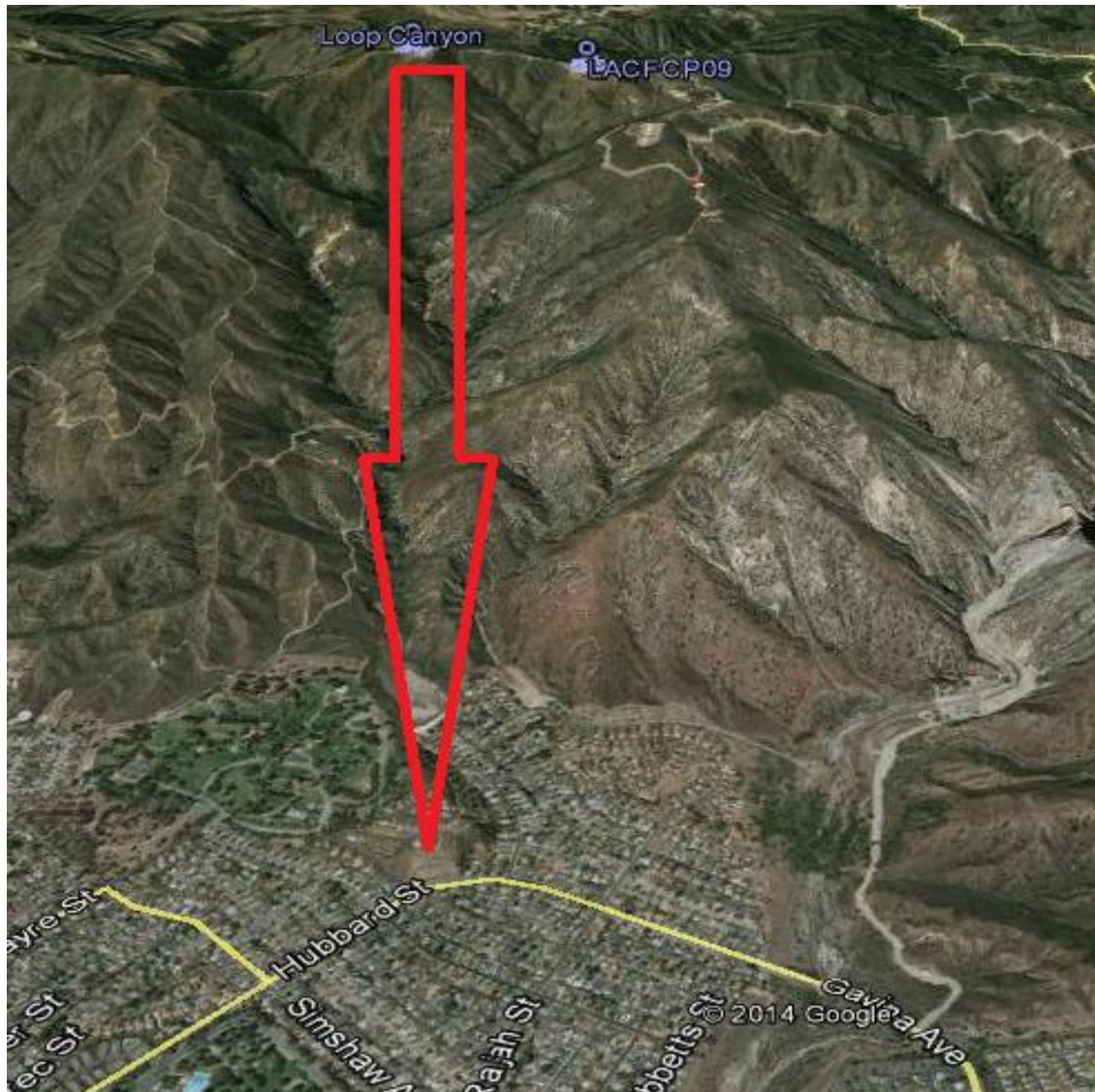


Figure 5: Areas negatively affected by inclusion of Loop Canyon in system design

Coverage Comparison with Contractor's Point

Overall, Contractor's Point site has less radio coverage than the proposed site LACFCP09 for critical operational roadways. It provides less coverage in areas such as Sandy Canyon road in the East, and on Placerita Canyon Road in the North. Figure 6 shows the coverage comparison between sites LACFCP09 and Contractor's Point:

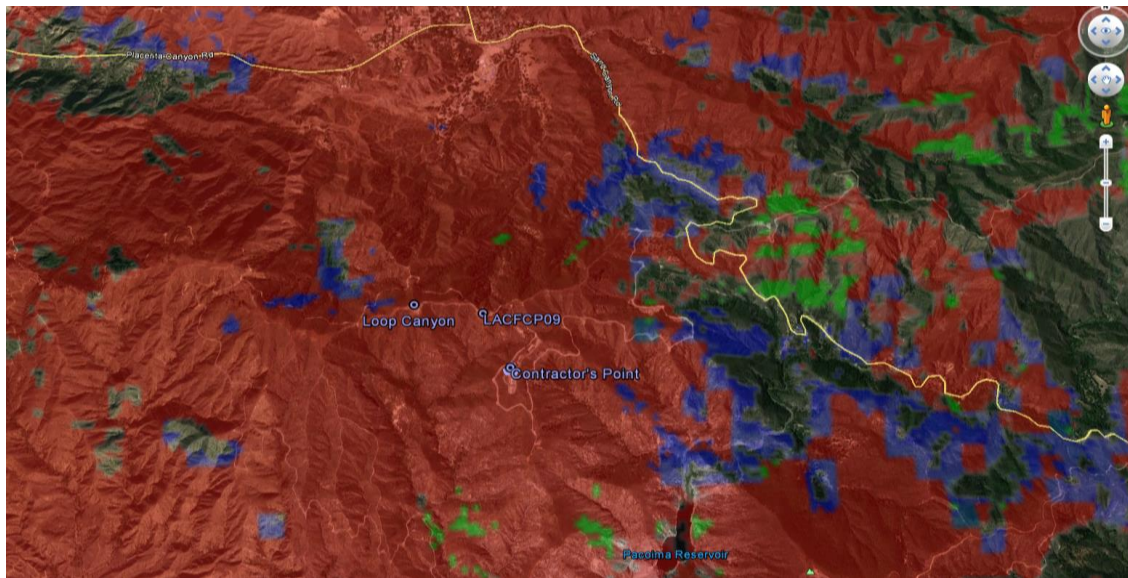


Figure 6: Coverage comparison between LACFCP09 and Contractor's Point

- Red: Area covered by both sites.
- Blue: Area covered only by LACFCP09.
- Green: Area covered only by Contractor's Point

Capacity implications of using Contractor's Point

A capacity and performance analysis of Contractor's Point reveals that in areas around Olive View Drive and Gladstone Avenue in Sylmar (see Figure 7), the site creates interference and reduces capacity and network performance in those residential areas. Therefore, the inclusion of LACFCP09 instead of Contractor's Point site provides more capacity to the LTE system.



Other Technical Considerations

For the use of Loop Canyon or Contractor's Point, there are limiting conditions in the Communications Site Management Plan (Plan) for each which could render the site infeasible.

- The Plan requires the maximum output power to not exceed 500 Watts. The power of LTE radios are 20 to 40 Watts on each antenna face, however depending on the cables and antennas that would be used, the output power can exceed 500 Watts. This Site Management Plan

condition can be met by using lower gain antennas, but this will reduce the coverage footprint and defeat the purpose of the site.

- The Plan does not allow the site to transmit continuously. This operating condition cannot be met under any condition because of the inherent nature of LTE technology. Unlike some Land Mobile Radio systems, LTE transmits continuously, including on a channel called Physical Broadcast Channel (PBCH) which carries system information. Without knowledge of such information, users will not be able to access the LTE network

CONCLUSION

Based on Televate's technical analysis, it is our professional opinion that inclusion of the proposed LACFCP09 site in the LTE system instead of the Loop Canyon or Contractor's Point site better meets the LTE wireless broadband network coverage, capacity and operational objectives for that area of Los Angeles County, and allows the overall system for greater Los Angeles to be served with fewer number of radio base stations and sites.



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, DC 20230

May 21, 2014

Mr. Justin Seastrand
Environmental Coordinator
Angeles National Forest
701 N. Santa Anita Avenue
Arcadia, CA 91006-2725

Dear Mr. Seastrand,

The National Telecommunications and Information Administration (NTIA) has awarded a grant to Los Angeles Regional Interoperable Communications System Joint Powers Authority (LA RICS Authority), through the Broadband Technology Opportunities Program (BTOP), as part of the American Recovery and Reinvestment Act (ARRA). Under ARRA the funding must be obligated and the project must be completed by September 2015. This timeline is driven by the laws and regulations governing the use of this ARRA grant funding. The project proposes to develop a county-wide microwave broadband network using long-term evolution (LTE) technology to improve shared voice and data communication systems for public safety agencies throughout the greater Los Angeles area, including project activities at the Burnt Peak communication site and Los Angeles County Fire Department Camp 9.

We are providing one hardcopy of the draft final Environmental Assessment (EA) for the LA RICS Authority project (without Appendices) and the Appendix B Site Data Summary for the two USFS sites (Burnt Peak and LA County Fire Camp 9) along with three CDs of the complete draft EA for your review and comment. These documents will be express mailed by LA RICS Authority to your office. We ask that due to the expedited time frames associated with ARRA that you provide any feedback or comments to NTIA within three weeks from your receipt of this document, giving particular consideration to those topics on which your agency is acknowledged to possess jurisdiction by law or special expertise in the NEPA, and NHPA.

Please let me know if you have any questions or comments on this draft final EA. I can be reached at 202-482-4208 or fmonteferrante@ntia.doc.gov. Please copy Nancy Yang, the LA RICS Authority point of contact on all technical questions or comments that you might have since she is better prepared to handle those issues. She can be reached at (323) 267-2922, or NYang@isd.lacounty.gov.

Thank you for your time and consideration on this very important matter.

Sincerely,

Frank J. Monteferrante, PhD
Environmental Compliance Specialist
U.S. Department of Commerce
H.C. Hoover Bldg. Room 4826
1401 Constitution Avenue, NW
Washington, DC 20230

Attachment

cc: Nancy Yang, LA RICS (NYang@isd.lacounty.gov)



United States
Department of
Agriculture

Forest
Service

Angeles National Forest
SO

701 N. Santa Anita Ave.
Arcadia, CA 91006-2725
626-574-1613 Voice
800-735-5789 CRS

File Code: 1950/2720

Date: July 10, 2014

Frank Monteferrante
NEPA Compliance Specialist
National Telecommunications & Information
Administration
H.C. Hoover Building, Room 4826
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Mr. Monteferrante:

The USDA Forest Service, Angeles National Forest, has completed a review of the Draft Environmental Assessment (EA) for the Los Angeles Regional Interoperable Communications System (LA-RICS). Our staff comments on the documents are attached.

I have still not made a final determination on accepting LA-RICS' proposal for use of LA County Fire Camp 9. We will continue to work directly with LA-RICS to complete the screening and move on to our decision making process as a Cooperating Agency under the National Environmental Policy Act (NEPA). I recognize the urgency of your agency's need to make a decision on the project. Incorporation of the attached comments will allow me to adopt the EA and complete my decision with minimal time for further review or supplementary analysis.

I understand that a special award condition may be attached to your grant which will essentially condition it upon my final approval of the sites on National Forest System lands. I appreciate this offer and find it satisfactory to support NTIA moving ahead with your NEPA process. I would request that you provide us the draft language of the special condition for review and concurrence as soon as you have it available.

We appreciate the opportunity to comment on the EA, and to serve as a Cooperating Agency. If you or LA-RICS personnel have any further questions, please contact Justin Seastrand at 626-574-5278, or jseastrand@fs.fed.us.

Sincerely,

THOMAS A. CONTRERAS
Forest Supervisor

Enclosure

cc: Nancy Yang, LA-RICS Nancy Yang, LA-RICS



APPENDIX H-8

U.S. Fish and Wildlife Service



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, DC 20230

August 27, 2013

Mr. Jim A. Bartel
Field Supervisor
U.S. Fish and Wildlife Service
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008

Re: Notice of Project Change Affecting Endangered Species Act, Section 7, Consultations
Regarding Broadband Technology Opportunities Program Grant Recipient #7835, Los
Angeles Regional Interoperable Communications System Joint Powers Authority (LA
RICS), Fiber Optic Network Infrastructure Project

Dear Mr. Bartel,

In 2010 the National Telecommunications and Information Administration (NTIA) awarded a grant to LA RICS, through the Broadband Technology Opportunities Program (BTOP), as part of the American Recovery and Reinvestment Act (ARRA). Since receiving the grant award, LA RICS has revised their project description to include the construction of a series of 232 radio base station equipment facilities (known as eNodeB) to be placed throughout Los Angeles County, CA for the purpose of creating a Public Safety Broadband Network (PSBN). In order to meet ARRA timelines and expedite the review process, NTIA is sending this revised project notification letter to both the U.S. Fish and Wildlife Service, Carlsbad and Ventura Field Offices, seeking your timely cooperation in reviewing and responding to this NTIA ARRA funded project.

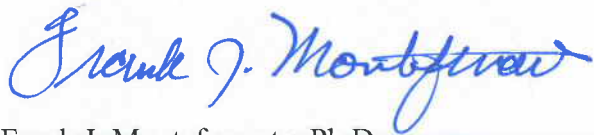
NTIA has determined that the proposed activities should be reviewed and informal consultations conducted with the U.S. Fish and Wildlife Service. Special Award Conditions (SAC) in the NTIA grant require LA RICS to consult with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act. The grant recipient may not commence project implementation (including demolition, construction, ground disturbance, etc.) prior to completion of this consultation. A project description with maps is included in the attached CD for your review.

The grant recipient, LA RICS, is being copied with this letter. Once they complete their analysis and develop conclusions regarding effects of the proposed action, they will be in contact with you to provide the analysis developed, and seek your concurrence with the determinations made.

If any issues or questions arise during these consultations please contact me at (202) 482-4208, or FMonteferrante@ntia.doc.gov. NTIA is prepared and willing at any time to participate directly in the review process as needed. As monitoring the progress of each of these projects is vital to their success, I would appreciate being copied on any correspondence you have in the future with the grant recipient regarding this project. Please do not send any return

correspondence via US Mail since most mail is irradiated and will take extra time for delivery. All correspondence should be either by e-mail, fax (202-482-2156), or by express mail services (FedEx or similar carrier).

Sincerely,



Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and
Information Administration
U.S. Department of Commerce
H.C. Hoover Bldg. Room 4826
1401 Constitution Avenue, NW
Washington, DC 20230

Attachment

cc: Nancy Yang, LA RICS (NYang@isd.lacounty.gov)



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, DC 20230

August 27, 2013

Ms. Diane Noda
Field Supervisor
U.S. Fish and Wildlife Service
Ecological Services Field Office
2493 Portola Road, Suite B
Ventura, California 93003

Re: Notice of Project Change Affecting Endangered Species Act, Section 7, Consultations
Regarding Broadband Technology Opportunities Program Grant Recipient #7835, Los
Angeles Regional Interoperable Communications System Joint Powers Authority (LA
RICS), Fiber Optic Network Infrastructure Project

Dear Ms. Noda,

In a letter dated December 20, 2010, the National Telecommunications and Information Administration (NTIA) informed your office of a grant awarded to LA RICS, through the Broadband Technology Opportunities Program (BTOP), as part of the American Recovery and Reinvestment Act (ARRA). Since our initial notification, LA RICS has revised their project description to include the construction of a series of 232 radio base station equipment facilities (known as eNodeB) to be placed throughout Los Angeles County, CA for the purpose of creating a Public Safety Broadband Network (PSBN). In order to meet ARRA timelines and expedite the review process, NTIA is sending this revised project notification letter to both the U.S. Fish and Wildlife Service, Ventura and Carlsbad Field Offices, seeking your timely cooperation in reviewing and responding to this NTIA ARRA funded project.

NTIA has determined that the proposed activities should be reviewed and informal consultations conducted with the U.S. Fish and Wildlife Service. Special Award Conditions (SAC) in the NTIA grant require LA RICS to consult with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act. The grant recipient may not commence project implementation (including demolition, construction, ground disturbance, etc.) prior to completion of this consultation. A project description with maps is included in the attached CD for your review.

The grant recipient, LA RICS, is being copied with this letter. Once they complete their analysis and develop conclusions regarding effects of the proposed action, they will be in contact with you to provide the analysis developed, and seek your concurrence with the determinations made.

If any issues or questions arise during these consultations please contact me at (202) 482-4208, or FMonteferrante@ntia.doc.gov. NTIA is prepared and willing at any time to participate directly in the review process as needed. As monitoring the progress of each of these projects is vital to their success, I would appreciate being copied on any correspondence you have in the

future with the grant recipient regarding this project. Please do not send any return correspondence via US Mail since most mail is irradiated and will take extra time for delivery. All correspondence should be either by e-mail, fax (202-482-2156), or by express mail services (FedEx or similar carrier).

Sincerely,



Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and
Information Administration
U.S. Department of Commerce
H.C. Hoover Bldg. Room 4826
1401 Constitution Avenue, NW
Washington, DC 20230

Attachment

cc: Nancy Yang, LA RICS (NYang@isd.lacounty.gov)

From: Frank Monteferrante [mailto:FMonteferrante@ntia.doc.gov]

Sent: Wednesday, September 04, 2013 8:33 AM

To: Phillips, Jeff

Cc: Colleen Draguesku; Buchholz, Kurt [USA]; NYang@isd.lacounty.gov; Betsy Lindsay (blindsay@ultrasystems.com); 'Robert Reicher ' (rreicher@ultrasystems.com); Carrie Walker (walker_julia@bah.com) (walker_julia@bah.com); Andrew Spurgeon; Hite, Kathryn [USA] (hite_kathryn@bah.com)

Subject: RE: Email Review: LA-RICS consultatation with USFWS

Jeff/Colleen:

Thank you for your response. Please be assured that we are working closely with the grant recipient, LARICS, to follow the exact process as outlined below. LARICS will be conducting a biological assessment for the entire project funded by NTIA/BTOP at each location. Please Note that the project has changed significantly since the last meeting in 2011.

LARICS will perform the research and preparation of the biological assessment which NTIA will submit for concurrence. When the biological assessment is prepared, NTIA will submit the document to the USFWS making the appropriate determinations and requesting concurrence as outlined below. NTIA and the grantee will be in touch with you if we have any questions going forward.

We greatly appreciate your guidance and support. Thanks.

Frank

Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and Information Administration
U.S. Department of Commerce
Washington, DC 20230
Tel 202.482.4208

From: Phillips, Jeff [mailto:jeff_phillips@fws.gov]

Sent: Friday, August 30, 2013 4:09 PM

To: Frank Monteferrante
Cc: Colleen Draguesku
Subject: Fwd: Email Review: LA-RICS consultatation

Hi Frank,

Colleen Draguesku (sorry if I caused any confusion - when I referenced her as the staff biologist who would be working on this, I realize I used her maiden name Mehlberg), just left on leave for the next week, but she asked that I forward this email to you. Please let me know if this raises any questions that you would like to discuss. I am here all next week, and Colleen will be back and available the following week.

Sincerely,
Jeff Phillips
Deputy Assistant Field Supervisor, South Coast Division
U.S. Fish and Wildlife Service, Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766 x 285

The U.S. Fish and Wildlife Service's mission is, working with others, to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.

Hello Frank,

We received your letter, dated August 27, 2013, regarding the LA-RICS project. At this time, we are waiting to receive additional information from you, or LA-RICS. You designated LA-RICS as your non-Federal representative for purposes of informal consultation pursuant to Section 7 of the Endangered Species Act in a letter dated December 20, 2010.

In your recent letter, you state "NTIA has determined that the proposed activities should be reviewed and informal consultations conducted with the U.S. Fish and Wildlife Service." This statement alone is not enough for us to move forward; additional clarification from the NTIA is needed before we can proceed. Please remember the email below, which generally outlines the process for formal and informal consultation, and the roles and responsibilities of the NTIA and U.S. Fish and Wildlife Service. We can provide additional information regarding Section 7, if needed.

We met with LA-RICS on August 4, 2011 and discussed each tower location and the federally-listed species and critical habitats which have the potential to occur at each location. NTIA should conduct a biological assessment and determine, at each tower location, if the project may affect those federally-listed species and/or designated critical habitats. An updated species list from us may be needed to facilitate this process.

If the NTIA determines the project is not likely to adversely affect federally-listed species and/or critical habitat at a tower site, the NTIA should request our concurrence with that determination. If the NTIA determines the project is likely to adversely affect federally-listed species and/or critical habitat at a tower site, the NTIA should request formal consultation with us. If the NTIA determines there would be no affect to federally-listed species at a tower site, concurrence with us is not necessary; however, we would appreciate being informed of that determination. Please keep in mind that all project sites need to be evaluated for the potential to affect Federally-listed species, not just those sites which occur on Federal lands.

Colleen Draguesku
Fish and Wildlife Biologist
U.S. Fish & Wildlife Service
2493 Portola Road, Suite B
Ventura, California 93003
(805) 644-1766 x221
colleen_draguesku@fws.gov

"FitzGerald, M. Shannon" <SFitzgerald@eda.doc.gov>

07/11/2011 02:36 PM

To: Felipe Perez <FPerez@deltawrx.com>, <felipe.perez@la-rics.org>, <pat.mallon@la-rics.org>, <sarah.henry@la-rics.org>, <susy.orellana-curtiss@la-rics.org>, Robert Rusby <rrusby@ultrasystems.com>, Stephen Oneil <soneil@ultrasystems.com>, <Colleen_Mehlberg@fws.gov>, <roger_root@fws.gov>, <Jeffrey_phillips@fws.gov>, "Seastrand, Justin" <jseastrand@fs.fed.us>, "Benz, Jenny" <jbenez@eda.doc.gov>

cc: "Johnson, Lance" <LJohnson@ntia.doc.gov>, "Monteferrante, Frank" <FMonteferrante@ntia.doc.gov>, "Walker, Genevieve" <GWalker@doc.gov>, "Hite, Kathryn [USA]" <hite_kathryn@bah.com>, "Barone, Daniel [USA]" <barone_daniel@bah.com>, <jacobs_michael@bah.com>, <pereira_amanda@bah.com>

Subject: LA-RICS: Notes from the 7/6 call with the FWS

Good Afternoon Everyone,

Here are the notes from the LA-RICS conference call yesterday. If there is anyone else who should see this email, please forward it to them. I appreciate Colleen reviewing the notes for accuracy and clarity.

Attendees:

National Telecommunication Information Administration (NTIA): Lance Johnson, Shannon FitzGerald (EDA)

U.S. Fish and Wildlife Service (FWS): Jeff Phillips, Roger Root, Colleen Mehlberg

Los Angeles Regional Interoperable Communications System (LA-RICS): Pat Mallon, Felipe Perez, Sarah Henry

Ultrasystems: Bob Rusby, Steve O'Neil

Booz Allen Hamilton (BAH): Michael Jacobs, Amanda Pereira

The call was started with Colleen Mehlberg explaining the Endangered Species Action (ESA) Section 7 consultation process. NTIA providing a grant to LA-RICS is the undertaking and it cannot jeopardize the **continued existence** of any listed species. For any action that may affect a federally-listed species, NTIA must consult with FWS. The consultation is between the FWS and NTIA as the lead agency. However, NTIA can delegate some things to LA-RICS, such as preparing a Biological Assessment or conducting an informal consultation. For a formal consultation, NTIA must consult.

Each site must be separately analyzed to determine if the undertaking may or may not affect federally listed species. If the undertaking may affect a listed species, then there is an informal consultation to determine if it is likely to adversely affect a listed species or not likely to adversely affect.

In a letter to the FWS, NTIA (or LA-RICS as their representative) provides the project description and the NTIA's (or LA-RIC's as their representative) determination of the likelihood of an adverse effect. If the FWS agrees with a determination of not likely to adversely affect, then they issue a concurrence letter. If the FWS does not concur, or if the determination is made that the project is likely to adversely affect a federally listed species, the NTIA and FWS will initiate formal consultation unless further informal consultation can get the

project to a not likely to adversely affect determination (e.g., through providing additional information or protective measures). Note: NTIA has delegated LA-RICS as their representative for informal consultation. However, the FWS wants NTIA to also be involved with the informal consultation because the project is so large and the timeframe is so important.

If an undertaking is likely to adversely affect a federally-listed species, then a formal consultation is required. NTIA has a Biological Assessment prepared which includes: the project description; listed species that may be present; any critical habitat; how the undertaking will affect the listed species and/or critical habitat; and any mitigation measures to avoid or minimize adverse effects. The formal consultation begins FWS receives a letter from NTIA requesting formal consultation on a specific species for a specific project. The initiation request can be in the same letter in which NTIA requests FWS's concurrence with NTIA's determination of not likely to adversely affect on other project sites or species. In response, FWS sends a letter to NTIA acknowledging that: a) NTIA has provided FWS with enough information to consult and the consultation should be concluded within 135 days; or b) NTIA has not provided FWS with the information FWS needs and FWS outlines what additional information is needed. Once the formal consultation is initiated, the FWS has 135 days in which to prepared a Biological Opinion which includes an Incidental Take Statement.

Roger Root added that there are several levels regarding the takings prohibition. In addition to Section 7, there is Section 9 regarding prohibitions. Listed species cannot be harassed or harmed. There is also Section 10, which involves permitting, that applies to projects that do not involve a federal agencies.

When the FWS was asked if they had any concerns or what additional information was needed, the following is their response. LA-RICS provided some information for 22 sites that may have issues. However, there is no site-specific information for the other sites. The FWS needs to know the latitude and longitude of each site and what will be built at each of the 260 sites. For instance, will access roads be used? Will the monopoles have guide wires? (Bob Rusby confirmed that there will be no guide wires.) From the tables that the FWS has, it is not clear what the total height is for each towers. They also need to know if the proposed tower will be higher than any existing adjacent towers and by how much. The reason for this is that there are California condors in the northern part of the Angeles National Forest and eastward of it (from Tejon to Santa Clarita). There are also areas that have not been designated as critical habitat, but there are still listed toads and frogs there. As for the sites east of Palmdale, there are Desert tortoises in that area, so that is why it is important to know if there will be access roads associated with those sites. That will help the FWS more accurately determine the effects of the undertaking.

Bob Rusby said that the Carlsbad FWS Office, which covers a more urban area, agreed that there were not impacts to Species. Lance Johnson asked Bob to procure a concurrence letter regarding that.

The FWS noted that the California Department of Fish and Game (CDFG) needed to be included regarding project impacts to state-listed species. Bob said that he had contacted Fish and Game.

Colleen asked when the engineering firm would be on-board and specific tower heights would be provided. Felipe Perez said that procurement was on-going. It could be weeks to months. I asked how we could finalize the Section 7 consultation if we did not know the tower heights. Felipe said that there is a design in hand that can be used. Once the engineering firm is on-board, they can better clarify the design. I noted that we would need to reconsult with the FWS on any changes to the design that is consulted on. Colleen recommended that their design be as close as possible to the final design because if we have to reinstate consultation with the FWS, that could change the construction schedule. Felipe said that we can adjust things based on feedback from the process. A site can be moved. (In an earlier voice mail to me, Lance noted that there was no time to analyze new sites). I asked the area that had been studied for each site. Bob said that it was a 500-foot radius. We may be able to adjust things within that studied area.

Jeff Phillips noted that there are two periods within the consultation. Right now we are in the informal period where we can adapt engineering criteria to avoid adverse effects. If the project is likely to adversely affect listed species, then there is the more formal period where we work with the information regarding effects and takings.

Colleen noted that some of the Santa Monica Mountain sites may be on land owned by the National park Service or California Parks Department. She said it was hard to tell from the maps. Lance asked Bob for a list of who owns that land at each site.

Shannon FitzGerald
NEPA Federal Reviewer
U.S. Department of Commerce
Economic Development Administration
915 Second Ave., Room 1890
Seattle, WA 98174
phone: 206-220-7703
fax: 206-220-7669
sfitzgerald@eda.doc.gov



LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM AUTHORITY

2525 Corporate Place, Suite 200
Monterey Park, California 91754
(323) 881-8291

PATRICK J. MALLON
EXECUTIVE DIRECTOR

November 5, 2013

Stephen P. Henry, Acting Field Supervisor
Ventura Fish & Wildlife Office
U.S. Fish & Wildlife Service
2493 Portola Road, Suite B
Ventura, California 93003

Jim Bartel, Field Supervisor
Carlsbad Fish & Wildlife Office
U.S. Fish & Wildlife Service
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008

SPECIES LIST AND POINT OF CONTACT FOR THE LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM

Dear Messrs. Henry and Bartel,

Representatives of the Los Angeles Regional Interoperable Communications System (LA-RICS) met on October 23, 2013, at the Ventura office of the United States Fish and Wildlife Service (USFWS) with Jeff Phillips, Colleen Draguesku and Carl Benz of USFWS, to discuss Section 7 Consultation for the LA-RICS LTE project. Messrs. Jesse Bennett and Raymond Vizgirdas from the Carlsbad USFWS office participated in the meeting via telephone. LA-RICS, as a recipient of the Broadband Technology Opportunities Program (BTOP) grant from the National Telecommunications and Information Administration (NTIA) that funds the LA-RICS LTE project, is the designated non-Federal representative for NTIA.

This letter requests your assistance on two action items discussed in the meeting: 1) a species list for the LA-RICS LTE project; and, 2) a single point of contact with USFWS for the Section 7 consultation process.

We request a species list that covers the Action Area of the LA-RICS LTE project. The LTE project involves the placement of public safety communication facilities, including monopoles, antennas, generators, and other equipment at 232 locations, 230 of which are wholly in Los Angeles County. One site is located partially in Los Angeles County and partially in San Bernardino County, between Claremont and Upland (please see the attached map); and, another is located in an urban portion of Orange County in the city of La Habra. While we are aware that the Ventura and Carlsbad offices are responsible for different portions of

Messrs. Henry and Bartel
November 5, 2013
Page 2

Los Angeles County and the Action Area, we would appreciate the preparation of a single combined species list for the project. As discussed in our meeting, the species list will include species that are federally listed, candidate, or proposed for listing, and critical habitat and proposed critical habitat that may be affected by the LTE project.

We also request a single point of contact with USFWS for the Section 7 Consultation process, at either the Ventura or Carlsbad office. We are aware that biologists at either or both the Ventura and Carlsbad offices may need to evaluate different aspects of the project, based on their differing geographic responsibility areas and species-level expertise. However, we believe that management of the Section 7 compliance process would be more efficient through a single point of contact with USFWS.

We greatly appreciate the time and assistance that we have been given by the USFWS and are looking forward to working with you to complete this endeavor.

Sincerely,



NANCY YANG
ENVIRONMENTAL REVIEW TEAM LEAD
LA-RICS ENGINEER

Attachment

c: Jeff Phillips, Deputy Assistant Field Supervisor (Ventura Office)
Pat Mallon, LA-RICS Executive Director



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
08EVEN00-2014-SL-0044

December 13, 2013

Nancy Yang, Engineer
2525 Corporate Place, Suite 200
Monterey Park, California 91754

Subject: Request for Species List for the Los Angeles Regional Interoperable Communications System Project in Southern California

Dear Ms. Yang:

We are responding to your request, dated November 5, 2013, and received in our office on November 8, 2013, for a list of federally endangered, threatened, proposed, and candidate species and their critical habitats which may occur in the vicinity of the Los Angeles Regional Interoperable Communications System Project (LA-RICS). The project involves the placement of public safety communications facilities and equipment at 232 locations, 230 of which are wholly in Los Angeles County, California. One site is located partially in San Bernardino County, between Claremont and Upland, and another is located in an urban portion of Orange County, in the city of La Habra.

We understand the National Telecommunications and Information Administration (NTIA) is the lead Federal agency for this project, and that it would assume responsibility under section 7 of the Endangered Species Act of 1973, as amended (Act). We further understand that LA-RICS is the non-federal representative for the NTIA for purposes of section 7 consultation under the Act.

The proposed project covers areas within the jurisdiction of both the Ventura Fish and Wildlife Office (VFWO) and Carlsbad Fish and Wildlife Office (CFWO). You requested that the U.S. Fish and Wildlife Service (Service) designate a single point of contact for purposes of section 7 consultation. In the future, please contact the VFWO regarding the proposed project.

The enclosed list includes species which have the potential to occur in the vicinity of the LA-RICS project, including sites within the jurisdiction of both the VFWO and CFWO. The enclosed list of species fulfills the requirements of the Service under section 7(c) of the Act. The NTIA, as the lead Federal agency for the project, has the responsibility to review its proposed activities and determine whether any listed species may be affected. If the project is a construction project which may require an environmental impact statement¹, NTIA has the responsibility to prepare a biological assessment to make a determination of the effects of the action on the listed species or critical habitat. If NTIA

¹ "Construction project" means any major Federal action which significantly affects the quality of the human environment designed primarily to result in the building of structures such as dams, buildings, roads, pipelines, and channels. This includes Federal actions such as permits, grants, licenses, or other forms of Federal authorizations or approval which may result in construction.

determines that a listed species or critical habitat may be affected, it should request, in writing through our office, consultation pursuant to section 7 of the Act. Informal consultation may be used to exchange information and resolve conflicts with respect to threatened or endangered species or their critical habitat prior to a written request for formal consultation, if required. During this review process, NTIA may engage in planning efforts but may not make any irreversible commitment of resources. Such a commitment could constitute a violation of section 7(d) of the Act.

Candidate species are those species presently under review by the Service for consideration for Federal listing. Candidate species should be considered in the planning process because they may become listed or proposed for listing prior to project completion. Preparation of a biological assessment, as described in section 7(c) of the Act, is not required for candidate species. If early evaluation of your project indicates that it is likely to affect a candidate species, you may wish to request technical assistance from this office.

In addition, communication towers may create a significant impact on migratory birds, especially some 350 species of night-migrating birds. Communications towers are estimated to kill 4 to 5 million birds per year, which violates the spirit and the intent of the Migratory Bird Treaty Act (16 U.S.C. 703-712)(MBTA) and the Code of Federal Regulations at Part 50, designed to implement the MBTA. The MBTA prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior.

Collisions with towers, antennae, or their guy wires are a threat to many bird species, particularly during migration. In order to assist you in your planning efforts for this project, we have included with this letter the Service's 2013 Revised Guidelines for Communication Tower Design, Siting, Construction, Operation, Retrofitting, and Decommissioning.

We recommend that you review information in the California Department of Fish and Game's Natural Diversity Data Base. You can contact the California Department of Fish and Game at (916) 324-3812 for information on other sensitive species that may occur in this area. If you have any questions, please call Colleen Draguesku of my staff at (805) 644-1766, extension 221.

Sincerely,



Jeff Phillips
Deputy Assistant Field Supervisor

Enclosures

cc:

Jonathan Snyder, Carlsbad Fish and Wildlife Office

Frank J. Monteferrante, National Telecommunications Information Administration

**LISTED AND CANDIDATE SPECIES THAT MAY OCCUR IN THE
VICINITY OF THE LA-RICS PROJECT, CALIFORNIA**

Birds

California condor	<i>Gymnogyps californianus</i>	E, CH
Coastal California gnatcatcher	<i>Polioptila californica</i>	T, CH
California least tern	<i>Sterna antillarum browni</i>	E
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E
Least Bell's vireo	<i>Vireo bellii pusillus</i>	E, CH
Western snowy plover	<i>Charadrius alexandrinus nivosus</i>	T, CH
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
Light-footed clapper rail	<i>Rallus longirostris levipes</i>	E

Reptiles

Desert tortoise	<i>Gopherus agassizii</i>	T, CH
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Amphibians

California red-legged frog	<i>Rana draytonii</i>	T, CH
Arroyo toad	<i>Anaxyrus californicus</i>	E, CH
Mountain yellow-legged frog	<i>Rana muscosa</i>	E, CH

Fish

Tidewater goby	<i>Eucyclogobius newberryi</i>	E, CH
Unarmored threespine stickleback	<i>Gasterosteus aculeatus williamsoni</i>	E
Santa Ana sucker	<i>Catostomus santaanae</i>	T, CH
Steelhead trout	<i>Oncorhynchus mykiss</i>	*E

Mammals

San Bernardino kangaroo rat	<i>Dipodomys merriami parvus</i>	E
Pacific pocket mouse	<i>Perognathus longimembris pacificus</i>	E

Invertebrates

Conservancy fairy shrimp	<i>Branchinecta conservatio</i>	E
Riverside fairy shrimp	<i>Streptocephalus woottoni</i>	E
San Diego fairy shrimp	<i>Branchinecta sandiegonensis</i>	E
El Segundo blue butterfly	<i>Euphilotes battoides allyni</i>	E
Palos Verdes blue butterfly	<i>Glaucopsyche lygdamus palosverdensis</i>	E, CH
Quino checkerspot butterfly	<i>Euphydryas editha quino</i>	E

Plants

Braunton's milk-vetch	<i>Astragalus brauntonii</i>	E, CH
California Orcutt grass	<i>Orcuttia californica</i>	E
Conejo dudleya	<i>Dudleya abramsii ssp. parva</i>	T
Lyon's pentachaeta	<i>Pentachaeta lyonii</i>	E, CH

Marcescent dudleya	<i>Dudleya cymosa</i> ssp. <i>marcescens</i>	T
Salt marsh bird's-beak	<i>Cordylanthus maritimus</i> ssp. <i>maritimus</i>	E
Nevin's barberry	<i>Berberis nevinii</i>	E
Santa Monica Mountains live-forever	<i>Dudleya cymosa</i> ssp. <i>ovatifolia</i>	T
San Fernando Valley spineflower	<i>Chorizanthe parryi</i> var. <i>fernandina</i>	C
Slender-horned spineflower	<i>Dodecahema leptoceras</i>	E
Spreading navarretia	<i>Navarretia fossalis</i>	T, CH
Verity's dudleya	<i>Dudleya verityi</i>	T
Marsh sandwort	<i>Arenaria paludicola</i>	E
Gambel's watercress	<i>Rorippa gambellii</i>	E
Ventura marsh milk vetch	<i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i>	E
Coastal dunes milk-vetch	<i>Astragalus tener</i> var. <i>titi</i>	E
Thread-leaved brodiaea	<i>Brodiaea filifolia</i>	T, CH
Brand's phacelia	<i>Phacelia stellaris</i>	C

Key:

E - Endangered T - Threatened CH - Critical habitat

C - Candidate species for which the Fish and Wildlife Service has on file sufficient information on the biological vulnerability and threats to support proposals to list as endangered or threatened.

* The National Marine Fisheries Service is the responsible agency for the steelhead.

2013 U.S. Fish and Wildlife Service (USFWS) Revised Guidelines for Communication Tower Design, Siting, Construction, Operation, Retrofitting, and Decommissioning -- Suggestions Based on Previous USFWS Recommendations to FCC Regarding WT Docket No. 03-187, FCC 06-164, Notice of Proposed Rulemaking, "Effects of Communication Towers on Migratory Birds," Docket No. 08-61, FCC's Antenna Structure Registration Program, and Service 2012 Wind Energy Guidelines

Submitted by:

Albert M. Manville, II, Ph.D., C.W.B.
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703/358-1963, albert_manville@fws.gov

Last updated: April 19, 2013

[Comm Tower 2013 Revised Guidance-to FCC-AMM.docx]

1. Collocation of the communications equipment on an existing communication tower or other structure (e.g., billboard, water and transmission tower, distribution pole, or building mount) is strongly recommended. Depending on tower load factors and communication needs, from 6 to 10 providers should collocate on an existing tower or structure provided that frequencies do not overlap/"bleed" or where frequency length or broadcast distance requires higher towers. New towers should be designed structurally and electronically to accommodate the applicant's antenna, and antennas of at least 2 additional users -- ideally 6 to 10 additional users, if possible - - unless the design would require the addition of lights and/or guy wires to an otherwise unlit and/or unguyed tower. This recommendation is intended to reduce the number of towers needed in the future.
2. If collocation is not feasible and a new tower or towers are to be constructed, it is strongly recommended that the new tower(s) should be not more than 199 feet above ground level (AGL), and that construction techniques should not require guy wires. Such towers should be unlighted if Federal Aviation Administration (FAA) regulations and lighting standards (FAA 2007, Patterson 2012, FAA 2013 lighting circular anticipated update) permit. Instead, we recommend using lattice tower or monopole structures. The Service considers this option the "gold standard" and suggests that this is the environmentally preferred industry standard for tower placement, construction and operation -- i.e., towers that are unlit, unguyed, monopole or lattice, and less than 200 ft AGL.
3. If constructing multiple towers, the cumulative impacts of all the towers to migratory birds -- especially to Birds of Conservation Concern (FWS 2008) and threatened and endangered species, as well as the impacts of each individual tower, should be considered during the development of a project.

4. The topography of the proposed tower site and surrounding habitat should be clearly noted, especially in regard to surrounding hills, mountains, mountain passes, ridge lines, rivers, lakes, wetlands, and other habitat types used by raptors, Birds of Conservation Concern, and state and federally listed species, and other birds of concern. Active raptor nests, especially those of Bald and Golden Eagles, should be noted, including known or suspected distances from proposed tower sites to nest locations. Nest site locations for Golden Eagles may vary between years, and unoccupied, inactive nests and nest sites may be re-occupied over multiple years. The Service's 2012 Draft Eagle Conservation Plan Guidance, Version 1 (Wind), available on our website, is a useful document (FWS 2011).

5. If at all possible, new towers should be sited within existing "antenna farms" (i.e., clusters of towers), in degraded areas (e.g., strip mines or other heavily industrialized areas), in commercial agricultural lands, in Superfund sites, or other areas where bird habitat is poor or marginal. Towers should not be sited in or near wetlands, other known bird concentration areas (e.g., state of federal refuges, staging areas, rookeries, and Important Bird Areas), in known migratory, daily movement flyways, areas of breeding concentration, in habitat of threatened or endangered species, or key habitats for Birds of Conservation Concern (FWS 2008). Disturbance can result in effects to bird populations which may cumulatively affect their survival. The Service has recommended some disturbance-free buffers, e.g., 0.5 mi around raptor nests during the nesting season, and 1-mi disturbance free buffers for Ferruginous Hawks and Bald Eagles during nesting season in Wyoming (FWS WY Ecological Services Field Office, referenced in Manville 2007:23). The effects of towers on "prairie grouse," "sage grouse," and grassland and shrub-steppe bird species should also be considered since tall structures have been shown to result in abandonment of nest site areas and leks, especially for "prairie grouse" (Manville 2004). The issue of buffers is currently under review, especially for Bald and Golden Eagles. Additionally, towers should not be sited in areas with a high incidence of fog, mist, and low cloud ceilings.

6. If taller (> 199 ft AGL) towers requiring lights for aviation safety must be constructed, the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA should be used. Unless otherwise required by the FAA, only white strobe or red strobe lights (red preferable), or red flashing incandescent lights should be used at night, and these should be the minimum number, minimum intensity (< 2,000 candela), and minimum number of flashes per minute (i.e., longest duration between flashes/"dark phase") allowable by the FAA. The use of solid (non-flashing) warning lights at night should be avoided (Patterson 2012, Gehring et al. 2009). Current research indicates that solid red lights attract night-migrating birds at a much higher rate than flashing lights (Gehring et al. 2009, Manville 2007, 2009). Recent research indicates that use of white strobe, red strobe, or red flashing lights alone provides significant reductions in bird fatalities (Patterson 2012, Gehring et al. 2009).

7. Tower designs using guy wires for support, which are proposed to be located in known raptor or waterbird concentrations areas, daily movement routes, major diurnal migratory bird movement routes, staging areas, or stopover sites, should have daytime visual markers or bird deterrent devices installed on the wires to prevent collisions by these diurnally moving species. The efficacy of bird deterrents on guy wires to alert night migrating species has yet to be scientifically validated. For guidance on markers, see Avian Power Line Interaction Committee

(APLIC). 2006. *Suggested Practices for Avian Protection on Power Lines -- State of the Art in 2006*. Edison Electric Institute, APLIC, and the California Energy Commission. Washington, DC, and Sacramento, CA. 207 pp. And APLIC. 2012. *Reducing Avian Collisions with Power Lines -- the State of the Art in 2012*. Edison Electric Institute and APLIC. Washington, DC. 159 pp. Also see www.aplic.org, www.energy.ca.gov, or call 202-508-5000.

8. Towers and appendant facilities should be designed, sited, and constructed so as to avoid or minimize habitat loss within and adjacent to the tower "footprint." However, a larger tower footprint is preferable to the use of guy wires in construction. Several shorter, un-guyed towers are preferable to one, tall guyed, lighted tower. Road access and fencing should be minimized to reduce or prevent habitat fragmentation, disturbance, and the creation of barriers, and to reduce above ground obstacles to birds in flight.

9. If, prior to tower design, siting and construction, if it has been determined that a significant number of breeding, feeding and roosting birds, especially of Birds of Conservation Concern (FWS 2008) and state or federally-listed bird species are known to habitually use the proposed tower construction area, relocation to an alternate site is highly recommended. If this is not an option, seasonal restrictions on construction are advised in order to avoid disturbance, site and nest abandonment, especially during breeding, rearing and other periods of high bird activity.

10. Security lighting for on-ground facilities, equipment and infrastructure should be motion- or heat-sensitive, down-shielded, and of a minimum intensity to reduce nighttime bird attraction and eliminate constant nighttime illumination, but still allow safe nighttime access to the site (FWS 2012, Manville 2011).

11. Representatives from the USFWS or researchers from the Research Subcommittee of the Communication Tower Working Group should be allowed access to the site to evaluate bird use; conduct dead-bird searches; place above ground net catchments below the towers (Manville 2002); and to perform studies using radar, Global Position System, infrared, thermal imagery, and acoustical monitoring, as necessary. This will allow for assessment and verification of bird movements, site use, avoidance, and mortality. The goal is to acquire information on the impacts of various tower types, sizes, configurations and lighting protocols.

12. Towers no longer in use, not re-licensed by the FCC for use, or determined to be obsolete should be removed from the site within 12 months of cessation of use, preferably sooner.

13. In order to obtain information on the usefulness of these guidelines in preventing bird strikes and better understanding impacts from habitat fragmentation, please advise USFWS and TPWD personnel of the final location and specifications of the proposed tower, and which measures recommended in these guidelines were implemented. If any of these recommended measures cannot be implemented, please explain why they are not feasible. This will further advise USFWS in identifying any recurring problems with the implementation of the guidelines, which may necessitate future modifications.

Reference Sources:

- Federal Aviation Administration,. 2007. Obstruction marking and lighting. Advisory Circular AC 70/7460-1K. U.S. Department of Transportation.
- Gehring, J., P. Kerlinger, and A.M. Manville, II. 2009. Communication towers, lights and birds: successful methods of reducing the frequency of avian collisions. *Ecological Applications* 19(2): 505-514. Ecological Society of America.
- Manville, A.M., II. 2002. Protocol for monitoring the impact of cellular telecommunication towers on migratory birds within the Coconino, Prescott, and Kaibab National Forests, Arizona. Protocol requested by U.S. Forest Service. 9 pp.
- Manville, A.M., II. 2004. Prairie grouse leks and wind turbines: U.S. Fish and Wildlife Service justification for a 5-mile buffer from leks; additional grassland songbird recommendations. Division of Migratory Bird Management, USFWS, Arlington, VA, peer-reviewed briefing paper. 17 pp.
- Manville, A.M., II. 2007. Comments of the U.S. Fish and Wildlife Service Submitted Electronically to the FCC on 47 CFR Parts 1 and 17, WT Docket No. 03-187, FCC 06-164, Notice of Proposed Rulemaking, "Effects of Communication Towers on Migratory Birds." February 2, 2007. 32 pp.
- Manville, A.M., II. 2009. Towers, turbines, power lines, and buildings -- steps being taken by the U.S. Fish and Wildlife Service to avoid or minimize take of migratory birds at these structures. Pages 262-272 *In* T.D. Rich, C. Arizmendi, D. Demarest, and C. Thompson (eds.). *Tundra to Tropics: Connecting Habitats and People*. Proceedings 4th International Partners in Flight Conference, McAllen, TX.
- Manville, A.M., II. 2011. Comments of the U.S. Fish and Wildlife Service's Division of Migratory Bird Management Filed Electronically on WT Docket No. 08-61 and WT Docket No. 03-187, Regarding the Environmental Effects of the Federal Communication's Antenna Structure Registration Program. January 14, 2011. 12 pp.
- Patterson, J.T., Jr. 2012. Evaluation of new obstruction lighting techniques to reduce avian fatalities. DOT/FAA/TC-TN12/9, Federal Aviation Administration, U.S. Department of Transportation. 28 pp, plus appendices.
- U.S. Fish and Wildlife Service. 2008. Birds of Conservation Concern 2008. United States Department of Interior, Fish and Wildlife Service, Division of Migratory Bird Management, Arlington, VA. 85 pp. <http://www.fws.gov/migratorybirds/>>
- U.S. Fish and Wildlife Service. 2011. Draft Eagle Conservation Plan Guidance. January 2011. 106 pp.
- U.S. Fish and Wildlife Service. 2012. U.S. Fish and Wildlife Service Land-based Wind Energy Guidelines. 71 pp

January 16-21, 2014 Email Correspondences between LA-RICS and USFWS on
List of Non-Urban Sites.

Robert Reicher

From: Nancy Yang <NYang@isd.lacounty.gov>
Sent: Tuesday, January 21, 2014 6:55 PM
To: Bob Reicher
Cc: Betsy Lindsay; Joe Thompson; Mina Rouhi; Michelle Tollett; Hoyt, James; Herrington, David; Anne Lynch; Lauren Dods; Nicole H. Gordon; Susy Orellana-Curtiss
Subject: RE: Meeting/Conference Call with USFWS on Jan. 23 - Confidential/Attorney-Client Privilege

Importance: High

Bob -

In regards to the discussion with USFWS on Thursday, Jan. 23, we would like to canvass the team and find out what would work best. If there is any plan to go over aerial map, our preference would be an in-person meeting with conference call line for those who needs to call in.

Please confirm who and how many from your team will be able to join the meeting in person so we can confirm with Colleen from the USFWS whether we should plan on a meeting or a conference call. According to Colleen, Jesse Bennet from the USFWS Carlsbad office, and Ray Vizgardias from a remote Ventura office, will be calling into the meeting.

Also, as per the email below, the USFWS has requested for a list of non-urban sites with lat/lon coordinates. Please let us know when a request list would be available. I understand Jim has also discussed this with you on Monday.

Thank you,

Nancy Yang
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754
Tel: (323)267-2922
Fax: (323)980-0683

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-----Original Message-----

From: Nancy Yang
Sent: Friday, January 17, 2014 9:59 PM
To: Bob Reicher
Cc: Betsy Lindsay; Joe Thompson; Mina Rouhi; Michelle Tollett; James Hoyt; David Herrington; Anne Lynch; Lauren Dods; Nicole H. Gordon; Susy Orellana-Curtiss
Subject: Meeting/Conference Call with USFWS on Jan. 23 - Confidential/Attorney-Client Privilege

Bob -

As per my email of Jan. 16, we have contacted and scheduled a meeting/conference call with Colleen Draguesku at USFWS, Ventura Office to discuss the LTE project's Action Area (i.e. one large area versus 232 smaller areas).

When Colleen returned Jim's call from yesterday regarding the meeting request, she mentioned that she had worked with the LA-RICS biologists two years ago, in person, and had developed a methodology then, and asked whether the sites has changed. She said that she would be happy to help us re-create this effort, and that she would prefer to focus on the non-urban sites. She will call in specialists for the ANF (from the Carlsbad office) and for the Mojave Desert (from the Ventura office) and has requested for a list of the non-urban LTE sites with the latitude/longitude coordinates for their use.

Can you please provide the requested site list by the end of Tuesday (Jan. 21) so we can forward it to USFWS in preparation of the meeting/conference call? Although the meeting invitation shows the Meeting Location as the USFWS Ventura Office, this would likely be a conference call. I will send any changes via updated meeting invitation next week.

Thank you,

Nancy Yang
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754
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Fax: (323)980-0683

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From: Nancy Yang
Sent: Thursday, January 16, 2014 4:04 PM
To: Bob Reicher
Cc: Betsy Lindsay; Joe Thompson; Mina Rouhi; Michelle Tollett; James Hoyt; David Herrington; Anne Lynch; Lauren Dods; Nicole H. Gordon; Susy Orellana-Curtiss
Subject: Re: Call This Afternoon?

Bob -

We would like to continue the call tomorrow at 8:30am. We are in the process of contacting Colleen for a conference call to discuss "action area" and will advise when it is scheduled.

Regardless of whether the USFWS call goes forward, we will continue our call this morning on the EA bio sections at 8:30am tomorrow if that works for your team. I will send the meeting invitation with conference call information tonight.

If we are able to arrange a call with Colleen at USFWS, Jim will coordinate with you directly as I am out of the office (in area with sparse cell coverage).

Thanks,

Nancy

Sent from my iPhone

On Jan 16, 2014, at 3:37 PM, "Bob Reicher" <rreicher@ultrasystems.com<mailto:rreicher@ultrasystems.com>> wrote:

Are we still going to have the continuation of this morning's call sometime this afternoon? I've tentatively lined up both Joe and Michelle, but we need to know what time it will be.

Thanks.

Robert Reicher | Project Manager
UltraSystems Environmental | WBE/DBE/SBE/WOSB
16431 Scientific Way | Irvine, CA 92618
Tel: 949/788.4900 Ext. 224 | Fax: 949/788-4901

Website: www.ultrasystems.com<<http://www.ultrasystems.com/>>
E-mail: rreicher@ultrasystems.com<<mailto:rreicher@ultrasystems.com>>

<image001.jpg>

P Please consider the environment before printing this e-mail. Thank you.

E-Mail Confidentiality Notice: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

Robert Reicher

From: Nancy Yang <NYang@isd.lacounty.gov>
Sent: Wednesday, January 22, 2014 1:24 PM
To: 'Draguesku, Colleen'
Cc: Hoyt, James; Lauren Dods; Anne Lynch; Robert Reicher ; Joe Thompson; Susy Orellana-Curtiss
Subject: RE: A Meeting/Conference Call on January 23 with the LA-RICS Environmental Team
Attachments: Bio_Analysis_Non-Urban Habitats_64_LTE sites.xlsx

Hi Colleen,

Thank you for the quick response and for accommodating. In lieu of a meeting, we would like to and are in the process of setting up a webex (or similar) conference bridge and advise the conference call information later today.

In the meantime, attached please find the list of non-urban sites for our discussion tomorrow morning.

Best regards,

Nancy Yang
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754
Tel: (323)267-2922
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From: Draguesku, Colleen [mailto:colleen_draguesku@fws.gov]
Sent: Tuesday, January 21, 2014 12:12 PM
To: Nancy Yang
Cc: James Hoyt
Subject: Re: A Meeting/Conference Call on January 23 with the LA-RICS Environmental Team

Hi Nancy,

A meeting or conference call would work for me. Sometimes it helps to meet in person to go over maps together, but I think we can manage the meeting over webex and conference call if that works better for your team. Either way, Jesse Bennet from our Carlsbad office, and Ray Vizgardias from a remote Ventura office, will be calling into the meeting.

Thanks,
Colleen

Robert Reicher

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Thanks,
Colleen

Colleen Draguesku
Fish and Wildlife Biologist
U.S. Fish & Wildlife Service
2493 Portola Road, Suite B
Ventura, California 93003
(805) 644-1766 x221
colleen_draguesku@fws.gov

On Fri, Jan 17, 2014 at 9:36 PM, Nancy Yang <NYang@isd.lacounty.gov> wrote:
Colleen,

Jim Hoyt from our office has contacted and discussed with you earlier today regarding a conference call/meeting to discuss consideration for the LA-RICS LTE project's action area and related methodology. I emailed a meeting invitation earlier and perhaps have mistakenly assumed that this would be an in-person meeting instead of a conference call.

I will send an updated meeting invitation revising the "meeting location" to "conference call" and include the conference call information if a call would work best for you. We are also putting together the non-urban site list (with latitude/longitude coordinates) that Jim and you have discussed and will email the list by the morning of Wednesday (January 22). Please let us know if you need it sooner. Thank you.

Best regards,

Nancy Yang
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754
Tel: (323)267-2922
Fax: (323)980-0683

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Site ID	Facility Name	Latitude (NAD83)	Longitude (NAD83)
BMT	Bald Mountain	34.74446706	-118.7277487
BRK	Blue Rock	34.70171401	-117.8243459
BUR	Burnt Peak	34.68223106	-118.5773488
CJP	Carlton J. Peterson Park	34.02945009	-117.7938079
CLM	Claremont Microwave Tower	34.11408007	-117.696736
CULV001	Culver City Communications Tower	34.01584612	-118.3831478
FCCF	FCCF-HQ	34.05238711	-118.1720189
GLNDL23	FS 23	34.17428909	-118.2002439
GLNDL24	FS 24	34.17344412	-118.228546
LACF053	FS 53	33.74469515	-118.3844879
LACF056	FS 56	33.75667015	-118.3540379
LACF061	FS 61	34.02089509	-117.8656879
LACF065	FS 65	34.13454913	-118.7535278
LACF068	FS 68	34.1518497	-118.6524751
LACF069	FS 69	34.08389513	-118.5998878
LACF071	FS 71	34.02009515	-118.7972878
LACF072	FS 72	34.07656814	-118.8809858
LACF073	FS 73	34.38729509	-118.5339878
LACF076	FS 76	34.43931109	-118.6105728
LACF077	FS 77	34.7593012	-118.7973892
LACF078	FS 78	34.67388805	-118.4309478
LACF079	FS 79	34.50248944	-117.8968796
LACF080	FS 80	34.4879454	-118.1421438
LACF081	FS 81	34.51907006	-118.2866738
LACF083	FS 83	33.74919515	-118.3249879
LACF088	FS 88	34.03349514	-118.6917878
LACF091	FS 91	33.99653762	-117.9885368
LACF092	FS 92	34.5288147	-117.9708698
LACF093	FS 93	34.57207004	-118.0288419
LACF099	FS 99	34.03979515	-118.8835878
LACF102	FS 102	34.12110617	-117.7381158
LACF106	FS 106	33.77219515	-118.3763879
LACF108	FS108	34.46893708	-118.5144878
LACF112	FS 112	34.75382204	-118.2881468
LACF114	FS 114	34.60699502	-117.8253879
LACF117	FS 117	34.69891203	-118.0778388
LACF123	FS 123	34.38487308	-118.4142568
LACF132	FS 132	34.43917108	-118.4169998
LACF140	FS 140	34.61731689	-118.2849222
LACF149	FS 149	34.49663908	-118.6159168
LACF157	FS 157	34.61788606	-118.4099738
LACF194	FS 194	33.90900661	-117.9770112
LACFCP02	CP 2	34.19760609	-118.1744549
LACFCP09	CP 9	34.35264709	-118.4113298
LACFCP14	CP 14	34.56564107	-118.4763588

LAFD049	FS 049	33.76605173	-118.2561966
LAFD097	FS 097	34.12632011	-118.3745878
LALG100	Hermosa HQ	33.86162574	-118.4018657
LALG300	Zuma Lifeguard HQ	34.0183649	-118.8260401
LALG-HQ	Lifeguard Division	33.98278313	-118.4712798
LASDCVS	Crescenta Valley	34.22089326	-118.2303076
LASDNCC	North County Correctional Facility	34.46621448	-118.5872961
LBFD006	FS 6	33.74987811	-118.1901048
LBFD021	FS 21	33.75092819	-118.1137479
LHS	Lost Hills/Malibu	34.13705623	-118.7144822
MTW	Mount Washington	34.1041731	-118.2149659
PASA001	Goodrich	34.15337628	-118.0875291
PHN	Puente Hills	33.9556561	-117.8947989
PLM	Palmdale	34.58653674	-118.1168045
SVP	San Vicente Peak	34.12866212	-118.5128488
TORFD04	FS 4	33.81345443	-118.3698766
VEFD003	FS 3	34.01186211	-118.2194039
WAL	Walnut/Diamond Bar	34.02860339	-117.8344129
WCFD004	FS 4	34.04312569	-117.911749

Robert Reicher

From: Hoyt, James <Jim.Hoyt@Jacobs.Com>
Sent: Friday, May 02, 2014 1:37 PM
To: alynch@sohagi.com
Cc: Nancy Yang (NYang@isd.lacounty.gov)
Subject: FW: USFWS call

Prior to the January 23 call, Nancy had provided USFWS with a list of non-urban sites. This was predicated by a call I'd had with Colleen on January 17.

I'll forward Nancy's email in a moment.

Regards,

Jim Hoyt | JACOBS | Environmental Program Manager | 760.954.8120 cell | jim.hoyt@jacobs.com | www.jacobs.com

From: Nancy Yang [NYang@isd.lacounty.gov]
Sent: Friday, January 17, 2014 8:25 PM
To: Hoyt, James
Cc: alynch@sohagi.com; Nicole H. Gordon; Dods, Lauren; Susy Orellana-Curtiss; Mohamad Younes; Funk, Skip
Subject: RE: USFWS call

Hi Jim,

Thank you for the detailed notes on the phone discussion with Colleen!

I presume the meeting on Thursday, Jan. 23 with USFWS is at their Ventura Office. Can you please confirm?

Also, we can (or can request USFWS) to set up a conference call line if David (Herrington) cannot participate in person. Please let me know if David plans to join the meeting/conference call on 1/23.

Regards,

Nancy Yang
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754
Tel: (323)267-2922
Fax: (323)980-0683

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From: Hoyt, James [Jim.Hoyt@Jacobs.Com]

Sent: Friday, January 17, 2014 2:18 PM

To: Nancy Yang

Cc: alynch@sohagi.com; Nicole H. Gordon; Alison L. Krumbein; Dods, Lauren; Susy Orellana-Curtiss; Mohamad Younes; Funk, Skip

Subject: USFWS call

Hi all;

Colleen Draguesku (USFWS - Ventura Field Office) returned my call from yesterday to discuss action areas. She was very familiar with the project and has worked on it for approximately 2 years. She noted that the species list provided to us was a county-wide list and based upon the request submitted by NTIA in August.

I noted that the project consisted of 232 sites, selected through a narrowing process, to eliminate sites that we believe had greater potential for environmental impact. I noted further that we had developed CMRs (explaining these as included in project design) that precluded any impacts to native vegetation. I noted that even though we weren't impacting vegetation, that part of our concern was potential for other types of impacts (noise, etc.) to listed species. She appeared pleased with our concern and the limitations on project impact. She said she would likely discuss additional BMPs for consideration in the project to limit potential impacts.

I mentioned we were having an internal debate as a project team regarding consideration of action area(s) for the project (one large one versus 232 smaller ones). She'd mentioned that she had worked with the LA-RICS biologists two years ago, in person, and had developed a methodology then, and asked whether the sites has changed. I told her they likely had to some extent. She said that she would be happy to help us re-create this effort, and that she would prefer to focus on the non-urban sites.

She's agreed to a meeting for Thursday, January 23 at 10 am (she mentioned this as preferred but had most of Thursday open), and will call in specialists for the ANF (from the Carlsbad office) and for the Mojave Desert (from the Ventura office). She's asked that we provide her a list of non-urban sites, including lat/lon coordinates, for their use. I told her she would be seeing a meeting invitation for Thursday later today.

ACTIONS: Send meeting invitation to all invitees today for 10am Thursday today; provide list of non-urban sites with lat/lon coordinates to USFWS for review prior to meeting

Please let me know if you have any questions or concerns.

Regards,

Jim Hoyt | JACOBS | Environmental Program Manager | 909.974.2713 work | 760.954.8120 cell | 909.974.2759 fax | jim.hoyt@jacobs.com <<mailto:jim.hoyt@jacobs.com>> | www.jacobs.com <<http://www.jacobs.com>>

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APPENDIX H-8 - USFWS EMAIL 1/17/14

AGENCY CORRESPONDENCE-USFWS

From: Hoyt, James <Jim.Hoyt@Jacobs.Com>

Sent: Fri 1/17/2014 2:19 PM

To: Nancy Yang NYang@isd.lacounty.gov

Cc: alynch@sohagi.com; Nicole H. Gordon <ngordon@sohagi.com>; Alison L. Krumbein <akrumbein@sohagi.com>; Dods, Lauren <Ldods@counsel.lacounty.gov>; Susy Orellana-Curtiss <Susy.Orellana-Curtiss@LA-RICS.ORG>; Mohamad Younes <myounes@citadelcpm.com>; Funk, Skip <Skip.Funk@jacobs.com>

Subject: USFWS call

Hi all;

Colleen Draguesku (USFWS - Ventura Field Office) returned my call from yesterday to discuss action areas. She was very familiar with the project and has worked on it for approximately 2 years. She noted that the species list provided to us was a county-wide list and based upon the request submitted by NTIA in August.

I noted that the project consisted of 232 sites, selected through a narrowing process, to eliminate sites that we believe had greater potential for environmental impact. I noted further that we had developed CMRs (explaining these as included in project design) that precluded any impacts to native vegetation. I noted that even though we weren't impacting vegetation, that part of our concern was potential for other types of impacts (noise, etc.) to listed species. She appeared pleased with our concern and the limitations on project impact. She said she would likely discuss additional BMPs for consideration in the project to limit potential impacts.

I mentioned we were having an internal debate as a project team regarding consideration of action area(s) for the project (one large one versus 232 smaller ones). She'd mentioned that she had worked with the LA-RICS biologists two years ago, in person, and had developed a methodology then, and asked whether the sites has changed. I told her they likely had to some extent. She said that she would be happy to help us re-create this effort, and that she would prefer to focus on the non-urban sites.

She's agreed to a meeting for Thursday, January 23 at 10 am (she mentioned this as preferred but had most of Thursday open), and will call in specialists for the ANF (from the Carlsbad office) and for the Mojave Desert (from the Ventura office). She's asked that we provide her a list of non-urban sites, including lat/lon coordinates, for their use. I told her she would be seeing a meeting invitation for Thursday later today.

ACTIONS: Send meeting invitation to all invitees today for 10am Thursday today; provide list of non-urban sites with lat/lon coordinates to USFWS for review prior to meeting

Please let me know if you have any questions or concerns.

Regards,

Jim Hoyt | JACOBS | Environmental Program Manager | 909.974.2713 work | 760.954.8120 cell | 909.974.2759 fax | jim.hoyt@jacobs.com | www.jacobs.com

From: Nancy Yang [mailto:NYang@isd.lacounty.gov]

Sent: Thursday, January 23, 2014 12:00 PM

To: Colleen Draguesku

Cc: Frank J. Monteferrante; Kurt Buchholz; Lauren Dods; Anne Lynch; James Hoyt; David Herrington; Robert Reicher ; Joe Thompson; Michelle Tollett

Subject: FW: Flow Chart and Additional Information

Hi Colleen,

Thank you for the very helpful and detailed notes/guidance and the flow chart.

We have standing conference calls with NTIA on the LTE project and will continue to consult and coordinate with the NTIA team as we move forward on the ESA Section 7 process.

Best regards,

Nancy Yang
LA-RICS Project Team
2525 Corporate Place, Suite 200
Monterey Park, CA 91754
Tel: (323)267-2922
Fax: (323)980-0683

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From: Draguesku, Colleen [mailto:colleen_draguesku@fws.gov]

Sent: Thursday, January 23, 2014 11:46 AM

To: Nancy Yang; James Hoyt
Subject: Flow Chart and Additional Information

Hi Nancy and Jim,

Attached is the section 7 consultation flowchart I mentioned on our call today. The upper section of the flow chart is the responsibility of the action agency, which in this case is the NTIA. As a non-federal representative of NTIA, LA-RICS can request a species list, prepare a biological assessment, and engage in informal consultation with the Service. The NTIA is ultimately responsible for the content of the biological assessment and for the findings of effect on federally-listed species and designated critical habitat. I'm happy to hear you have been working closely with Frank and his team at NTIA. Please ensure this coordination continues.

As you will see in the flowchart, the NTIA must determine if the project would affect federally listed species and/or critical habitat. It is the Service's responsibility to review the action agency's determination, and decide if we concur with their determination. Some additional notes:

-Where NTIA determines a project would have no effect on a federally listed species, they are not required to seek our concurrence with that determination. I recommend that the NTIA documents when a no-effect determination is made, even though the Service will not respond with a corresponding statement of concurrence. This is mainly for the record to transparently show that the NTIA reviewed all the potential species that may be affected by the project and how the species could be affected. This also gives the Service the option of voicing our concern if we feel the no-effect determination is inappropriate.

-As we discussed earlier, NTIA should be looking at each project site and analyzing the potential for listed species and critical habitat to be affected at each site. Because there are so many towers associated with this project, the organization of the effects determinations for each site will be important. For example, LA-RICS could consider describing each project site and the potential affects to listed species and critical habitat in the narrative of the BA. In addition, everything could be boiled down to a spreadsheet with multiple columns similar to the following: Site Name (or other identifier); Species and critical habitat which may be affected; Effect determination for each species and critical habitat (no affect, may affect but is not likely to adversely affect, or may affect and is likely to adversely affect); and Justification for each effect determination. The justification for the effect determination would likely be described in more detail in the narrative of the BA.

-If any tower site is likely to adversely affect any federally listed species or designated critical habitat, formal consultation should be requested.

-When a not likely to adversely affect determination is made, it is helpful to explain the rationale for that determination in the context of the effects being "insignificant, discountable, or beneficial" (as shown in the

flow chart). The definitions of these terms are found in the Endangered Species Consultation Handbook (Service 1998):

- Beneficial effects are contemporaneous positive effects without any adverse effects to the species;
- Insignificant effects relate to the size of the impact and should never reach the scale where take occurs; and
- Discountable effects are those extremely unlikely to occur.

Based on best judgement, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur.

Thanks,

Colleen

Colleen Draguesku
Fish and Wildlife Biologist
U.S. Fish & Wildlife Service
2493 Portola Road, Suite B
Ventura, California 93003
(805) 644-1766 x221
colleen_draguesku@fws.gov



UNITED STATES DEPARTMENT OF COMMERCE
**National Telecommunications and
Information Administration**
Washington, DC 20230

May 12, 2014

Ms. Colleen Draguesku
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, California 93003

Re: Los Angeles Regional Interoperable Communications System Joint Powers Authority (LA-RICS Authority)/Broadband Technology Opportunities Program (BTOP) Grantee; Request for Informal Consultation with the U.S. Fish and Wildlife Service (USFWS)

Dear Ms. Draguesku,

The National Telecommunications and Information Administration (NTIA), as the lead Federal agency, is submitting this request for informal consultation with the U.S. Fish and Wildlife Service (USFWS), as required under Section 7 (a) (2) of the Endangered Species Act as amended (ESA). NTIA is providing the enclosed Biological Assessment (BA) for the LA-RICS broadband project funded under the American Recovery and Reinvestment Act (ARRA).

The LA-RICS Authority is proposing to construct a county wide wireless broadband network using long-term evolution (LTE) technology to improve shared voice and data communication systems for public safety agencies throughout the greater Los Angeles area. The LTE system would be constructed on 231 existing public facilities sites across the Los Angeles region, of which 229 are wholly located in Los Angeles County, one is partially within both Los Angeles County and San Bernardino County, and one is wholly in Orange County. All project activities would occur at existing publicly-owned or administered safety facilities or communications sites, currently developed for use in emergency services and/or as communications structures.

Of the 231 LTE sites, up to 223 would receive a new monopole tower (ranging from 28 to 85 feet high); a broadband radio base station; network and backhaul equipment; antennas and cabling; and an emergency electrical generator. At six additional sites, antenna structures would be installed on existing buildings, along with outdoor equipment cabinets, cabling and backup generator. Most LTE sites would be connected wirelessly through interconnected microwave backhaul rings, with some through optical fiber (where microwave connectivity is infeasible), to network nodes or aggregation points. Where feasible, antennas would be installed on existing towers and existing infrastructure would be used. Currently two sites (site CLM and CULV001) include collocation of new LTE equipment on existing tower infrastructure.

In regard to species under jurisdiction of the USFWS, NTIA has concluded that the proposed project MAY AFFECT, BUT IS NOT LIKELY TO ADVERSELY AFFECT the Palos Verdes blue butterfly, arroyo toad, desert tortoise, California condor, coastal California gnatcatcher, least

Bell's vireo, southwestern willow flycatcher, and western snowy plover, or their designated critical habitat.

NTIA is requesting informal consultation as allowed by 50 CFR 402.13. With submittal of this BA, NTIA has provided USFWS with the best scientific and commercial data available concerning the impact of the proposed project on the listed species.

NTIA understands that informal consultation will be initiated by your receipt of this consultation request letter. As stipulated in ESA Section 7(b)(1)(A) and 50 CFR 402.14 (e), consultation will conclude within 90 days from that date. As this is an ARRA funded project, NTIA respectfully requests that you conduct your review of the material as rapidly as possible and render a decision as soon as practicable. NTIA respectfully requests a copy of the draft response for review if a non-concurrence decision will be made prior to USFWS finalizing the response.

NTIA is confident that the protection measures proposed for implementation will satisfy the requirements of the ESA. We look forward to talking with you soon and ensure we fully comply with all USFWS requirements.

The electronic file of the entire BA will be made available by LA-RICS on an FPT site. A CD, as well as a hardcopy of all LA-RICS BA files, will be express mailed to the USFWS Ventura office for delivery ASAP this week.

If you have any questions about this project, or need additional clarification, please contact Frank Monteferrante, DOC/NTIA NEPA Environmental Compliance Specialist, at 202-482-4208, or fmonteferrante@ntia.doc.gov

Sincerely,



Frank J. Monteferrante, PhD
Environmental Compliance Specialist
U.S. Department of Commerce
H.C. Hoover Bldg. Room 4826
1401 Constitution Avenue, NW
Washington, DC 20230

Attachment

cc: Nancy Yang, LA-RICS (NYang@isd.lacounty.gov)
Jeff Phillips (USFWS, Ventura Office, jeff_phillips@fws.gov)
Jonathan Snyder (USFWS, Carlsbad Office, jonathan_snyder@fws.gov)

APPENDIX H-8 - USFWS EMAIL 6/9/14

AGENCY CORRESPONDENCE-USFWS

From: Frank Monteferrante <FMonteferrante@ntia.doc.gov>
Sent: Mon 6/9/2014 10:37 AM
To: Draguesku, Colleen <colleen_draguesku@fws.gov>
Cc: Raymond Vizgirdas <raymond_vizgirdas@fws.gov>; Jesse_Bennett@fws.gov; Jeff Phillips <Jeff_Phillips@fws.gov>; Buchholz, Kurt [USA] <buchholz_kurt@bah.com>; Hite, Kathryn [USA] <hite_kathryn@bah.com>; Andrew Spurgeon <ASpurgeon@ntia.doc.gov>; Nancy Yang <NYang@isd.lacounty.gov>; 'Robert Reicher ' <rreicher@ultrasystems.com>; Jim Hoyt <Jim.Hoyt@jacobs.com>; Max Fainberg <MFainberg@ntia.doc.gov>
Subject: RE: Initial comments on the Biological Assessment for LA-RICS

Colleen:

Yes, that will be very helpful We will be drafting new CMR language this week which we will send to you for review and approval. Thanks.

Frank

Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and Information Administration
U.S. Department of Commerce
Washington, DC 20230
Tel 202.482.4208

From: Draguesku, Colleen [mailto:colleen_draguesku@fws.gov]
Sent: Monday, June 09, 2014 1:04 PM
To: Frank Monteferrante
Cc: Raymond Vizgirdas; jesse_bennett@fws.gov; Jeff Phillips; Buchholz, Kurt [USA]; Hite, Kathryn [USA] (hite_kathryn@bah.com); Andrew Spurgeon; Nancy Yang; 'Robert Reicher ' (rreicher@ultrasystems.com); Jim Hoyt; Max Fainberg
Subject: Re: Initial comments on the Biological Assessment for LA-RICS

Thank you, Frank. Please let me know if you need help with anything. We are happy to provide technical assistance during this informal consultation process.

Colleen

Colleen Draguesku
Fish and Wildlife Biologist
U.S. Fish & Wildlife Service
2493 Portola Road, Suite B
Ventura, California 93003
(805) 644-1766 x221
colleen_draguesku@fws.gov

On Mon, Jun 9, 2014 at 5:17 AM, Frank Monteferrante <FMonteferrante@ntia.doc.gov> wrote:

Colleen:

This is most likely an issue of the us simply misinterpreting the process for the capture and relocation of the Desert Tortoise and the arroyo toad (attached email). We missed this in our final review of the draft document. We will work to correct these issues, and let you know if we have any questions.

Thank you for the early comments,

Frank

Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and Information Administration
U.S. Department of Commerce
Washington, DC 20230
Tel 202.482.4208

From: Colleen Draguesku [mailto:colleen_draguesku@fws.gov]
Sent: Thursday, June 05, 2014 6:11 PM
To: Frank Monteferrante
Cc: Raymond Vizgirdas; [Jesse Bennett@fws.gov](mailto:Jesse.Bennett@fws.gov); Jeff Phillips
Subject: Initial comments on the Biological Assessment for LA-RICS

Dear Frank,

You recently asked if we found any issues with the Biological Assessment for the LA-RICS project that your team could be working to address. During our review so far, we have noticed the following issues:

- 1) Appendix H, Page 2: "MI" is written in the Effects Determination column for the least Bell's vireo at site LACF069. This determination was likely intended to be either "NE" or "NL". Please confirm the determination. (The table in this Appendix is excellent, by the way!)
- 2) BIO CMR 14 needs some revision. The measure discusses capture and relocation of the desert tortoise with the help of an authorized biologist. We consider capture to be a form of take. In this case, the NTIA is not seeking an exemption to the prohibitions against take through the issuance of a biological opinion. Therefore take, in the form of capture, would not be authorized for this project. In addition, we could not authorize a biologist to conduct the work as it pertains to this project without a biological opinion. Please see the attached notes describing this issue, and contact me with any questions. In summary, it's inappropriate for the NTIA to make a not likely to adversely affect determination while proposing to capture and relocate the desert tortoise. The language in BIO CMR 14 can be changed so that capture and relocation is not proposed. Please work with the applicant and let me know how you'd like to handle this issue.

Thank you,

Colleen

Colleen Draguesku

Fish and Wildlife Biologist
U.S. Fish & Wildlife Service
2493 Portola Road, Suite B
Ventura, California 93003
(805) 644-1766 x221
colleen_draguesku@fws.gov



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
08EVEN00-2014-I-0369

July 18, 2014

Frank J. Monteferrante, PhD
U.S. Department of Commerce
H.C. Hoover Bldg. Room 4826
1401 Constitution Avenue, NW
Washington, DC 20230

Subject: Los Angeles Regional Interoperable Communications System, Broadband
Technology Opportunities Program, Los Angeles County, California

Dear Dr. Monteferrante:

We are responding to your request, which we received on May 13, 2014, for our concurrence with your determination that the subject project may affect, but is not likely to adversely affect federally-listed species and their designated critical habitats. The Los Angeles Regional Interoperable Communications System (LA-RICS) Joint Powers Authority is proposing to construct a county-wide wireless broadband network using long-term evolution (LTE) technology to improve shared voice and data communication systems for public safety agencies throughout the greater Los Angeles County area. The LTE system would be constructed on 231 existing public facilities sites across the region, of which 229 facilities are located in Los Angeles County, 1 facility is partially within both Los Angeles County and San Bernardino County, and 1 facility is in Orange County. All project activities would occur at existing publicly-owned or administered safety facilities or communications sites, currently developed for use in emergency services or as communications structures.

You have determined that the subject project may affect, but is not likely to adversely affect the federally endangered Palos Verdes blue butterfly (*Glaucopsyche lygdamus palosverdesensis*), arroyo toad (*Anaxyrus californicus*), California condor (*Gymnogyps californianus*), least Bell's vireo (*Vireo bellii pusillus*), and southwestern willow flycatcher (*Empidonax traillii extimus*), and the federally threatened desert tortoise (*Gopherus agassizii*), coastal California gnatcatcher (*Poliophtila californica californica*), and western snowy plover (*Charadrius nivosus nivosus*), and their designated critical habitats.

The U.S. Department of Commerce, National Telecommunications Information Administration (NTIA) has awarded a Broadband Technology Opportunities Program grant to the LA-RICS Joint Powers Authority to support design and construction of the broadband network. The program is authorized under the 2009 American Recovery and Reinvestment Act (ARRA) (Public Law 111-5), and the Middle Class Tax Relief and Job Creation Act of 2012 (Public Law

112-96). The NTIA is acting as the lead federal agency for purposes of consultation. Your request and our response are made pursuant to section 7 of the Endangered Species Act of 1973, as amended (Act).

Proposed Project:

LA-RICS proposes to install LTE technology at 231 sites. The sites were selected to be appropriately spaced to provide radio coverage over the service area, and narrowed from a larger list to minimize impacts to biological and cultural resources, and for other technical concerns.

Of the 231 sites, up to 223 would receive a new monopole tower, a broadband radio base station (eNodeB), network and backhaul equipment, antennas and cabling, and an emergency electrical generator. Based on structural integrity and technical issues to be resolved during later design phases, several of the 223 sites could use existing towers for collocation of new LTE antenna and infrastructure, although the location of all collocation sites is not currently known.

The equipment and structures at each LTE site would be located on developed or disturbed property. Proposed LTE non-collocation site construction would include minor grading, removal of existing pavement to install system components, and ancillary disturbance such as minor roadway repair, electrical and networking interconnection and equipment access and staging needs.

Work areas would be contained within an LTE site and would not contain native vegetation or serve as habitat for federally-listed species. The work area on each site would be refined during the course of design, and ultimately approved by a project biologist prior to construction.

Up to 3,600 square feet (0.08 acre) of ground disturbance may occur at each project site. The individual LTE site boundaries represent the extent of the real property available for any given LTE non-collocation site. Disturbance would occur inside LTE site boundaries, and new monopoles would be located within 100 feet of existing infrastructure wherever feasible. Total ground disturbance for all 231 sites is expected to be less than 20 acres of disturbed areas, which would not contain native vegetation or serve as habitat for federally-listed species.

Vehicles, earth moving equipment, concrete trucks, cranes, a drill rig, and water tenders are among the equipment that would be required to implement the proposed project. Construction crews generally would work up to 10-hour days, up to 7 days per week during daylight hours where permitted by local jurisdictions. LA-RICS anticipates that site construction would be phased, but work at any individual site is expected to be completed within 30 days from start to completion. Overall construction activity at all sites is expected to occur within 1 year from inception. The contractor would restore all areas that are disturbed by project activities to near-preconstruction conditions following the completion of construction. No new disturbance would occur for storage of equipment or material at any site. Under the proposed project, access to each of the LTE sites would be provided via existing dirt or paved roads. No new road improvement or construction is anticipated.

Avoidance and Minimization measures:

A series of Construction Management Requirements (CMRs) were developed to reduce the potential for adverse effects to federally-listed species during construction and operation of the LTE system, and they are included in the project design for each site. The biological CMRs are enclosed with this letter and cover the following topics:

- Bio CMR 1. Pre-construction Survey for Nesting Birds.
- Bio CMR 4. Western Snowy Plover.
- Bio CMR 6. Construction Monitoring.
- Bio CMR 8. Open Trenches and Ditches.
- Bio CMR 9. Establish Habitat Protection Zones.
- Bio CMR 10. Protect Native Vegetation.
- Bio CMR 11. Limit the Spread of Invasive Plants.
- Bio CMR 12. Post-construction Noxious Weed Survey.
- Bio CMR 14. Desert Tortoise Preconstruction Surveys and Monitoring.
- Bio CMR 15. Avoidance Measures for Arroyo Toad.
- Bio CMR 17. Wetlands and other Waters.
- Bio CMR 18. Hazardous Substance Management.
- Bio CMR 19. Coastal California Gnatcatcher.

Among other requirements, the construction contractor would be required to hire biologists with appropriate expertise to perform pre-construction surveys, monitor construction activities, and supervise implementation of the biological CMRs. The biologists provided by the construction contractor would be approved by the LA-RICS Joint Powers Authority.

Palos Verdes blue butterfly

The Palos Verdes blue butterfly has the potential occur at project sites on the Palos Verdes Peninsula including LACF053, LACF056, LACF083, LACF106, and TORFD04; however, the species has not been recorded at these sites in the past. The closest recorded occurrences are at the Portuguese Canyon habitat area, which is currently thought to be extirpated and is located approximately 0.5 mile from site LACFD056. The Malgala Dune habitat area, located approximately 1 mile from the TORFD04, is also not currently known to be occupied (last detected in 2001).

Palos Verdes blue butterflies require suitable larval hostplants for oviposition and larval development. *Astragalus trichopodus lonchus* (coast locoweed) was once thought to be the exclusive larval hostplant; however, Palos Verdes blue butterfly larvae are now known to also feed on *Acmispon glaber* (deerweed). Both of these hostplants are naturally distributed within disturbed patches in coastal sage scrub communities on the Palos Verdes Peninsula. Adult Palos Verdes blue butterfly are thought to be relatively poor dispersers, and initial studies suggest that males are more likely to disperse among habitat patches than females.

LA-RICS has proposed to implement CMRs 6, 10, 11, and 12 to reduce the potential for adverse effects to the Palos Verdes blue butterfly. These measures include construction monitoring,

protection of native vegetation, limiting the spread of invasive plants, and post-construction noxious weed surveys.

We concur with your determination that the subject project may affect, but is not likely to adversely affect the Palos Verdes blue butterfly because native vegetation, which includes suitable habitat and the host plants for the subspecies, would be protected (i.e., the proposed project would not remove or damage suitable habitat for the Palos Verdes blue butterfly). In addition, LA-RICS would implement protections to reduce the potential for project-related invasion of non-native plant species; non-native plants compete with host plants for the Palos Verdes blue butterfly and are considered a threat to the species.

Arroyo toad

The arroyo toad has the potential occur near proposed project site LACF076, in city of Newhall. The site occurs on developed land between Castaic Creek and the Santa Clara River, which are located approximately 1,000 feet to the north and south of the project site. Critical habitat has been designated for the arroyo toad in Castaic Creek and the Santa Clara River; however, the project site does not occur within designated critical habitat. The project site is located immediately adjacent to California State Highway 126 and a gas station. The site consists entirely of developed land.

We have no records of arroyo toads occurring near the project site; however, suitable habitat occurs approximately 1,000 feet to the north and south of the site within the Santa Clara River and Castaic Creek, across a busy roads and a highway. Arroyo toads have the potential to pass through the project site during times of dispersal, but this is unlikely.

LA-RICS has proposed to implement BIO CMRs 6, 8, 9 and 15 to reduce the potential for adverse effects to the arroyo toad. These measures include construction monitoring, restrictions on open trenches and ditches, establishment of habitat protection zones, and specific avoidance measures for the species (e.g., training sessions for construction personnel, onsite biological monitors, and project fencing).

We concur with your determination that the subject project may affect, but is not likely to adversely affect the arroyo toad because suitable habitat does not occur onsite, the species is not known to occur in the immediate vicinity of the project, heavily used roads surround the site, and LA-RICS will implement the CMRs. We consider the potential for effects to the arroyo toad to be discountable.

Desert tortoise

The desert tortoise has the potential occur near proposed project site BRK, located approximately 15-miles east of the town of Lancaster. The project site does not occur within designated critical habitat. The project site is currently operated as a communication facility.

LA-RICS has proposed to implement BIO CMRs 6, 8, 9 and 14 to reduce the potential for adverse effects to the desert tortoise. These measures include construction monitoring,

restrictions on open trenches and ditches, establishment of habitat protection zones, and specific avoidance measures for the species. A qualified biologist would survey the project site 30 days prior to construction, and each day construction occurs. The biologist would be present through the duration of the construction activity. Exclusionary fencing meeting the specifications described in the Desert Tortoise Field Manual (U.S. Fish and Wildlife Service 2009) would be constructed under the supervision of a qualified biologist. Vehicles would observe a 5 miles an hour speed limit onsite. Trash would be contained and removed from the project site daily to discourage the presence of predatory corvid species. All on-site personnel would check for desert tortoises under any parked vehicle or equipment immediately prior to moving or operating the vehicle or equipment. In areas the qualified biologist determines there is a higher likelihood of encountering the desert tortoise, vehicles would be inspected more frequently, with particular attention to surveying for small desert tortoise individuals. In the unlikely event a desert tortoise is detected on the site after installation of exclusionary fencing and monitoring, the desert tortoise would be allowed to exit on its own by leaving an opening in the fence. All work would cease until the desert tortoise is offsite and the qualified biologist must be onsite to confirm the desert tortoise has retreated from the project site on its own prior to recommencement of construction.

We concur with your determination that the subject project may affect, but is not likely to adversely affect the desert tortoise because the project site is small enough for a qualified biologist to construct an effective exclusionary fence and to completely survey the property prior to construction. In addition, the protective measures proposed in the BIO CMRs, especially BIO CMR 14, will greatly reduce the potential for project-related effects; therefore, we consider potential effects to the desert tortoise to be discountable.

California condor

You determined that the California condor has the potential occur near proposed project sites BMT, BUR, BRK, LACFCP09, LACFCP14 and LACF077. Critical habitat for the California condor has not been designated onsite.

Project site BMT is within the current range of the California condor, and it occurs on a mountain peak near potentially suitable habitat for foraging and dispersal activities. Suitable breeding habitat is not known to occur within 5 miles of the project site. Site BMT is located near the community of Sandburg, approximately 8-miles southeast of Gorman. This site is within a major dispersal corridor for the species between frequently occupied habitats at Bitter Creek National Wildlife Refuge, Hopper Mountain National Wildlife Refuge, and the community of Bear Valley Springs. Project site BUR is located approximately 8-miles west of the town of Lake Hughes. This project site is located on a mountain peak which may contain suitable foraging and dispersal habitat. Located approximately 1.5-miles north of Sylmar, project site LACFCP09 is located on a ridgeline which may contain suitable foraging and dispersal habitat. California condors may forage and roost in the vicinity of project site LACFCP09. Project site LACFCP14 is located approximately 9-miles northeast of Castaic, in the bottom of a valley between two ridgelines on San Franscisquito Canyon Road near suitable foraging and dispersal habitat for the California condor. Located adjacent to the intersection of

Interstate Highway 5 and State Highway 138 in the town of Gorman, project site LACF077 occurs near suitable foraging and dispersal habitat for the California condor. Project site BRK is not within the current range of the California condor, and we believe the project would not affect the species.

The County of Los Angeles currently operates project site BMT as a communications facility. An approximately 100-foot tall lattice tower is present onsite. LA-RICS proposes to co-locate antennas onsite, or construct a new monopole tower approximately 70-feet tall. A new pad for the monopole would require approximately 162 square feet of ground disturbance, which would be limited only to areas that are disturbed, including those areas that are previously paved, graded, landscaped, or otherwise developed within the project site.

The U.S. Forest Service administers project site BUR; however, project site BUR is currently occupied by Los Angeles County communication facilities, including a communications outpost and several pieces of equipment and one-story buildings. An existing monopole tower, approximately 20-feet tall, is already onsite; however, LA-RICS proposes to construct a new monopole tower, up to 45-feet tall. Similar to site BMT, a new pad for the monopole would require approximately 162 square feet of ground disturbance, which would be limited to areas that are disturbed, including those areas that are previously paved, graded, landscaped, or otherwise developed within the project site.

The U.S. Forest Service administers project site LACFCP09; however, the site is currently occupied by the Los Angeles County Fire Department. Existing facilities include a fire station camp with single-story buildings, flag poles, antennas, and a tower equipped with microwave dishes. LA-RICS proposes to construct a new monopole tower up to 85-feet tall. A new pad for the monopole would require approximately 162 square feet of ground disturbance, which would be limited to areas that are disturbed, including those areas that are previously paved, graded, landscaped, or otherwise developed within the project site.

The Los Angeles Department of Water and Power administers site LACFCP14; however, the site is currently occupied by Los Angeles County Fire Department. Existing facilities include a fire station camp with buildings, flagpoles, a monopole communication tower and utility lines. The existing monopole tower is approximately 30-feet tall. LA-RICS proposes to construct a new monopole tower up to 85-feet tall. A new pad for the monopole would require approximately 162 square feet of ground disturbance, which would be limited to areas that are disturbed, including those areas that are previously paved, graded, landscaped, or otherwise developed within the project site.

The Los Angeles County Consolidated Fire District administers site LACF077 and it's operated by Los Angeles County Fire Department. Existing facilities include a fire station with multiple-story buildings, flagpoles, a hose tower and utility lines. LA-RICS proposes to construct a new monopole tower up to 85-feet tall. A new pad for the monopole would require approximately 162 square feet of ground disturbance, which would be limited to areas that are disturbed,

including those areas that are previously paved, graded, landscaped, or otherwise developed within the project site.

LA-RICS proposes to implement BIO CMRs 1 and 18 to reduce the potential for adverse effects to the California condor. These measures include construction monitoring and hazardous substance management.

We concur with your determination that the subject project may affect, but is not likely to adversely affect the California condor because installing new towers immediately adjacent to existing tower infrastructure is unlikely to alter the breeding, foraging or sheltering behaviors of California condors. The project would not remove, disturb, or destroy suitable habitat for the species because all construction would occur in areas that are previously paved, graded, landscaped or otherwise developed. Guyed support wires, which may entrap individuals, are not proposed. LA-RICS proposes to implement measures to protect the California condor, including measures that require best management practices be selected by the biological monitor to prevent California condors from ingesting trash or hazardous substances. We consider the potential effects to the California condor to be insignificant and discountable.

Coastal California gnatcatcher

The coastal California gnatcatcher has the potential occur near proposed project sites CLM, LACF056, LACF099, LACF194 and WCFD004. Project site CLM is located at the Claremont Police Department where the project would consist of collocating equipment with existing towers and infrastructure. Project sites LACF506, LACF099 and LACF194 are located at Los Angeles County Fire Department facilities in the cities of Rolling Hills, Malibu, and La Mirada, respectively. Project site WCFD004 is located in the city of West Covina, and is occupied by the West Covina Fire Department. All of the project sites occur in urban or residential areas, which are immediately adjacent to roads, utility lines, street lights, homes and other buildings.

Coastal California gnatcatchers are year-round residents of southern California, and have the potential to occur near project areas at any time. LA-RICS has proposed to implement BIO CMRs 1, 9, 10, and 19 to reduce the likelihood of potential adverse effects to the coastal California gnatcatcher. These measures include pre-construction surveys for nesting birds, establishment of habitat protection zones, protection of native vegetation, and specific activity restrictions for the coastal California gnatcatcher. BIO CMR 19 states that pre-construction surveys for the coastal California gnatcatcher would be conducted by a qualified biologist, noise would be restricted to no higher than 60 decibels if individuals are observed, and the onsite biologist would have the authority to halt work if individuals are observed and may be adversely affected.

Critical habitat for the coastal California gnatcatcher has been designated within the limits of project sites LACF053 and LACF056; however, the primary constituent elements (PCEs) are not present at site LACF053. Approximately 0.01 acre of designated critical habitat, which contains PCE 1 (i.e., coastal sage scrub vegetation), occurs at LACF056; however, that area of the property does not occur within 100 feet of existing buildings where construction is proposed, and

the area contains native vegetation which will not be removed per the protective measures proposed by LA-RICS. We understand that critical habitat containing PCEs at site LACF056 would not be disturbed as a result of the proposed project. Non-native grassland also occurs onsite, but it would be avoided by project activities as well.

We concur with your determination that the subject project may affect, but is not likely to adversely affect the coastal California gnatcatcher and its designated critical habitat because suitable habitat (i.e., native vegetation) would be protected during construction. Individuals could be indirectly affected by elevated noise levels and worker activity; however, LA-RICS would implement measures to reduce the potential for adverse effects (e.g., BIO CMR 19). While noise generated from project activities may be periodically audible, it would not be loud enough to interfere with the breeding, foraging or sheltering activities of this species. We consider the effects to the coastal California gnatcatcher and its designated critical habitat to be insignificant and discountable.

Least Bell's Vireo, Southwestern willow flycatcher

The least Bell's vireo and southwestern willow flycatcher have the potential occur near proposed project sites LACF069 and LACF076. Site LACF069 is located at the intersection of Topanga Canyon Road and Fernwood Pacific Drive, in the community of Topanga. Critical habitat for either species has not been designed within 5 miles of this project site, and the species have not been recorded in the vicinity. Project site LACF076 is located in city of Newhall. It occurs on developed land between Castaic Creek and the Santa Clara River, which are located approximately 1,000 feet to the north and south of the site. Critical habitat has been designated for the least Bell's vireo onsite, and critical habitat for the southwestern willow flycatcher occurs approximately 1,000 feet away in Castaic Creek and in the Santa Clara River. The project site is located immediately adjacent to California State Highway 126 and a gas station. The site consists entirely of developed land.

At site LACF069, potentially suitable habitat is located across a busy highway from the site and down a canyon; there is no suitable habitat onsite. During construction, elevated noise levels (i.e., above 60 decibels) are unlikely to reach suitable habitat areas. Noise generated from project activities may be periodically audible, but would not be loud enough to interfere with the breeding, foraging or sheltering activities of these species. In addition, we have no records of the least Bell's vireo or southwestern willow flycatcher near the project site. The closest occurrence of the least Bell's vireo is approximately 10 miles to the northeast at the Sepulveda Basin Recreation Area, and approximately 20 miles to the northwest for the southwestern willow flycatcher in the Santa Clara River.

At site LACF076, potentially suitable habitat is located across a busy highway from the site. While we have records of the least Bell's vireo and southwestern willow flycatcher nearby in the Santa Clara River and Castaic Creek, they do not occur onsite because there is no suitable habitat within 1,000 feet. Critical habitat for the least Bell's vireo is designated onsite; however the PCEs are not present. During construction, elevated noise levels (i.e., above 60 decibels) are unlikely to reach suitable habitat areas especially in consideration of the background noise levels

from Highway 126 and the nearby Interstate Highway 5. Noise generated from project activities may be periodically audible, but would not be loud enough to interfere with the breeding, foraging or sheltering activities of these subspecies.

Least Bell's vireo and southwestern willow flycatchers have the potential to pass through project site LACF076 and LACF069 during times of dispersal. LA-RICS has proposed to implement BIO CMRs 1, 6, 9, and 10 to reduce the potential for adverse effects to the least Bell's vireo and southwestern willow flycatcher. These measures include pre-construction surveys for nesting birds, construction monitoring, establishment of habitat protection zones, and protection of native vegetation.

We concur with your determination that the subject project may affect, but is not likely to adversely affect the southwestern willow flycatcher or least Bell's vireo, and its designated critical habitat, because suitable habitat is not present onsite, including PCEs, and the project would not remove, damage or destroy native vegetation. Furthermore, elevated noise levels from construction activities are unlikely to reach areas with suitable habitat. While critical habitat has been designated on project site LACF076, the PCEs are not present. We consider the potential effects to the southwestern willow flycatcher and least Bell's vireo, and its designated critical habitat, to be insignificant and discountable.

Western snowy plover

The western snowy plover has the potential occur near proposed project sites LALG-HQ, LALG100, and LALG300. Site LALG-HQ is located approximately 1,500-feet north of Venice Beach Fishing Pier, LALG100 is located at the base of the Hermosa Beach Pier, and LALG300 is located at Zuma Beach County Park, approximately 0.5-mile north of Zuma Canyon. The project sites are occupied by the Los Angeles County Fire Department as beach lifeguard facilities, consisting of parking lots, multiple-story buildings, and other infrastructure. The surrounding properties are dominated by commercial and residential uses, including roads, utility lines, and street lights. Project sites are located on completely developed urban land near coastal beaches.

The Pacific coast population of the western snowy plover breeds primarily above the high tide line on coastal beaches, sand spits, dune-backed beaches, sparsely-vegetated dunes, beaches at creek and river mouths, and salt pans at lagoons and estuaries. In winter, western snowy plovers are found on many of the beaches used for nesting as well as on beaches where they do not nest, in man-made salt ponds, and on estuarine sand and mud flats. Critical habitat for the western snowy plover is not designated on the project sites.

The project could result in elevated noise levels and disturbance to suitable habitat from work activities. LA-RICS proposes to implement BIO CMRs 1, 4, 6 and 9 to reduce the potential for adverse effects to the western snowy plover. These measures include pre-construction surveys for nesting birds, construction monitoring, restrictions on open trenches and ditches, establishment of habitat protection zones, and specific measures to protect the western snowy plover. The beaches are very popular and heavily used by the public year-round. The proposed


communication towers could provide a perch for predatory bird species potentially resulting in direct mortality of western snowy plovers, or indirectly affecting western snowy plovers by causing abandonment of suitable habitat. However, due to the distance of the project sites from western snowy plover habitat, and because there are existing structures, western snowy plovers are unlikely to be adversely affected by construction of communication towers on those sites. We concur with your determination that the subject project may affect, but is not likely to adversely affect the western snowy plover or its designated critical habitat because suitable habitat is not present onsite. Furthermore, indirect effects of construction, such as noise and worker activity, would be reduced by the BIO CMRs proposed by LA-RICS. The project sites are heavily utilized by the public, and the proposed construction is unlikely to substantially alter breeding, foraging or sheltering behaviors beyond current conditions. We consider the effects to the western snowy plover to be insignificant and discountable.

Conclusion

We concur with your determination that the subject project may affect, but is not likely to adversely affect the Palos Verdes blue butterfly, arroyo toad, California condor, least Bell's vireo, southwestern willow flycatcher, desert tortoise, coastal California gnatcatcher, and western snowy plover, and their designated critical habitats.

Further consultation, pursuant to section 7(a)(2) of the Act is not required. If the proposed action changes in any manner that may adversely affect a listed species or critical habitat, you must contact us immediately to determine whether additional consultation is required. If you have any questions concerning this letter, please contact Colleen Draguesku of my staff at (805) 644-1766, extension 221.

Sincerely,


Stephen P. Henry
Field Supervisor

Enclosure

cc:

Ken Corey, Palm Springs Fish and Wildlife Office
Scott Sobiech, Carlsbad Fish and Wildlife Office

Construction Management Requirements for the LA-RICS Long Term Evolution Project, California

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PREFACE

This appendix presents a series of Construction Management Requirements (CMRs) that have been developed to prevent adverse environmental impact associated with construction and operation of the Los Angeles Regional Interoperable Communication System's Long Term Evolution (LTE) project. The CMRs are part of the project, and incorporated in the construction contract. These CMRs minimize or avoid potential effects to biological resources, including federally protected species, during LTE construction activities. Among other requirements identified in this Biological Assessment, the construction contractor is required to provide biologists that have appropriate expertise to perform preconstruction surveys and monitor construction activities and supervise implementation of the biological CMRs. The biologists provided by the construction contractor would be approved by the Authority.

Analysis in this BA relies on the following CMRs:

- BIO CMR 1. Pre-construction Survey for Nesting Birds.
- BIO CMR 4. Western Snowy Plover (*Charadrius nivosus nivosus*).
- BIO CMR 6. Construction Monitoring.
- BIO CMR 8. Open Trenches and Ditches.
- BIO CMR 9. Establish Habitat Protection Zones.
- BIO CMR 10. Protect Native Vegetation.
- BIO CMR 11. Limit the Spread of Invasive Plants.
- BIO CMR 12. Post-construction Noxious Weed Survey.
- BIO CMR 14. Desert Tortoise (*Gopherus agassizii*) Preconstruction Surveys and Monitoring.
- BIO CMR 15. Avoidance Measures for Arroyo Toad (*Bufo microscaphus californicus*).
- BIO CMR 17. Wetlands and other Waters.
- BIO CMR 18. Hazardous Substance Management.
- BIO CMR 19. Coastal California Gnatcatcher (*Polioptila californica californica*).

A number of the BIO CMRs in this list (1, 4, 14, and 19) include language directing the Contractor to schedule construction outside of sensitive seasons to the extent feasible. However, each of these CMRs also includes protective measures (such as pre-construction surveys, work area buffers, and monitoring) that would be required in the event construction does occur during a sensitive season. Whether construction occurs outside of sensitive seasons or, alternatively, whether the Contractor is required to comply with the CMRs' protective measures, the effects determination would be the same. In the case of BIO CMR 14, the required protective measures are required if signs of desert tortoise are detected, regardless of when construction occurs. The protective measures for coastal California gnatcatcher in BIO CMR 19 are required whenever construction activities may affect breeding or non-breeding birds. These protective measures support the analysis and conclusions in the BA.

CONSTRUCTION MANAGEMENT REQUIREMENTS (CMRS)

BIO CMR 1: Pre-Construction Survey for Nesting Birds

To the extent feasible, the Contractor shall schedule construction activity on non-urban sites (as defined in the attached CMR matrix) outside of nesting bird season. If construction takes place during the bird nesting season (determined by CDFW to be February 15 to August 31 for non-raptors and February 1 to August 31 for raptors) a qualified avian biologist shall perform preconstruction surveys for bird nesting activity, within seven days before construction activity begins at a project site. If nesting birds are detected, the avian biologist shall determine appropriate, additional measures from those listed, below. These additional measures shall be implemented by the Contractor and may include any combination of the following:

1. If during the preconstruction survey, no breeding or nesting activities (e.g., territorial displays, courtship, the carrying of nesting material, nest construction, or brooding) are detected within 500 feet of the proposed work and staging areas, construction activities that do not involve the clearing or removal of vegetation may proceed.
2. If bird breeding/nesting activity is confirmed, work activities within 250 feet for non-raptors, 500 feet for non-state or federally listed raptors, 0.5 mile for listed raptors and fully protected species shall be delayed until the young birds have fledged and left the nest. A work area buffer zone around any active nests shall be demarcated, indicating where work may not occur. The buffer distances may be reduced if warranted for the continuation of work based on site characteristics such as topography, location or existing structures, and/or additional CMRs such as sound barriers and/or blinds that minimize disturbance to the nesting birds. Reductions of buffers for listed or sensitive species, raptors and fully protected nesting species shall be developed in cooperation with USFWS and/or CDFW, depending on the species. Project activities may resume in this area once the biological monitor has determined that the nest(s) is no longer active.
3. For sites with a high potential for nesting birds, due to a high prevalence of potentially suitable nest site, follow-up surveys for nesting birds will be performed weekly during the peak of the nesting season (March 1 – June 15).

BIO CMR 2: Golden Eagle (*Aquila chrysaetos*) and Bald Eagle (*Haliaeetus leucocephalus*)

Status of Golden Eagle: *California Department of Forestry and Fire Protection Sensitive, California Department of Fish and Wildlife Fully Protected, California Department of Fish and Wildlife Species of Special Concern, California Department of Fish and Wildlife Watch List.*

Status of Bald Eagle: *Federally Delisted, State Endangered, California Department of Forestry and Fire Protection Sensitive, California Department of Fish and Wildlife Fully Protected, U.S. Forest Service Sensitive, U.S. Fish and Wildlife Service Bird of Conservation Concern.*

Bald Eagle Nesting Season: January 1 – August 31 (CDFW 2013).

Golden Eagle Nesting Season: January 1 – September 30 (Digital Desert 2013).

To the extent feasible, the Contractor shall schedule construction activity on sites identified in the attached CMR matrix as of concern for bald and golden eagles outside of nesting season. An

approved avian biologist shall conduct preconstruction surveys for bald and golden eagle if work occurs during the nesting season(s). Nest surveys shall be conducted within a radius of 4,000 feet from the project footprint, within 7 days prior to the onset of construction. If nests of golden or bald eagles or nesting activity (e.g., territorial displays, courtship, the carrying of nesting material, nest construction, or brooding) are detected within 0.5 mile of the site, non-disturbance measures shall be developed in cooperation with the appropriate wildlife agency, as determined by the Project Biologist. Such measures may consist of blinds to shield construction activities from the nest or performing construction work outside of the golden or bald eagle nesting season.

BIO CMR 3: Burrowing Owl (*Athene cuniculria*)

Status: *California Species of Special Concern, Bureau of Land Management Sensitive, U.S. Fish and Wildlife Service Bird of Conservation Concern.*

Nesting Season: February 1 – August 31.

To the extent feasible, the Contractor shall schedule construction activity on sites identified in the attached CMR matrix as of concern for burrowing owl outside of burrowing owl nesting season.

Measures for detecting nesting and resident burrowing owls and preventing project related impacts were developed using the guidance presented in the Staff Report on Burrowing Owl Mitigation (CDFG 2012). An approved biologist shall perform preconstruction surveys for nesting and resident burrowing owls no more than 30 days prior to the onset of construction activities.

The 2012 CDFG Staff Report on Burrowing Owl Mitigation lists the following activities as examples of those that have the potential to take burrowing owls, their nests or eggs, or destroy or degrade burrowing owl habitat: grading, disking, cultivation, earthmoving, burrow blockage, heavy equipment compacting and crushing burrow tunnels, levee maintenance, flooding, burning and mowing (if burrows are impacted), and operating wind turbine collisions (collectively hereafter referred to as “projects” or “activities” whether carried out pursuant to CEQA or not). In addition, the following activities may have impacts to burrowing owl populations: eradication of host burrowers; change in vegetation degradation of nesting, foraging, over-wintering or other habitats; destruction of natural burrows and burrow surrogates;; and disturbance which may result in harassment of owls at occupied burrows.

Pre-construction Surveys

Pre-construction surveys for nesting burrowing owls shall take place in suitable habitats within 1,640 feet (500 meters) of the project footprint if the project takes place during the nesting season (Feb 1-August 31). Preconstruction surveys for resident burrowing owls shall take place within 500 feet (152 meters) if construction takes place outside of the breeding season (September 1 – January 31). Surveys for nesting or resident owls will be conducted within 7 days prior to the onset of construction.

Site Surveillance

Burrowing owls may attempt to colonize or re-colonize areas within the survey area; thus, ongoing surveillance will be conducted daily within the project footprint by the biological monitor, and weekly outside of the project footprint, within the 1,640 foot survey area during the nesting season, and 500 feet outside of the nesting season. The surveillance frequency/effort should be sufficient to

detect burrowing owls if they return. Subsequent to their new occupancy or return to the site, take avoidance measures shall ensure with a high degree of certainty that individual owls will not be [injured or killed]. The frequency of site surveillance and size of the survey area may be reduced if conditions so warrant, in cooperation with CDFW, USFWS, and or BLM, as appropriate. Circumstances that may warrant a reduction in surveillance frequency or reduction in size of the survey area include low quality of habitat for burrowing owls and site features that would substantially reduce the potential for burrowing owls to be affected by project related activities, such as terrain, buildings, or other visual and sound obstructions.

Avoidance

1. The project shall avoid disturbing occupied burrows during the nesting period (February 1 - August 31) and shall avoid impacting burrows occupied during the non-breeding season by migratory or non-migratory resident burrowing owls (September 1 – January 31).
2. The project may not fumigate, use treated bait or other means of poisoning nuisance animals in areas where burrowing owls are known or suspected to occur (e.g., sites observed with nesting owls, designated use areas).
3. An approved, avian biologist with experience and expertise in burrowing owl ecology and management shall develop a worker awareness program to increase the worker's recognition of and commitment to burrowing owl protection. The worker awareness program will consist of a short presentation at the worker safety tailboard meeting prior to the commencement of construction activities and will be provided to new workers as they are assigned to the project site.
4. If the preconstruction surveys described above detect burrowing owl during the nesting season (i.e., within 1,640 feet (500 meters) of the project footprint or, if surveys outside of the nesting season detect resident burrowing owls within 500 feet (152 meters), the location of the burrowing owl dens shall be mapped and the CDFW, USFWS, and or BLM, as appropriate shall be informed by the approved biologist of their location, as well as measures that are being taken in order to avoid impacts to the owls.
5. Outside of the breeding season, a biological monitor assigned to the site shall mark a non-disturbance buffer circle around the burrow using signage and flagging for the burrowing owl dens. The diameter of the buffer shall be determined on a case-by-case basis in cooperation with CDFW, USFWS, and or BLM, as appropriate, but shall typically range from 160 feet (50 meters) to 1,640 feet (500 meters) depending on the type and extent of the disturbance, duration and timing of the impact, visibility and sensitivity of the burrowing owls to the impact, and environmental factors such as nest site availability, predators, prey availability, burrowing mammal presence and abundance, and threats from other extrinsic factors such as human disturbance, urban interface, feral animals, invasive species, disease or pesticides.
6. During the breeding season, a biological monitor assigned to the site shall mark a non-disturbance buffer circle around the burrow using signage and flagging for the burrowing owl dens. The diameter of the buffer shall be determined on a case-by-case basis in cooperation with CDFW, USFWS, and or BLM, as appropriate, but shall typically range from 250 feet (76 meters) to 1,640 feet (500 meters) depending on the type and extent of the disturbance, duration and timing of the impact, visibility and sensitivity of the burrowing

owls to the impact, and environmental factors such as nest site availability, predators, prey availability, burrowing mammal presence and abundance, and threats from other extrinsic factors such as human disturbance, urban interface, feral animals, invasive species, disease or pesticides.

BIO CMR 4: Pre-Construction Surveys and Avoidance Measures for Western Snowy Plovers

To the extent feasible, the Contractor shall schedule construction activity on sites identified below and in the attached CMR matrix outside of western snowy plover nesting season.

One site (LALG100) is located within USFWS Designated Critical Habitat for the Western Snowy Plover (SNPL). Another site (LALG300) is located approximately 100 feet east of USFWS Designated Critical Habitat for the SNPL. Another site (LALG-HQ) is not located near USFWS Designated Critical Habitat for the SNPL, but is located on a public beach. These sites are all in locations where human visitation is intensive and nesting by the SNPL is unlikely. However, if work is scheduled to take place during the western snowy plover nesting season (February 15 – August 30), the following measures will be implemented:

1. Permitted biologist(s) shall perform a preconstruction survey for the western snowy plover within 500 feet of the project footprint. If SNPL are detected during preconstruction surveys and the permitted biologist confirms nesting activity (prolonged occupation of the site, courtship behavior, territorial displays, brooding), the following measures shall be implemented by the Contractor under the direction of permitted biologists and in cooperation with the USFWS. If SNPL are determined to be present within 500 feet of project footprint, background noise levels shall be measured. Construction noise levels will be measured and monitored to ensure that SNPL are not subjected to sound levels above 60 dBA Leq, or an increase above background if background noise levels are higher than 60 dBA Leq. If SNPL would be subject to such noise levels, the Contractor shall implement the following measures:
2. Sound barriers such as ¾-inch plywood or hay bales, limiting the time and duration of construction activity, modifying construction methods, and/or delaying construction until the end of the nesting season.
3. If after construction of sound barriers it is determined that construction work would nonetheless subject nesting SNPL to sound levels above 60 dBA Leq or background, if background levels are already higher than 60 dBA Leq, the work shall be completed outside of the nesting season (between September 1 and February 14).
4. All areas identified as potentially suitable SNPL habitat including USFWS Designated Critical Habitat shall be strictly avoided. These areas will have been marked by approved biologists, using highly visible means such as flagging and signage prior to the onset of construction activities
5. Construction or installation work at these sites during the nesting season shall be monitored at least weekly by a permitted biologist who will immediately implement measures for nesting SNPL should evidence of nesting activity activities be observed.
6. Any construction or installation work at these sites shall limit noise, dust, nighttime lighting, and human presence to the greatest extent possible.

7. Monthly monitoring letter reports of construction activities and their effects on biological resources shall be provided to the appropriate wildlife agency (USFWS/CDFW).

BIO CMR 5: Pre-Construction Surveys and Avoidance Measures for Bats

To the extent feasible, the Contractor shall schedule construction activity on sites identified in the attached CMR matrix as of concern roosting bats outside of bat roosting season.

Within 30 days prior to construction activities (including vegetation clearing and/or trimming), an approved biologist shall conduct a pre-construction survey for the presence of roosting bats within 500 feet of the project footprint.

Active Nursery Roosts:

1. If active nursery roosts are found (typically between April 15 and August 1) within 500 feet of the project footprint, a work exclusion buffer of 500 feet would be cordoned off by the approved biologist. No work may be conducted within the work exclusion buffer until an approved biologist, in consultation with the Project Biologist, has determined that the juvenile bats are able to forage independently.

Non-maternal Roosts:

1. If the approved biologist finds evidence of roosting bats within 500 feet of the project site, prior to initiation of construction, a biological monitor shall be designated to monitor construction activities and advise construction personnel of the procedures for protecting bats and their habitats during the project, so long as the bat roost is in use by bats. If, as a result of pre-construction surveys, exclusion zones around trees or buildings are established to protect roosting bats, the biological monitor shall advise the construction crews of those areas, the requirement to maintain work exclusion zones (#4) and shall enforce the maintenance of those zones.
2. The biological monitor shall provide at least one bat safety training for the entire crew and shall provide the training for construction workers who are new to the site, prior to their starting work. The biological monitor shall also provide onsite direction for addressing habitat- or species-specific issues.
3. Workers shall be instructed regarding health risks and to avoid direct contact with bats.
4. Because bats are nocturnal, work activities shall not be conducted within 100 feet of any structure or tree identified as bat roosts (where evidence of present roosting bats has been identified) between sunset and sunrise. Airspace access to and from any bat roost is to remain approximately the same. Bird-exclusion netting must not be used and access for bats shall not be blocked off. No clearing and grubbing shall occur within 100 feet of bat roosts. Night lighting for construction activities is not to be used within 100 feet of any bat roost. Internal combustion equipment, such as generators, pumps, and vehicles are not to be parked, nor operated, under or adjacent to any occupied roosts. Personnel are not to be within 100 feet of a bat roost between sunset and sunrise.
5. Under the supervision of the biological monitor, workers should cover unoccupied spaces that may later become bat roosts using material that will not trap birds or bats, such as plywood or tarps. Bird netting must not be used.

BIO CMR 6: Construction Monitoring

A biological monitor is required to be present whenever project related activities have the potential to impact sensitive or native species; and to verify applicable CMRs which avoid this potential are implemented. Note that the timing of construction activities may affect whether this CMR is required.

The biological monitor has the authority to halt, or limit, or adjust the timing or duration of work related activities at the site they are monitoring, or to suggest alternative methods, in order to fully and effectively implement CMRs. This authority applies to discrete work related activities up to and including all work activities at the site. However, the biological monitor is required to work with the construction crews to assist them in the completion of the project in a legal and timely manner while avoiding potential impacts to native flora, fauna, or habitats. Any unresolved disagreement between the Contractor and biological monitor shall be brought to the attention of the Project Biologist, who oversees and directs the work of all of the approved biologists, biological monitors, and permitted biologists, who will seek to resolve the problem and will also contact LA RICS if necessary.

The biological monitor shall conduct pre-construction meetings with equipment operators to address project specific biological constraints including the following:

1. Avoidance and protection measures for native vegetation removal.
2. Locations of habitat protection zones.
3. Avoidance and protection measures for known bird nests or other faunal resources.
4. Avoidance and protection measures for wetlands or other protected waters.
5. Work time restrictions.
6. Noise level restrictions.
7. Lighting restrictions.
8. Specific protection measures for fauna if they occur in the work area.
9. Contact information for approved and permitted biologists, and the Project Biologist (business cards, phone numbers, etc.).

The biological monitor shall be present at all times during ground disturbing activities such as grading or vegetation removal. In the event that state or federally listed wildlife species or species of special concern are detected within 500 feet of the project site, or CDFW Fully Protected Species are detected within 0.5 mile of the project site, project activities shall cease pending resolution of the potential for impacts, which would consist of measures listed under the headings for individual species mentioned in this document. Resolution may include notification of, and coordination with, the appropriate state or federal regulatory agencies.

The Project Biologist shall determine appropriate timing for and conduct sweeps of the project work areas to detect any small mammals, birds, or herpetological fauna that may have entered ditches, trenches, equipment, etc.

The biological monitor shall monitor and inspect the installation of exclusion fencing and construction activities that occur within close proximity to the identified project area.

Whenever he/she is on-site, the biological monitor shall complete Construction Monitoring Forms detailing that day's construction activities, whether activities were compliant with the aforementioned project design features, and any corrections and/or discussions made with site personnel. The biological monitor shall provide photo documentation for significant monitoring activities.

1. Following ground disturbing activities, the frequency and duration of monitoring shall be based on the nature of the work being performed and its potential effect on protected biological resources. Appropriate timing for frequency and duration of monitoring shall be determined by the Project Biologist, in consultation with the biological monitor. The Contractor shall designate appropriate personnel to maintain communications with the biological monitor and the Project Biologist. For sites where CMRs have been implemented for special status species, the biological monitor shall remain on-site for the installation of all physical CMRs and during periods when construction equipment is active on site.
2. For non-urban sites with the potential for non-listed small mammals, amphibians or reptiles to enter the site, the biological monitor shall ensure that physical CMRs are in good repair and are functioning as intended to prevent unlisted faunal species from entering work areas. For sites where CMRs have been implemented for non-special status species, the biological monitor shall remain on-site for the installation of all physical CMRs and at least for the first three days of construction in order to ensure the proper function of all CMRs and to make any necessary adjustments or repairs. However, if after several days there have been no incidences of non-listed species entering work areas, the Project Biologist may determine a reduction in monitoring is warranted. If a non-listed species is detected on site and a biological monitor is not present at the site, the Contractor's designee shall contact the Project Biologist, who shall immediately arrange for an approved biologist to go the site and determine appropriate handling or monitoring for the animal.

The biological monitor shall ensure that designated habitat protection zones and exclusion areas are conspicuously marked so as to indicate where no construction activities are permitted.

In the event that exclusion fencing is required, the biological monitor shall be responsible for monitoring and inspecting the fence on an appropriate schedule, and making minor repairs to the fence whenever necessary.

BIO CMR 7: Non-listed Amphibians, Reptiles, and Small Mammals

Non-listed amphibians, reptiles, and small mammals will be protected using the following measures:

1. A biological monitor, assigned to the project site will perform daily sweeps prior to construction activities to ensure that any non-listed amphibians, reptiles, and small mammals are not in the work area and will remove any that are detected. These animals will be moved to a location either on the site (but out of the work area), or immediately off-site, where they are not in any apparent danger from project related activities or non-project related threats such as pets, vehicular traffic, or predation.

2. Any amphibian, reptiles, and small mammal translocation will be conducted by the biological monitor. Workers will not be allowed to handle, harm, or kill any wildlife encountered on the project site.
3. Prior to the start of the first work day, the biological monitor shall train the crew on procedures for protecting non-listed amphibians, reptiles, and small mammals. New crew members will be trained immediately following morning tailboard safety meetings as they are assigned to the project site. The biological monitor will ensure that the project foreman or site superintendent has his/her and the Project Biologist's cell phone number.
4. Site specific CMRs shall be developed if necessary and feasible by the biological monitor and project foreman or site superintendent. Such CMRs may include barrier silt fencing in strategic areas to keep animals from entering work areas.
5. The frequency and duration of biological monitoring for amphibians, reptiles and small mammals may be reduced by the Project Biologist if after several days it has become apparent that the project does not pose a potential harm to these species.

BIO CMR 8: Open Trenches and Ditches

Small mammals, amphibians, and reptiles may enter open trenches and ditches. Large mammals may be injured by falls into these features, if the open ditches and trenches are left open when work sites are unattended. To avoid and minimize the amount of the open trenches, the following measures must be adhered to by the Contractor:

1. Do not leave trenches open overnight, or for extended periods when personnel will not be present at the site. Cover trenches if they cannot be filled at the close of the work day.
2. Keep trenching and back-filling crews close together at any given time.
3. If trenches cannot be back-filled immediately, escape ramps should be constructed at least every 90 meters. Escape ramps can be short lateral trenches sloping to the surface or wooden planks extending to the surface. The slope should be less than 45 degrees. Trenches that have been left open overnight should be inspected and animals removed prior to back-filling using methods consistent with project CMRs.
4. For non-listed species, biological monitors and/or qualified biologists may utilize active removal techniques as a complement to passive removal techniques (e.g., placement of barriers) to avoid unreasonable delays to construction. Active removal techniques include placing small mammals or herpetofaunal species in a bucket for relocation out of harm's way.
5. Any observation of listed species will be reported to the Project Biologist within 24 hours, who in turn will notify the USFWS and other regulatory agencies, as appropriate, within 48 hours of occurrence. All work will cease if a federally-listed species is detected onsite. Work will only resume after the qualified biologist confirms the animal is off-site and would not be adversely affected.
6. For listed species, biological monitors and/or qualified biologists may restrict access of listed small mammals or herpetofaunal species to the work area using non-harassment,

passive techniques, such as placing a barrier (e.g., boards) between the organism and the active excavation area.

BIO CMR 9: Establish Habitat Protection Zones

To avoid impacts to sensitive or native habitats outside of, but adjacent to the work area, the Contractor is required to implement the following measures:

1. Construction activities shall begin only after a biologist has established and clearly marked habitat protection zones using highly visible means such as signage, flagging, and temporary fencing where necessary, explained the significance of the habitat protection zones and explained the responsibilities of the Contractor in avoiding these areas, and approved the work area(s).
2. The Contractor shall ensure that all personnel and equipment stay out of the habitat protection zones, which shall have been clearly marked using signs, flagging, and/or temporary fencing.
3. A biological monitor shall be present during grading or any modification to vegetation (including non-native, previously-disturbed, ornamental, and landscaped vegetation) in order to ensure that non-approved work areas are not entered and that native vegetation is not removed, trimmed, or disturbed and no rare plants or host plants are accidentally damaged or destroyed.

BIO CMR 10: Protect Native Vegetation

Disturbance to native vegetation is not anticipated to occur on this project. An approved biologist shall ensure that native vegetation adjoining the project footprint has been clearly marked using highly visible means such as signage, flagging or fencing. Construction personnel shall not be allowed into habitats with native vegetation except under supervision by the biological monitor. No equipment may be staged within the native habitat areas and they shall not be used for storage. Additionally, the Contractor shall implement or comply with the following measures:

1. Do not remove and/or grade plants or topsoil where stands of native vegetation occur.
2. Erosion caused by construction activities upslope from native vegetation shall be minimized by means of weed-free straw wattling, silt fencing, or other barriers as necessary to prevent runoff into the native habitat.
3. Avoid project activities that unnecessarily disturb or compact the soil surface which could increase erosion, sediment transport, and make future native plant establishment more difficult.
4. Clearance of landscaped or non-native plants shall be conducted under the supervision of a qualified biological monitor, and consistent with the other requirements of these CMRs, to ensure that direct and indirect impacts to wildlife and their habitat are avoided.
5. Utilize existing access roads, pads, and previously developed or disturbed areas as much as feasible in order to avoid impacts to sensitive vegetation.

6. Disturbance of heavily infested non-native and ruderal vegetation areas should be avoided to reduce potential to spread invasive “weedy” species as determined by the California Invasive Plant Council 2011 and California Department of Food and Agriculture lists (containing federally listed-species). Any disturbance in these areas would require presence of a biological monitor.

BIO CMR 11: Limit the Spread of Invasive Plants

To minimize the spread and establishment of invasive plant species into the project area, all off-road heavy equipment used by the Contractor during project implementation should be free of noxious or exotic weeds and seeds before entering the project area. Vehicle washing, in compliance with site-specific guidelines shall be implemented for all ground disturbing activities. Site specific guidelines shall be identified and selected by the Project Biologist and may include some or all of the following measures:

1. Equipment used on the project shall be subject to inspection prior to transiting to or entering project sites to prevent introduction of weed species. Vehicles will be free of mud, dirt and seed when they arrive on site.
2. Provide a vehicle and equipment washing station away from the project site.
3. Use washing equipment at commercial car or truck washing facility.
4. Post-construction landscaping or revegetation shall not include the use of invasive, exotic plant species listed on the California Department of Food and Agriculture’s (CDFA) Noxious Weed List (CDFA, 2011) or in the California Invasive Plant Inventory (Cal-IPC 2006).

BIO CMR 12: Post-construction Noxious Weed Survey

Post-construction surveys for noxious weeds shall be conducted to determine the presence of invasive species. Surveys shall cover the project footprint and will take place during April – May, when the greatest proportion of noxious plant species are growing and identifiable, but have not set seed. Any populations of noxious weeds shall be immediately treated under the direction of a botanist.

BIO CMR 13: Mohave Ground Squirrel (*Xerospermophilus mohavensis*)

Status: *California Department of Fish and Wildlife Threatened*

To the extent feasible, the Contractor shall schedule construction activity on site BRK during the aestivation period for Mohave ground squirrel. Because multiple species (including Mohave ground squirrel, desert tortoise, and nesting birds) have potential to occur near this site, recommended timing for construction at this site is December and January.

As of July 5, 2013, habitat assessments for the Mohave ground squirrel have been completed for the PSBN project and no sites have been identified as having suitable habitat for the Mohave ground squirrel. However, as-per the CMR spreadsheet, suitable habitats for the Mohave ground squirrel have been identified within 500 feet of some sites. For these sites, the following measures shall be implemented by the Contractor in order to protect Mohave ground squirrels.

1. A temporary fence shall be constructed meeting CDFW specifications that would greatly reduce the potential for a Mohave ground squirrel from accidentally entering the site. The construction of this fence would be overseen by a biologist who is familiar with the CDFW specifications.
2. A biological monitor shall ensure that Mohave ground squirrels that make their way into the fenced enclosure do not remain there. The biological monitor shall be responsible for opening the fence and allowing the animal to leave on its own. However, if the animal needs to be handled, a biologist with the appropriate permits and permission from CDFW shall be contacted to remove and release it outside of the enclosure.
3. The biological monitor shall have the authority to stop work at the project site, and must stop work related activities that could potentially harm the animal until it has left the site. The biological monitor shall remain present for the duration of construction activities.
4. The Contractor shall designate appropriate personnel to maintain communications with the biological monitor and the Project Biologist. If the Contractor's designee determines that the removal of a Mohave ground squirrel is required and a biological monitor is not present at the site, he/she shall contact the Project Biologist, who shall immediately arrange, after consultation with CDFW and BLM, for an approved biologist to go the site and determine appropriate handling or monitoring for the animal.

BIO CMR 14: Desert Tortoise (*Gopherus agassizii*) Preconstruction Surveys and Monitoring

Status: *U.S. Fish and Wildlife Service Threatened, California Department of Fish and Wildlife Threatened.*

To the extent feasible, the Contractor shall schedule construction activity on site BRK during the aestivation period for desert tortoise. Because multiple species (including Mohave ground squirrel, desert tortoise, and nesting birds) have potential to occur near this site, recommended timing for construction at this site is December and January; however, federally-listed species could be encountered at any time of year.

The following avoidance measures shall apply to the Contractor:

1. A qualified biologist under contract to LA-RICS shall perform preconstruction surveys for the desert tortoise within 30 days prior to the implementation of the project, and day-of-construction sweeps of the site for the species.
2. Exclusionary fencing meeting the specifications described in the Desert Tortoise Field Manual (USFWS 2009) shall be constructed under the supervision of a qualified biologist who is familiar with the construction requirements. Exclusionary fencing shall be placed surrounding all project areas subject to vehicle and heavy equipment access, including access roads, work areas, and staging areas.
3. A qualified biologist shall be present through the duration of construction activity.
4. All vehicles shall observe a speed limit of 5 miles-per-hour in the project footprint and on non-public access roads.

5. All on-site personnel shall thoroughly check for desert tortoises under any parked vehicle or equipment immediately prior to moving or operating the vehicle or equipment. In areas the qualified biologist determines there is a high likelihood of encountering the desert tortoise, vehicles will be inspected more frequently, with particular attention to surveying for small desert tortoise individuals.
6. No persons on the site are authorized to “take” a desert tortoise. “Take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Attempts to approach or touch a desert tortoise are prohibited. During the pre-construction meeting as described in BIO CMR 6, the biological monitor shall describe the general biology of the desert tortoise and the project restrictions designed to avoid adverse effects to the species.
7. All measures described in BIO CMR 6 (*Constructing Monitoring*), BIO CMR 7 (*Non-listed Amphibians, Reptiles, and Small Mammals*), BIO CMR 8 (*Open Trenches and Ditches*), BIO CMR 9 (*Establish Habitat Protection Zones*), and BIO CMR 18 (*Hazardous Substance Management*) shall be adhered to by the Contractor.
8. In the event a desert tortoise is detected on the site after installation of exclusionary fencing, the animal shall be allowed to exit on its own by leaving an opening in the fence. All work shall cease until the animal is off-site. The qualified biologist must be onsite to confirm the animal has retreated from the project site on its own. Work may resume only after approval by the qualified biologist.
9. All trash shall be properly contained, removed from the work site, and disposed of on a daily basis.
10. The Contractor shall designate appropriate personnel to maintain communications with the biological monitor, qualified biologist, and the Project Biologist. Any observation of desert tortoise will be reported to the Project Biologist within 24 hours, who in turn will notify USFWS and other regulatory agencies, as appropriate, within 48 hours of occurrence.

BIO CMR 15: Avoidance Measures for Arroyo Toad (*Bufo microscaphus californicus*)

Status: *U.S. Fish and Wildlife Service Endangered, California Department of Fish and Wildlife Species of Special Concern*

To the extent feasible, the Contractor shall schedule construction activity on sites identified in the attached CMR matrix as of concern for arroyo toad during the aestivation period for the species. Aestivation generally occurs between August and January. Though not expected to occur on site (habitat does not occur within 500 feet of any PSBN site), one site (LACF076) is less than 1,000 feet from potential habitat. In the event that construction activities cannot occur during the aestivation period, the following measures shall apply. These conservation measures are consistent with the Recovery Plan for the Arroyo Southwestern Toad (USFWS 1999).

1. Prior to commencement of construction activities, a qualified biologist (knowledgeable of the ecology of arroyo toads and other local amphibians) shall conduct a training session for all construction personnel and the biological monitors. At minimum, the training shall

include: 1) a description of arroyo toad habitat; 2) avoidance measures being implemented for the arroyo toad; and 3) identification of the boundaries of permitted access and work areas.

2. A qualified biologist shall be present at the work site at all times until construction is completed.
3. The Contractor shall designate appropriate personnel to maintain communications with the biological monitor, qualified biologist, and the Project Biologist. Any observation of arroyo toad will be reported to the Project Biologist within 24 hours, who in turn will notify the USFWS and other regulatory agencies as appropriate, within 48 hours of occurrence.
4. No persons on the site are authorized to “take” an arroyo toad. “Take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Attempts to approach or touch an arroyo toad are prohibited.
5. In the event an arroyo toad is detected on the site, the animal shall be allowed to exit on its own by leaving an opening in the fence. All work shall cease until the animal has moved off-site. Work may resume only after approval by a qualified biologist.
6. Daily pre-construction sweeps of the construction area shall be conducted by a qualified biologist.
7. All trash shall be properly contained, removed from the work site, and disposed of on a daily basis.
8. All fueling and vehicle/equipment maintenance involving the transfer or replenishment of fluids shall be completed within existing paved areas or designated fueling areas designed to contain fuel drips farther than 100 feet from any watercourse. Prior to the onset of work, the Project Biologist under contract to LA-RICS shall ensure that the Contractor has prepared a plan to allow for a prompt and effective response to any accidental spills into the drainage. All workers shall be informed of the importance of preventing spills and the appropriate measures to take should a spill occur.
9. Maintenance of vehicles other than the transfer or replenishment of fluids and other equipment, and staging areas, shall be located offsite and more than 60 feet from any drainage connecting to the aquatic habitat.
10. Access routes, staging areas, temporary grading, and the extent of all construction-related activity shall be limited to the minimum necessary to complete the project. Routes and boundaries shall be clearly demarcated and located outside of the riparian corridor.
11. Entry shall not be permitted into any wetlands, streams, arroyos, ephemeral drainages, or riparian areas by workers or equipment. Any such habitats will be clearly marked to aid the construction crew, using signage, flagging, and/or temporary fencing.
12. A “drift fence” of silt fence material at least two feet high shall be installed wherever construction is taking place in the vicinity of suitable arroyo toad habitat. The fence shall be constructed by the Contractor and must be in place far enough ahead of the construction to effectively exclude toads from the workspace for a period of 24 hours prior to construction.

This fence shall exclude foraging arroyo toads from the work area and shall be cleared every morning by a qualified biologist before construction begins. The placement of the silt fencing and its construction shall be directly supervised by a qualified biologist.

13. Construction shall be limited to daylight hours.
14. Vehicle, truck, and equipment speeds shall be 15 miles/hour or below within all work areas and on non-public access roads that have been clearly marked with signage and/or flagging by qualified biologists. Speed limits may be further reduced at the discretion of the biological monitor or a qualified biologist.
15. The project construction shall avoid stream channels entirely. Stream channels will be clearly marked using signage, flagging, and/or temporary fencing.

BIO CMR 16: Monarch Butterfly (*Danaus plexippus*)

Status: *None*

Exhaust and low frequency vibrations, inherent to the operation of heavy equipment, as well as activities involved with the trimming/removal of trees on the project site, may disturb and/or dislodge roosting monarchs during the overwintering season (Oct 1 – Feb 28), should they be present. This would increase colony disturbance and butterfly mortality. The severity of this impact shall depend on the distance of roosting butterflies from the area where the equipment is being operated.

Preconstruction surveys for monarch butterflies will be performed by approved biologists concurrently with nesting bird surveys. If monarch butterfly overwintering colonies are found within 100 feet of the project footprint, avoidance measures will be developed in cooperation with CDFW.

Bio CMR 17: Wetlands and Other Waters

None of the sites in the PSBN Project contain potentially disturbed wetlands or waters within the work area or the PSBN site boundary. Soil disturbance, if any, at PSBN sites will be less than 0.1 acres. To avoid impacts to wetlands and other waters, BMPs shall be selected by the Project Biologist and implemented by the contractor to control sediment and pollutants in stormwater and non-stormwater runoff associated with construction. BMPs for sediment and pollutant control may include, but are not limited to, the following.

COMMON BEST MANAGEMENT PRACTICES FOR STORM WATER POLLUTION CONTROL

BMP (designation)	Description
Silt Fence (SE-1)	Woven geotextile attached to supporting poles to detain coarse sediment entrained in sheet flow.

BMP (designation)	Description
Sediment Basin (SE-2)	Temporary basin formed by excavation or by constructing an embankment so that sediment-laden runoff is temporarily detained under quiescent conditions, allowing sediment to settle out before the runoff is released.
Fiber Rolls (SE-5)	Straw, coir, or other materials bound into a tight tubular roll wrapped by netting placed at the face or toe of slopes along the contours to intercept runoff, reduce flow velocity, release runoff as sheet flow, and capture sediment.
Gravel Bag Berm (SE-6)	Series of gravel-filled bags placed along a contour to intercept runoff, reduce flow velocity, release runoff as sheet flow, and capture sediment.
Sandbag Barrier (SE-8)	Series of sand-filled bags placed along a contour to intercept runoff, reduce flow velocity, release runoff as sheet flow, and capture sediment.
Straw Bale Barrier (SE-9)	Straw bales placed along a contour, usually at the base of slopes, to intercept sheet flows, pond sheet-flow runoff, and allow sediment to settle.
Storm Drain Inlet Protection (SE-10)	Sediment filter or an impounding area in, around or upstream of a storm drain or other inlet that temporarily ponds runoff, and allows sediment to settle before runoff enters the storm drain or inlet.

Source: CASQA. 2012. Storm Water Best Management Practice Handbook Portal: Construction: California Storm Water Quality Association. July update. Portal available only by purchase at <https://www.casqa.org/>. Accessed January 2014.

Barrier materials used in BMPs shall be certified as weed-free.

Bio CMR 18: Hazardous Substance Management

Hazardous substances shall be managed in accordance with applicable federal and state regulations. BMPs shall be selected by the Project Biologist and implemented by the Contractor to prevent or reduce the discharge of hazardous substances to drainage systems or watercourses to avoid “take” or “harm” to special status species, and substantial adverse effect or adverse modification of habitat areas. BMPs to prevent or reduce the discharge of hazardous substances to drainage systems or watercourses may include, but are not limited to, the following.

COMMON BEST MANAGEMENT PRACTICES FOR HAZARDOUS SUBSTANCES

BMP (designation)	Description
Material Use (WM-2)	Prevent or reduce the discharge of pollutants to watercourses from material use by using non-hazardous products, minimizing hazardous material use onsite, and training employees and subcontractors.
Stockpile Management	Reduce or eliminate stormwater pollution from stockpiles of soil, soil amendments, sand, paving materials such as Portland cement concrete

BMP (designation)	Description
(WM-3)	(PCC) rubble, asphalt concrete (AC), asphalt concrete rubble, aggregate base, aggregate sub-base or pre-mixed aggregate, asphalt minder and pressure treated wood by covering the stockpiles with plastic covers that would withstand weather and sunlight for the anticipated duration of use.
Spill Prevention and Control (WM-4)	Prevent or reduce the discharge of pollutants to drainage systems or watercourses from leaks and spills by reducing the chance for spills, stopping the source of spills, containing and cleaning up spills, properly disposing of spill materials, and training employees.

Source: CASQA. 2012. Storm Water Best Management Practice Handbook Portal: Construction: California Storm Water Quality Association. July update. Portal available only by purchase at <https://www.casqa.org/>. Accessed January 2014.

BIO CMR 19: Coastal California Gnatcatcher (*Poliophtila californica californica*)

Status: Federal Threatened, *California Species of Special Concern*, *Migratory Bird Treaty Act*

Nesting Season: February 15 – August 30.

To the extent feasible, the Contractor shall schedule construction activity on sites identified in the attached CMR matrix as of concern for coastal California gnatcatcher outside of nesting season for the species.

When construction activities may affect breeding or non-breeding coastal California gnatcatchers, the following measures will apply:

- The following sites (CLM, LACF056, LACF099, LACF108, and LACF194) have potential for coastal California gnatcatcher (*Poliophtila californica californica*) within 500 feet of the project work area. Nesting or non-breeding coastal California gnatcatcher could be present. At these sites, a Permitted Biologist will survey for the coastal California gnatcatcher within 10 days prior to initiating construction activities. In the event species are detected, the results of the survey will be submitted to the USFWS for review and approval prior to initiating any construction activities within 500 feet of occupied habitat.
- If an active nest is located, a 500-foot no-construction buffer will be established around each nest site. No construction activities will take place within this buffer zone until the nest is no longer active. However, if construction must take place within the 500-foot buffer, a Biological Monitor will monitor noise at the edge of the occupied gnatcatcher habitat. If the noise meets or exceeds the 60 dB(A) Leq, or if the Biological Monitor determines that the activities in general are disturbing the nesting activities, the Biological Monitor will have the authority to halt construction activities and will contact the Project Biologist who will in turn contact LA RICS, who will contact the USFWS to devise methods to reduce the noise and/or disturbance in the vicinity. This may include methods such as, but not limited to, turning off vehicle engines and other equipment whenever possible to reduce noise, installing a protective noise barrier between the nesting gnatcatchers and the activities, and working in other areas until the young have fledged.

DEFINITIONS

Notes:

Biological monitors and qualified and permitted biological resources personnel shall be provided by the Contractor. The Contractor is responsible for submitting lists of biologists with appropriate qualifications to serve in these positions to LA-RICS. Submissions must provide sufficient time for LA RICS to review and approve the biologists to serve in these positions, and to coordinate with resources agencies if required. LA RICS will provide the Project Biologist and may use the services of the Project Biologist to review biologists' respective qualifications. LA-RICS will require all biologists to attend project-specific training regarding the nature of biological resources in the vicinity of the project sites.

Biological Monitor. A biologist whose duty is to monitor construction activities to ensure all CMRs are being implemented appropriately and completely.

PSBN Site. This is a publically-owned real property parcel, portion of a parcel, or combination of parcels used to define the outer bound of where work could occur at a given PSBN site. Each PSBN site has been pre-designated by LA-RICS, and each contains the work area and project footprint.

Permitted Biologist. A biologist permitted by the U.S. Fish and Wildlife Service or in possession of a valid permit or Memorandum of Agreement with the California Department of Fish and Wildlife, to conduct permit-specific activities that could affect special-status species.

Project Biologist. An LA-RICS resource, the biologist with ultimate responsibility for verification of compliance with applicable regulations, and compliance with CMRs. This individual coordinates the biological resource monitoring work and serves as primary conduit for communication regarding biological resources issues between monitors and specialty biologists, Contractor, regulatory agencies, and LA-RICS authority for the project.

Project Footprint. The actual area that is potentially disturbed during the process of construction. The project footprint is limited to a maximum of 3,600 square feet per site and bounds the actual area where construction and staging occurs.. It does not include private or public access roads when they are only used as a means of ingress and egress to and from the project site. Project site.

Qualified Biologist. A biologist maintaining specialized skills or experience to perform certain functions using these acquired skills. Biologists experienced with the Desert tortoise or Arroyo toad is considered to be within this definition. They are not allowed to capture or handle any listed species.

Special Status Species. Any species reviewed for this project regulated under FESA, BGEPA, MBTA, managed as Forest Service Sensitive or BLM Sensitive, regulated under CESA, NPPA, or regulated by the state of California as a Fully Protected Species.

Work Area. An area generally defined as that contained within a PSBN site that does not contain native vegetation or serve as habitat for special-status species. These areas will be determined by the Project Biologist during preconstruction surveys. Work area also represents the maximum area on a PSBN site where work could occur.

REFERENCES FOR BIOLOGICAL CMRS

- California Burrowing Owl Consortium 1993. *Burrowing Owl Survey Protocol and Mitigation Guidelines*. Website: <http://www.dfg.ca.gov/wildlife/nongame/docs/boconsortium.pdf>. Accessed: June 5, 2013.
- CDFW 2013. California Department of Fish and Wildlife. *Bald Eagles in California*. Website: http://www.dfg.ca.gov/wildlife/nongame/t_e_spp/bald_eagle/. Accessed May 14, 2013.
- Digital Desert 2013. *Golden Eagle; distribution, Abundance, and Seasonality*. Website: <http://digital-desert.com/wildlife/golden-eagle.html>. Accessed June 21, 2013.
- Halterman, M. D., M. J. Johnson, and J. A. Holmes. 2011. *A Natural History Summary and Survey Protocol for the Western Yellow-billed Cuckoo Population*. Draft May 2011.
- USFWS 2013. Desert Tortoise (Mohave Population) Field Manual, Chapter 8 Exclusion Fence. Website: http://www.fws.gov/ventura/species_information/protocols_guidelines/docs/dt/dt_field_manual/CHAPTER%208.pdf. Accessed June 5, 2013.
- USFWS 2001. *Least Bell's Vireo Survey Guidelines*. Website: http://www.fws.gov/ventura/species_information/protocols_guidelines/docs/lbv/leastbel lsvireo_survey-guidelines.pdf. Accessed June 5, 2013.
- USFWS 2000a. *Service Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers*. Website: http://www.fws.gov/habitatconservation/com_tow_guidelines.pdf. Accessed June 5, 2013.
- USGS 2012. *A Natural History Summary and Survey Protocol for the Southwestern Shallow Flycatcher*. Website: <http://pubs.usgs.gov/tm/tm2a10/>. Accessed June 5, 2013.
- USFWS 1997. *Coastal California Gnatcatcher (Poliophtila californica californica) Presence/Absence Survey Guidelines February 28, 1997*. Website: http://www.fws.gov/ventura/species_information/protocols_guidelines/docs/cagn/coastal-gnatcatcher_survey-guidelines.pdf. Accessed June 5, 2013.
2010. *A Natural History Summary and Survey Protocol for the Southwestern Shallow Flycatcher*. Website: <http://pubs.usgs.gov/tm/tm2a10/pdf/tm2a10.pdf>. Accessed June 5, 2013.
- Wikipedia 2013. *Golden Eagle*. Website: http://en.wikipedia.org/wiki/Golden_Eagle. Accessed May 14, 2013.

APPENDIX H-8

AGENCY CORRESPONDENCE-USFWS

From: Hite, Kathryn [USA]

Sent: Friday, July 18, 2014 6:41 PM

To: Draguesku, Colleen

Cc: Vizgirdas, Raymond; James Hoyt; Nancy Yang; 'Robert Reicher ' (rreicher@ultrasystems.com); Andrew Spurgeon; Buchholz, Kurt [USA]; Frank Monteferrante

Subject: Re: [External] Re: LARICS Draft EA - Forest Service Comments on the CA Condor / Change in Section 7 Determination

Colleen

Yes, that is correct.

Thank you

Katie

On Jul 18, 2014, at 4:35 PM, "Draguesku, Colleen" <colleen_draguesku@fws.gov> wrote:

Hi Kathryn,

Just to confirm, BIO CMRs 1 and 18 will also be implemented at sites LACFCP09, LACFCP14 and LACF077 to protect the California condor, correct?

Thank you,

Colleen

Colleen Draguesku
Fish and Wildlife Biologist
U.S. Fish & Wildlife Service
2493 Portola Road, Suite B
Ventura, California 93003
(805) 644-1766 x221
colleen_draguesku@fws.gov

On Fri, Jul 18, 2014 at 10:23 AM, Hite, Kathryn [USA] <hite_kathryn@bah.com> wrote:

Colleen

Yes, that is correct. Changes were made to sites LACFCP09, LACFCP14 and LACF077. The analysis had been previously conducted, but this information was somehow eliminated from the main BA and EA analysis.

Please let us know if you have any questions.

Thank you

Katie

From: Draguesku, Colleen [mailto:colleen_draguesku@fws.gov]

Sent: Friday, July 18, 2014 1:20 PM

To: Hite, Kathryn [USA]

Cc: Vizgirdas, Raymond; James Hoyt; Nancy Yang; 'Robert Reicher ' (rreicher@ultrasystems.com); Andrew Spurgeon; Buchholz, Kurt [USA]; Frank Monteferrante

Subject: [External] Re: LARICS Draft EA - Forest Service Comments on the CA Condor / Change in Section 7 Determination

Hi Kathryn,

It looks like you have changed your determination for two additional sites for the California condor-sites LACFCP14 and LACF077. Is this correct?

Thanks,

Colleen

Colleen Draguesku
Fish and Wildlife Biologist
U.S. Fish & Wildlife Service
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Ventura, California 93003
(805) 644-1766 x221
colleen_draguesku@fws.gov

On Fri, Jul 18, 2014 at 10:10 AM, Hite, Kathryn [USA] <hite_kathryn@bah.com> wrote:

With attachment

From: Hite, Kathryn [USA]

Sent: Friday, July 18, 2014 1:10 PM

To: Vizgirdas, Raymond; 'colleen_draguesku@fws.gov'

Cc: James Hoyt; Nancy Yang; 'Robert Reicher ' (rreicher@ultrasystems.com); Andrew Spurgeon; Buchholz, Kurt [USA]; 'Frank Monteferrante'

Subject: RE: LARICS Draft EA - Forest Service Comments on the CA Condor / Change in Section 7 Determination

Ray

Please see the attached revised BA text and tables, including the edits you discussed below.

Thank you

Katie

Booz | Allen | Hamilton

Katie Hite

Mobile: 703-728-4113 (M, W, F)

hite_kathryn@bah.com

From: Frank Monteferrante [<mailto:FMonteferrante@ntia.doc.gov>]
Sent: Wednesday, July 16, 2014 12:07 PM
To: Vizgirdas, Raymond
Cc: James Hoyt; Nancy Yang; 'Robert Reicher ' (rreicher@ultrasystems.com); Andrew Spurgeon; Buchholz, Kurt [USA]; Hite, Kathryn [USA]
Subject: [External] RE: LARICS Draft EA - Forest Service Comments on the CA Condor / Change in Section 7 Determination

Ray:

Thanks for catching these. We will make the changes, and re-submit.

Frank
Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and Information Administration
U.S. Department of Commerce
Washington, DC 20230
Tel 202.482.4208

From: Vizgirdas, Raymond [mailto:raymond_vizgirdas@fws.gov]
Sent: Wednesday, July 16, 2014 12:05 PM
To: Frank Monteferrante
Subject: Re: LARICS Draft EA - Forest Service Comments on the CA Condor / Change in Section 7 Determination

Good day all, just a few typos I caught. The Conejo dudleya is now its own species Dudleya parva. Also, look at the table where you discuss San Bernardino K-rat and Pacific pocket mouse - data appears to be flipped

thanks

ray

On Wed, Jul 16, 2014 at 8:35 AM, Frank Monteferrante <FMonteferrante@ntia.doc.gov> wrote:

Colleen:

Upon further analysis, and conversations with the U.S. Forest Service and LARICS, NTIA has decided to change the Section 7 determination in the Biological Assessment dated May12, 2014 for the listed California Condor from "no effect" to "may affect, but not likely to adversely affect" including site LACFCP09 . See attached revised BA tables and text. Please let me know if you need anything else.

Thank you for your assistance and cooperation.

Frank

Frank J. Monteferrante, Ph.D.
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National Telecommunications and Information Administration
U.S. Department of Commerce
Washington, DC 20230
Tel 202.482.4208

From: Draguesku, Colleen [mailto:colleen_draguesku@fws.gov]

Sent: Friday, July 11, 2014 6:07 PM

To: Frank Monteferrante

Cc: raymond_vizgirdas@fws.gov; Jeff Phillips; Jesse Bennett; Andrew Spurgeon; Nancy Yang; James Hoyt; 'Robert Reicher ' (rreicher@ultrasystems.com); Nicole H. Gordon (ngordon@sohagi.com); Susy Orellana-Curtiss; Buchholz, Kurt [USA]; Hite, Kathryn [USA] (hite_kathryn@bah.com)

Subject: Re: LARICS Draft EA - Forest Service Comments on the CA Condor

Hello Frank,

The BA originally stated project LACFCP09 would have "no effect" on federally-listed species. Our concurrence letter only addresses sites which the NTIA has determined the project may affect, but is not likely to adversely affect federally-listed species. In order to include site LACFCP09 in our response letter, I recommend that the NTIA revise its determination for the California condor.

You are welcome to request a revision to your determination via email to me. Please let me know as soon as possible.

Thank you,

Colleen

Colleen Draguesku
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colleen_draguesku@fws.gov

On Wed, Jul 9, 2014 at 12:12 PM, Frank Monteferrante <FMonteferrante@ntia.doc.gov> wrote:

Colleen:

The NFS has provided comments to NTIA concerning the draft EA (comments attached). Included in their comments are two that concern the California Condor in the Angeles NF. They are pasted below from the attached document. It appears that they are looking for the FWS to provide comments and / or concurrence. I want to be sure that the letter that you provide will include comments and recommendations for the California Condor, as you deem appropriate. We are trying to minimize the time required to satisfy and resolve this issue for all parties. Please let me know if you have any questions. I know that you are out of the office, so hopefully you can address this issue when you return next week.

Thank you for your patience and cooperation,

Frank

National Forest Service Comments Concerning the California Condor:

Table 3.5-2, California Condor – The occurrence potential for CA Condors at LACFCP09 should be at least moderate or perhaps high. The only known roost site on the ANF is at Contractor’s Point, less than a mile from LACFCP09. The alternate site being considered by the FS, Loop Canyon, is also within a mile of Contractor’s Point. If biological analysis and consultations with the U.S. Fish and Wildlife Service do not include Condor impacts at LACFCP09, the FS may have to conduct supplemental consultations and analysis resulting in delays in approval. Please review the data and contact FS for any questions.

Appendix E-4, Biological Assessment – The USFS believes that Table 5.1-1 should be re-evaluated for potential occurrence of the California Condor. Data that support a moderate potential for occurrence include USFWS flight tracking data, which shows a high density of flights over the area, and the presence within a half mile of the only known Condor roost site on the Angeles National Forest.

The USFS will adopt any avoidance and minimization measures for CA Condors where USFWS concurrence is obtained. We encourage NTIA and LA-RICS to consider the adoption of CA Condor specific protection measures, and also to analyze the long term risks to condors of collision with towers or any other hazards.

Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and Information Administration
U.S. Department of Commerce

Washington, DC 20230
Tel 202.482.4208

Ray Vizgirdas
U.S. Fish and Wildlife Service
Palm Springs Fish and Wildlife Office
Duty Station: Natural Resources Center, Boise, Idaho
(208)373-4020
Raymond_Vizgirdas@fws.gov

From: Frank Monteferrante <FMonteferrante@ntia.doc.gov>

Sent: Tue 6/24/2014 8:43 AM

To: Draguesku, Colleen colleen_draguesku@fws.gov

Cc: Andrew Spurgeon <ASpurgeon@ntia.doc.gov>; Buchholz, Kurt [USA] <buchholz_kurt@bah.com>; Hite, Kathryn [USA] <hite_kathryn@bah.com>; walker_julia@bah.com; Tomberlin, Joseph [USA] <tomberlin_joseph@bah.com>; Nancy Yang <NYang@isd.lacounty.gov>; 'Robert Reicher ' <rreicher@ultrasystems.com>; Hoyt, James <Jim.Hoyt@Jacobs.Com>; Susy Orellana-Curtiss <Susy.Orellana-Curtiss@LA-RICS.ORG>; Nicole H. Gordon <ngordon@sohagi.com>

Subject: RE: FW: Initial comments on the Biological Assessment for LA-RICS

Colleen:

Yes, LARICS and NTIA will incorporate all recommended changes and edits provided by the USFWS thus far into the BA and EA. Do you need to see a revised BA with those changes? If so we will get that to you ASAP. It may take a few days since I am not sure if that has been completed by the grant recipient.

NTIA is waiting to receive comments from the USFWS, Army Corps, BLM, FS and NPS by the end of the June. We are hoping to complete the EA and issue a FONSI sometime ASAP by mid-July. We will attach Special Award Conditions for any remaining compliance issues as they are required for federal agency compliance.

Please let me know if you have any questions. We do appreciate your continued cooperation.

Thanks.

Frank

Frank J. Monteferrante, Ph.D.
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From: Draguesku, Colleen [mailto:colleen_draguesku@fws.gov]
Sent: Tuesday, June 24, 2014 11:25 AM
To: Frank Monteferrante
Subject: Re: FW: Initial comments on the Biological Assessment for LA-RICS --- Revised Appendix H

Hi Frank,
Please let me know either way if your team will be able to accept our recommended changes. Once I hear back, and I can keep working on our response letter. I know you are under a tight deadline. When are you looking for the Service's response letter for informal consultation? Is there a specific date you have in mind? I'm coordinating this project through three offices, and it would really help to have a target deadline.
Thanks for your help,
Colleen

Colleen Draguesku
Fish and Wildlife Biologist
U.S. Fish & Wildlife Service
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colleen_draguesku@fws.gov

From: Draguesku, Colleen [mailto:colleen_draguesku@fws.gov]
Sent: Thursday, June 19, 2014 4:43 PM
To: Frank Monteferrante
Cc: Nancy Yang; Andrew Spurgeon; Buchholz, Kurt [USA]; Hite, Kathryn [USA] (hite_kathryn@bah.com); Jim Hoyt; 'Robert Reicher ' (rreicher@ultrasystems.com); Nicole H. Gordon (ngordon@sohagi.com); Susy Orellana-Curtiss; Carrie Walker (walker_julia@bah.com) (walker_julia@bah.com); Jesse Bennett; Raymond Vizgirdas; Jeff Phillips
Subject: Re: FW: Initial comments on the Biological Assessment for LA-RICS --- Revised Appendix H

Hello Frank,

We have reviewed the revised version of the BIO CMRs you sent this morning. See the attached file with our recommended edits. Please let me know if these changes will work for your team. If not, we are happy to work out any issues together.

Thanks,

Colleen

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colleen_draguesku@fws.gov

On Thu, Jun 19, 2014 at 9:17 AM, Frank Monteferrante <FMonteferrante@ntia.doc.gov> wrote:

Colleen:

Sorry, I did forget that issue. Please find a revised Appendix H including the correct effects determination for least Bell's vireo at the LACF069 site. LARICS has confirmed that the effects determination for least Bell's vireo at site LACF069 should have recorded as "NL" on page 2 of Appendix H.

Thanks.

Frank

Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and Information Administration
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Washington, DC 20230
Tel 202.482.4208

From: Draguesku, Colleen [mailto:colleen_draguesku@fws.gov]
Sent: Thu 6/19/2014 9:03 AM
To: Frank Monteferrante
Cc: Andrew Spurgeon <ASpurgeon@ntia.doc.gov>; Buchholz, Kurt [USA] <buchholz_kurt@bah.com>; Hite, Kathryn [USA] (hite_kathryn@bah.com); Carrie Walker (walker_julia@bah.com); Nancy Yang <NYang@isd.lacounty.gov>; Hoyt, James <Jim.Hoyt@Jacobs.Com>; 'Robert Reicher ' (rreicher@ultrasystems.com); Nicole H. Gordon (ngordon@sohagi.com); Susy Orellana-Curtiss <Susy.Orellana-Curtiss@la-rics.org>
Subject: Re: LA RICS Revised CMRs and Matrix

Hello Frank,

Thank you for revising the measures with LA-RICS. I will send the measures to my counter parts in Palm Springs and Carlsbad for review. If the measures look good, we should not have any additional comments.

In my original email requesting revisions, I noted the following:

Appendix H, Page 2: "MI" is written in the Effects Determination column for the least Bell's vireo at site LACF069. This determination was likely intended to be either "NE" or "NL". Please confirm the determination. (The table in this Appendix is excellent, by the way!)

If you can confirm the determination over email, that would be great. I don't need a full revision to the appendix.

Is there a specific date that you need our response letter? Because this project falls in the jurisdiction of three field offices, I need to plan ahead to ensure we have enough time for our internal review and signature process.

Thank you!

Colleen

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On Thu, Jun 19, 2014 at 6:14 AM, Frank Monteferrante <FMonteferrante@ntia.doc.gov> wrote:

Colleen:

Thank you for your great timing as I was planning to forward these documents to you first thing today. Attached are the revised CMRs that you commented on, as well as the CMR Matrix referred to in CMR 15. We (NTIA) worked together with the grantee (LARICS) to revise and edit the CMRs. Please let us know if you find the language acceptable. Can you provide us an estimate of when we will receive final comments from USFWS?

Your continued cooperation is greatly appreciated. Thanks.

Frank

Frank J. Monteferrante, Ph.D.
NEPA Compliance Specialist
National Telecommunications and Information Administration
U.S. Department of Commerce
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Tel 202.482.4208

From: Draguesku, Colleen [mailto:colleen_draguesku@fws.gov]
Sent: Wednesday, June 18, 2014 7:30 PM
To: Frank Monteferrante
Subject: LA RICS

Hi Frank,

How are things coming with the minimization measures for LA-RICS? I know the project is under a tight deadline, and I just wanted to check in.

Hope all is well,

Colleen

Colleen Draguesku

Fish and Wildlife Biologist
U.S. Fish & Wildlife Service
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colleen_draguesku@fws.gov

APPENDIX H-9

Programmatic Agreement Between the National Telecommunications and Information Administration and the California State Historic Preservation Officer, Regarding the Los Angeles Regional Interoperable Communications System Authority under the Broadband Technology Opportunities Program

**PROGRAMMATIC AGREEMENT BETWEEN
THE NATIONAL TELECOMMUNICATIONS AND INFORMATION
ADMINISTRATION AND THE CALIFORNIA STATE HISTORIC PRESERVATION
OFFICER,
REGARDING THE LOS ANGELES REGIONAL INTEROPERABLE
COMMUNICATIONS SYSTEM AUTHORITY UNDER THE BROADBAND
TECHNOLOGY OPPORTUNITIES PROGRAM**

This Programmatic Agreement (PA) is entered into by and between the National Telecommunications and Information Administration (NTIA), an operating bureau of the U.S. Department of Commerce, and the California State Historic Preservation Officer (SHPO). The NTIA and SHPO are individually referred to herein as a "Party" and are collectively referred to herein as the "Parties."

RECITALS

WHEREAS, Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and its implementing regulations at 36 C.F.R. Part 800, require Federal agencies to take into account the effects of their undertakings on historic properties and provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on those undertakings; and

WHEREAS, under the authority granted by Congress in the Communications Act of 1934, as amended (47 U.S.C. § 151 *et seq.*), the Federal Communications Commission (FCC) establishes rules and procedures for the licensing of non-federal government communications services and the registration of certain antenna structures ("Facilities") in the United States and its Possession and Territories; and

WHEREAS the *Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission* (September 2004) (available at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-04-222A3.pdf) ("2004 FCC NPA") is intended to streamline and tailor the Section 106 review process as it applies to Facilities; and

WHEREAS, the NTIA is authorized to provide financial assistance to develop broadband infrastructure under the Broadband Technology Opportunities Program (BTOP) pursuant to the American Recovery and Reinvestment Act (ARRA) (Pub. L. No. 111-5) (February 17, 2009); and

WHEREAS, NTIA issued to the Los Angeles Regional Interoperable Communications System Authority (LA-RICS) a financial assistance award under the BTOP (NTIA Award No. NT10BIX5570158) for the following purpose (collectively referred to hereinafter as the "Undertaking"):

The Proposed Action is construction and operation of a 700 MHz Long Term Evolution (LTE) wireless mobile communications system that will bring 4G broadband capabilities to public safety personnel, allowing for interoperability with local, state, and federal entities. It will provide faster and greater quantities of information on a dedicated basis to critical users.

WHEREAS, NTIA is the lead federal agency for the Undertaking for the purposes of complying with Section 106 of the NHPA and its implementing regulations, and NTIA shall be responsible for identifying historic properties within the Area of Potential Effects (APE) and determining if the Undertaking would cause adverse effects to historic properties so identified; and

WHEREAS, the Area of Potential Effects (APE) coincides with the LTE site boundary for each proposed facility as depicted in the FCC 620/621 Forms required by the FCC and submitted for consultation under Section 106. Pursuant to the 2004 FCC NPA § VI.C.4.a, the APE for visual effects will encompass an area within half-mile radius of the proposed facility site; and

WHEREAS, under the terms of the *Nationwide Programmatic Agreement Among the U.S. Department of Agriculture Rural Utilities Service, National Telecommunications and Information Administration, National Conference of State Historic Preservation Officers, and the Advisory Council on Historic Preservation for the Broadband Technology Opportunities Program and the Broadband Initiatives Program* (“2009 Nationwide PA”) executed on November 25, 2009 (available at: http://www.achp.gov/docs/PA_Nationwide_RUS.pdf), NTIA conducts reviews under 36 C.F.R. §§ 800.3 through 800.7 for BTOP projects post-award and encourages applicants to design their projects to avoid historic properties; and

WHEREAS, under a delegation letter issued on August 11, 2009 by NTIA, BTOP recipients are authorized to gather information to identify and evaluate historic properties and to work with consulting parties to assess effects; and

WHEREAS, Native American Consultation will follow the process laid out in Stipulation IV of the 2004 FCC NPA. Consultation was initiated through the Tribal Consultation Notification System; and

WHEREAS, NTIA is committed to meeting its responsibilities under the NHPA and its implementing regulations within the timeframes required by the ARRA program; and

WHEREAS, LA-RICS is using the process and format for identifying historic properties and determining adverse effects to historic properties detailed in the Program Comment (Attachment A) issued under 36 C.F.R. § 800.14(e) by the ACHP (74 Fed. Reg. 60280). The Program Comment sets forth the manner in which the U.S. Department of Agriculture Rural Utilities Service and NTIA will comply with Section 106 of the NHPA for communications facilities construction or modification that is subject to Section 106 review by the FCC; and

WHEREAS, NTIA is phasing identification and evaluation of historic properties, and application of the criteria of adverse effect in accordance with 36 C.F.R. § 800.4(b)(2) and 36 C.F.R. § 800.5(a)(3), respectively; and

WHEREAS, a phased process for compliance with Section 106 is appropriate because the Undertaking is composed of the construction and placement of more than 200 individual towers and antennae within Los Angeles, San Bernardino and Orange Counties, and under the terms and conditions of the NTIA Award construction of the Undertaking must be completed no later than September 30, 2015 or LA-RICS's funding under the award may be adversely impacted; and

WHEREAS, LA-RICS is in the process of preparing the Submission Packets, as defined in Section II.A.(13) of the 2004 FCC NPA, that document the identification, evaluation and assessment of effects to historic properties pursuant to Section VII of the 2004 FCC NPA; and

WHEREAS, NTIA has identified measures in this Programmatic Agreement (PA) to address the phased identification, evaluation and determinations of effect for individual project sites; and

WHEREAS, in accordance 36 CFR § 800.6(a)(1), on September 19, 2014 NTIA invited the Advisory Council on Historic Preservation (ACHP) to participate in consultation; and

WHEREAS, the ACHP, on September 30, 2014, declined to participate in the consultation; and

NOW, THEREFORE, NTIA and the SHPO agree that the Undertaking shall be implemented in accordance with the following Stipulations in order to comply with Section 106 of the NHPA and take into account the effects of the Undertaking on historic properties.

STIPULATIONS

NTIA in coordination and consultation with the SHPO will ensure that the following measures are implemented:

I. DEFINITIONS

- A. The definitions provided in Section II.A. of the 2004 FCC NPA are applicable throughout this Agreement. All other terms not defined or defined elsewhere in the 2004 FCC NPA shall have the same meaning as set forth in at 36 CFR § 800.16.
- B. For the calculation of time periods under this Agreement, "days" mean "calendar days."

II. PROFESSIONAL QUALIFICATIONS

NTIA shall ensure that all actions carried out pursuant to this Agreement are completed by or under the direct supervision of a person or persons, meeting at a minimum the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-44739, September 29, 1983) in the appropriate disciplines. Nothing in this Stipulation may be interpreted to preclude any agent or contractor thereof from using the properly supervised services of persons who do not meet the Standards.

III. IDENTIFICATION, EVALUATION, AND ASSESSMENT OF EFFECTS

A. The Area of Potential Effects.

1. The APE will follow the definition pursuant to Section II.A.3 and Section VI.C. of the 2004 FCC NPA;
2. As discussed in the recitals above, the APE coincides with the LTE site boundary for each proposed facility as depicted in the FCC 620/621 Forms required by the FCC and submitted for consultation under Section 106. Pursuant to the 2004 FCC NPA § VI.C.4.a, the APE for visual effects will encompass an area within a one-half-mile radius of each proposed facility site.

B. Native American Consultation

1. NTIA, SHPO, and ACHP recognize the unique knowledge and expertise Indian tribes may possess regarding their ancestral lands and will consider that knowledge in making determinations and findings.
2. Native American Consultation will follow the process laid out in Stipulation IV of the 2004 FCC NPA.
3. NTIA shall retain responsibility for government-to-government consultation with Indian tribes and shall conduct 36 CFR Part 800 consultation in a sensitive manner respectful of tribal sovereignty.
4. In accordance with 36 CFR § 800.2(c)(2)(ii)(E), NTIA and LA-RICS may enter into agreements with Indian tribes that specify how they will carry out their responsibilities with regard to tribal participation in 36 CFR Part 800 review.
5. LA-RICS has the responsibility to ensure that consultation continues with Indian tribes throughout the 36 CFR Part 800 process prescribed by this Agreement whenever such Indian tribes express a concern about an undertaking or about historic properties that may be affected by an undertaking.
6. Nothing shall limit the ability of Indian tribes to consult directly with parties to this Agreement when they have a concern about an undertaking or about historic properties that may be affected by an undertaking, including properties to which they might ascribe religious or cultural significance.

C. Identification, evaluation and assessment of effects.

1. Submission Packets, as defined in Section II.A.(13) of the 2004 FCC NPA, that document the identification, evaluation and assessment of effects to historic properties pursuant to Section VII of the 2004 FCC NPA, will be submitted for each individual facility site.
2. Submission Packets will be submitted in batches and the SHPO staff shall review each individual site and provide either concurrence or comments for each individual site that comprises the larger Undertaking.
3. Upon receipt of each Submission Packet, the SHPO has 30 days to conclude its review by either concurring or commenting on each individual site per 36 C.F.R. Part 800. If the SHPO fails to concur or comment on the individual site findings within 30

- days, pursuant to 36 CFR §800.3(c)(4), NTIA may proceed with the next step in the process upon written notice to the SHPO.
4. Individual sites that receive comments from the SHPO, rather than concurrence with the FCC Form 620/621 findings, will continue through the Section 106 process to conclusion as specified in 36 CFR Part 800.
 5. The SHPO will transmit all concurrence findings to NTIA via email within 48 hours of concluding the SHPO review.
 6. Each individual site that receives concurrence from the SHPO will be considered approved for construction upon transmittal of concurrence from the SHPO to NTIA.
 7. NTIA may issue a "*Notice to Construct*" for individual sites, upon SHPO concurrence on each individual site, to facilitate project implementation within the time limitations of the grant funding for the Undertaking.
 8. SHPO comments on individual sites will not halt, delay or otherwise impact NTIA's ability to approve construction on other sites that receive SHPO concurrence.
 9. NTIA shall not approve construction on a site(s) that have not received concurrence from the SHPO until the SHPO's comments have been addressed.
 10. Once LA-RICS submits a response to a SHPO administrative comment(s), the SHPO will have fifteen (15) days to respond to LA-RICS and NTIA with a determination via email that the comment was either addressed or that the response was inadequate. NTIA will work with the SHPO directly if the SHPO determines that a response is inadequate.
 11. Pursuant to Stipulation VII.D.1 of the 2004 FCC NPA, if LA-RICS determines at any stage in the process that an Undertaking would have an adverse effect on Historic Properties within the APE(s), LA-RICS shall submit to the SHPO a plan designed to avoid, minimize, or mitigate the adverse effect. LA-RICS will inform NTIA of any adverse effects determinations by the SHPO.
 12. If adverse effects cannot be resolved, individual sites with an adverse effect finding will either be dropped, or a substitute site identified by LA-RICS will be presented to the SHPO. Any substitute sites will undergo the same survey and documentation required for the original sites. Such documentation will be submitted to the SHPO, and the SHPO will have 30 days to review each substitute submission.
 13. Where there is a disagreement regarding the identification or eligibility of a property, and after attempting in good faith to resolve the issue LA-RICS and the SHPO continue to disagree LA-RICS or the SHPO may submit the issue to the Secretary of Interior. The Secretary shall handle such submissions in accordance with 36 C.F.R. § 800.4(c)(2).

IV. INADVERTENT OR POST REVIEW DISCOVERIES

The process for dealing with inadvertent discoveries, shall comply with Stipulation IX of the 2004 FCC NPA, and includes the following:

- A. In the event that an Applicant discovers a previously unidentified site within the APE that may be a Historic Property that would be affected by the Undertaking, the Applicant shall promptly notify NTIA, the SHPO, relevant Tribal Historic Preservation Officer (THPO)

and any potentially affected Native American tribe or NHO, and within a reasonable time shall submit to the Native American Heritage Commission (Commission) , the SHPO/THPO and any potentially affected Indian tribe or NHO, a written report evaluating the property's eligibility for inclusion in the National Register. The Applicant shall seek the input of any potentially affected Indian tribe or NHO in preparing this report. If found during construction, construction must cease until evaluation has been completed.

- B. If NTIA and SHPO/THPO concur that the discovered resource is eligible for listing in the National Register, the Applicant will consult with the SHPO/THPO, and Indian tribes or NHOs as appropriate, to evaluate measures that will avoid, minimize, or mitigate adverse effects. Upon agreement regarding such measures, the Applicant shall implement them and notify of its action.
- C. If NTIA and SHPO/THPO cannot reach agreement regarding the eligibility of a property, the matter will be referred to ACHP for review in accordance with Section VI.D.3. If NTIA and the SHPO/THPO cannot reach agreement on measures to avoid, minimize, or mitigate adverse effects, the matter shall be referred to ACHP for appropriate action.
- D. If the Applicant discovers any human or burial remains during implementation of an Undertaking, the Applicant shall cease work immediately, notify the NTIA, SHPO/THPO and the Commission, and adhere to applicable State and Federal laws regarding the treatment of human or burial remains.

V. DISPUTE RESOLUTION

- A. Should any signatory to this PA object in writing to NTIA at any time to any actions proposed or the manner in which the terms of this PA are implemented, NTIA, within the limits of its authority, shall consult with the objecting party to resolve the objection for a maximum of thirty (30) days. All parties to the PA will be notified of the objection within 48 hours and may comment within the thirty day period. Comments provided will be taken into account.
- B. If the objection is resolved during the thirty day consultation period, NTIA may proceed with the disputed action in accordance with the terms of the resolution.
- C. If NTIA determines that the objection cannot be resolved, NTIA will:
 - 1. Forward all documentation relevant to the dispute, including the resolution proposed by NTIA, to the ACHP. The ACHP shall provide the NTIA with its advice, pursuant to 36 C.F.R. § 800.2(b)(2), on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NTIA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP or signatories, and provide them with a copy of this written response. NTIA will then proceed according to its final decision.
 - 2. If an unresolved dispute involves a failure to resolve adverse effects, the ACHP will notify NTIA that it will comment pursuant to 36 C.F.R. § 800.7(c), and proceed to comment. Any ACHP comment provided in response to such a request will be taken into account by NTIA in accordance with 36 C.F.R. § 800.7(c)(4).
 - 3. If the ACHP does not provide comments regarding the dispute within thirty (30) days, NTIA may make a final decision on the dispute and proceed accordingly. Prior to

reaching such a final decision, NTIA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the PA, and provide them and the ACHP with a copy of such written response.

- D. Any recommendation or comment provided by the ACHP will be understood to pertain only to the subject of the dispute. The responsibility of NTIA to carry out all other actions pursuant to the terms of this PA that are not the subject of the dispute remains unchanged.

VI. AMENDMENT

- A. This PA may be amended at any time when such an Amendment is agreed to in writing by all Parties consistent with 36 C.F.R. § 800.6(c)(7). The amendment will be effective on the date it is executed by all of the signatories and filed with ACHP.
- B. Each attachment to this Agreement may be individually revised or updated through consultation and agreement in writing of the signatories without requiring amendment of the Agreement unless the signatories through such consultation decide otherwise. Upon revising any attachment or appendix, NTIA shall append any revised document to the Agreement and share the final revised document to the other Parties to this Agreement.

VII. TERMINATION

- A. If any signatory to this PA determines that its terms will not, or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment in accordance with Stipulation VI of this PA to resolve the issue. If within thirty (30) calendar days an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories.
- B. Once the PA is terminated, and prior to work continuing on the Undertaking, NTIA must either: (i) execute another agreement pursuant to 36 C.F.R. § 800.6 and 800.14(b), or (ii) request, take into account, and respond to the comments of ACHP under 36 C.F.R. § 800.7. NTIA shall notify the other signatories as to the course of action to be pursued.
- C. This PA may be terminated without further consultation by execution of a subsequent agreement that explicitly terminates or supersedes this PA.

VIII. DURATION

Unless amended or terminated in accordance with Stipulation VII of this PA, this PA will remain in effect through December 31, 2015. NTIA will notify the consulting parties by e-mail when it determines that this PA has been fulfilled.

IX. Anti-Deficiency Act

NTIA's obligations under this PA are subject to the availability of appropriated funds, and the stipulations of this PA are subject to the provisions of the Anti-Deficiency Act. NTIA will make reasonable and good faith efforts to secure the necessary funds to implement this PA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs NTIA's ability to implement the stipulations of this PA, NTIA shall consult in accordance with the amendment and termination procedures found at Stipulations VI and VII of this PA.

X. PRIMARY POINTS OF CONTACT

A list of the names and contact information for each Parties' primary point of contact is attached as Appendix B to this PA. Appendix B may be updated to reflect changes in personnel without affecting agreements under this PA or requiring amendment of the PA.

XI. ADMINISTRATIVE PROVISIONS

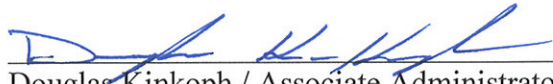
For purposes of this PA, facsimile and electronic signatures of authorized representatives of the Parties, including such signatures in counterparts, are acceptable. Electronic signatures must be followed with a copy of the original document with signatures sent to the parties via the U.S. Postal Service.

XII. EFFECTIVE DATE AND IMPLEMENTATION OF PA

This PA shall become effective immediately upon signature by all Parties. NTIA shall provide each Party and ACHP with a complete copy of the PA including all executed signature pages.

EXECUTION AND IMPLEMENTATION of this PA and implementation of its terms evidence that NTIA has taken into account the effects of the Undertaking on historic properties, afforded the ACHP a reasonable opportunity to comment, and has satisfied its responsibilities under Section 106 of the NHPA and applicable implementing regulations.

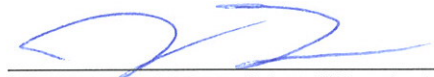
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION



Douglas Kinkoph / Associate Administrator, Office of
Telecommunications and Information Applications (Acting)

10/3/14
Date

CALIFORNIA OFFICE OF HISTORIC PRESERVATION



 Carol Roland-Nawi / California State Historic Preservation Officer

10/2/14
Date

APPENDIX A:
Advisory Council on Historic Preservation
Federal Register; Volume 74, No. 223
November 20, 2009



Cancer Control, National Institutes of Health, HHS)

Dated: November 16, 2009.

Jennifer Spaeth,
Director, Office of Federal Advisory
Committee Policy.

[FR Doc. E9-27949 Filed 11-19-09; 8:45 am]

BILLING CODE 4140-01-P

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notice of Program Comment for the Rural Utilities Service, the National Telecommunications and Information Administration, and the Federal Emergency Management Agency To Avoid Duplicative Section 106 Reviews for Wireless Communication Facilities Construction and Modification

AGENCY: Advisory Council on Historic Preservation.

ACTION: The Advisory Council on Historic Preservation has issued a Program Comment for the Rural Utilities Service, the National Telecommunications and Information Administration, and the Federal Emergency Management Agency to avoid duplicative Section 106 reviews for wireless communication facilities construction and modification.

SUMMARY: The Advisory Council on Historic Preservation has issued a Program Comment for the Rural Utilities Service, the National Telecommunications and Information Administration, and the Federal Emergency Management Agency to relieve them of the need to conduct duplicate reviews under Section 106 of the National Historic Preservation Act when these agencies assist a telecommunications project that is exempt from, or subject to, Section 106 review by the Federal Communications Commission under existing nationwide programmatic Agreements.

DATES: The Program Comment went into effect on October 23, 2009.

ADDRESSES: Address all questions concerning the Program Comment to Blythe Semmer, Office of Federal Agency Programs, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW., Suite 803, Washington, DC 20004. Fax (202) 606-8647. You may submit electronic questions to: bsemmer@achp.gov.
FOR FURTHER INFORMATION CONTACT: Blythe Semmer, (202) 606 8552, bsemmer@achp.gov.

SUPPLEMENTARY INFORMATION: Section 106 of the National Historic Preservation Act requires Federal

agencies to consider the effects of their undertakings on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment with regard to such undertakings. The ACHP has issued the regulations that set forth the process through which Federal agencies comply with these duties. Those regulations are codified under 36 CFR part 800 (Section 106 regulations).

Under Section 800.14(e) of those regulations, agencies can request the ACHP to provide a "Program Comment" on a particular category of undertakings in lieu of conducting individual reviews of each individual undertaking under such category, as set forth in 36 CFR 800.3 through 800.7. An agency can meet its Section 106 responsibilities with regard to the effects of particular aspects of those undertakings by taking into account ACHP's Program Comment and following the steps set forth in that comment.

I. Background

The ACHP has issued a Program Comment to the U.S. Department of Agriculture Rural Utilities Service (RUS), the U.S. Department of Commerce National Telecommunications and Information Administration (NTIA), and the Federal Emergency Management Agency (FEMA) to relieve them from conducting duplicate reviews under Section 106 of the National Historic Preservation Act when these agencies assist a telecommunications project subject to Section 106 review by the Federal Communications Commission (FCC). The ACHP membership voted in favor of issuing the Program Comment via an unassembled vote on October 23, 2009.

The American Recovery and Reinvestment Act (ARRA) provides NTIA and RUS with \$7.2 billion to expand access to broadband services in the United States. NTIA will implement the Broadband Technology Opportunities Program (BTOP), which will award grants to expand public computer capacity, encourage sustainable adoption of broadband of broadband service, and deploy broadband infrastructure to unserved and underserved areas. RUS, through its Broadband Initiatives Program (BIP), will use loan and grant combinations to support broadband deployment in rural areas.

Broadband deployment can include the construction and placement of communication towers and antennas. Some of those towers and antennas are also regulated by the FCC, and therefore undergo, or are exempted from, Section 106 review under the Nationwide

Programmatic Agreement for Review of Effect on Historic Properties for Certain Undertakings Approved by the FCC and the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (FCC NPAs). RUS, NTIA, or FEMA will be relieved by the Program Comment of the need to conduct a separate Section 106 review for undertakings subject to review under the FCC NPAs.

The ACHP took steps to inform the public and stakeholders about the proposed Program Comment, including an e-mail distribution, posting on the agency Web site, and a notice published in the Federal Register. ACHP also sent a letter to the Indian tribal leaders requesting their comments on the Program Comment. Public comments resulting from the September 17, 2009 public notice in the Federal Register (74 FR 47807-47809) were received by the ACHP by October 8, 2009.

Various substantive comments from the public were received and considered by the ACHP, as noted below.

FEMA requested inclusion in the provisions of the Program Comment given that its grant programs provide funding for emergency communications facilities that are also subject to review by FCC under the FCC NPAs. FEMA's request would not expand the types of undertakings covered by the Program Comment, so FEMA has been added to the Program Comment.

Two comments objected to how tribal consultation appeared to have been coordinated for the Program Comment, but the characterization of early coordination with intertribal organizations by RUS and NTIA prior to the agencies' formal request to the ACHP did not constitute ACHP's tribal consultation on this program alternative.

Two comments expressed concern about how State and Tribal Historic Preservation Officers (SHPOs and THPOs) and Indian tribes will be notified when the Program Comment is applied. SHPOs and THPOs and Indian tribes will be notified according to the regular FCC NPAs review processes. There is no change to the FCC NPAs procedures.

Two comments expressed objections or concerns about the FCC NPAs and two comments expressed positive views on the functioning of the FCC NPAs. Nothing in the Program Comment will alter the FCC NPAs, but these comments will be referred to FCC for their consideration on the operation of their NPAs. One comment expressed concerns about towers that may have been constructed before undergoing a Section 106 review. The Program

Comment deals with the construction of towers and collocation on existing towers. It does not address or affect pre-existing Section 106 issues. Those issues should be referred to the FCC.

Four comments expressed support for the efficiencies the Program Comment will offer in Section 106 reviews.

Two comments offered views on a concept plan for a nationwide programmatic agreement circulated separately by RUS and NTIA. Those comments will be considered in the context of that program initiative.

The Colorado Historical Society requested clarification about the 6-year term of the Program Comment. This time period recognizes that ARRA-assisted communications facilities construction may be ongoing for several years. The ACHP and others will be able to reevaluate the Program Comment, and whether to extend its duration prior to the conclusion of those 6 years.

The Texas Historical Commission questioned what would happen should an FCC NPA Section 106 review yield a finding of adverse effect within a larger RUS or NTIA undertaking of multiple components. As explicitly stated in the Program Comment, RUS, NTIA, or FEMA will be conducting its own Section 106 review for the larger undertaking, but will not have to consider the effects of the FCC-regulated component of that larger undertaking. RUS, NTIA, or FEMA will make effect determinations based on the non-tower components of the undertaking. Since it is possible that the larger undertaking may not be able to proceed until the FCC review of the tower component has concluded, it is expected that RUS, NTIA, FEMA, and the FCC will coordinate their review efforts accordingly and keep consulting parties appraised.

II. Final Text of the Program Comment

The text of the issued Program Comment is included below:

Program Comment for Streamlining Section 106 Review for Wireless Communication 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.

I. Background

The Rural Utilities Service (RUS), the National Telecommunications and Information Administration (NTIA), and the Federal Emergency Management Agency (FEMA) provide financial assistance to applicants for various undertakings, including broadband deployment, which can involve the construction and placement of communications towers and antennas. RUS,

NTIA, and FEMA must therefore comply with Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f, and its implementing regulations at 36 CFR part 800 (Section 106) for these undertakings. Some of those communications towers and antennas are also regulated by the Federal Communications Commission (FCC), and therefore undergo, or are exempted from, Section 106 review under the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the FCC (FCC Nationwide PA) and the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (FCC Collocation PA). The FCC Nationwide PA was executed by the FCC, the Advisory Council on Historic Preservation (ACHP), and the National Conference of State Historic Preservation Officers (NCSHPO) on October 4, 2004. The FCC Collocation PA was executed by the FCC, ACHP, and NCSHPO on March 16, 2001. The undertakings addressed by the FCC Nationwide PA primarily include the construction and modification of communication towers. The undertakings addressed by the FCC Collocation PA include the collocation of communications equipment on existing structures and towers.

This Program Comment is intended to streamline Section 106 review of the construction and modification of communication towers and antennas for which FCC and RUS, NTIA, or FEMA share Section 106 responsibility.

Nothing in this Program Comment alters or modifies the FCC Nationwide PA or the FCC Collocation PA, or imposes Section 106 responsibilities on the FCC for elements of a RUS, NTIA, or FEMA undertaking that are unrelated to a communications facility within the FCC's jurisdiction or are beyond the scope of the FCC Nationwide PA.

II. Establishment and Authority

This Program Comment was issued by the ACHP on October 23, 2009 pursuant to 36 CFR 800.14(e).

III. Date of Effect

This Program Comment went into effect on October 23, 2009.

IV. Use of This Program Comment To Comply With Section 106 for the Effects of Facilities Construction or Modification Reviewed Under the FCC Nationwide PA and/or the FCC Collocation PA

RUS, NTIA and FEMA will not need to comply with Section 106 with regard to the effects of communication facilities construction or modification that has either undergone or will undergo Section 106 review, or is exempt from Section 106 review, by the FCC under the FCC Nationwide PA and/or the FCC Collocation PA. For purposes of this program comment, review under the FCC Nationwide PA means the historic preservation review that is necessary to complete the FCC's Section 106 responsibility for an undertaking that is subject to the FCC Nationwide PA.

When an RUS, NTIA, or FEMA undertaking includes both communications facilities construction or modification covered by the FCC Nationwide PA or

Collocation PA and components in addition to such communication facilities construction or modification, RUS, NTIA, or FEMA, as applicable, will comply with Section 106 in accordance with the process set forth at 36 CFR 800.3 through 800.7, or 36 CFR 800.8(c), or another applicable alternate procedure under 36 CFR 800.14, but will not have to consider the effects of the communication facilities construction or modification component of the undertaking on historic properties. Whenever RUS, NTIA, or FEMA uses this Program Comment for such undertakings, RUS, NTIA or FEMA will apprise the relevant State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) of the use of this Program Comment for the relevant communication facilities construction or modification component.

V. Amendment

The ACHP may amend this Program Comment after consulting with FCC, RUS, NTIA, FEMA, and other parties as appropriate, and publishing notice in the Federal Register to that effect.

VI. Sunset Clause

This Program Comment will terminate on September 30, 2015, unless it is amended to extend the period in which it is in effect.

VII. Termination

The ACHP may terminate this Program Comment by publication of a notice in the Federal Register thirty (30) days before the termination takes effect.

Authority: 36 CFR 800.14(e).

Dated: November 10, 2009.

Reid Nelson,

Acting Executive Director.

[FR Doc. E9-27798 Filed 11-19-09; 8:45 am]

BILLING CODE 4310-K6-M

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

Agency Information Collection Activities: Visa Waiver Program Carrier Agreement (Form I-775)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; Revision of an existing information collection: 1651-0110.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on the Visa Waiver Program Carrier Agreement (Form I-775). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13; 44 U.S.C. 3505(c)(2)).

**APPENDIX B
PRIMARY POINTS OF CONTACT**

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

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CALIFORNIA OFFICE OF HISTORIC PRESERVATION

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