The Lotis Engineering Group, P.C.

6465 Transit Road - Suite 23 East Amherst, NY 14051-2232 716.276.8707

November 16, 2017

Ms. Amy Thomas Vertical Bridge Development, LLC 750 Park of Commerce Drive - Suite 200 Boca Raton, Florida 33487

RE: FCC NEPA Summary Report for: Peoh Point Site (US-WA-5105) 302 East 4th Street Cle Elum, Washington 98922

Dear Ms. Thomas:

The Lotis Engineering Group, P.C. (Lotis), has completed a Federal Communications Commission (FCC) NEPA investigation relative to the reference proposed undertaking and issues the following Summary Report. Based on the information presented in this report, no further action is required under 47 CFR Subpart 1, Chapter 1, Sections 1.1301-1.1319 of the National Environmental Policy Act.

The accuracy of the species list, provided by the ECOS-IPaC website, should be verified every 90 days. This verification can be completed formally or informally as desired. The USFWS recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the initial list. If the list is determined to have been modified to include additional species of concern, an evaluation of those species should be conducted and consultation with the USFWS may have to be re-initiated, depending on the determination of effect or previous response(s) from the USFWS.

The applicant/tower builder must immediately notify all interested consulting parties in the event that archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

Should you have any questions or comments, please do not hesitate to contact our office at (716) 276.8707.

Sincerely, The Lotis Engineering Group, P.C.

David N. Robinson, P.E. President/CEO The Lotis Engineering Group, PC. 6465 Transit Road - Suite 23 East Amherst, NY 14051-2232 Robinson@TheLotisGroup.com Attachments

NEPA SUMMARY REPORT



Prepared for:

Vertical Bridge Development, LLC 750 Park of Commerce Drive Suite 200 Boca Raton, Florida 33487

Prepared by:

The Lotis Engineering Group, P.C. East Amherst, New York

November 16, 2017

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Reviewed By: David N. Robinson, P.E. *President/CEO*

Miles Way-Salvador

Prepared By: Miles Walz-Salvador Biologist / NEPA Manager

FCC NEPA CHECKLIST

Applicant Name:	Vertical Bridge Development, LLC
Site Number:	US-WA-5105
Site Name:	Peoh Point

LAND LISE SCREENING

Potential Effect

	USE SCREENING	Yes	No
1.	Is the proposed undertaking located in an officially designated wilderness area?		X
2.	Is the proposed undertaking located in an officially designated wildlife preserve?		X
3.	Will the proposed undertaking likely affect threatened or endangered species or designated critical habitats; or is likely to jeopardize the continued existence of any proposed endangered or threatened species; or is likely to result in the destruction or adverse modification of proposed critical habitats (as determined by the Endangered Species Act of 1973)?		x
4.	Will the proposed undertaking affect districts, sites, building, structures or objects, significant in American history, architecture, archeology, engineering or culture, that are listed (or eligible for listing) in the National Register of Historic Places?		x
5.	Will the proposed undertaking affect Indian religious site(s)?		X
6.	Is the proposed undertaking located within a flood plain?		Х
7.	Will construction of the proposed undertaking involve significant change in surface features (e.g., wetland fill, deforestation or water diversion)?		X
8.	Is the proposed undertaking located in a residential neighborhood and is it required to be equipped with high intensity white lights (as defined by local zoning law)?		X
9.	a.) Will the antenna structure equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters above ground level?		x
	b.) Will the antenna structure equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters above floor level?		x

Miles Way Salvador

Prepared By: Miles Walz-Salvador Biologist / NEPA Manager

DOCUMENTATION FOR FCC NEPA CHECKLIST RESPONSES 1-9:

1. Is the proposed undertaking located in an officially designated wilderness area?

Based on maps published by the Bureau of Land Management (BLM), United States Fish and Wildlife Service (USFWS), United States Forest Service (USFS), and National Park Service (NPS), as compiled in the on-line **nationalatlas.gov** and **wilderness.net** websites, no designated wilderness areas are located at or near the proposed undertaking. Copies of the Federal Lands and Indian Reservations Map, Wilderness Map, Critical Habitat Map, and National Historic/Scenic Trail Map are included in Appendix A.

2. Is the proposed undertaking located in an officially designated wildlife preserve?

Based on maps published by the USFWS, no wildlife refuges or wildlife preserves are located at or near the proposed undertaking. A copy of the USFWS Wildlife Refuge Map is included in Appendix A.

3. Will the proposed undertaking likely affect threatened or endangered species or designated critical habitats; or is likely to jeopardize the continued existence of any proposed endangered or threatened species; or is likely to result in the destruction or adverse modification of proposed critical habitats (as determined by the Endangered Species Act of 1973)?

A Lotis staff biologist conducted an Informal Biological Assessment (IBA) at the site of the proposed undertaking. Based on information reviewed, site reconnaissance, and the proposed scope of work, Lotis has determined that the proposed undertaking will have "No Effect" on designated critical habitats or listed federal species of concern. The accuracy of the species list, provided by the IPaC website, should be verified every 90 days. This verification can be completed formally or informally as desired. The USFWS recommends that verification be completed by visiting the Environmental Conservation Online System: Information for Planning and Consultation (ECOS-IPaC) website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the initial list. If the list is determined to have been modified to include additional species of concern, an evaluation of said species should be conducted and consultation under USFWS guidelines may have to be re-initiated, depending on the determination of effect or previous response from the USFWS. Additionally, Lotis has determined there will be "No Effect" to listed state species of concern. The state species list was obtained by using the Washington Department of Fish and Wildlife Priority Habitats and Species Report, http://wdfw.wa.gov/mapping/phs/. Copies of the Lotis IBA, the state species list and the ECOS-IPaC email are included in Appendix B.

Lotis submitted the proposed undertaking summary package to the United States Fish and Wildlife Service (USFWS), Central Washington Field Office on September 2, 2017, for Section 7 consultation under the Endangered Species Act (50 CFR Part 402.01). In the submission, Lotis requested the USFWS to determine if the proposed undertaking would have an effect on any wildlife refuges or if the proposed undertaking would have an adverse impact on: 1) any listed and/or proposed threatened or endangered species; or 2) any designated and/or proposed critical habitats. On October 5, 2017, the USFWS responded, via email, indicating "*we will not be providing a response to a "no effect" determination."* Copies of the USFWS submission cover letter and USFWS response are included in Appendix B.

Additionally, the USFWS has established interim guidelines for recommendations on communication tower siting, construction, operation, and decommissioning as new and existing towers have been determined to significantly impact species which are protected under the Migratory Bird Treaty Act (MBTA), http://www.fws.gov/laws/lawsdigest/migtrea.html, (16 U.S.C. 703-712). 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. While the Act has no provision for allowing unauthorized take, it must be recognized that some birds may be killed at structures such as communications towers even if all reasonable measures to avoid it are implemented. While it is not possible under the Act to absolve individuals or companies from liability if they follow these recommended guidelines, the Division of Law Enforcement and Department of Justice have used

enforcement and prosecutorial discretion in the past regarding individuals or companies who have made good faith efforts to avoid the take of migratory birds. A copy of the 2013 U.S. Fish and Wildlife Service (USFWS) Revised Voluntary Guidelines for Communication Tower Design, Siting, Construction, Operation, Retrofitting, and Decommissioning is included in Appendix B.

Vertical Bridge has taken these recommended interim guidelines into consideration and has mitigated the potential effect on migratory birds by siting the proposed undertaking away from sensitive locations such as critical habitats, wilderness areas, wildlife refuges, and wetlands, where species of concern are more likely to be present. Additionally, Vertical Bridge proposes a tower height of no more than 199 feet with a tower design to be that of a self-supporting monopole tower. If lighting is required, Vertical Bridge will use white or red strobe lights with the minimum number, minimum intensity, and minimum number of flashes per minute allowable by the FAA. It should be noted that the proposed undertaking is located within 0.58 miles of an existing 150-foot monopole telecommunication tower to the northwest.

The USFWS also regulates and enforces the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c). "This Act provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." "Disturb" means "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death or nest abandonment. A violation of the Act can result in a fine of \$100,000 (\$200,000 for organizations), imprisonment for one year, or both, for a first offense. Penalties increase substantially for additional offenses, and a second violation of this Act is a felony." USFWS: The Bald and Golden Eagle Protection Act, http://www.ecfr.gov/cgi-bin/textidx?c=ecfr&sid=9a2c074a271d17db16c4a0fa4ca3d2ba&tpl=/ecfrbrowse/Title50/50cfr22 main 0 2.tpl (accessed December 2016). A copy of the Bald and Golden Eagle Protection Act is included in Appendix B.

The USFWS has recommended mitigation as indicated above. These are recommendations and should be treated as such unless issued as a requirement to complete Section 7 consultation. Should failure to abide by these recommendations occur, the applicant is assuming responsibility for its failure to comply with the above mentioned Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and The Bald and Golden Eagle Protection Act (BGEA). It is ultimately the responsibility of the applicant to prevent the "take" of a species of concern regardless of whether or not it has completed Section 7 consultation. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct. The taking of a listed species of concern (threatened/Endangered), without a federal/state permit, is a severe crime punishable by large fine(s) and confinement.

In addition, Lotis contacted the Washington Department of Fish and Wildlife, Priority Habitats and Species Program (WDFW) on September 28, 2017, and requested a review of the potential adverse effect on state protected habitats and state listed species of concern. On October 10, 2017, Mr. Scott Downes, Fish and Wildlife Habitat Biologist for the WDFW, responded to Lotis' review request indicating if measures are taken to implement minimizing potential impact on migratory birds and if that are temporarily disturbed but not part of the final footprint, be revegetated with native plants/seed "your conclusion of no significant impacts to species or their habitats is believed to be correct by WDFW." Copies of the submission letter and WDFW's response are included in Appendix B.

4. Will the proposed undertaking affect districts, sites, buildings, structures or objects, significant in American history, architecture, archeology, engineering or culture, that are listed (or eligible for listing) in the National Register of Historic Places?

The Department of Archaeology & Historic Preservation (DAHP) is the lead State Historic Preservation Office (SHPO) for the State of Washington. Lotis contracted Applied Archaeological Research, Inc, on August 22, 2017, to determine the potential effect of the proposed undertaking on historic properties (archaeological sites and eligible/listed historic properties) within the Direct and ½-mile Visual Area of Potential Effect (APE) designated by the Federal Communications Commission (FCC). Applied Archaeological Research, Inc, completed a Phase-I Cultural Resource Field Survey and conducted research to identify historic properties using resources specified by the DAHP. Additionally, Applied Archaeological Research, Inc, researched the National Register of Historic Places (NRHP) at http://www.nps.gov/nr/ and found two (2) historic properties within the ½-mile radius APE for the proposed undertaking. A copy of the Cultural Resource Report is included in Attachment 3.

Lotis prepared and submitted a new tower submission packet (FCC Form 620) through the FCC's E-106 electronic filing protocol. Section 106 review was initially submitted via E-106 to the Washington SHPO on September 28, 2017 for review. On October 17, 2017, Lotis received an email response from the DAHP, via E106 email, indicating concurrence with Lotis' recommendation of "*No Historic Properties in Area of Potential Effects (APE)*" for direct APE and "*No Effect on Historic Properties in APE*" for visual APE. Copies of the DAHP submission cover letter, FCC Form 620, and DAHP response are included in Appendix C.

In furtherance of Section 106 consultation efforts, contacted the jurisdiction's Certified Local Government (CLG), using the National Parks Service's website, http://grantsdev.cr.nps.gov/ CLG_Review/search.cfm. On September 28, 2017, Lotis contacted Ms. Kathy Swanson, CLG Contact for the City of Cle Elum, and invited her to comment on whether the proposed undertaking would have an effect on historic properties within the general vicinity. To date, Lotis has not received a response from CLG Contact Swanson's office relative to the proposed undertaking. Copies of the submission cover letter and email submission are included in Attachment 7.

In addition, Lotis submitted an information package to the Northern Kittitas County Historical Society on September 28, 2017. To date, Lotis has not received a response from the Northern Kittitas County Historical Society relative to the proposed undertaking. Copies of the submission letter and email submission are included in Attachment 8.

Finally, Lotis contacted the Northern Kittitas County Tribune and published a legal public notice in the classified section on October 5, 2017. The proposed undertaking was detailed in the ad and calls for public concerns regarding potential adverse effect on historic properties in the area were solicited. To date, Lotis has not received any public response from the aforementioned public notice publication concerning the proposed undertaking's potential effect on historic properties. Copies of the legal public notice text, tear sheet, and Affidavit of Publication are included in Attachment 8.

5. Will the undertaking affect Indian religious site(s)?

Lotis utilized the FCC's Tower Construction Notification System (TCNS) to identify tribal entities with interest in the proposed undertaking. The initial TCNS filing was submitted on August 22, 2017. The FCC responded via e-mail on August 25, 2017, indicating that five (5) nationally recognized tribes were forwarded information regarding the location of the proposed undertaking via electronic or regular mail. The Blackfeet Nation, Eastern Shoshone Tribe, Upper Skagit Indian Tribe, Yakama Nation, and Confederated Tribes of the Colville Reservation required additional information delivered to them. The requested documentation was forwarded to the tribes via registered mail or email on September 28, 2017. As of the date of this report, Lotis has received clearance from all interested tribes. Copies of original submission cover letters and tribal responses are included in Appendix D.

6. Is the undertaking located within a flood plain?

According to the Flood Insurance Rate Map (FIRM) for the City of Cle Elum, Washington Kittitas County, Washington (Map Number 530096 0001 B) published by the Federal Emergency Management Agency (FEMA) on May 5, 1981, the proposed undertaking is not located within a 100-year floodplain. A copy of the FIRMette (flood plain map) is included as Appendix E.

7. Will construction of the proposed undertaking involve significant change in surface features (e.g., wetland fill, deforestation or water diversion)?

According to the online United States Fish and Wildlife Service National Wetlands Inventory Map (NWIM), http://www.fws.gov/wetlands/Data/Mapper.html, for the proposed undertaking, no mapped wetlands are located at or within close proximity to the proposed undertaking. Additionally, Lotis has determined that no significant deforestation or water diversion is anticipated due to the proposed undertaking. A copy of the National Wetlands Inventory Map is included in Appendix F.

8. Is the proposed undertaking located in a residential neighborhood and is it required to be equipped with high intensity white lights (as defined by local zoning law)?

The proposed undertaking is assumed not to be equipped with high intensity white lights. Should the applicant decide to place high intensity lighting on the proposed undertaking, additional consultation will be recommended.

9. a.) Will the antenna structure equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters above ground level?

The proposed undertaking is assumed not to equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters above ground level. Should the applicant decide to place antennas equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters above ground level further consultation would be required.

b.) Will the antenna structure equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters above floor level?

The proposed undertaking is assumed not to equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters above floor level. Should the applicant decide to place antennas equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters below floor level further consultation would be required.

PROPOSED PROJECT SUMMARY

Site Name:	Peoh Point ("	Peoh Point ("Proposed Undertaking")		
Site Address:	302 East 4th S Cle Elum, Wa	302 East 4th Street Cle Elum, Washington 98922		
Latitude /Longitude:	47° 11' 51.88"	±N / 120° 55' 59.77" ±W		
County:	Kittitas Count	з у		
UTM:	Zone: 10 T Ea	st: 656541 North: 5229211		
Legal Description:	Township: N//	Township: N/A, Range: N/A, Section: N/A		
Consultant Information:	Company: Consultant: Email: Address: Phone:	The Lotis Engineering Group, P.C. (Lotis) Miles Walz-Salvador, Biologist / NEPA Manager Walz-Salvador@thelotisgroup.com 6465 Transit Road - Suite 23 East Amherst, NY 14051-2232 (314) 913-0505		
Project Description:	Proposed cor tower within a access/utility connecting w	nstruction of a 153' monopole telecommunication a 100' x 100' lease area. A proposed 30' x 1,050' easement will extend along an existing dirt road ith East 5 th Street.		
Project Impacts:	Excavation and grade work to install tower foundation, utilities and access easements.			
Project Area:	Square Foota	Square Footage: ~29,500 / Acres: ~0.67722681		
Present Land Use:	Sparse Fores	Sparse Forestland		
Past Land Use:	Sparse Forestland			



Maps

Indian Reservations in the Continental United States





Approximate Site Location





U.S. Fish & Wildlife Service National Wildlife Refuge System





https://www.rivers.gov/river-app/index.html?state=WA



Home 🗸 Critical Habitat for Threatened & Endangered Species [USFWS]

Modify Map 🛛 Sign In

Site Location









USDA Natural Resources Conservation Service Web Soil Survey National Cooperative Soil Survey

MAP	_EGEND	MAP INFORMATION
Area of Interest (AOI) Area of Interest (AOI)	Spoil Area	The soil surveys that comprise your AOI were mapped at 1:24,000.
Soils Soil Map Unit Polygons	 Very Stony Spot Wet Spot 	Warning: Soil Map may not be valid at this scale. Enlargement of maps beyond the scale of mapping can cause
Soil Map Unit LinesSoil Map Unit Points	 △ Other Special Line Features 	misunderstanding of the detail of mapping and accuracy of so line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed
Special Point Features Blowout Borrow Pit	Water Features Streams and Canals	scale. Please rely on the bar scale on each map sheet for map measurements.
Clay Spot	Transportation +++ Rails Interstate Highways	Source of Map: Natural Resources Conservation Service Web Soil Survey URL: Coordinate System: Web Mercator (EPSG:3857)
Gravel Pit Gravelly Spot	US Routes Major Roads Local Roads	Maps from the Web Soil Survey are based on the Web Mercar projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as t Albers equal-area conic projection, should be used if more
 ▲ Lava Flow ▲ Marsh or swamp ▲ Mine or Quarry 	Background Aerial Photography	accurate calculations of distance or area are required. This product is generated from the USDA-NRCS certified data of the version date(s) listed below.
 Miscellaneous Water Perennial Water 		Soil Survey Area: Kittitas County Area, Washington Survey Area Data: Version 9, Sep 9, 2016 Soil map units are labeled (as space allows) for map scales
 Rock Outcrop Saline Spot 		1:50,000 or larger. Date(s) aerial images were photographed: Aug 24, 2012—S 21, 2016
 Sandy Spot Severely Eroded Spot Sinkhole 		The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.
Slide or Slip		

Map Unit Legend

Kittitas County Area, Washington (WA637)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
166	Ampad ashy sandy loam, warm, 5 to 30 percent slopes	0.3	100.0%
Totals for Area of Interest		0.3	100.0%



Kittitas County Area, Washington

166—Ampad ashy sandy loam, warm, 5 to 30 percent slopes

Map Unit Setting

National map unit symbol: 2ksy Elevation: 2,100 to 3,600 feet Mean annual precipitation: 25 to 40 inches Mean annual air temperature: 43 to 45 degrees F Frost-free period: 80 to 110 days Farmland classification: Not prime farmland

Map Unit Composition

Ampad, warm, and similar soils: 85 percent Minor components: 15 percent Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Ampad, Warm

Setting

Landform: Cuestas, mountain slopes Landform position (two-dimensional): Backslope Down-slope shape: Linear Across-slope shape: Convex Parent material: Colluvium and residuum from sandstone with an influence of volcanic ash

Typical profile

- Oi 0 to 1 inches: slightly decomposed plant material
- H1 1 to 5 inches: ashy sandy loam
- H2 5 to 10 inches: ashy sandy loam
- H3 10 to 29 inches: sandy loam
- H4 29 to 33 inches: sandy loam
- H5 33 to 43 inches: weathered bedrock

Properties and qualities

Slope: 5 to 30 percent *Depth to restrictive feature:* 20 to 40 inches to paralithic bedrock *Natural drainage class:* Well drained

Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)

Depth to water table: More than 80 inches

- Frequency of flooding: None
- Frequency of ponding: None

Available water storage in profile: Low (about 4.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified Land capability classification (nonirrigated): 4e Hydrologic Soil Group: B Other vegetative classification: Douglas-fir/pinegrass (CDG131)

USDA

Hydric soil rating: No

Minor Components

Nard

Percent of map unit: 10 percent Hydric soil rating: No

Rock outcrop Percent of map unit: 5 percent Hydric soil rating: No

Data Source Information

Soil Survey Area: Kittitas County Area, Washington Survey Area Data: Version 9, Sep 9, 2016



Appendix **B**

United States Fish and Wildlife Service: Central Washington Field Office (USFWS) and Washington Department of Fish and Wildlife, Priority Habitats and Species Program (WDFW) Consultation

Lotis' Informal Biological Assessment (IBA)

Informal Biological Assessment

Applicant: Vertical Bridge Development LLC Proposed Undertaking: "Peoh Point"; Site ID: "US-WA-5105"; Lotis Task ID: "VB_278" Latitude: 47° 11' 51.88" N; Longitude: -120° 55' 59.77" W

Lotis was contracted by the applicant to complete an informal biological assessment (IBA) for the proposed undertaking (which includes the tower, associated equipment, lease area, and access/utility/guy wire easements). The purpose of this IBA is to assess and document whether the proposed undertaking will potentially affect species of concern, designated critical habitats, wetlands, and migratory birds identified by the United States Fish and Wildlife Services (USFWS) Information for Planning and Conservation (IPaC) tool and the Washington Department of Fish and Wildlife (WDFW). The proposed undertaking's scope of work (SOW), site photographs, site location maps, the official ECOS-IPaC species list/Section 7 guidance, and the relevant species listed by the state of Washington are included in this report.

The Proposed Undertaking's Scope of Work:

The proposed undertaking is located at 302 East 4th Street, Cle Elum, Kittitas County, Washington 98922, and consists of a 153-foot tall monopole telecommunication tower and associated equipment contained within a 100-foot by 100-foot lease area at the above property. The undertaking includes a 30-foot by approximately ~650-foot long access/utility easement that extends northwest connecting with East 5th Street. In total, the proposed undertaking is approximately 29,500 square feet. The proposed tower site is approximately 2,024.9 feet above mean sea level (AMSL).

Site and Surrounding Habitat:

The proposed undertaking is currently located on sparse forestland. Per the scope of work, several trees within the proposed undertaking are identified to be removed/impacted.

The surrounding habitats within a 0.5 mile radius of the proposed undertaking consist of commercial and residential properties with associated roadways, and forestland. To the north, habitat consists of sparse forestland followed by a dirt road, forestland, an electrical easement, a tree line, an electrical easement, forestland, Deer Creek Road, sparse forestland, and an unnamed road. To the east, habitat consists of sparse forestland followed by a dirt road, forestland, residential property, a tree line, North Montgomery Avenue, forestland, residential property with a landscaped yard, and forestland. To the south, habitat consists of sparse forestland followed by residential properties, East 4th Street, residential properties, East 3rd Street, residential properties, an unnamed alley, residential properties, East 2nd Street, Bullitt Avenue, East 1st Street, commercial property, an unnamed alley, a paved lot, East Railroad Avenue, a paved lot, railroad tracks, commercial property, Swiftwater Boulevard, brush land adjacent to commercial property, a thin tree line, an interstate off-ramp, and Interstate 90. To the west, habitat consists of sparse forestland followed by forestland along residential properties, residential properties, North Oaked Avenue, a tree line, residential properties, a tree line, Billings Avenue, residential property, an unnamed alley, residential properties, and North Stafford Avenue. Per USFWS Critical Habitat Mapper (http://fws.maps.arcgis .com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8ddbf77) the current habitat is not mapped as critical habitat, nor does it qualify as preferred habitat for Federal or State listed species.

Wetlands:

Lotis has reviewed the United States Geological Survey's (USGS) topographic map as well as the USFWS National Wetlands Inventory Map (NWIM) to determine if the lease area and easements would have an impact on any wetlands. Lotis determined that the acquired tower is not located in a recognized national wetland area but due to the proximity of wetlands in all directions the undertaking may have an adverse effect on these areas. Lotis recommends best management practices be incorporated to protect adjacent habitats and wetlands from runoff caused by impervious surfaces. The closest USFWS identified wetland is approximately 0.05 miles south of the tower location.

Lotis identified surface water bodies with the aid of local maps in combination with an area reconnaissance. Lotis has identified wetlands within a 0.50-mile radius and wetlands of significance. Please see the list of identified water bodies below:

Water Body Type	Water Body Name	Direction from Tower	Distance from Tower
Riverine	Unnamed	South	~0.05 miles
Riverine	Unnamed	Northeast	~0.13 miles
Riverine	Unnamed	Northeast	~0.22 miles
Freshwater Pond	Unnamed	Southeast	~0.43 miles
Freshwater Pond	Unnamed	Southwest	~0.50 miles

*All directions are from the closest point of contact from the tower location.

Threatened or Endangered Species:

Lotis has researched the threatened or endangered species and designated critical habitat for the action area. This is exclusive to any such species that have been reported to exist within the area where the proposed undertaking is located. The list of federally threatened or endangered species was acquired through the U.S. Fish and Wildlife Service's Information for Planning and Conservation (IPaC) website.

The proposed undertaking is not located within an aquatic environment; therefore, any obligate aquatic species should not be directly impacted by this proposed undertaking and are therefore not included in the table below. The list of the remaining potentially present listed species and habitat presence are summarized in the following table:

Species Name	Federal /State Status	Preferred Habitat	Habitat Presence	Recommendation of Effect
Canada Lynx (<i>Lynx canadensis</i>)	Federally Threatened	Dense boreal forests	Habitat assessment indicated no preferred habitat present	No effect
Gray Wolf (<i>Canis</i> <i>lupus</i>)	Federally Endangered	Tundra to woodlands, forests, grasslands and deserts	Habitat assessment indicated no preferred habitat present	No effect
Marbled Murrelet (<i>Brachyramphus</i> <i>marmoratus</i>)	Federally Threatened	Ocean waters; nest in old- growth forests	Habitat assessment indicated no preferred habitat present	No effect
Northern Spotted Owl (<i>Strix</i> occidentalis)	Federally Threatened/State Endangered	Old growth forests	Habitat assessment indicated no preferred habitat present	No effect

Species Name	Federal /State Status	Preferred Habitat	Habitat Presence	Recommendation of Effect
Yellow-billed Cuckoo (<i>Coccyzus</i> <i>americanus</i>)	Federally Threatened	Wooded habitat with dense cover and water nearby, including woodlands with low, scrubby vegetation, overgrown orchards, abandoned farmland, and dense thickets along streams and marshes	Habitat assessment indicated no preferred habitat present	No effect

Migratory Birds:

The USFWS has indicated its concern of the impact of towers on migrating bird populations. The proposed undertaking and design process for this undertaking could not conform to all the USFWS recommendations to decrease potential effects on migratory birds. Lotis has assessed the potential habitat for migratory birds and has determined that potential habitat is present at and around the proposed undertaking. This habitat includes forested land and a few wetlands in the surrounding areas. The siting of this proposed undertaking has placed it within disturbed habitat. However, it should be noted that the proposed undertaking is located within 0.58 miles of an existing 150-foot monopole telecommunication tower to the northwest.

Based upon the efforts during this IBA as well as the current data made available, surrounding habitat has the potential to support migratory birds, however, the presence and current effect of migratory birds cannot be accurately determined. Due to the presence of human development with similar structures already existing and the proposed SOW, Lotis concludes that this proposed undertaking will not likely have additional significant effect on migratory birds.

Conclusions:

In conclusion, no species preferred habitats, identified by the USFWS and the WDFW have been observed at the proposed undertaking's location. Therefore, based on the documents reviewed, and the SOW outlined above, identified threatened/endangered species or designated critical habitat is not likely to be adversely affected by the proposed undertaking. Lotis' recommends following all preventative recommendations presented by the USFWS and the WDFW. Additionally, Lotis recommends consultation with the WDFW regarding the above identified species of concern whose preferred habitats are potentially present at the proposed undertaking for consultation in regard to potential effect.

It should be noted that this informal biological assessment was conducted in accordance with the Scope of Work and does not constitute a Section 7 Biological Assessment under the Endangered Species Act (50 CFR Part 402.01).

Dolmastopin

DeAnna Anglin Biologist / NEPA Specialist The Lotis Engineering Group, PC.

United States Fish and Wildlife Service: Central Washington Field Office (USFWS) Submission

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- Proposed Project Summary
- Informal Biological Assessment
- Attachment 1 Maps
- Attachment 2 Photographs

The Lotis Engineering Group, P.C.

6465 Transit Road - Suite 23 East Amherst, NY 14051-2232 716.276.8707

September 28, 2017

United States Fish & Wildlife Service: Central Washington Field Office Attn: Sierra Franks, Fish & Wildlife Biologist 215 Melody Lane, Suite 103 Wenatchee, Washington 98801 Submitted via email: sierra_franks@fws.gov

RE: Proposed Telecommunications Tower Undertaking "Peoh Point" in Kittitas County, Washington; Vertical Bridge Development, LLC

Dear Ms. Franks, Fish & Wildlife Biologist:

Vertical Bridge Development, LLC (Vertical Bridge), is proposing to construct a tower installation within the general vicinity of 302 East 4th Street Cle Elum, Kittitas County Washington 98922. The Lotis Engineering Group, P.C. (Lotis), is preparing an environmental review on behalf of Vertical Bridge as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Lotis' review is focused on compliance with Section 7 of the Endangered Species Act and environmental concerns specified by the FCC in 47 CFR 1.1307. In addition, Lotis will be considering the possible impact on wetlands, critical habitat, wildlife refuges, wilderness areas, state listed species of concern, as well as species protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Act. Consultation with the state will also be initiated to mitigate potential impact to species of concern.

Attached, please find information pertaining to the proposed undertaking known as Peoh Point. The information package includes the proposed project summary, site maps, results from our search of threatened or endangered species within the action area (provided by the IPaC website) and the state species list (divided into county) and site photographs of the proposed undertaking and adjacent habitat. Lotis has completed an informal biological assessment of the proposed undertaking's action area using available maps, documentation, and site reconnaissance. We have determined that the proposed undertaking would have no effect on federal/state listed species or designated critical habitat.

We would appreciate your assistance in determining if, in your opinion, the proposed undertaking is found to affect a wildlife refuge or will have an adverse impact on any listed and/or proposed species of concern or any designated and/or proposed critical habitats. We request your concurrence with our determination of no effect on federally listed species. On behalf of Vertical Bridge, I would solicit your comments on this proposed undertaking. Kindly forward to the undersigned via email (<u>walz-salvador@thelotisgroup.com</u>) or by regular mail to 6465 Transit Road - Suite 23, East Amherst, NY 14051-2232.

Thank you for your consideration and cooperation in this matter.

Sincerely,

The Lotis Engineering Group, P.C.

Miles Way-Salvador

Miles Walz-Salvador Biologist / NEPA Manager walz-salvador@thelotisgroup.com

United States Fish and Wildlife Service (USFWS): Central Washington Field Office's Information for Planning and Conservation (IPaC) Letter



United States Department of the Interior

FISH AND WILDLIFE SERVICE Washington Fish And Wildlife Office 510 Desmond Drive Se, Suite 102 Lacey, WA 98503-1263 Phone: (360) 753-9440 Fax: (360) 753-9405 http://www.fws.gov/wafwo/



In Reply Refer To: Consultation Code: 01EWFW00-2017-SLI-1459 Event Code: 01EWFW00-2017-E-02753 Project Name: US-WA-5105 City of Cle Elum, WA August 30, 2017

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, and proposed species, designated and proposed critical habitat, and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. The species list is currently compiled at the county level. Additional information is available from the Washington Department of Fish and Wildlife, Priority Habitats and Species website: http://wdfw.wa.gov/mapping/phs/ or at our office website:

http://www.fws.gov/wafwo/species_new.html. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether or not the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species, and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). You may visit our website at http://www.fws.gov/pacific/eagle/for information on disturbance or take of the species and information on how to get a permit and what current guidelines and regulations are. Some projects affecting these species may require development of an eagle conservation plan: (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<u>http://www.fws.gov/windenergy/</u>) for minimizing impacts to migratory birds and bats.

Also be aware that all marine mammals are protected under the Marine Mammal Protection Act (MMPA). The MMPA prohibits, with certain exceptions, the "take" of marine mammals in U.S. waters and by U.S. citizens on the high seas. The importation of marine mammals and marine mammal products into the U.S. is also prohibited. More information can be found on the MMPA website: <u>http://www.nmfs.noaa.gov/pr/laws/mmpa/</u>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Related website: National Marine Fisheries Service: <u>http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html</u>

Attachment(s):

Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Washington Fish And Wildlife Office

510 Desmond Drive Se, Suite 102 Lacey, WA 98503-1263 (360) 753-9440

Project Summary

Consultation Code:	01EWFW00-2017-SLI-1459
Event Code:	01EWFW00-2017-E-02753
Project Name:	US-WA-5105 City of Cle Elum, WA
Project Type:	COMMUNICATIONS TOWER
Project Description:	The proposed construction of a 153' monopole tower and equipment on a 100' x 100' lease area. An approximately 30' x 1,050' access/utility easement is proposed, extending northwest along an existing dirt road and connecting with East 5th Street.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/47.19797164394262N120.93374321363765W



Counties:

Kittitas, WA

Endangered Species Act Species

There is a total of 6 threatened, endangered, or candidate species on this species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

Mammals

NAME	STATUS
Canada Lynx <i>Lynx canadensis</i> Population: Contiguous U.S. DPS There is a final <u>critical habitat</u> designated for this species. Your location is outside the designated critical habitat. Species profile: <u>https://ecos.fws.gov/ecp/species/3652</u>	Threatened
Gray Wolf <i>Canis lupus</i> Population: U.S.A.: All of AL, AR, CA, CO, CT, DE, FL, GA, IA, IN, IL, KS, KY, LA, MA, MD, ME, MI, MO, MS, NC, ND, NE, NH, NJ, NV, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, and WV; and portions of AZ, NM, OR, UT, and WA. Mexico. No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/4488</u>	Endangered
North American Wolverine <i>Gulo gulo luscus</i> No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/5123</u>	Proposed Threatened
Birds	
NAME	STATUS
Marbled Murrelet <i>Brachyramphus marmoratus</i> Population: U.S.A. (CA, OR, WA) There is a final <u>critical habitat</u> designated for this species. Your location is outside the designated critical habitat. Species profile: <u>https://ecos.fws.gov/ecp/species/4467</u>	Threatened
 Yellow-billed Cuckoo Coccyzus americanus Population: Western U.S. DPS There is a proposed critical habitat for this species. Your location is outside the proposed critical habitat. Species profile: <u>https://ecos.fws.gov/ecp/species/3911</u> 	Threatened

4

Fishes

NAME

STATUS

Threatened

Bull Trout Salvelinus confluentus
 Population: U.S.A., conterminous, lower 48 states
 There is a final critical habitat designated for this species. Your location is outside the designated critical habitat.
 Species profile: <u>https://ecos.fws.gov/ecp/species/8212</u>

Critical habitats

There are no critical habitats within your project area under this office's jurisdiction.


United States Department of the Interior

FISH AND WILDLIFE SERVICE Washington Fish And Wildlife Office 510 Desmond Drive Se, Suite 102 Lacey, WA 98503-1263 Phone: (360) 753-9440 Fax: (360) 753-9405 http://www.fws.gov/wafwo/



In Reply Refer To: Consultation Code: 01EWFW00-2017-SLI-1459 Event Code: 01EWFW00-2018-E-00446 Project Name: US-WA-5105 City of Cle Elum, WA November 16, 2017

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, and proposed species, designated and proposed critical habitat, and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. The species list is currently compiled at the county level. Additional information is available from the Washington Department of Fish and Wildlife, Priority Habitats and Species website: http://wdfw.wa.gov/mapping/phs/ or at our office website:

http://www.fws.gov/wafwo/species_new.html. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether or not the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species, and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

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Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). You may visit our website at http://www.fws.gov/pacific/eagle/for information on disturbance or take of the species and information on how to get a permit and what current guidelines and regulations are. Some projects affecting these species may require development of an eagle conservation plan: (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<u>http://www.fws.gov/windenergy/</u>) for minimizing impacts to migratory birds and bats.

Also be aware that all marine mammals are protected under the Marine Mammal Protection Act (MMPA). The MMPA prohibits, with certain exceptions, the "take" of marine mammals in U.S. waters and by U.S. citizens on the high seas. The importation of marine mammals and marine mammal products into the U.S. is also prohibited. More information can be found on the MMPA website: <u>http://www.nmfs.noaa.gov/pr/laws/mmpa/</u>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Related website: National Marine Fisheries Service: <u>http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html</u>

Attachment(s):

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This species list is provided by:

Washington Fish And Wildlife Office

510 Desmond Drive Se, Suite 102 Lacey, WA 98503-1263 (360) 753-9440

Project Summary

Consultation Code:	01EWFW00-2017-SLI-1459
Event Code:	01EWFW00-2018-E-00446
Project Name:	US-WA-5105 City of Cle Elum, WA
Project Type:	COMMUNICATIONS TOWER
Project Description:	The proposed construction of a 153' monopole tower and equipment on a 100' x 100' lease area. An approximately 30' x 1,050' access/utility easement is proposed, extending northwest along an existing dirt road and connecting with East 5th Street.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/47.19797164394262N120.93374321363765W



Counties:

Kittitas, WA

Endangered Species Act Species

There is a total of 6 threatened, endangered, or candidate species on this species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

Mammals

NAME	STATUS
Canada Lynx <i>Lynx canadensis</i> Population: Contiguous U.S. DPS There is final critical habitat for this species. Your location is outside the critical habitat.	Threatened
Species profile: https://ecos.fws.gov/ecp/species/3652	
Gray Wolf <i>Canis lupus</i> Population: U.S.A.: All of AL, AR, CA, CO, CT, DE, FL, GA, IA, IN, IL, KS, KY, LA, MA, MD, ME, MI, MO, MS, NC, ND, NE, NH, NJ, NV, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, and WV; and portions of AZ, NM, OR, UT, and WA. Mexico. There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/4488	Endangered
North American Wolverine <i>Gulo gulo luscus</i> No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/5123</u>	Proposed Threatened
Birds	
NAME	STATUS
Marbled Murrelet <i>Brachyramphus marmoratus</i> Population: U.S.A. (CA, OR, WA) There is final critical habitat for this species. Your location is outside the critical habitat.	Threatened
Species profile: https://ecos.fws.gov/ecp/species/4467	
Yellow-billed Cuckoo <i>Coccyzus americanus</i> Population: Western U.S. DPS There is proposed critical habitat for this species. Your location is outside the critical habitat.	Threatened
Species profile: https://ecos.fws.gov/ecp/species/3911	

Fishes

NAME

Bull Trout Salvelinus confluentus

STATUS Threatened

Population: U.S.A., conterminous, lower 48 states There is **final** critical habitat for this species. Your location is outside the critical habitat.

Species profile: https://ecos.fws.gov/ecp/species/8212

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

United States Fish and Wildlife Service (USFWS): Central Washington Field Office's Response

Amber Potter

From:	Franks, Sierra <sierra_franks@fws.gov></sierra_franks@fws.gov>
Sent:	Thursday, October 05, 2017 11:37 AM
То:	Miles Walz-Salvador
Subject:	Re: Section 7 Consultation regarding a proposed telecommunication build "Peoh Point" in Kittitas County, WA

Hello Miles,

Thank you for the attachment. We will add it to our files here. As for the notification of a "no effect" determination project, we do not mind being notified and you can continue to do so, but we will not be providing a response to a "no effect" determination unless you are needing something saying we have reviewed the project? Also for future submittals in the instance I am not the one on the receiving end it would be beneficial to outline that the information that is provided is for informational purposes only. In the instance a project is determined to be a "may affect" we look forward to consulting with you then. Again thank you for your assistance in conserving listed species and for preparing a thorough BA on the project.

-Sierra

On Tue, Oct 3, 2017 at 12:34 PM, Miles Walz-Salvador <<u>Walz-Salvador@thelotisgroup.com</u>> wrote:

Hello Ms. Franks,

First, the FCC has had a "MOU" in place for environmental consultants since 2003, attached.

Second, while Section 7 of the ESA specifically states that the USFWS does not need to be consulted with on "no effect" projects, I have been in contact with several ESFO in almost every state and have learned that while some do follow this statement some also want to be notified of the tower's construction and want to review no effect determinations (intermittently). As a means to work hand in hand with the USFWS, Lotis has decided to submit these determinations to the jurisdictional ESFO, unless a "no effect" determination statement has been specifically received notifying Lotis that consultation nor notification of the project is needed.

That being said, do you mind confirming an email stating that "no effect" projects do not require consultation with your office and you do not want to be notified accordingly? If so, I will send it to you directly after hearing back from you and will make the note in our database for all future projects.

Let me know.

Miles C. Walz-Salvador

Nationwide NEPA Manager

Biologist/Tribal Consultation Coordinator

(Please note our new address below)



The Lotis Engineering Group, P.C.

6465 Transit Road - Suite 23

East Amherst, NY 14051-2232

ph. 716.276.8707 ext. 105

mob. 314.913.0505

fax 716.810.7664

walz-salvador@thelotisgroup.com

www.thelotisgroup.com

From: Franks, Sierra [mailto:sierra_franks@fws.gov]
Sent: Tuesday, October 03, 2017 12:24 PM
To: Miles Walz-Salvador <<u>Walz-Salvador@thelotisgroup.com</u>>
Subject: Re: Section 7 Consultation regarding a proposed telecommunication build "Peoh Point" in Kittitas County, WA

Hello Mr. Walz-Salvador,

We have received your submission. However, consultation request with the U.S. Fish and Wildlife Service can only come from another federal agency unless we have a memorandum of understanding (MOU) on file from a federal agency designating you as their federal nexus. Are you acting on behalf of the FCC and if so could you please provide us with a copy of that MOU?

Furthermore, it looks like you have concluded with a "no effect" determination for ESA listed species under USFWS jurisdiction in the project area. The implementing regulations of the Endangered Species Act do not provide us a mechanism to concur with a "no effect" determination if that is the case.

We appreciate your effort to conserve listed species. Let us know if we can be of further assistance.

On Thu, Sep 28, 2017 at 1:25 PM, Miles Walz-Salvador <<u>Walz-Salvador@thelotisgroup.com</u>> wrote:

Dear Ms. Franks,

Please see the attached request for Section 7 review for the potential effect on Federally listed threatened and endangered species. You will find the official letter of request, site maps, site photos, and an informal biological assessment which has been completed by Lotis to aid you in your review. Lastly, I have attached a KMZ file which will give you the pin point location of the proposed undertaking on Google Earth. Should you need additional information please feel free to contact me by phone or by responding to this email. Due to nature of this undertaking, we respectfully request an expedited review of this project.

Thank you for your time and consideration.

Best Regards,

Miles C. Walz-Salvador

Nationwide NEPA Manager

Biologist/Tribal Consultation Coordinator

(Please note our new address below)



The Lotis Engineering Group, P.C.

6465 Transit Road - Suite 23

East Amherst, NY 14051-2232

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fax 716.810.7664

walz-salvador@thelotisgroup.com

www.thelotisgroup.com

Sierra E. Franks

Supervisory Fish and Wildlife Biologist

ESA Consultation Branch Manager

United States Fish and Wildlife Service

Ecological Services Division

215 Melody Ln. Suite 103

Wenatchee, Washington 98801

Office #: 509-665-3508 ext. 1880

Work Cell #: 509-393-5882

sierra_franks@fws.gov

Sierra E. Franks Supervisory Fish and Wildlife Biologist ESA Consultation Branch Manager United States Fish and Wildlife Service Ecological Services Division 215 Melody Ln. Suite 103 Wenatchee, Washington 98801 Office #: 509-665-3508 ext. 1880 Work Cell #: 509-393-5882 sierra_franks@fws.gov

Washington Department of Fish and Wildlife, Priority Habitats and Species Program (WDFW) Submission

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- Proposed Project Summary
- Informal Biological Assessment
- Attachment 1 Maps
- Attachment 2 Photograph

6465 Transit Road - Suite 23 East Amherst, NY 14051-2232 716.276.8707

September 28, 2017

Washington Department of Fish and Wildlife, Priority Habitats and Species Program Attn: Scott Downes, Kittitas County Biologist PO Box 43200 Olympia, Washington 98504 Submitted via email: Scott.Downes@dfw.wa.gov

RE: Proposed Telecommunications Tower Undertaking "Peoh Point" in Kittitas County, Washington; Vertical Bridge Development, LLC

Dear Mr. Downes, Kittitas County Biologist:

Vertical Bridge Development, LLC (Vertical Bridge), is proposing to construct a tower installation within the general vicinity of 302 East 4th Street Cle Elum, Kittitas County Washington 98922. The Lotis Engineering Group, P.C. (Lotis), is preparing an environmental review on behalf of Vertical Bridge as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Lotis' review is focused on compliance with Section 7 of the Endangered Species Act and environmental concerns specified by the FCC in 47 CFR 1.1307. The environmental review will include the consideration of possible impact on wetlands, critical habitat, wildlife refuges, wilderness areas, state and federal listed species of concern, as well as species protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Act. Consultation with the USFWS will also be initiated to mitigate potential impact on species of concern.

Attached, please find information pertaining to the proposed undertaking known as Peoh Point. The information package includes the proposed project summary, site maps, results from our search of threatened or endangered species within the action area (provided by the IPaC website) and the state species list (divided into county/quadrangle/parish) and site photographs of the proposed undertaking and adjacent habitat. Lotis has completed an informal biological assessment of the proposed undertaking's action area using available maps, documentation, and site reconnaissance. We have determined that the proposed undertaking would have no effect on federal/state listed species or designated critical habitat.

We would appreciate your assistance in determining if, in your opinion, the proposed undertaking is found to have an adverse impact on any listed and/or proposed species of concern or any designated and/or proposed critical habitats. Additionally, we request your concurrence with our determination of no effect on state listed species.

On behalf of Vertical Bridge, I would solicit your comments on this proposed undertaking. Kindly forward to the undersigned via email (<u>walz-salvador@thelotisgroup.com</u>) or by regular mail to 6465 Transit Road - Suite 23, East Amherst, NY 14051-2232.

Thank you for your consideration and cooperation in this matter.

Sincerely,

The Lotis Engineering Group, P.C.

Miles Way Salvador

Miles Walz-Salvador Biologist / NEPA Manager walz-salvador@thelotisgroup.com

Washington Department of Fish and Wildlife, Priority Habitats and Species Program (WDFW) Threatened and Endangered Species List



WASHINGTON DEPARTMENT OF FISH AND WILDLIFE PRIORITY HABITATS AND SPECIES REPORT

SOURCE DATASET: PHSPlusPublic REPORT DATE: 09/27/2017 9.55 Query ID: P170927095521

Common Name Scientific Name Notes	Site Name Source Dataset Source Record Source Date	Priority Area Occurrence Type More Information (URL) Mgmt Recommendations	Accuracy	Federal Status State Status PHS Listing Status	Sensitive Data Resolution	Source Entity Geometry Type
Northern Spotted Owl Strix occidentalis	WS_OwlStatus_Buf	Management Buffer Management buffer	NA	Threatened Endangered	Y TOWNSHIP	WA Dept. of Fish and Wildlife Polygons
		http://wdfw.wa.gov/publication	ons/pub.php?	PHS Listed		
Northern Spotted Owl Strix occidentalis	WS_OccurPoint 75817	Occurrence Biotic detection	Map 1:24,000 <= 40	Threatened Endangered	Y TOWNSHIP	WA Dept. of Fish and Wildlife Points
	May 17, 2003	http://wdfw.wa.gov/publicatio	ons/pub.php?	PHSLISTED		
Sharp-tailed Snake Contia tenuis	PHSREGION 917950	Occurrence Individual occurrence	1/4 mile (Quarter	N/A Candidate	Y QTR-TWP	WA Dept. of Fish and Wildlife Polygons
		http://wdfw.wa.gov/publications/pub.php?		PHS LISTED		
Sharp-tailed Snake Contia tenuis	WS_OccurPoint 17493	Occurrence Biotic detection	1/4 mile (Quarter	N/A Candidate	Y QTR-TWP	WA Dept. of Fish and Wildlife Points
	July 02, 1997	http://wdfw.wa.gov/publicatio	ons/pub.php?	PHSLISTED		
Sharp-tailed Shake Contia tenuis	WS_OccurPoint 10681	Occurrence Biotic detection	1/4 mile (Quarter	N/A Candidate	Y QTR-TWP	WA Dept. of Fish and Wildlife Points
	April 21, 1994	http://wdfw.wa.gov/publications/pub.php?		PHS LISTED		
Sharp-tailed Snake Contia tenuis	WS_OccurPoint 17488	Occurrence Biotic detection	1/4 mile (Quarter	N/A Candidate	Y QTR-TWP	WA Dept. of Fish and Wildlife Points
	April 12, 1994	http://wdfw.wa.gov/publication	ons/pub.php?	PHS LISTED		

DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to vraition caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.

09/27/2017 9.55

WDFW Test Map



September 27, 2017



MAPPED	

QTR-TWP

TOWNSHIP



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Washington Department of Fish and Wildlife, Priority Habitats and Species Program's (WDFW) Response

Miles Walz-Salvador

From:	Downes, Scott G (DFW) <scott.downes@dfw.wa.gov></scott.downes@dfw.wa.gov>
Sent:	Friday, October 20, 2017 4:48 PM
То:	Miles Walz-Salvador
Subject:	RE: Threatened and Endangered Species consultation for telecommunications build "Peoh Point" in Kittitas County, WA

Miles,

Here are my thoughts/comments on your project. Hope this is what you were looking for. Please let me know if you have questions or need further clarification.

First, the site is named Peoh Point but is not located near Peoh Point so would recommend changing the name to Cle Elum (it is right behind the town) to avoid confusion when contacting any other agencies.

Other technical comments are:

--There are Gray Wolves and Northern Spotted Owls in the general area present but as you correctly identified are unlikely to use habitats of this site.

--This site, with being located adjacent to the city of Cle Elum and away from intact habitats has undertaken the first step to minimize habitat impacts.

--The design should continue to minimize impacts with limiting ground disturbance to the bare minimum needed for the site and the road.

I don't find any plans for the road (where it is going through) or design of the tower, so cannot evaluate those. For design of the tower, for migratory birds, it should be an unguyed tower and ideally without lights. If lights are planned on it, should follow the guidance on lighting to reduced attracting migratory birds. Any lands that are temporarily disturbed but not part of the final footprint, be revegetated with native plants/seed.

If these measures are implemented, your conclusion of no significant impacts to species or their habitats is believed to be correct by WDFW.

Scott

Scott Downes

Fish & Wildlife Habitat Biologist Washington Department of Fish and Wildlife Region 3 Habitat Program 1701 South 24th Ave Yakima, WA 98902-5720 <u>Scott.Downes@dfw.wa.gov</u> Office-509-457-9307 Cell-509-607-3578

From: Miles Walz-Salvador [mailto:Walz-Salvador@thelotisgroup.com]
Sent: Tuesday, October 3, 2017 9:11 AM
To: Downes, Scott G (DFW) <Scott.Downes@dfw.wa.gov>
Subject: RE: Threatened and Endangered Species consultation for telecommunications build "Peoh Point" in Kittitas County, WA

Hey Scott,

Is October 28 a good deadline?

Miles C. Walz-Salvador Nationwide NEPA Manager Biologist/Tribal Consultation Coordinator (Please note our new address below)



The Lotis Engineering Group, P.C. 6465 Transit Road - Suite 23 East Amherst, NY 14051-2232

ph. 716.276.8707 ext. 105 mob. 314.913.0505 fax 716.810.7664

walz-salvador@thelotisgroup.com www.thelotisgroup.com

From: Downes, Scott G (DFW) [mailto:Scott.Downes@dfw.wa.gov]
Sent: Monday, October 02, 2017 3:33 PM
To: Miles Walz-Salvador <<u>Walz-Salvador@thelotisgroup.com</u>>
Subject: RE: Threatened and Endangered Species consultation for telecommunications build "Peoh Point" in Kittitas County, WA

Miles,

Thanks for reaching out. Just getting caught up on my emails. I will try to find time soon to look at this any provide any feedback I have to you. I will try to get to it this week but things are already getting busy. When is the absolute critical date you need the info back by? I'll do my best to meet your deadline.

Scott

From: Miles Walz-Salvador [mailto:Walz-Salvador@thelotisgroup.com]
Sent: Thursday, September 28, 2017 1:02 PM
To: Downes, Scott G (DFW) <<u>Scott.Downes@dfw.wa.gov</u>>
Subject: Threatened and Endangered Species consultation for telecommunications build "Peoh Point" in Kittitas County, WA

Importance: High

Dear Mr. Downes,

I am contacting you because I am completing environmental due diligence for a proposed construction of a telecommunications tower located in Kittitas County, WA. Please see the attached informal biological assessment (IBA), site photos, site maps, and KMZ file (for quick Google Earth aerial review). Lotis is seeking your comment for potential effect and mitigation, if needed, for state listed species and habitat of concern.

Should you need additional information, please feel free to contact me by phone (314.913.0505) or by responding to this email thread.

Thank you for your time and consideration.

Best Regards,

Miles C. Walz-Salvador Nationwide NEPA Manager Biologist/Tribal Consultation Coordinator (Please note our new address below)



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2013 U.S. Fish and Wildlife Service (USFWS) Revised Voluntary Guidelines for Communication Tower Design, Siting, Construction, Operation, Retrofitting, and Decommissioning

2013 U.S. Fish and Wildlife Service (USFWS) Revised Voluntary 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" (2007), Docket No. 08-61, FCC's Antenna Structure Registration Program (2011), Service 2012 Wind Energy Guidelines, and Service 2013 Eagle Conservation Plan Guidance

Submitted by:

Albert M. Manville, II, Ph.D., C.W.B. Senior Wildlife Biologist & Avian-Structural Lead Division of Migratory Bird Management, U.S. Fish & Wildlife Service 4401 N. Fairfax Dr. -- MBSP-4107 Arlington, VA 22203 703/358-1963, <u>albert_manville@fws.gov</u>

Last updated: September 27, 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. Additionally, the Federal Communications Commission (FCC) through recent rulemaking now requires that new towers \geq 450 ft AGL contain no red-steady lights. FCC also recommends that new towers 350-450 ft AGL also contain no red-steady lights, and they will eventually recommend that new towers < 350 ft AGL convert non-flashing lights to flash with existing flashing lights. LED lights are being suggested as replacements for all new construction and for retrofits, with the intent of future synchronizing the flashes. Given these dynamics, the Service recommends using lattice tower or monopole structures for all towers < 200 ft AGL and for taller towers where feasible. The Service considers the less than 200 ft AGL 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 2013 Eagle Conservation Plan Guidance, Module 1, Land-based Wind Energy, Version 2, available on our website, is a useful document (USFWS 2013).

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 shrubsteppe 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 since it is generally less displeasing to the human eye at night), 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) – see recommendation #2 above. 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), state or federally-listed bird species, and eagles 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 (USFWS 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 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.

Gehring, J., P. Kerlinger, and A.M. Manville, II. 2011. The role of tower height and guy wires on avian collisions with communication towers. Journal of Wildlife Management 75(4): 848-855. The Wildlife Society.

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. 2000. Service Guidance on the Siting, Construction, Operation, and Decommissioning of Communication Towers. September 14, 2000. http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

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. <u>http://www.fws.gov/migratorybirds/</u>>

U.S. Fish and Wildlife Service. 2012. U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines. March, 82 pp.

U.S. Fish and Wildlife Service. 2013. Eagle Conservation Plan Guidance, Module 1, Land-based Wind Energy, Version 2. Division of Migratory Bird Management. April, 103 pp.

Migratory Bird Treaty Act of 1918

Digest of Federal Resource Laws of Interest to the U.S. Fish and Wildlife Service

Migratory Bird Treaty Act of 1918

Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755) as amended by: Chapter 634; June 20, 1936; 49 Stat. 1556; P.L. 86-732; September 8, 1960; 74 Stat. 866; P.L. 90-578; October 17, 1968; 82 Stat. 1118; P.L. 91-135; December 5, 1969; 83 Stat. 282; P.L. 93-300; June 1, 1974; 88 Stat. 190; P.L. 95-616; November 8, 1978; 92 Stat. 3111; P.L. 99-645; November 10, 1986; 100 Stat. 3590 and P.L. 105-312; October 30, 1998; 112 Stat. 2956

The original 1918 statute implemented the 1916 Convention between the U.S. and Great Britain (for Canada) for the protection of migratory birds. Later amendments implemented treaties between the U.S. and Mexico, the U.S. and Japan, and the U.S. and the Soviet Union (now Russia).

Specific provisions in the statute include:

• Establishment of a Federal prohibition, unless permitted by regulations, to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird." (16 U.S.C. 703)

This prohibition applies to birds included in the respective international conventions between the U.S. and Great Britain, the U.S. and Mexico, the U.S. and Japan, and the U.S. and the Russia.

- Authority for the Secretary of the Interior to determine, periodically, when, consistent with the Conventions, "hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any . . .bird, or any part, nest or egg" could be undertaken and to adopt regulations for this purpose. These determinations are to be made based on "due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times of migratory flight." (16 U.S.C. 704)
- A decree that domestic interstate and international transportation of migratory birds which are taken in violation of this law is unlawful, as well as importation of any migratory birds which are taken in violation of Canadian laws. (16 U.S.C. 705)
- Authority for Interior officials to enforce the provisions of this law, including seizure of birds illegally taken which can be forfeited to the U.S. and disposed of as directed by the courts. (16 U.S.C. 706)
- Establishment of fines for violation of this law, including misdemeanor charges. (16 U.S.C. 707)
- Authority for States to enact and implement laws or regulations to allow for greater protection of migratory birds, provided that such laws are consistent with the respective Conventions and that open seasons do not extend beyond those established at the national level. (16 U.S.C. 708)

- A repeal of all laws inconsistent with the provisions of this Act. (16 U.S.C. 710)
- Authority for the continued breeding and sale of migratory game birds on farms and preserves for the purpose of increasing the food supply. (16 U.S.C. 711)

The 1936 statute implemented the Convention between the U.S. and Mexico for the Protection of Migratory Birds and Game Mammals. Migratory bird import and export restrictions between Mexico and the U.S. were also authorized, and in issuing any regulations to implement this section, the Secretary of Agriculture was required to consider U.S. laws forbidding importation of certain mammals injurious to agricultural and horticultural interests. Monies for the Secretary of Agriculture to implement these provisions were also authorized.

The 1960 statute (P.L. 86-732) amended the MBTA by altering earlier penalty provisions. The new provisions stipulated that violations of this Act would constitute a misdemeanor and conviction would result in a fine of not more than \$500 or imprisonment of not more than six months. Activities aimed at selling migratory birds in violation of this law would be subject to fine of not more than \$2000 and imprisonment could not exceed two years. Guilty offenses would constitute a felony. Equipment used for sale purchases was authorized to be seized and held, by the Secretary of the Interior, pending prosecution, and, upon conviction, be treated as a penalty.

Section 10 of the 1969 amendments to the Lacey Act (P.L. 91-135) repealed the provisions of the MBTA prohibiting the shipment of wild game mammals or parts to and from the U.S. or Mexico unless permitted by the Secretary of the Interior. The definition of "wildlife" under these amendments does not include migratory birds, however, which are protected under the MBTA.

The 1974 statute (P.L. 93-300) amended the MBTA to include the provisions of the 1972 Convention between the U.S. and Japan for the Protection of Migratory Birds and Birds in Danger of Extinction. This law also amended the title of the MBTA to read: "An Act to give effect to the conventions between the U.S. and other nations for the protection of migratory birds, birds in danger of extinction, game mammals, and their environment."

Section 3(h) of the Fish and Wildlife Improvement Act of 1978 (P.L. 95-616) amended the MBTA to authorize forfeiture to the U.S. of birds and their parts illegally taken, for disposal by the Secretary of the Interior as he deems appropriate. These amendments also authorized the Secretary to issue regulations to permit Alaskan natives to take migratory birds for their subsistence needs during established seasons. The Secretary was required to consider the related migratory bird conventions with Great Britain, Mexico, Japan, and the Soviet Union in establishing these regulations and to establish seasons to provide for the preservation and maintenance of migratory bird stocks.

Public Law 95-616 also ratified a treaty with the Soviet Union specifying that both nations will take measures to protect identified ecosystems of special importance to migratory birds against pollution, detrimental alterations, and other environmental degradations. (See entry for the Convention Between the United States of America and the Union of Soviet Socialist Republics Concerning the Conservation of Migratory Birds and Their Environment; T.I.A.S. 9073; signed on November 19, 1976, and approved by the Senate on July 12, 1978; 92 Stat. 3110.)

Public Law 99-645, the 1986 Emergency Wetlands Resources Act, amended the Act to require that felony violations under the MBTA must be "knowingly" committed.

P.L. 105-312, Migratory Bird Treaty Reform Act of 1998, amended the law to make it unlawful to take migratory game birds by the aid of bait if the person knows or reasonably should know that the area is

baited. This provision eliminates the "strict liability" standard that was used to enforce Federal baiting regulations and replaces it with a "know or should have known" standard. These amendments also make it unlawful to place or direct the placement of bait on or adjacent to an area for the purpose of taking or attempting to take migratory game birds, and makes these violations punishable under title 18 United States Code, (with fines up to \$100,000 for individuals and \$200,000 for organizations), imprisonment for not more than 1 year, or both. The new amendments require the Secretary of Interior to submit to the Senate Committee on Environment and Public Works and the House Committee on Resources a report analyzing the effect of these amendments and the practice of baiting on migratory bird conservation and law enforcement. The report to Congress is due no later than five years after enactment of the new law.

P.L. 105-312 also amends the law to allow the fine for misdemeanor convictions under the Migratory Bird Treaty Act to be up to \$15,000 rather than \$5000.

Return to Resource Laws

2007 U.S. Fish and Wildlife Service (USFWS) National Bald Eagle Guidelines

NATIONAL BALD EAGLE MANAGEMENT GUIDELINES

U.S. Fish and Wildlife Service

May 2007

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INTRODUCTION

The bald eagle (*Haliaeetus leucocephalus*) is protected by the Bald and Golden Eagle Protection Act (Eagle Act) and the Migratory Bird Treaty Act (MBTA). The MBTA and the Eagle Act protect bald eagles from a variety of harmful actions and impacts. The U.S. Fish and Wildlife Service (Service) developed these National Bald Eagle Management Guidelines to advise landowners, land managers, and others who share public and private lands with bald eagles when and under what circumstances the protective provisions of the Eagle Act may apply to their activities. A variety of human activities can potentially interfere with bald eagles, affecting their ability to forage, nest, roost, breed, or raise young. The Guidelines are intended to help people minimize such impacts to bald eagles, particularly where they may constitute "disturbance," which is prohibited by the Eagle Act.

The Guidelines are intended to:

(1) Publicize the provisions of the Eagle Act that continue to protect bald eagles, in order to reduce the possibility that people will violate the law,

(2) Advise landowners, land managers and the general public of the potential for various human activities to disturb bald eagles, and

(3) Encourage additional nonbinding land management practices that benefit bald eagles (see Additional Recommendations section).

While the Guidelines include general recommendations for land management practices that will benefit bald eagles, the document is intended primarily as a tool for landowners and planners who seek information and recommendations regarding how to avoid disturbing bald eagles. Many States and some tribal entities have developed state-specific management plans, regulations, and/or guidance for landowners and land managers to protect and enhance bald eagle habitat, and we encourage the continued development and use of these planning tools to benefit bald eagles.

Adherence to the Guidelines herein will benefit individuals, agencies, organizations, and companies by helping them avoid violations of the law. However, the Guidelines themselves are not law. Rather, they are recommendations based on several decades of behavioral observations, science, and conservation measures to avoid or minimize adverse impacts to bald eagles.

The U.S. Fish and Wildlife Service strongly encourages adherence to these guidelines to ensure that bald and golden eagle populations will continue to be sustained. The Service realizes there may be impacts to some birds even if all reasonable measures are taken to avoid such impacts. Although it is not possible to absolve individuals and entities from liability under the Eagle Act or the MBTA, the Service exercises enforcement discretion to focus on those individuals, companies, or agencies that take migratory birds without regard for the consequences of their actions and the law, especially when conservation measures, such as these Guidelines, are available, but have not been implemented. The Service will prioritize its enforcement efforts to focus on those individuals or entities who take bald eagles or their parts, eggs, or nests without implementing appropriate measures recommended by the Guidelines.
The Service intends to pursue the development of regulations that would authorize, under limited circumstances, the use of permits if "take" of an eagle is anticipated but unavoidable. Additionally, if the bald eagle is delisted, the Service intends to provide a regulatory mechanism to honor existing (take) authorizations under the Endangered Species Act (ESA).

During the interim period until the Service completes a rulemaking for permits under the Eagle Act, the Service does not intend to refer for prosecution the incidental "*take*" of any bald eagle under the MBTA or Eagle Act, if such take is in full compliance with the terms and conditions of an incidental take statement issued to the action agency or applicant under the authority of section 7(b)(4) of the ESA or a permit issued under the authority of section 10(a)(1)(B) of the ESA.

The Guidelines are applicable throughout the United States, including Alaska. The primary purpose of these Guidelines is to provide information that will minimize or prevent violations only of *Federal* laws governing bald eagles. In addition to Federal laws, many states and some smaller jurisdictions and tribes have additional laws and regulations protecting bald eagles. In some cases those laws and regulations may be more protective (restrictive) than these Federal guidelines. If you are planning activities that may affect bald eagles, we therefore recommend that you contact both your nearest U.S. Fish and Wildlife Service Field Office (see the contact information on p.16) and your state wildlife agency for assistance.

LEGAL PROTECTIONS FOR THE BALD EAGLE

The Bald and Golden Eagle Protection Act

The Eagle Act (16 U.S.C. 668-668c), enacted in 1940, and amended several times since then, prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles, including their parts, nests, or eggs. The Act provides criminal and civil penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." "Disturb" means:

"Disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle=s return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment.

A violation of the Act can result in a criminal fine of \$100,000 (\$200,000 for organizations), imprisonment for one year, or both, for a first offense. Penalties increase substantially for additional offenses, and a second violation of this Act is a felony.

The Migratory Bird Treaty Act

The MBTA (16 U.S.C. 703-712), prohibits the taking of any migratory bird or any part, nest, or egg, except as permitted by regulation. The MBTA was enacted in 1918; a 1972 agreement supplementing one of the bilateral treaties underlying the MBTA had the effect of expanding the scope of the Act to cover bald eagles and other raptors. Implementing regulations define "take" under the MBTA as "pursue, hunt, shoot, wound, kill, trap, capture, possess, or collect."

Copies of the Eagle Act and the MBTA are available at: http://permits.fws.gov/ltr/ltr.shtml.

State laws and regulations

Most states have their own regulations and/or guidelines for bald eagle management. Some states may continue to list the bald eagle as endangered, threatened, or of special concern. If you plan activities that may affect bald eagles, we urge you to familiarize yourself with the regulations and/or guidelines that apply to bald eagles in your state. Your adherence to the Guidelines herein does not ensure that you are in compliance with state laws and regulations because state regulations can be more specific and/or restrictive than these Guidelines.

NATURAL HISTORY OF THE BALD EAGLE

Bald eagles are a North American species that historically occurred throughout the contiguous United States and Alaska. After severely declining in the lower 48 States between the 1870s and the 1970s, bald eagles have rebounded and re-established breeding territories in each of the lower 48 states. The largest North American breeding populations are in Alaska and Canada, but there are also significant bald eagle populations in Florida, the Pacific Northwest, the Greater Yellowstone area, the Great Lakes states, and the Chesapeake Bay region. Bald eagle distribution varies seasonally. Bald eagles that nest in southern latitudes frequently move northward in late spring and early summer, often summering as far north as Canada. Most eagles that breed at northern latitudes migrate southward during winter, or to coastal areas where waters remain unfrozen. Migrants frequently concentrate in large numbers at sites where food is abundant and they often roost together communally. In some cases, concentration areas are used year-round: in summer by southern eagles and in winter by northern eagles.

Juvenile bald eagles have mottled brown and white plumage, gradually acquiring their dark brown body and distinctive white head and tail as they mature. Bald eagles generally attain adult plumage by 5 years of age. Most are capable of breeding at 4 or 5 years of age, but in healthy populations they may not start breeding until much older. Bald eagles may live 15 to 25 years in the wild. Adults weigh 8 to 14 pounds (occasionally reaching 16 pounds in Alaska) and have wingspans of 5 to 8 feet. Those in the northern range are larger than those in the south, and females are larger than males.

Where do bald eagles nest?

Breeding bald eagles occupy "territories," areas they will typically defend against intrusion by other eagles. In addition to the active nest, a territory may include one or more alternate nests (nests built or maintained by the eagles but not used for nesting in a given year). The Eagle Act prohibits removal or destruction of both active and alternate bald eagle nests. Bald eagles exhibit high nest site fidelity and nesting territories are often used year after year. Some territories are known to have been used continually for over half a century.

Bald eagles generally nest near coastlines, rivers, large lakes or streams that support an adequate food supply. They often nest in mature or old-growth trees; snags (dead trees); cliffs; rock promontories; rarely on the ground; and with increasing frequency on humanmade structures such as power poles and communication towers. In forested areas, bald eagles often select the tallest trees with limbs strong enough to support a nest that can weigh more than 1,000 pounds. Nest sites typically include at least one perch with a clear view of the water where the eagles usually forage. Shoreline trees or snags located in reservoirs provide the visibility and accessibility needed to locate aquatic prey. Eagle nests are constructed with large sticks, and may be lined with moss, grass, plant stalks, lichens, seaweed, or sod. Nests are usually about 4-6 feet in diameter and 3 feet deep, although larger nests exist.



Copyright Birds of North America, 2000

The range of breeding bald eagles in 2000 (shaded areas). This map shows only the larger concentrations of nests; eagles have continued to expand into additional nesting territories in many states. The dotted line represents the bald eagle's wintering range.

When do bald eagles nest?

Nesting activity begins several months before egg-laying. Egg-laying dates vary throughout the U.S., ranging from October in Florida, to late April or even early May in the northern United States. Incubation typically lasts 33-35 days, but can be as long as 40 days. Eaglets make their first unsteady flights about 10 to 12 weeks after hatching, and fledge (leave their nests) within a few days after that first flight. However, young birds usually remain in the vicinity of the nest for several weeks after fledging because they are almost completely dependent on their parents for food until they disperse from the nesting territory approximately 6 weeks later.

The bald eagle breeding season tends to be longer in the southern U.S., and re-nesting following an unsuccessful first nesting attempt is more common there as well. The following table shows the timing of bald eagle breeding seasons in different regions of the country. The table represents the range of time within which the majority of nesting activities occur in each region and does not apply to any specific nesting pair. Because the timing of nesting activities may vary within a given region, you should contact the nearest U.S. Fish and Wildlife Service Field Office (see page 16) and/or your state wildlife conservation agency for more specific information on nesting chronology in your area.

Chronology of typical reproductive activities of bald eagles in the United States.

Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	Мау	June	July	Aug.
SOUTHEASTERN U.S. (FL, GA, SC, NC , AL, MS, LA, TN, KY, AR, eastern 2 of TX)											
Nest Building											
Egg Laying/Incubation											
		Hatching	g/Rearing `	Young							
Fledging Young											
CHESAR	CHESAPEAKE BAY REGION (NC, VA, MD, DE, southern 2 of NJ, eastern 2 of PA, panhandle of WV)										
	Nest Building										
Egg Laying/Incubation											
	Hatching/Rearing Young										
	Fledging Young										
NORTHERN U.S. (ME, NH, MA, RI, CT, NY, northern 2 of NJ, western 2 of PA, OH, WV exc. panhandle, IN, IL, MI, WI, MN, IA, MO, ND, SD, NB, KS, CO, UT)											
	Nest Building										
	Egg Laying/Incubation										
	Hatching/Rearing Young										
Fledging Young											
PACIFIC	REGION	(WA, OR,	, CA, ID, N	IT, WY, N	V)						
Nest Building											
	Egg Laying/Incubation										
	Hatching/Rearing Young										
	Fledging Young										
SOUTH	SOUTHWESTERN U.S. (AZ, NM, OK panhandle, western 2 of TX)										
	Nest Building										
	Egg Laying/Incubation										
Hatching/Rearing Young											
	Fledging Young										
ALASKA	ALASKA										
	Nest Building										
	Egg Laying/Incubation										
								Hatch	ing/Reari	ng Young	
Ing Your	g										Fledg-
Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	Мау	June	July	Aug.

How many chicks do bald eagles raise?

The number of eagle eggs laid will vary from 1-3, with 1-2 eggs being the most common. Only one eagle egg is laid per day, although not always on successive days. Hatching of young occurs on different days with the result that chicks in the same nest are sometimes of unequal size. The overall national fledging rate is approximately one chick per nest, annually, which results in a healthy expanding population.

What do bald eagles eat?

Bald eagles are opportunistic feeders. Fish comprise much of their diet, but they also eat waterfowl, shorebirds/colonial waterbirds, small mammals, turtles, and carrion. Because they are visual hunters, eagles typically locate their prey from a conspicuous perch, or soaring flight, then swoop down and strike. Wintering bald eagles often congregate in large numbers along streams to feed on spawning salmon or other fish species, and often gather in large numbers in areas below reservoirs, especially hydropower dams, where fish are abundant. Wintering eagles also take birds from rafts of ducks at reservoirs and rivers, and congregate on melting ice shelves to scavenge dead fish from the current or the soft melting ice. Bald eagles will also feed on carcasses along roads, in landfills, and at feedlots.

During the breeding season, adults carry prey to the nest to feed the young. Adults feed their chicks by tearing off pieces of food and holding them to the beaks of the eaglets. After fledging, immature eagles are slow to develop hunting skills, and must learn to locate reliable food sources and master feeding techniques. Young eagles will congregate together, often feeding upon easily acquired food such as carrion and fish found in abundance at the mouths of streams and shallow bays and at landfills.

The impact of human activity on nesting bald eagles

During the breeding season, bald eagles are sensitive to a variety of human activities. However, not all bald eagle pairs react to human activities in the same way. Some pairs nest successfully just dozens of yards from human activity, while others abandon nest sites in response to activities much farther away. This variability may be related to a number of factors, including visibility, duration, noise levels, extent of the area affected by the activity, prior experiences with humans, and tolerance of the individual nesting pair. The relative sensitivity of bald eagles during various stages of the breeding season is outlined in the following table.

Phase	Activity	Sensitivity to Human Activity	Comments
I	Courtship and Nest Building	Most sensitive period; likely to respond negatively	Most critical time period. Disturbance is manifested in nest abandonment. Bald eagles in newly established territories are more prone to abandon nest sites.
II	Egg laying	Very sensitive period	Human activity of even limited duration may cause nest desertion and abandonment of territory for the breeding season.
	Incubation and early nestling period (up to 4 weeks)	Very sensitive period	Adults are less likely to abandon the nest near and after hatching. However, flushed adults leave eggs and young unattended; eggs are susceptible to cooling, loss of moisture, overheating, and predation; young are vulnerable to elements.
IV	Nestling period, 4 to 8 weeks	Moderately sensitive period	Likelihood of nest abandonment and vulnerability of the nestlings to elements somewhat decreases. However, nestlings may miss feedings, affecting their survival.
v	Nestlings 8 weeks through fledging	Very sensitive period	Gaining flight capability, nestlings 8 weeks and older may flush from the nest prematurely due to disruption and die.

Nesting Bald Eagle Sensitivity to Human Activities

If agitated by human activities, eagles may inadequately construct or repair their nest, may expend energy defending the nest rather than tending to their young, or may abandon the nest altogether. Activities that cause prolonged absences of adults from their nests can jeopardize eggs or young. Depending on weather conditions, eggs may overheat or cool too much and fail to hatch. Unattended eggs and nestlings are subject to predation. Young nestlings are particularly vulnerable because they rely on their parents to provide warmth or shade, without which they may die as a result of hypothermia or heat stress. If food delivery schedules are interrupted, the young may not develop healthy plumage, which can affect their survival. In addition, adults startled while incubating or brooding young may damage eggs or injure their young as they abruptly leave the nest. Older nestlings no longer require constant attention from the adults, but they may be startled by loud or intrusive human activities and prematurely jump from the nest before they are able to fly or care for themselves. Once fledged, juveniles range up to 1/4 mile from the nest site, often to a site with minimal human activity. During this period, until about six weeks after departure from the nest, the juveniles still depend on the adults to feed them.

The impact of human activity on foraging and roosting bald eagles

Disruption, destruction, or obstruction of roosting and foraging areas can also negatively affect bald eagles. Disruptive activities in or near eagle foraging areas can interfere with feeding, reducing chances of survival. Interference with feeding can also result in reduced productivity (number of young successfully fledged). Migrating and wintering bald eagles often congregate at specific sites for purposes of feeding and sheltering. Bald eagles rely on established roost sites because of their proximity to sufficient food sources. Roost sites are usually in mature trees where the eagles are somewhat sheltered from the wind and weather. Human activities near or within communal roost sites may prevent eagles

from feeding or taking shelter, especially if there are not other undisturbed and productive feeding and roosting sites available. Activities that permanently alter communal roost sites and important foraging areas can altogether eliminate the elements that are essential for feeding and sheltering eagles.

Where a human activity agitates or bothers roosting or foraging bald eagles to the degree that causes injury or substantially interferes with breeding, feeding, or sheltering behavior and causes, or is likely to cause, a loss of productivity or nest abandonment, the conduct of the activity constitutes a violation of the Eagle Act's prohibition against disturbing eagles. The circumstances that might result in such an outcome are difficult to predict without detailed site-specific information. If your activities may disturb roosting or foraging bald eagles, you should contact your local Fish and Wildlife Service Field Office (see page 16) for advice and recommendations for how to avoid such disturbance.

RECOMMENDATIONS FOR AVOIDING DISTURBANCE AT NEST SITES

In developing these Guidelines, we relied on existing state and regional bald eagle guidelines, scientific literature on bald eagle disturbance, and recommendations of state and Federal biologists who monitor the impacts of human activity on eagles. Despite these resources, uncertainties remain regarding the effects of many activities on eagles and how eagles in different situations may or may not respond to certain human activities. The Service recognizes this uncertainty and views the collection of better biological data on the response of eagles to disturbance as a high priority. To the extent that resources allow, the Service will continue to collect data on responses of bald eagles to human activities conducted according to the recommendations within these Guidelines to ensure that adequate protection from disturbance is being afforded, and to identify circumstances where the Guidelines might be modified. These data will be used to make future adjustments to the Guidelines.

To avoid disturbing nesting bald eagles, we recommend (1) keeping a distance between the activity and the nest (distance buffers), (2) maintaining preferably forested (or natural) areas between the activity and around nest trees (landscape buffers), and (3) avoiding certain activities during the breeding season. The buffer areas serve to minimize visual and auditory impacts associated with human activities near nest sites. Ideally, buffers would be large enough to protect existing nest trees and provide for alternative or replacement nest trees.

The size and shape of effective buffers vary depending on the topography and other ecological characteristics surrounding the nest site. In open areas where there are little or no forested or topographical buffers, such as in many western states, distance alone must serve as the buffer. Consequently, in open areas, the distance between the activity and the nest may need to be larger than the distances recommended under Categories A and B of these guidelines (pg. 12) if no landscape buffers are present. The height of the nest above the ground may also ameliorate effects of human activities; eagles at higher nests may be less prone to disturbance.

In addition to the physical features of the landscape and nest site, the appropriate size for the distance buffer may vary according to the historical tolerances of eagles to human activities in particular localities, and may also depend on the location of the nest in relation to feeding and roosting areas used by the eagles. Increased competition for nest sites may lead bald eagles to nest closer to human activity (and other eagles).

Seasonal restrictions can prevent the potential impacts of many shorter-term, obtrusive activities that do not entail landscape alterations (e.g. fireworks, outdoor concerts). In proximity to the nest, these kinds of activities should be conducted only outside the breeding season. For activities that entail both short-term, obtrusive characteristics and more permanent impacts (e.g., building construction), we recommend a combination of both approaches: retaining a landscape buffer *and* observing seasonal restrictions.

For assistance in determining the appropriate size and configuration of buffers or the timing of activities in the vicinity of a bald eagle nest, we encourage you to contact the nearest U.S. Fish and Wildlife Service Field Office (see page 16).

Existing Uses

Eagles are unlikely to be disturbed by routine use of roads, homes, and other facilities where such use pre-dates the eagles' successful nesting activity in a given area. Therefore, in most cases *ongoing* existing uses may proceed with the same intensity with little risk of disturbing bald eagles. However, some *intermittent, occasional, or irregular* uses that pre-date eagle nesting in an area may disturb bald eagles. For example: a pair of eagles may begin nesting in an area and subsequently be disturbed by activities associated with an annual outdoor flea market, even though the flea market has been held annually at the same location. In such situations, human activity should be adjusted or relocated to minimize potential impacts on the nesting pair.

ACTIVITY-SPECIFIC GUIDELINES

The following section provides the Service=s management recommendations for avoiding bald eagle disturbance as a result of new or intermittent activities proposed in the vicinity of bald eagle nests. Activities are separated into 8 categories (A - H) based on the nature and magnitude of impacts to bald eagles that usually result from the type of activity. Activities with similar or comparable impacts are grouped together.

In most cases, impacts will vary based on the visibility of the activity from the eagle nest and the degree to which similar activities are already occurring in proximity to the nest site. Visibility is a factor because, in general, eagles are more prone to disturbance when an activity occurs in full view. For this reason, we recommend that people locate activities farther from the nest structure in areas with open vistas, in contrast to areas where the view is shielded by rolling topography, trees, or other screening factors. The recommendations also take into account the existence of similar activities in the area because the continued presence of nesting bald eagles in the vicinity of the existing activities indicates that the eagles in that area can tolerate a greater degree of human activity than we can generally expect from eagles in areas that experience fewer human impacts. To illustrate how these factors affect the likelihood of disturbing eagles, we have incorporated the recommendations for some activities into a table (categories A and B).

First, determine which category your activity falls into (between categories A - H). If the activity you plan to undertake is not specifically addressed in these guidelines, follow the recommendations for the most similar activity represented.

If your activity is under A or B, our recommendations are in table form. The vertical axis shows the degree of visibility of the activity from the nest. The horizontal axis (header row) represents the degree to which similar activities are ongoing in the vicinity of the nest. Locate the row that best describes how visible your activity will be from the eagle nest. Then, choose the column that best describes the degree to which similar activities are ongoing in the vicinity of the eagle nest. The box where the column and row come together contains our management recommendations for how far you should locate your activity from the nest to avoid disturbing the eagles. The numerical distances shown in the tables are the closest the activity should be conducted relative to the nest. In some cases we have included additional recommendations (other than recommended *distance* from the nest) you should follow to help ensure that your activity will not disturb the eagles.

Alternate nests

For activities that entail permanent landscape alterations that may result in bald eagle disturbance, these recommendations apply to both active and alternate bald eagle nests. Disturbance becomes an issue with regard to alternate nests if eagles return for breeding purposes and react to land use changes that occurred while the nest was inactive. The likelihood that an alternate nest will again become active decreases the longer it goes unused. If you plan activities in the vicinity of an alternate bald eagle nest and have information to show that the nest has not been active during the preceding 5 breeding seasons, the recommendations provided in these guidelines for avoiding disturbance around the nest site may no longer be warranted. The nest itself remains protected by other provisions of the Eagle Act, however, and may not be destroyed.

If special circumstances exist that make it unlikely an inactive nest will be reused before 5 years of disuse have passed, and you believe that the probability of reuse is low enough to warrant disregarding the recommendations for avoiding disturbance, you should be prepared to provide all the reasons for your conclusion, including information regarding past use of the nest site. Without sufficient documentation, you should continue to follow these guidelines when conducting activities around the nest site. If we are able to determine that it is unlikely the nest will be reused, we may advise you that the recommendations provided in these guidelines for avoiding disturbance are no longer necessary around that nest site.

This guidance is intended to minimize disturbance, as defined by Federal regulation. In addition to Federal laws, most states and some tribes and smaller jurisdictions have additional laws and regulations protecting bald eagles. In some cases those laws and regulations may be more protective (restrictive) than these Federal guidelines.

Temporary Impacts

For activities that have temporary impacts, such as the use of loud machinery, fireworks displays, or summer boating activities, we recommend seasonal restrictions. These types of activities can generally be carried out outside of the breeding season without causing disturbance. The recommended restrictions for these types of activities can be lifted for alternate nests within a particular territory, including nests that were attended during the current breeding season but not used to raise young, after eggs laid in another nest within the territory have hatched (depending on the distance between the alternate nest and the active nest).

In general, activities should be kept as far away from nest trees as possible; loud and disruptive activities should be conducted when eagles are not nesting; and activity between the nest and the nearest foraging area should be minimized. If the activity you plan to undertake is not specifically addressed in these guidelines, follow the recommendations for the most similar activity addressed, or contact your local U.S. Fish and Wildlife Service Field Office for additional guidance.

If you believe that special circumstances apply to your situation that increase or diminish the likelihood of bald eagle disturbance, or if it is not possible to adhere to the guidelines, you should contact your local Service Field Office for further guidance.

Category A:

Building construction, 1 or 2 story, with project footprint of ½ acre or less. Construction of roads, trails, canals, power lines, and other linear utilities. Agriculture and aquaculture – new or expanded operations. Alteration of shorelines or wetlands. Installation of docks or moorings. Water impoundment.

Category B:

Building construction, 3 or more stories. Building construction, 1 or 2 story, with project footprint of more than ½ acre. Installation or expansion of marinas with a capacity of 6 or more boats. Mining and associated activities. Oil and natural gas drilling and refining and associated activities.

	<i>If there is no similar activity within 1 mile of the nest</i>	<i>If there is similar activity closer than 1 mile from the nest</i>
<i>If the activity will be visible from the nest</i>	660 feet. Landscape buffers are recommended.	660 feet, or as close as existing tolerated activity of similar scope. Landscape buffers are recommended.
<i>If the activity will not be visible from the nest</i>	Category A: 330 feet. Clearing, external construction, and landscaping between 330 feet and 660 feet should be done outside breeding season. Category B: 660 feet.	330 feet, or as close as existing tolerated activity of similar scope. Clearing, external construction and landscaping within 660 feet should be done outside breeding season.

The numerical distances shown in the table are the closest the activity should be conducted relative to the nest.

Category C. Timber Operations and Forestry Practices

- Avoid clear cutting or removal of overstory trees within 330 feet of the nest at any time.
- Avoid timber harvesting operations, including road construction and chain saw and yarding operations, during the breeding season within 660 feet of the nest. The distance may be decreased to 330 feet around alternate nests within a particular territory, including nests that were attended during the current breeding season but not used to raise young, after eggs laid in another nest within the territory have hatched.
- Selective thinning and other silviculture management practices designed to conserve or enhance habitat, including prescribed burning close to the nest tree, should be undertaken outside the breeding season. Precautions such as raking leaves and woody debris from around the nest tree should be taken to prevent crown fire or fire climbing the nest tree. If it is determined that a burn during the breeding season would be beneficial, then, to ensure that no take or disturbance will occur, these activities should be conducted only when neither adult eagles nor young are present at the nest tree (i.e., at the beginning of, or end of, the breeding season, either before the particular nest is active or after the young have fledged from that nest). Appropriate Federal and state biologists should be consulted before any prescribed burning is conducted during the breeding season.
- Avoid construction of log transfer facilities and in-water log storage areas within 330 feet of the nest.

Category D. Off-road vehicle use (including snowmobiles). No buffer is necessary around nest sites outside the breeding season. During the breeding season, do not operate off-road vehicles within 330 feet of the nest. In open areas, where there is increased visibility and exposure to noise, this distance should be extended to 660 feet.

Category E. Motorized Watercraft use (including jet skis/personal watercraft). No buffer is necessary around nest sites outside the breeding season. During the breeding season, within 330 feet of the nest, (1) do not operate jet skis (personal watercraft), and (2) avoid concentrations of noisy vessels (e.g., commercial fishing boats and tour boats), except where eagles have demonstrated tolerance for such activity. Other motorized boat traffic passing within 330 feet of the nest should attempt to minimize trips and avoid stopping in the area where feasible, particularly where eagles are unaccustomed to boat traffic. Buffers for airboats should be larger than 330 feet due to the increased noise they generate, combined with their speed, maneuverability, and visibility.

Category F. Non-motorized recreation and human entry (e.g., hiking, camping, fishing, hunting, birdwatching, kayaking, canoeing). No buffer is necessary around nest sites outside the breeding season. If the activity will be visible or highly audible from the nest, maintain a 330-foot buffer during the breeding season, particularly where eagles are unaccustomed to such activity.

Category G. Helicopters and fixed-wing aircraft.

Except for authorized biologists trained in survey techniques, avoid operating aircraft within 1,000 feet of the nest during the breeding season, except where eagles have demonstrated tolerance for such activity.

Category H. Blasting and other loud, intermittent noises.

Avoid blasting and other activities that produce extremely loud noises within 1/2 mile of active nests, unless greater tolerance to the activity (or similar activity) has been demonstrated by the eagles in the nesting area. This recommendation applies to the use of fireworks classified by the Federal Department of Transportation as Class B explosives, which includes the larger fireworks that are intended for licensed public display.

RECOMMENDATIONS FOR AVOIDING DISTURBANCE AT FORAGING AREAS AND COMMUNAL ROOST SITES

- 1. Minimize potentially disruptive activities and development in the eagles' direct flight path between their nest and roost sites and important foraging areas.
- 2. Locate long-term and permanent water-dependent facilities, such as boat ramps and marinas, away from important eagle foraging areas.
- 3. Avoid recreational and commercial boating and fishing near critical eagle foraging areas during peak feeding times (usually early to mid-morning and late afternoon), except where eagles have demonstrated tolerance to such activity.
- Do not use explosives within ½ mile (or within 1 mile in open areas) of communal roosts when eagles are congregating, without prior coordination with the U.S. Fish and Wildlife Service and your state wildlife agency.
- 5. Locate aircraft corridors no closer than 1,000 feet vertical or horizontal distance from communal roost sites.

ADDITIONAL RECOMMENDATIONS TO BENEFIT BALD EAGLES

The following are additional management practices that landowners and planners can exercise for added benefit to bald eagles.

- 1. Protect and preserve potential roost and nest sites by retaining mature trees and old growth stands, particularly within ½ mile from water.
- 2. Where nests are blown from trees during storms or are otherwise destroyed by the elements, continue to protect the site in the absence of the nest for up to three (3) complete breeding seasons. Many eagles will rebuild the nest and reoccupy the site.
- 3. To avoid collisions, site wind turbines, communication towers, and high voltage transmission power lines away from nests, foraging areas, and communal roost sites.
- 4. Employ industry-accepted best management practices to prevent birds from colliding with or being electrocuted by utility lines, towers, and poles. If possible, bury utility lines in important eagle areas.
- 5. Where bald eagles are likely to nest in human-made structures (e.g., cell phone towers) and such use could impede operation or maintenance of the structures or jeopardize the safety of the eagles, equip the structures with either (1) devices engineered to discourage bald eagles from building nests, or (2) nesting platforms that will safely accommodate bald eagle nests without interfering with structure performance.
- 6. Immediately cover carcasses of euthanized animals at landfills to protect eagles from being poisoned.
- 7. Do not intentionally feed bald eagles. Artificially feeding bald eagles can disrupt their essential behavioral patterns and put them at increased risk from power lines, collision with windows and cars, and other mortality factors.
- 8. Use pesticides, herbicides, fertilizers, and other chemicals only in accordance with Federal and state laws.
- 9. Monitor and minimize dispersal of contaminants associated with hazardous waste sites (legal or illegal), permitted releases, and runoff from agricultural areas, especially within watersheds where eagles have shown poor reproduction or where bioaccumulating contaminants have been documented. These factors present a risk of contamination to eagles and their food sources.

CONTACTS

The following U.S. Fish and Wildlife Service Field Offices provide technical assistance on bald eagle management:

<u>Alabama</u>	Daphne	(251) 441-5181	<u>New Hampshire</u>	Concord	(603) 223-2541
<u>Alaska</u>	Anchorage	(907) 271-2888	New Jersey	Pleasantville	(609) 646-9310
	Fairbanks	(907) 456-0203	New Mexico	Albuquerque	(505) 346-2525
	Juneau	(907) 780-1160	New York	Cortland	(607) 753-9334
Arizona	Phoenix	(602) 242-0210		Long Island	(631) 776-1401
Arkansas	Conway	(501) 513-4470	North Carolina	Raleigh	(919) 856-4520
California	Arcata	(707) 822-7201		Asheville	(828) 258-3939
	Barstow	(760) 255-8852	North Dakota	Bismarck	(701) 250-4481
	Carlsbad	(760) 431-9440	<u>Ohio</u>	Reynoldsburg	(614) 469-6923
	Red Bluff	(530) 527-3043	<u>Oklahoma</u>	Tulsa	(918) 581-7458
	Sacramento	(916) 414-6000	<u>Oregon</u>	Bend	(541) 383-7146
	Stockton	(209) 946-6400		Klamath Falls	(541) 885-8481
	Ventura	(805) 644-1766		La Grande	(541) 962-8584
	Yreka	(530) 842-5763		Newport	(541) 867-4558
<u>Colorado</u>	Lakewood	(303) 275-2370		Portland	(503) 231-6179
	Grand Junctior	(970) 243-2778		Roseburg	(541) 957-3474
Connecticut	(See New Harr	ipshire)	<u>Pennsylvania</u>	State College	(814) 234-4090
Delaware	(See Maryland)	Rhode Island	(See New Ham	npshire)
Florida	Panama City	(850) 769-0552	South Carolina	Charleston	(843) 727-4707
	Vero Beach	(772) 562-3909	South Dakota	Pierre	(605) 224-8693
	Jacksonville	(904) 232-2580	<u>Tennessee</u>	Cookeville	(931) 528-6481
Georgia	Athens	(706) 613-9493	<u>Texas</u>	Clear Lake	(281) 286-8282
<u>v</u>	Brunswick	(912) 265-9336	<u>Utah</u>	West Valley City	(801) 975-3330
	Columbus	(706) 544-6428	Vermont	(See New Ham	npshire)
Idaho	Boise	(208) 378-5243	<u>Virginia</u>	Gloucester	(804) 693-6694
	Chubbuck	(208) 237-6975	Washington	Lacey	(306) 753-9440
Illinois/Iowa	Rock Island	(309) 757-5800	-	Spokane	(509) 891-6839
Indiana	Bloomington	(812) 334-4261		Wenatchee	(509) 665-3508
Kansas	Manhattan	(785) 539-3474	<u>West Virginia</u>	Elkins	(304) 636-6586
Kentucky	Frankfort	(502) 695-0468	<u>Wisconsin</u>	New Franken	(920) 866-1725
Louisiana	Lafayette	(337) 291-3100	<u>Wyoming</u>	Cheyenne	(307) 772-2374
Maine	Old Town	(207) 827-5938		Cody	(307) 578-5939
Maryland	Annapolis	(410) 573-4573			
Massachusetts	(See New Ham	ipshire)			
Michigan	East Lansing	(517) 351-2555	National Office	<u>9</u>	
Minnesota	Bloomington	(612) 725-3548	U.S. Fish and	Wildlife Service	
Mississippi	Jackson	(601) 965-4900	Division of Mig	gratory Bird Mana	igement
Missouri	Columbia	(573) 234-2132	4401 North Fa	airtax Drive, MBS	P-4107
Montana	Helena	(405) 449-5225	Ariington, VA	ZZZU3-1610	
Nebraska	Grand Island	(308) 382-6468	(703) 338-171 http://www.fw/	4 aov/migratorybi	rde
Nevada	Las Vegas	(702) 515-5230	1111p.//www.iws	s.gov/migratorybii	us
	Reno	(775) 861-6300			

State Agencies

To contact a state wildlife agency, visit the Association of Fish & Wildlife Agencies' website at http://www.fishwildlife.org/where_us.html

GLOSSARY

The definitions below apply to these National Bald Eagle Management Guidelines:

Communal roost sites – Areas where bald eagles gather and perch overnight – and sometimes during the day in the event of inclement weather. Communal roost sites are usually in large trees (live or dead) that are relatively sheltered from wind and are generally in close proximity to foraging areas. These roosts may also serve a social purpose for pair bond formation and communication among eagles. Many roost sites are used year after year.

Disturb – To agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, feeding, or sheltering behavior.

In addition to immediate impacts, this definition also covers impacts that result from humancaused alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle=s return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment.

Fledge – To leave the nest and begin flying. For bald eagles, this normally occurs at 10-12 weeks of age.

Fledgling – A juvenile bald eagle that has taken the first flight from the nest but is not yet independent.

Foraging area – An area where eagles feed, typically near open water such as rivers, lakes, reservoirs, and bays where fish and waterfowl are abundant, or in areas with little or no water (i.e., rangelands, barren land, tundra, suburban areas, etc.) where other prey species (e.g., rabbit, rodents) or carrion (such as at landfills) are abundant.

Landscape buffer – A natural or human-made landscape feature that screens eagles from human activity (e.g., strip of trees, hill, cliff, berm, sound wall).

Nest – A structure built, maintained, or used by bald eagles for the purpose of reproduction. An **active** nest is a nest that is attended (built, maintained or used) by a pair of bald eagles during a given breeding season, whether or not eggs are laid. An **alternate** nest is a nest that is not used for breeding by eagles during a given breeding season.

Nest abandonment – Nest abandonment occurs when adult eagles desert or stop attending a nest and do not subsequently return and successfully raise young in that nest for the duration of a breeding season. Nest abandonment can be caused by altering habitat near a nest, even if the alteration occurs prior to the breeding season. Whether the eagles migrate during the non-breeding season, or remain in the area throughout the non-breeding season, nest abandonment can occur at any point between the time the eagles return to the nesting site for the breeding season and the time when all progeny from the breeding season have

dispersed.

Project footprint – The area of land (and water) that will be permanently altered for a development project, including access roads.

Similar scope – In the vicinity of a bald eagle nest, an existing activity is of similar scope to a new activity where the types of impacts to bald eagles are similar in nature, and the impacts of the existing activity are of the same or greater magnitude than the impacts of the potential new activity. Examples: (1) An existing single-story home 200 feet from a nest is similar in scope to an additional single-story home 200 feet from the nest; (2) An existing multi-story, multi-family dwelling 150 feet from a nest has impacts of a greater magnitude than a potential new single-family home 200 feet from the nest; (3) One existing single-family home 200 feet from the nest; (4) an existing single-family home 200 feet from a communal roost has impacts of a lesser magnitude than a single-family home 300 feet from the nest; (4) an existing single-family home 300 feet from a communal roost has impacts of a lesser magnitude than a single-family home 300 feet from the eagles' foraging area. The existing activities in examples (1) and (2) are of similar scope, while the existing activities in example (3) and (4) are not.

Vegetative buffer – An area surrounding a bald eagle nest that is wholly or largely covered by forest, vegetation, or other natural ecological characteristics, and separates the nest from human activities.

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Department of Archaeology & Historic Preservation (DAHP) Consultation

Department of Archaeology & Historic Preservation (DAHP) Submission

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- Proposed Project Summary
- Attachment 1 Maps
- Attachment 2 Photographs
- Attachment 3 Areas of Potential Effects (Cultural Resource Report)
- Attachment 4 Historic Properties Identified in the APE for Direct Effects
- Attachment 5 Historic Properties Identified in the APE for Visual Effects
- Attachment 6 Tribal/NHO Involvement
- Attachment 7 Local Government Involvement
- Attachment 8 Public Involvement
- Attachment 9 Curricula Vitae
- Attachment 10 SHPO Specific Documentation (If required)

The Lotis Engineering Group, P.C.

6465 Transit Road - Suite 23 East Amherst, NY 14051-2232 716.276.8707

September 28, 2017

Department of Archaeology & Historic Preservation Attn: Allyson Brooks 1100 Capitol Way South, Suite 30 Olympia, Washington 98501

RE: Proposed Telecommunications Tower Undertaking "Peoh Point" in Kittitas County, Washington; Vertical Bridge Development, LLC

Dear Dr. Brooks:

Vertical Bridge Development, LLC (Vertical Bridge), is proposing to construct a tower installation and associated equipment within the general vicinity of 302 East 4th Street Cle Elum, Kittitas County Washington 98922. The Lotis Engineering Group, P.C. (Lotis), is preparing a cultural resource and environmental review on behalf of Vertical Bridge as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Please consider this correspondence an invitation to the DAHP to comment on the possible direct or visual effects the proposed undertaking may have on eligible/listed sites or structures of historic significance within the Area of Potential Effect (APE).

Attached, please find the Federal Communications Commission's (FCC) completed Form 620 and corresponding attachments for the proposed undertaking.

Should you require further information, please do not hesitate to contact me at (314) 913-0505 or <u>walz-salvador@thelotisgroup.com</u>. Thank you for your time and consideration in these regards.

Sincerely,

The Lotis Engineering Group, P.C.

Miles Way Salvador

Miles Walz-Salvador Biologist / NEPA Manager walz-salvador@thelotisgroup.com

Enclosures

Federal Communications Commission (FCC) Form 620

FCC Form 620

File Number: 0007942013

Notification Date: 7AM EST 09/29/2017

FCC Wireless Telecommunications Bureau

New Tower ("NT") Submission Packet

Approved by OMB 3060 – 1039 See instructions for public burden estimates

General Information

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

••

3) FCC Registration Number (FRN): 0023451453

4) Name: Vertical Bridge Development, LLC

Contact Name

5) First Name: Amy	6) MI:	7) Last Name: Thomas	8) Suffix:
9) Title: Project Manager			

Contact Information

10) P.O. Box:	And /Or	11) Street Address: 750 Park of Commerce Dr, Suite 200				
12) City: Boca Raton				13) State: FL	14) Zip Code: 33487	
15) Telephone Number: (561)948-6367			16) Fax Nu	umber:		
17) E-mail Address: AThomas@verticalbridge.com						

Consultant Information

18) FCC Registration Number (FRN): 0021325436	
19) Name: The Lotis Engineering Group, P.C.	

Principal Investigator

20) First Name: Miles	21) MI:	22) Last Name: Walz-Salvador	23) Suffix:	

24) Title: Nationwide NEPA Manager

Principal Investigator Contact Information

25) P.O. Box: 14051-2232	And /Or	26) Street Address: 6465 Transit Road Suite 23				
27) City: East Amherst 28) State: NY 29) Zip Code: 14051-2232					29) Zip Code: 14051-2232	
30) Telephone Number: (314)913-0505		31) Fax Nu	umber: (314)913-0505			
32) E-mail Address: walz-salvador@thelotisgroup.com						

Professional Qualification

33) Does the Principal Investigator satisfy the Secretary of the Interior's Professional Qualification Standards?	() <u>Y</u> es (X) <u>N</u> o
34) Areas of Professional Qualification:	
() Archaeologist	
() Architectural Historian	
() Historian	
() Architect	
(X) Other (Specify) <u>NEPA</u>	

Additional Staff

35) Are there other staff involved who meet the Professional Qualification Standards of the Secretary of the Interior?	(X) <u>Y</u> es () <u>N</u> o
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T

If "YES," complete the following:

36) First Name: Aimee	37) MI:	38) Last Name: Finley	39) Suffix:		
40) Title: Principal Investigator					
41) Areas of Professional Qualification:					
(X) Archaeologist					
() Architectural Historian					
())Historian					
() Architect					
() Other (Specify)					

Tower Construction Notification System

1) TCNS Notification Number: 161173

Site Information

2) Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: () Yes (X) No

3) Site Name: **Peoh Point**

4) Site Address: 302 East 4th Street

5) Detailed Description of Project:

The proposed construction of a 153' monopole tower and equipment on a 100' x 100' lease area. An approximately 30' x 1,050' access/utility easement is proposed, extending northwest along an existing dirt road and connecting with East 5th Street.

6) City: Cle Elum	7) State: WA	8) Zip Code: 98922
9) County/Borough/Parish: KITTITAS		
10) Nearest Crossroads: East 5th Street and East 4th Street		
11) NAD 83 Latitude (DD-MM-SS.S): 47-11-51.9	(X) <u>N</u> or () <u>S</u>
12) NAD 83 Longitude (DD-MM-SS.S): 120-55-59.8	() <u>E</u> or (X) <u>W</u>

Tower Information

13) Tower height above ground level (include top-mounted attachments such as lightning rods):	() Feet(X)Meters
14) Tower Type (Select One):		
() Guyed lattice tower		
() Self-supporting lattice		
(X) Monopole		
() Other (Describe):		

Project Status

15) Current Project Status (Select One):	
($\boldsymbol{\chi}$) Construction has not yet commenced	
() Construction has commenced, but is not completed	Construction commenced on:
() Construction has been completed	Construction commenced on:
Construction completed on:	

Determination of Effect

14) Direct Effects (Select One):

- (${\bf X}$) No Historic Properties in Area of Potential Effects (APE)
- () No Effect on Historic Properties in APE
- () No Adverse Effect on Historic Properties in APE
- () Adverse Effect on one or more Historic Properties in APE

15) Visual Effects (Select One):

() No Historic Properties in Area of Potential Effects (APE)

(${\bf X}$) No Effect on Historic Properties in APE

- () No Adverse Effect on Historic Properties in APE
- () Adverse Effect on one or more Historic Properties in APE

Tribal/NHO Involvement

 Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may significance to historic properties which may be affected by the undertaking within the effects? 	attach religious and cultural APEs for direct and visual	(X) <u>Y</u> es () <u>N</u> o
2a) Tribes/NHOs contacted through TCNS Notification Number: 161173 2b) Tribes/NHOs contacted through an alternate system:	Number of Tribes/NHOs: <u>5</u> Number of Tribes/NHOs: <u>0</u>		

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:

4) Tribe/NHO Name: Blackfeet Nation

Contact Name

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

Dates & Response

10) Date Contacted	11) Date Replied
() No Reply	
() Replied/No Interest	
(X) Replied/Have Interest	
() Replied/Other	

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Confederated Tribes of the Colville Reservation

Contact Name

L

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

Dates & Response

10) Date Contacted	11) Date Replied
(X)No Reply	
() Replied/No Interest	
() Replied/Have Interest	
() Replied/Other	

Tribal/NHO Involvement

 Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may significance to historic properties which may be affected by the undertaking within the effects? 	attach religious and cultural APEs for direct and visual	(X) <u>Y</u> es () <u>N</u> o
2a) Tribes/NHOs contacted through TCNS Notification Number: 161173 2b) Tribes/NHOs contacted through an alternate system:	Number of Tribes/NHOs: <u>5</u> Number of Tribes/NHOs: <u>0</u>		

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:

4) Tribe/NHO Name: Eastern Shoshone Tribe

Contact Name

L

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

Dates & Response

10) Date Contacted	11) Date Replied
())No Reply	
() Replied/No Interest	
() Replied/Have Interest	
(X) Replied/Other	

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:	
4) Tribe/NHO Name: Upper Skagit Indian Tribe	

Contact Name

5) First Name: Scott	6) MI:	7) Last Name: Schuyler	8) Suffix:
9) Title: Cultural Policy Representative			

Dates & Response

10) Date Contacted	11) Date Replied
(X)No Reply	
() Replied/No Interest	
() Replied/Have Interest	
() Replied/Other	

Tribal/NHO Involvement

 Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may a significance to historic properties which may be affected by the undertaking within the A effects? 	(X) <u>Y</u> es () <u>N</u> o	
2a) Tribes/NHOs contacted through TCNS Notification Number: 161173 2b) Tribes/NHOs contacted through an alternate system:	Number of Tribes/NHOs: <u>5</u> Number of Tribes/NHOs: <u>0</u>		

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:

4) Tribe/NHO Name: Yakama Nation

Contact Name

5) First Name: JoDe	6) MI: L	7) Last Name: Goudy	8) Suffix:
9) Title: Chairman			
Dates & Response			

10) Date Contacted	11) Date Replied
(X)No Reply	
() Replied/No Interest	
() Replied/Have Interest	
() Replied/Other	

Other Tribes/NHOs Contacted

Tribe/NHO Information

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

Contact Name

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

Contact Information

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

Dates & Response

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

Historic Properties

Properties Identified

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

Historic Property

4) Property Name: Vogue Theater
5) SHPO Site Number: 45KT2211

Property Address

6) Street Address: 210 Pennsylvania Avenue		
7) City: Cle Elum	8) State: WA	9) Zip Code: 98922
10) County/Borough/Parish: KITTITAS		

Status & Eligibility

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

14) Direct Effects (Select One):

(X) No Effect on this Historic Property in APE

() No Adverse Effect on this Historic Property in APE

() Adverse Effect on this Historic Property in APE

15) Visual Effects (Select One):

(${\bf X}$) No Effect on this Historic Property in APE

() No Adverse Effect on this Historic Property in APE

() Adverse Effect on this Historic Property in APE

Historic Properties

Properties Identified

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

Historic Property

4) Property Name: Kinney Building
5) SHPO Site Number: 45KT2297

Property Address

6) Street Address: 108-110 E 1st Street		
7) City: Cle Elum	8) State: WA	9) Zip Code: 98922
10) County/Borough/Parish: KITTITAS		

Status & Eligibility

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

14) Direct Effects (Select One):

(X) No Effect on this Historic Property in APE

() No Adverse Effect on this Historic Property in APE

() Adverse Effect on this Historic Property in APE

15) Visual Effects (Select One):

(X) No Effect on this Historic Property in APE

() No Adverse Effect on this Historic Property in APE

() Adverse Effect on this Historic Property in APE
Local Government Involvement

Local Government Agency

1) FCC Registration Number (FRN):
2) Name: City of Cle Elum

Contact Name

3) First Name: Kathy	4) MI:	5) Last Name: Swanson	6) Suffix:
7) Title: CLG Contact			

Contact Information

8) P.O. Box:	And /Or	9) Street Address: 119 West First Street			
10) City: Cle Elum		11) State: WA	12) Zip Code: 98922		
13) Telephone Number: (509)674-2262	13) Telephone Number: (509)674-2262 14) Fax Number:				
15) E-mail Address: kswanson@city	ofcleel	um.com			
16) Preferred means of communication:					
(X)E-mail					
() Letter					
() Both					

Dates & Response

17) Date Contacted 09/28/2017	18) Date Replied
(X) No Reply	
() Replied/No Interest	
() Replied/Have Interest	
() Replied/Other	

Additional Information

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

Other Consulting Parties Contacted

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

Consulting Party

2) FCC Registration Number (FRN):	
3) Name: Northern Kittitas County Historical Society	

Contact Name

4) First Name: To Whom	5) MI:	6) Last Name: It May Concern	7) Suffix:
8) Title:			

Contact Information

9) P.O. Box:	And /Or	10) Street Address: 302 West 3rd Street			
11) City: Cle Elum		12) State: WA 13) Zip Code: 98922			
14) Telephone Number: (909)649-2880 11			15) Fax Number:		
16) E-mail Address: nkcmuseums@g	gmail.c	om			
17) Preferred means of communication:					
(X)E-mail					
() Letter					
() Both					

Dates & Response

18) Date Contacted 09/28/2017	19) Date Replied
(X)No Reply	
() Replied/No Interest	
() Replied/Have Interest	
() Replied/Other	

Additional Information

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

Designation of SHPO/THPO

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

SHPO/THPO

Name: ______Washington State Department of Archaeology and Historic Preservation

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

SHPO/THPO Name:	
SHPO/THPO Name:	
SHPO/THPO Name:	

	Cert	ification			
I certify that all representations on this FCC Form 620 St	ubmission Pack	et and the accompanying attachments are true,	correct,	and complete.	
Party Authorized to Sign					
First Name: Miles	MI: C	Last Name: Walz-Salvador		Suffix:	
Signature: Miles C Walz-Salvador Date: 09/28/2017					
FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.					
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).					

Attachments :

Туре	Description	Date Entered
Map Documents	Map Documents	09/28/2017
Photographs	Photographs	09/28/2017
Area of Potential Effects	Area of Potential Effects	09/28/2017
Historic Properties for Direct Effects	Historic Properties for Direct Effects	09/28/2017
Historic Properties for Visual Effects	Historic Properties for Visual Effects	09/28/2017
Tribal/NHO Involvement	Tribal/NHO Involvement	09/28/2017
Local Government Involvement	Local Government Involvement	09/28/2017
Public Involvement	Public Involvement	09/28/2017
Resumes/Vitae	Resumes/Vitae	09/28/2017

Electronic Section 106 (E-106) Submission Confirmation Email

Miles Walz-Salvador

From:	towernotifyinfo@fcc.gov
Sent:	Thursday, September 28, 2017 2:15 PM
То:	Miles Walz-Salvador
Subject:	Section 106 New Filing Submitted- Email ID #2530958

The following new Section 106 filing has been submitted:

File Number: 0007942013 TCNS Number: 161173 **Purpose: New Tower Submission Packet** Notification Date: 7AM EST 09/29/2017 Applicant: Vertical Bridge Development, LLC Consultant: The Lotis Engineering Group, P.C. Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: No Site Name: Peoh Point Site Address: 302 East 4th Street Detailed Description of Project: The proposed construction of a 153' monopole tower and equipment on a 100' x 100' lease area. An approximately 30' x 1,050' access/utility easement is proposed, extending northwest along an existing dirt road and connecting with East 5th Street. Site Coordinates: 47-11-51.9 N, 120-55-59.8 W City: Cle Elum County: KITTITAS State:WA Lead SHPO/THPO: Washington State Department of Archaeology and Historic Preservation

Consultant Contact Information: Name: The Lotis Engineering Group, P.C. Title: Nationwide NEPA Manager PO Box: 14051-2232 Address: 6465 Transit Road Suite 23 City: East Amherst State: NY Zip: 14051-2232 Phone: 314-913-0505 Fax: 314-913-0505 Email: walz-salvador@thelotisgroup.com

NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE

Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.

Department of Archaeology & Historic Preservation's (DAHP) Response

Miles Walz-Salvador

From: Sent: To: Subject:	towernotifyinfo@fcc.gov Tuesday, October 17, 2017 3:45 PM Miles Walz-Salvador Section 106 Notification of SHPO/THPO Concurrence- Email ID #2556728				
This is to notify you that the Lead SHPO/THPO has concurred with the following filing: Date of Action: 10/17/2017 Direct Effect: No Historic Properties in Area of Potential Effects (APE) Visual Effect: No Effect on Historic Properties in APE Comment Text: None					
File Number: 00079 TCNS Number: 1611 Purpose: New Towe Notification Date: 7, Applicant: Vertical E Consultant: The Loti Positive Train Contre Site Name: Peoh Po Site Address: 302 Ea Detailed Description lease area. An appro road and connecting Site Coordinates: 47 City: Cle Elum County: KITTITAS State:WA Lead SHPO/THPO: V	42013 73 r Submission Packet AM EST 09/29/2017 ridge Development, LLC s Engineering Group, P.C. of Filing Subject to Expedited Treatment Under Program Comment: No int st 4th Street of Project: The proposed construction of a 153' monopole tower and equipment on a 100' x 100' pximately 30' x 1,050' access/utility easement is proposed, extending northwest along an existing dirt g with East 5th Street. -11-51.9 N, 120-55-59.8 W				

NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE

Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.



Tribal/NHO Consultation(s)

Tribal/NHO Correspondence Summary

	Tribe/NHO	First Tribal Contact	Second Tribal Contact	Tribal Clearance Date	Referred to FCC	Response Outcome
1	Blackfeet Nation	8/25/2017	9/28/2017	10/9/2017	N/A	No cultural properties evident
2	Eastern Shoshone Tribe	8/25/2017	9/28/2017	10/30/2017	N/A	No cultural properties
3	Upper Skagit Indian Tribe	8/25/2017	9/28/2017	11/15/2017	N/A	No interest
4	Yakama Nation	8/25/2017	N/A	9/25/2017	N/A	Per FCC NOO email, no interest
5	Confederated Tribes of the Colville Reservation	8/25/2017	9/28/2017	10/5/2017	N/A	No historic properties will be effected

The Applicant/tower builder, however, must immediately notify all tribal consulting parties in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

* Denotes tribe had indicated through TCNS that if no response had been received within 30 days that the tribe had no interest in the project. No response was received by Lotis within the required 30 days, therefore Section 106 review is complete for this tribe.

Notes:

1. First Tribal contact was made through the FCC's TCNS system.



www.thelotisgroup.com

Tribal/NHO Submission(s)

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- Proposed Project Summary
- Attachment 1 Maps
- Attachment 2 Photographs
- Attachment 3 Cultural Resource Report
- Form 620/621(if requested)
- SHPO Response (if requested)

6465 Transit Road - Suite 23 East Amherst, NY 14051-2232 716.276.8707

September 28, 2017

Blackfeet Nation Attn: THPO John Murray P.O. Box 850, Browning Montana 59417 Submitted via email: mflysdown@gmail.com; puggy3162@yahoo.com.

RE: Proposed Telecommunications Tower Undertaking "Peoh Point" in Kittitas County, Washington; Vertical Bridge Development, LLC TCNS #: 161173

Dear Mr. Murray:

Vertical Bridge Development, LLC (Vertical Bridge), is proposing to construct a tower installation within the general vicinity of 302 East 4th Street Cle Elum, Kittitas County Washington 98922. The Lotis Engineering Group, P.C. (Lotis) has prepared an environmental and cultural resource review on behalf of Vertical Bridge as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Please consider this correspondence a response to the Blackfeet Nation's request for additional information about the proposed undertaking (through the Federal Communication Commission's Tower Construction Notification System – TCNS # 161173). Lotis is requesting comments from the Blackfeet Nation on the possible effects the proposed undertaking may have on sites or structures of current or historical significance to the Blackfeet Nation. The proposed undertaking's information is as follows:

Attached (or Enclosed), please find the requested materials which include site photographs taken in all 4 directions (north, south, east and west) from the center of the proposed undertaking, a project summary, an aerial photograph, a topographic map, and form 620/621 (if requested).

Lotis contracted Applied Archaeological Research, Inc, to perform an archeological assessment of the proposed undertaking to determine whether or not it would have an effect on historic properties within the direct or visual area of potential effect (APE). Applied Archaeological Research, Inc, conducted site reconnaissance, per SHPO and tribal protocols, and did not locate any archaeological sites or historic properties within the APE. Applied Archaeological Research, Inc, have recommended that the proposed undertaking be allowed to proceed as planned without further survey. A copy of the cultural resource report and other requested documentation is included for your review. Please note, that if a review fee was requested as part of consultation process and you are receiving this letter via electronic mail, Lotis will mail a check for the Blackfeet Nation's review fee, made payable to the Blackfeet Nation. As part of our research, Lotis has or will shortly be consulting with the Department of Archaeology & Historic Preservation (DAHP) (through FCC's E-106 filing protocols), as well as other Native American tribes. If you have requested the SHPO response to be sent with the review materials, Lotis will forward the letter once it has been received.

Should you require further information, please do not hesitate to contact me by calling (314) 913-0505 or by email at <u>walz-salvador@thelotisgroup.com</u>. Thank you for your time and consideration in this regard.

Sincerely,

The Lotis Engineering Group, P.C.

Miles Way Salvador

Miles Walz-Salvador Tribal Consultation Coordinator walz-salvador@thelotisgroup.com

Enclosures

The Lotis Engineering Group, P.C.

6465 Transit Road - Suite 23 East Amherst, NY 14051-2232 716.276.8707

September 28, 2017

Eastern Shoshone Tribe Attn: THPO Josh Mann PO Box 87 Box Elder, MT 59521 Submitted via website: http://app.tribal106.com

RE: Proposed Telecommunications Tower Undertaking "Peoh Point" in Kittitas County, Washington; Vertical Bridge Development, LLC TCNS #: 161173

Dear Mr. Mann:

Vertical Bridge Development, LLC (Vertical Bridge), is proposing to construct a tower installation within the general vicinity of 302 East 4th Street Cle Elum, Kittitas County Washington 98922. The Lotis Engineering Group, P.C. (Lotis) has prepared an environmental and cultural resource review on behalf of Vertical Bridge as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Please consider this correspondence a response to the Eastern Shoshone Tribe's request for additional information about the proposed undertaking (through the Federal Communication Commission's Tower Construction Notification System – TCNS # 161173). Lotis is requesting comments from the Eastern Shoshone Tribe on the possible effects the proposed undertaking may have on sites or structures of current or historical significance to the Eastern Shoshone Tribe. The proposed undertaking's information is as follows:

Attached (or Enclosed), please find the requested materials which include site photographs taken in all 4 directions (north, south, east and west) from the center of the proposed undertaking, a project summary, an aerial photograph, a topographic map, and form 620/621 (if requested).

Lotis contracted Applied Archaeological Research, Inc, to perform an archeological assessment of the proposed undertaking to determine whether or not it would have an effect on historic properties within the direct or visual area of potential effect (APE). Applied Archaeological Research, Inc, conducted site reconnaissance, per SHPO and tribal protocols, and did not locate any archaeological sites or historic properties within the APE. Applied Archaeological Research, Inc, have recommended that the proposed undertaking be allowed to proceed as planned without further survey. A copy of the cultural resource report and other requested documentation is included for your review. Please note, that if a review fee was requested as part of consultation process and you are receiving this letter via electronic mail, Lotis will mail a check for the Eastern Shoshone Tribe's review fee, made payable to the Eastern Shoshone Tribe. As part of our research, Lotis has or will shortly be consulting with the Department of Archaeology & Historic Preservation (DAHP) (through FCC's E-106 filing protocols), as well as other Native American tribes. If you have requested the SHPO response to be sent with the review materials, Lotis will forward the letter once it has been received.

Should you require further information, please do not hesitate to contact me by calling (314) 913-0505 or by email at <u>walz-salvador@thelotisgroup.com</u>. Thank you for your time and consideration in this regard.

Sincerely,

The Lotis Engineering Group, P.C.

Miles Way Salvador

Miles Walz-Salvador Tribal Consultation Coordinator walz-salvador@thelotisgroup.com

Enclosures

The Lotis Engineering Group, P.C.

6465 Transit Road - Suite 23 East Amherst, NY 14051-2232 716.276.8707

September 28, 2017

Upper Skagit Indian Tribe Attn: Cultural Policy Representative Scott Schuyler 25944 Community Plaza Way Sedro Woolley, WA Submitted via email: sschuyler@upperskagit.com

RE: Proposed Telecommunications Tower Undertaking "Peoh Point" in Kittitas County, Washington; Vertical Bridge Development, LLC TCNS #: 161173

Dear Mr. Schuyler:

Vertical Bridge Development, LLC (Vertical Bridge), is proposing to construct a tower installation within the general vicinity of 302 East 4th Street Cle Elum, Kittitas County Washington 98922. The Lotis Engineering Group, P.C. (Lotis) has prepared an environmental and cultural resource review on behalf of Vertical Bridge as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Please consider this correspondence a response to the Upper Skagit Indian Tribe's request for additional information about the proposed undertaking (through the Federal Communication Commission's Tower Construction Notification System – TCNS # 161173). Lotis is requesting comments from the Upper Skagit Indian Tribe on the possible effects the proposed undertaking may have on sites or structures of current or historical significance to the Upper Skagit Indian Tribe. The proposed undertaking's information is as follows:

Attached (or Enclosed), please find the requested materials which include site photographs taken in all 4 directions (north, south, east and west) from the center of the proposed undertaking, a project summary, an aerial photograph, a topographic map, and form 620/621 (if requested).

Lotis contracted Applied Archaeological Research, Inc, to perform an archeological assessment of the proposed undertaking to determine whether or not it would have an effect on historic properties within the direct or visual area of potential effect (APE). Applied Archaeological Research, Inc, conducted site reconnaissance, per SHPO and tribal protocols, and did not locate any archaeological sites or historic properties within the APE. Applied Archaeological Research, Inc, have recommended that the proposed undertaking be allowed to proceed as planned without further survey. A copy of the cultural resource report and other requested documentation is included for your review. Please note, that if a review fee was requested as part of consultation process and you are receiving this letter via electronic mail, Lotis will mail a check for the Upper Skagit Indian Tribe's review fee, made payable to the Upper Skagit Indian Tribe. As part of our research, Lotis has or will shortly be consulting with the Department of Archaeology & Historic Preservation (DAHP) (through FCC's E-106 filing protocols), as well as other Native American tribes. If you have requested the SHPO response to be sent with the review materials, Lotis will forward the letter once it has been received.

Should you require further information, please do not hesitate to contact me by calling (314) 913-0505 or by email at <u>walz-salvador@thelotisgroup.com</u>. Thank you for your time and consideration in this regard.

Sincerely,

The Lotis Engineering Group, P.C.

Miles Way Salvador

Miles Walz-Salvador Tribal Consultation Coordinator walz-salvador@thelotisgroup.com

Enclosures

The Lotis Engineering Group, P.C.

6465 Transit Road - Suite 23 East Amherst, NY 14051-2232 716.276.8707

September 28, 2017

Confederated Tribes of the Colville Reservation Attn: THPO Guy Moura PO Box: 150 Nespelem, WA Submitted via email: aaron.naumann@colvilletribes.com

RE: Proposed Telecommunications Tower Undertaking "Peoh Point" in Kittitas County, Washington; Vertical Bridge Development, LLC TCNS #: 161173

Dear Mr. Moura:

Vertical Bridge Development, LLC (Vertical Bridge), is proposing to construct a tower installation within the general vicinity of 302 East 4th Street Cle Elum, Kittitas County Washington 98922. The Lotis Engineering Group, P.C. (Lotis) has prepared an environmental and cultural resource review on behalf of Vertical Bridge as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Please consider this correspondence a response to the Confederated Tribes of the Colville Reservation's request for additional information about the proposed undertaking (through the Federal Communication Commission's Tower Construction Notification System – TCNS # 161173). Lotis is requesting comments from the Confederated Tribes of the Colville Reservation on the possible effects the proposed undertaking may have on sites or structures of current or historical significance to the Confederated Tribes of the Colville Reservation. The proposed undertaking's information is as follows:

Attached (or Enclosed), please find the requested materials which include site photographs taken in all 4 directions (north, south, east and west) from the center of the proposed undertaking, a project summary, an aerial photograph, a topographic map, and form 620/621 (if requested).

Lotis contracted Applied Archaeological Research, Inc, to perform an archeological assessment of the proposed undertaking to determine whether or not it would have an effect on historic properties within the direct or visual area of potential effect (APE). Applied Archaeological Research, Inc, conducted site reconnaissance, per SHPO and tribal protocols, and did not locate any archaeological sites or historic properties within the APE. Applied Archaeological Research, Inc, have recommended that the proposed undertaking be allowed to proceed as planned without further survey. A copy of the cultural resource report and other requested documentation is included for your review. Please note, that if a review fee was requested as part of consultation process and you are receiving this letter via electronic mail, Lotis will mail a check for the Confederated Tribes of the Colville Reservation's review fee, made payable to the Confederated Tribes of the Colville Reservation.

As part of our research, Lotis has or will shortly be consulting with the Department of Archaeology & Historic Preservation (DAHP) (through FCC's E-106 filing protocols), as well as other Native American tribes. If you have requested the SHPO response to be sent with the review materials, Lotis will forward the letter once it has been received.

Should you require further information, please do not hesitate to contact me by calling (314) 913-0505 or by email at <u>walz-salvador@thelotisgroup.com</u>. Thank you for your time and consideration in this regard.

Sincerely,

The Lotis Engineering Group, P.C.

Miles Way-Salvador

Miles Walz-Salvador Tribal Consultation Coordinator walz-salvador@thelotisgroup.com

Enclosures

Tribal/NHO Response(s)

Blackfeet Tribal Historic Preservation Office BLACKFEET NATION 620 ALL CHIEFS ROAD P. O. Box 850 Browning, Montana 59417 406-338-7521 ext. 2355 JOHN MURRAY- THPO OFFICER

Contact: John Murray at <u>jmflysdown@gmail.com</u> And Virgil Edwards at <u>puggy3162@yahoo.com</u>

October 9, 2017

Attention: Miles Salvador

The Blackfeet THPO has received a copy of the required material to conduct a Research and Review & the required Blackfeet THPO Fee of \$400.00 (check or copy of) from-The Lotis Engineering Group P.C. -Check **# 4082** dated **9/28/17** for TCNS**# 160173-**date of FCC notice (**8/23/17**). The Research & Review has been completed with No Cultural properties evident. The project is approved to proceed.

However, in the event of an inadvertent find; bone material; lithic(s) etc., through any process of development of the project, developers are to immediately notify The Blackfeet Tribal Historic Preservation Office at the above listed address.



Shoshone Finance P.O. Box 538 Fort Washakie, WY 82514 (307) 332-6804/3043 Fax: (307) 332-0429

To:The Lotis Engineering Group, PCDate:Oct 30, 2017Project:Peoh PointTCNS Number:161173

X **FINDING OF NO CULTURAL PROPERTIES** - The potential for cultural resources to be present within or near your proposed project is low and should not result in an adverse effect. However, if cultural materials are discovered during construction please notify the Eastern Shoshone Tribal Historic Preservation Office.

After reviewing the materials you provided on the above referenced project, the Eastern Shoshone Tribal Historic Preservation Department finds that there may be a low potential for historic/cultural materials to be present during the proposed undertaking.

The Eastern Shoshone Tribe has a long and storied history throughout a very large swath of the present day Unites States that we consider our aboriginal home lands. No further cultural resource work is necessary for this project as long as the areas outlined are adhered to. If additional work is necessary outside the areas designated, please notify our department to make the necessary arrangements.

If potential cultural resources are located during construction, please notify our office immediately. Thank you for consulting with the Eastern Shoshone Tribal Historic Preservation Office. If you have any questions or concerns, please feel free to contact me at (307) 335-2081 or (307) 349-6406 or email me at **wferris.eshoshone@gmail.com** Thank you.

el J. Ferind, THE

Wilfred Ferris, III Tribal Historic Preservation Officer

Amber Potter

From:	towernotifyinfo@fcc.gov
Sent:	Wednesday, November 15, 2017 4:02 PM
То:	Miles Walz-Salvador
Cc:	tcns.fccarchive@fcc.gov; sschuyler@upperskagit.com
Subject:	Reply to Proposed Tower Structure (Notification ID: 161173) - Email ID #5486915

Dear Amy Thomas,

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

The following message has been sent to you from Cultural Policy Representative Scott Schuyler of the Upper Skagit Indian Tribe in reference to Notification ID #161173:

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.

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

Notification Received: 08/22/2017 Notification ID: 161173 Tower Owner Individual or Entity Name: Vertical Bridge Development, LLC Consultant Name: Miles Walz Salvador Street Address: 6465 Transit Road Suite 23 City: East Amherst State: NEW YORK Zip Code: 14051-2232 Phone: 716-276-8707 Email: walz-salvador@thelotisgroup.com

Structure Type: MTOWER - Monopole Latitude: 47 deg 11 min 51.9 sec N Longitude: 120 deg 55 min 59.8 sec W Location Description: 302 East 4th Street City: Cle Elum State: WASHINGTON County: KITTITAS Detailed Description of Project: The proposed construction of a 153' monopole tower and equipment on a 100' x 100' lease area. An approximately 30' x 1,050' access/utility easement is proposed, extending northwest along an existing dirt road and connecting with East 5th Street.

Ground Elevation: 617.2 meters

Support Structure: 46.6 meters above ground level

Overall Structure: 46.6 meters above ground level

Overall Height AMSL: 663.8 meters above mean sea level

The Confederated Tribes of the Colville Reservation



History/Archaeology Program P.O. Box 150, Nespelem, WA 99155 (509) 634-2693 FAX: (509) 634-2694



5 Oct. 2017

Miles Walz-Salvador Nationwide NEPA Manager Biologist/Tribal Consultation Coordinator Lotis Engineering Group, P.C. 6465 Transit Road – Suite 23 East Amherst, NY 14051-2232 HA# U17-372 17.0435

RE: TCNS# 161173 "Peoh Point" Tower, Kittitas County, WA.

Please be advised that this proposed undertaking lies within the traditional territory of the Confederated Tribes of the Colville Reservation, also known as the Colville Confederated Tribes or the CCT, which is governed by the Colville Business Council or CBC. The CBC has delegated to the Tribal Historic Preservation Officer or THPO the responsibility of representing the CCT with regard to cultural resources management issues throughout the traditional territories of all the constituent tribes under Resolution 1996-29. This area includes parts of eastern Washington, northeastern Oregon, and the Palus or Palouse territory in Idaho. In addition, the THPO has assumed the responsibility of a state historic preservation office within the exterior boundaries of the Colville Reservation and associated parcels of trust land that lay outside the current reservation boundaries, as outlined in Section 101 of the National Historic Preservation Act.

The THPO has reviewed the information provided by Mr. Miles Walz-Salvador via-email on 28 Sept. 2017, and finds that No Historic Properties will be effected by this undertaking.

Thank you for consulting with the THPO. Please note that these comments are based on information available to us at the time of the project review. We reserve the right to revise our comments as information becomes available. If you have any questions or concerns, then please contact Aaron Naumann at 509.634.2696 or aaron.naumann@colvilletribes.com. If you wish to speak with the THPO, then please call 509.634.2695.

Sincerely, Guy Moura

Tribal Historic Preservation Officer

Cc: Chron, On File with AN, Dr. Rob Whitman of the Washington State Department of Archaeology and Historic Preservation



Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRMette)





United States Fish and Wildlife Service (USFWS) National Wetland Inventory Map (NWIM)



U.S. Fish and Wildlife Service **National Wetlands Inventory**

City of Cle Elum, WA



August 31, 2017

Wetlands



Estuarine and Marine Deepwater

Estuarine and Marine Wetland

- Freshwater Forested/Shrub Wetland
 - **Freshwater Pond**

Freshwater Emergent Wetland

Lake Other Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Site Location

National Wetlands Inventory (NWI) This page was produced by the NWI mapper

PROPOSED PROJECT SUMMARY

Site Name:	Peoh Point ("P	Proposed Undertaking")	
Site Address:	302 East 4th Street Cle Elum, Washington 98922		
Latitude /Longitude:	47° 11' 51.88" ±N / 120° 55' 59.77" ±W		
County:	Kittitas County		
UTM:	Zone: 10 T East: 656541 North: 5229211		
Legal Description:	Township: N/A, Range: N/A, Section: N/A		
Consultant Information:	Company: Consultant: Email: Address: Phone:	The Lotis Engineering Group, P.C. (Lotis) Miles Walz-Salvador, Biologist / NEPA Manager Walz-Salvador@thelotisgroup.com 6465 Transit Road - Suite 23 East Amherst, NY 14051-2232 (314) 913-0505	
Project Description:	Proposed construction of a 153' monopole telecommunication tower within a 100' x 100' lease area. A proposed 30' x 1,050' access/utility easement will extend along an existing dirt road connecting with East 5 th Street.		
Project Impacts:	Excavation and grade work to install tower foundation, utilities and access easements.		
Project Area:	Square Footage: ~29,500 / Acres: ~0.67722681		
Present Land Use:	Sparse Forestland		
Past Land Use:	Sparse Forest	land	

Attachment 1

Maps









Photographs












Areas of Potential Effect (APE)

Areas of Potential Effects

The term Area of Potential Effects (APE) is defined in Section II.A.3 of the *Nationwide Programmatic Agreement (NPA) for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission.* For purposes of this project, the APE for direct effects and visual effects are further defined below.

Selection of APE for DIRECT EFFECTS

The DIRECT area of potential effect is defined as being "limited to the area of potential ground disturbance and any property, or any portion thereof that will be physically altered or destroyed by the Undertaking".

Proposed Lease Area(s) – A 100' x 100' lease area around the 153' monopole tower and associated equipment.

Proposed Access/Utility Easement(s) – A 30-foot wide by ~650-foot long easement extending generally west (along an existing dirt trail) from the proposed lease area, over an existing dirt road, connecting with East 5th Street.

Selection of APE for VISUAL EFFECTS

The VISUAL area of potential effects is defined as "the geographic area in which the undertaking has the potential to introduce visual elements that diminish or alter the setting, including the landscape, where the setting is a character-defining feature of a Historic Property that makes it eligible for listing on the National Register."

APE for this site based on NPA -

Within $\frac{1}{2}$ -mile radius from the tower site if the proposed tower is less than 200' in overall height.

CULTURAL RESOURCES REPORT COVER SHEET

Author: <u>Aimee Finley</u>

Title of Report:					
Results of a cultural resources inventory of the Cle Elum cell site, Cle Elum, Kittitas					
Applied Archaeological Research, Inc., Report No. 1916					
Date of Report: September 6, 2017					
County(ies): Kittitas	Section: 26	Township: <u>20N</u>	Range: <u>15E</u>		
	Quad: 2003	7.5-minute Cle Elun	<u>n, WA</u>	Acres: <u>.48</u>	
PDF of report submitted (F	REQUIRED)	X Yes			
Historic Property Inventory Forms to be Approved Online? 🗌 Yes 🛛 No					
Archaeological Site(s)/Isolate(s) Found or Amended?					
TCP(s) found? Yes No					
Replace a draft? Yes No					
Satisfy a DAHP Archaeological Excavation Permit requirement? Yes # No					
Were Human Remains Found? 🗌 Yes DAHP Case # 🛛 🛛 No					

DAHP Archaeological Site #:

- Submission of PDFs is required.
- Please be sure that any PDF submitted to DAHP has its cover sheet, figures, graphics, appendices, attachments, correspondence, etc., compiled into one single PDF file.
- Please check that the PDF displays correctly when opened.



September 6, 2017

Miles C. Walz-Salvador The Lotis Engineering Group, P.C. 6465 Transit Road - Suite 23 East Amherst, NY 14051-2232

Re: Results of a cultural resources study of the Cle Elum cell site, Cle Elum, Kittitas County, Washington Applied Archaeological Research, Inc., Report No. 1916

Dear Mr. Walz-Salvador:

To assist Lotis Engineering Group in completing Form 620 as it relates to the Nationwide Programmatic Agreement and in complying with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800, Applied Archaeological Research, Inc., (AAR) conducted a cultural resources study of the Cle Elum cell site (Figure 1). This letter report presents the results of AAR's study, which was conducted by AAR Architectural Historian, Aimee Finley, M.S., assisted by AAR Staff Archaeologist, Robert McCurdy, B.S., who conducted the field investigations on August 31, 2017.

Project Description

The proposed Cle Elum project would involve the construction of a new unmanned telecommunications facility at the northern edge of the private residential property at 302 E 4th Street in Cle Elum, Washington (Figure 2). The project area is located in the northwest quarter of Section 26, Township 20 North, Range 15 East, Willamette Meridian, about 0.65 mile north of the Yakima River. It is sited on the toe of the south-facing flank of Cle Elum Ridge, an upland that divides the Yakima River valley from the Teanaway River valley. Elevation at the site ranges from 2040 feet above mean sea level in the northeast corner to 2014 feet above mean sea level in the southwest corner.

As part of the proposed project, T Mobile would install a 153-foot-tall, self-supported lattice tower within a 100-by-100-foot fenced compound located adjacent to the south of an existing access road (Figures 2 and 3). A ca. 10-foot-wide access easement would extend ca. 1,100 feet west from the compound to an existing gravel access road (Figure 2, inset). The depth of excavations for setting the monopole is estimated to be 17 feet below the ground surface. Standard excavations are expected to be 2 feet deep within the compound and 3 feet deep for the utility trench within the easement. Access would be via the existing road. The project area and the area surrounding it are illustrated in Figures 4-7. The route of the proposed utility easement is depicted in Figure 8.

Results of Record Review

Background research focused on the area within a .5-mile-radius of the proposed Cle Elum project area. It included a review of archaeological records on file obtained at the Washington State Department of Archaeology and Preservation (DAHP) using its Washington Information System for Architectural and Archaeological Records Data (WISAARD) web portal. The results indicate that the proposed facility is located in an area that has not been subject to cultural resource studies and does not contain recorded archaeological sites. The area is mapped as having a moderately low risk for cultural resources.



Three cultural resource surveys have been conducted within 0.5 mile. One examined ca. 200 acres on the lower slopes of the Cle Elum Ridge about 150 feet north of the current project area at its closest point, as part of a proposed residential development project (Landreau 2009). The other two examined areas within the developed street grid of Cle Elum as part of road improvement projects (Ferguson et al. 2008; Landreau and Schroeder 2013). The former included the documentation of 45KT2786, a section of the Northern Pacific/Burlington Northern-Santa Fe Railroad, the closest recorded cultural resource to the project area (Ferguson et al. 2008).

A review of the DAHP WISAARD files revealed that there are two historic properties listed on or eligible for inclusion in the NRHP located within 0.5 mile of the Cle Elum project area. Summary data for the resources are provided in Table 1 and their locations are plotted on Figure 1.

Мар Кеу	National Register/ SHPO ID	Historic Property and Address	Build Date	Resource Status	Effect Determination	Explanation of Effect Determination	Resource Photograph
1	45KT2211	Vogue Theater 210 Pennsylvania Avenue Cle Elum, WA 98922	1923	Listed, Washington Heritage Register	No Effect	There is no line of sight from this resource to the proposed installation	
2	45KT2297	Kinney Building 108-110 E 1st Street Cle Elum, WA 98922	1910	Listed, Washington Heritage Register	No Effect	There is no line of sight from this resource to the proposed installation	

Table 1. Historic Properties Located in the Cle Elum Visual APE

Field Study and Results

AAR's field investigation was designed to assess direct impacts to potential archaeological resources related to the implementation of the proposed project. The area of potential effects (APE) for direct effects was defined as the footprints of the proposed compound and utility easement, which together encompass 0.48 acre (Figure 2).

AAR's field investigation of the APE on August 31, 2017, began with a pedestrian survey using transects spaced no farther than ten meters apart. As observed at the time of fieldwork, the compound is located on a side-slope (Figure 3) and the utility easement follows the route of an existing road that has been cut into the slope (Figures 2 and 8). The proposed compound is located in an area of thin, rocky soil with sparse vegetation, partly obscurred by pine duff. Ground surface visibility in the area was about 10 percent. No artifacts were observed on the ground surface in the APE for direct effects. Due to the extent of the slope, the thin nature of the soil cover, and the presence of outcropping bedrock, the potential for the project area to contain subsurface archaeological deposits was determined to be very low and no shovel test probes were excavated.

AAR's study was also designed to assess indirect viewshed impacts to historic properties listed on or eligible for inclusion in the NRHP that would result from the proposed project. Due to the maximum height of the proposed installation (153 feet), the APE for visual effects was defined as the area within a .5-mile radius of the proposed installation site (Figure 1). As illustrated in Figures 9 and 10 and as noted in Table 1, the Cle Elum cell site is not visible from the two historic properties within the APE



for visual effects. The addition of the proposed cell site will represent no change in the current viewsheds from these resources. As proposed, the project would not indirectly or cumulatively alter the features or the characteristics that make them eligible for inclusion on the NRHP.

Recommendations

Based on the information gathered, no previously-identified archaeological sites are located within the proposed compound and easement. No artifacts or new cultural resources were identified within the APE for direct effects. No further archaeological work is recommended.

The proposed Cle Elum project would have no effect on the two historic properties within the APE for visual effects. The proposed installation would not represent a discernable difference in their viewsheds and would not indirectly or cumulatively alter the features or the characteristics that make them eligible for inclusion on the NRHP. Based on my application of the Criteria of Adverse Effect, I recommend a finding of no effect for this undertaking on historic properties in the visual and direct APE.

If you have any questions or comments regarding AAR's evaluation of the Cle Elum cell project, or of this report, please call me at (503) 281-9451 or email me at aimee@aar-crm.com. Thank you.

Sincerely,

Avine Finlay

Aimee A. Finley, M.S. Historic Preservation Specialist

Attachments

References Cited

Ferguson, Daryl E., Robert R. McCoy, and Matthew J. Root

2008 Cultural Resources Survey of the Oakes Avenue Improvement Project, Cle Elum, Washington. On file, Washington State Department of Archaeology and Historic Preservation, Olympia.

Landreau, Christopher

2009 Archaeological Review and Inventory of the City Heights Development Project, Cle Elum, Kittitas County, Washington. On file, Washington State Department of Archaeology and Historic Preservation, Olympia.

Landreau, Christopher and William Schroeder

2013 Archaeological Review and Inventory of the Railroad Street Extension Project, Cle Elum, Kittitas County, Washington. On file, Washington State Department of Archaeology and Historic Preservation, Olympia.

Attachment



Figure 1. Location of the project area and the APE for visual effects.

Attachment



Figure 2. Configuration of the Lotis Cle Elum APE for direct effects showing the location of the proposed utility route and compound, STPs, and pedestrian transects.



Figure 3. Schematic diagram of the proposed monopole and compound, showing the degree of slope at the site.



Figure 4. View north from the proposed compound.



Figure 5. View south from the proposed compound.



Figure 6. View east from the proposed compound.



Figure 7. View west from the proposed compound.



Figure 8. View east along the route of the utility easement toward the proposed compound.



Figure 9. View, facing northeast from the Vogue Theater (Resource 1), showing no line-of-sight to the proposed installation.



Figure 10. View, facing northeast from the Kinney Building (Resource 2), showing no line-of-sight to the proposed installation.

Attachment 4

Historic Properties Identified in the APE for Direct Effects

Historic Properties Identified in the APE for Direct Effects

Lotis contracted Applied Archaeological Research, Inc, to perform a Cultural Resource Assessment to determine the potential effect on historic properties within the Direct Area of Potential Effect (APE). Applied Archaeological Research, Inc, conducted a records review and completed site reconnaissance, per SHPO and tribal protocols, and did not locate any archaeological sites within the Direct APE. Applied Archaeological Research, Inc has recommended that the proposed undertaking be allowed to proceed as planned without further surveying. A copy of the Applied Archaeological Research, Inc's, Cultural Resource Assessment report is included in Attachment 3.



Historic Properties Identified in the APE for Visual Effects

Historic Properties Identified in the APE for Visual Effects

Lotis contracted Applied Archaeological Research, Inc, to perform a Cultural Resource Assessment to determine the potential effect of the proposed undertaking on historic properties within the Visual Area of Potential Effect (APE). Applied Archaeological Research, Inc, completed a records review, within the 1/2-mile radius, per the DAHP's protocols (either online or physical records research) as well as reviewing the online National Register of Historic Places (NRHP) at http://www.nps.gov/nr/ and found two (2) eligible/listed historic properties within the Visual APE. Applied Archaeological Research, Inc, have recommended that the proposed undertaking will have No Effect on the identified historic properties within the Visual APE and recommends that the project be allowed to proceed as planned without further surveying. A copy of the Applied Archaeological Research, Inc's, Cultural Resource Assessment report is included in Attachment 3.



Tribal/NHO Involvement

Tribal/NHO Involvement

Lotis utilized the Federal Communications Commission (FCC) Tower Construction Notification System (TCNS) to identify federal tribal entities with interest in the proposed undertaking's location. This identification phase was conducted on August 22, 2017 (TCNS Number 161173). The FCC responded, via e-mail, on August 25, 2017, indicating the following five (5) groups were forwarded information regarding the location of the proposed project, via electronic mail.

- 1. Blackfeet Nation
- 2. Eastern Shoshone Tribe
- 3. Upper Skagit Indian Tribe
- 4. Yakama Nation
- 5. Confederated Tribes of the Colville Reservation

To date, Lotis received clearance from all of the above listed tribes.

Amber Potter

From: Sent: To: Subject: towernotifyinfo@fcc.gov Tuesday, August 22, 2017 4:46 PM Miles Walz-Salvador Proposed Tower Structure Info - Email ID #5374541

Dear Amy Thomas,

Thank you for submitting a notification regarding your proposed construction via the Tower Construction Notification System. Note that the system has assigned a unique Notification ID number for this proposed construction. You will need to reference this Notification ID number when you update your project's Status with us.

Below are the details you provided for the construction you have proposed:

Notification Received: 08/22/2017

Notification ID: 161173 Tower Owner Individual or Entity Name: Vertical Bridge Development, LLC Consultant Name: Miles Walz Salvador Street Address: 6465 Transit Road Suite 23 City: East Amherst State: NEW YORK Zip Code: 14051-2232 Phone: 716-276-8707 Email: walz-salvador@thelotisgroup.com

Structure Type: MTOWER - Monopole Latitude: 47 deg 11 min 51.9 sec N Longitude: 120 deg 55 min 59.8 sec W Location Description: 302 East 4th Street City: Cle Elum State: WASHINGTON County: KITTITAS

Detailed Description of Project: The proposed construction of a 153' monopole tower and equipment on a 100' x 100' lease area. An approximately 30' x 1,050' access/utility easement is proposed, extending northwest along an existing dirt road and connecting with East 5th Street.

Ground Elevation: 617.2 meters Support Structure: 46.6 meters above ground level Overall Structure: 46.6 meters above ground level Overall Height AMSL: 663.8 meters above mean sea level

Amber Potter

From:	Miles Walz-Salvador
Sent:	Friday, August 25, 2017 12:52 PM
То:	Amber Potter
Subject:	NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED TOWER
	CONSTRUCTION NOTIFICATION INFORMATION - Email ID #5378024

Dear Sir or Madam:

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

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

The information you provided was forwarded to the following Tribal Nations and NHOs. If a Tribal Nation or NHO does not respond within a reasonable time, you should make a reasonable effort at follow-up contact, unless the Tribal Nation or NHO has agreed to different procedures (NPA, Section IV.F.5). In the event a Tribal Nation or NHO does not respond to a follow-up inquiry, or if a substantive or procedural disagreement arises between you and a Tribal Nation or NHO, you must seek guidance from the Commission (NPA, Section IV.G). These procedures are further set forth in the FCC's Declaratory Ruling released on October 6, 2005 (FCC 05-176).

1. THPO John Murray - Blackfeet Nation - (PO Box: 850) Browning, MT - jmflysdown@gmail.com; puggy3162@yahoo.com - 406-338-7521 (ext: 2355) Details: The Blackfeet Tribal Historic Preservation Office has initiated a Research and Review Fee of \$400.00 for each TCNS notice. Make payment payable to: "Blackfeet Tribal Historic Preservation Office" care of P.O. Box 850, Browning, Montana 59417.

To expedite approval, send a copy of any payment via email to THPO John Murray at jmflysdown@gmail.com, and also to Deputy THPO Virgil Edwards at puggy3162@yahoo.com. Please include both a street map and a topo map of the proposed site, as well as any other pertinent information on the proposed project.

Sincerely,

Blackfeet Tribal Historic Preservation Office (406) 338-7521, ext. 2355 or ext. 2244

2. THPO Josh Mann - Eastern Shoshone Tribe - (PO Box: 538) Fort Washakie, WY - jmann@easternshoshone.org; falene.russette@iresponse106.com - 307-438-0094 Details: The Eastern Shoshone Tribe has established a new online procedure for FCC TCNS review/consultation. Online submissions can now be completed at http://app.tribal106.com. The data platform is currently being administered by a third party who are providing consultation servicing through the online system on behalf of the Eastern Shoshone Tribe. For questions, please call Shastelle Swan at 406-395-4700

Based on the location of the proposed project and the pole(s) that you will be constructing as part of the Section 106 process in our particular aboriginal homelands, we are REQUESTING TO BE CONSULTED on this proposed project.

Please utilize the Tribal 106 NHPA consultation processing system website. Online submissions can be completed at http://app.tribal106.com

The Eastern Shoshone Tribe through the Historic Preservation Department has established a fee of \$400.00 per consultation. We are only accepting checks at this time. All checks should be mailed to the following address:

CCCRPD-EST PO Box 87 Box Elder, MT 59521

If you have questions, please feel free to contact Mr. Wilfred Ferris, III THPO at wferris.eshoshone@gmail.com

Sincerely, Wilfred J. Ferris, III, THPO Eastern Shoshone Tribe

3. Cultural Policy Representative Scott Schuyler - Upper Skagit Indian Tribe - 25944 Community Plaza Way Sedro Woolley, WA - sschuyler@upperskagit.com - 360-854-7009

4. Chairman JoDe L Goudy - Yakama Nation - 401 Fort Road (PO Box: 151) Toppenish, WA - jode@yakama.com; kate@Yakama.com - 509-865-5121

If the applicant/tower builder receives no response from the Yakama Nation within 30 days after notification through TCNS, the Yakama Nation has no interest in participating in pre-construction review for the proposed site. The Applicant/tower builder,

however, must immediately notify the Yakama Nation in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

5. THPO Guy Moura - Confederated Tribes of the Colville Reservation - (PO Box: 150) Nespelem, WA - aaron.naumann@colvilletribes.com - 509-634-2695

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

6. SHPO Allyson Brooks - Office of Archeology & Historic Preservation - (PO Box: 48343) Olympia, WA - allyson.brooks@dahp.wa.gov - 360-586-3065

7. Deputy SHPO Greg Griffith - Office of Archeology & Historic Preservation - (PO Box: 48343) Olympia, WA - Greg.Griffith@DAHP.WA.GOV - 360-586-3065

8. Greg A Griffith - Washington State Department of Archaeology and Historic Preservation - (PO Box: 48343) Olympia, WA - greg.griffith@dahp.wa.gov - 360-586-3073

"Exclusions" above set forth language provided by the Tribal Nation or SHPO. These exclusions may indicate types of PTC wayside pole notifications that the Tribal Nation or SHPO does not wish to review. TCNS automatically forwards all notifications to all Tribal Nations and SHPOs that have an expressed interest in the geographic area of a proposal. However, if a proposal falls within a designated exclusion, you need not expect any response and need not pursue any additional process with that Tribal Nation or SHPO. Exclusions may also set forth policies or procedures of a particular Tribal Nation or SHPO (for example, types of information that a Tribal Nation routinely requests, or a policy that no response within 30 days indicates no interest in participating in pre-construction review).

Please be advised that the FCC cannot guarantee that the contact(s) listed above opened and reviewed an electronic or regular mail notification. If you learn any of the above contact information is no longer valid, please contact the FCC. The following information relating to the proposed tower was forwarded to the person(s) listed above:

Notification Received: 08/22/2017 Notification ID: 161173

Tower Owner Individual or Entity Name: Vertical Bridge Development, LLC Consultant Name: Miles Walz Salvador Street Address: 6465 Transit Road Suite 23 **City: East Amherst** State: NEW YORK Zip Code: 14051-2232 Phone: 716-276-8707 Email: walz-salvador@thelotisgroup.com Structure Type: MTOWER - Monopole Latitude: 47 deg 11 min 51.9 sec N Longitude: 120 deg 55 min 59.8 sec W Location Description: 302 East 4th Street City: Cle Elum State: WASHINGTON County: KITTITAS Detailed Description of Project: The proposed construction of a 153' monopole tower and equipment on a 100' x 100' lease area. An approximately 30' x 1,050' access/utility easement is proposed, extending northwest along an existing dirt road and connecting with East 5th Street.

Ground Elevation: 617.2 meters

Support Structure: 46.6 meters above ground level

Overall Structure: 46.6 meters above ground level

Overall Height AMSL: 663.8 meters above mean sea level

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

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

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

Thank you, Federal Communications Commission

Attachment 7

Local Government Involvement

City of Cle Elum Submission

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- Proposed Project Summary
- Attachment 1 Maps
- Attachment 2 Photographs

The Lotis Engineering Group, P.C.

6465 Transit Road - Suite 23 East Amherst, NY 14051-2232 716.276.8707

September 28, 2017

City of Cle Elum Attn: Kathy Swanson – CLG Contact 119 West First Street Cle Elum, Washington 98922 Submitted via email: kswanson@cityofcleelum.com

RE: Proposed Telecommunications Tower Undertaking "Peoh Point" in Kittitas County, Washington; Vertical Bridge Development, LLC

Dear Ms. Swanson:

Vertical Bridge Development, LLC (Vertical Bridge), is proposing to construct a tower installation within general vicinity of 302 East 4th Street Cle Elum, Kittitas County Washington 98922. The Lotis Engineering Group, P.C. (Lotis), is preparing an environmental and cultural resource review on behalf of Vertical Bridge as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Please consider this correspondence an invitation to the City of Cle Elum to comment on the possible effects the proposed undertaking may have on sites or structures of historic significance within the general vicinity.

Attached, please find information pertaining to the proposed undertaking. This information includes a project summary, an aerial photograph, a topographic map, and photographs of the proposed undertaking's site and adjacent properties. As part of our research, Lotis is consulting with the Department of Archaeology & Historic Preservation, and will forward any concerns of the City of Cle Elum regarding historic properties to the Department of Archaeology & Historic Preservation.

Lotis respectfully requests that you provide comment within 30 days regarding the possible effects of this undertaking on historic properties. If a response is not received within 30 days, Lotis will assume you have no interest/concern with the proposed undertaking. Should you require additional information, please do not hesitate to contact me at (314) 913-0505. Thank you for your time and consideration in this regard.

Sincerely,

The Lotis Engineering Group, P.C.

Miles Way-Salvado

Miles Walz-Salvador Biologist / NEPA Manager walz-salvador@thelotisgroup.com

Enclosures

Miles Walz-Salvador

From:	Miles Walz-Salvador
Sent:	Thursday, September 28, 2017 1:40 PM
То:	'kswanson@cityofcleelum.com'
Subject:	Opportunity to comment on proposed telecommunication project "Peoh Point" located in Kittitas County, WA
Attachments:	US-WA-5105 Peoh Point (WA).kmz; CLG Submission 9.28.2017.pdf
Importance:	High

Dear Ms. Swanson,

Lotis is completing Section 106 NEPA compliance due diligence regarding the above proposed telecommunication project known as "**Peoh Point**". Part of this due diligence includes giving the local government/jurisdiction the opportunity to comment on whether or not the proposed telecommunications project will have an effect on historic properties. I have attached the project summary, site maps, KMZ file (for Google Earth aerial view) and site photos of the proposed Subject Property in question. The Section 106 consultation process allows you 30 days to respond.

Should you not respond within 30 days we will assume you have no concern or comment regarding the proposed undertaking. However, should you not want to comment we ask that you state so in a response to aid us in our timeline for this project. Additionally, should you require more information regarding the proposed project please respond to this email chain or contact me, via phone, at 314-913-0505.

Thank you for your time and consideration,

Best Regards,

Miles C. Walz-Salvador Nationwide NEPA Manager Biologist/Tribal Consultation Coordinator (Please note our new address below)



The Lotis Engineering Group, P.C. 6465 Transit Road - Suite 23 East Amherst, NY 14051-2232

ph. 716.276.8707 ext. 105 mob. 314.913.0505 fax 716.810.7664

walz-salvador@thelotisgroup.com www.thelotisgroup.com

City of Cle Elum's Response (NONE)



Public Involvement

Legal Public Notice Text and Affidavit of Publication

Lotis contacted the Northern Kittitas County Tribune and is running a legal public notice in the classified section in the next available issue. The proposed undertaking is detailed in the notice and calls for the recognition of public concerns on any historic property impacts caused by the proposed undertaking. A copy of the legal notice text and Affidavit of Publication are attached.

"Vertical Bridge Development, LLC would like to place on notice the proposed construction of a 153-foot monopole tower (2024.9 feet above mean sea level) with dual red/white, medium intensity lighting, located at 47°11'51.88" north latitude and 120°55'59.77" west longitude at 302 East 4th Street, Cle Elum, Kittitas County, Washington 98922, ASR File # A1087920. The application for this proposed project can be viewed at <u>www.fcc.gov/asr/applications</u> by entering the ASR file number. If you have environmental concerns about the proposed structure, a Request for Environmental Review may be filed with the FCC at <u>www.fcc.gov/asr/environmentalrequest</u> or by writing to FCC Requests for Environmental Review, ATTN: Ramon Williams, 445 12th St SW, Washington, DC 20554. The FCC strongly encourages interested parties to file Requests for Environmental Review online. Requests for Environmental Review may only raise environmental concerns and must be filed within 30 days of the date that notice of the project is published on the FCC's website. If you have any concerns of any historic properties that may be affected by this proposed undertaking, please write to: Miles Walz-Salvador, The Lotis Engineering Group, PC, <u>walz-salvador@thelotisgroup.com</u> / 6465 Transit Road - Suite 23, East Amherst, NY 14051-2232 or call (314) 913-0505. In your response, please include the proposed undertaking's location and a list of the historic resources that you believe to be affected along with their respective addresses or approximate locations."

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON

COUNTY OF KITTITAS

) SS

JANA E. STONER, being duly sworn on oath, deposes and says that she is the publisher of the NORTHERN KITTITAS COUNTY TRIBUNE, a weekly newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the Superior Court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a weekly newspaper in Cle Elum, Kittitas County, Washington, and is now and during all of said time was published in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a true copy of Public.

ASR File # A1087920 propered 201 monopole

as it was published in regular issues (and not in supplement form) of said newspaper once a

week for a period of	subsequent weeks,
commencing on the	5th day of
atober	, 2017 and ending on the
day of	, 2017,

both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the

sum of \$ which amount has been paid in full.

Jana E. Stoner Subscribed and sworn to before me this _ day of

2017.

Notary Public in and for the State of Washington, residing at

nsbur

10,221 2018 County of Kittitas. Expires



PUBLIC NOTICE

Vertical Bridge Development, LLC would like to place on notice the proposed construction of a 153-foot monopole tower (2024.9 feet above mean sea level) with dual red/white, medium intensity lighting, located at 47°11'51.88" north latitude and 120°55'59.77" west longitude at 302 East 4th Street, Cle Elum, Kittitas County, Wash-ington 98922, ASR File # A1087920. The application for this proposed project can be viewed at www.fcc.gov/asr/ applications by entering the ASR file number. If you have environmental concerns about the proposed structure, a Request for Environmental Review may be filed with the FCC at www.fcc.gov/asr/environmentalrequest or by writing to FCC Requests for Environmental Review, ATTN: Ramon Williams, 445 12th St SW. Washington, DC 20554. The FCC strongly encourages interested parties to file Requests for Environmental Review online. Requests for Environmental Review may only raise environmental concerns and must be filed within 30 days of the date that notice of the project is published on the FCC's website. If you have any concerns of any historic properties that may be affected by this proposed undertaking, please write to: Miles Walz-Salvador, The Lotis Engineering Group, PC, walz-salvador@thelotisgroup.com 6465 Transit Road - Suite 23, East Amherst, NY 14051-2232 or call (314) 913-0505. In your response, please include the proposed undertaking's location and a list of the historic resources that you believe to be affected along with their respective addresses or approximate locations.

(Published in the N.K.C. TRIBUNE, Oct. 5, 2017.)
Northern Kittitas County Historical Society Submission

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- Proposed Project Summary
- Attachment 1 Maps
- Attachment 2 Photographs

6465 Transit Road - Suite 23 East Amherst, NY 14051-2232 716.276.8707

September 28, 2017

Northern Kittitas County Historical Society 302 West 3rd Street Cle Elum, Washington 98922 Submitted via email: nkcmuseums@gmail.com

RE: Proposed Telecommunications Tower Undertaking "Peoh Point" in Kittitas County, Washington; Vertical Bridge Development, LLC

To Whom It May Concern,

Vertical Bridge Development, LLC (Vertical Bridge), is proposing to construct a tower installation within general vicinity of 302 East 4th Street Cle Elum, Kittitas County Washington 98922. The Lotis Engineering Group, P.C. (Lotis), is preparing an environmental and cultural resource review on behalf of Vertical Bridge as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Please consider this correspondence an invitation to the Northern Kittitas County Historical Society to comment on the possible effects the proposed undertaking may have on sites or structures of historic significance within the general vicinity.

Attached, please find information pertaining to the proposed undertaking. This information includes a project summary, an aerial photograph, a topographic map, and photographs of the proposed undertaking's site and adjacent properties. As part of our research, Lotis is consulting with the Department of Archaeology & Historic Preservation, and will forward any concerns of the Northern Kittitas County Historical Society regarding historic properties to the Department of Archaeology & Historic Preservation.

Lotis respectfully requests that you provide comment within 30 days regarding the possible effects of this undertaking on historic properties. If a response is not received within 30 days, Lotis will assume you have no interest/concern with the proposed undertaking. Should you require additional information, please do not hesitate to contact me at (314) 913-0505. Thank you for your time and consideration in this regard.

Sincerely,

The Lotis Engineering Group, P.C.

Miles Way-Salvador

Miles Walz-Salvador Biologist / NEPA Manager walz-salvador@thelotisgroup.com

Enclosures

Miles Walz-Salvador

From:	Miles Walz-Salvador
Sent:	Thursday, September 28, 2017 1:41 PM
То:	'nkcmuseums@gmail.com'
Subject:	Opportunity to comment on proposed telecommunication project "Peoh Point" located in Kittitas County, WA
Attachments:	US-WA-5105 Peoh Point (WA).kmz; ITC Submission 9.28.2017.pdf
Importance:	High

To Whom It May Concern,

Lotis is completing Section 106 NEPA compliance due diligence regarding the above proposed telecommunication project known as "**Peoh Point**". Part of this due diligence includes giving a local interested party the opportunity to comment on whether or not the proposed telecommunications project will have an effect on historic properties. I have attached the project summary, site maps, KMZ file (for Google Earth aerial view) and site photos of the proposed Subject Property in question. The Section 106 consultation process allows you 30 days to respond.

Should you not respond within 30 days we will assume you have no concern or comment regarding the proposed undertaking. However, should you not want to comment we ask that you state so in a response to aid us in our timeline for this project. Additionally, should you require more information regarding the proposed project please respond to this email chain or contact me, via phone, at 314-913-0505.

Thank you for your time and consideration,

Best Regards,

Miles C. Walz-Salvador Nationwide NEPA Manager Biologist/Tribal Consultation Coordinator (Please note our new address below)



The Lotis Engineering Group, P.C. 6465 Transit Road - Suite 23 East Amherst, NY 14051-2232

ph. 716.276.8707 ext. 105 mob. 314.913.0505 fax 716.810.7664

walz-salvador@thelotisgroup.com www.thelotisgroup.com

Northern Kittitas County Historical Society's Response (NONE)



Curricula Vitae

6465 Transit Road - Suite 23 East Amherst, NY 14051-2232 716.276.8707

DAVID N. ROBINSON, P.E.

President/CEO, The Lotis Engineering Group, P.C.

Years of Experience

18

Education

M.S., Environmental Engineering, University of Colorado at Boulder, 1995 B.S., Civil Engineering, State University of New York at Buffalo, 1994 A.A.S., Architectural Engineering, Alfred State College, 1990

Professional Affiliations

New York State Wireless Association

Professional Registrations

Professional Engineer, New York 2001 (079047)

Certifications

FEMA Public Assistance Program Operations I OSHA 40 Hr. Hazardous Waste Site Worker Training Nokia CMPro Cost Control Training

Key Qualifications

David Robinson founded The Lotis Engineering Group and has served as CEO since its inception in 2007. Mr. Robinson is a New York State Professional Engineer and an ASTM-recognized Environmental Professional. Over his 19-year professional career, Mr. Robinson has performed over 18,000 Phase I Environmental Site Assessments in all 50 states and Canada. As CEO of Lotis, Mr. Robinson directs the strategic direction of the company. Under his leadership, Lotis has flourished into a leader in the Environmental Due Diligence industry.

Telecommunications Experience

- SBA, Inc. Acquisition Services, Nationwide, US (2001-2011): Project Manager/Engineer for services relating to the acquisition and development of telecommunications tower sites throughout the United States. Services include property surveys, 2C surveys, Phase I Environmental Site Assessments, NEPA compliance studies, zoning issues, and structural evaluation of existing towers. David has been responsible for managing resources to complete these services on over 7,000 sites in all 50 states, the Caribbean and Canada.
- Global Tower Partners, Inc., Nationwide, US (2004-ongoing): Project Manager/Engineer for services relating to the acquisition and development of telecommunications tower sites throughout the United States. Services include property surveys, 2C surveys, Phase I Environmental Site Assessments, NEPA compliance studies, zoning issues, and structural evaluation of existing towers. David has been responsible for managing resources to complete these services on over 5,000 sites in all 50 states and the Caribbean.
- Tower Ventures, LLC, Nationwide, US (2011-ongoing): Project Manager/Engineer for services relating to the acquisition and development of telecommunications tower sites throughout the United States. Services include Phase I Environmental Site Assessments. David has been responsible for managing resources to complete these services on two telecommunication sites.
- AT&T NexGen, Nationwide, US (2004): Project Engineer for this 16,000-mile long-haul fiber-optic confidential construction project throughout the United States. David was responsible for preparing tax recording documents needed to file taxes for AT&T's fiber build.

- Nassau County Police Department Land Mobile Radio System Modernization Project (2005-2007): Project Manager for engineering services relating to the upgrade of Nassau County's public safety communication system. Services include site design, construction drawing preparation, property surveys, 1A surveys, Phase I Environmental Site Assessments, NEPA compliance studies, zoning issues, and structural evaluation of existing towers. David has been responsible for managing resources to complete these services on 36 sites throughout the county.
- The City of New York Department of Information Technology and Telecommunications Channel 16
 Project (2005-2007): Project Manager for engineering services relating to the design and
 construction of a conventional/trunked radio system for FDNY and other New York City agencies.
 Services include site design, construction drawing preparation, property surveys, 1A surveys,
 Phase I Environmental Site Assessments, NEPA compliance studies, zoning issues, and structural
 evaluation of existing towers. David has been responsible for managing resources to complete
 these services on 7 sites in New York City.
- NorthStar Communications, Inc., Florida (2003-2004: Project Manager for services relating to the development of telecommunications tower sites throughout Florida for Nextel. Services included construction drawings, property surveys, 2C surveys, zoning issues, and structural evaluation of existing towers. David was responsible for managing resources to complete these services on over 20 sites in the state of Florida.

Other Experience

- BNMC Utilities Relocation, Buffalo, New York (2002): Civil Engineer for the design of utility relocations at Roswell Park in Buffalo. David was responsible for developing construction documents and specifications, as well as providing consulting services throughout the design process. His duties also included preparation of construction cost estimates and submittal review.
- NFTA Metro Bus Bus Fueling Station Systems Modifications for Dual Fuel, Buffalo, New York (2002): Civil Engineer for the design and preparation of design drawings, specifications and cost estimate for the replacement of an existing single fuel system to that of a dual fuel system.
- New Jersey DPMC Underground Storage Tank Program, New Jersey (1999-2001): Civil Engineer for the design of new aboveground and underground tank fueling systems (including fuel dispensers, leak detection systems, inventory control systems, and concrete tank slabs) for various State Departments in New Jersey. David was responsible for developing design drawings, construction documents and specifications, as well as providing consulting services throughout the construction process. His duties also included creating and maintaining resource-loaded project schedules for project using Primavera® project scheduling software.
- Former Hyatt Clark Industries, Inc. Site, New Jersey (1996-1998): Civil engineer for the preparation
 for the closure and remediation of the Former GM Industrial site and the construction of a 9-hole
 golf course recreational undertaking (including Driving Range, Putting Course, Clubhouse and
 Maintenance Facilities). David was responsible for the design of the golf course drainage system
 which included a 5-acre retention pond to be used for irrigation during periods of drought. His
 duties also included preparing cost estimates for the site closure and subsequent golf course
 construction, and the modeling and design of the undertaking entrance and parking.
- Wegmans Food Pharmacy, Buffalo, New York (1998): Civil engineer for the construction of a supermarket on a former industrial site. David was responsible for and the modeling and design of the undertaking entrance. His duties also included field sampling of excavated soil during construction.
- USACE-Buffalo District, Cuyahoga River Bulkheads Study, Ohio (1999): Civil Engineer for the USACE's bulkhead inspection program along nine miles of the Cuyahoga River in Cleveland, Ohio.

David was responsible for preparing a structural assessment of bulkhead along the river by inspecting various conditions of the sheet pile (i.e., corrosion levels, settling). His duties also included preparing remediation recommendations and subsequent cost estimates for damaged bulkhead sections.

- USACE-Buffalo District, Advance Measures Program, New York (1999): Civil Engineer for the study
 of high Lake Erie levels on four residential areas. David was responsible for gathering residential
 home elevations and comparing them to historical rain and lake level data. Based on these
 comparisons and a detailed cost analysis, recommendations to alleviate local residential flooding,
 including the design of breakwaters and levees, were made.
- FEMA Public Assistance Program, Puerto Rico (1998-1999): Civil Engineer for the inspection of public facilities damaged by Hurricane Georges. David was responsible for gathering field data on hurricane damages, designing mitigation alternatives, and preparing detailed cost analyses of damages.
- NYCDDC Underground Storage Tank Program, New York (1999-2001): Civil Engineer for the design of groundwater/soil remediation systems for the cleanup of petroleum-contaminated groundwater and soils. Groundwater remediation systems typically consisted of the design and installation of pneumatic and electric dual pumping systems for the removal of free phase and dissolved phase contamination. Soil remediation systems incorporated the design and installation of soil vapor extraction systems and bioventing systems.
- Lipari Landfill, New Jersey (1996-1997): Civil Engineer for offsite remediation work at the Lipari Superfund site. David was responsible for modeling migration rates of contaminants from the Superfund site through surrounding soil strata.

6465 Transit Road - Suite 23 East Amherst, NY 14051-2232 716.276.8707

MILES C. WALZ-SALVADOR

Biologist / NEPA Manager, The Lotis Engineering Group, P.C.

Years of Experience

5

Education

B.S. Fisheries and Wildlife, the University of Missouri - Columbia, 2011 B.S. Forestry, the University of Missouri - Columbia, 2011

Certifications

EPA Asbestos Certification Colorado State Asbestos Building Inspector Certification OSHA 10-Hr Safety & Health – Construction Certification ACOE 38-hr Wetland Delineation Certification of completion OSHA 40-Hr Hazardous Waste Operations and Emergency Response Certification

Key Qualifications

Mr. Walz-Salvador has gained experience performing informal biological assessments for Section 7 compliance under the Endangered Species Act (ESA), wetland impact determinations, floodplain determinations, threatened and endangered species determinations, critical habitat research, as well as writing National Environmental Policy Act (NEPA) environmental assessments for wireless telecommunication projects. He has conducted research regarding Section 106 compliance under the Federal Communications Commission standards. Under Section 106, he has experience with 620 and 621 Form submittals to the State Historical Preservation Offices and consultation with federally recognized tribes all over the United States. Mr. Walz-Salvador has experience performing Phase I & II environmental site assessments, indoor air quality assessments, asbestos building inspections and sampling, wetland delineations, and migratory bird evaluations.

In addition, Mr. Walz-Salvador has experience with the United States Geological Survey (USGS) as a biological science aid, where he conducted field research on the Missouri River capturing and tracking Pallid Sturgeon. He also worked with the Missouri Department of Conservation (MDC) as a field technician conducting research on endangered and endemic fish species within the waterways of the Missouri Ozarks. Additionally, he has also worked in a variety of fields such as wetland biology, avian ecology, and ungulate research and management for the MDC. While attending the University of Missouri-Columbia, Mr. Walz-Salvador participated in the Undergraduate Mentoring for Environmental Biology (UMEB) Program which aided him in gaining experience with migratory bird research underneath the guidance of Dr. John Faaborg and Dr. Andrew Cox. UMEB also allowed Mr. Walz-Salvador to work with the Missouri Botanical Garden, a partner company, to observe endangered plant research and gain experience with working with private entities.

Mr. Walz-Salvador's schooling and work experience has enabled him to identify and understand the biology of trees, birds, fish, and mammalian species in addition to technical skills with the Delorme Topographic USA mapping program, ArcGIS, several of the Microsoft Office Programs, Adobe Acrobat Pro, and Google Earth.

Telecommunications Experience

 Trileaf Corporation, Nationwide, US (2013-2015): Senior Project Scientist: Wetland Ecologist and Migratory Bird Specialist for services relating to the NEPA compliance of the proposed construction of telecommunication tower sites throughout the United States. Services include Phase I & Phase 2 Environmental Site Assessments, Indoor Air Quality Surveys, Asbestos Sampling, NEPA compliance, Migratory Bird Evaluations and Wetland delineations for Verizon Wireless, AT&T Mobility Services, LLC, SBA Communications, Crown Castle Towers, T-Mobile, Nextel, and Edward Jones. The Lotis Engineering Group, PC. Nationwide, US (2015-ongoing): NEPA Manager / Biologist for services relating to compliance of NEPA, NPA, and the ESA for the construction/acquisition of telecommunication towers throughout the United States including Puerto Rico, Canada, and Mexico. Services include Phase I & Phase 2 Environmental Site Assessments, and NEPA compliance for Vertical Bridge Land Holdings, LLC, Tower Ventures, Tower Lease Advisors, Phoenix Towers International, InSite Towers, and Blue Sky Tower.

6465 Transit Road - Suite 23 East Amherst, NY 14051-2232 716.276.8707

DeANNA N. ANGLIN

Environmental Biologist/NEPA Writer, The Lotis Engineering Group, P.C.

Years of Relevant Experience

2

Education

B.S., Fisheries and Wildlife Sciences, University of Missouri in Columbia, 2012 Minors in Captive Wild Animal Management, Biological Sciences, and Theatre

Key Qualifications

DeAnna Anglin has gained experience performing informal biological assessments (IBA) for Section 7 compliance under the Endangered Species Act (ESA), wetland impact determinations, floodplain determinations, threatened and endangered species determinations, critical habitat research, as well as writing National Environmental Policy Act (NEPA) environmental assessments for wireless telecommunication projects. She has conducted research regarding Section 106 compliance under the Federal Communications Commission (FCC) standards. Under Section 106, She has experience with 620 and 621 Form submittals to the State Historical Preservation Offices (SHPO) and consultation with federally recognized tribes all over the United States and Puerto Rico. Ms. Anglin has experience performing Phase I environmental site assessments, migratory bird evaluations and NEPA report writing.

In addition, Ms. Anglin has experience with the University of Missouri-Columbia, where she participated in graduate scientific research pertaining to the Red-bellied Woodpecker. Specifically, she sought potential nesting bird pairs and observed their nesting behavior and success rates. Ms. Anglin also has experience identifying, mist netting, and handling bats of North America.

Ms. Anglin's schooling and work experience has enabled her to identify and understand the biology of trees, birds, fish, and mammalian species in addition to technical skills with the Delorme Topographic USA mapping program, ArcGIS, several of the Microsoft Office Programs, Adobe Acrobat Pro, and Google Earth.

Telecommunications Experience

- The Lotis Engineering Group, P.C., Colorado (2015 present): NEPA Writer/Environmental Biologist for services relating to compliance of NEPA, NPA, and the ESA for the construction/acquisition of telecommunication towers throughout the United States including Puerto Rico, Canada, and Mexico. Services include Phase I & Phase 2 Environmental Site Assessments, and NEPA compliance for Vertical Bridge Land Holdings, LLC, Tower Ventures, Tower Lease Advisors, Phoenix Towers International, InSite Towers, and Blue Sky Tower
- Trileaf Corporation, Missouri (2013 2015): Volunteer site surveyor, particularly for migratory bird evaluations.