



National Conference of State Historic Preservation Officers

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November 9, 2017

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: WT Docket No. 17-79

Dear Secretary Dortch:

The National Conference of State Historic Preservation Officers (NCSHPO) is responding to your recent Report and Order regarding Replacement Utility Poles, tied to WT Docket No. 17-79.

We have several concerns concerning this proposal – not the least of which is your decision to pursue this course through a Report and Order without any consultation with the National Conference of State Historic Preservation Officers (NCSHPO), the Advisory Council on Historic Preservation (ACHP), or with Tribes. Your agency's proposed position that the replacement of utility poles will have no potential effect upon historic properties, unfortunately, based upon our experience, is not supportable.

Many utility poles exist in areas for which no historic survey information is available. Therefore, one can reasonably assume that there would be potential installations that have already impacted subterranean historic resources. To replace a pole, unfortunately, it is physically impossible to remove and replace it without additional ground disturbance – potentially further impacting historic resources. Moreover, as the proposal is to allow replacement poles that are up to 10% larger, deeper holes and/or footings may be required – thereby requiring more disturbance.

One could certainly argue the degree of potential disturbance could potentially be low. But it is simply not possible to arrive at the position that there is no potential to cause effect.

The issue of providing a review efficiency by excluding the replacement of poles from review has been addressed in other instruments – specifically, in the Federal Lands Program Comment issued by the ACHP earlier this year. While it is true that the approach the FCC is proposing is partially consistent with the Program Comment in requiring replacements to be in the same hole as the original, are no more than 10 percent taller, and consistent in quality an appearance, it is missing several other provisions that

make this approach possible. If the FCC is going to cite this approach as a model, it should at least incorporate it in its entirety. Section VIII.B reads:

- B. When replacement of structures or poles is planned, the undertaking requires no further Section 106 review, as long as:
 - 1. The replacement structures or poles can be located within the same hole as the original structure and there is no new ground disturbance outside of previously disturbed areas associated with temporary support of the lines; and
 - 2. The replacement structures or poles are within an existing ROW or easement which has been surveyed; and
 - 3. The replacement structures or poles are consistent with the quality and appearance of the originals; and
 - 4. Any proposed height increase of the replacement structures or poles is no more than 10 percent of the height of the originals; and
 - 5. The original pole or structure is not a historic property and does not contribute to a historic district.

Also absent from the FCC's proposed approach are provisions for unanticipated discoveries. It would be completely irresponsible for the discovery of historic material to be disregarded during a pole replacement process because the replacement has already been determined as having no potential to effect historic resources.

It should be pointed out that industry, as evidenced by the comments filed by the CTIA on this very proceeding, does not appear to believe the concept of replacing a pole in the same hole is even likely. Standard practice is for a new hole and corresponding pole to be installed next to the existing one – with the lines subsequently transferred and the now redundant pole removed. This calls into question whether this efficiency will even achieve the results you are seeking.

We believe the best approach, since it would seem that “no potential effect” on historic properties is not supported by our experience, would be to work on a more thoughtful programmatic solution with NCSHPO, the ACHP and Tribes. As we have said before – we remain committed to working with the FCC to finding reasonable solutions that would help make project reviews more efficient.

Respectfully,



Erik M. Hein
Executive Director