

Docket # 97-182

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October 16, 1997

Secretary
Federal Communications Commission
Washington, D.C. 20554

Dear Sir:

I am writing in reference to the proposed petition from the National Association of Broadcasters and the Association for Maximum Service Television that would change the rules to give the Federal Communications Commission the authority to preempt local and state zoning and other land-use regulations; and allow the tower industry to construct towers just about anyplace they want to place them. This proposed petition appears to preempt the authority of the Federal Aviation Administration and would take away their authority to determine whether a potential tower poses a hazard to air navigation, enroute flights, or use of airports.

It is imperative that we protect the authority of the FAA and the state and local officials to legislate and to provide zoning ordinances and land-use regulations that will protect public and private airports and all air navigation. Please do not allow this NPRM to be enacted. Please say NO! to Docket No. 97-182 and/or any other proposed rules or legislation that would take away any authority from the FAA and the local and state governing officials.

Sincerely,

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COLORADO
HISTORICAL
SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

November 5, 1997

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Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

RE: MM Docket No. 97-182, Preemption of State and Local Zoning and Land Use Restrictions on the Siting, Placement and Construction of Broadcast Station Transmission Facilities

Dear Secretary:

We are responding to the above Notice of Proposed Rule Making released August 19, 1997.

Our area of concern resides with the consideration of the effects of the above activities on historic properties. Under Section 101(c) of the National Historic Preservation Act (NHPA) local governments are encouraged to designate and protect historic properties under state and local legislation. Several Colorado laws enable or require consideration of historic properties at the state or local level. In addition, a number of local governments in Colorado have ordinances, zoning or land use plans which require consideration of such properties.

We request that the Federal Communications Commission (FCC) preserve the ability of both the state and local governments to comment on the effects of digital television antenna installations, as well as other similar FCC licensed activities and facilities, on designated properties within the proposed time frames. It is our experience that such installations may have either a direct impact or a visual impact on historic properties such as prehistoric sites, historic districts, cultural landscapes and individual structures as well as traditional cultural properties.

Consequently, we believe that states and local governments with historic preservation laws and ordinances should have the opportunity to comment and, as appropriate, to offer alternatives for consideration that would avoid or minimize adverse effects to designated properties. Additionally, it is our opinion that the FCC has an affirmative responsibility under the Advisory Council on Historic Preservation regulation 36 CFR Part 800 *Protection of Historic Properties*, implementing Section 106 of the NHPA, to seek information in the earliest stages of planning from local governments having knowledge or concerns with historic properties in a project area.

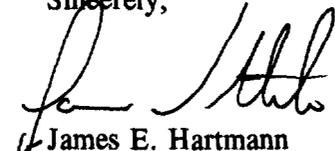
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November 5, 1997
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If we may be of further assistance, please contact Kaaren Hardy, our Intergovernmental Services Director, at (303) 866-3398.

Sincerely,



James E. Hartmann

State Historic Preservation Officer

JEH/KH