

## **APPENDIX**

**[Note: The following suggestions contain narrative and content suggestions that have not been finalized or placed in final, useable questionnaire format. The final Form NF should be carefully and professionally designed for maximum efficiency, clarity and ease of use]**

### **New Facility Submission Packet (Form NF, Cover Sheet, and Instructions)**

#### **Instructions for New Facility Submission Packet (Form NF)**

The Telecommunications Working Group (“TWG”) of the Advisory Council on Historic Preservation<sup>1</sup> developed this New Facility Submission Packet to assist applicants for FCC licenses and antenna structure registrations (including carriers, broadcast companies, tower companies, cultural resource professionals and others) involved with the historic preservation review of Federal Communications Commission (“FCC”) Undertakings under Section 106 of the National Historic Preservation Act (“NHPA”)<sup>2</sup> and the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Undertakings Approved by the Federal Communications Commission (“Nationwide Programmatic Agreement”).<sup>3</sup> Applicants may compare this New Facility Submission Packet (Form NF) with the Collocation Submission Packet (Form CO) (Attachment 4 to the Nationwide Programmatic Agreement) to understand the similarities and differences.

Prior to the construction of every new, non-excluded FCC Undertaking, Form NF should be completed as required and submitted to the relevant State Historic

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<sup>1</sup> The Telecommunications Working Group (TWG), which includes representatives from industry, government, historic preservation, tribal, and other groups, was formed in 2000 by the Advisory Council on Historic Preservation to support and streamline the Section 106 process in its application to Undertakings.

<sup>2</sup> See 16 U.S.C. § 470 *et seq.*

<sup>3</sup> Other related federal laws that may be applicable include the FCC’s environmental rules (47 C.F.R. Sections 1.1301-1.1319), the regulations of the Advisory Council on Historic Preservation (“Council”) (36 C.F.R. Part 800), the Nationwide Programmatic Agreement for the Collocation of Communications Antennas (?), or any other programmatic agreement that may be applicable.

Preservation Officer ("SHPO"), (and/or for undertakings on or affecting tribal lands, the Tribal Historic Preservation Officer ("THPO")), to any participating Indian tribe or Native Hawaiian Organization ("NHO"), and to any other consulting party(ies), as required by the terms of the Nationwide Programmatic Agreement. The information requested in this Form NF, and all supporting documentation, must contain sufficient detail to enable the SHPO/THPO and the FCC to complete their independent review of the Applicant's findings and determinations regarding potential effects to historic properties from the proposed undertaking, pursuant to Section VII of the Nationwide Programmatic Agreement.

For this Form NF, determinations will include: (1) the relevant SHPO(s) and/or, for Undertakings on tribal lands, the relevant THPO; (2) the area of potential effects ("APE") for the Undertaking; (3) the identification of known and possible historic properties in the APE; (4) the eligibility for the National Register of Historic Places ("National Register") for potentially affected, unlisted properties; (5) the relevant local government to be notified; and (6) the Indian tribes or Native Hawaiian Organizations ("NHOs") that may attach religious and cultural significance to historic properties in the APE.

The findings will describe the potential effects from the Undertaking to each historic property in the APE. Findings can be either: (1) no affect to historic properties; (2) no adverse effect; or (3) adverse effect.

The information provided in the New Facility Submission Packet must be provided and explained in sufficient detail to allow the reviewer, without visiting the site, to understand, evaluate and reach its own independent conclusions regarding the strength and validity of the following: (1) each of the applicant's findings and determinations; (2) the applicants determination of the appropriate level of effort for the identification of historic properties and Indian tribes and NHOs; (3) all of the relevant and material information on which each finding and determination is based; (4) the process by which the relevant information was gathered; (5) the process by which each finding and determination was made, including the evaluation of the relevant evidence, and the logical process leading to each material conclusion; and (6) the relevant education, expertise and experience of the person(s) gathering the evidence and making or contributing to the ultimate determinations and findings.

These Instructions and the attached Form NF are intended to provide authoritative guidance with regard to the Section 106 process for FCC Undertakings. In the event of any inconsistency or other conflict between the provisions of these instructions or Form NF and the Nationwide Programmatic Agreement, the Nationwide Programmatic Agreement, and any other applicable relevant federal law, shall control.

## **Exclusions**

Form NF should not be prepared or submitted for any new Undertaking where Section 106 review is either not required or excluded under the Nationwide Programmatic Agreement, or any future programmatic agreement that excludes undertakings from such review.

Where Section 106 review of an Undertaking is excluded or not required, the Applicant should retain in its files, a record of the justification and basis for each determination that Section 106 review is not required .

## **Time Period for Review and Comments**

Upon submission to the SHPO/THPO of a New Facilities Submission Packet (Form NF), the Applicant is deemed to have made a request for review of a finding(s), determination(s), or both for purposes of Sections VI and VII of this Nationwide Programmatic Agreement and the review period specified in Section VII of this Nationwide Programmatic Agreement will begin.

**Now Facilities Submission Packet (Form NF) For Historic Preservation  
Review of an FCC Undertaking under Section 106 of the National  
Historic Preservation Act**

**COVER SHEET**

**PROJECT IDENTIFICATION**

Primary name and identification number of project.

Project location - city, county, and state.

Nature of Undertaking, either: FCC licensed project (describe license), antenna structure to be registered, or voluntary submission.

Proposed tower height:

Tower type:  guyed tower  monopole  self-supporting  other

Project Status:

- a.  Construction planned but not yet commenced;
- b.  Construction commenced on [date] but not yet completed;
- c.  Other (Explain)

**PRIMARY CONTACT FOR THIS REVIEW**

Company name and address

Contact person, title, address, phone, mobile, fax and e-mail

**APPLICANT**

Company name and address

**PROJECT BUILDER OR OWNER (if different from Applicant)**

Company name and address

**OUTSIDE CONSULTANT OR OTHER SOURCE OF RELEVANT EXPERTISE**

Company name and address

Name(s), companies and titles (or area of relevant expertise) of persons making or contributing to findings for this submission

**KEY DETERMINATIONS FOR THIS PROJECT:**

1. Listed Historic Properties in APE? – yes, no
2. Potentially eligible historic properties in APE? yes, no
3. Properties in the APE determined not to be NR eligible? yes, no
4. Will this project be located on, or have a physical effect on, tribal lands? yes, no. If yes, provide name and contact information of the THPO or tribal contact.
5. Has the relevant local government entity been notified? If yes, provide name of entity.
6. Are there Indian tribes or Native Hawaiian organizations that might attach religious and cultural significance to historic properties in the APE? If yes, list the tribes and whether or not each is a consulting party to this review. For those identified that are not consulting parties, state dates and types of contacts with each tribe.

**KEY FINDINGS FOR THIS PROJECT**

Check all that apply

1. No effect on Historic Properties in APE
- 2.No adverse effect on Historic Properties in APE
- 3.Adverse effect on Historic Properties in APE

**Elements of New Facilities Submission Packet (Form NF)** [separate page]

**1. Project Identification**

Primary name and identification number of project. Where applicable, provide all other names and identification numbers assigned by related entities. Identify source and, where useful for the purposes of this review, provide an explanation for each.

Project location. Provide street address where available and city, county, and state. Provide both Lat/Long coordinates and Universal Transverse Mercator "UTM" coordinates.

Nature of Undertaking, either: FCC licensed project (describe license), antenna structure to be registered, or voluntary submission.

Proposed tower height:

Tower type:  guyed tower  monopole  self-supporting  other

Type of tower lighting, if any

Describe surrounding land use of leased or owned property and any access roads, utility lines, or other easements related to the site.

Project Status:

- a.  Construction planned but not yet commenced;
- b.  Construction commenced on [date] but not yet completed;
- c.  Other (Explain)

**2. Primary Contact For this Project**

Date: \_\_\_\_\_

Name of Company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Applicant will be: \_\_\_\_\_

- New Tower Owner  Carrier using New Tower  Other (explain )<sup>4</sup>

Describe relationship between the project and the contact company.

Describe the relationship(s) between the project and all other persons and entities identified in this submission packet as having ownership or management interest in the project, or making or contributing to findings and determinations.

### **3. Applicant**

Company name and address

Contact person, title, address, phone, mobile, fax and e-mail (optional)

### **4. Project Builder or Owner (If Different From Applicant)**

Company name and address

Contact person, title, address, phone, mobile, fax and e-mail (optional)

### **5. Outside Consultant or Other Source of Relevant Expertise**

Company name and address

Contact person, title, address, phone, mobile, fax and e-mail (optional)

Name(s), companies and titles (or area of relevant expertise) of persons making or contributing to findings for this submission

### **6. Initiating Section 106 Consultation**

- a. State and/or Tribal Historic Preservation - List SHPO/THPO with jurisdiction over this project.

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<sup>4</sup> PCIA suggests deleting the box for "Carrier using New Tower."

- i. Will this project be located on, or have a physical effect on, tribal lands? If so, identify THPO or tribal representative contacted.
  - ii. Are there Indian tribes or Native Hawaiian organizations that might attach religious and cultural significance to historic properties in the APE? If yes, list the tribes and whether or not each is a consulting party to this review. For those identified that are not consulting parties, state dates and types of contacts with each tribe.
- b. Public Involvement - Because applicable rules require notice to the public of undertakings and an opportunity to comment that reflects the nature and complexity of the undertaking, describe measures taken to notify the public of their opportunity to comment on potential effects from the project on historic properties.
  - c. Local Government - Has local government been contacted and invited to become a consulting party pursuant to Section V.A. of the Nationwide Programmatic Agreement? If so, list local government agencies contacted and their response. If not, briefly explain why this has not occurred.
  - d. Additional Consulting Parties - List any additional potentially interested consulting parties (individuals or organizations with demonstrated interest in the project, or in historic preservation) that have been identified and any that have been contacted, and identify those that have been made consulting parties.

**7. Identification of Historic Properties**

Attach continuation sheets as necessary; include key locations of all Historic Properties to maps and key descriptions of Historic Properties to photos.

- a. Area of Potential Effects (APE) - Describe the APE for the proposed project and how this APE was determined, see VI.B of the Nationwide Programmatic Agreement.
- b. Previously Identified Historic Properties

- i. Are there any National Historic Landmarks located within the APE? If so, list the name and address of each property.
  - ii. Are there any properties or historic districts located within the APE that are listed in the National Register of Historic Places? If so, list the name and address of each property and the source of survey information.
  - iii. Are there any historic properties or historic districts located within the APE that have been determined eligible for listing in the National Register of Historic Places? If so, list the name and address of each property and the source of survey information.
  - iv. If Applicant surveyed any previously evaluated historical sites whose prior evaluation may have been incorrect or incomplete due to the passage of time, changing perceptions of significance, or incomplete prior evaluations, identify and briefly describe these properties. List the name and address/vicinity of each property, the site inventory number, and the source of survey information. Contact SHPO/THPO regarding previously surveyed archeological sites.
- c. Field Survey Results
- i. Evaluate the eligibility for the National Register of Historic Places ("National Register") of any potentially eligible historic districts, sites, buildings, structures, or objects that have not previously been identified that are located within the APE and provide your eligibility assessment. For each property assessed, please reference Photos and a Site Location Map. For identified properties, list the name and address of each property, the site inventory number, and the name of the consultant(s) or other qualified person(s) who performed or contributed to the evaluation.
  - ii. Are there any newly identified archaeological sites located within the APE? If so, evaluate their potential eligibility for the National Register of Historic Places and provide Applicant's assessment of whether additional survey work

is necessary. If Applicant has already completed an archaeological survey, please include the survey report with this checklist. For each site assessed, please reference Photos and Site Location Map. For identified properties, list the name and address of each property, the site inventory number, and the name of the consultant who performed the evaluation.

iii. Describe surrounding topography including modern intrusions, existing buffering, and vegetation. Describe any previous ground disturbance.

d. Determination

**Historic Properties Exist Within the APE.** Applicant should continue to Section 8, Determination of Effect.

**No Historic Properties Exist Within the APE.** Applicant need not complete Section 8.

## 8. Determination of Effect

Use the Criteria of Adverse Effect and the guidelines found at Sections VI. A and VI. B. of the Nationwide Programmatic Agreement as the basis for Applicant's assessment. Check one box below and attach brief narrative that explains the basis for your determination. The documentation compiled through the use of this checklist should be sufficient for reviewing parties to clearly understand the basis for determinations made about potential project effects on Historic Properties.

**"No Historic Properties Affected"** means that there are Historic Properties present within the APE, but the undertaking will have no effect on them.

**"No Adverse Effect"** means that there are Historic Properties within the Area of Potential Effects, but that the effects from the undertaking do not constitute adverse effects under the Criteria of Adverse Effects. Where an adverse effect may have been appropriate, but conditions on the Undertaking have been proposed, implemented or agreed to that sufficiently mitigate or otherwise avoid the adverse effect, describe such conditions and how the Adverse Effect is being avoided.

□ **"Adverse Effect"** means that there are Historic Properties within the Area of Potential Effects, the Applicant has applied the Criteria of Adverse Effect, and found that the undertaking will have an adverse effect on one or more Historic Properties that are eligible for or listed in the National Register of Historic Places. The following questions should be answered in the narrative:

1. Which Historic Properties will be adversely affected? Explain how.
2. Has the SHPO/THPO addressed Adverse Effects in previous communications?
3. What alternatives were considered that might avoid, minimize, or mitigate adverse effects? What conclusion was reached regarding the feasibility of each alternative?
4. How will the public be informed of developments regarding the Section 106 consultation process?
5. What mitigation options are proposed by the Applicant to resolve the adverse effect of the project?

## **8. Exhibits**

- a. Photos (Number all photos and key the photos to Photo Map)
  - i. Color photos showing view from proposed tower site in all compass directions, labeled with N/S/E/W view from the tower. Photo coverage of 360 degrees is recommended. If surveyed properties are visible from the proposed tower site, include additional views from site towards Historic Properties and indicate distance between the site and each property. For all photos, label compass direction and date photos were taken.
  - ii. Color photos of existing site conditions. Key photos to description of topography and previous ground disturbances in Field Survey section.
  - iii. Color photos of potentially eligible Historic Properties that are reasonably available within the Area of Potential Effects. Include photos of all buildings greater than 45 years old. In urban areas where there are large numbers of

buildings greater than 45 years old that do not appear to meet the National Register Criteria, Applicant may include a limited number of representative streetscape photos. However, in all cases Applicant must provide sufficient photos in urban areas to support its eligibility assessment and effect determination.

b. Maps

- i. Topographic Map - 7.5-minute quad map showing location of proposed tower site. Show Area of Potential Effects. If map is copied from original, include key with name of quad and date.
- ii. Site Location Map - Mark location of proposed tower site and any new access roads required. Show Area of Potential Effects. Applicant must also show the location of any surveyed Historic Properties. Provide key for any symbols, colors, identifiers used.
- iii. Photo Perspectives Map - Applicant may duplicate the Site Location Map (with or without the Historic Properties shown). Mark clearly the locations from which photos were taken and indicate direction of view.