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Public Comments on Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies:=====

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Comment: Item 26 discusses the possibility of exempting DAS and small-cell facilities from Section 106 review. Although ACHP's guidelines state that Section 106 obligations can be waived "if the undertaking is a type of activity that does not have the potential to cause effects on historic properties assuming such historic properties were present," it is not clear from the presented materials that DAS and small-cell facilities are *\*always\** incapable of causing an effect on historic property. Possible scenarios where such an installation might have an effect include: a cumulative effect situation in which a dozen antennas are located in one area; the placement of antennas in a highly decorated or extremely visible location; or potential damage caused by installing, removing, and/or maintaining antennas in or on a historic structure or building.

In particular, the issue of de minimis seems offset by the fact that, by their nature, telecommunications installations tend to cluster together (taking advantage of tall, open, and interference-free areas), causing a cumulative effect.

A possible compromise would be to allow for the installation of DAS and small-cell facilities in buildings and structures that have not been listed on/determined eligible for the NRHP (and/or are not located in an NRHP-eligible or listed district). This would free up the vast majority of possible structures and sites for review without Section 106, while addressing the possible effects on historic properties. This is the current methodology used to determine visual adverse effects for telecommunications facilities under the existing Programmatic Agreement.

Items 33 and 34 concern the possibly eligibility (or need for review) of non-tower structures that are more than 45 years old. PCIA's concern appears to be that relatively common utility poles (municipal telephone poles, highway street lights, etc.) would thus fall under this review. However it is also worth noting that not all non-tower structures are created alike; there are water towers, transmission lines, telegraph poles, mining trams, and other structures that are more than 45 years old and that also meet the National Register criteria for listing. We believe that a blanket exemption for "utility poles," regardless of type or age, could have an adverse effect on historic resources.

Similarly, AT&T's proposal "that the Commission extend the exclusion for replacement towers to cover replacements of non-tower structures" could have a significant effect on historic resources given that the phrase "non-tower structure" applies to all manner of buildings and structures. Although it seems unlikely that a carrier would demolish an entire building to "replace it" with another one, it is conceivable that smaller structures that can serve as collocations (water towers, fire lookout stations, clock towers, etc.) could be affected by this change. Limiting the replacement rule to "utility poles" reduces the effect but still brings up the issue of affecting older "utility" resources (as we noted above).

In Item 46, we believe that the "no excavation" clause should remain in place. The time spent in one location may have a progressive effect on other environmental resources (for example, a polluting mine causes more damage to nearby rivers the longer it remains in place), but damage to archaeological resources from excavation happens immediately on Day 1, whether the facility remains only until the end of Day 1 or for the next 10 years.

Joseph Saldibar

Architectural Services Manager

History Colorado/The Colorado Historical Society

(Colorado State Historic Preservation Office)

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