

MONTANA STATE HISTORIC PRESERVATION OFFICE

GUIDELINES FOR PREPARATION OF SECTION 106 DOCUMENTATION

FOR THE COLLOCATION OF WIRELESS ANTENNAS

The Montana State Historic Preservation Office (Montana SHPO) developed the following guidance document to assist Federal Communications Commission (FCC) permit applicants and their consultants with the procedures outlined in the *Nationwide Programmatic Agreement for the Collocation of Wireless Antennas* (FCC Collocation PA). Please refer to the *Montana State Historic Preservation Office: Guidelines for Preparation of Section 106 Documentation for New Cellular Tower and Antenna Structures*, for more information and guidance on proposed new tower and antenna construction.

Additional general guidance can be found in *Consulting with the Montana SHPO: Guidelines and Procedures for Cultural Resource Review and Consultation under the National Historic Preservation Act and the Montana State Antiquities Act* (Montana SHPO Planning Bulletin No. 21).

RESPONSIBILITY

The FCC Collocation PA records the terms and conditions agreed upon to fulfill the FCC's responsibilities under Section 106 of the National Historic Preservation Act (NHPA) as codified by 36 C.F.R. § 800. It is intended to streamline the Section 106 review of collocation proposals to encourage a reduction in the need for new towers and, thereby, reduce unnecessary potential adverse effects on historic properties.

Under 36 C.F.R. § 800, the federal agency responsible for the funding, permitting, licensing or approval of a project, activity or program is obligated to fulfill the requirements of Section 106 of the NHPA prior to the execution of the project, activity or program. In the case of the collocation of wireless antennas, the FCC is ultimately accountable for ensuring that the applicant fulfills his/her responsibilities under Section 106. In other words, the FCC may use the services of applicants, consultants, or designees to prepare information, analyses and recommendations, but remains legally responsible for all required eligibility findings and effect determinations.

On a side note, the Montana SHPO encourages the coordination of the Section 106 process with any steps taken to meet the requirements of the National Environmental Policy Act (NEPA). It is important to mention, however, that the NEPA requirements are not intended to replace the Section 106 process.

COLLOCATION

In the FCC Collocation PA, "collocation" is defined as, "the mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes."

SUBSTANTIAL INCREASE IN SIZE OF CELLULAR TOWER

The FCC Collocation PA outlines the following instances as a substantial increase in the size of a pre-existing cellular tower:

- (1) The proposed antenna increases the existing height of the tower by more than ten percent (10%), or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater (the proposed antenna may exceed the above-mentioned size restrictions if necessary to avoid interference with existing antenna);
- (2) The proposed antenna involves the installation of more than the standard number of new equipment cabinets for the technology involved (not to exceed four (4), or more than one (1) new equipment shelter);
- (3) The proposed antenna involves adding an appurtenance to the body of the tower that protrudes from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater (the proposed antenna may exceed the above-mentioned size restrictions if necessary to shelter the antenna from inclement weather or connect the antenna to the tower via cable);
- (4) The proposed antenna involves excavation outside the current tower site (defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site).

COLLOCATION: TOWERS CONSTRUCTED ON OR BEFORE MARCH 16, 2001

The proposed antenna may be mounted on an existing tower (constructed on or before March 16, 2001) without undergoing Section 106 review, unless:

- (1) The new antenna will result in a substantial increase in the size of the tower;
- (2) The FCC has determined the tower to have an unresolved adverse effect on one or more historic properties;
- (3) The tower is the subject of a pending environmental review or related proceeding before the FCC involving compliance with Section 106;
- (4) The collocation licensee or tower owner has received written or electronic notification that the FCC received a complaint from a member of the public, the Advisory Council on Historic Preservation (ACHP), or the Montana SHPO stating that the collocation has an adverse effect on one or more historic properties (complaints must be submitted in writing with substantial supporting evidence).

COLLOCATION: TOWERS CONSTRUCTED AFTER MARCH 16, 2001

The proposed antenna may be mounted on an existing tower (constructed after March 16, 2001) without undergoing Section 106 review, unless:

- (1) The Section 106 review process for the tower and any associated environmental reviews required by the FCC have not been completed;
- (2) The new antenna will result in a substantial increase in the size of the tower;
- (3) The FCC has determined the tower to have an unresolved adverse effect on one or more historic properties;
- (4) The collocation licensee or tower owner has received written or electronic notification that the FCC received a complaint from a member of the public, the ACHP, or the Montana SHPO stating that the collocation has an adverse effect on one or more historic properties (complaints must be submitted in writing with substantial supporting evidence).

COLLOCATION: BUILDINGS AND NON-TOWER STRUCTURES OUTSIDE OF HISTORIC DISTRICTS

The proposed antenna may be mounted on a building or non-tower structure without undergoing Section 106 review, unless:

- (1) The building or non-tower structure is over forty-five (45) years old;
- (2) The building or non-tower structure is inside or within 250 feet of the boundary of a historic district;
- (3) The antenna is visible from the ground level of a historic district;
- (4) The building or non-tower is a designated National Historic Landmark, or is listed in or eligible for listing in the National Register of Historic Places based on the review of the licensee, tower company, or applicant for an antenna license;
- (5) The collocation licensee or tower owner has received written or electronic notification that the FCC received a complaint from a member of the public, the ACHP, or the Montana SHPO stating that the collocation has an adverse effect on one or more historic properties (complaints must be submitted in writing with substantial supporting evidence).

For all proposed wireless antenna collocations not excluded from Section 106 review, the applicant or consultant should refer to the *Montana State Historic Preservation Office Guidelines for Preparation of Section 106 Documentation for New Cellular Tower and Antenna Structures*.