

# SECTION 106 REVIEW

for facilities not excluded by the March 7, 2005 Nationwide Programmatic Agreement



## ACTIVITIES NOT EXCLUDED

For each undertaking not excluded by the NPA, the applicant must determine one of the following:

- No Historic Properties Affected
- No Adverse Effect on Historic Properties, or
- Adverse Effect on Historic Properties.

The determination of effect is accomplished through background research, field surveys, and transmitting a “Submission Packet” (an FCC form along with required supporting documentation) to the State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) and to all consulting parties, including identified tribal interests, where appropriate.

## DEFINING THE AREA OF POTENTIAL EFFECT (APE)

For direct effects, the APE is the area of potential ground disturbance. For visual effects the APE is the area in which a facility has the potential to introduce visual elements that diminish the setting of a Historic Property. Unless otherwise established through consultation with the SHPO, the APE for visual effects is:

- 1/2 mile in radius for structures 200 feet or less in overall height.
- 1/4 mile in radius for structures over 200 feet but not more than 400 feet in overall height.
- 1 1/2 mile in radius for structures over 400 feet in overall height.

## IDENTIFICATION OF HISTORIC PROPERTIES FOR VISUAL EFFECT

Applicants are not required to undertake a Field Survey or other measures to identify historic properties for visual effects. According to the NPA, identification of historic properties is accomplished through review of the following:

- the National Register of Historic Places (NRHP);
- properties formerly determined eligible for listing in the NRHP;
- properties that the SHPO/THPO certifies are in the process of being listed in the NRHP
- properties previously determined eligible for NRHP listing as part of a consensus determination between the SHPO/THPO and any Federal agency.
- properties listed in the SHPO/THPO inventory that the SHPO/THPO has previously evaluated and determined eligible for NRHP listing, and

Field survey/photo-documentation is necessary only for historic properties identified in the specific record sources, not for all structures 50 years old or older as was customary prior to this new NPA.

## CONSULTATION WITH POTENTIALLY AFFECTED TRIBES

The applicant is required to gather information from potentially affected Indian tribes to assist tribes in identifying historic properties of tribal religious or cultural significance.

## PUBLIC NOTICE

Applicants are required to provide the local land use jurisdiction with written notification of a planned undertaking prior to transmitting a Submission Packet to the SHPO/THPO. The Applicant must also provide written notice to the public of the planned undertaking, either through the public notification provisions of the relevant local zoning authority or local historic preservation process or by publication in a local newspaper of general circulation prior to SHPO submittal.

## ARCHAEOLOGICAL FIELD SURVEY REQUIRED FOR MOST UNDERTAKINGS NOT EXCLUDED BY NPA

The applicant is required to perform an archaeological field survey unless there is evidence of previous ground disturbance at the project site.

## TIMELINE FOR FINDINGS OF “NO HISTORIC PROPERTIES AFFECTED”

If the Applicant submits a finding of “No Historic Properties Affected” and the SHPO either concurs within 30 days of receipt or does not respond within 30 days of receipt then the Applicant may proceed with the undertaking. If comments are received from any consulting party within the final 5 days, 5 additional days are added to the review.

## TIMELINE FOR FINDINGS OF “NO ADVERSE EFFECT ON HISTORIC PROPERTIES”

If the Applicant submits a finding of “No Adverse Effect on Historic Properties” and the SHPO responds within 30 days with a finding of No Adverse Effect, the undertaking may proceed without further processing.

If the SHPO does not respond within 30 days, the Applicant may forward the Submission Packet and supporting documentation to the FCC. The undertaking may proceed unless the FCC responds with an unfavorable finding within 25 days (15 days if sent electronically).

## DEALING WITH ADVERSE EFFECTS

If the applicant or the SHPO conclude that an Adverse Effect on Historic Properties would occur, then the Adverse Effect must be resolved through conditioning the undertaking for a “No Adverse Effect” or through mitigation. If the applicant and SHPO or THPO cannot reach agreement on the Effect of an undertaking, the FCC will resolve.

ECA has completed thousands of environmental and cultural resource projects at wireless telecommunication facilities. If you have questions regarding FCC NEPA compliance or to request Part 1 of this guidance, please contact Marvin Webster of ECA: [marvin.webster@eca-usa.com](mailto:marvin.webster@eca-usa.com), (770) 667-2040 x101.

Field survey/photo-documentation is no longer necessary for all structures 50 years old or older as was customary prior to this new NPA.

The applicant is required to perform an archaeological field survey unless there is evidence of previous ground disturbance at the project site.

*ECA is an environmental, cultural resources, and geotechnical consulting and engineering firm with a 20-year track record of excellent service to clients. ECA attributes its success to providing timely and innovative services and solutions with a persistent focus on the objectives of clients.*

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