



# PUBLIC NOTICE

Federal Communications Commission  
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**WIRELESS TELECOMMUNICATIONS BUREAU AND MASS MEDIA BUREAU  
INVITE INDIAN TRIBES, ALASKAN NATIVE VILLAGES AND  
NATIVE HAWAIIAN ORGANIZATIONS TO PARTICIPATE IN DEVELOPING  
STATE PROTOTYPE PROGRAMMATIC AGREEMENT REGARDING HISTORIC  
PROPERTIES, LISTED OR ELIGIBLE FOR LISTING IN THE  
NATIONAL REGISTER OF HISTORIC PLACES**

Staff from the Wireless Telecommunications Bureau (WTB) and the Mass Media Bureau (MMB) of the Federal Communications Commission (Commission) are working with the Advisory Council on Historic Preservation (ACHP), the National Conference of State Historic Preservation Officers (NCSHPO), and members of the ACHP's Telecommunications Working Group (TWG)<sup>1</sup> to develop a State Prototype Programmatic Agreement (Agreement) regarding the evaluation and mitigation of the adverse effects of undertakings involving communications towers and antennas on properties listed, or eligible for listing, on the National Register of Historic Places (Register). Pursuant to the Commission's rules, licensees and applicants must evaluate the potential effect on Register-listed or eligible properties of Commission actions associated with their applications.<sup>2</sup> In performing this evaluation, licensees, applicants, and the Commission follow the ACHP's rules implementing Section 106 of the National Historic Preservation Act.<sup>3</sup> The intended purpose of the Agreement that is under development is to streamline the Section 106 process and develop a uniform procedure that each state or tribe can adopt, or adapt as appropriate for local conditions, for the Section 106 review process as applied to communications towers and antennas.

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<sup>1</sup> The TWG includes representatives from the Commission, ACHP, NCSHPO, various SHPOs/THPOs, Indian tribes, wireless and broadcast industry associations, carriers, tower companies and other interested parties.

<sup>2</sup> 47 C.F.R. § 1.1307(a)(4).

<sup>3</sup> 36 U.S.C. § 470(f); 36 C.F.R. Part 800; *see also* Memorandum from John M. Fowler, Executive Director, Advisory Council on Historic Preservation, to Federal Communications Commission, State Historic Preservation Officers, and Tribal Historic Preservation Officers, dated September 21, 2000. We note that many collocations have been exempted from Section 106 review pursuant to an existing programmatic agreement. *See* Wireless Telecommunications Bureau Announces Execution of Programmatic Agreement with Respect to Collocating Wireless Antennas on Existing Structures, *Public Notice*, DA 01-691, rel. March 16, 2001.

Pursuant to the Commission's *Policy Statement* of consulting with federally recognized Indian tribes<sup>4</sup> and the ACHP's rules,<sup>5</sup> WTB and MMB invite any interested American Indian Tribes, Alaskan native villages, and Native Hawaiian organizations or Tribal Historic Preservation Officers (THPO) to participate in the negotiation and drafting of the Agreement. If you are interested, please contact FCC staff by any of the following methods. Please indicate your name, tribe, phone number, street address, fax number, and e-mail address, if any.

1. Please e-mail your interest to [wtb\\_towersiting.org](mailto:wtb_towersiting.org).
2. Please call Don Johnson in the FCC's Commercial Wireless Division at (202) 418-7444.
3. Please facsimile your interest to the FCC at 202-418-7447.

Due to delays in mail deliveries occasioned by recent security concerns, we ask that you use one of these methods, rather than mailing a letter through the U.S. Postal Service. If you have any questions, please call Don Johnson at (202) 418-7444.

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<sup>4</sup> In the Matter of Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes, *Policy Statement*, 16 FCC Rcd. 4078, 4080 (2000).

<sup>5</sup> 36 C.F.R. § 800.16(x).