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ENVIRONMENTAL AND HISTORIC PRESERVATION ACTION PLAN

Statement by FCC Chairman Michael K. Powell

In recognition of the importance of deploying communications services consistent with the mandates of National Environmental Policy Act of 1969 (NEPA) and the National Historic Preservation Act of 1966 (NHPA), I have asked Commission staff to develop the agency's first comprehensive strategic plan to improve our ability to protect valuable historic and environmental resources, while at the same time accelerating the process of deploying necessary communications infrastructure. One of the Commission's critical responsibilities is to manage the expansion of communications infrastructure in a way that best preserves our Nation's environmental and historic resources. Additional communications towers and other infrastructure improvements are critical to the rapid deployment to the American public of ubiquitous, advanced, and competitive communications services, as well as for public safety and homeland security. Although the Commission's statutory obligations are longstanding, I have recently concluded that the expanding need for telecommunications infrastructure requires the Commission to take a more proactive approach to these issues.

As part of this action plan, I intend to work with my colleagues to: (1) initiate a series of proceedings designed to enhance our expertise in environmental and historic matters and modify our rules as necessary; (2) work with the industry and government to develop more efficient and effective communication; (3) examine our processes for streamlining opportunities; and (4) enforce the rules swiftly and effectively to create incentives for parties to follow the required processes before construction. This plan highlights the Commission's commitment to carry out its responsibility for communications deployment, environmental protection, and historic preservation.

The Federal Communications Commission has specific responsibilities pursuant to NEPA, NHPA, and other related statutes to evaluate the impact of its actions on the quality of the human environment.¹ These responsibilities most prominently come into play regarding the

¹ NEPA requires agencies of the Federal Government to evaluate the effects of their major federal actions on the quality of the human environment. The Commission has found that these requirements apply to a wide range of communications facilities, including broadcast and cellular antenna structures, fiber optic lines, undersea cables, and other communications facilities. NHPA requires agencies of the Federal Government to take into account the

construction of communications towers and their impact on the environment and historic sites, including Indian historic, cultural, or religious sites.

I look forward to working with my fellow Commissioners, Tribal governments, State and Local government organizations, and my counterparts at other Federal agencies to implement these important initiatives.

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effect of their federal undertakings on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places.

ATTACHMENT

ENVIRONMENTAL AND HISTORIC PRESERVATION ACTION PLAN

1. Increase Agency expertise and modify rules as needed.

- Consider a Notice of Proposed Rulemaking implementing a Nationwide Programmatic Agreement for review of effects of communications facilities on historic properties.
- Consider a Notice of Proposed Rulemaking addressing rules regarding human exposure to radiofrequency electromagnetic fields.
- Initiate a Notice of Inquiry to assess the impact of communications towers on migratory birds.

2. Improve transparency and communication with external parties

- Develop a Memorandum of Understanding with Tribal representatives addressing best practices for Tribal consultation between the FCC and federally-recognized Tribes on a government-to-government basis.
- Working with Tribes, develop a database that would help tower constructors more easily identify which Tribes may have an interest in a particular location under consideration as a possible tower site.
- Expand outreach to federally-recognized Tribes to ensure that we respect and include tribal interests as we move forward. Develop related training program for FCC personnel.
- Establish liaisons with the staff of other federal agencies that are consulted on, or may have an interest in, environmental and historical preservation review. Create points of contact within the FCC for outside parties to coordinate these activities.
- Work with U.S. Fish and Wildlife Service (FWS) to streamline, standardize, and clarify consultation process required under the Endangered Species Act. Consider development of a public agreement to guide these interactions and deliberations.

ATTACHMENT (cont.)

3. *More efficient and effective Commission processes*

- Examine current processes for streamlining opportunities.
- Increase staff resources to address both historic preservation and environmental impact issues – recently created new Cultural Resource Specialist position to focus on Historic Preservation issues. Consider retention of staff biologist to address avian issues.
- Consider user-friendly improvements to Commission website to facilitate access to information.

4. *Vigorous enforcement*

- Licensing bureaus to refer appropriate cases to the Enforcement Bureau.
- Swift and effective enforcement to provide an incentive for parties to follow required processes before construction.
- Enforcement to complement, but not supplant negotiation.