



**MONTANA**  
HISTORICAL SOCIETY  
State Historic  
Preservation Office

MONTANA SHPO  
CONSULTATION GUIDE  
APPENDIX H

# Cellular Towers and Antenna Structures

## SPECIAL GUIDELINES FOR PREPARING DOCUMENTATION FOR SECTION 106 REVIEW

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# **I. Cell Tower Projects: Montana FCC Reporting Requirements**

With the recent increase of new cell tower construction and collocations in Montana, we are also seeing an increase in Section 106 submissions that do not meet our standards. This is an issue not only for our office as it takes a significant amount of time to review these undertakings, but is an issue for you, the consultants, and the companies that hired you. The message that eventually gets to the FCC in Washington D.C. is that Section 106 is delaying the progress of cell tower deployment, when in truth it is the submittal of incomplete work to our office that is causing the delay. To aid you with your FCC submittals, we have come up with a list of tips that address the most common errors. Please be aware that this is not a comprehensive document on how to consult with the MTSHP.

Information on the Section 106 consulting process in Montana can be found at <http://mhs.mt.gov/Shpo/Archaeology/ConsultingWith>. If you are new to Montana, we highly recommend reading it before starting any Section 106 work.

## **GENERAL**

Section 106 work **MUST** be completed by an individual who is Secretary of the Interior qualified. If you do not know what that means, you are not qualified.

If the tower or collocation is located on a reservation, the cultural report must be submitted to the appropriate THPO for concurrence.

We **DO NOT** provide concurrence after-the-fact. If the tower was already built or the collocation went up before 106 was completed, we will not provide you with a letter of concurrence.

**EDIT YOUR WORK!** Most of the problems that we see are from sloppy work.

If we have asked for additional information and you are submitting a revised cultural report, please do not resubmit the TCNS 620 or 621 forms.

## **RECORD SEARCH**

For all cell towers and collocations, record searches must be completed **BEFORE** completing fieldwork.

Cultural records staff have 15 days to respond to record search and site form requests, so plan accordingly. If possible, they will complete a rush order, but there are accompanying fees.

The information that you receive in your record search, and the date you received it, need to be included in the cultural report.

## **FIELDWORK**

Your fieldwork should include both the direct APE and visual APE.

The direct APE includes not just the tower location, but any staging areas and access roads.

Photos from eligible or listed cultural resources within the visual APE should be taken looking towards the tower. DO NOT TRESPASS. If you cannot access the property, please get as close as possible. While we do not require these photos, they go a long way in helping explain No Effect or No Adverse Effect determinations.

All field photos should have date stamps. Unfortunately, there have been instances where consultants are using photos provided by the cellular companies and not actually completing the fieldwork. If you are located some distance from Montana, and cannot make the journey to complete the fieldwork, there are local consultants that you can hire (<http://mhs.mt.gov/Portals/11/shpo/docs/Consultants.pdf>).

If you choose not to complete a Class III inventory for a cell project, be prepared to explain your reasoning in the cultural report. If it is questionable whether a survey is necessary or not, contact our office and discuss the project with us.

Just because you decided that a Class III inventory of the direct APE was not necessary, does not mean that you do not have to complete fieldwork for the visual APE.

Unless discussed with our office prior to submittal, using Google Earth images in lieu of actually visiting the site will not be accepted.

## CULTURAL REPORT

A report that contains relevant project information and a discussion of potential effects on cultural resources MUST be submitted in addition to the FCC 620/621 form.

- This is NOT an archaeological report that you only submit if you completed a survey or dug shovel probes, this is required for all new tower and collocation submittals to our office.

Guidance for cultural resource reports can be found on our website, within our Consulting with Montana SHPO document (see website above).

- For cell tower reports, we strongly recommend having a section for both an assessment of the Direct APE and Visual APE.

Visual Assessment – If your conclusion for the undertaking is No Adverse Effect to eligible cultural resources within the visual APE, DO NOT just write a sentence saying that. You must document your reasoning for this effect determination.

### Maps

- Must show the direct APE, visual APE and ALL cultural resources within both APEs regardless of eligibility.
- The direct APE must be clearly delineated and not just a dot on the map, or pointed to by an arrow.
- Try to keep the maps at a scale of 1:24,000. If they are zoomed out too far we will ask for replacements before we will complete our review.

Photo Sims – We love photo sims, especially if your tower will be in an area with a lot of eligible cultural resources. They are not required, but can go a long way in helping us to understand your effect determination.

## SUBMITTING MATERIALS

Review of your submittal will not be completed by our office until we have received the following items, so to avoid delays, we recommend submitting all required material the first time.

- Cover letter
- Report Submittal Form
- Digital copy of the cultural report
- GIS shapefiles

A digital copy of the report and the GIS shapefiles can be submitted with the hard copy of the report on CD or jump drive, or through the Montana file transfer service (<https://transfer.mt.gov/>) to [mtshpo@mt.gov](mailto:mtshpo@mt.gov). If you will be using the file transfer service, please make sure to put in your cover letter the date the digital information was submitted to our office.

Once all materials have been received by our office, we have 30 DAYS to complete our review. If possible, we will work with you to help you meet your deadlines, but do not expect an expedited review.

## FINAL TIP

READ the FCC Section 106 guidelines!!!

If you have any questions about the information provided in this document, you can call or email our compliance team ([link to web contact info](#))

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## II. New Cellular Tower and Antenna Structures

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 Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission* (FCC PA for new towers and antenna). Please refer to the Montana State Historic Preservation Office: *Guidelines for Preparation of Section 106 Documentation for the Collocation of Wireless Antenna*, for more information and guidance on proposed collocation undertakings.

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) (see Additional Resources).

## RESPONSIBILITY

The FCC PA for new towers and antenna 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. 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 cellular tower construction and antenna permitting, 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. Please immediately notify the Montana SHPO, if it is discovered that the proposed cellular communication tower was partially or wholly constructed prior to the fulfillment of Section 106 requirements.

## AREA OF POTENTIAL EFFECT

Montana SHPO's review of all cellular tower and antenna projects includes an evaluation of the project's Area of Potential Effect (APE). Under 36 C.F.R. § 800, the APE is defined as:

*The geographic area or areas within which an undertaking may cause changes in the character or use of historic properties, if any such properties exist. The area of potential effect is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.*

In addition to effects that result from direct physical alteration or destruction, the APE must also account for indirect effects caused by the introduction of visual, audible or atmospheric elements.

The FCC PA requires the following minimum APEs for new towers:

- (a) Within one-half (1 / 2) of a mile from the tower site if the proposed tower is 200 feet or less in height;
- (b) Within three-fourths (3 / 4) of a mile from the tower site if the proposed tower is more than 200 feet, but no more than 400 feet in overall height; or
- (c) Within one-and-one-half (1 1 / 2) miles from the proposed tower site if the proposed tower is more than 400 feet in overall height.

**However, the Montana SHPO requests that for all proposed towers the applicant or consultant request at least a one (1) mile radius Class I File Search to determine the existence of significant historic properties adjacent to the required minimum APE.**

## STEP 1: INITIATE FILE SEARCH

After determining and defining the appropriate direct and indirect APE, the applicant or consultant should request a File Search from the Montana SHPO for information regarding previously identified and recorded cultural resources (historic and archaeological sites) located within the APE. **It is extremely important for all file search requests to indicate the Township, Range, and Section for the entire APE.**

The File Search request should be submitted using the Montana File Search Request Form, which is available online at <http://mhs.mt.gov/Shpo/Forms.aspx>. Information returned will include: site numbers, locations (Township, Range, and Section), site types, periods, ownerships, and eligibility statuses.

**There is a minimal fee associated with processing a File Search. Search results are generally provided in one to three (1-3) calendar days.**

**Following the File Search, electronic copies of site forms and cultural resource inventories are available for an additional fee.**

**For more information on File Search requests, please contact Damon Murdo, the Montana SHPO Cultural Records Manager at [dmurdo@mt.gov](mailto:dmurdo@mt.gov) or (406) 444-7767.**

## **STEP 2: LOCAL/TRIBAL CONSULTATION**

The Montana SHPO places an emphasis on local and tribal consultation. Therefore, in addition to documentation of Tribal Involvement (through the Tower Construction Notification System (TCNS)), the applicant or consultant should include all relevant information necessary to convey fulfillment of local consultation requirements.

It is important for the applicant or consultant to make a concerted effort to seek out local individuals or organizations with a demonstrated interest in the history of the local area. If the area has a Certified Local Government (CLG) representative (i.e. Local Historic Preservation Officer), then he/she would be the preferred contact. A list of current Montana CLGs is available online at <http://mhs.mt.gov/Shpo/Communitypres.aspx>. If the area has no CLG, then the applicant or consultant should determine the closest local Historical Society or Museum using internet-based research or other means (see the Museum Association of Montana website at <http://montanamuseums.org/>). In addition to an individual or organization with an interest in local history, the Montana SHPO recommends the applicant or consultant contact a local government official or planning department.

Once the applicant or consultant identifies the appropriate local contacts, he/she should solicit comment on the proposed cell tower in writing. If comment is not provided to the applicant or consultant, all contact information should be provided to the Montana SHPO. If the local representative has concerns about the tower, then these concerns should be addressed and resolved prior to the submittal of the packet to the Montana SHPO.

## **STEP 3: CULTURAL RESOURCE INVENTORY**

The Montana SHPO requests the completion of a stand-alone cultural resource inventory meeting the professional standards outlined in the 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. As required by the FCC PA for new towers and antenna, the applicant or consultant must complete a survey of the area of direct effects, as well as a visual impact analysis for any historic properties located within the boundaries of the designated APE.

(Map of project area with survey area, three-quarter mile visual area of potential effect and one mile File Search area.)

## STEP 4: CONSULTING WITH THE MONTANA SHPO

The applicant or consultant should provide all documentation of local consultation efforts (including copies of letters) to Montana SHPO in the submission packet. If efforts to communicate with local interested parties are unsuccessful after a reasonable amount of time, the provided contact information fulfills the local consultation requirements.

If the local consulting parties express valid concerns that cannot be resolved, then the applicant or consultant should contact the FCC. If the FCC agrees that the applicant has made a reasonable and good faith effort, the FCC should clearly state its position in a letter addressed to the Montana SHPO. This letter should be submitted with the completed packet to the Montana SHPO for review.

**Both a hard-copy and digital copy of the submittal packet should be mailed to the Montana SHPO.**

The digital copy can either be submitted as a CD or electronically through the State of Montana File Transfer Service (instructions are available at <https://transfer.mt.gov/>) to [mtshpo@mt.gov](mailto:mtshpo@mt.gov).

The submission packet must include the completed FCC Form 620, as well as a stand-alone Cultural Resource Inventory Report completed by the consultant. The Cultural Resource Inventory Report should be accompanied by a Cultural Resource Annotated Bibliography System (C.R.A.B.S.) Form (available at <http://mhs.mt.gov/Shpo/Forms.aspx>).

Upon receipt of the completed packet, the Montana SHPO will review the contents to ensure the applicant or consultant has made a reasonable and good faith effort to determine any potential adverse effects to historic properties located within the APE. After reviewing the provided documentation, the Montana SHPO will respond with a formal response letter within thirty (30) calendar days.

*Please include documentation of local and tribal consultation in the submission packet. The more information readily available to the Montana SHPO, the more efficient and effective the Section 106 review process.*

## ADDITIONAL RESOURCES

The 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 State Historic Preservation Office Planning Bulletin No. 21) is available online at <http://mhs.mt.gov/Shpo/Archaeology/ConsultingWith.aspx>

The Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (September 2004) is available online at <http://wireless.fcc.gov/siting/npa/FCC-04-222A3.pdf>

The Federal Communications Commission Information and Instructions: FCC Wireless Telecommunications Bureau New Tower Submission Packet is available with additional instruction online at [www.fcc.gov/Forms/Form620/620.pdf](http://www.fcc.gov/Forms/Form620/620.pdf)

The National Historic Preservation Act of 1966, As Amended in 2006 is available online at <http://www.achp.gov/docs/nhpa%202008-final.pdf>;



The Section 106 Federal Regulations (36 C.F.R. § 800 - Protection of Historic Properties) are available online at <http://www.achp.gov/regs-rev04.pdf>

- [FCC's NHPA guidance](#)

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### III. 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 abovementioned 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 CONTRUCTED 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.

## **2015 ANTENNA AND COLLOCATION EXCLUSIONS**

Collocations on utility structures, including utility poles and electric transmission towers, may be mounted without undergoing Section 106 Review, unless:

1. Deployment exceeds size limitations when measured with other wireless deployments on the same structure.
2. There will be new ground disturbance.
3. The collocation will be placed on a structure :
  - a. within the boundary of , or within 250 feet of the boundary of, a historic district.
  - b. that is a designated National Historic Landmark or is listed/eligible for the National Register of Historic Places (NRHP).
  - c. the collocation is subject to a pending complaint of alleged adverse effect on historic properties.

Antenna may be mounted without undergoing Section 106 Review, unless:

- 1) They will be in place for more than 60 days.
- 2) They require notice of construction to the Federal Aviation Administration (FAA).
- 3) Marking or lighting under FAA regulations are required.
- 4) They will be more than 200 feet above the ground

5) More than minimal ground excavation is required.

Collocations on buildings and any other non-tower structure, may be mounted without undergoing Section 106 Review, unless:

1. There is not an existing antenna on the building or structure.
2. The collocation does not meet requirements related to visibility and proximity to an existing antenna.
3. There will be new ground disturbance.
4. The collocation will be placed on a structure :
  - a. within the boundary of, or within 250 feet of the boundary of, a historic district.
  - b. that is a designated National Historic Landmark or is listed/eligible for the NRHP.
  - c. the collocation is subject to a pending complaint of alleged adverse effect on historic properties.

Please visit <http://www.fcc.gov/document/wireless-infrastructure-report-and-order> to see the full document that references the above exclusions.