

## GUIDELINES FOR THE SUBMISSION AND REVIEW OF FCC PROJECTS – VIRGINIA DEPARTMENT OF HISTORIC RESOURCES –

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The Department of Historic Resources (“DHR”) expects all applicants to the Federal Communications Commission (“FCC”) or their consultants to utilize the FCC’s [Electronic Section 106 \(E-106\) System](#). Using the E-106 System, parties proposing to construct communications facilities can now electronically submit the FCC Form 620 or 621 to the SHPO using a secure website maintained by the FCC. This system also provides electronic notice of the filing to the SHPO, federally recognized Indian Tribes, and other consulting parties, who will be able to access the filings pertinent to them using a secure password. DHR will use the system to comment on filings and otherwise participate in the process. If you do not already have an FCC Registration Number (FRN) which is required to access the E-106 system, please call the FCC Support Center at (877) 480-3201.

Pursuant to Section 106 of the National Historic Preservation Act, DHR, which serves as Virginia's State Historic Preservation Office (“SHPO”), reviews projects that are licensed by the FCC. Review requirements for FCC undertakings are established by the [Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission](#) (2004; “NPA”) and the [Nationwide Programmatic Agreement for the Collocation of Wireless Antennas](#) (2001). Please note that these agreements exclude certain activities from SHPO review. It is important to familiarize yourself with these agreements and the following guidelines prior to submitting an FCC project for DHR review.

### DETERMINING THE AREA OF POTENTIAL EFFECT

The Area of Potential Effects (“APE”) is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.

#### Direct Effects

The APE for direct effects is the area of ground disturbance for the tower, including any proposed access roads, or other construction activity that will result from the undertaking.

#### Visual (Indirect) Effects

Standard APEs for visual effects have been suggested in the NPA and will guide reviews by the SHPO. However, topography and other environmental factors may warrant the development of an alternate APE. The NPA affords the SHPO the right to recommend an alternate APE for any project. Unless an alternate APE is developed in consultation with the SHPO, the following APEs should be used for assessing visual effects:

<i>Tower Height</i>	<i>APE Radius</i>
≤ 200 feet	½ mile

201 - 400 feet	¾ mile
> 400 feet	1 ½ miles

USGS topographic maps showing the APE for direct and indirect effects, along with justification as to how these were determined, must be provided to DHR.

**TRIBAL NOTIFICATION AND CONSULTATION WITH OTHER CONSULTING PARTIES**

DHR requires, for each project, documentation that all of the following has taken place: (1) electronic notification of Indian tribes that may attach religious and cultural significance to potentially affected historic properties through the Tower Construction Notification System or other established means of consultation; (2) local government notification; (3) publication of a public notice; (4) consultation with any local historical society; (5) consultation with affected historic property owners; (6) consultation with Federal land-holding agencies with direct interests in the project; and (7) consultation with the NPS American Battlefield Protection Program if recorded battlefield resources are within the APE.

**IDENTIFICATION OF HISTORIC PROPERTIES**

Historic properties are defined as those resources that are listed on or eligible for listing on the National Register of Historic Places. The first step in identifying historic properties within a project's direct and indirect APE is searching DHR's Archive, which contains information on known historic resources. DHR's Archives can be accessed at our Richmond office or through our Archives Search Service or online Data Sharing System (DSS). Please contact our [Archives](#) at (804) 367-2323 x125 for more information. Other sources, such as local historical societies, should be consulted for information on other historic resources.

**APE for Direct Effects**

The NPA requires a field assessment by a qualified archaeologist, meeting the Secretary of the Interior's *Professional Qualifications Standards*, of all areas to be directly affected by the undertaking. This field assessment is best satisfied by an archaeological survey and should consider the effects of all project components including towers, sheds, utilities, and access roads. If field inspection suggests prior disturbance and archaeological survey is not performed, detailed justification must be presented. If no archaeological sites are identified during survey, a letter report, to be submitted to DHR, is sufficient. If, however, archaeological resources are identified, a full report of investigations must be prepared in accordance with DHR's Survey Guidelines and must include an historic context from which the significance and National Register-eligibility of the identified resource can be established. If a full report is required, please submit two bound copies and one digital copy for our review.

If a project will likely have a direct effect on an above-ground property that is greater than fifty years of age, then identification and evaluation of the resource should be conducted by a qualified professional.

### **APE for Indirect Effects**

The NPA does not require applicants to conduct field survey for architectural resources within the indirect APE, but the SHPO retains the right to identify for consideration additional properties that it considers eligible for listing on the National Register. Applicants must provide the DSS forms and photos from the Archives files for all properties located in the APE that are listed on or have been determined eligible for listing on the National Register. Current photos of those properties are also required. Applicants are strongly encouraged to provide the results of an Archives Search and information on all surveyed properties within the APE even if they have not been evaluated for National Register eligibility. Doing so will cut down on the requests for additional information and overall review time. This information, along with any other identification efforts for historic properties within the indirect APE must be submitted to DHR.

## **ASSESSING EFFECTS**

### **Direct Effects**

The applicant shall assess the direct effect of the undertaking on historic properties, both architectural and archaeological, using the Criteria of Adverse Effect (36 CFR Part 800.5(a)(1)). Assessment of effect must be made by a qualified professional and submitted to DHR.

### **Indirect Effects**

If an identified historic property is located within the APE for indirect effects, then a qualified professional is required to assess the effect of the proposed tower. Please see DHR's [Assessing Visual Effects on Historic Properties](#) for guidance. In most cases, DHR requires that the applicant conduct a balloon test or computer simulation to assess the potential visual effects of the tower installation on historic properties. Documentation must include a statement of effect, explanation of assessment, photographs of the balloon test or photosimulation, and any alternatives considered to avoid, minimize or mitigate adverse effects. Submit all documentation to DHR. To cut down on requests for additional information and overall review times, DHR strongly encourages applicants to assess the effect of the tower on all surveyed properties in the APE, including those that have not been formally evaluated for National Register eligibility. If you choose to only evaluate effects on listed and eligible properties, you may receive a request for additional information from DHR asking you to conduct another balloon test to evaluate the effect on a property that DHR considers potentially eligible for listing. The NPA affords the SHPO the right to request this information.

### **For more information, please contact:**

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