
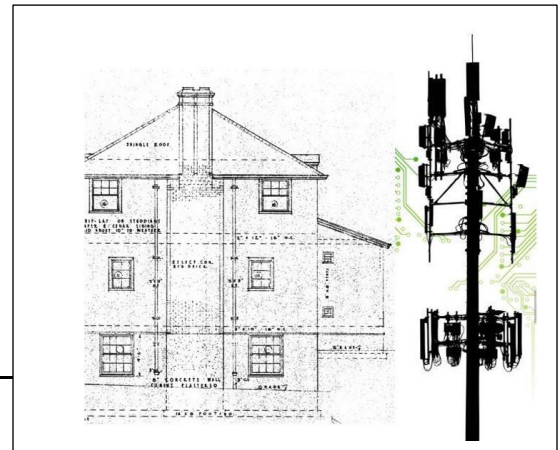


Historic Compliance For Wireless Submittals

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Wireless providers are required to demonstrate they have completed any required compliance with applicable local, state and federal laws related to historic resources prior to obtaining permits which authorize the installation of new equipment. Telecommunications are a critical part of everyone's ability to communicate. The critical infrastructure needed to be in place to ensure this communication works well can be seen throughout our streetscape and in some cases must be installed within our historic neighborhoods. The City of Salem regulates the installation of this key infrastructure primarily through franchise agreements with various wireless providers as well as the issuance of wireless communications facilities siting permits as defined in SRC 703 *Wireless Communications Facilities*. In cases where a designated historic resource is impacted, historic design review will be required as defined in SRC 230. In certain cases a siting permit is not required, however it is important to check with city staff to determine what is required.

What is Historic Compliance & how does it apply to my wireless project?

SRC 703.020 (d)(1)(E) requires that all applicants for Class 1, Class 2, or Class 3 siting permits shall include documentation that the proposed facility has been submitted to the Oregon State Historic Preservation Office for review. This submittal requirement ensures that the proposal is compliant with Section 106 of the National Historic Preservation Act of 1966 (NHPA). Section 106 requires federal agencies to consider the effects on historic properties of projects that they fund, permit or license. In this particular case, the Federal Communications Commission (FCC) is required to ensure that all applicants (licensees) comply with Section 106. These duties are the responsibility of applicants as outlined in the FCC's rules: 47 CFR 1.1301-1.319.

Exemption from Section 106 review

In certain cases projects may be exempt from this requirement, where Small Cell Wireless (SCW) facilities will be collocated on existing poles, or replacement facilities will be installed in locations constructed prior to 2001 that do not substantially increase in size. If you believe you may be exempt from this requirement, as specifically outlined in Nationwide Programmatic Agreements adopted in 2001 and 2004, please complete the SCW Exemption form and submit it as part of your Class 1, Class 2 or Class 3 siting permit in order to satisfy the submittal requirement defined in SRC 703.020(d)(1)(E). If your project does not meet these exemption stipulations, it is your responsibility to submit documentation that your proposal has been submitted to the SHPO in compliance with Section 106.

Small Cell Wireless Section 106 Exemption Form

1. Type of Small Cell Project and EXEMPTION Requested (select only one):

Non-Tower Structure

Is this a pre-existing utility pole or structure? Is the proposed collocation on an existing pole or structure that was not built for the primary purpose of holding telecommunications equipment? _____

Communication Tower

Was the original pole on which the installation will be attached constructed prior to March 16, 2001 for the sole purpose of installing telecommunications equipment? _____

Is it a REPLACEMENT structure replacing an existing telecommunications pole (originally constructed prior to 2001 for the sole purpose of installing telecommunications equipment)? _____

2. Project Location:

Site Address	Tax Lot
In or within 50' of Right of Way?	_____

3. Project Scope: Proposed SWF in or within 50' of the outer boundary of a right of way designed by a Federal/State, local or Tribal government for the location of communication towers or above ground utility transmissions *are excluded from Section 106* review where the facility would not constitute a substantial increase in size over existing structures in the right of way in the vicinity of the proposed construction. Does the proposed project substantially increase the size of the existing structure, pole or tower?

- a. Will the height be increased by more than 10%? _____
- b. Will more than 4 cabinets be added? _____
- c. Will more than 1 equipment shelter be added? _____
- d. Will the addition extend more than 20' from the tower? _____
- e. Will excavation be required more than 30' outside the existing tower? _____

4. Project Setting- Historic Districts or Designated/Eligible Resources Impacted:

- No Historic Districts, Eligible or Designated Landmarks within 250' of project
- Historic Districts or Designated Landmarks within 250' of project (list all):

Name	Date

5. Small Cell Project and EXEMPTION Stipulations

A. **NON-Tower Structure-2001 Nationwide PA**. 2001 Collocation PA(Stipulation V).

2001 Nationwide PA Exemption Request - Please respond to the following:

1. Does the proposed installation on the existing structure or pole and any associated excavation involve a collocation that substantially increases the size of the existing pole or structure (see Project Scope)? _____

Small Cell Wireless Section 106 Exemption Form

2. Is the existing pole or non-tower structure over 45 years old?: _____
3. Is the pole/structure inside of, visible from, ground level within, or located within 250 feet of the boundary of a historic district?:

4. Is the pole/structure eligible for listing? _____
5. Has a member of the public/SHPO/ACHP filed a complaint with the FCC that the SWF will adversely impact a listed or eligible property? _____

IF the answers to all of the above questions are NO, then the SWF qualifies for an **EXEMPTION** from Section 106 under the 2001 Collocation PA.

B. Communication TOWER- 2004 Nationwide PA.

2004 Nationwide PA, Section II.A.14. EXEMPTIONS are based upon Section III of the 2004 Nationwide PA (A-F). Exemption Request - Please respond to the following:

1. Does the enhancement or replacement of the tower and any associated excavation substantially increase the size of the existing tower (see Project Scope)? _____
2. Is the Tower more than 200' in overall height? _____
3. Is the Tower on a property that is within a Historic District or within 500' of a Historic Property?

Section III E of the 2004 Nationwide PA requires Tribal notification of the undertaking. Three Tribes have indicated an interest in undertakings within the City of Salem: The Confederated Tribes of the Grand Ronde; The Confederated Tribes of the Siletz and the Confederated Tribes of Warm Springs. Date of Tribal Notification: _____

IF the answers to all of the above questions are NO and the Tribes have been notified through the Commission's Tower Construction Notification system, then the SWF qualifies for an EXEMPTION from Section 106 under the 2004 Nationwide PA.

If the project doesn't qualify for the above exemptions and the structure was installed after March 16, 2001 is there documentation that the Section 106 process was completed? _____

6. Alternative Findings: (Describe the findings relating to exemption from Section 106 should the exemption be based upon another Nationwide agreement not listed above. Text field will expand as needed. Please be complete)

7. Attachments:

- APE map showing location of proposed collocation
- supporting photographs with descriptions of view and view direction