

**FCC and Historic Resources *with italic commentary by B Mitchell, chair, Heritage Comm***  
**(4/10/14)**

**Project Title: Stratham 33**  
**313 Portsmouth Avenue**

APE: Area of Potential Effects; for tower/pole of 200' or less that is a ½ mile radius

NPA: Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission

*What is the definition of project, project area, project location*

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EBI Consulting's Nov. 18, 2013 letter to Varsity Wireless

“the New Hampshire SHPO has concurred with EBI's determination the ‘No Historic Properties’ existed within the direct or visual Areas of Potential Effect (APE).”

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p. 10 EBI Consulting's NEPA Review Summary

47 CFR 1.1307(a)(4)

“Will the antenna structure affect districts, sites, buildings, structures or objects, significant in American history, architecture, engineering or culture, that are listed, or are eligible for listing in the National Register of Historic Places?”

Sept. 17, 2013 NH DHR “concurred with EBI's determination” of no historic properties existed within the direct or visual APE.

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pp. 12-14 Appendix C

Figure 1 – Site locator map

Figure 2 – USGS Quad Location Map Note: shows Stratham Hill and Lookout Tower.

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pp. 51 Appendix E

Section 106 Review Documentation

p. 52 Request for project review rec'd at NH DHR Sept. 10, 2013

*Question: the DHR form only requests photos of the “project area.” Does this include within the APE?*

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Memo from [towernotifyinfo@fcc.gov](mailto:towernotifyinfo@fcc.gov) to Stephen Forrest, Sept. 18, 2013

“Direct Effect: No Historic Properties in Area of Potential Effects

Visual Effect: No Historic Properties in Area of Potential Effect”

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FCC Form 620

Indicates Lincoln Daley was contacted by letter on July 22, 2013 – no reply

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Stratham Historical Society was contacted by email of July 22, 2013 – No reply  
Also 11 different tribal organizations

*Note: none of the photos submitted were of either of the two immediately adjacent properties, both with structures over 50 years old.*

p. 99-100

FCC Form 620 Attachment 5. Area of Potential Effects

“As of the date of this report, there has been no correspondence with the SHPO/THPO.”

“The research and consultation process has not identified any historic properties within either APE. Therefore, the finding of effect is ‘No Historic Properties in the Area of Potential Effects – Direct Effects and Visual Effect.’ We request your concurrence with this determination.”

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Attachment 7. Historic Properties Direct Effects

*This appears to apply only to properties on the same parcel of land as the proposed construction.*

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Attachment 8. Historic Properties Identified for Visual Effect Guidelines

“As of the date of this report, EBI has not received comments from Indian Tribes, NHOs, local governments or members of the public that identify Historic Properties in the APE for visual effects...”

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Attachment 9. Local Government

“As of the date of this submission packet EBI Consulting has not received any comments from the local government.”

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July 22, 2013 letter to Lincoln Daley from Sarah LeVaun Gaulty, Architectural Historian, EBI Consulting”:

“Please submit your comments regarding the proposed project’s potential effects on historic properties...”

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p. 137 Notice posted in Portsmouth Herald, July 31, 2013

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p.140 Same letter sent to SHS on July 22, 2013

pp.143 - NH DHR project review Instructions and Form

form instructs applicant to “Attach photos of the project area (overview of project location and area adjacent to project location, and specific areas of proposed impacts and disturbances.)”



*Note: no photos show view of the current tower from either of the immediately adjacent properties. Is this not required? Current tower is clearly visible from Salt Box Farm.*

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## Identification of Historic Properties for Telecommunications Projects - Section 106

### MEMORANDUM

**TO:** Applicants and Consultants

**FROM:** Elizabeth H. Muzzey, Director, New Hampshire Division of Historical Resources/State Historic Preservation Officer

**RE:** Information Policy for Identification of Historic Properties for Telecommunications Projects

**Date:** November 2007; Revised November 2011; Revised December 2012

Notice: The New Hampshire Division of Historical Resources (DHR) participated in the Federal Communication Commission's (FCC) e106 filing system between November 2011 and December 2012 and has determined that it will continue to utilize the system to facilitate a streamlined Section 106 review process into the future. Consultants must continue to provide a hard copy of the FCC forms along with a New Hampshire Request for Project Review form in order to initiate Section 106 review with our office. The DHR will continue to provide hard copy responses as well as upload them to the e106 system. All necessary materials outlined below must continue to be included in all submissions.

Please contact Nadine Peterson, Preservation Planner, at 603-271-6628 if you have questions regarding this policy.

The purpose of this memorandum is to establish a clear policy on the New Hampshire Division of Historical Resources' (DHR) requirements in relationship to the Nationwide Programmatic Agreement and other Federal and State reviews for telecommunications project submittals. The goal of this policy is to provide guidance that will outline ways to avoid impacts on historic resources while providing telecommunications services through the consultation process and with the assistance of the FCC.

The Nationwide Programmatic Agreement strongly encourages applicants to use the services of professionals who meet the Secretary of the Interior's Professional Qualification Standards, particularly when identifying historic properties and evaluating eligibility for the National Register (Section VI(D)(1d)). Doing so will facilitate the review process and preclude the need for unnecessary delays due to inadequate submissions or analyses. For cellular communications projects requiring additional Federal review, Section 106 of the National Historic Preservation Act mandates consultants be qualified under 36 CFR 61.

The DHR recognizes the effort to streamline the review process and acknowledges the revisions to the FCC's rules as set forth in the Nationwide Programmatic Agreement, particularly with respect to reducing the research burden inherent in the identification and evaluation process. However, relying on existing published survey and inventory records as the basis for identifying potentially affected historic properties will not identify all listed and/or eligible properties in New Hampshire because not every surveyed or eligible resource in the state has been inventoried and the DHR is continually adding properties and sites to the state's inventory.

Relying only on a file search at the DHR will not result in a comprehensive finding of both listed and eligible resources within a project's area of potential effects. The only thorough and conclusive way to identify both listed and eligible resources is to complete a file search and then complete reconnaissance studies, as needed. It is the responsibility of the FCC to identify historic properties within the area of potential effects. The DHR's assistance in identifying historic resources consists of making the state's survey and inventory files available to the public. The DHR research facilities are open 8am to 4pm Monday through Friday and files are available to the public by appointment (contact Tanya Krajcik, Records Coordinator, at 603-271-6568 or [tanya.krajcik@dcr.nh.gov](mailto:tanya.krajcik@dcr.nh.gov) to arrange

an appointment).

To ensure a reasonable and good faith effort has been made to identify historic properties within the area of potential effects under the FCC Programmatic Agreement, the following should be included as part of the submission packet:

- Identification and mapping of properties previously listed in or determined eligible for the National Register of Historic Places within the area of potential effects, based on a file search at the DHR offices;
- Architectural reconnaissance field review to locate and photograph (digital photographs are acceptable) all properties more than 50 years of age within the APE of the project (this does not mean completion or submittal of DHR Inventory Forms for properties that have not been previously surveyed);
- Photographs toward the project area from properties that are in the project's area of potential effects and are listed in or eligible for the National Register, or, have been identified through reconnaissance field review as being more than 50 years old;
- In some cases, view shed analyses within the area of potential effects, using GIS and topographical mapping to indicate what areas would be within the view shed of the project followed by the results of a red balloon, crane test, or photo simulations of the proposed facility, viewed from National Register listed and/or eligible properties when a potential visual impact has been identified, will assist the reviewer in the effects analysis. This can be decided on a case-by-case basis in consultation with DHR staff.

With regard to archaeological sensitivity assessments, the DHR does not accept "desk reviews." It is up to a 36 CFR 61 qualified New Hampshire archaeological consultant to review the site file information located at the DHR and to perform visual assessments when appropriate. If the archaeological consultant determines that the area of potential effects is sensitive for archaeological resources, then results of a Phase Ib Survey should be included within the initial submission.

Because New Hampshire's character and heritage relies a great deal on the preservation of scenic view sheds and other environmentally sensitive areas, it should be noted by all consultants and their clients that the DHR strongly discourages lattice towers - except in cases where there is clear evidence that the tower will be completely camouflaged year-round by vegetation. Instead the use of brown stick and flagpole monopoles or other appropriate camouflage or stealth facilities minimize visual impact.

NH State Law RSA 12-K, Chapter 240, Laws of 2000 - An act relative to a state master plan for the deployment of personal wireless service facilities (PWSFs) - became effective on August 7, 2000. The purpose of the law is to provide for the deployment of necessary PWSFs under the federal Telecommunications Act of 1996, while minimizing the visual effects of tall facilities. Varying in height from 35 to more than 250 feet, wireless facilities have a powerful impact on the visual character of a community. Carriers wishing to build PWSFs in New Hampshire should consider commercially available alternatives to tall cellular towers. These may include the use of the following:

- (a) lower antenna mounts that do not protrude as far above the surrounding tree canopies;
- (b) disguised PWSFs such as flagpoles, artificial tree poles, light poles and traffic lights which blend in with their surroundings;
- (c) camouflaged PWSFs mounted on existing structures and buildings;

(d) custom-designed PWSFs to minimize the visual impact of a PWSF on its surroundings; and,

(e) other available technology.

It is important to note that these types of alternatives exist and are in operation in many New Hampshire communities.

Proposals lacking the information outlined above – in addition to all other information needed for telecommunications project reviews as identified by the FCC – may not provide adequate documentation for the DHR to concur on a finding of No Historic Properties Affected or No Adverse Effect. The Nationwide Programmatic Agreement allows further discussions between Applicants and the SHPO in order to make a reasonable and good faith effort to resolve any disagreements. Should you need any further information, please contact Nadine Peterson, Preservation Planner, at [Nadine.Peterson@dcr.nh.gov](mailto:Nadine.Peterson@dcr.nh.gov).

