STATEMENT OF
COMMISSIONER MICHAEL J. COPPS

RE: Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process, Report and Order.

Four years ago the historic preservation community, tower builders, tribal representatives, communications companies, and the FCC came together. These groups began work on an agreement that they hoped would bring some consistency to the procedures we use to protect our historic places when new communications towers are built. Everyone worked hard. These are tough issues. After many drafts, and countless hours, a group put their differences aside and struck the compromise we vote on today.

This is not a perfect solution in my mind. I remain worried that the timelines and exclusions herein may undermine some historic preservation officers' abilities to protect our historic treasures. But this Agreement is far better than it began, and true compromises mean that no one gets everything that they want.

I also hope that this Agreement represents some progress on the FCC's relationship with tribal governments. Many tribal representatives participated intensely in the negotiations that led to this Agreement and support its substance. The record shows that many others, however, are worried that the Agreement will undermine their ability to protect places that are culturally or religiously important to them. We must not let that happen. The Commission must work hard in implementing this Agreement and use our built-in review process to gain the acceptance of more tribal leaders. We cannot leave anyone out of the process.

Finally, I want to note my disagreement with my dissenting colleagues over the Commission's historic preservation jurisdiction and responsibilities. As the Order explains, the Commission's rules and policies continue to make our actions related to towers "federal undertakings," and therefore subject to historic preservation rules. The radical argument that we should abandon our protection of historic places would not only result in irreparable damage to historic American communities throughout the country, but is also inconsistent with our obligations under Section 106 of National Historic Preservation Act.