



PUBLIC NOTICE

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FCC ANNOUNCES VOLUNTARY TOWER CONSTRUCTION NOTIFICATION SYSTEM TO PROVIDE INDIAN TRIBES, NATIVE HAWAIIAN ORGANIZATIONS, AND STATE HISTORIC PRESERVATION OFFICERS WITH EARLY NOTIFICATION OF PROPOSED TOWER SITES

The Federal Communications Commission announces a new internet-based Tower Construction Notification System (TCNS). The TCNS will provide entities that propose to construct communications towers and related facilities with a voluntary, efficient means to provide early notification of proposed construction to federally-recognized Indian Tribes, including Alaska Native Villages (collectively "Tribes"), Native Hawaiian organizations (NHOs), and State Historic Preservation Officers (SHPOs). The TCNS is intended to facilitate compliance with the Commission's rules regarding historic preservation review and streamline the historic preservation review process.

The Commission developed the TCNS, in consultation with federally-recognized Indian Tribes and other stakeholders, for the purpose of facilitating identification of and early communication with Tribes, NHOs, and SHPOs regarding the proposed construction of towers and other Commission undertakings in the context of reviews required under Section 106 of the National Historic Preservation Act (NHPA). Early notification of proposed construction helps avoid situations where towers are constructed before completion of the Section 106 review process, thus ensuring protection of historic properties consistent with the requirements of the NHPA. Early notification also enables the Commission to consult on a government-to-government basis with federally-recognized Tribes at an early date. The Commission is ready, willing, and available to participate in government-to-government consultation with federally-recognized Tribes. The Commission will begin consultation pursuant to Section 106 of the NHPA directly with a Tribe or NHO upon learning of a request for consultation.

The Commission emphasizes to users of the TCNS that the system is a tool to facilitate Section 106 communications. The system is NOT to be used in place of Section 106 consultation, or for any otherwise illegal or improper search for Tribal traditional cultural properties. The information provided to and conveyed through the system does not necessarily reflect legal title and is not intended to be used to establish title to any lands described therein.

The TCNS is an interactive, login and password protected system that depends on information voluntarily provided by Tribes, NHOs, and SHPOs and by entities proposing to construct towers. On a global basis, Tribes, NHOs, and SHPOs enter into the system geographic areas in which they are interested in receiving notices, the means by which they prefer to receive notice, and contact information. Entities proposing to construct towers then enter case-by-case information about the sites where they propose to construct facilities and the types of facilities they propose to construct. The TCNS

automatically forwards these notifications to those Tribes, NHOs, and SHPOs that have expressed an interest in the relevant geographic area. The TCNS also provides Tribes, NHOs, and SHPOs with the means to respond to notifications and with search utilities.

A tower company, individual, or consultant may access the system using an FCC Registration Number (FRN) and password to submit a proposed tower construction notification. An entity can obtain an FRN and password by accessing <http://wireless.fcc.gov>, clicking on the CORES/ASR Registration link on the right side of the page, and following the instructions. The FRNs and passwords provided to these entities will not allow full access to the system, but will only allow them to provide information to the system. Upon successful submission of a notification, the notifier will receive a confirmation e-mail that includes a summary of the information it submitted with the Commission-assigned 'Notification ID Number.' Any reply comments from Tribes, NHOs, and SHPOs will be automatically forwarded to the e-mail address provided in the notification.

Only Tribes, NHOs, and SHPOs, as authorized system users, will be able to retrieve notifications and have access to the TCNS utilities, using a specifically assigned FCC Registration Number (FRN) and password. In the secure environment of the system, the utilities allow Tribes, NHOs, and SHPOs to submit comments electronically in reply to a notification, search for proposed tower notifications by county and state, and update notification preferences and contact data. The TCNS utilities are available at the web site <http://wireless.fcc.gov/outreach/notification/index.html>, or through the link on the Commission's Tribal homepage at <http://www.fcc.gov/indians>.

On a weekly basis, the Commission will send an electronic mail (e-mail) message to Tribes, NHOs, and SHPOs, notifying them of proposed tower construction sites and the assigned Notification ID Numbers for the proposed sites. These monthly notifications will be sent via regular mail to those Tribes, NHOs, and SHPOs for which the Commission does not have an e-mail address, or who prefer to receive their notifications via regular mail instead of or in addition to e-mail. Once notified, Tribes, NHOs, and SHPOs can access the Tower Construction Notification System, using their assigned FRN and password, to reply and submit comments to proposed tower notifications electronically. They may also reply to a notification via regular mail.

As of February 3, 2004, the TCNS is accepting notifications of proposed towers by the general public, and Tribes, NHOs, and SHPOs are able to access the TCNS. During the next 30 days, Tribes, NHOs, and SHPOs may update or change contact information and geographic areas of interest before the Commission begins to send notifications. Until such time as a Tribe, NHO, or SHPO provides instructions to the contrary, Tribes and NHOs will receive notifications of proposed tower constructions for the entire United States, and SHPOs will receive notifications relating to proposed tower construction at locations in their own state and any adjacent states. During the first week of March 2004, the Commission will send out its first electronic and regular mail notifications for any proposed tower construction notifications that were received since February 3.

For further information, please consult the Commission's web page dedicated to this program (<http://wireless.fcc.gov/outreach/notification/index.html>), also accessible through the Commission's Tribal homepage at <http://www.fcc.gov/indians>). The Commission encourages feedback from users of the TCNS to improve and refine the system as it is implemented. To provide comments or to make inquiries, please contact any of the following:

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