



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

July 5, 2023

Reamonn McKelvey
Executive Director, RF Solutions & Engineering
ZenFi Networks
30-40 48th Avenue
Queens, NY 11101

Re: FCC
NYC Link5G CityBridge Tower Kiosk Facilities
City of New York
23PR04000/23PR04001

Dear Reamonn McKelvey:

Thank you for consulting with the State Historic Preservation Office (SHPO). We are reviewing the existing and proposed Link5G tower kiosk facilities ("towers") in accordance with the Section 106 National Historic Preservation Act (NHPA) *Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission* (NPA). The SHPO understands that 2,000 to 3,000, 32-foot towers will be constructed within the five boroughs of New York City over a period of several years.

The SHPO has received numerous phone calls and emails from the public requesting information on the Section 106 NPA review process and voicing concerns that the lack of information is precluding their ability to provide meaningful, timely comments. Additionally, the number of existing and proposed towers poses significant challenges to the staffing resources of the SHPO and the consulting parties. For these reasons, the SHPO requests that the Section 106 review process be paused for the SHPO and the consulting parties until a Section 106 consultation plan can be drafted by ZenFi to address the unique challenges of this complex infrastructure project.

We request that this Section 106 consultation plan include, but not necessarily be limited to, the following items:

- A routinely updated, publicly accessible Geographic Information System (GIS), hosted by ZenFi, that includes the locations of the towers, identified by their Tower Construction Notification System (TCNS) number, and individually eligible and listed National Register buildings, structures, objects, and historic districts.
- A routinely updated, publicly accessible summary document organized by TCNS number that includes information, such as: FCC file #; tower street address; if the tower is already installed; list of submissions and their due dates; and a list of consulting parties and their responses.

Because consulting parties are not obligated to use the FCC's on-line E-106 system, an alternative system of keeping track of towers and submissions is essential for the dissemination of information.

- A schedule of regularly occurring consulting party meetings to help address Section 106 NPA process questions and general and specific project questions, hosted by ZenFi.
- The protocol ZenFi will follow to ensure that the SHPO receives the comments of the consulting parties and has ample time to consider these comments when providing recommendations related to potentially affected historic properties. The consulting parties have a deep understanding of the historic resources in their neighborhoods and it is essential that the SHPO have an opportunity to review these comments.
- A plan to address cumulative visual impacts of towers within and adjacent to historic districts since towers are being individually submitted for review.
- Consideration of a review schedule that limits the number of towers submitted weekly to the SHPO and the consulting parties to help address the staffing constraints of the SHPO and the consulting parties. To illustrate this problem, one consulting party received about 250 emails regarding about 150 different towers within a several week time frame.

The SHPO appreciates the difficulty of initiating Section 106 consultation for this number of towers and we are available to discuss and provide comment on the requested consultation plan. Our goal is to create a clearly understood review process that meets the information needs of both the SHPO and the consulting parties and complies with the NPA requirements to assess effects to historic properties.

If you have any questions, I can be reached at nancy.herter@parks.ny.gov.

Sincerely,



Nancy Herter
Director, Technical Preservation Services Bureau

cc. Christine Heacock, FCC Deputy Federal Preservation Officer
Emily Choi, Advisory Council on Historic Preservation
Gina Santucci, NYC Landmarks Preservation Commission
Historic Districts Council
The New York Landmarks Conservancy
The Municipal Art Society of New York
Greenwich Village Society for Historic Preservation
Friends of the Upper East Side Historic District
Landmark West
Carnegie Hill Neighbors