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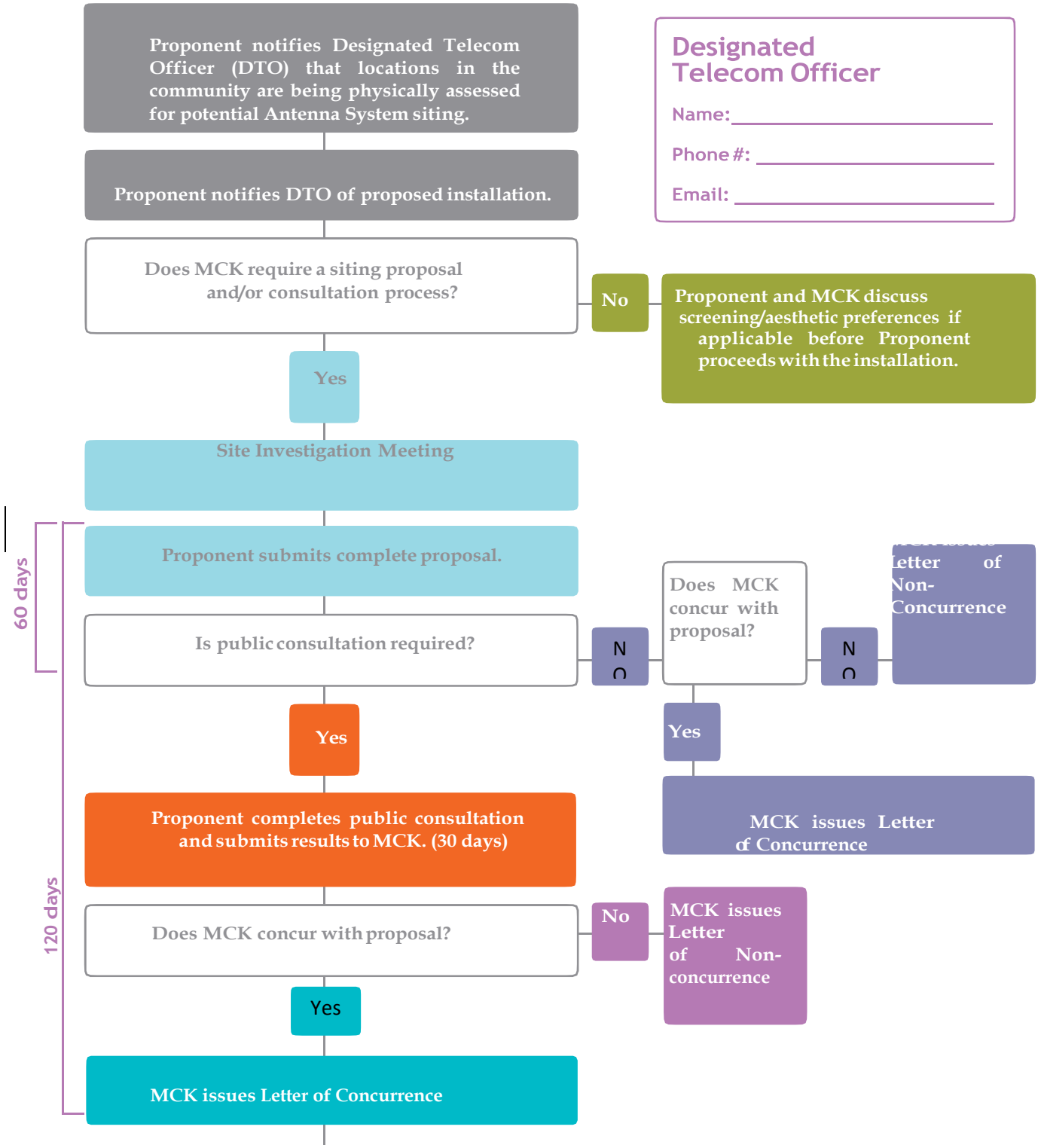
Antenna System Siting Process Flowchart



Section 1

OBJECTIVES

The objectives of the Protocol are:

(1) To establish a siting and consultation process that is harmonized with Industry Canada's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03) and *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* for reviewing land use issues associated with Antenna System siting proposals;

(2) To set out an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of Antenna System siting proposals that:
   a. Minimize the number of new antenna sites by encouraging co-location;
   b. Encourage designs that integrate with the surrounding land use and public realm;
   c. Establish when local public consultation is required; and
   d. Allow Industry Canada and the communications industry to identify and resolve any potential land use, siting or design concerns with the MCK at an early stage in the process.

(3) To provide an expeditious review process for Antenna System siting proposals;

(4) To establish a local land use consultation framework that ensures the MCK and members of the public contribute local knowledge that facilitates and influences the siting – location, development and design (including aesthetics) – of Antenna Systems within community boundaries;

(5) To contribute to the orderly development and efficient operation of a reliable, strong radiocommunication network in the Mohawk Territory of Kahnawake; and

(6) To provide the MCK with the information required to satisfy the requirements of Industry Canada regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the MCK to Industry Canada at the end of the process.

Section 2

INDUSTRY CANADA under the *Radiocommunication Act*, the Minister of Industry has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and licence the location of Antenna Systems is made only by Industry Canada. In June 2007, Industry Canada issued an update to its *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03) which outlines the process that must be followed by Proponents seeking to install or modify Antenna Systems, effective January 1, 2008.[1]

Industry Canada also requires that Proponents intending to install or modify an Antenna System notify and consult with the Land Use Authority, in Kahnawà:ke this would be the MCK/Land Management Committee and the local community within a Prescribed Distance from the proposed structure. Industry Canada also published a *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* in January 2008, stating that it considers that the Land Use Authority's (Land Management Committee's) and local residents' questions, comments and concerns are important elements to be considered by a Proponent seeking to install, or make modifications to, an antenna system. The CPC also establishes a dispute resolution process to be used where the Proponent and MCK have reached an impasse. However, in Kahnawake the proponent and MCK will submit any dispute or impasse to the Skén:nen Aonsón:ton Alternative Dispute Resolution process within the Kahnawake Justice System.

ROLE OF THE MCK: the ultimate role of the MCK is to issue a statement of concurrence or non-concurrence to the Proponent and to Industry Canada. The statement considers the land use compatibility of the Antenna System, the responses of the affected residents and the Proponent's adherence to this Protocol. The MCK also guides and facilitates the siting process by:

- **Communicating** to Proponents the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area;
- **Developing the design guidelines** for Antenna Systems contained in Section 6 of this Protocol; and
- **Establishing** a community consultation process, where warranted.

1 For additional information regarding Industry Canada's mandate and the application of its authority in the wireless telecommunications process, please consult Industry Canada's Spectrum Management and Telecommunications Sector at http://ic.gc.ca/spectrum.

By working with Proponents throughout the siting process, beginning with preliminary notification and the site investigation meeting, the MCK seeks to facilitate Antenna System installations that are responsive to the needs of the community.

ROLE OF THE PROPONENT: Proponents need to strategically locate Antenna Systems to satisfy technical criteria and operational requirements in response to public demand. Throughout the siting process, Proponents must adhere to the antenna siting guidelines in the CPC, including:

- Investigating, sharing or using existing infrastructure before proposing new antenna-supporting structures (consistent with CPC-2-0-17 *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*);
- Contacting the MCK to determine local requirements regarding Antenna Systems; and
- Undertaking public notification and addressing relevant concerns as is required and appropriate.

OTHER FEDERAL LEGISLATION: Proponents additionally must comply with the following federal legislation and/or regulations, where warranted:

- Health Canada's Safety Code 6 - Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ - Safety Code 6 (2009);[2]
- The *Canadian Environmental Assessment Act*; and
- NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety.

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2 The MCK does not assess any submission for an Antenna System with respect to health and radiofrequency exposure issues or any other non-placement or non-design related issues. Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers and radiofrequency exposure guidelines (Safety Code 6) should be directed to Health Canada on-line at healthcanada.gc.ca and to the Proponent's representative.

Section 3

DEFINITIONS

ANTENNA SYSTEM: an exterior transmitting device – or group of devices – used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:

1. **Freestanding Antenna System:** a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System or Antenna Systems;
2. **Building/Structure-Mounted Antenna System:** an Antenna System mounted on an existing structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.

CO-LOCATION: the placement of antennas and equipment operated by one or more Proponents on a telecommunication Antenna System operated by a different Proponent, thereby creating a shared facility.

COMMUNITY SENSITIVE LOCATIONS: land on which the siting of new Antenna Systems is discouraged (See Appendix), or requested to be subject to greater consultation than otherwise dictated by the standard protocol. Such locations may be defined in local zoning bylaws, community plans, or statutory plans or by any other means the MCK wishes to use.

DESIGNATED TELECOM OFFICER (AND HIS HER DESIGNATE): the MCK staff member(s) tasked with receiving, evaluating and processing submissions for telecommunication Antenna Systems. The Designated Telecom Officer's name and contact information is provided in the Antenna System Siting Flowchart provided in this protocol.

HERITAGE STRUCTURE/AREAS: buildings and structures (e.g. monuments) or areas/ neighbourhoods receiving a heritage designation by the MCK.

MCK DEPARTMENTS: branches of the MCK that administer public services and are operated by MCK staff.

MOHAWK TERRITORY OF KAHNAWÀ:KE: means the original lands of the Kanien'kehá:ka people of Kahnawà:ke from time immemorial and now includes Indian Reserve No. 14; Tiowéroton - Doncaster; and the original lands designated as the Seigneury of Sault Saint Louis; and includes:

1. the lands now held under the mandate of the Kanien'kehá:ka of Kahnawà:ke;
2. any and all lands that may be added to the lands now held by the Kanien'kehá:ka of Kahnawà:ke through the negotiation and resolution of land grievances, and
3. any and all lands that may be added to the lands now held under the mandate of the Kanien'kehá:ka of Kahnawà:ke as the result of any other means.

OTHER AGENCIES: bodies (e.g. boards or commissions) that administer public services but are not operated or staffed by the MCK.

PRESCRIBED DISTANCE:[3] Three times the height of the tower measured horizontally from the base of the proposed Freestanding or Building/Structure-Mounted Antenna System.

PROPONENT: a company or organization proposing to site an Antenna System (including contractors undertaking work for telecommunications carriers) for the purpose of providing commercial or private telecommunications services, exclusive of personal or household users.[4]

RESIDENTIAL AREA: lands used or zoned to permit residential uses, including mixed uses (i.e. where commercial use is permitted at-grade with residential apartments/ condominiums above).

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3 Industry Canada recommends in the CPC a distance of three times the height of the proposed tower. Other existing municipal protocols have adopted a range of prescribed distances, e.g. six times the height of the proposed tower, a minimum of 100 metres, a minimum of 120 metres.

4 The MCK may wish to apply this Protocol to amateur radio operators or, alternatively, introduce a separate review process for amateur radio installations.

Section 4

This section outlines the criteria for identifying Antenna Systems excluded from the consultation process by Industry Canada, the need to consider local circumstances for all exempt structures, and the process for Proponents to notify and discuss proposed exempt structures with the MCK. Depending on the type of Antenna System proposed and the proposed system's proximity to discouraged locations (i.e. within the Prescribed Distance from the nearest Residential Area), structures typically excluded by Industry Canada may be required to follow all or part of the pre-consultation, proposal submission and public consultation identified in this protocol.[5]

4.1 EXEMPTIONS FROM ANTENNA SYSTEMS SITING PROPOSAL REVIEW AND PUBLIC CONSULTATION

For the following types of installations, Proponents are generally excluded by Industry Canada from the requirement to consult with the MCK and the public, but must still fulfill the General Requirements outlined in Section 7 of the CPC:

(1) New Antenna Systems, including masts, towers or other antenna-supporting structure, with a height of less than **15 meters** above ground level **except where required by the MCK as per section 4.2.2**;

(2) Maintenance of existing radio apparatus including the Antenna System, transmission line, mast, tower or other antenna-supporting structure;

(3) Addition or modification of an Antenna System (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna- supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc., including additions to rooftops or support pillars, provided:

a) the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;

b) the existing Antenna System is at least 15 meters in height[6]; and

c) the existing Antenna System has not previously been modified to increase its original height by 25%;[7]

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5 In developing this Joint Antenna System Siting Protocol with the Federation of Canadian Municipalities (FCM), the Canadian Wireless Telecommunications Association (CWTA) has agreed that Proponents will follow all or part of the pre-consultation, proposal submission and public consultation requirements for typically exempt Freestanding Antenna Systems and additions to Freestanding Antenna Systems, as long as these requirements are reasonable and consistent with the process identified in this protocol.

6 Any modifications or additions to existing Antenna Systems 15 meters or less in height that would extend the height of the existing antenna above 15 meters will be subject to the consultation process as applicable.

7 The exemption for modifications or additions that increase the height of the existing system by 25% or less applies only once. Subsequent modifications or additions to the same structure will be subject to the consultation process as applicable.

(4) Maintenance of an Antenna System's painting or lighting in order to comply with Transport Canada's requirements; and

(5) Installation, for a limited duration (typically not more than 3 months), of an Antenna System that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during an emergency, and is removed within 3 months after the emergency or special event.[8]

Individual circumstances vary with each Antenna System installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the Proponents to consult the MCK and the public even though the proposal meets an exclusion noted above. Therefore, when applying the criteria for exclusion, Proponents should consider such things as:

- the Antenna System's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- the location of the proposed Antenna System on the property and its proximity to neighboring residents;
- the likelihood of an area being a Community-Sensitive Location; and
- Transport Canada marking and lighting requirements for the proposed structure.

4.2 NOTIFICATION AND MCK REVIEW OF EXEMPT ANTENNA SYSTEMS

Notwithstanding Industry Canada's exemption criteria for certain Antenna Systems, the MCK must be informed of all new Antenna System installations within the Mohawk Territory of Kahnawà:ke within one (1) month of the date construction/installation is scheduled to begin, so they can:

- Be prepared to respond to public inquiries once construction/installation has begun;
- Be aware of site Co-location within the Mohawk Territory of Kahnawà:ke;
- Maintain records to refer to in the event of future modifications and additions; and
- Engage in meaningful dialogue with the Proponent with respect to the appearance of the Antenna System and structure prior to the Proponent investing in full design.

Therefore, Proponents are required to undertake the following steps for **all exempt antenna System installations before commencing construction**.

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8 The MCK may grant, upon request, additional time for the removal of Antenna Systems used for a special event or emergency operation.

4.2.1 Building/Structure-Mounted Antenna System:

The Proponent will in all cases provide the following information for all new Antenna Systems or modifications to existing Antenna Systems that are mounted to an existing structure, including (but not limited to) a building/rooftop, water tower, utility pole or light standard:

(1) The location of the Antenna System (address, name of building, rooftop or wall mounted, etc.);

(2) Description of proposed screening or stealth design measures with respect to the measures used by existing systems on that site and/or the preferences expressed in Section 6;

(3) The height of the Antenna System;

(4) The height of any modifications to existing systems.

The MCK may notify the Proponent of any inconsistency with the preferences and sensitivities expressed in Section 6 and the parties will work towards a mutually agreeable solution.

4.2.2 Freestanding Antenna Systems and additions to Freestanding Antenna Systems:

The Proponent will confirm to the MCK that the Freestanding Antenna System to be erected, or an addition to an existing Freestanding Antenna System as defined in Section 4.1(3), meets the exclusion criteria in Section 4.1 by providing the following:

(1) The proposed location, including its address and location on the lot or structure;

(2) A short summary of the proposed Antenna System including a preliminary set of drawings or visual rendering of the proposed system; and

(3) A description of how the proposal meets one of the Section 4.1 exclusion criteria.

The MCK will review the documentation and will contact the Proponent where there is a site-specific basis for modifying the exemption criteria based on the preferences and sensitivities expressed in Section 6 of this Protocol. In such cases, the MCK and the Proponent will work toward a mutually agreeable solution, which may include the MCK requesting the proposal be subject to all or part of the pre-consultation, proposal submission and public consultation process defined in Sections 5, 7 and 8 of this protocol, as applicable, concluding with a letter of concurrence or non-concurrence.

Proponents should anticipate that the MCK will request that all proposals for new Freestanding Antenna Systems and additions to existing Freestanding Antenna Systems that are proposed within the Prescribed Distance from the nearest Residential Area be subject to the pre-consultation, proposal submission and public consultation process. For this reason, Proponents are strongly encouraged to initiate this process before investing in a final design or site.

4.3 EXEMPTION FROM PUBLIC CONSULTATION ONLY

In addition to Industry Canada's basic exemptions listed in subsection 4.1, the following types of Antenna Systems are exempt from the public consultation requirement by the MCK:

(1) New Antenna Systems which will be located outside the Prescribed Distance (as identified in Section 3) from the nearest Residential Area.

(2) Notwithstanding subsection (1) above, the MCK may, on a case-by-case basis, exempt a Proponent from all or part of the consultation requirements under Section 8 of this Protocol.[9] For example, exemptions may be granted where the proposed location is separated from a Residential or Heritage area or structure by an arterial roadway, and/or is buffered by substantial tree cover, topography, or buildings.

4.4 SITING ON COMMON PROPERTIES

Any request to install an Antenna System on commonly held lands in the Mohawk Territory of Kahnawà:ke shall be made to the DTO, in accordance with the MCK's policy.[10]

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9 For example, a MCK may decide to exclude certain proposals from the requirement to hold a public meeting, but not from issuing a public notification to affected property owners/tenants within the Prescribed Distance.

10 Existing MCK procedures related to the leasing/selling of commonly held land to third parties may necessitate a consultation process irrespective of whether an exemption is provided under this Protocol.

Section 5

PRE-CONSULTATION WITH THE MCK

Pre-consultation is one of the most important elements in the antenna siting process as it generally occurs at a point before the Proponent is committed to a site or design. As a result it represents the best opportunity to influence the siting decision since the Proponent will more likely become committed to a site once the detailed engineering has been completed. While a discussion of submission requirements is appropriate the proposal will benefit most from early direction on matters of siting and design. Proponents are strongly encouraged to initiate pre-consultation as early as possible in the antenna siting process for exempt and non-exempt structures.

Prior to submitting an Antenna System proposal, including for Freestanding Antenna Systems or additions to Freestanding Antenna Systems as may be required under Section 4.2.2, the Proponent will undertake the following preliminary consultations with the MCK.

5.1 NOTIFICATION

Proponents will notify the Designated Telecom Officer that locations in the community are being physically assessed for potential Antenna System siting.

5.2 SITE INVESTIGATION MEETING WITH MCK

Prior to submitting an Antenna System siting proposal, the Proponent will initiate a site investigation meeting with the MCK.

The purpose of the site investigation meeting is to:

- Identify preliminary issues of concern;
- Identify requirements for public consultation (including the need for additional forms of notice and a public information session);
- Guide the content of the proposal submission;
- Proof of frequency usage and power levels not needing registration;
- Affected transmissions zones begin broadcast shown on a map as configured DB or Dbm; and
- Identify the need for discussions with any MCK Departments and Other Agencies as deemed necessary by the Designated Telecom Officer.

Where the MCK has an initial concern with the proposed siting of the proposal they will make known to the Proponent alternative locations within the Proponent's search area for consideration.

The Proponent will bring the following information to the site investigation meeting[11]:

(1) The proposed location;

(2) Potential alternative locations;

(3) The type and height of the proposed Antenna System; and

(4) Preliminary drawings or visual renderings of the proposed Antenna System superimposed to scale; and

(5) Documentation regarding the investigation of co-location potentials on existing or proposed Antenna Systems within 500 metres of the subject proposal.

If desired by both the Proponent and the MCK, multiple Antenna System siting proposals may be reviewed at a site investigation meeting.

5.3 CONFIRMATION OF MCK PREFERENCES AND REQUIREMENTS

Following the site investigation meeting, MCK staff will provide the Proponent with an information package that includes:

(1) This Protocol, which outlines the approval process, excluded structures, requirements for public consultation and guidelines regarding site selection, co-location, installation, design and landscaping;

(2) Proposal submission requirements;

(3) A list of plans and studies that may be required (i.e. environmental impact statements);

(4) A list of MCK Departments and Other Agencies to be consulted; and

(5) An indication of the MCK's preferences regarding Co-location for the site(s) under discussion.

To expedite the review of the proposal, the Proponent will review this information package before the proposal is submitted so that the interests of MCK Departments are taken into account. The Proponent is encouraged to consult with affected Departments as well as the MCK Chiefs and/or Designated Telecom Officer before submitting the proposal.

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11 Proponents may prefer to attend the site investigation meeting without some of the required documents – particularly preliminary drawings – if it is waiting on MCK feedback before settling on a final location, structure height or design. This should be confirmed with the MCK. Such documents will be required to be provided following
the meeting and prior to the MCK providing the Proponent with the information package.

Section 6

DEVELOPMENT GUIDELINES

Antenna Systems should be sited and designed to respect local sensitivities and preferences as identified by the MCK.

The MCK has set out a number of guidelines under the following criteria for the selection of sites and/or construction of new Antenna Systems:

- **Location, including Co-location; and**
- **Development and Design Preferences**

The Proponent should review the guidelines identified below as early as possible, and should attempt to resolve any outstanding issues prior to submitting its Antenna System siting proposal and undertaking the public consultation, where required by the MCK. The Proponent is encouraged to discuss the guidelines fully with the MCK at the site investigation meeting because expressed preferences may be location- or site-specific,.

Proponents are also required to obtain all applicable building permits for additions and/or modifications to existing buildings.

6.1
LOCATION

Co-location:

Before submitting a proposal for an Antenna System on a new site, the Proponent must explore the following options:

- Consider sharing an existing Antenna System, modifying or replacing a structure if necessary;
- Locate, analyze and attempt to use any feasible existing infrastructure, including (but not limited to) rooftops, water towers, utility poles or light standards.

Where Co-location on an existing Antenna System or structure is not possible, a new Antenna System should be designed with Co-location capacity, including in Residential Areas when identified as the MCK's preference.

The MCK recognizes that the objective of promoting Co-location and the objective of making Antenna Systems less noticeable may sometimes come into conflict. Nevertheless, the MCK intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them. The Proponent should, in all cases, verify the MCK's site-specific design preferences during the pre-submission consultation process before investing in a final design or site.

Preferred locations:

When new Antenna Systems must be constructed, where technically feasible, the following locations are preferred:

- See Appendix

Discouraged locations

New Antenna Systems should avoid the following areas:

- See Appendix

6.2 DEVELOPMENT AND DESIGN PREFERENCES

Antenna Systems should be designed in terms of appearance and aesthetics to respect their immediate surroundings (e.g. Residential, parkland, Heritage district, etc.), including being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features, and reduce the need for future facilities in the same area, where appropriate. The MCK's preferred design and development preferences are described below.

The MCK will identify to the Proponent which of the following development and design preferences are encouraged in the proposed location.

Style and Colour:

See Appendix

Buffering and Screening:

- See Appendix

Structure:

- See Appendix

Height:

- See Appendix

Yards, Parking and Access:

- See Appendix

Equipment Cabinets in Public Spaces:

- See Appendix

Signage and Lighting:

- See Appendix

Rooftop Equipment:

- See Appendix

Section 7

PROPOSAL SUBMISSION

For a proposed Antenna System, except for cases in which consultation is not required as per Section 4.2.1 or the MCK has not requested consultation as per Section 4.2.2, the Proponent will submit to the MCK an Antenna System siting proposal and the applicable fee.

7.1 PROPOSAL SUBMISSION REQUIREMENTS

The Proponent must include the following information when submitting an Antenna System siting proposal:

(1) A letter or report from the Proponent indicating the need for the proposal, the proposed site, the rationale for site selection, coverage and capacity of existing Antenna Systems in the general area and a summary of opportunities for co-location potentials on existing or proposed Antenna Systems within 500 meters of the subject proposal;

(2) Visual rendering(s) of the proposed Antenna System superimposed to scale;

(3) A site plan showing the proposed development situated on the site;

(4) A map showing the horizontal distance between the property boundary of the proposed site and the nearest property in residential use;

(5) For Antenna Systems requiring public consultation, a map showing all properties located within the Prescribed Distance from the proposed Antenna System;[12]

(6) Confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent, or other person(s) having legal or equitable interest in the land;

(7) An attestation that the Antenna System will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices; and

(8) Any other documentation as identified by the MCK following the site investigation meeting.[13]

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12 The Proponent may request to use the MCK's mapping system, if one exists.

13 For example, in cases where the Proponent commits to a design that includes Co-location capacity, the MCK may require the Proponent to verify that other Proponents in the area have been notified of the potential Co-location opportunities.

A determination on the completeness of an application or request for additional information will be provided within **five working days** of receipt of the proposal.

Upon receipt of a complete proposal submission, the MCK will circulate the proposal for review and commentto:

(1) Affected MCK Departments;

(2) Any adjacent Municipalities within the Prescribed Distance;[14] and

(3) The Portfolio Chief(s) assigned to the Telecommunications file.

7.2 FEES

The Proponent must pay any applicable application fee to the MCK when filing its proposal submission.

The Proponent is responsible for securing applicable applications or permissions from all relevant MCK departments and paying any applicable application fees or charges as required to the MCK.

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14 As part of inter-municipal processes, the MCK may also request that the Proponent notify adjacent Municipalities at greater distances, subject to review by the MCK or at the request of the adjacent MCK.

Section 8

PUBLIC CONSULTATION PROCESS

If the proposed Antenna System is not exempt from the public consultation process as per the requirements in Section 4, the Proponent will initiate the following public consultation process, including issuing notice, undertaking written consultation, hosting a public information session where required and reviewing the consultation results with the MCK.

8.1 NOTICE RECIPIENTS

After the Proponent has submitted an Antenna Systems siting proposal, the Proponent will give notice to:

(1) All affected residential properties within the Prescribed Distance;

(2) Any adjacent municipalities within the Prescribed Distance;

(3) The Portfolio Chief(s) assigned to the Telecommunications file;

(4) The Designated Telecom Officer; and

(5) The Industry Canada regional office.

The MCK may assist, whenever practical, the Proponent in compiling a mailing list of addresses of the affected residences within the Prescribed Distance from the proposed Antenna System.[15] The MCK will charge a fee for this service.

8.2 NOTICE REQUIEMENTS

The notice will be sent by regular mail or hand delivered, a minimum of 30 days before the public information session (where a public information session is required), and include:

(1) Information on the location, height, type, design and colour of the proposed Antenna System; including a 21 cm x 28 cm (8½" x 11") size copy of the site plan submitted with the application;

(2) The rationale, including height and location requirements, of the proposed Antenna System;

(3) The name and contact information of a contact person for the Proponent;

(4) The name and contact information of the Designated Telecom Officer;

(5) An attestation that the Antenna System will respect Health Canada's Safety Code 6 which sets safe radio frequency emission levels for these devices;

(6) The date, time and location of the public information session where required; and

(7) A deadline date for receipt by the Proponent of public responses to the proposal.

a. Where a public information session is required, the deadline date must be no more than five days before the date of the session.
b. Where a public information session is not required, the deadline date must be at least 30 days after the notices are mailed.

The notification shall be sent out in an envelope addressed to the "Occupant" and shall clearly show in bold type on the face of the envelope the statement:

"NOTICE FOR RESIDENTS WITHIN [INSERT PRESCRIBED DISTANCE] OF A NEW PROPOSED CELL TOWER. INFORMATION ENCLOSED."

15 Notices may be delivered to a condo/strata corporation instead of to each unit owner.

The MCK may also require the Proponent, based on local conditions such as a high proportion of rental accommodation in the vicinity of the site, to provide such additional forms of notice as deemed necessary. Additional notification requirements will be identified by the MCK during or following the site investigation meeting. Other forms of notification may include, but are not limited to:

- A large format notice board sign or signs, posted on the site of the proposed Antenna System, that is clearly visible from any roadway abutting the site;
- Publication of the notice in a local newspaper(s); and/or,
- Hand delivery of notices to specified buildings.

8.3 WRITTEN CONSULTATION PROCESS

Following the delivery of the notification, the Proponent will allow the public to submit written comments or concerns about the proposal.

The Proponent will:

(1) Provide the public at least 30 days to submit questions, comments or concerns about the proposal;

(2) Respond to all questions, comments and concerns in a timely manner (no more than 60 days from the date of receipt); and

(3) Allow the party to reply to the Proponent's response (providing at least 21 days for public reply comments).

(4) Keep a record of all correspondence that occurred during the written consultation process. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.

(5) Provide a copy of all written correspondence to the MCK.

8.4 PUBLIC INFORMATION SESSION

The MCK may request the Proponent chair a public information session in cases where there is significant public interest in the proposed Antenna System. The type of public meeting to be conducted (open house, drop-in, town hall, community meeting, or CDMP format) will be determined by the Designated Telecom Officer and the Proponent, in consultation with the Kahnawà:ke Legislative Coordinating Commission, however:

- An appropriate date, time and location for the public information session will be determined in consultation with the Designated Telecom Officer.
- The Proponent will make available at the public information session an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site.

The Proponent will provide the MCK with a package summarizing the results of the public information session containing at a minimum, the following:

(1) List of attendees, including names, addresses and phone numbers (where provided voluntarily);

(2) Copies of all letters and other written communications received; and

(3) A letter of response from the Proponent outlining how all the concerns and issues raised by the public were addressed.

8.5 POST CONSULTATION REVIEW

The MCK and the Proponent will communicate following completion of the public consultation process (and arrange a meeting at the MCK's request) to discuss the results and next steps in the process.

Section 9

STATEMENT OF CONCURRENCE OR NON-CONCURRENCE

9.1 CONCURRENCE AND CONCURRENCE WITH CONDITIONS

The MCK will provide a letter of concurrence to Industry Canada (copying the Proponent) where the proposal addresses, to the satisfaction of the MCK, the requirements as set out within this Protocol and the MCK's technical requirements, and will include conditions of concurrence, if required.[16]

The MCK will issue the letter of concurrence within the timeframe established in Section 10.

9.2 NON-CONCURRENCE

The MCK will provide a letter of non-concurrence to Industry Canada (copying the Proponent) if the proposal does not conform to MCK requirements as set out within this Protocol. The MCK will also forward to Industry Canada any comments on outstanding issues, including those raised during the public consultation process.

The MCK will issue the letter of non-concurrence within the timeframe established in Section 10.

9.3 RESCINDING A CONCURRENCE

The MCK may rescind its concurrence if following the issuance of a concurrence, it is determined by the MCK that the proposal contains a misrepresentation or a failure to disclose all the pertinent information regarding the proposal, or the plans and conditions upon which the concurrence was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue.

In such cases, the MCK will provide notification in writing to the Proponent and to Industry Canada and will include the reason(s) for the rescinding of its concurrence.

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16 The MCK may, on case-by-case basis, include in writing specific conditions of concurrence such as design, screening or Co-location commitments.

9.4 DURATION OF CONCURRENCE

A concurrence remains in effect for a maximum period of three years from the date it was issued by the MCK. If construction has not commenced within this time period the concurrence expires and a new submission and review process, including public consultation as applicable, is necessary prior to any construction occurring.[17]

In addition, if construction has not commenced after two years from the date the concurrence was issued, the MCK requests that the Proponent send a written notification of an intent to construct to the Designated Telecom Officer, the Portfolio Chief(s) assigned to the Telecommunications file once the work to erect the structure is about to start. This notification should be sent 60 days prior to any construction commencing. No further consultation or notification by the Proponent is required.

9.5 TRANSFER OF CONCURRENCE

Once concurrence has been issued, that concurrence may be transferred from the original Proponent to another Proponent (the current Proponent) without the need for further consultation provided that:

(1) All information gathered by the original Proponent in support of obtaining the concurrence from the MCK is transferred to the current Proponent;

(2) The structure for which concurrence was issued to the original Proponent is what the current Proponent builds; and

(3) Construction of the structure is commenced within the Duration of Concurrence period.

(4) The current Proponent fulfils all the same conditions (insurance policy, authorizations, permits, payment of fees) as the original Proponent.

(5) The current Proponent fulfil such other reasonable conditions which may be imposed by the MCK

17 For the purpose of this Protocol, construction will be deemed by the MCK to have commenced when the preparation of a base for an antenna structure has been physically initiated or an existing structure is about to be altered in any way in preparation of an increase in height to that structure.

Section 10

CONSULTATION PROCESS TIMEFRAME

Consultation with the MCK is to be completed within 60 days of the proposal being accepted as complete by the MCK as explained in Section 7 of this Protocol.

Where public consultation is required, consultation with the MCK and public consultation are both to be completed within 120 days of the proposal being accepted as complete by the MCK.

The MCK or Proponent may request an extension to the consultation process timeline. This extension must be mutually agreed on by both parties.

In the event that the consultation process is not completed in 270 days, the Proponent will be responsible for receiving an extension from the MCK or reinitiating the consultation process to the extent requested by the MCK.

Section 11

LETTER OF UNDERTAKING

The Proponent may be required, if requested by the MCK, to provide a Letter of Undertaking, which may include the following requirements:

(1) The posting of a security for the construction of any proposed fencing, screening and landscaping;

(2) A commitment to accommodate other communication providers on the Antenna System, where feasible, subject to the usual commercial terms and Industry Canada Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17);

(3) A commitment to use the labour of qualified Kahnawà:ke workers in the construction of the Antenna system;

(4) Subscribing and maintaining sufficient all-risk insurance coverage satisfactory to the MCK, and provide proof of coverage to the MCK, on an annual basis;

(5) A commitment to allow colocation on a newly constructed tower when said colocation is requested and is viable;

(6) A commitment in the form of a guarantee to demolish the antenna system and associated equipment when it is no longer needed and to restore the site to the state it was in prior to the construction of the antenna system; and

(7) All other conditions identified in the letter of concurrence.

Section 12

REDUNDANT ANTENNA SYSTEM

The MCK can issue a request to network operators to clarify that a specific Antenna System is still required to support communication network activity. The network operator will respond within 30 days of receiving the request, and will provide any available information on the future status or planned decommissioning of the Antenna System.

Where the network operators concur that an Antenna System is redundant, the network operator and MCK will mutually agree on a timeframe to remove the system and all associated buildings and equipment from the site. Removal will occur no later than 2 years from when the Antenna System was deemed redundant.

APPENDIX

Industry Canada's *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* suggests that protocols can include promoting the placement of antennas in optimal locations from a land-use point of view,[18] or excluding certain lands and rooftops from protocol requirements.

The protocol should identify areas of historic, cultural or environmental importance to the community and the need to minimize the impact of the proposal on these areas, and identify local preferences for antenna siting. **In particular, the MCK should define Community Sensitive Areas in which the siting of new Antenna Systems is discouraged, as may be defined in local zoning bylaws or community land-use plans**. Industry Canada also requires Proponents to use existing antenna towers or infrastructure (such as rooftops, water towers, etc.) where possible, and the MCK may wish to provide guidance as to its own preferences regarding Co-location.

18 The land-use compatibility of Antenna Systems may be guided by municipal plans, design bylaws, relevant planning work (i.e. neighbourhood plans and antenna site pre-selection studies) and/or any other municipal guiding document or policy.

LOCATION

Preferred Locations:

- Areas that maximize the distance from Residential Areas.
- Industrial and commercial areas.
- Mounted on buildings or existing structures within the downtown area.
- Areas that respect public views and vistas of important natural or manmade features.
- Agricultural areas.
- Transportation and utility corridors.
- As near as possible to similarly-scaled structures.
- Institutional uses where appropriate, including, but not limited to, those institutions that require telecommunications technology: emergency services, hospitals, colleges and universities.
- Adjacent to parks, green spaces and golf courses.
- Located in a manner that does not adversely impact view corridors.
- Other non-residential Areas where appropriate.

Discouraged Locations

- Locations directly in front of doors, windows, balconies or residential frontages.
- Ecologically significant natural lands such as wetlands.
- Riverbank lands.
- Inappropriate sites located within Parks and Open Space Areas (with the exception of sites zoned to permit utilities and/or unless designed to interact with the area's character).
- Sites of topographical prominence.
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Pitched roofs.
- Community Sensitive Locations as may be defined by the MCK, such as schools, hospitals, residential areas etc….

DEVELOPMENT AND DESIGN PREFERENCES

Style and Colour:

- The architectural style of the Antenna System should be compatible with the surrounding neighborhood and adjacent uses (Example: monopole near Residential Area or lattice-style in industrial areas).
- In all instances the Proponent should mitigate negative visual impacts through the use of appropriate landscaping, screening, stealth design techniques, etc.
- An Antenna System may be designed or combined as a landmark feature to resemble features found in the area, such as a flagpole or clock tower, where appropriate, subject to any zoning approvals required for the landmark feature.
- In the downtown area, the design of Antenna Systems should generally be unobtrusive and consistent with Downtown Design Guidelines.
- Towers and communication equipment should have a non-reflective surface.
- Special design treatments should be applied to Antenna Systems proposed to be located within parks and open space areas or on listed Heritage buildings and/or sites to make the system unobtrusive.
- Cable trays should generally not be run up the exterior faces of buildings.
- Antennas that extend above the top of a supporting utility pole or light standard should appear (e.g. in colour, shape and size) to be a natural extension of the pole.

Buffering and Screening:

- Antenna Systems and associated equipment shelters should be attractively designed or screened and concealed from ground level or other public views to mitigate visual impacts. Screening could include using existing vegetation, landscaping, fencing, or other means in order to blend with the built and natural environments.
- A mix of deciduous and coniferous trees is preferred to provide year-round coverage.
- Where adjacent to a principal building, equipment shelters should be constructed of a material similar in appearance to at least one of the materials used in the facades of the principal building and one of the same colours used in the principal building.

Structure:

- Single operator loaded towers (i.e., monopoles) are generally unobtrusive and of low impact and may therefore be located near living areas.
- New structures in residential or high-traffic areas should consider multi-use design (street lighting, electric vehicle charging, parking payment terminals, signage, Wi-Fi etc.).
- Individual wall-mounted antennas should be fixed as close to the wall as possible and should not project above the height of the wall face they are mounted on, in order to avoid visual clutter, and should be painted to match the wall colour for stealth.
- Facilities located on rooftops should be not be visible (to the extent possible) from the street.
- The appropriate type of telecommunication antenna structure for each situation should be selected based upon the goal of making best efforts to blend with the nearby surroundings and minimize the visual aesthetic impacts of the telecommunication antenna structure on the community.
- Pinwheel telecommunication antennas are discouraged (or encouraged).
- The use of guy wires and cables to steady, support or reinforce a tower is discouraged (or encouraged).

Height:

The MCK prefers that Freestanding Antenna Systems be a maximum of[TO BE DETERMINED BY THE MCK] in height, except in industrial areas.[19]

- Height for a Freestanding Antenna System must be measured from grade to the highest point on the structure, including lighting and supporting structures.
- Where building/Structure-mounted Antenna Systems will exceed 25% of the height of the existing building, the MCK prefers that the height not exceed [TO BE DETERMINED BY THE MCK] measured from the top of the roof or [TO BE DETERMINED BY THE MCK] above the highest point of the elevator penthouse, whichever is higher.

Yards, Parking and Access:

- Adequate yards, to be determined on a site-by-site basis, should separate Antenna Systems from adjacent development without unduly affecting the development potential of the lot over the lease period.

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19 The MCK may require Proponents to take out a newspaper notice for Freestanding Antenna Systems that are more than 30 meters in height, in addition to the public notification requirements listed in Section 8.

- Parking spaces, where provided at each new Antenna System site, should have direct access to a public right-of-way at a private approach that does not unduly interfere with traffic flow or create safety hazards.

Equipment Cabinets in Public Spaces[20]:

- Cabinets shall be designed in a manner which integrates them into their surroundings, including use of decorative wraps that are graffiti-resistant.
- Cabinet dimensions shall be as minimal as possible.
- Cables and wires must be concealed or covered.

Signage and Lighting:

- Small owner identification signs up to a maximum of 0.19 square metres may be posted on Antenna Systems and associated equipment shelters or perimeter fencing.
- No advertising sign or logo is permitted.
- Appropriate signage may also be used as part of screening or disguise.[21]
- Unless specifically required by Transport Canada and/or NAV Canada, the display of any lighting is discouraged.
- Where Transport Canada and/or NAV Canada requires a structure to be lit, the lighting should be limited to the minimum number of lights and the lowest illumination allowable, and any required strobe lightning should be set to the maximum strobe interval allowed by Transport Canada.
- the lighting of Antenna Systems and associated equipment shelters for security purposes is supportable provided it is shielded from adjacent residential properties, is kept to a minimum number of lights and illumination intensity, where possible, is provided by a motion detector or similar system.

Rooftop Equipment:

- Equipment shelters located on the roof of a building should be set back from the roof edge to the greatest extent possible, and painted to match the penthouse/building.

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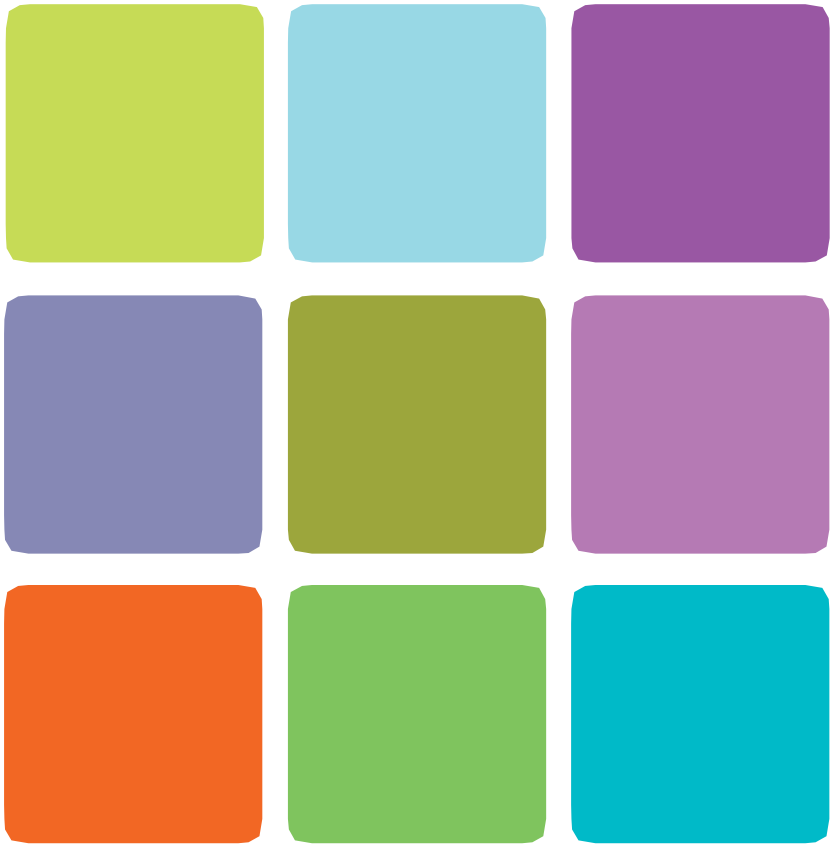
20 This section is intended to apply to mechanical equipment cabinets that are located in public spaces (e.g. at the bottom of a utility pole) and do not apply to cabinets that are located inside fenced in areas (e.g. in industrial areas or on rooftops).

21 MCK concurrence under this protocol does not include approval for associated signage. Proponents are required to obtain any necessary approvals for signage through the MCK's development process or sign by-law as applicable.



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