



UNITED SOUTH AND EASTERN TRIBES, INC.

USET Resolution No. 2001:072

RECOMMENDATION TO SEEK IMMEDIATE REVOCATION OF CO-LOCATION PROGRAMMATIC AGREEMENT

- WHEREAS**, United South and Eastern Tribes, Incorporated (USET) is an inter-tribal organization comprised of twenty-four (24) federally recognized Tribes; and
- WHEREAS**, the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS**, the Advisory Council on Historic Preservation (ACHP), in collaboration with the Federal Communications Commission (FCC) and the National Conference of State Historic Preservation Officers (NCSHPO), unilaterally chose to negotiate and enter into a programmatic agreement on the co-locations of cell towers, and failed to initiate consultation with the federally recognized Tribes; and
- WHEREAS**, this constitutes a clear violation of statutory and regulatory requirements; and
- WHEREAS**, FCC Commissioner Tristani stated publicly, that "The overwhelming majority [of Tribal comments] told us our approach is not working. This response is prima facie evidence that our understanding of tribal consultation is misguided;" and
- WHEREAS**, we understand that Tribal comments were not made available to all ACHP members, or taken into official consideration by the ACHP; and
- WHEREAS**, this constitutes a subrogation of Tribal rights under federal laws, regulatory requirements and executive orders; therefore, be it
- RESOLVED** that the USET Board of Directors recommends that the USET member Tribes employ all legal means at their disposal in order to seek immediate revocation of the ACHP-FCC-NCSHPO Co-Location Programmatic Agreement.

CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Meeting, at which a quorum was present in Marksville, LA, on Thursday, May 24, 2001.

Keller George, President
United South and Eastern Tribes, Inc.

Beverly Wright, Secretary
United South and Eastern Tribes, Inc.