



UNITED SOUTH AND EASTERN TRIBES, INC.


USET Resolution No. 2005:009

ACCEPTANCE OF USET MODEL EXPLANATION COST RECOVERY SCHEDULE

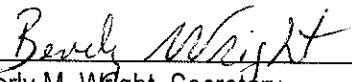
- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** a "USET Model Explanation Cost Recovery Schedule" has been proposed as a model for Federal Communications Commission (FCC) applicants who seek to access the "special expertise" of USET Tribes in assessing the historic property and environmental impact of proposed communication tower construction; and
- WHEREAS,** the amounts in this schedule are intended, in the aggregate, to reimburse the Tribes for costs associated with their special expertise; therefore be it
- RESOLVED** that the USET Board of Directors accepts this proposed schedule as a model for recovery of costs incurred by the USET tribes involved in working with any FCC applicant for communications tower construction.

CERTIFICATION

This resolution was duly passed at the USET Annual Meeting & EXPO, at which a quorum was present, in Verona, NY, on Thursday, October 28, 2004.



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



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

USET MODEL EXPLANATORY COST RECOVERY SCHEDULE

Introduction. This schedule is intended to provide a model for applicants who seek to access the “special expertise”¹ of USET tribes in assessing the historic property² and environmental³ impact of proposed cell tower construction. The amounts in this schedule are intended, in the aggregate, to reimburse tribes for their costs. While utilizing tribal expertise is not a substitute for the Federal Communication Commission’s (FCC) Section 106 consultation obligation,⁴ USET tribes have committed to waiving that obligation where they have reached agreement with Applicants that it would not be necessary.

COST RECOVERY SCHEDULE

<u>Review Phase</u>	<u>Amount</u>
I. Identification of Potentially Interested Tribes – Tower Construction Notification System (TCNS). This phase is intended to quickly identify tribes interested in a specific geographic region and to eliminate unnecessary efforts to contact tribes that have no interest in that region. USET has committed to using the FCC-administered TCNS.	0
II. Initial Contact. This phase involves a personal contact between the applicant and a tribe’s historic preservation official to determine if the tribe has an <i>actual</i> interest in a particular cell tower siting. There are many situations where a cell tower array may be placed within a tribe’s area of cultural interest but is not likely to be of interest to a tribe, such as (1) where the possibility of impact is minimal (e.g., placements on buildings in urban areas, placement inside structures like church steeples, barns, grain silos, etc.) or (2) where an adequate survey has been conducted and no native sites have been identified (e.g., most new highway construction since 1985). USET would like to note that ground disturbance due to previous construction, while a factor in considering the impact on an historical resource, does not of itself mean that further disturbance would not create further harm that should be prevented.	0
III. Review of Survey Materials (if necessary). For sites that remain of potential concern, a tribe can only make a proper evaluation if it can review an adequate survey of the site. This amount is to cover the tribe’s cost in conducting such a review and providing a response that the Applicant can rely upon. The range of cost is intended to reflect regional differences.	\$300 - \$500 Flat Cost
IV. Site Visit (if necessary). This amount is to reimburse the tribe’s cost where, after evaluation of survey materials, a tribe determines that it needs to visit a site to properly evaluate the effects of a proposed tower. Again, the range of cost is intended to reflect regional differences.	\$300 - \$500 Flat Cost

Note: An applicant and a tribe that are involved in a large number of cell tower sitings are encouraged to work out a cost recovery schedule that reflects any economies of scale that may be achieved, potentially lowering overall costs to the applicant.