

**USET SPF Alert: File Comments on FCC draft NPRM Streamlining Tribal Section 106 Review  
4/14/2017**

Dear USET SPF Board of Directors, Culture & Heritage Committee, and DC Tribal Reps,

Please see below for information regarding a Federal Communications Commission draft Notice of Proposed Rulemaking that would streamline and limit Tribal Section 106 Review when considering the impacts of wireless infrastructure on historic and cultural properties. USET SPF is deeply concerned with the proposed policy changes contained in the DNPRM. Not only do these changes have the potential to harm a largely functional and already streamlined Tribal review process that preserves Tribal culture resources, they run counter to the intent of various laws, including the National Historic Preservation Act (NHPA), the National Environmental Protection Act (NEPA) and the Native American Graves Protection and Repatriation Act (NAGPRA). Furthermore, much of what the DNPRM seeks to address can be found in existing FCC documents, including the [USET Voluntary Best Practices](#) [linked] agreed to over a decade ago.

While the NPRM remains in draft form, the FCC commissioners will be meeting in DC next Thursday, 4/20, to vote on whether to proceed with the rulemaking.

**USET SPF joins our partners in this effort, National Congress of American Indians and National Association of Tribal Historic Preservation Officers, in urging Tribal Nations to file comments with the FCC by April 18<sup>th</sup>. A draft template is available below for your use.**

For more information on the DNPRM and the Tribal review process, we invite you to watch a [short video](#) [linked].

As always, I am happy to answer any questions you may have.

All the best,

**Liz Malerba** ~ Mohegan Tribe  
*Director of Policy and Legislative Affairs*  
**United South and Eastern Tribes**  
**Sovereignty Protection Fund (USET SPF)**  
400 North Capitol Street, Suite 585  
Washington, D.C. 20001

Office: 202-624-3550  
Cell: 615-838-5906  
Fax: 202-393-5218

[lmalerba@usetinc.org](mailto:lmalerba@usetinc.org)  
[www.usetinc.org](http://www.usetinc.org)

**From:** NCAI - National Congress of American Indians [<mailto:ncai@ncai.org>]  
**Sent:** Friday, April 14, 2017 11:40 AM  
**To:** Liz Malerba  
**Subject:** FCC Alert: Comments on Streamlining Tribal Section 106 Review

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## NCAI ACTION ALERT!

NEWS & UPDATES FOR INDIAN COUNTRY

### File Comments on FCC Action Streamlining Tribal Section 106 Review

NCAI, the United South and Eastern Tribes, and the National Association of Tribal Historic Preservation Officers worked together to provide draft comments on recent Federal Communications Commission Action streamlining Tribal Section 106 Review of wireless infrastructure.

**We urge Tribes to file comments on the Draft Notice of Proposed Rulemaking by April 18<sup>th</sup>.**

Tribes are encouraged to use these [draft comments](#), by NCAI, USET, and NATHPO, as a resource when writing their own comments.

The FCC Draft Notice of Proposed Rulemaking seeks to streamline and limit Tribal Section 106 Review when considering the impacts of wireless infrastructure on historic and cultural properties. The Draft Notice asks if Tribal Nations should be required to provide certification to the FCC for determining their areas of interest. The Draft Notice also asks if wireless industry applicants should self-certify their Section 106 compliance if a Tribe takes too long to consider the impacts on historic properties. It is important for the FCC to see that Indian Country is engaged on the first major action limiting tribal involvement in 2017.

Our organizations Draft Comments address: The FCC's treaty and trust obligations to Tribes, the importance of Tribal Section 106 Review, certifying tribal areas of interest, situations when multiple tribes review one application, collocations, Rights of Ways, and costs of Tribal Review. The FCC will vote on whether to proceed with this Draft Notice of Proposed Rulemaking at their April 20<sup>th</sup> Open Meeting. If passed, it will become an official Notice of Proposed Rulemaking and will be noticed in the Federal Register.

How to File comments with the FCC:

- Go to the FCC's Electronic Comment Filing System- <https://www.fcc.gov/ecfs/>
- Click "Submit a Filing" - <https://www.fcc.gov/ecfs/filings>
- Enter "WT 17-79" in the Section labeled "Proceeding(s)"
  - "**Accelerating Wireless Broadband Deployment by Removing Barrier to Infrastructure Investment**" should pop up below and click
- Enter your information
- Attach your comment as a PDF or Word Document
- Confirm your submission
- If possible, please copy Maria Givens at [mgivens@ncai.org](mailto:mgivens@ncai.org) on any draft comments so that NCAI can have comprehensive record of tribal interest on this issue.

For Questions, please contact:

- NCAI - Maria Givens, [mgivens@ncai.org](mailto:mgivens@ncai.org)
- NATHPO - D. Bambi Kraus, [bambi@nathpo.org](mailto:bambi@nathpo.org)
- USET - Liz Malerba, [lmalerba@usetinc.org](mailto:lmalerba@usetinc.org)

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Founded in 1944, the National Congress of American Indians is the oldest, largest and most representative American Indian and Alaska Native organization in the country. NCAI advocates on behalf of tribal governments, promoting strong tribal-federal government-to-government policies, and promoting a better understanding among the general public regarding American Indian and Alaska Native governments, people and rights.

