

May 24: USET SPF Alert: TOMORROW (5.25.2017) - FCC to hold Consultation on Section 106

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

We wanted to make you aware of a Federal Communications Commission (FCC) conference call **tomorrow, May 25th**, regarding its [Notice of Proposed Rulemaking](#) [linked] that would streamline and limit Tribal Section 106 review when considering the impacts of wireless infrastructure on historic and cultural properties. Initial comments on the NPRM are due on June 9th, with reply comments due July 9th. USET SPF is deeply concerned with the proposed policy changes contained in the NPRM. Not only do these changes have the potential to harm a largely functional and already streamlined Tribal review process that preserves Tribal cultural 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.

Although USET SPF remains engaged on this issues, it is critical that the FCC hear directly from Tribal leaders. We encourage USET SPF member Tribal Nations to join the call tomorrow and let the FCC know:

- USET SPF is disappointed that the FCC approved this Notice of Proposed Rulemaking without engaging in meaningful consultation with Tribal Nations.
- Over a decade ago, USET collaborated with the FCC to develop a set of voluntary best practices that address a majority of concerns expressed by the wireless industry, including timelines for review and the assessment of fees for professional services. These best practices continue to be a viable model to ensure both the protection of Tribal cultural resources and the necessary deployment of wireless infrastructure in Indian Country and beyond.
- We encourage the FCC to consult with Tribal Nations on their national adoption.
- With regard to bad actors, it is the FCC's responsibility to consult directly with the Tribal Nations in question on an individual basis, rather than propose a sweeping, radical change in policy that undermines its trust relationship with and obligations to all Tribal Nations.

Call-in information for this teleconference is as follows:

FCC Section 106 Consultation Call

Time: 1:00 pm-4:00 pm ET

Number: 1-888-858-2144

Access Code: 3707437

For more information on the NPRM and the Tribal review process, we invite you to watch a [short video](#) [linked]. Please see the FCC's [public notice](#) on the call for more information.

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

www.usetinc.org