



## UNITED SOUTH AND EASTERN TRIBES, INC.

---

---

Resolution No. USET 2002:005

### FEDERAL CONSULTATION RESPONSIBILITIES

**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 is comprised of delegates from the member tribes' leadership; and

**WHEREAS,** Section 106 of the National Historic Preservation Act requires that whenever a federal undertaking could affect a property of religious and cultural significance to a federally recognized tribe or tribes, the responsible federal agency must engage in an extensive review process, including consultation with all affected federally recognized tribes; and

**WHEREAS,** Federal Communication Commission (FCC) licensing of cell tower transmitters is a federal undertaking subject to Section 106 review; and

**WHEREAS,** the FCC has issued thousands of licenses for cell tower transmitters without consideration of Section 106 requirements or appropriate consultation with affected tribes; and

**WHEREAS,** the FCC's tribal consultation obligation is defined not only in Section 106 and its related regulations, but also in Executive Order 13175, treaties, statutes, case law, and in FCC policy statements, as well as in direct government-to-government discussions with tribes; and

**WHEREAS,** the FCC cannot delegate its government-to-government relationship with tribes to private entities, including its consultation obligation under the National Historic Preservation Act; and

**WHEREAS,** USET recognizes the practical difficulties faced by the FCC and the communications industry in building a nationwide communications network, and believes that there is a benefit for all parties if protocols can be developed for tribal-cell tower manufacturer interactions with regard to cell tower siting and has therefore engaged in extensive discussions with the Personal Communications Industry Association (PCIA) to this end; and

**WHEREAS,** USET recognizes PCIA's commitment to developing protocols for use by the members of the two organizations; therefore, be it

**RESOLVED** that the USET Board of Directors recognizes that the responsibility for consultation remains with the FCC regarding Section 106 compliance and confirms that any interaction that a member tribe chooses to have with a cell tower manufacturer does not constitute consultation; and, be it further


**RESOLVED** that tribes may choose to provide unique expert information and opinions to cell tower manufacturers, with the developed protocols as a model, only to the extent that the manufacturers will be able to assist the FCC in fulfilling its consultation responsibilities.

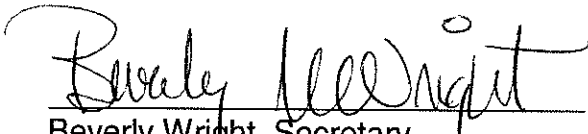
*“Because there is strength in Unity”*

Resolution No. USET 2002:005

**CERTIFICATION**

This resolution was duly passed at the USET Annual Meeting, at which a quorum was present in Miami, FL, on Thursday, October 25, 2001.

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

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