NATHPO and FCC Section 106 Summit

Albuquerque, New Mexico
August 20-21, 2015
Tower Construction Notification System (TCNS)

TCNS is a Section 106 tool unique to the FCC.

TCNS is a tool promoting sovereignty.
  Tribal Nations specify the areas of interest for which they receive project notifications.

TCNS is a tool providing reliability.
  Tribal Nations receive weekly notification of projects in their areas of interest.
  The NPA (and now PTC Program Comment) provides “rules”. 30 day response.

TCNS is a tool requiring accountability.
  FCC expects applicants to enter their proposed towers.
  Many Tribal Nations request compensation for their expertise.
  Industry relies on timely answers.
  FCC oversees the process.
FCC Section 106 SUMMIT

1) Recognize the Challenges Posed by the Increasing Demand for Wireless Service

2) Provide a Vehicle to Collaborate on Answers and Determine the Future
<table>
<thead>
<tr>
<th>Year</th>
<th>Qty of Notifications/Year</th>
<th>Total Tribal Notifications by Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>13,317</td>
<td>122,068</td>
</tr>
<tr>
<td>2009</td>
<td>11,229</td>
<td>92,230</td>
</tr>
<tr>
<td>2010</td>
<td>12,240</td>
<td>114,048</td>
</tr>
<tr>
<td>2011</td>
<td>9,279</td>
<td>83,227</td>
</tr>
<tr>
<td>2012</td>
<td>9,205</td>
<td>77,363</td>
</tr>
<tr>
<td>2013</td>
<td>12,459</td>
<td>116,178</td>
</tr>
<tr>
<td>2014</td>
<td>17,364</td>
<td>180,423</td>
</tr>
<tr>
<td>2015</td>
<td>8,215</td>
<td>88,367</td>
</tr>
</tbody>
</table>

RED = TCNS Cases  GREEN = Total Tribes Notified

Federal Communications Commission
Average # of Tribes/Notification Progresses over Time

Ave Number of Tribes per Notification

<table>
<thead>
<tr>
<th>Year</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value</td>
<td>9</td>
<td>8</td>
<td>9</td>
<td>9</td>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
</tr>
</tbody>
</table>
Concurrent Trends

Geographic Areas of Interest Increasing

# of Tribal Nations Charging Fees Increasing

Amount of Fees Increasing

Timeliness of Response Inconsistent
Questions from Industry about Tribal Review

1. Areas of Interest.

2. Number and Requirements of Responding Tribes.

3. Timeframes.

4. Fees and Services.
Some States generate high numbers of Tribal notices no matter where the project is proposed:

- MN= 28 plus those interested in specific counties
- WI= 27 plus those interested in specific counties
- IL= 23 plus those interested in specific counties
What is the difference between these terms?

- Review Fee
- Participation Fee
- Request Fee
- Pre-Review Fee
- Consultation Fee
- Research and Review Fee
“While ACHP’s regulations encourage the active participation of Indian tribes, they do not obligate Federal agencies or applicants to pay for consultation. If an agency or applicant attempts to consult with an Indian tribe and the tribe demands payment, the agency or applicant may refuse and move forward.

If, on the other hand, the agency or applicant seeks information or documentation that it would normally obtain from a professional contractor or consultant, they should expect to pay for the work product.

When the line between the two is unclear, the agency or applicant is encouraged to act in a manner that facilitates, rather than impedes, effective tribal participation in the Section 106 process.”