

Federal Communications Commission and National Association of Tribal Historic Preservation Officers



Section 106 Summit

Agenda

Route 66 Casino Hotel, Laguna
Pueblo, NM
August 19-21, 2015



Wednesday, August 19th (Paguete Room)

6:00 p.m. – 8:00 p.m.

Meet and greet evening event

Thursday, August 20th (Laguna Room)

8:30 a.m. – 9:00 a.m.

Invocation, Welcome, Overview of Agenda, Event Logistics

9:00 a.m. – 10:30 a.m.

TCNS Part 1: Communication via the Tower Construction Notification System (TCNS)

Description: This session serves three purposes: (1) to review the past decade of TCNS, and the evolution of participation and practices; (2) to facilitate an open dialogue on TCNS issues; and 3) to cooperatively and collaboratively develop a road map of opportunities for improvement to build on past successes and maintain a healthy TCNS that operates to the mutual benefit of Tribal Nations, the FCC, and tower constructors. The FCC will provide an historical overview illustrating how the system and Tribal participation have evolved and expanded over time. Issues to be discussed include:

- Tribal best practices to promote transparency, predictability, and timeliness;
- Geographic areas of interest and fees;
- Processes for resolving untimely responses;
- Other issues of concern to the FCC and Tribal Nations.

Presenter: Anne Marie Wypijewski, Steve DelSordo

10:30 a.m. – 10:45 a.m.

Break

10:45 a.m. – 12:00 p.m.

TCNS Part 2: A listening session

Description: A listening session designed to check in on the practice and priorities of TCNS. Building on the morning's historical and operational discussion, this session

considers how the TCNS process is actually working as a tool to facilitate participation and consultation. What are the challenges? What is working well? What can we improve?

Discussion Leaders: Geoffrey Blackwell, Jeffrey Steinberg

12:00 p.m. – 1:15 p.m.

Lunch Break – lunch on own

1:15 p.m. – 2:45 p.m.

Non-compliant Towers: a preliminary consultation session on a top priority for the FCC and Tribal Nations

Description: The FCC is aware of over 4,000 cell towers built between 2001 and 2005 without going through historic preservation review. As the demand for wireless technology expands, the environmental benefit of opening these and other non-compliant towers for future collocations continues to increase. In addition, the Middle Class Tax Act directs FirstNet to prioritize collocations in constructing a National Public Safety Broadband Network. At the same time, any solution must appropriately recognize the harms caused by past non-compliance, in particular by those towers that have affected historically and culturally significant properties. What are the issues associated with clearing non-compliant towers? How do we identify problem towers?

This session provides some initial FCC thoughts on potential approaches to addressing non-compliant towers and invites dialogue to help define the issues and shape a solution.

Presenters: Geoffrey Blackwell, Jeffrey Steinberg

2:45 p.m. – 3:00 p.m.

Break

3:00 p.m. – 4:30 p.m.

Tribal perspectives on protecting properties of religious and cultural significance when deploying wireless infrastructure – a panel of Tribal Officials

Description: This listening session, led by Tribal cultural preservation officials, invites participants to identify and discuss values and help build consensus around priorities and practices. Tribal Nations take varied approaches to reviews and requirements; for example, many have established comprehensive programs including online intake mechanisms, resource databases, and cultural monitor training programs. How are these approaches working? How can the FCC improve its Section 106 processes?

Tribal Discussion Leaders: Everett Bandy, THPO (Quapaw Tribe, OK); Dr. Andrea Hunter, THPO (Osage Tribe, OK); Freddie Romero, Tribal Elders Council (Santa Ynez Band of Chumash Indians, CA); Elaine Thomas, DTHPO (Mohegan Tribe, CT); Gaylord Siow (Pueblo of Laguna, NM), Mike Tarpley (Louisiana Coushatta Tribe, LA)

Facilitators: Geoffrey Blackwell, Bambi Kraus (NATHPO)

Friday, August 21st

(Laguna Room)

8:30 a.m. – 10:00 a.m.

Positive Train Control (PTC) - an information and listening session

Description: In May 2014, the ACHP issued a Program Comment establishing an alternative, expedited Section 106 review process for PTC. This session includes detailed

information on the Program Comment, its implementation, and outcomes to date. What worked and what didn't? Are there issues unique to railroad infrastructure or working with railroads? The Cultural Resource Fund will be discussed, and information provided on its administration and application processes.

Presenters: Stephen DeSordo, Jill Springer

10:00 a.m. – 10:15 a.m.

Break

10:15 a.m. – 11:30 p.m.

Distributed Antenna Systems (DAS)/Small Cells: Infrastructure Order and Beyond: a consultative session

Description: In October 2014, the FCC issued the Infrastructure Order, which excluded certain small collocations from Section 106 review. The FCC is now considering potential amendments to the Collocation Agreement to achieve additional efficiencies for these DAS and small cell deployments primarily used in urban areas. This session will explain the technology, review the relevant provisions of the Infrastructure Order, and discuss potential Collocation Agreement amendments that are under consideration. What are the Tribal concerns, if any, about collocating these small areas antennas and associated equipment, and how can these concerns be addressed?

Presenter: Jeffrey Steinberg

11:30 p.m. – 12:30 p.m.

Closing Dialogue Session with the FCC Infrastructure Team

Description: This session provides a recap of the workshop and a discussion of next steps for attendees and the FCC Infrastructure Team. This listening session also provides attendees an opportunity to share their perspectives on the state of Section 106 reviews at their Tribal Nations, and dialogue with FCC managers and expert staff about the subjects of the workshop and FCC priorities and policies.

Facilitator: Geoffrey Blackwell

12:30 p.m.

Adjourn

SECTION 106 SUMMIT HOSTS:

Federal Communications Commission (FCC) Infrastructure Team: This team is comprised of senior staff and managers from Bureaus and Offices throughout the FCC, including the Wireless Telecommunications Bureau and the Office of Native Affairs and Policy. Among other things, the Infrastructure Team works with Tribal Historic Preservation Officers and cultural preservation officials of Federally-recognized Tribal Nations and Native Hawaiian Organizations (NHOs) in connection with our review of proposed communications facilities under Section 106 of the National Historic Preservation Act (NHPA).

National Association of Tribal Historic Preservation Officers (NATHPO): Founded in 1998, NATHPO is a national, non-profit corporation comprised of Tribal Historic Preservation Officers and associate member Tribes. NATHPO's overarching purpose is to support the preservation, maintenance and revitalization of the culture and traditions of Native peoples of the United States. This is accomplished most importantly through the support of Tribal Historic Preservation Programs approved by the National Park Service.