

Background:

The National Association of Tribal Historic Preservation Officers (NATHPO) has been an active participant in the National conversation concerning the Federal Communications Commission's (FCC) Docket No. 17-79, "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment." NATHPO has been working with numerous concerned Indian tribes, whether or not they are members of our nonprofit membership association, about this rulemaking.

Our outreach includes almost weekly meetings and conversations with Tribal Historic Preservation Officers (THPOs), Tribal representatives, Tribal consultants, Tribal Tower Construction Notification System (TCNS) Coordinators, and other tribal representatives who are working on this issue. NATHPO initiated regular conversations as a service to Indian tribes and other stakeholders because of the importance of broadband deployment and related technological advances in Indian country.

NATHPO has also been participating in face-to-face tribal meetings convened by the FCC to discuss this docket; these meetings include ones held in Connecticut (June 2017) and Washington, DC (October 2017). In August 2017 in collaboration with and as part of NATHPO's 19th annual conference, more than 80 tribal representatives from around the country met with FCC representatives to discuss this docket and related issues. This was the fourth annual meeting facilitated by NATHPO to provide an opportunity for tribal representatives to discuss telecommunication issues and the intersection of tribal cultural preservation responsibilities.

Additionally, NATHPO representatives met with representatives of the wireless industry on numerous other occasions to discuss "Twilight Towers" (January 2016) and throughout the fall of 2016 in Washington DC to discuss issues that were outlined in Docket 17-79.

Recommendations:

A sentiment that emerged from the August 2017 convening of tribal representatives to discuss the Notice of Proposed Rulemaking was the sense that face-to-face conversations with wireless industry representatives was the next vital step in resolving some of the issues described in the Docket with the hope and expectation that such personal meetings would initiate a rebuilding of the trust that was lost after the initial publication of the Docket. The FCC's facilitation of such meetings was recommended so that all parties would be present.

As noted and underscored in our earlier comments, the tribal perspective in the Docket was conspicuously absent. However, after much discussion, tribal representatives who are actively engaged at the local level can provide meaningful and relevant perspectives into many of the issues that concern the wireless industry. Moreover, Tribal representatives have their respective concerns that they would like to share directly with the wireless industry in order to assist the expeditious and smooth facilitation of the process. Therefore, NATHPO's task is to express the tribal interest to meet with wireless industry representatives in which the FCC plays a vital and important role.

Meeting Structure, Considerations and Recommendations:

1. Convene multiple meetings with specific, defined topic(s) identified in the agenda.
2. Recommend that the first meeting would be at the state or regional level as an important initiation to this conversation.

3. Topics for discussion could include, but not be limited to:
 - a. Co-locations on existing structures in urban areas and related fees
 - b. What is adequate and appropriate information for a Tribe to provide a timely and meaningful response
 - c. What is considered a timely tribal response to any TCNS filing
 - d. Batching and the factors for successful implementation
 - e. Review of the TCNS system and emerging issues and refinements for its continued success and possible expansion to handle smaller and greater number of wireless facilities
 - f. Twilight Towers
4. Participants would include:
 - a. Tribal representatives active in this process, including THPOs, Tribal TCNS Coordinators, and Tribal Consultants
 - b. Wireless industry representatives, including local (state or regional) providers, industry consultants at the local level who are working directly with Indian tribes
 - c. Relevant FCC representatives

NATHPO appreciates the FCC's continued use of the TCNS process which has and continues to preserve and protect tribal historic properties. This consultation process was an innovative way of processing a lot of information when it was developed more than 10 years ago and it is still a viable one. We look forward to working together to strengthen and improve its utility.

Thank you for your consideration of these comments and recommendations.



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