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GEORGETOWN LAW  
INSTITUTE FOR PUBLIC REPRESENTATION

March 13, 2018

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington DC 20554

RE: *Accelerating Wireless Broadband Deployment*, WT Docket No. 17-79

Dear Ms. Dortch:

On March 12, 2018, Glenna J. Wallace, Chief of the Eastern Shawnee Tribe of Oklahoma; D. Bambi Kraus of the National Association of Tribal Historic Preservation Officers; and Jim Graves of the Institute for Public Representation at Georgetown University Law Center (collectively, “Chief Wallace *et al.*”) met with Louis Peraertz, Senior Legal Advisor to Commissioner Clyburn, to discuss issues related to the draft Second Report and Order circulated in advance of the Commission’s March 22, 2018, open meeting.

In the meeting, Chief Wallace *et al.* presented the following information:

1. Because the Shawnee Tribe was a nomadic tribe, it has areas of interest that span many states. The Tribe has not added or subtracted from its areas of interest since it became an active participant in the TCNS process years ago. Chief Wallace explained that some states that they work with, such as Ohio, have no federally recognized tribes and were therefore unfamiliar with Tribal Nation issues. The Eastern Shawnee Tribe has established a relationship with Ohio, where there are a large number of sacred mounds built hundreds of years ago.
2. Some of the more notable mounds include the Cahokia mounds, which are in Illinois across from the Missouri state line. The Cahokia mounds were build by a sophisticated Native American civilization that rivaled the Incas and Aztecs. They also built mounds in what is now Ohio. There used to be hundreds, but many have been destroyed.
3. The Newark Earthwork Mounds are in Newark, Ohio, within about 30 miles of Columbus. The Newark mounds were one of the most advanced places in North America. They were connected to the lunar cycle and showed that the builders had extreme knowledge. At one

point, Ohio leased some of the land to a golf course. Many people believe that golfing on the mounds is an inappropriate use of a sacred site. The Newark Earthworks mounds are a National Historic Landmark and were nominated by the United States in 2009 for world heritage status.

4. Many mounds are still under ground and are found with LIDAR. Thus, it is not always obvious where mounds are located.
5. TCNS fees at the Eastern Shawnee Tribe are \$550. That pays for a full-time staff of three people, including a degreed and licensed archaeologist, a department director, and a person who does intake. Both of the latter two employees also do data entry. The fee also pays for offices, computers, and software. This level of investment is necessary because of the requirement for a 30-day turnaround on broadband deployment reviews. The tribe bought special software to be able to respond in 30 days. The tribe would not be able to afford these positions without TCNS fees.
6. The FCC did not conduct government-to-government consultation. Mere attendance at a meeting is not the same as consultation. At the least, government-to-government consultation requires the FCC and Tribal Nations to agree on an agenda in advance. The Report and Order purports to change the definition of an “undertaking.” That change was not discussed prior to the March 1, 2018, draft Report and Order.

Respectfully Submitted,

/s/ James T. Graves

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