



FOREST COUNTY POTAWATOMI

Keeper of the Fire

P.O. Box 340 • Crandon, WI 54520

January 8, 2018

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

RE: ***Draft Program Comment for the Federal Communications Commission's Review of Collocations on Certain Tower Without Documentation of Section 106 Review, WT Docket No. 17-79***

Dear Ms. Dortch,

On behalf of the Forest County Potawatomi Community ("FCPC"), I respectfully submit the following comments regarding the Draft Program Comment to collocate onto towers without documentation of Section 106 of the National Historic Preservation Act, 54 U.S.C. §30608 ("Act") compliance.

The FCPC strongly opposes the Draft Program Comment. It sets bad precedent, violates the Act, and is extremely disrespectful to the FCPC and other tribal nations.

The FCPC's largest concern is that the Federal Communications Commission's ("FCC") Draft Program Comment has the potential to adversely affect properties of historic and cultural significance to the FCPC. There is no documentation available that might support adopting the exclusions proposed in the Draft Program Comment, and there is no basis to support not complying with the Act now.

Because the Act was not complied with when the towers were constructed, it naturally follows that SHPO's and THPO's currently do not have adequate records regarding the potential archeological issues. If the Act had been complied with, and the SHPO's and THPO's were notified of the proposed tower construction, adequate records and documents would exist regarding potential archeological issues. To further complicate matters, the FCC has refused to provide the locations of these towers, which makes it impossible to meaningfully address potential historic and cultural issues.

Suggesting that the FCC was unclear that the Act applied is negligence in law. The negligence should not be compounded by deciding to exclude the Act's compliance going forward. To do so now would be arbitrary and capricious.

The proposition that additional antennas placed on the existing Twilight Towers should be excluded from future historic review falsely presumes that there are no historic or cultural issues with the existing tower. With no documentation supporting such a false presumption, this proposition should not be considered. It is entirely possible, if not probable, that existing Twilight Towers were constructed in areas where there are important historic and cultural elements. Any future ground disturbance requires compliance with the Act.

The FCC states they facilitated consultations with Tribal representatives regarding Twilight Towers. The FCC has not invited, nor requested government-to-government consultation with FCPC. Consultation would require a face-to-face meeting with FCPC's Tribal Leadership and FCPC's Tribal Historic Preservation Officer.

Thank you for your time and consideration of these comments. If you have any additional questions please address them to Allison Daniels, Forest County Potawatomi Community Tribal Historic Preservation Office at allison.daniels@fcpotawatomi-nsn.gov.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Chad Frank', with a stylized flourish at the end.

Chad Frank
Vice Chairman

CC: FCPC Executive Council
Michael LaRonge, FCPC Tribal Historic Preservation Officer
Allison Daniels, FCPC Tribal Historic Preservation Office