

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

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## Via Electronic Submission

Ms. Marlene H. Dortch, Secretary  
Federal Communication Commission  
445 12<sup>th</sup> St., SW  
Washington, DC 20554

Re: Ex Parte Communication  
Accelerating Wireless Broadband Deployment by Removing Barriers to  
Infrastructure Investment, WT Docket. 17-79

Dear Ms. Dortch:

On October 5, 2017, Daryl Wright II, Councilman, Jonathan Windy Boy, Tribal Historic Preservation Officer, Chippewa Cree Tribe, Alvin Windy Boy, Sr. Chairman of the Chippewa Cree Culture Committee and CEO of I Response, a Tribal enterprise, and Michelle Holiday, President, Michelle Holiday and Associates, and Tribal adviser, met with Commissioner Mignon Clyburn and Louis E. Peraetz, Legal Advisor for Wireless Issues.

The Chippewa Cree Tribe addressed our concerns regarding the nature of the origin of the notice of the proposed rulemaking which was initiated by the industry. The Chippewa Cree Tribe disagreed with the generalizations and questioned the accuracy of the data in the examples for delays and excessive fees. We conveyed how troubling it was reading the wireless telecommunication industry trade associations', and some company's comments depicting Tribes as significant barriers in the Section 106 application process in advancing their 5G and DAS/small cell deployments across the country. For the Chippewa Cree Tribe's interaction with the industry, is best described as good and a consistent engagement for the Section 106 reviews through the Federal Communication Commission's Tower Construction Notification System (TCNS) which

our comments and reply comments reflect that sentiment in Docket 17-79. However, we do agree reforms are needed in the agency's process for the TCNS to meet the increasingly amount of reviews for the 5G and DAS/small cell infrastructure network deployments to continue the protection of the Tribe's cultural resources and religious and cultural properties.

The Chippewa Cree Tribe suggests the Commission should review the method of "batching" for the 5G infrastructure applications and the effect that they might have on historic properties and Tribal religious and cultural sites. The current process is designed for one communications tower per TCNS notice. With 5G installations, industry and their consultants are submitting one TCNS application for multiple site locations ranging upwards to 50 or more individual locations. The application notes ground disturbance will occur for existing or replacement utility poles or similar structures. Other applications range from 15-16 individual site locations with minimal information on the project. After the Tribal review of each site locations, the equipment actually installed was different and the geographic area spanned over miles for one project. We ask that the FCC explore methods that will improve the documentation provided to the Tribes so that we can make realistic decisions and recommendations on proposed communications infrastructure.

We urge the Commission to clarify and provide guidance to industry that better enables the Tribes, State Historic Preservation Offices (SHPOs) and municipal governments to provide effective and timely reviews the 5G deployments and for DAS and small cells. Tribes should be consulted and afforded a real opportunity to provide comments before the Commission issues a formal notice or ruling on this docket. Lastly, we urge the Commission to convene an industry/tribal meeting(s). It is important to have the wireless telecommunication companies, and those who build for FCC licensees, meet with Tribes to address their individual concerns. As active members of the Tribal community, the Chippewa Cree Tribe would be happy to work with our Tribal organizations to facilitate such meetings. We strongly recommend the wireless network operational leadership, who are responsible for the 5G/DAS and small cell deployment, and who work closely with their consultants attend the meeting. These issues are not only policy and regulatory related, but specific to working directly with Tribes. Our comments emphasize the need to improve the relationship between industry and the Tribes. These meetings are consistent with the guidance of the Advisory Council on Historic Preservation (ACHP) and the Council on Environmental Quality (CEQ) which will require open communication and consultation consistent with the FCC National Programmatic Agreement (NPA) and with a host of Federal laws and regulations.

In closing, we want to work with the FCC and industry to seek solutions, and to address concerns and issues that should be remedied by FCC guidance rather than the formal rulemaking process outlined in Docket 17-79.

Sincerely,

  
Harlan Baker  
Chairman

Cc: Chairman Ajit Pai  
Commissioner Mignon Clyburn  
Commissioner Michael O'Reilly  
Commissioner Jessica Rosenworcel  
Commissioner Brendan Carr  
Councilman Daryl Wright II  
Jonathan Windy Boy, Tribal Historic Preservation Officer  
Alvin Windy Boy, Sr. CEO, iResponse