

Stockbridge-Munsee Community

BAND OF MOHICAN INDIANS

LEGAL OFFICE

RE: *Ex Parte* Comments on Historic Preservation and Tribal Review Processes Required to Deploy Wireless Facilities

The Stockbridge-Munsee Community (Stockbridge) is a federally-recognized Indian tribe. It currently has a reservation in Wisconsin, but its ancestral territory is along the East Coast (portions of what is now NY, MA, CT, VT and NJ). Stockbridge previously submitted comments in relation to the Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment (Document ID: FCC-201-0163-0001) on June 9, 2017 via regulations.gov. An expanded version of those comments are being resubmitted as *ex parte* comments based on the FCC's September 20, 2017 invitation since they did not appear when the comments were reviewed through the FCC website.

Stockbridge appreciates the FCC's willingness to continue discussing this important issue. Stockbridge feels that more open communication with industry representatives can lead to better more relationship and facilitate review processes. For example, if industry were to work with tribes to develop acceptable standard for required information when requesting reviews, it would create efficiencies for tribal processing. Such efficiencies can help to facilitate reviews.

At present, Stockbridge reviews about 500 projects per year, including about 150 cell towers. Stockbridge, whenever possible, processes its reviews using electronic documents. Stockbridge's review times depend in part on the quality of the review package provided (e.g., the mapping, clarity of construction area and ground disturbance plan). Stockbridge can normally complete reviews with the current 30-day timeframes, but believes a shorter time frame would not be feasible with the current system. Additional review time is needed when a site is highly culturally sensitive since additional research may be needed or Stockbridge may contract an archeologist to review documents. Again, standardization on the part of the industry's review packages would aid in the efficiency of the tribe's process. Stockbridge typically charges a flat fee of \$500 for a review of cell towers. While Stockbridge has normally paid for any additional required research or hired an archeologist at its own cost, it believes additional fees could be appropriate in such circumstances.

Stockbridge strongly disagrees with the approach taken in the NPRM on a variety of points and feels that it, on the whole, it is unacceptable. The following are some key points of concern for Stockbridge.

- Stockbridge believes that it is appropriate and necessary for tribal review to be provided for more than "sacred sites." Tribal review provides a distinct perspective. For example, tribal comments may consider impacts to the viewshed or find an adverse impact when a cultural site is buried under a structure and cannot be accessed. Stockbridge may also prefer that archeology work not be completed at a site, so that there is not additional disruption.
- Stockbridge does not believe a generic "Indian" review approach is acceptable. Over time, different tribes have occupied lands at different times and can find different

locations to be culturally significant. While Stockbridge understands this can mean that a company may need to consult with a number of different tribes, it is the only approach that protects tribal interests. A generic "Indian" review would place an unreasonable burden on the impacted tribes to coordinate the actions of their governments within the applicable timeframes.

- As previously noted, Stockbridge's ancestral territory includes portions of a number of states. Stockbridge understands the interest in having one defined territorial map and has, to an extent, shared such information with state historic preservation offices. However, as its tribal history is not a written history and there was the serious disruption of a number of removals eventually arriving in Wisconsin, Stockbridge's knowledge of its territorial area is subject to changes based on new research. Therefore, it cannot provide a definitive map and should not be further penalized based on its history of removals.

Overall, the TCNS framework has been vital to safeguarding the tribe's cultural heritage and we do not wish to see it compromised.