



**THE  
MUSCOGEE (CREEK) NATION**

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Marlene H. Dortch, Secretary  
Federal Communication Commission (FCC)  
445 12th Street SW  
Washington, DC 20554

RE: Draft Program Comment Addressing Collocation on Twilight Towers, WT Docket No. 17-79

The existence of Twilight Towers is an example of the FCC failing to uphold its trust responsibility to Tribal Nations. These towers, whether they were built between 2001 and 2005 or after 2005, have the same probability as other towers to impact, disturb, and affect tribal cultural and historic properties. The FCC needs to inform us on how many towers are non-compliant and also let us know the locations. Tribal Nations request the locations of these towers prior to recommending how to move forward with a process to resolve the outstanding nature of their compliance with federal laws. Industry and the tower companies need to work together and share information on the locations of Twilight Towers and non-compliant towers.

We disagree that routine Section 106 review of Twilight Towers is likely to provide 'little' benefit in preserving historic properties. We also disagree with FCC statements that "the vast majority of towers under the NPA have had no adverse effects and there are no reasons to believe Twilight Towers are any different." Even if the "Twilight Towers have been standing for 12 to 16 years and no adverse effects have been brought to the attention of the FCC," that does not mean twilight towers have not caused or continue to cause adverse effects to traditional cultural properties. Tribal Nations should be allowed to review all non-compliant towers, including Twilight, for impacts to historic and cultural properties. If collocations are to disturb the ground, we believe that Tribal Nations should be consulted. Allowing for Tribal Nations to review collocations on Twilight Towers is an opportunity for the FCC to make up for its failure in upholding the trust responsibility. The FCC could implement an option in TCNS to allow for Tribal Nations to review Twilight Towers. After thorough historic preservation review, these towers could be considered an approved tower and no longer a Twilight Tower and be eligible for collocation.

The Muscogee (Creek) Nation respectfully requests a face-to-face meeting under Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments for actions the FCC may take in the decision making process for WT Docket No. 17-79. We encourage the FCC to avoid adoption of proposed policy changes that may impact Tribal rights under federal law to protect cultural resources. The protection and preservation of our cultural resources is one of the most important responsibilities we have as a Nation. Our cultural resources are irreplaceable and they a part of who we are as Muscogee people.

Raelynn A. Butler  
Historic and Cultural Preservation Manager