March 14, 2018

Ex Parte Filing

Marlene H. Dortch, Secretary

Federal Communications Commission

445 12th Street, SW

Washington, DC 2055

Dear Ms. Dortch:

I am writing for the Iowa Tribe of Kansas and Nebraska, as THPO, and have been working on FCC issues and project reviews since October 2013.

We are troubled by the situation before us, and that tribes are the focus of the fault finding. The applicants and their consultants are not blameless. W e have received reports from consultants that are incomplete and plain nonsensical, such as one that said no archaeological sites were discovered as the ground had 100% visibility, but the photographs of the site show it was covered by snow at the time.

Regarding the TCNS system, we focus our reviews and comments on those sites where we have a historical presence from multiple lines of evidence, especially regarding our burials and village sites (which general have burials in them). One site at Spirit Lake, Iowa was known to us to be a burial area, and because of our input, the applicant agreed to move the tower. Another site at New Albin, Iowa was said to have no historic properties. However we knew there was a village there and that residents had found skulls in their gardens before. The company said the ground was disturbed and that a concrete slab was there, so there could be no archaeological remains there. We pressed the issue, and asked them to remove the slab and look under it. They hired an archaeologist to investigate, and sure enough, they found a cultural site in good condition under the slab. So the tower site was moved. Curiously enough, that was the last we heard from that particular archaeologist.

We use the funding from the compliance research fees, which for us are $300 per site, specifically for historic issues the tribe needs to address which we otherwise could not afford, such as acquiring needed documents and research materials, and hiring consultants to do geophysical testing of sites such as at a National Historic Landmark the tribe owns and manages on our reservation that otherwise we could not afford to do, for better long term stewardship, protection and management.

We do not agree with the idea that applicants can hire just anyone to get the information needed to

clear projects. Most of our religious and spiritual information on cultural sites and their importance and location is still kept in confidence among our people, and is protected by such laws as AIRFA, NAGPRA, ARPA, and others at the various state government's level of law. Our information is also protected by intellectual property rights law, and as described under NAGPRA, are part of our inalienable cultural patrimony.

Perhaps most troubling, tribal sovereignty is being ignored in the current situation. Tribes, Indian nations, are domestic, dependent nations, not businesses. We have a special relationship through the Commerce Clause, and through our federal treaties. We have a trust relationship with the federal government which has a fiduciary duty to us. We do not consider what happened at those "listening sessions" as real, meaningful government to government consultation. Meaningful consultation is not attendance by a roomful of tribes at a listening session, but means sitting down, face to face, government representatives in dialogue and agreement with individual tribes to find common ground and a solution.

We understand there have been continuing frustrations on all sides of these issues. This is what meaningful consultation is designed to address. Meaningful consultation, government to government, agency to tribe, is the solution we believe is the best for all.

Sincerely yours,



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Senator John Hoeven