



Red Cliff Band of Lake Superior Chippewa Indians

88455 Pike Road

Bayfield, WI 54814

Phone: 715-779-3700 Fax: 715-779-3704

Email: redcliff@redcliff-nsn.gov

Red Cliff Tribal Council

March 14, 2018

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC

RE: Accelerating Wireless Broadband Deployment, WT Docket No. 17-79

Dear Ms. Dortch:

The Red Cliff Band of Lake Superior Chippewa has received the *Second Report and Order* released March 1st, 2018 by the Federal Communications Commission (FCC). We are commenting on proposed changes that will be voted on March 22nd, 2018 by the FCC Commission.

The Red Cliff Band of Lake Superior Chippewa adamantly opposes the proposed rule changes in this *Report*. Our concerns with the proposed rule changes are as follows:

1. We are deeply concerned that the FCC did not properly engage with our leadership to construct a meaningful collaboration of *Government-to- Government Consultation* to address issues raised. Before this *Report* was released, we had no idea of what was going to be proposed. Attendance to a meeting without meaningful collaboration between governments especially meetings without an agenda is not considered *Government-to-Government Consultation*
2. Furthermore we believe this *Report* does not take into consideration nearly any of the comments/issues raised by Tribal Nations and addresses almost all of the comments/ issues brought by industry and therefore see it as not being a bona fide attempt to seek Tribal input. We find this very concerning and disheartening since this will involve major tribal implications.
3. Industry Section 106 compliance cost has been vastly overstated.
4. The FCC does not have authority to redefine what a "federal undertaking" is. The definition of "federal undertaking" is clearly established within 36 C.F.R. § 800.16(y) which includes activities or projects "requiring a federal permit, license, approval, federal funds or financial assistance."

"The Hub of the Chippewa Nation"

Section 106 is contained within the National Historic Preservation Act (amended 1992) and was signed into law by President Lyndon Johnson on October 15, 1966. The FCC does not have the authority to change Federal Law.

5. Though the Tower Construction Notification System (TCNS) is in need of updating, it has shown by the high percentage of No Effects or No Adverse Effects to be working very efficiently. If our Tribal Historic Preservation Officer (THPO) has an issue with a project, the applicant most times will work with the THPO to resolve the issue. This in turn creates a very high success rate. A high success rate of which we do not believe would be anywhere near as successful if we did not have TCNS.
6. Our Tribe along with many others has continually been asking to meet with the FCC and industry to discuss and resolve many of the issues that are in the *Report*. We are also still open to having these discussions.
7. It may very well be the case that few collocations will affect tribal historic properties but AT&T's claim that small cell collocations will be completely innocuous while simultaneously claiming that tribal fees would increase exponentially "due to the density of those build plans" doesn't make sense. If fees would rise exponentially it would be because of the large number of boxes/facilities ATT wants to install

As set forth in the Constitution of the United States under Article 6, treaties, statutes, Executive Orders, and court decisions, our Tribal Sovereignty has been established. We believe that the FCC unilaterally deciding to not treat the Red Cliff Band of Lake Superior Chippewa as such is an attack on our sovereignty. Treating Tribal governments as businesses is in complete contradiction of the NHPA.

The Red Cliff Band agrees with the Rosebud Sioux Tribe and, "will exercise our legal right which will include calling for consultation with our Tribal Council on every proposed project as designed on locations within our states of interest. Additionally, we will under Section 106, be requiring physically traveling to locations scheduled for proposed infrastructure projects to assess and identify impacts to cultural properties."

Sincerely,



Rick Peterson
Red Cliff Tribal Chairman