



# FOREST COUNTY POTAWATOMI

*Keeper of the Fire*

P.O. Box 340 • Crandon, WI 54520

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March 12, 2018

Ms. Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE: *Comment on Draft Second Report and Order for Wireless Infrastructure Streamlining, WT Docket No. 17-79*

Dear Ms. Dortch,

In accordance with Section 106 of the National Historic Preservation Act, 54 U.S.C. §30608 ("NHPA"), the Forest County Potawatomi Community ("FCPC") respectfully submits the following comments regarding the Draft Second Report and Order.

Paragraph 35 includes the determination that the deployment of small wireless facilities by private parties does not constitute a "federal undertaking" or "major Federal action," and thus does not require historic preservation or environmental review, respectively. It is doubtful that Congress passed NHPA with the understanding that a federal agency, such as Federal Communication Commission ("FCC") would simply shed its NHPA responsibilities when it deems it convenient. The United States, including the FCC, have a trust responsibility to Indian tribes, including the FCPC. Without any support, the determination that deployment of small wireless facilities is not a federal undertaking, even though the FCC has oversight responsibilities with wireless communication companies, is arbitrary, breaches the federal trust responsibility to Indian tribes, is offensive to the FCPC, and is indefensible.

Regarding the Twilight Tower issue (paragraph 46) one wonders how and why there is a Twilight Tower issue at all, because the FCC has been involved with the NHPA since 1974, when the Federal Communication Commission ("FCC") first promulgated rules implementing National Environmental Protection Act. At that time, FCC licenses provided carriers with authority to operate from a specific site, and federal law generally required the FCC to issue the provider a construction permit for that site before the agency granted a license to operate. Since the FCC's involvement began in 1974 (27 years prior to the Twilight Tower era), the question becomes, how are there any Twilight Towers at all?

By allowing Twilight Towers to be constructed under the FCC's watch and determining that deployment of small wireless facilities by private parties does not constitute a "federal undertaking" is disrespectful to the FCPC and is harmful to the FCPC, because many of these activities occurred and will occur on FCPC ancestral lands.

Thank you for your time and consideration of these comments. If you have any additional questions please address them to Allison Daniels, Forest County Potawatomi Community Tribal Historic Preservation Office at [allison.daniels@fcpotawatomi-nsn.gov](mailto:allison.daniels@fcpotawatomi-nsn.gov).

Respectfully,

A handwritten signature in blue ink, appearing to read "Ned Daniels, Jr.", with a stylized flourish at the end.

Ned Daniels, Jr.  
Chairman

CC: FCPC Executive Council  
Michael LaRonge, FCPC Tribal Historic Preservation Officer