



Tribal Historic Preservation Office

Fort Belknap Indian Community

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March 13, 2018

Via Electronic Submission

Marlene H. Dortch, Secretary
Federal Communications Commission
455 12th Street SW
Washington D.C.

RE: Wireless Infrastructure Streamlining Report and Order, WT Docket No. 17-79
Second Report and Order.

Dear Ms. Dortch:

Please accept these specific comments on the Second Report and Order as the official responses to the above referenced Docket.

Paragraph 1. The Fort Belknap Tribal Historic Preservation Office (FBTHPO) disagrees with the statement that industry requires, eliminating, or mitigating of regulatory and other barriers to network deployment. The FBTHPO maintains that this statement will allow the FCC to avoid its obligations to Indian Tribes that participate in the Tower Construction Notification System (TCNS).

Paragraph 2. This paragraph is dedicated the tremendous amount of money and jobs that, if eliminating the fees that tribes apply to the TCNS system, will somehow lead to greatly increase the profits generated by the Wireless Telecommunications Industry (Industry). In contrast, the Fort Belknap Tribal Historic Preservation Office (THPO) has such an insignificant financial impact on the overall profits generated by Industry.

Paragraph 3. FBTHPO disagrees with the negative connotation implied with words such as, "impediments", "needlessly", "delaying" and "risking". That these words paint Indian Tribes and others interested in Cultural and Natural Resource Protection in a one sided, negative light.

Paragraph 13,14. The FBTHPO recommends the FCC coordinate a meeting between THPO's and Industry to work on establishing a nationwide fee scale for the TCNS. Tribes have been willing and wanting to meet with industry on this matter.

Paragraph 16. The Fort Belknap Indian Community "FBIC" considers government to government consultation as the meeting between the President of the FBIC or the FBIC Council

and the head of Federal Agency's and/or that agency's duly appointed representative. With that, the FBIC was not consulted on any process in proposed Docket 17-79.

Paragraph 17. The Fort Belknap THPO participated in this conference call not knowing what to expect and as stated above, the FBIC considers government to government consultation as the meeting between the President of the FBIC or the FBIC Council and the head of Federal Agency's and/or that agency's duly appointed representative.

Paragraph 19. The Fort Belknap THPO attended the open meeting in Rosebud, SD and spoke about the proposed changes in Docket 17-79. Again, the FBIC considers government to government consultation as the meeting between the President of the FBIC or the FBIC Council and the head of Federal Agency's and/or that agency's duly appointed representative. More than one-half of the meeting was devoted to broadband needs in Indian country, not historic preservation and Docket 17-79.

Paragraph 19. The Fort Belknap THPO attended the meeting hosted by WTB and ONAP at the NATHPO national conference in Pala, CA. Although THPO had two staff members at this meeting, no comments were said/submitted, but rather information was gathered. Again, the FBIC considers government to government consultation as the meeting between the President of the FBIC or the FBIC Council and the head of Federal Agency's and/or that agency's duly appointed representative.

Paragraph 28. The Fort Belknap THPO participated in a Multi-Tribe conference call with FCC. Again, the FBIC considers government to government consultation as the meeting between the President of the FBIC or the FBIC Council and the head of Federal Agency's and/or that agency's duly appointed representative.

Paragraph 19. The Fort Belknap THPO participated in a multi-Tribe conference call with FCC. Again, the FBIC considers government to government consultation as the meeting between the President of the FBIC or the FBIC Council and the head of Federal Agency's and/or that agency's duly appointed representative.

Paragraph 33. FBTHPO and FBIC consider "viewshed" (Viewshed is generally defined as all points visible from a single site) specifically "cultural viewshed" (a viewshed that has significant importance to the tribes of the Fort Belknap Indian Reservation) to be an important component of the Section 106 process. This does not take into consideration viewshed while proposing to reclassify small wireless facilities as not being an "undertaking." Likewise, Fort Belknap opposed the reclassification of the small wireless facilities as not being listed as "major Federal action under NEPA.

Paragraph 35. The FBTHPO opposed the amendments of FCC rules to change the classification of the small wireless facilities to benefit Industry. Without true government to government consultation FCC should not vote on Docket 17-79's 2nd Report and Order.

Paragraphs 55-87. Legal Analysis. FBIC tribal Attorneys have not had an adequate time frame to fully read and consider this section and submit official comments. As these major changes were not shared with our Tribe until March 1, 2018

Paragraph 106-7. Without "tribal fees" the THPO will have to lay off 12 individuals who are all critical components to the function of Cultural preservation of our tribal members.

Paragraphs 198-122. The FTHPO recommends the FCC coordinate a meeting between THPO's and Industry to work on establishing a nationwide fee scale for the TCNS. Tribes have been willing and wanting to meet with industry on this matter. THPO's and NATHPO have suggested this to FCC on multiple occasions.

Paragraphs 123-144. The FTHPO is extremely concerned about the proposed changes FCC is suggesting to the NEPA Process. FTHPO opposed the reclassification of FCC legal responsibility by simply changing its classification of federal projects/permits to accommodate the wishes of the Wireless Telecommunications Industry.

The Fort Belknap Tribal Historic Preservation Office respectfully submits these reply comments for the record and for the Commission to consider. I thank you for your time and attention.

Emma Filesteel,



Acting Fort Belknap Tribal Historic Preservation Officer