

NORTHERN CHEYENNE TRIBE
TRIBAL HISTORIC PRESERVATION OFFICE

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June 15, 2017

Federal Communications Commission)
445 12th Street SW)
Washington, DC 20554)

WT Docket No. 17-79

COMMENTS OF THE NORTHERN CHEYENNE TRIBE ON NOTICE OF PROPOSED RULEMAKING FOR
ACCELERATING WIRELESS BROADBAND DEPLOYMENT BY REMOVING BARRIERS TO INFRASTRUCTURE
INVESTMENT

RE: Timelines and Lack of Responses

Timing of review should be the easiest issue to address. The FCC has current timeline regulations in place. Our understanding of the rules is that the THPO has thirty days to process a proposed project from the date the companies provide the THPO department with all required and requested information. This is a huge issue with the tribes. The clock must not start ticking until we have the information necessary to do the work.

If the companies do not receive a response from the THPO department after thirty days, they have an additional 10 days to contact the department using two separate methods of communication such as email or phone call. At the forty-day mark, if the company has not received a response from the THPO department, the company submits a forty-day letter to the THPO, FCC Help email address, and the TCNS website. Finally, the FCC has an additional twenty days to contact the THPO and facilitate a resolution. In the absence of any sort of THPO response, the FCC has the ability to clear the project at the end of a total of sixty days. The possibility of a project to be delayed for months and years due to a non-responsive THPO should not exist at all.

We have procedures in place to ensure our compliance to the current timelines. We receive notifications of proposed projects in our traditional homeland/area of interest through the FCC Tower Notification System on a weekly basis. We respond to the notifications through the FCC Tower Notification System, letting the companies know that we either have no interest in consulting on their proposed project or we do indeed have an interest in consulting on their proposed project.

When we reply with our interest in consulting on a proposed project, we email a list of the information we require to process the project, how to submit that necessary information to our departmental website since all of our cultural resource work is digitized and archived, the fee for our work, how to submit the fee to our department, and who to contact if the company representative needs further assistance.

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We have been assured during multiple FCC trainings, that the clock begins ticking as soon as the company submits their proposed project to our website, with all the required information. We have thirty days to complete our work and issue the company a letter of finding. Historically, we have not had difficulty completing our work within the thirty-day timeline. Our website timestamps all the project submissions and file attachments we receive, so we can verify our compliance to the timeline. Our system also sends the company contact a confirmation email with a unique identification number and the exact time their submission went through for their records.

However, we do periodically have difficulties acquiring all the required information from the company within the thirty-day time frame. Some companies will submit their contact information, the TCNS, name of the project, and a few sentences describing what the project is, but tell us they are waiting on the maps and their archaeology report. We have waited for months on the company's archaeology reports, due to snow making it impossible for the archaeologists to survey the ground.

We have had companies submit projects to us with only their contact information, a TCNS number, and an unlabeled quad map with a dot on it. We could not even tell what state the project was located in from the unlabeled map. In those cases, time is wasted contacting the company contact for further information, waiting for a response, checking for status updates, saving notes to our website of the information missing from the submission, dates and people we emailed for the missing information, and uploading the missing files once we receive them. All of this is extra work, before even getting to start processing the proposed project.

Incomplete submissions such as this are a regular occurrence, happening multiple times a week. Yet, the FCC has assured us, if a THPO department is having difficulties obtaining documentation from a company and a deadline is approaching, we need only inform them of the situation using the FCC Help email. We need to keep them abreast of what is happening, so they know we are waiting on the company, and not being unresponsive.

Periodically we will have a company contact submit a proposed project to our THPO website and then the very next day CC us on an email to their boss and the FCC, stating that they submitted their project to the FCC Tower Notification System over a month ago, and our THPO department hasn't given them a letter of finding yet. When this situation arises, we reply to all people in the email, showing them the time stamp when the proposed project material was actually submitted to our department website; letting them know that it was impossible for us to process their project in the day or two since they actually submitted the project and started the thirty-day clock.

In summary, we have not had difficulty complying with the existing FCC timeline regulations, as long as we have their assurance that the thirty-day countdown begins at the time we receive from the company all required information to process the proposed project. We agree with the FCC having the right to

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close out a project in sixty days if a THPO department is truly unresponsive – as long as they do not close out a project while it is actively under contention by even one THPO. Each tribe has their unique history and ongoing cultural practices. There are of course cultural resources and sacred sites still integral to the existence of many tribes, but we cannot overlook the places essential to even a single tribe continuing to exist as a people.

We acknowledge that emergencies and unplanned events happen and the FCC does need the ability to close out projects in the event of unresponsive THPOs. The FCC has never disregarded our concerns for protecting important cultural resources. They have mitigated a few interactions between our department and company representatives on projects under contention. As long as this continues to be their practice, we feel that enforcing the existing FCC timeline regulations easily addresses and nullifies the issue of projects lingering in limbo for months.



Teanna Limpy

Tribal Historic Preservation Officer

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