



TWENTY-NINE PALMS BAND OF MISSION INDIANS

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Federal Communication Commission
Washington, DC 90554

In the Matter of

Accelerating Wireless Broadband Deployment by)	WT Docket No. 17-79
Removing Barriers to Infrastructure Investment)	
)	
Revising the Historic Preservation Review Process)	WT Docket No. 15-180
for Wireless Facility Deployments)	

COMMENTS OF:

The Twenty-Nine Palms Band of Mission Indians

Anthony Madrigal, Jr.
Tribal Historic Preservation Officer
46-200 Harrison Pl.
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April 14, 2017

The Twenty-Nine Palms Band of Mission Indians (Tribe), a federally recognized tribe, with two reservations – one located near the cities of Coachella in Riverside County and the other located in the city of Twentynine Palms in San Bernardino County. The Tribe works with a variety of federal agencies on small and large projects in the compliance of federal laws, including but not limited to the National Historic Preservation Act (NHPA), the California Environmental Quality Act (CEQA) including Assembly Bill 52, and the Native American Graves Protection and Repatriation Act (NAGPRA). Our tribe protects irreplaceable sites and locations that are of religious and cultural significance to our people today by continuing the successful collaborative processes that have been established with federal agencies, other Indian tribes, and project developers. The Tribe also operates a Tribal Historic Preservation Office (THPO), which aims to protect and preserve sites, structures, and districts that are within the ancestral territory of the Chemehuevi, which is overseen by a Tribal Historic Preservation Officer.

The Federal Communications Commission's Tower Construction Notification System (TCNS) system has proven to be a very useful tool to track, monitor, and expedite the placement of cellular technology infrastructure. Over the past three years, we have worked with and developed quality relationships with the many consultants installing telecommunication infrastructure facilities, including cell tower siting, through the TCNS Program. Our Tribe provides prompt response to cell tower notifications. If and when any situations arise using the TCNS Program, tribes have been able to promptly contact industry consultants and/or FCC staff to expedite resolutions. An example of this is when we noticed that a project was not using the correct channels of consultation. We were notified through other avenues of a telecommunications project but did not receive any consultation letters from the TCNS system. We promptly notified FCC staff to resolve the issue. With the emerging 5G technology by the wireless telecommunications industry, we can see the benefits of modernizing the existing TCNS system to meet our needs.

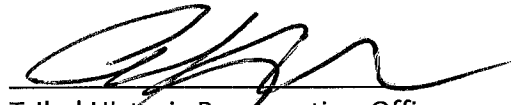
Our Tribe has been using the TCNS system and has found it an innovative way to consult on projects that concern the Tribe. It allows us to communicate with all parties easily. Each tribe has its own government and needs to be treated as such. Even if multiple tribes are consulting on a single project, we are separate Sovereign Nations that need to be recognized. While we may be consulting on a single project, we have different records that are separate from other tribal and state governments. To show proper respect as a Sovereign Nation we need to be appropriately consulted on each project. This consultation should be required for each project. While the PTA-FLA argues that the NPS and Collocation Agreement "should be amended to exempt from review sites that will obviously have no effects' on a Tribal Nation's sacred burial grounds." each project needs to be individually processed. The THPO does not only protect sacred burial grounds but aims to protect all tribal sites including visual impacts to cultural resources that concern the Tribe.

As our programs continue to grow, we are able to consult on projects that concern the Tribe more effectively. Having a consultation fee allows us to prioritize consultation with TCNS projects. The fees are commensurate with the work that goes into consulting for each project. The Tribe does require a fee for each project, but this fee has enabled us to swiftly and

efficiently respond to TCNS projects. The time frame for a response depends on the package we receive from the consultant. While a critique has been on "tribal delay," this issue can be misleading. We ask consultants to send a copy of the street map that clearly identifies the proposed site. We sometimes do not receive this information, and the process is delayed when having to wait for updated maps and cultural reports. The THPO is thorough in its review of TCNS projects. All applicable projects are checked through our internal geodatabase and tracked, and all available cultural reports are thoroughly examined. While we have a thorough review process, we are able to efficiently handle the TCNS projects because the fee that we require.

Thank you for your consideration of these comments.

Anthony Madrial, Jr.

A handwritten signature in black ink, appearing to read 'Anthony Madrial, Jr.', written over a horizontal line.

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