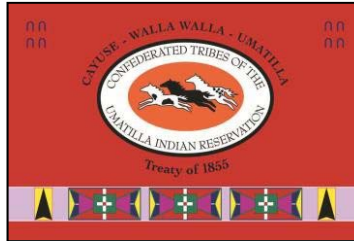


**Confederated Tribes *of the*
Umatilla Indian Reservation**
Department of Natural Resources
Cultural Resources Protection Program



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December 13, 2017

Marlene H. Dortch, Secretary
Federal Communication Commission (FCC)
445 12th Street SW
Washington, DC 20554

RE: Draft Program Comment Addressing Collocation on Twilight Towers, WT Docket No. 17-79

Dear Mr. Steinberg:

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has reviewed the Public Notice regarding Twilight Towers WT Docket 17-79. While we support collocation on existing structures, the streamlining of the review process presents several concerns. On page 3, the Public Notice notes that since the towers have already been constructed and there have not been any complaints, the towers “are unlikely to have adverse effects on historic properties...” However, this statement is not supported by any evidence. Without knowledge of where the numerous Twilight Towers have been constructed, it is impossible to determine whether they have an adverse effect on historic properties or other cultural resources.

The Draft Program Comment states Twilight Towers will be excluded from collocation if the “tower has been determined by the FCC to have an adverse effect on one or more historic properties, where such effect has not been avoided or mitigated through a conditional no adverse effect determination, a Memorandum of Agreement, a programmatic agreement, or a finding of compliance with Section 106 and the Wireless Facilities NPA” (5). If no Section 106 Review has been conducted on the Twilight Towers, how can the FCC determine that the collocation would have no additional adverse effects?

Additionally, on page 5, the Draft Program Comment states Twilight Towers are proposed to be excluded from collocation if “The collocation licensee or the owner of the tower has received written or electronic notification that the FCC is in receipt of a complaint from a member of the public, a Tribal Nation or NHO, a SHPO, or the Advisory Council that the collocation has an adverse effect on one or more historic properties. Any such complaint must be in writing and supported by substantial evidence describing how the effect of the collocation is adverse to the attributes that qualify any affected historic property for eligibility or potential eligibility for the National Register.” With the Twilight Towers themselves having not undergone Section 106 Review, they may have adverse effects to culturally significant areas and resources, which the CTUIR has not been able to review. Furthermore, the streamlined process for collocation on Twilight Towers does not give Tribal Nations an opportunity to comment on collocations, which may adversely affect cultural resources. Even if projects do not involve ground disturbance, additional height or lights may have adverse effects on historic properties of religious and cultural significance to tribes.

Compliance with Section 106 (16 U.S.C. 470f) of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. Excluding Twilight Towers from Section 106 Review eliminates consultation with the affected tribes on these federal undertakings and their potential effects on cultural resources. Again, the CTUIR CRPP supports the use of collocation, but strongly disagrees with the streamlined review process that excludes collocation on Twilight Towers from Section 106 Review. There needs to be a review process for all collocations, especially those on Twilight Towers, to allow for comments and mitigation on projects which may adversely affect historic properties.

We look forward to continuing to with the FCC on this issue.

Respectfully,

A handwritten signature in cursive script that reads "Kristen Tiede". The ink is dark and the handwriting is fluid.

Kristen Tiede, M.A.
Archaeologist

cc. Teara Farrow Ferman, Program Manager
Dennis Griffin, Oregon SHPO State Archaeologist