



PUBLIC NOTICE

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**WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES THAT
SPRINT SPECTRUM L.P., D/B/A SPRINT PCS HAS VOLUNTARILY
RELOCATED A WIRELESS TELECOMMUNICATIONS TOWER CONSTRUCTED
ON AN INDIAN BURIAL MOUND**

The Wireless Telecommunications Bureau (Bureau) announces that Sprint Spectrum L.P., d/b/a Sprint PCS (Sprint PCS) has voluntarily removed a Personal Communications Service (PCS) tower that Sprint PCS had constructed on an Indian burial mound of the Iowa Tribe of Oklahoma (Iowa Tribe) in the state of Iowa. Sprint PCS constructed the PCS tower and later discovered that the tower site was on an Indian burial mound.

Pursuant to section 1.1307 of the Commission's rules, a licensee, applicant or tower owner must prepare an Environmental Assessment (EA) with respect to the construction of facilities that may significantly affect the environment in any of several specified ways.¹ Among the categories of facilities for which an EA is required are facilities that may affect districts, sites, buildings, structures or objects, that are listed or eligible for listing in the National Register of Historic Places, as well as facilities that may affect Indian religious sites (*e.g.* burial mounds).² In this instance, notwithstanding the tower's adverse effect on an Indian burial mound, Sprint PCS did not file an EA with the Commission, either prior to construction of the tower or subsequently.

Sprint PCS has worked with the Tribe to remove the tower and restore the burial mound pursuant to the Iowa Tribe's instructions and monitoring. The Bureau helped facilitate the discussions between Sprint PCS and the Iowa Tribe that led to the tower's expeditious removal. In order to minimize the possibility that a Sprint PCS wireless facility will negatively impact an Indian religious site in the future, Sprint PCS intends to retrain its employees. Sprint PCS will also provide instruction to the industry at an upcoming industry-wide convention on the Section 106 process, emphasizing the practical and legal issues involved in complying with the Commission's environmental rules, with specific emphasis on the National Historic Preservation Act, the Section 106 process, and Tribal participation in the process for the protection of Indian religious sites.

¹ 47 C.F.R. § 1.1307.

² 47 C.F.R. § 1.1307(a)(4),(5).

In accordance with the Commission's rules, the Bureau emphasizes the requirement to comply with the Section 106 process for the protection of Indian religious sites and sites or buildings listed or eligible for listing on the National Register of Historic Places. In appropriate circumstances, the affected Tribe should be contacted prior to engaging in site excavation to determine whether the proposed excavation and construction would affect an Indian burial mound or religious site. Under the Commission's rules, projects require the submission of an EA if an excavation would occur within a tower site that is known to contain an Indian archeological property or traditional cultural property, or if Indian artifacts are discovered during construction. Construction must immediately cease if artifacts are discovered and the applicant or licensee must file an EA.³ Failure to comply with the Commission's rules may result in enforcement action and sanctions including fines, forfeitures, and suspension or revocation of license.⁴

For further information, please call Don Johnson in the Commercial Wireless Division, Policy and Rules Branch at (202) 418-7444.

³ 47 C.F.R. § 1.1312(d).

⁴ See 47 U.S.C §§ 312, 503.