

**Remarks of
FCC Chairman Michael K. Powell
at the United South and Eastern Tribes Impact Week
February 3, 2004
Crystal City, VA**

The Importance of Telecom in Indian Country - ITI Activities and Outreach

Good afternoon. Thank you for the opportunity to join you for this historic event. Today, we recognize the importance of protecting sacred and cultural resources. We also acknowledge the important opportunities that telecommunications services can bring to Indian Country. Telecommunications is a powerful tool that provides opportunities to improve learning, rural health care, public safety, and the operations of government. Throughout the FCC's visits to Indian Country, we have seen how dedicated and resourceful Tribes have developed innovative applications to address their specific needs. Telecommunications also can be used to meet important homeland security and public safety objectives, and to connect governments and communities.

Last summer, while touring the Navajo and Hopi reservations, my staff learned how the Tribes are working together, and with state officials, to promote the interoperability of wireless public safety communications systems. And recently, I personally had the pleasure of seeing how the Southern California Tribal Chairman's Association has deployed innovative wireless technologies to connect their tribal governments and members through its virtual Tribal Digital Village.

Innovative telecommunications products and services appear almost daily – VoIP, digital TV, smart radio, and wireless applications just to name a few. Indian Country must be a part of this technological revolution. Information technology and access to telecommunications as a means of economic empowerment is essential to the future

growth and strengthening of tribal life – bringing significant benefits to Tribal financial, social, political, healthcare and educational systems.

The FCC is committed to working with the Tribes to bring these services to Indian Country. Through the [FCC's Indian Telecommunications Initiatives \(or "ITI"\)](#), the FCC seeks to foster understanding, cooperation and most importantly, trust. Working together – American Indians and tribal organizations, the telecommunications industry and the FCC – we can tackle the difficult issue of increasing access to critical telecommunications services, and improving the quality of life, in Indian Country. In the last year, we have engaged in more consultation on FCC regulatory matters and spent more time in Indian Country than ever before. I am pleased to say that we are seeing the benefits of these efforts – through greater Tribal input and collaboration.

Over the last year, Commissioners and FCC staff have traveled from the Alaska villages to the North Plains prairie, from the Southwest Canyons and Mesas to the Plateaus of the Northwest. We have taken the FCC on the road to Indian Country and we are listening and learning all along the way.

The Memorandum of Understanding

The Memorandum of Understanding (MoU) that President George and I will be signing in a few minutes marks a significant event in the history of the FCC, and its growing relationship with the Tribes of this great nation. In the seventy year history of the FCC, this is the first agreement of its kind that the Commission has entered into with American Indian Tribes.

The MoU was developed in the context of our government-to-government relationship to achieve an important goal – to protect sacred and cultural tribal resources, while facilitating the deployment of wireless and broadcast services to all Americans. Through this Memorandum of Understanding we recognize the importance of the trust relationship we share and collectively affirm that there is strength in unity. This guiding principle, which has served USET so well since its inception in 1968, stands as an important lesson for the Commission as well. Working together, through our mutually respectful trust relationship, I remain confident we can and will achieve critical objectives.

I want to thank Chairman George and Vice Chairman Tullis, and the distinguished members of USET’s Cultural and Heritage Committee, for their leadership in this effort. I also want to thank USET Executive Director Tim Martin for his tireless efforts to help make this agreement a reality. In addition, I’d like to acknowledge my staff from the Consumer & Governmental Affairs and Wireless Telecommunications Bureaus for their ceaseless and hard work. I hope that these discussions and the agreement we sign here today is just the beginning of a long and fruitful relationship between the FCC and the member Tribes of USET.

NHPA & NEPA Compliance—A Critical Issue for both the FCC and USET

The Communications Act emphasizes the broad purposes behind the creation of a federal agency to regulate communications: to ensure that everyone, regardless of income or location, has access to basic and advanced telecommunications services, which today are no longer a luxury, but a necessity. In the context of wireless services, this necessarily means the deployment of wireless infrastructure to support nationwide,

ubiquitous wireless communications. The FCC is committed to making this nationwide system a reality in Indian Country as well.

At the same time, the FCC is responsible for implementing the provisions of the [National Historic Preservation Act \(NHPA\)](#), the seminal law for protecting properties of religious and cultural importance to Tribes listed in or eligible for listing in the National Register of Historic Places, and the National Environmental Policy Act (NEPA), the basic national charter for protection of our environment. In recognition of the importance of deploying communications services consistent with the mandates of these Acts, I directed Commission staff to develop the agency's first comprehensive strategic plan to improve our ability to protect valuable historic and environmental resources, while at the same time accelerating the process of deploying necessary communications infrastructure. Although the Commission's statutory obligations had been longstanding, I concluded that the expanding need for telecommunications infrastructure required the Commission to take a more proactive approach to these issues. Today, I am pleased to announce significant progress on several key initiatives of that plan.

First, representatives of the FCC, the Advisory Council on Historic Preservation, the National Conference of State Historic Preservation Officers and several Tribes have met over the past year and a half to create a draft Nationwide Programmatic Agreement. We have focused on streamlining the review process for communications facilities in a manner satisfactory to all of the stakeholders. We initiated a rulemaking seeking comment on a draft Nationwide Programmatic Agreement aimed at improving compliance with the review process while at the same time advancing and preserving the goal of the NHPA to protect historic properties, including historic properties to which

federally recognized Indian Tribes and Native Hawaiian Organizations attach religious and cultural significance. In this process, the Commission took affirmative steps to stimulate and invite consultation with Tribes to ensure that their concerns were a part of the decision-making process. This rulemaking is in its final stages and has benefited greatly from the consultation and comment of Tribes and tribal organizations, including USET.

Second, today, the Commission is announcing the launch of a newly developed internet-based [Tower Construction Notification System](#). The system is aimed at providing an efficient and effective means by which the tower construction industry can inform tribal and other cultural preservation representatives of proposed tower construction sites. The Tower Construction Notification System provides Tribes an opportunity to identify particular geographic areas of cultural sensitivity in a secure environment. By receiving early notification of proposed construction, situations where towers are constructed prior to completion of the Section 106 process should be avoided, ensuring protection of religious and culturally significant tribal historic properties. We emphasize to users of the Tower Construction Notification System that the system is a tool to facilitate Section 106 communications. However, I must stress that the Tower Construction Notification System is not to be used in place of Section 106 consultation. The FCC will consult on a government-to-government basis with federally-recognized Tribes, and will consult directly with any Tribes or National Historic Officers upon learning of such a request.

Tribes will be able to access the proposed tower construction system as of today, February 3. During the following 30 days, you will be able to update or change your

contact information and your geographic areas of interest before the FCC begins to send notifications. During the first week of March, 2004, the Commission will send out its first electronic and regular mail notifications for any proposed tower construction notifications that were received since February 3. Only State Historic Preservation Officers, Tribes and NHOs, as authorized system users, will have access to the information relating to proposed tower construction sites. Once again, USET played a leadership role in the development of this system.

Today, we begin a comprehensive outreach campaign to educate industry and all 562 federally recognized Tribes about the tower notification system. We enlist your support in this effort and encourage you to use the system fully so that we can all benefit. Third and perhaps most importantly, today we sign the historic Memorandum of Understanding I mentioned at the outset. This signing is the culmination of our joint work over the past year. It commits our two organizations to continue to work to finalize a set of Best Practices that will serve as guidance to the FCC, industry, and Tribes on how to work together in the Section 106 communications facilities siting process. These best practices are being developed in the truest sense of the government-to-government relationship – across the table from each other, shirt sleeves rolled up to tackle difficult issues in a mutually respectful manner. A willingness to listen and a spirit of compromise are the foundations of these consultative discussions. As a result, I have every confidence that the best practices we agree upon will offer well-crafted and unique solutions that address the concerns of the Tribes, the telecommunication Industry and the Commission.

I offer my highest commendation to USET for its outstanding leadership and your dedication and commitment to the process. It is indeed my honor and my privilege to sign this document on behalf of the FCC. You have my firm and unyielding commitment to devote the staff and the resources of the Agency to completing this important task. I'm honored to be with you and honored to be your friend. Thank you.