



NEWS

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See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC AND UNITED SOUTH AND EASTERN TRIBES, INC. ADOPT VOLUNTARY “BEST PRACTICES” CONCERNING PROTECTION OF HISTORIC PROPERTIES OF RELIGIOUS AND CULTURAL SIGNIFICANCE TO TRIBES IN THE TOWER SITING PROCESS
Action follows adoption of Nationwide Programmatic Agreement on October 5, 2004

Washington, DC – The FCC and the United South and Eastern Tribes, Inc. (USET) have adopted voluntary best practices to guide FCC applicants and USET member Tribes in their review of the impact of wireless towers and related communications facilities on properties of religious and cultural significance to USET member Tribes. This action follows the Commission’s October 5, 2004, adoption of the Nationwide Programmatic Agreement for review of effects of towers on historic properties.

FCC Chairman Michael K. Powell said, “The voluntary Best Practices are a win-win-win for the Tribes, the applicants and the FCC. We have worked hard to carefully balance the needs of Tribes and the wireless industry. If everyone works together, the infrastructure necessary to bring wireless communications throughout the country can be built quickly, without harm to sites of religious and cultural importance to the Tribes, and without unnecessary FCC involvement. This is an important first step in building the kinds of relationships necessary to truly advance the interests of the American public.”

In February 2004, FCC Chairman Michael K. Powell and USET President Keller George signed a Memorandum of Understanding (MOU) regarding the development of Best Practices to guide Tribes and FCC applicants as to the best means of satisfying historic preservation review requirements when siting communications towers. The MOU was the first of its kind between the FCC and Tribes. USET, established in 1968, is a non-profit inter-Tribal government organization comprised of 24 federally-recognized Indian Tribes from Maine to Florida to Texas. USET is recognized throughout Indian Country as a leader in the area of Tribal historic and cultural preservation and its actions will serve as a model for other federally-recognized Tribes in their relationships with the FCC and FCC applicants.

The Best Practices are voluntary guidelines, not mandates, and they do not displace other procedures that Tribes and applicants may find better suit their particular circumstances. They provide useful guidance, however, to the wireless and broadcast industry in their efforts to provide for the construction of nationwide wireless communications networks that are vital, while preserving properties of Tribal religious and cultural importance.

The Best Practices were created through government-to-government consultation with the member Tribes of USET with input from other national inter-Tribal organizations, including the National Congress of American Indians and the National Association of Tribal Historic Preservation Officers, and through coordination and negotiations with representatives of the wireless communications, tower construction, and broadcast industries.

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