

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: Clarification of Procedures for Participation of Federally Recognized Indian Tribes and Native Hawaiian Organizations Under the Nationwide Programmatic Agreement

I am very pleased with this Declaratory Ruling because it provides an important clarification to certain provisions of the Nationwide Programmatic Agreement (NPA), a landmark agreement that I fully support. The Order strikes the right balance between the Commission's consultation obligations to Indian tribes and Native Hawaiian organizations (NHOs) under Section 106 of the National Historic Preservation Act of 1966 and the need for certainty when Indian tribes and NHOs have not responded in a timely fashion to industry and Commission contacts.

Resolution of this issue is long overdue, given that winter is fast approaching and the construction season is ending across much of the northern United States. We need to encourage wireless infrastructure deployment, and not unnecessarily stand in its way. Given the public interest considerations and our consultation efforts to date, I am pleased that we have agreed to immediately clear the enormous backlog of tower siting requests.

While I know that there have been challenges for all parties involved in the initial implementation of the NPA, I am very encouraged by reports from both industry and tribes and NHOs regarding the extent of consultation that has taken place over the past several months. Indeed, approximately 95% of the 577 federally recognized tribes have availed themselves of the Tower Construction Notification System (TCNS). These are very positive developments, and they should not be forgotten in our resolution today of the "lack of response" issue.

Recognizing the efforts of so many to implement the NPA, I fully appreciate the concerns that were raised regarding the uncertainty created when Indian tribes and NHOs fail to reply to industry and Commission efforts to obtain a response as specified in the NPA. Once I heard about the extent of these concerns, I was pleased to work actively with my colleagues and with organizations like the United South and Eastern Tribes, the National Congress of American Indians, and CTIA to come up with an approach that both addresses the current application backlog and meets the needs of all concerned parties going forward. I fully endorse the level of cooperation and understanding that helped us develop the approach we adopt today and hope it serves as a model for further collaborative efforts under the NPA.

The NPA can and will work. We have taken important steps forward in this item, and we should continue to improve the consultation process through periodic reviews of the notification provisions of the NPA. Just as with my approach to the issue before us today, I commit to working actively with industry and Indian tribes and NHOs to ensure that consultation under the NPA works as smoothly as possible in the future.