



Federal
Communications
Commission

NATHPO and FCC Section 106 Summit

**Albuquerque, New Mexico
August 20-21, 2015**



Tower Construction Notification System (TCNS)

TCNS is a Section 106 tool unique to the FCC.

TCNS is a tool promoting sovereignty.

Tribal Nations specify the areas of interest for which they receive project notifications.

TCNS is a tool providing reliability.

Tribal Nations receive weekly notification of projects in their areas of interest.

The NPA (and now PTC Program Comment) provides “rules”.
30 day response.

TCNS is a tool requiring accountability.

FCC expects applicants to enter their proposed towers.

Many Tribal Nations request compensation for their expertise.

Industry relies on timely answers.

FCC oversees the process.



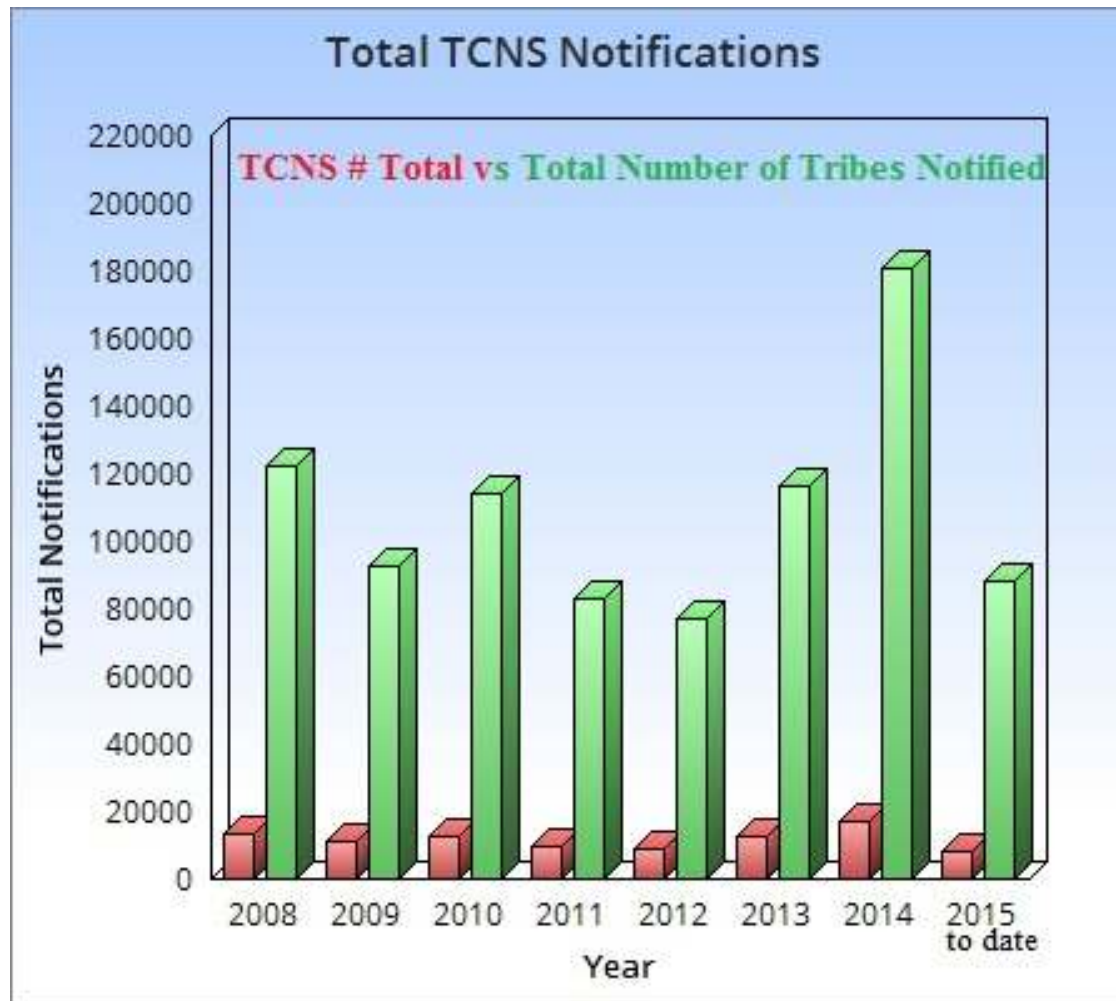
FCC Section 106 SUMMIT

- 1) Recognize the Challenges Posed by the Increasing Demand for Wireless Service
- 2) Provide a Vehicle to Collaborate on Answers and Determine the Future



of TCNS Notifications = Steady Increase Over Time

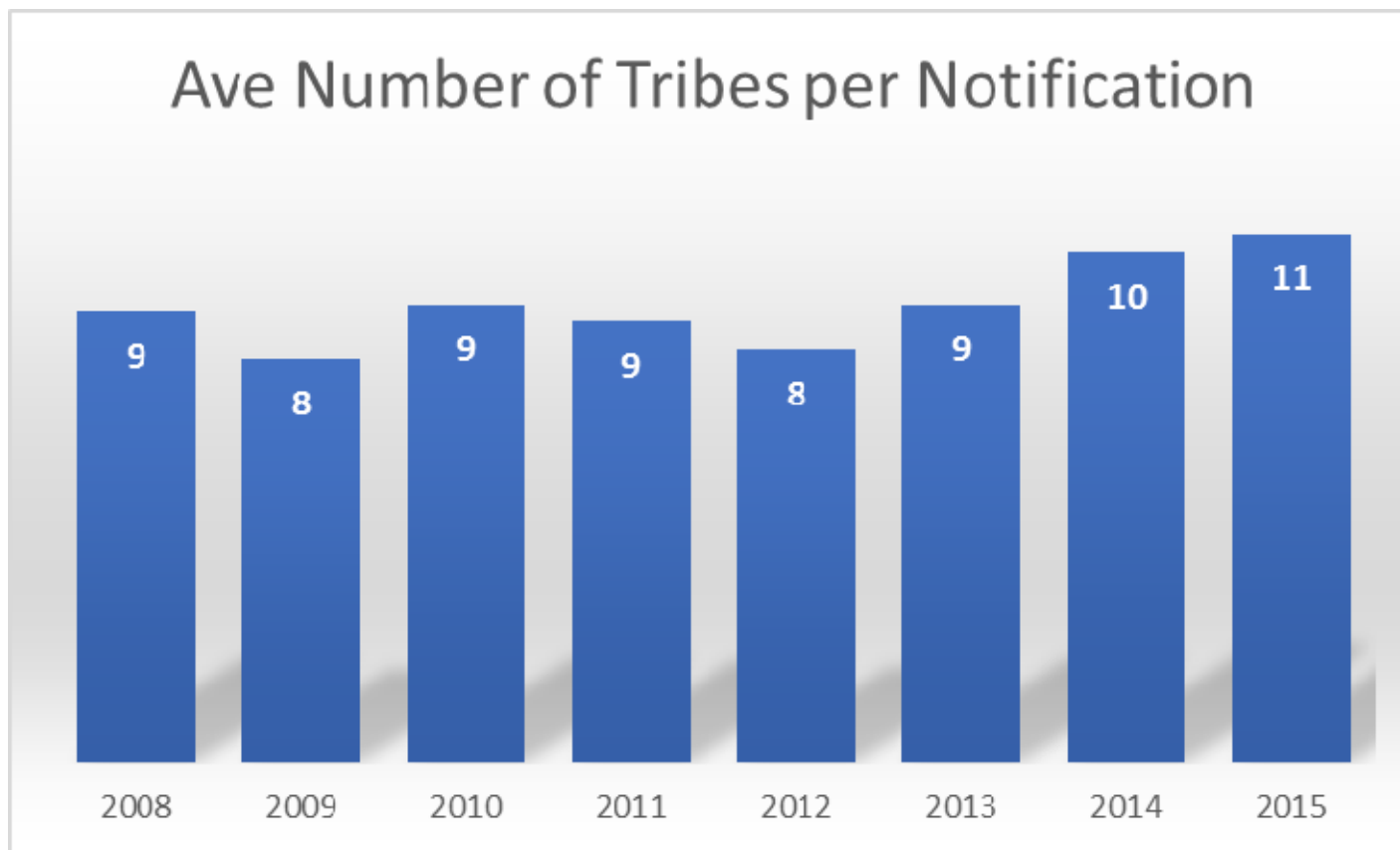
year	Qty of Notifications/ Year	Total Tribal Notifications by Year
2008	13,317	122,068
2009	11,229	92,230
2010	12,240	114,048
2011	9,279	83,227
2012	9,205	77,363
2013	12,459	116,178
2014	17,364	180,423
2015	8,215	88,367



RED=TCNS Cases GREEN= Total Tribes Notified



Average # of Tribes/Notification Progresses over Time





Concurrent Trends

Geographic Areas of Interest Increasing

of Tribal Nations Charging Fees Increasing

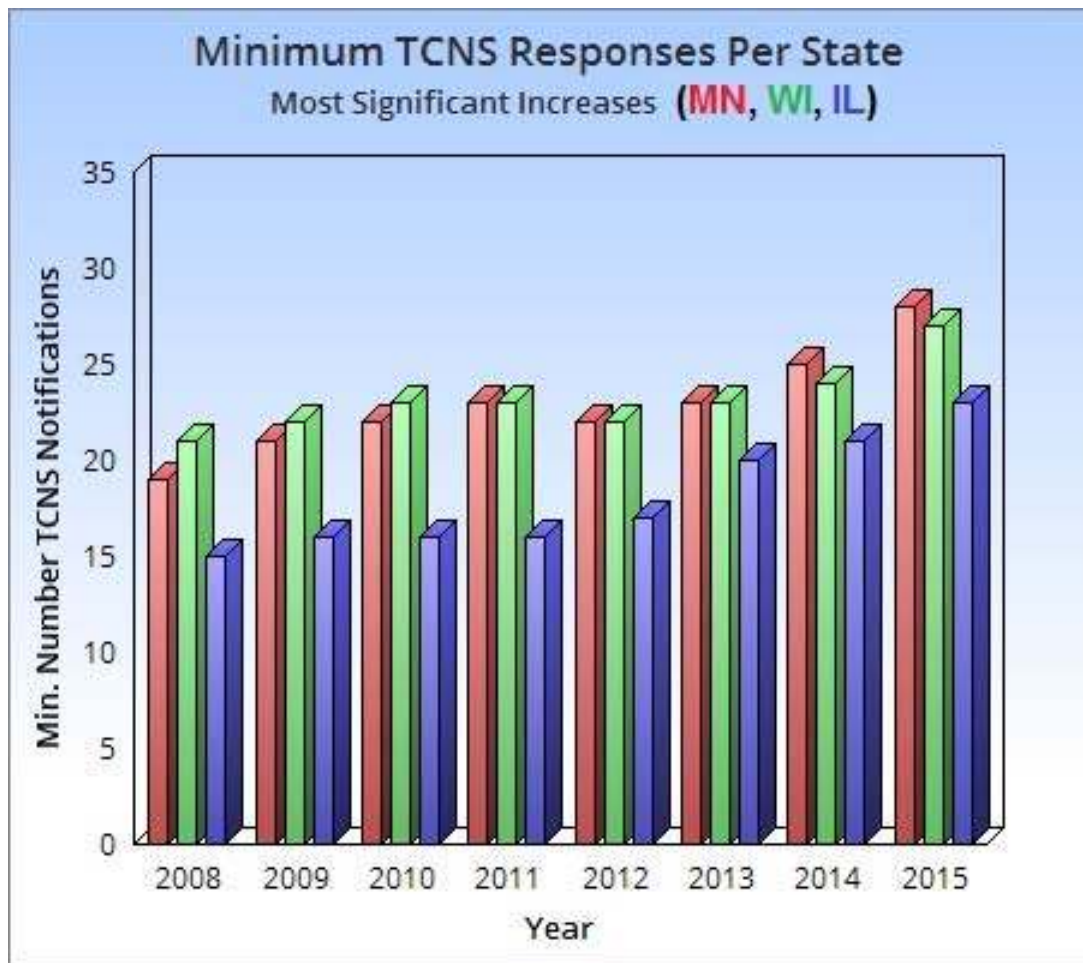
Amount of Fees Increasing

Timeliness of Response Inconsistent



Questions from Industry about Tribal Review

1. Areas of Interest.
2. Number and Requirements of Responding Tribes.
3. Timeframes.
4. Fees and Services.



Some States generate high numbers of Tribal notices no matter where the project is proposed:

MN= 28 plus those interested in specific counties

WI= 27 plus those interested in specific counties

IL= 23 plus those interested in specific counties



What is the difference between these terms?

- Review Fee
- Participation Fee
- Request Fee
- Pre-Review Fee
- Consultation Fee
- Research and Review Fee



ACHP GUIDANCE ON FEES IN SECTION 106

<http://www.achp.gov/regs-fees.html>

“While ACHP’s regulations encourage the active participation of Indian tribes, they do not obligate Federal agencies or applicants to pay for consultation. If an agency or applicant attempts to consult with an Indian tribe and the tribe demands payment, the agency or applicant may refuse and move forward.

If, on the other hand, the agency or applicant seeks information or documentation that it would normally obtain from a professional contractor or consultant, they should expect to pay for the work product.

When the line between the two is unclear, the agency or applicant is encouraged to act in a manner that facilitates, rather than impedes, effective tribal participation in the Section 106 process.”