



United Keetoowah Band of Cherokee Indians in Oklahoma

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Dear Hon. Sup. Hahn and Members of the Board:

I am writing in opposition to Agenda Item 59, Titles 16 and 22, which will fast-track cell towers throughout Los Angeles County. The Los Angeles County Board of Supervisors has already passed a categorical exemption to California state environmental law, CEQA.

We are opposed to any exemption of environmental review when it comes to the placement of cell towers. The United Band of Keetoowah Cherokee Indians sued the FCC, asking the federal courts to halt the FCC's Wireless Infrastructure Streamlining Order which was passed in September 2018. The FCC had ruled it could deploy thousands of wireless antennae for 5G capabilities across the United States without meeting tribal consultation review requirements because the projects were not defined as "undertakings" under the National Historic Preservation Act or "major Federal actions" under the National Environmental Policy Act.

The United Band of Keetoowah Cherokee Indians was victorious in that lawsuit against the FCC.

NHPA was enacted in 1966 to preserve historical and archaeological sites in the U.S. if they were located in construction sites. NEPA was enacted in 1970 and requires federal agencies to determine any environmental effects that could happen as a result of a proposed project.

The FCC argued these types of reviews by tribes, commonly known as Section 106 reviews, “would impede the advance of 5G networks and that its costs outweighed any benefits.”

It also justified bypassing NHPA and NEPA regulations because 5G antennae are less than 200 feet in height, won’t be located near an airport and their construction is not subject to the agency’s “limited approval authority.” The agency cited that the “small” nature of the projects “appears to render them inherently unlikely to trigger environmental and historic preservation concerns.”

The appeals court did not agree, calling the deregulation “arbitrary and capricious” because it “did not adequately address the harms of deregulation or justify its portrayal of those harms as negligible.” Instead, the FCC “failed to justify its confidence that small cell deployments pose little to no cognizable religious, cultural, or environmental risk, particularly given the vast number of proposed deployments.”

The opinion states that “tribes’ views must be taken into account where the agreement has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe.”

NEPA is the National Environmental Protection Act and as you know, CEQA is the California state environmental law. We believe there is an environmental impact to building out thousands of cell towers in Los Angeles County. You have a duty to protect the environment and as you protect the environment, you are protecting the residents of Los Angeles County. You would be failing to take into account location in sensitive areas, the overall environmental, radiation, and energy usage of 5G antennae, and you would be ignoring the fire risks in a state that cannot afford more fires.

Los Angeles County has more Native Americans than any other County in the country. Fire can damage Native American homes, lands, and artifacts that are irreplaceable.

The United Band of Keetoowah Cherokee Indians therefore stands in opposition to the passage of Titles 16 & 22 and urges the Los Angeles County Board of Supervisors to reverse their categorical exemption of California’s environmental law.

Respectfully,



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Cherokee Indians in Oklahoma