

SANTA YNEZ BAND OF CHUMASH INDIANS

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February 11, 2021

United States Department of Commerce
National Telecommunications and Information Administration
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Re: Request for Tribal Input on Tribal Broadband Connectivity Grant Program

Dear National Telecommunications and Information Administration,

The Santa Ynez Band of Chumash Indians (“Tribe” or “Chumash”) would like to thank the National Telecommunications and Information Administration (“NTIA”) for the opportunity to provide comments on the development of the Tribal Broadband Connectivity Grant Program (“Program”). As you are aware, there is an urgent need to close the digital divide for Native American tribes throughout the country. With that in mind, the Tribe provides the following written comments in response to the February 2, 2021, letter sent to tribal leaders seeking input on the implementation of the Program. We note that we also attended the Tribal Consultation for the Program that took place on February 10, 2021.

The Santa Ynez Band of Chumash Indians

The Santa Ynez Indian Reservation was established in Santa Barbara County, California, in 1906 by an agreement between the federal Indian Agent and the Catholic Church. In exchange for quieting title to 11,000 acres of land deeded to the Church for a seminary called the College Rancho, the Santa Ynez Band of Chumash Mission Indians received 99 acres of land on either side of the Zanja de Cota creek just south of the town of Santa Ynez. In the 1970s, another 38 acres were added to the Reservation for a HUD low-income housing project to increase its size to 137 acres. In 2014, an additional 6.9 acres were annexed by fee-to-trust transfer for a Chumash Heritage Hall, Museum and Cultural Center just north of the Reservation. In 2010, the Tribe purchased 1,400 acres of land three miles east of the Reservation for 143 new home sites, which is known as “Camp 4.” The Tribe fought for nine years to get such land annexed to the Reservation which finally happened by Congressional legislation in 2019. www.chumashea.com, Final EA, Vol. 1, Figure 1-2. Collectively, these lands will be referred to as the “Chumash Reservation.”

The Chumash Reservation lands are located in Santa Barbara County, California, with Santa Barbara County as a whole currently earning only a “D” for broadband, according to a recent statewide broadband coverage/capacity study entitled California Broadband Infrastructure Report Card (Central Coast Broadband Consortium, Steve Blum & Associates, 2020). Broadband speed and capacity countywide is well below that needed for a good quality of life in today’s technological environment.

The Chumash Reservation, especially the residential portions of the Reservation, is either underserved (current housing area) or are underdeveloped and completely unserved (recently acquired lands put into trust for new housing and commercial use). Basic everyday living requires reliable, high-speed internet

connections for remote healthcare, telework, entrepreneurship activities, remote learning, and tribal and business communications, service which is not adequate or not currently available to Chumash tribal residents.

1. Eligibility for Tribal Broadband Connectivity Program

The Tribe generally agrees with the entities eligible for the Program, however, an entity should not be excluded from Program funding if they have received funding for broadband – whether at the state or federal level – from another source. Bringing broadband connectivity to tribes will be an incredibly expensive endeavor and tribes should be able to seek funding from multiple sources and not lose eligibility for this Program.

Additionally, in order to meet the goals of closing the digital divide and mitigate the effects the COVID-19 pandemic has had on exacerbating the digital divide across Indian Country, we recommend providing for a streamlined process in order to address the issue as quickly as possible without overcomplicating an already difficult situation.

2. Equitable Distribution

The Tribe takes the position that grant funds should be distributed on an equal basis among all entities that qualify for the Program. In essence, once all applications are approved, each entity should receive the same amount of grant money as any other entity.

During the listening session, some participants suggested that land mass should be taken into account when deciding on grant allocation. However, this would be the opposite of equitable. Tribes in California, including the Chumash Tribe, have some of the smallest reservations in the United States. This was due to a horrific history of governmental policies at both the state and federal level that reduced tribal land bases throughout the state. California tribes should not be punished now by reducing grant monies for having smaller reservations due to the policies of the past.

Additionally, the number of enrolled tribal members should not be a factor in the allocation of grant money because each tribe determines who qualifies for membership. This often results in some tribes having large member populations and some tribes having small member populations. A tribal government's decision on how tribal membership is determined should not put them at a disadvantage for Program grant funds or eligibility.

3. Historic Preservation and Environmental Assessment

Chumash is a strong supporter of protecting the environment. In fact, in 2020, the Tribe's Casino Resort was named one of 10 recipients of the U.S. Green Building Council's 2020 Leadership Awards, which recognized the Tribe's innovative approach to diverting waste. Additionally, in 2019 it became the first casino in the world to receive a TRUE Silver Zero Waste certification.

That said, the Tribe also understands the lengthy process that building infrastructure for broadband connectivity will entail. We suggest expediting the process by providing for a more streamlined process, which could include shortening the time periods in which federal agencies must comply with the various historic preservation and environmental protection laws.

4. Unserved Areas

As mentioned above, the Chumash Reservation is made up of three areas: the original reservation comprised of 139 acres, a 1400 acre parcel of trust land known as Camp 4, and a 6.9 acre parcel of trust land.

1. Original Reservation

There are approximately 242 residents in 100 homes on the original reservation. While the Tribe has access to broadband for a portion of the original reservation, the residential area lacks adequate broadband and cellular coverage to support many of the technological platforms that are needed in everyday activities, such as home security systems, remote irrigation controls, internet-based distance learning, remote business meetings, wireless telecommunications, and other web and cloud based systems that require strong broadband or cellular connections. The lack of adequate broadband and cellular coverage also hinders the work of security personnel and first responders to the Chumash community, who are oftentimes challenged in meeting emergency and law enforcement needs by weak signal strength and hampered communications.

The original reservation is also home to the Chumash Learning Center, which is the hub of academic and career development for approximately 1800 Chumash tribal community members. However, the ability to provide services remotely is impeded by a lack of robust connectivity.

2. Camp 4

Camp 4 is comprised of just over 1400 acres of land that was recently taken into trust that will provide 143 residences for tribal members and their families. The land is completely unserved by broadband. This lack of connectivity will prevent residents on Camp 4 from participating in many aspects of modern life including access to educational and professional opportunities and significantly limiting their ability to obtain information. The lack of connectivity will also limit Camp 4 residents from obtaining emergency services.

3. 6.9 Acres

The 6.9 acre parcel of trust land is home to the Chumash Heritage Hall, which will host Tribal community events, and construction is underway on a Chumash Museum to help preserve the Tribe's history and culture for future generations. There is only intermittent fixed and mobile broadband service available on this parcel. However, in order for the venues located on this land to be successful, it is critical that this parcel have robust broadband connectivity.

4. Reporting Requirements

The Tribe agrees that any reporting requirements developed by the NTIA not be overly burdensome particularly since tribes and tribal resources are stretched thin dealing with the COVID-19 pandemic.

Additionally, the granting agency should provide for online reporting requirement trainings rather than in-person trainings or post award trainings during the COVID-19 pandemic. The granting agency should also take COVID-19 challenges into consideration when setting up deadlines and methods of submission of reporting requirements.

5. Additional Comments

- In the Tribal Consultation Agenda, it is noted that “[t]he Act describes the Tribal Lands to be served and provides for funding of services that are near, adjacent, or contiguous areas to reservations where financial assistance and social service programs are delivered to Indians.”

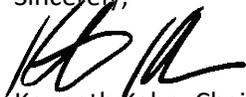
In defining the term “contiguous” we recommend specifically stating that lands acquired in trust are contiguous to existing trust lands if the lands are separated by public roads or rights-of-way located along property boundaries as part of the definition. The definition of what qualifies as “contiguous” has been an issue raised against the Tribe in the past and we do not want it to be an issue for this Program.

- Section 905(c)(4) outlines commitment and expenditure deadlines for eligible entities to commit and spend their grant funds. It provides that not later than 180 days after receiving grant funds an eligible entity shall commit the funds in accordance with the approved application and not later than one year after receiving the grant funds an eligible entity shall expend the grant funds. We believe the one-year expenditure period will be difficult to achieve on tribal lands, particularly based on environmental and historic review requirements imposed on projects on trust lands and recommend the Assistant Secretary’s office ensure that it is properly staffed and prepared to consider extensions in a timely fashion.
- We also advocate allowing for a wide range of projects rather than a narrow range, such as planning grants and preconstruction activities as well as educational, health, and economic development internet programming.
- We recommend that you consider allowing parts of projects to occur on non-tribal lands as many tribes have disconnected plots of land and infrastructure to connect them may have to utilize non-tribal lands.
- It is important to note that while some tribes are technically served by broadband it is at an exorbitant cost by existing providers. When costs make a service impractical or impossible to access, the fact that tribes are technically able to obtain that service does not mean that they actually have done so.
- Finally, it should be noted that small tribes such as ours do not have an adequate customer base to support the high cost of middle-mile connectivity. Subsidizing operational costs would alleviate this inequity.

The Tribe supports the NTIA’s goal of eradicating the digital divide for tribes throughout the country and we believe it is critical to continue to receive tribal feedback on this important issue.

Thank you for the opportunity to provide comments on the development of the Tribal Broadband Connectivity Grant Program. Should you have any questions regarding our comments, please feel free to contact me or Sam Cohen, Government Affairs and Legal Officer (scohen@sybmi.org; cell: 805-245-9083).

Sincerely,



Kenneth Kahn, Chairman