



LEECH LAKE BAND OF OJIBWE

Faron Jackson, Sr., Chairman

Arthur LaRose, Secretary-Treasurer

Robbie Howe, District I Representative

Steve White, District II Representative

LeRoy Staples Fairbanks III, District III Representative

February 11, 2021

Douglas W. Kinkoph
Associate Administrator
Office of Telecommunications and Information Applications
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230
E-mail: broadbandusa@ntia.gov

Re: Comments on Implementation of the Tribal Broadband Connectivity Program

Dear Mr. Kinkoph:

On February 2, 2021, the Department of Commerce National Telecommunications and Information Administration ("NTIA") sent a letter (the "DTLL letter") to tribal leaders, initiating consultation on the Tribal Broadband Connectivity Program (TBCP).

Division N, Title IX, Section 905 of the Consolidated Appropriations Act of 2021 ("Act") established the TBCP and provides a direct appropriation of \$1 billion for Tribal Broadband Connectivity Grants to expand broadband, remote learning, telework, and telehealth access and adoption by grants to qualifying tribal entities.

The Leech Lake Band of Ojibwe ("Tribe") appreciates the agency's effort to conduct consultation before finalizing the program requirements and submits this comment to provide our perspective on an equitable and efficient method of distributing this sorely needed new funding source to address the many unmet broadband and Internet needs facing all of Indian Country.

Background of the Leech Lake Band of Ojibwe

The Leech Lake Reservation is located in the north-central Minnesota and covers parts of four counties: Beltrami, Cass, Itasca, and Hubbard, with the major portion located within Cass County. All four counties are included in the CDFI Opportunity zone as low-income communities. The Reservation is isolated from large cities, situated 100 miles south of the Canadian border, 225 miles north of Minneapolis/St. Paul, 140 miles west of Duluth, and 155 miles east of Fargo, North Dakota. The



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northern, southern, and western sides of the reservation border the Chippewa National Forest. The eastern side of the reservation borders small municipalities including Bemidji. There are more than 18 villages and scattered communities & housing that lie within the reservation boundaries. These include:

District 1: Ball Club, Deer River, Inger, Squaw Lake, Winnie Dam

District 2: Bena, Boy River, Kego Lake, Smokey Point, Sugar Point

District 3: Bemidji, Cass River, Mission, Oak Point, Onigum, Sugar Bush/Buck Lake

The Leech Lake Reservation villages are separated by distances that range from 40 to 160 miles roundtrip, creating a widely disseminated and remote population. The villages are also noncontiguous due to the piecemeal nature of tribal land ownership, which exacerbates the separation between villages. The tribal headquarters is in Cass Lake. The Reservation boundaries encompass 1,050 square miles with over 1,164 miles of US, state, county, city, and Tribal, BIA, and U.S. Forest Service roads.

The 2010 Census further indicates that the median household income of the entire Reservation population is \$28,137, or per-capita income of \$13,103. Of this there are 4,850 Native Americans, or 47.5% of the Reservation population, that have a median household income of \$23,306, or \$9,647 per-capita income, which is significantly lower than the national average. The median family income of one Reservation community is \$6,563, where 73.7% of all families live below the poverty level.

American Indians struggle more than the general population, with about 40% living in poverty in every measure. Median household income has increased, but most Leech Lake Band member households scrap together a variety of income sources to bring home \$5,000 to \$20,000 per year.

There are several commercial providers that service the most populated areas of the reservation indicated in green on the attached map. The other areas indicated in beige, brown or purple are either underserved or unserved with reliable internet services and most of the underserved are at 25/3 mbps or less. The unserved have none or lesser amounts some as low as 10/3 dial up service.

The Band has a minimal network running off an outdated water tower that is due to be demolished. This service provides some minimal connections as far as health connections to outlying clinics but will be discontinued when the water tower is



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torn down which is in the near future. In order to keep these minimal services to all the communities we need to have services capable of supporting future growth.

TBCP Distribution Methodology

The NTIA Tribal Broadband Connectivity Grant will give very rural Leech Lake citizens the capacity to work from home, conduct distance learning and receive tele-health services. Most important, this grant will provide access to the citizens who cannot afford fiber to the home as fiber to the home isn't available to many citizens in the outlying communities and if it is available – it is unaffordable to the low-income families living on our Reservation.

The COVID 19 pandemic has made it critical for citizens residing in remotely located communities of the Leech Lake Band of Ojibwe to have access to broadband. With this grant, citizens will be provided access to a reliable source of broadband to use for education, health, and work.

Currently, while there may be fiber cable access along major highways like Interstate 2, MN 371, and a few county roadways, the population of citizens residing remotely are often living below the poverty level and cannot afford the cost of cable broadband in remote rural communities. Students who are now accessing broadband via a limited data hotspot signal from a cellular phone will have access to unlimited data.

The Leech Lake Band of Ojibwe seeks to offer its citizens broadband technology at its expense, the value to its citizens is far greater than the investment to give those who currently are struggling to keep access to broadband for their children; elders will gain improved health with the capacity to meet remotely with their physician; and, the employee will be able to work remotely when schools are closed due to the COVID 19 pandemic – the return on investment is priceless.

The DTLL letter asks for tribal input on how NTIA can equitably distribute TBCP funds and ensure that the agency is upholding its treaty and trust responsibilities. The concept of equity is synonymous with fairness and justice. In order to achieve an equitable distribution, NTIA should develop funding criteria that look at a range of factors in order to ensure tribal projects are examined and approved objectively. These factors should be weighed appropriately to reflect the following considerations:



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- **Need:** The primary basis for distribution should be based on need. Need is a multi-faceted determination, which should include:
 - **Health and Safety:** NTIA should prioritize tribes without broadband infrastructure for emergency and first responder capabilities. The ability to alert the community in emergency situations and allow first responders to communicate during a crisis should be a primary factor in determining need.
 - **Existing Infrastructure:** The Tribe urges NTIA to prioritize tribal areas that have no access to existing broadband service. While the Tribe appreciates the comments made on the consultation webinars from nations seeking to build their own, separate broadband systems, we believe that Native communities without access to *any* existing hard-line infrastructure should be given funding priority. It is also important that NTIA *not* rely on FCC data to determine existing connectivity. It is widely acknowledged that the broadband mapping done by the FCC – using ISP self-reporting via Form 477 – is flawed. FCC maps do not accurately reflect the entire populations of citizens, and often reflects only those who reside on or near a major highway. If the ISP offers service to at least one household in a census block, the FCC counts the entire census block as covered by that provider. NTIA should not rely on this flawed data and instead should allow tribes to self-certify as to the connectivity options and levels on their lands. The Leech Lake Band of Ojibwe should be the certifying agent to define its broadband accessible communities on our Reservation.
 - **Location Density:** Indian tribes in rural areas should be given priority for these funds. Rural areas lag far behind more urban and suburban areas both in infrastructure build-out and in provider options. The FCC stated in the 2019 Broadband Deployment Report that “the gap in rural and Tribal America remains notable: over 26% of Americans in rural areas and 32% of Americans in Tribal lands lack coverage from fixed terrestrial 25 Mbps/3 Mbps broadband, as compared to only 1.7% of Americans in urban areas.” The Tribe urges NTIA to use the definition of “rural area” used below by the U.S. Department of Agriculture Rural Utility Service:

“Rural area means any area, as confirmed by the most recent decennial Census of the United States (decennial Census), which is not located within:

(1) A city, town, or incorporated area that has a population of greater than 20,000 inhabitants; or



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(2) An urbanized area contiguous and adjacent to a city or town that has a population of greater than 50,000 inhabitants. For purposes of the definition of rural area, an urbanized area means a densely populated territory as defined in the most recent decennial Census.”

- **Economic Considerations:** A need determination should also factor in a tribe’s ability to fund its own broadband projects. The Tribe has faced significant hurdles over the past decade in trying to bring high-speed Internet to our Reservation. The lack of broadband infrastructure has limited the Tribe’s economic opportunities. The equitable solution is to provide the most financial support to tribes that have not been able to build a strong reservation economy in part due to the lack of broadband infrastructure.
- **Flexibility:** As the agency has heard over the course of the consultation calls, the needs in Indian country vary greatly. Each tribal nation has its own set of circumstances that require a flexible use of funds. There is no “one size fits all” answer to closing the digital divide. The Tribe urges NTIA to build flexibility into the TBCP to ensure the program has the greatest impact. This includes allowing both last mile and middle mile projects to be constructed under the program regulations, and include reasonable waivers to certain grant requirements to account for the lack of financial resources and other deficiencies.
- **Non-Federal Match Requirement:** Tribes have historically faced challenges in obtaining federal grant dollars due to cost-prohibitive federal matching requirements. The Tribe urges NTIA to consider allocating funds regardless of a non-federal match, or, include a sliding scale that eliminates the match based on the economic situation of an applicant tribe. The Leech Lake Band of Ojibwe appreciates your commitment to full and meaningful tribal government consultation and your desire to fulfill the mandate of the Act by creating an equitable and efficient program. Closing the digital divide in these uncertain times is a paramount concern for all of Indian Country, and the Tribe looks forward to working with NTIA to bring broadband to our community.
Sincerely,

 (Feb 11, 2021 18:32 CST)

Faron Jackson, Sr.
Chairman






Broadband comment

Final Audit Report

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