Sarah Bleau:

1:43
Hi folks, my name is Sarah. I'm jumping on to let everyone know that unfortunately for a portion of this webinar, if you are using the phone audio dialing in with that phone bridge. For the audio portion of the webinar, you will not hear a portion. The solution that we do have is that if you're able to download the GoToWebinar app from either the Apple Store or the Google Play Store, you should be able to hear the prerecorded portion of the webinar. We apologize for this, but that is the solution we have. We will get started here shortly, if you can please hold on for another couple of minutes. Thank you very much.

2:52
Hi! And thank you for joining us today for BroadbandUSA's webinar. I am Sarah Bleau with NTIA's BroadbandUSA Program. As a reminder, this webinar is being recorded and will be posted to NTIA's BroadbandUSA Program website.

3:10
Today's webinar focuses on our Tribal Broadband Connectivity Program, and it is the fourth of a many part series. Before we begin, I would like to review the logistics for today's webinar.

3:23
First, we will open up the webinar for questions after completion of the presentations. As you hear from each presenter, please use the question box on the right-hand side of the screen to submit your questions.

3:36
Second, the presentation, along with a transcript and an audio recording, will be available on our BroadbandUSA website within seven days of this webinar. And you'll find that on the Events/Past Events tab.

3:53
Finally, please visit our BroadbandUSA website for information about our technical assistance program, which includes useful guides, products, publications, and other tools that can assist you with planning and implementation and funding for your broadband project. We provide updated information, including our monthly newsletter and other broadband news.

4:18
And now, I have the pleasure of introducing each of our speakers. So let me give you a little background on each of them.

4:26

Today we've got Crystal Hottowe, who is a Broadband Program Specialist in the BroadbandUSA office of NTIA. Amanda Pereira, who is an Environmental and NEPA Specialist with the First Responder Network Authority. Jana Waters, who is the Acting Division Chief, Division of Real Estate Services, in the Bureau of Indian Affairs. Nicholas Courtney, who is also a Broadband Program Specialist in the BroadbandUSA office of NTIA. And also Gabe Montoya, another Broadband Program Specialist with our BroadbandUSA office in NTIA.

5:07
Crystal comes to us from the Makah Tribe located in Washington State. For 12 years, Crystal served as the Grants Writer for her Tribe with a focus on state and federal grants. In addition to her grant writing duties, Crystal is also detail to the Makah Tribal Broadband Project, which entailed not only a wireless network deployment, but also negotiations with industry. And she was very active with national, regional, and statewide policy groups. Please welcome, Crystal.

5:40
Amanda Pereira, as I said, is an Environmental and NEPA Specialist, with more than 19 years of experience. She has worked on a variety of environmental and social issues including environmental compliance, community development, socioeconomic impact analysis, and in urban master planning. Her work particularly focuses on compliance with the *National Environmental Policy Act*, which is known as NEPA, as well as other environmental and historic preservation laws through developing the NEPA documents, developing program strategy, supporting compliance activities, drafting technical documents, and conducting training on regulatory compliance. She has served as a project manager, a lead author, and also a subject matter expert on numerous environmental impact statements (those are called EIS's), and Environmental Assessments, or EA's. And she has worked extensively on NEPA for federal grants, including BTOP, and public safety interoperable communications grant programs. Please welcome Amanda.

6:56
Jana Waters is a member of the Northern Cheyenne Tribe. She grew up on the Northern Cheyenne Reservation and is a graduate from the Hardin High School in Hardin, Montana. She also earned an Associate of Arts degree from Dawson Community College in Glendive, Montana. And from there, she attended Jamestown College in Jamestown, North Dakota earning a Bachelor of Arts degree in Mathematics. Jana has worked for the BIA for 19 years and it has always been in trust services. Her career began with the Land Titles and Records Office as a Legal Instruments Examiner, where she familiarized herself with the basics of trust property and trust responsibility. She then continued her career as a Realty Specialist, with an emphasis in mineral leasing activities. She has served on several teams in her capacity as a Realty Specialist: the TAM's Mineral User Group,

various Indian Energy and Minerals Steering Committee Workgroups, and the Fluid Mineral's Handbook team. In addition, she has served in acting capacities to broaden her knowledge of the Bureau of Indian Affairs and trust activities. These positions include Regional Realty Officer and Deputy Superintendent of Trust Services. Please extend a warm welcome to Jana.

8:15

Nicholas Courtney is an enrolled member of the Makah Tribe. Nick earned his Bachelor and Master's degrees from Western Washington University in Bellingham, Washington and was raised in Auburn, Washington on Muckleshoot Tribal lands. Before joining us at NTIA, Nicholas served as the Director of Policy at the National Congress of American Indians, called NCAI – the oldest, largest, and most representative American Indian and Alaska Native Organization – serving the broad interests of tribal governments and communities. Previous to working at NCAI, Nicholas served as a Program Director for the Native American Political Leadership Program at George Washington University. Please welcome Nick.

9:02

Finally, Gabe Montoya is an enrolled member of the Pueblo of Pojoaque located in northern New Mexico. He has served on Tribal Council for 27 years and on the Board of Directors for the Tribe's Economic Development. He brings over 10 years of experience in Tribal broadband to NTIA, including his service as a board member and chairman for REDINet, regional multi-governmental JPA collaboration, which was set on bridging the digital divide to bring broadband services at affordable prices to their constituencies for the good of their communities. We're very lucky to have all these presenters. Please extend another warm welcome to Gabe. Thank you.

9:49

On this next slide, I will discuss the agenda for today's webinar.

9:55

Our plan today is to tackle some of the hot topics. As you know, we've hosted Tribal consultations and a few webinars about the program by now.

10:06

Today, the team will spend some time discussing areas which many of you have asked about. This includes workforce development and digital inclusion, elements to consider when you think about feasibility studies, environmental and historical preservation requirements, and finally rights of way on tribal lands. Following the hot topics, we will open up for Q&A.

10:29

Please remember to use the question box on the right-hand side of the screen to submit your questions. And with that, I'm very excited to let you hear from Nick Courtney. Thank you.

Nick Courtney:

10:43
Thank you so much for that introduction, Sarah. And good morning, and good afternoon to those tuning in.

10:48
My name is Nicholas Courtney. I'm a member of the Makah Tribe and currently serve as a Broadband Program Specialist with NTIA.

10:57
Today, I have the pleasure to talk about and share information on digital inclusion and workforce development as it pertains to the Tribal Broadband Connectivity Program. Whether or not you have already begun to engage in the planning process with respect to the application for the Tribal Broadband Connectivity Program, we encourage everyone to think about workforce development and how access to broadband can and will improve your community's ability to explore and engage in the digital world, and how your community can grow and strengthen its workforce as a result.

11:34
Additionally, we encourage all eligible applicants to think about what skills and services will be needed to build and sustain your digital network. To that end, workforce development can be all encompassing. And the challenge may be to find issues or topics that broadband does not touch.

11:55
In other words, here at NTIA, we recognize that digital inclusion means and ensures that individuals and communities have access to robust and affordable broadband connections, Internet-enabled devices that meet their needs, and the skills to explore, create, and collaborate in the digital world. Therefore, we want to ensure that not only does your community have the resources needed to connect to broadband, but that individuals have the capacity of knowledge to utilize those resources effectively.

12:29
This can look different, and be implemented in unique ways for various sectors. One critical sector is health. The Tribal Broadband Connectivity Program was established in the *Consolidated Appropriations Act of 2021* to address the urgent needs of tribal communities to adequately respond to the COVID-19 pandemic.

12:55
Therefore, we encourage applicants to be thinking about how broadband use and adoption can be tailored to increase telehealth readiness and increase the personnel capacity of Tribal serving health entities.

13:09

This can mean improving disease, surveillance, reporting, and contact tracing, [and] improving electronic health record interoperability between tribal, IHS, VA, and other electronic health record systems.

13:29

With respect to innovation, eligible applicants should consider how entities can capitalize on new technologies available to them. For example, eligible entities may think about digitizing records and ensuring staff are trained appropriately on how to do so. Funds can also be used for community trainings for currently utilized software such as e-mail, word processing, spreadsheet forms, and database creation and management.

14:02

With respect to your community's workforce, we encourage eligible entities to think about whether or not you will be adding new positions to your organization as a result of your new network. Positions such as network administrators, engineers, technicians, tower climbers, cybersecurity analysts, customer service representatives, and IT staff are all possible.

14:32

We also recognized that COVID has had an impact in the ways in which we and our young leaders engage in their educational systems. This can include, but is not limited to: remote learning, online Tribal language courses, and other online educational services. With respect to workforce and education, we encourage eligible applicants to think about broadband deployment-related occupations, broadband maintenance-related occupations, and digital skills development. For example, we encourage you to think about what skills and credentials are and will be needed to build and maintain a broadband system and to think about who offers those skills and credentials. Further, we encourage you to think about whether or not your proposal includes workforce training for the project to continue and sustain beyond the award period.

15:31

We also know and hope that with increased access to broadband, eligible entities will have increased economic opportunities. To that end, we encourage eligible entities to think about how their businesses can adapt and how aspects, such as eco-tourism and annual festivals, can be improved and evolved to include digital components.

15:57

Finally is the sector of civic participation, which is critical to all of our communities. We encourage eligible applicants to consider ways in which they are increasing access and strengthening civic participation. This can mean but is not limited to: increasing access to Tribal, local, and federal elections; sharing information on policy impacting community members;

or simply utilizing new broadband access to organize around topics of importance to your community.

16:30
With that, I want to thank you all for being here today. It is now my pleasure to introduce Crystal Hottowe who will be presenting on broadband planning, feasibility, and sustainability. Crystal, the floor is yours.

Crystal Hottowe:

16:46
Thank you, Nick. Excellent presentation.

16:51
(Native Language)

16:53
Hello, I'm Crystal Hottowe and a member of the Makah Tribe. I'm coming to you today from my ancestral land in Washington State. Today I'll be discussing the elements of a thorough feasibility study.

17:07
This graphic shows the roadmap to planning your broadband program, and for the purposes of this presentation, I'm going to discuss inventory community assets. Your feasibility studies are an essential cornerstone to the planning and the development of your network. The feasibility study that will provide the roadmap for your network journey. It is important to note that feasibility studies are not a one and done kind of deal. Feasibility should be revisited on a continuous basis and when you're revisiting, it most likely won't carry the same price tag as your initial feasibility study.

17:43
But revisiting your study with new information, such as an additional revenue source, an increase in your operating expenses, or a change lease, will be beneficial for your ongoing network planning and development, as well as deployment. There are two types of feasibility studies that I will focus on for this webinar, which will be the technical and financial feasibility.

18:08
First, I will discuss the technical feasibility. So, when or why would you conduct a feasibility study? Well, you would conduct a feasibility study to assess existing infrastructure, terrain, and distance. So, for example, what are the specific geographic situations that you are going to have to overcome in order to deploy your network?

18:29
Do you have mountains to go over? Are you deploying across wide open areas or through a condensed village with heavy foliage?

18:37

A technical feasibility study will help determine what method you're going to utilize to deploy over your land, which includes wireless, fiber, satellite, or a combination of any of those.

18:50
You would also conduct a feasibility study, technical feasibility study, to analyze spectrum plan for new infrastructure, construction, and also for comparing equipment.

19:03
While conducting your technical feasibility, you'll ultimately want to take a thorough inventory. The inventories recommended to complete are as follows: physical facilities and community resources; projects and processes; inventory of land and space; and inventory of service sectors and geographic areas in the community. We'll discuss each of these in depth.

19:26
Firstly, physical facilities and community resources. If you're planning to construct infrastructure, are you intending to place towers, conduit? Are you looking at placing fiber on pole? Are you looking at placing radio receivers in areas for wireless deployment?

19:47
Considering fiber – if you are looking at fiber, there may be existing infrastructure that can be repurposed for your needs. Examine the following: existing Tribal, private, or private-public sector conduits; abandoned gas lines; electric plant trench with available conduit; telephone poles, if you have the rights to them, if not, you might need to obtain those rights; traffic signal fiber; supervisory control and data acquisition systems, also known as SCADA – those are systems for water, pump, lift, et cetera.

20:26
Looking at institutional networks in your area or any telecommunication route with available conduit. Looking at the railroad route right of ways. You might also want to consider abandoned water mains or abandoned sewer or storm drains. Take into consideration too streetlight conduit or any shared conduit with telecommunications providers.

20:56
Also, when doing a technical feasibility study, ask your team these questions: Does the infrastructure you currently have meet your current needs? Can that current backhaul that you have accommodate network growth? What leases are associated with your infrastructure, who owns it, are you leasing, or are you the lessee? What are the lease terms? How much and for how long? Does the infrastructure need any upgrades or refortification? Will you need additional equipment? If so, what? And, will this infrastructure, current infrastructure, accommodate those?

21:38

Looking at the projects and processes, here are some items to consider as well.

21:42
Is there dig once policy in effect? Are your broadband planning activities in alignment with the schedule and location of other public works projects within your own organization, your community, or your area?

21:56
Streamlined local permitting processes – maybe your processes aren't streamlined at this point, and this is in regards to working in tandem with other outside agencies as well as internally within your own organization. This may be an opportune time to refine those processes.

22:15
Another important point is ensuring your own understanding of those processes of other right of way providers or a pole owner.

22:25
Let's talk a little bit about land and space and inventory of service sectors. Now, looking at the land and space, as well as the inventory of service sectors – have you identified plots of local land that could be suitable for your node, or your network operation center, also known as NOC location?

22:46
These could be inside space of government buildings for hub locations, or it can be utilized for NOC or data center space. Also, look at if there are any existing wireless site, or co-location may occur. That's also including space for Wi-Fi access points.

23:09
When you're looking specifically at wireless infrastructure and taking an inventory of what is available, you also might want to take into consideration water towers that may be owned by the Tribe or another entity. Any Tribal, public, or private building with rooftop space for antennas. Do you have any existing cell towers in your area?

23:32
Some infrastructure that is often overlooked are football lights, or street light poles that may be utilized for small cell devices.

23:41
Also, you should take into consideration easement for the placement of new, small poles.

23:48
If you're placing towers or utility poles, how many are you intending to place? How tall will they need to be? What kind will they need to be? When we're talking towers, is it going to be a monopole? Or they're going to be traditional tower? Is it a one carrier versus three carrier?

24:05
Additionally, what are the power needs for that location going to be? And, do you have backup generation power that you need to make sure that is in that area?

24:15
And I'll tell you, my homeland Makah, we experience power outages at least four times a month between November to February. At least four times a month we are without power, and we have essential services that rely on that network to be operational 365 days a year.

24:35
So with that in mind, it became a standard operating procedure that any new broadband network location that Makah was going to be deploying, it had to have that backup generator, as well as the electrical, so that it could kick on automatically. So, there's like a four-minute conversion between the different power sources, but we're still operational. Please take that into consideration.

25:02
Essentially, your technical feasibility is an assessment of your current infrastructure, determining what can be leveraged, and identifying what next steps will be for your infrastructure needs.

25:15
Now let's talk about financial feasibility. The financial feasibility will inform you what your cost will be. This is looking at your operating and capital expenses. Your revenue, your cash flow, and it will be a guide to determining your monthly and annual recurring network costs.

25:34
The end goal for your financial feasibility study is to determine how much this network is going to cost you as an organization, as well as how much it will cost your customers or your subscribers. So, to begin with, are you even going to charge your customers or your subscribers? And if you're charging, what will you need to charge your customers in order to keep the lights on? What is the minimum amount of customers you need to maintain on your network in order to be sustainable?

26:03
How do your rates look [when] compared to other providers in the area, or what are the rates of the other providers in your area, and how affordable are they? Does your organization have policies and procedures in place that relates to revenue? Do you have the ability with personnel and/or current setup to take payments? And this is looking at both cash and electronic payments. If not, this will also need to be a cost to identify and include with your annual recurring costs.

26:38
Now, this is something we don't want to think about. It goes against the grain of what we're trying to do here, but it does need to be taken into

consideration. And that is, what will it cost you to remove equipment from a home, if necessary.

26:54

So, when we're talking about determining your annual and monthly recurring costs. First, a really good place to start right now is what are your current backhaul cost? And is that cutback cost sufficient? What are the costs for your operations and maintenance? What are your personnel costs?

27:16

Those are your current costs. But it's important to take into consideration the future costs, particularly in the next 2 to 3 years.

27:27

What is your overhead or indirect that you may need to pay? This is a really important point that I'm going to stress, because this is something that I learned from my time with the Makah Tribe. Identifying an amount for your annual replacement or backup equipment is essential, especially if you're located in an area where it's rural or remote. Shipping may take a long time.

27:50

The other possibility is that the equipment that you may need may not be in stock. So, get your backup equipment identified [and] get replacement equipment identified on an annual basis. That's a very big recommendation from me.

28:10

Are their revenues from leases that can help offset your network cost? Considering your newly developed or developing infrastructure: can you set up a future revenue stream through leasing your infrastructure, such as power space, or fiber strands? How much of this cost can you build into the cost of doing business for your organization? Now, that may not apply to your community network, but it would apply to your organizational networks, your government-essential networks. And in that same vein, how much can be considered an indirect cost to your facilities?

28:49

Are there other revenue streams that can be developed? So now that you have a new technology, can you now provide services as a direct result of that network in existence, such as cloud hosting, cybersecurity, co-location, or storage? And with that, that concludes our presentation for the elements of a thorough feasibility study.

29:14

I'll go ahead and hand it on over to my esteemed colleague, Mr. Gabe Montoya. *(Speaking in Native Language)*

Gabe Montoya:

29:22

(Speaking in Native Language)

29:27

Good afternoon, my name is Gabriel Montoya. I am a Tribal member of the Pueblo Pojoaque in Northern New Mexico. I am calling from my homelands here in Pojoaque today.

29:38

Today, I want to emphasize on the Tribal Broadband Connectivity Program – the mission to develop partnerships and expedited processes to help solve the digital divide.

29:50

One of these partnerships are with First Responder Network [Authority], also known as FirstNet. Some of the larger questions in deploying revolves around the NEPA and historic preservation law. Understanding the processes and knowing what to submit can be cumbersome to some Tribes that have limited resources or staffing.

30:12

We have partnered with a proven subject matter expert to assist in the NEPA process from all regions. At this time, I would like to introduce Amanda Pereira.

30:27

Amanda Pereira: Thank you and good afternoon. My name is Amanda Pereira and I'm a NEPA Compliance Specialist with the First Responder Network authority and I'm here to talk to you today about environmental and historic preservation requirements. So, environmental and historic preservation (EHP) requirements encompasses a lot of different subjects so we're not going to try to make you an expert in all of this today. But the main thing to understand is that your applications will need to contain sufficient information to allow for initial NEPA analysis and we'll talk a little bit about what that means a bit later. So in order to facilitate this analysis, your application will need to contain a detailed project description, including supporting documentation.

31:07

One thing to be aware of is that grant recipients will be required to obtain all of their federal, tribal, state, and local permits and approvals prior to beginning your project, but this does not need to be done pre-award. Funds may be withheld under a special work condition until EHP requirements are satisfied, and do keep in mind that environmental analysis is an allowable use of grant funds.

31:35

So we're going to give you an overview of some of the regulatory issues and some of the compliance network that EHP compliance takes place within. So, the *National Environmental Policy Act,* or NEPA, was passed in 1970. It's considered an umbrella law. What that means is that NEPA does not have a prescribed outcome. It does not have a mandate for conservation or preservation. What NEPA does require is a process – a

process that allows the federal government to make an informed decision about the impact of its projects before it takes them.

32:08
So, because NEPA requires process, there are lot of other laws and regulations that can be complied with as part of that process. And it's everything from ones that you've probably heard of -- like the *Endangered Species Act* -- to ones that are maybe a little more specialized like the *Farmland Protection Policy Act*. So there are a lot of ways that the NEPA process actually helps us to be more efficient in terms of completing EHP requirements within the one process.

32:37
So NEPA and the *National Historic Preservation Act*. They both require the government to examine the impacts of its proposed actions before taking them, so it's about informed decision-making. NEPA is triggered by several things. Among others is the use of federal funds, and that does include grant funds.

32:56
NHPA requirements can be addressed as part of an NEPA compliance process. However, even if an initial NEPA analysis shows that there's minimal requirements for addressing environmental impacts, NHPA consultation requirements may still apply. So again, both NEPA and NHPA review, including consultation, must be completed before an action can begin.

33:22
This slide discusses three levels of NEPA review.

33:26
The first level is a categorical exclusion. Categorical exclusion, or CATEX, is a category of actions that the agency has determined will not have an individual or cumulative significant impact on the environment. If a categorical exclusion cannot be applied to the project, then the next level of NEPA analysis is an environmental assessment.

33:47
An environmental assessment is a brief document that is intended to analyze the impact of a project on certain number of resource areas, such as biological resources, cultural resources, water resources, infrastructure, et cetera. If the analysis determines that there will be no significant impact to the environment, then a finding of no significant impact, or FONSI, will be developed and signed by NTIA. This is the Agency's decision document.

34:16
If an EA concludes that there will be significant impacts to the If an EA concludes that there will be significant impacts to the environment, or if it

is suspected at the outset that significant impacts would occur, then an environmental impact statement will be developed.

34:28
An EIS is prepared for those projects where there will likely be a significant impact on the environment. It is the most comprehensive and time-consuming method of NEPA analysis.

34:40
The final decision relating to the analysis is called a Record of Decision or ROD. Again, NEPA does not contain any mandate for conservation or preservation. There's nothing that says that federal government may not funded a project that has impacts the environment, but it does state that the process must be followed. So with an EIS, this process is codified in the ROD.

35:05
This here is a flowchart that gives you kind of an overview for the NEPA process. If you're a visual learner like me, things like this will be very helpful in terms of giving you a sense of flow of the information and how a decision goes from the proposed action all the way through agency action. So we'll give everyone just a few seconds to take a look at this, and we'll be happy to answer questions about it later.

35:32
We're not trying to make you NEPA experts today, but what we do really want to do is try to make you experts at how to provide a good project description. A good project description will provide enough detail about the potential impacts of the project on the environment to allow NTIA to conduct that initial NEPA analysis that we've been talking about. So how do you do that?

35:53
Well, there's a few things that would be really, really helpful.

35:56
So first, describe what the project is, and just use as straightforward language as you possibly can. So construction of a 150-foot monopole communication tower, for example.

36:10
And then you're going to need to describe where the project is proposed to take place. And there are two definitions of the word where that we use. One is the physical location – that would be a street address or latitude and longitude if a street address is not applicable. And the other is the physical description of the site and its surroundings.

36:29
Is it taking place in developed land or open space? Are there adjacent natural resources such as rivers, wetlands, forests? Are there protected lands nearby? Is there's something that is owned by a federal agency, by a

Tribe, by a state government, or local government? All of these things will give NTIA an idea of the level of coordination that's going to be required in order to complete the environmental compliance requirements for the project.

37:00
Next, describe how the project will be implemented. For example, it will require one acre of ground disturbance at an approximate depth of five feet. The installation of a concrete pad, an equipment shed, and an emergency generator with a one thousand gallon above ground fuel storage tank.

37:18
Language like that that is very straightforward [and] very descriptive will provide NTIA with the sufficient detail to make an initial determination. Also, please do include ground level and aerial photographs. [Include] project plan drawings if you have them, Aerial photographs can be something as simple as a screenshot from Google Earth or a similar program.

37:41
For new construction projects, it is highly recommended that you include a floodplain map from the FEMA Map Service Center. Those are available for free download and we've included the URL there. And a wetlands map from the US Fish and Wildlife Service's National Wetlands Inventory, also available for free download at the URL provided. If you do have questions about how to use these websites, then please do let us know.

38:08
This is the most popular question that we get with EHP compliance requirements: timelines. As with most questions regarding EHP compliance, the answer to how long will this take is, it depends. Timelines will be affected by the complexity of the project and the number of consulting parties as we discussed in previous slides: if there are Tribes involved that need to be consulted with, there are other land managing agencies whose land will be impacted by the project that need to be consulted with, [et cetera]. So, all of these things will factor into the amount of time required to address the compliance requirements for the project. The timelines that we're going to discuss in just a second don't take into account other outstanding agency approval processes. That includes things like consultation under NHPA, or the *Endangered Species Act*, permitting from the US Army Corps, et cetera.

39:06
But do please keep in mind that environmental analysis is an allowable use of grant funds.

39:12

So, based on NTIA receiving a complete record, or a complete application, and a good project description containing all the characteristics we just talked about, we have some approximate timelines to provide you with just for reference in your project planning.

39:29
Categorical exclusion will be developed by NTIA. It assumes that NTIA receives a sufficient project description and that there are no extraordinary circumstances associated with the project. An extraordinary circumstance is characteristic of the project. That means that something that might otherwise qualify for categorical exclusion doesn't because there could be potential resources, sensitive resources impacted.

39:56
Assuming that none of those exist, and depending on workload and all of these other things, approximately 30 to 45 days to develop a CATEX. If a CATEX is not able to be applied to a project, then an environmental assessment, as we discussed, would need to be prepared.

40:14
The grant recipient will develop the environmental assessment, in coordination with NTIA, depending on the complexity of the project, depending on the resources involved in the project, and the number of consulting parties. Environmental assessments, generally speaking, can take approximately 3 to 12 months to develop and deliver to NTIA.

40:36
If an environmental assessment is not appropriate, an environmental impact statement would be required and the grant recipient would develop those in coordination with NTIA. There are extensive public and agency involvement requirements that apply and they take a year or more to develop and deliver to NTIA.

40:55
In my personal experience, one year for an environmental impact statement is rare. It usually takes much longer. And if your project seems to be one that would require an environmental impact statement, NTIA may want to speak with you about re-scoping your project so that you can still meet your objectives but minimize your environmental impacts and not need to develop an EIS.

41:20
So, with that, I'll turn it back over to the moderator, and will be happy to take questions later. Thank you so much for your time.

41:30
Gabe Montoya: Thank you, Amanda. We appreciate your insight in the NEPA process. My takeaway from this is to ensure that you have a clear project description and have detailed supporting documentations to ensure that the process goes smoothly.

41:44
As I mentioned earlier, we do value our partnerships here at NTIA and we have asked another subject matter expert in the Division of Real Estate Services within BIA to present to you today.

41:57
Our partner has been active in land leases, right of ways, and accesses as a career employee at the Bureau of Indian Affairs. At this time, it is my esteemed pleasure to introduce Acting Deputy Chief of the Division of Real Estate Services for the Bureau of Indian Affairs, Jana Waters.

Jana Waters:

42:17
I want to thank you for joining us. I am Jana Waters, I'm a Realty Specialist with Central Office Bureau of Indian Affairs. I have worked in trust services for nearly 20 years and today I'm going to specifically talk about rights of way on tribal lands.

42:35
These are some highlighted sections that I'm going to be covering today. We're going to cover a little bit about BIA jurisdiction, when a right of way is needed, completing a right of way application, leveraging existing right of ways, and right of way application review and timeline.

42:52
Trust responsibility – the Bureau of Indian Affairs is the primary federal agency charged with carrying out United States trust responsibility to American Indian and Alaska Native people. Maintaining the federal government-to-government relationship with federally recognized Tribes, and promoting and supporting Tribal self-determination.

43:14
The mission of the BIA is to enhance the quality of life, to protect economic opportunity, and to carry out the trust responsibility to conserve and protect the trust assets of American Indians, Indian Tribes, and Alaska Natives.

43:30
The Bureau of Indian Affairs has jurisdiction over trust properties in a wide variety of lands across the United States. We do have 12 regional offices, 83 agencies, and 574 federally recognized tribes. If you take a look at the map, it shows the 12 regions. We have regional offices in each one of those regions, and rights of way activity happens in every single one of those regions.

44:05
So, that is something that's important that we're going to talk about today because any of those rights of way that you are applying for will eventually get approved by a Bureau of Indian Affairs' line official.

44:19
When is a right of way needed?

44:22
OK, since we're talking about broadband, we're going to talk about three separate types of contracts that are utilized in broadband activities. If you take a look at the first line, the first flow, we have one. It says lease. OK. A lease, and in this case, since we're dealing with broadband, is going to be more than likely a business lease. Because those are set up for these types of situations with regard to broadband. Developing a site location, fixed broadband, that access tower that you need, that building that's going to service your project, - those are all types of activities that will be covered by a business lease.

45:07
We also have permits right next to it. Permits, in this case, are specifically for government property. Within those reservation jurisdictions that we do have governmental properties in there. We cannot lease government property, that's why we are granting a permit in those cases, and that'll take us to accomplish what we need in broadband.

45:39
The other type of contract that we would be dealing with broadband, which I'm going to talk about mostly today, is your rights of way.

45:49
Rights of way are those corridors that are supplying either fiber-optic, other fiber, other items that we have to dig a line, or provide any of that other existing equipment – towers, things like that – for broadband activities.

46:11
We have to secure right of way for them, and that right of way will be approved by the Bureau of Indian Affairs. So, those are the three types of contracts that we would have with regard to broadband situations.

46:26
Some cases we have to ask ourselves, and sometimes it comes back to the Bureau of Indian Affairs to ask us: do I need a right of way in these situations?

46:36
These are some items in each of these cases where you do need one, or you don't need one.

46:43
So, we'll go through the yes list here first.

46:47
OK, do I need to right of way? Yes. When it's a person or legal entity and those legal entities are governmental entities as well, including federal, state, and local governments, who is not an owner on that Indian land that you are trying to traverse across. An individual Indian landowner who

owns a fractional interest in the land. Even if that person own the majority of the fractional interest, in that case, yes, you still need a right of way.

47:23
And the last one on the list, an Indian Tribe agency, or instrumentality of the Tribe, or an independent legal entity, wholly owned and operated by the Tribe, who owns a fractional interest in the land. Even if the Tribe or entity owns a majority interest, those are all cases that we would need to ensure that a right of way is approved.

47:50
Now there are some instances where we do not need a right of way.

47:55
That first one is when you are an Indian landowner who owns one over one. Sometimes we say one over one, but 100% of the trust or restricted interests in that tract of land. Or if you're a parent or guardian of a minor child who owns 100% of the trust interest or restricted interest in that land. Or, if you are authorized by a service land agreement to cross the land. Or, an independent legal entity wholly owned and operated by the Tribe that owns 100% of the trust or restricted interest in the land. Or otherwise, authorized by law.

48:39
I'm going to back up just to hair here and talk a little bit about service line agreements. Service line agreements are usually coming off of a distribution line and servicing a home, or business, or a building.

48:53
Those are not approved by the Bureau of Indian Affairs, but they must be filed with an appropriate map to show where that line is, and they must be filed with the Bureau of Indian Affairs Local Agency office.

49:09
Completing a right of way application. OK, taking a look at 25 CFR 162 – and you can pull that up, you can Google it, [and] you can take a look at it – but it has a listserv for those items that are going to be in a complete right away application.

49:30
Number one, we have the application information: tract locations, purpose, duration, and ownership of permanent improvements.

49:42
Now, going through that list a little bit. Dealing with rights of way, you see the tract locations on there?

49:50
Rights of way, you can have one crossing one tract of land, or you can have a right of way that's a much larger project that's passing 100 tracts of property. So it's not just narrowed down to 1 or 100. So, you'll have to ensure that you have each of those tracts known.

50:12
Looking at purpose. Purpose: you have to identify what your specific purposes for that specific right of way [are].

50:19
Is it fiber-optic? Years before, when we were dealing with telephone lines, is it copper?

50:26
Dealing with pipelines, is it a six-inch pipe? Different things for what your purpose is, so be as detailed as you can on that purpose.

50:38
Duration: there are certain limitations for some rights of way on the term, 10 years, 20 years, that is all outlined in the right of way regulations.

50:53
So, keep that in mind.

50:56
Accurate legal descriptions of the tracts. Now, keep in mind, I talked about that we might just traverse again over one tract, it might be 100 tracts, but ensuring that we have an accurate legal description and we have all the tracts identified.

51:14
A map of definite location needs to be provided as well for whoever is applying for that right of way to ensure that they are properly bonded, they provide insurance, and any other security that needs to be provided as well.

51:33
When they're applying for the right of way, they have to provide proof that notice of the right away was provided to all the Indian landowners.

51:42
Complete right of way package continued here. Tribal and/or landowner consents representing the majority of the ownership interest. We have to ensure that we do have majority consent.

51:56
If [the] applicant is a corporation, a limited liability corporation, a partnership, a joint venture, or any other legal business entity, does not include Tribal entities. Authority to execute those papers, meaning that whoever is signing on behalf of that company, or corporation or partnership, has the authority to sign on the behalf of the company – that's what the authority to execute papers is for.

52:28
The right of way is enforceable against the applicant is in good standing to conduct business. And Tribal authorization that the right of way is in conformance with applicable tribal law.

52:42

The Tribe – if you're working in a certain reservation and there are certain Tribal ordinances, you have to ensure that you are abiding by those Tribal ordinances as well. Any waivers for bond, valuation, or others if and when it is applicable.

53:01

Continuation of the complete right of way package. Fair market value. For instance, an appraisal market analysis, negotiations – those are all part of ensuring that fair market is being achieved. BIA still may approve a right of way for less than fair market value if: the grantee is a utility cooperative, and is providing a direct benefit to the Indian land; or, the grantee is a Tribal utility; or, an individual landowners execute a written waiver of the right to receive fair market value, and we determined that it is in the individual Indian's best interest.

53:50

And, lastly, the *National Environmental Policy Act*, NEPA. We have to ensure that we have complied with NEPA. And in those cases, it could be through a categorical exclusion, an environmental assessment, or environmental impact statement. Those are our three items that are for NEPA. But in conjunction with those, we also have other items that need to be addressed, like archeological assessments [or] biological assessments. From time to time our categorical exclusions may or may not cover a right of way in certain circumstances.

54:42

I am covering what's required in right of way package, in the right of way process. I direct people to the environmental office to ensure that we are complying with NEPA and that we have everything covered. That is not my specialty as a realty specialist, and I lean on them for their expertise.

55:09

So in any of those cases, if you have questions with regard to NEPA, we will get together and talk about it with a NEPA coordinator.

55:20

Here's some huge recommendations and tips.

55:25

Early, early, early meetings. So ensuring that we are hosting early meetings with landowners, partners, [and] BIA staff just to get them all familiar and educate them about the project. This way they all know what's coming, what they have to deal with, what the land is, what the tract ownership is. All that type of stuff that we know early.

55:48

Applications may include multiple contiguous tracts under a single right of way grant. We talked about that. We could be covering and traversing one tract of land, we could be covering 50 or hundred tracts, but each one of them has to have that majority consent for each one of those tracts.

56:11
So ensuring that we get all of the landowners so you can get consent, things like that early, that is great. Also, where we know that these definite locations are, we can start dealing with NEPA compliance. So, hosting those early meetings is just a great benefit to everyone involved.

56:34
Keeping in mind, talking about landowner consent again, landowner consent is determined on the day the application is submitted. Working with BIA realty staff to ensure that you have up to date land ownership information to obtain those consents is important.

56:52
Applicant is responsible for obtaining consent from the landowners of fee interests in Indian lands. We are not involved in that process. We do not have jurisdiction over the fee, fee interests, or fee property.

57:07
Tribal right of way. Tribe can grant an easement to an independent legal entity, wholly owned and operated by the Tribe over Tribal lands that is owned 100% by the Tribe without BIA approval when: [one,] the Tribe passes a resolution stating that; two, when travel resolution and legal description is recorded with BIA; and three, other documents can be submitted. And those examples, the tribal grant of easement, other maps showing that as well.

57:41
Leveraging existing right of ways. How existing right of way can help?

57:49
If the Tribe or a Tribal entity has an existing right of way, using the same right of way for your broadband project may simplify the environmental assessment process if it qualifies for a CATEX. So again, taking a look at those categorical exclusions to see if that could be covered by one of those and checking with your NEPA coordinator or your environmental office to say, hey, we want to use this existing right of way for our broadband project. Is it possible that any of this categorical exclusions will cover our project? So talking with them early will help in that case.

58:36
Another situation: if another entity has a right of way where the Tribe would like the right of way within the path of an existing right of way, owned by another entity, that grant may be approved with the consent and notification of that other entity.

58:52
So, we have company A with a right of way. Company B wants to come in and use that same right of way – same area, same corridor. Well Company B has to get the permission of Company A because they have a right to that right of way currently. So ensuring that you have all of those

consents, not only of landowners in all cases, but in some cases of other grantees of right of way.

59:24
Review and timeline. Obtaining rights of way for broadband. This is just a great little flowchart to end our presentation with here. Talking about those early meetings, right there, first block, preliminary meeting.

59:44
Taking a look at that applicant, Tribal landowners, BIA, we discuss what the project's going to do.

59:50
What each role in trying to attain this right of way and cover what the whole project is trying to achieve.

1:00:00
Identify landowners and BIA, notifying them of what the intended project is. Permission to access from landowners, Tribes, BIA.

1:00:12
A couple of things to keep in mind here. The applicant is responsible for: One, the survey – we need a map of definite location. Two, NEPA that we covered those forms in the form of CATEX and EIS. Now, the applicant will supply those but they are reviewed and approved by the Bureau of Indian Affairs. Three, an appraisal determining fair market value. Using USPAP standards and the AVSO/Third Party – that's the governmental entity who will be reviewing an appraisal.

1:00:58
Taking a look at right of way consent. Part of that is being used with regard to the negotiation of terms. Negotiation of the right of way with the applicant and the landowners. So, keep that in mind with that appraisal – sometimes they may waive those appraisals, so keep that in mind too.

1:01:26
And again, that's always early involvement to know what's coming down. Who those individual landowners are, Tribal landowners, [and] things like that to know what the negotiation is if there is a negotiation.

1:01:46
Talking next about the process application, a big key there if you take a look at it underneath that blue rectangle. It says BIA has 60 days to approve a complete right of way application.

1:02:02
Once we receive a complete right away application, our clock that starts ticking on that day. BIA application for review and acknowledgement letter will be sent to you within 10 days to tell you whether that application is complete or incomplete.

1:02:20

When it is incomplete, we will return it for correction, or identify those items that have not been included. When it's complete, then we have 60 days to grant that right of way. And within those 60 days, we will issue a grant of easement if it meets all standards from that review. Complete application package includes, and we've covered that earlier in the presentation.

1:02:50

Application, survey, and legal description, a landowner consents, NEPA compliance, corporate documentation, valuation, compensation, the bond insurance and other securities, and any waivers that are applicable. Post grant process, once it's approved, ensuring that all payment is due. Any due diligence with regard to the contract is happening. There will be a field inspection and the Bureau of Indian Affairs will encode into TAAMs, which is our system of record.

1:03:31

And from then on, per the contract and any terms within there, we may see other items pertaining to the contract which could be amendments, assignments, mortgages, and renewals. Once those things happen, we go back to the right of way regulations and work through those as we would in any of those other cases, with amendments, assignments, mortgages, and renewals.

1:04:00

We will move on to question and answer a little bit later. Right now, I'm going to throw it back to Gabe Montoya.

1:04:09

Gabe Montoya: Jana, we really appreciate this very informative presentation provided for us. I understand that working with BIA since the planning stage can help the processing of your application. That's my takeaway for this. At this time, I'd like to turn it back over to Sarah, then we can go to Q&A.

1:04:36

Sarah Bleau: Thank you, Gabe. The rest of our panelists will be here shortly.

1:04:54

All right. Thank you. We've heard a lot of information today, and we're about to dive into the question and answers part of the webinar. If you have not already done so, please remember to type your questions into the question box on the right-hand side of your screen.

1:05:16

There are a lot of questions. We've got about 27 minutes here, so we'll get through as many as we can. But please know that the questions you ask are compiled into our FAQs and we post those as quickly as we can to our website. So, I'd encourage you to go take a look at the BroadbandUSA website and look at the grant program, and you'll see the FAQs that have already been posted. Before we actually get into the question and answer portion, I am really excited. This is a very big deal for this program, and

so I'd like everybody to just, if you can hold onto your questions for about 30 seconds, I'd like to give the floor.

1:05:56
We are joined by two people from the Department of Interior, we have *Stephanie Henning*, and *Heidi Todacini* both here. Stephanie and Heidi, if you would please take a moment to introduce yourselves. I would be very grateful. Thank you.

1:06:18
Stephanie, we just need to hear your voice. There we go, I think.

Stephanie Henning:
1:06:26
It's working now. All right, Thank you. I think my colleague, *Heidi Todacini* is just getting her camera working, so she should be on in just a moment. I'm *Stephanie Henning*, Senior Policy Analyst with the Department of Interior and I've been helping to support our broadband work for a couple of years now, collaborating with NTIA on this opportunity, as well as the National Tribal Broadband Summit and a few other projects. Very happy to be here.

Sarah Bleau:
1:06:57
Thank you, Stephanie. And we'll give Heidi. Sorry, I know through you on the spot, so I'm sorry about that.

Heidi Todacini:
1:07:08
I think the privileges were just opened but I don't know why you can't see me. But I'm *Heidi Todacini* and I'm Senior Advisor in the Office of the Assistant Secretary for Indian Affairs. And thank you, everybody, for being on today. And again, apologies for my camera.

Sarah Bleau:
1:07:28
Thank you, Heidi. We know that you're here, so that means a lot, Stephanie and Heidi. Thank you very much for joining us.

1:07:34
So, with that, I'd like to thank the team. That was a lot of material, and I think very important information. I'm glad that you took the time. I'm glad that everybody was able to attend today. Today, we covered a lot. As a reminder, yesterday, we covered the forms, and the 424, and the 424, all of those fields that you need to complete. So, I'd encourage you, if you have any kinds of questions about how to submit the application, take a look at the webinar that we did yesterday.

1:08:04
So with that, I am going to dig into a couple of questions here.

1:08:11
And I am going to begin. There's a ton of questions, OK. Here we go. Nick, I'm going to begin with you.

1:08:20

And the question is: are tribes that are recognized by state governments that are not federally recognized, are those eligible for funding under this program?

Nick Courtney:

1:08:32
Thank you so much for that question, Sarah. The answer is no. The only Tribal governments that are federally recognized are eligible pursuant to Section 905(a).12 of the *Consolidated Appropriations Act of 2021*, and of Section A.2.I of the NOFO for the Tribal Broadband Connectivity Program, which provides the definition of a Tribal government for purposes of this program.

Sarah Bleau:

1:09:01
OK, thank you. Crystal, I'm going to head over to you next. And I wonder – you talked about feasibility studies… Can you explain if subsidies should be included in the feasibility studies to help determine sustainability?

Crystal Hottowe:

1:09:19
I hope you can hear me. Thank you, that is a very excellent question. And I'm glad that it was brought up, because yes, subsidies should be considered for your long-term sustainability for your network. Thank you.

Sarah Bleau:

1:09:39
Thank you. All right, Amanda. This question popped up at least four times. So, I really want to make sure that we have the time for you to talk about this today.

1:09:51
The question is: how much NEPA/NHPA is required to be completed before or prior to the application being submitted?

Amanda Pereira:

1:10:02
Sure. That's a good question – none, actually. So just to be really clear, compliance with NEPA and NHPA is an inherently federal responsibility. It's not something that the grant applicants need to try to conclude prior to submitting their application. The best thing you can do in your application is to, as we discussed, provide [a] very thorough project description [and] any supporting documentation that you have. Please do include that. That helps us to that initial NEPA determination. Just for context, what I expect is likely to happen: those projects for which the application contains sufficient information to determine the level of NEPA analysis required, NTIA should be able to issue a categorical exclusion with the award if we get sufficient information.

1:10:55
If we don't, if we need to go back for more questions, then there would be a specific award condition that NTIA would issue. Or if the project looks like it does not qualify for categorical exclusion, then we would, as we discussed earlier, have a specific award condition issued. Grant funds

would be partially withheld. The allowable grant funds would be used to develop the environmental assessment, and then it can move forward at that time.

1:11:25

So for the application, you don't need to worry about completing an EA or an EIS or anything like that. The only thing you really need to include with that application is that thorough, straightforward, descriptive project description that we discussed. Pictures, drawings, anything else that you can think of that will help us to get an understanding of the physical environment in which the project is taking place and to have a very thorough understanding of what's entailed within the project. That's the only thing you need to worry about. Or NTIA's NEPA compliance requirements.

1:12:05

At this point, NEPA compliance is, like I said, an inherently federal responsibility is not something that the grant applicants are obliged to complete beforehand because they can't. So just give us as much information as possible, and we'll do everything we can to streamline the process so that folks can get their grant funds as soon as possible and get their projects underway.

1:12:27

Sarah Bleau: Amanda, I think that's great news and I think you're receiving a standing ovation in the audience right now. I think that that's resonant of the message, the theme that I've been hearing from the beginning that since we've been doing these webinars is we want to work with people. There's no matching required. There's no NEPA that must be completed. And that's also, I'd like to say, that's why we've got the Department of Interior here with Stephanie and Heidi. So, thank you.

Amanda Pereira: And technical assistance is available for completion of any of those requirements at all stages throughout the grant life cycle.

1:13:00

Sarah Bleau: Thank you. Jana, the material that you presented on rights of way was extremely helpful, and it elicited a lot of questions. And one of them is this: if new facilities will be constructed on existing Tribal rights of way, will any new or supporting documents be required with the application?

1:13:25

Jana Waters: It will actually follow applying for a new right of way anytime that original purpose has been changed. We do need to actually begin the process for a new right of way. So that's where we lie.

Sarah Bleau:	1:13:42 OK. Well, I guess to kind of piggyback on that a little bit. There was a question later if there were rights of way that had been provided for copper and now somebody wants to come pull fiber along that same path – you're saying that you would need new rights of way?
Jana Waters:	Correct.
Sarah Bleau:	1:14:00 OK, thank you. Sorry to get you with two questions at once. I just grabbed the opportunity. All right.
	1:14:06 You know what, Amanda, I'm going to pop back over to you and the question is: will NTIA recognize a Tribe's own environmental process instead of the NEPA process, or will both be required? And thank you.
Amanda Pereira:	1:14:24 Sure. That's a really good question. So NTIA does have its own requirements that it must fulfill. But, again, if you have documentation that you've completed for your Tribal environmental compliance process, please go ahead and submit that because we could review it and determine that it meets all of the same requirements for whatever NTIA needs.
	1:14:46 So, we have no interest in creating any unnecessarily duplicative. If what you do for your process meets NTIA's requirements, then that's great. And we will work with you to figure out what's the appropriate way to codify that and document that so that everybody is covered as far as their requirements are concerned.
	1:15:04 There may be additional requirements that NTIA has as part of our own responsibilities. But certainly, anything that you've already developed, anything that you're going to be doing anyway, please do share that with us or coordinate with us. We want to make things as efficient as possible.
Sarah Bleau:	1:15:23 Thank you. And I am going to admit the biggest mistake that I've made all day which as the moderator because I don't see Mr. Gabriel Montoya on the video with us. And so Gabe, I forgot to ask you a question. I'm going to pop back over to you, if that's OK. Are you still with us?
Gabe Montoya:	1:15:42 I am.
Sarah Bleau:	1:15:44 All right, get ready. The question is this: regarding possible broadband adoption and use projects, does application of the one-year completion deadline effectively mean that any program initiated to reduce the monthly cost of qualifying broadband services to consumers can only last for a

period of one year and therefore, must conclude? Or, could monthly reduced pricing, discounts, et cetera, continue for a longer period?

Gabe Montoya:

1:16:15
Well, thanks for that question. That's actually one of our most common questions and as we look at sustainability, like Crystal mentioned today.

1:16:23
We will look at planning out to ensure that we've got connectivity for beyond the grant period. It's important to start planning for that. I guess in the answer, I would say the broadband service costs are allowable. There'll be allowable beyond the one-year timeframe as long as the cost in terms are reasonable, eligible under the NOFO, and the grantee makes full payment award for the service during the grants one-year period of performance.

1:16:52
If an applicant intends to use the grant funds in this way, the applicant must also include a detailed description of such proposed costs in the application, including a proposed period of service. NTIA may include a specific award condition in such award to ensure that the funds are used appropriately, and to ensure that the service, if canceled, and the grantee can receive a refund. Any grant funds returned to the grantee are subsequently returned to the federal government.

1:17:22
I hope that was clear. I know it was very wordy, but I guess the short answer is, yes.

Sarah Bleau:

1:17:32
Thank you. And you did say that this was covered in the FAQs. Is that right?

Gabe Montoya:

1:17:38
Yes. This is actually going to be released in our Top 10 FAQs. This is one of the most common questions we do get. So we do thank you for this question. It's better to get all the questions out of the way.

Sarah Bleau:

1:17:51
Alright, thank you Gabe. I appreciate that.

1:17:54
So with that I am going to go back up to you Crystal. Something that came up yesterday and also again today – it's not so much on feasibility studies but it's about pro formas. And I wonder if you can tell us please what periods should the pro forma financials cover?

Crystal Hottowe:

1:18:18
Wow, we're really getting a lot of good questions, aren't we? This is an excellent question as well. So the TBCP NOFO does not specify the period that the pro formas should cover. Our team and the department, we do recognize and respect Tribal self-determination and Tribal

	sovereignty. And with that, we encourage each eligible applicant to put forward pro forma period that convincingly demonstrate the ability of the project to be sustained beyond the award period.
	1:18:48
Sarah Bleau:	OK, thank you. Nick, here's another good question that just popped up for you. And the question is, it's a statement that the NOFO states that NTIA will allocate up to $500,000 to each Tribe. Does this mean that Tribes will receive $500,000 regardless of the application that they submit?
	1:19:11
Nick Courtney:	Thank you, and I think that's a great question. So no, the Tribal government as defined pursuant to Section 104 of the federally recognized *Indian Tribes List Act of 1994*, must submit a single application by the application deadline to be eligible for program funding, and propose projects consisting of eligible broadband infrastructure deployment, and/or broadband use and adoption activities.
	1:19:40
	The application further must include a budget narrative, a detailed budget justification, consisting of allowable costs associated with the proposed project activities.
	1:19:51
	Further, the grant applicant must follow the application instructions outlined within Section D of our NOFO, which can be found on our Tribal Broadband [Connectivity Program] NTIA webpage. And each applicant will be reviewed and scored against the evaluation criteria set forth in Section E1 and E2 of the NOFO. I'd like to note that this is a grant program, it is not a fund formula or grant block grant program and that the $500,000 allocation is not a funding cap.
	1:20:20
	So again, for each Tribal government that submits an application, is guaranteed funding or allowable costs up to $500,000. And again, that, that $500,000 allocation is not a funding cap. But they do still have to follow the instructions and the allowable costs within the NOFO. But thank you, Sarah.
	1:20:40
Sarah Bleau:	Yeah, I'm glad that you answered that, because I mean, it's a lot to get your arms around. It's a lot to understand. And so that's why we're here doing these webinars. That's why we really want to answer your questions. Why we're posting the FAQs and doing outreach and assistance. So, it's a great question. Thanks Nick, for explaining that.
	1:21:01
	I am going to head back over to Crystal, and I wonder if you can talk about whether or not multiple technologies can be proposed in an application?

Crystal Hottowe:	1:21:19 I apologize for the delay here. Can we actually, I'm having problems with my connectivity. Can we put a pin in that for now?
Sarah Bleau:	1:21:33 Yeah, no problem. We'll come back to the question on multiple technologies.
	1:21:41 I think I'm going to with that, head back over to Jana. And I wonder if you can talk about – the question is this: how effective is the SF-299 form and supporting process? Is it really a single touchpoint?
Jana Waters:	1:22:01 A little bit of clarification for Tribal lands with regard to the SF-299. We're not using that for Tribal lands.
	1:22:10 This is for federal properties, such as the US Forest Service, National Park Service, BLM, et cetera. We recommend working directly with those agencies for more information on that form itself.
Sarah Bleau:	1:22:25 OK, thank you. That was very helpful, and let's see. I'm not sure, Crystal. Are you good?
Crystal Hottowe:	1:22:36 Yes, I am.
Sarah Bleau:	OK. Well, we'll come back over to you then on the question if multiple technologies can be proposed in one application.
Crystal Hottowe:	1:22:46 And this question got me excited. And I apologize for the delay there was some kind of glitchy thing that was going on with my audio, but I wasn't sure that I was able to get the entire question. So, I do apologize, and I thank you for your patience. The multiple technologies, this is really exciting to think about. So the different types of technologies to be used in the broadband infrastructure deployment project, totally up to you. So, an applicant may propose the technology or technologies that best meet their needs deploying qualifying broadband service on Tribal land. And with that said, applicants should avoid duplicating technologies with the intent to serve the same area. That's the only thing that I would caution against. But it's totally acceptable.
Sarah Bleau:	1:23:37 Thank you. I'm glad that we were able to get that. It is an exciting point about the grant, so thank you.
	1:23:45

All right. Mr. Nick? Let me ask you this. Will projects that are currently underway in which funds have already been expended be eligible for retroactive funding if part of a larger project?

Nick Courtney:

1:24:04

That's a great question. So, grant funds may not be applied to retroactive project costs. Federal funds committed to an award under this program may only be used to cover allowable costs incurred during the grant award period of performance.

1:24:21

Applicants, if awarded grants, are allowed to use up to 5% in awarded funds towards the reasonable pre-application costs of preparing applications for this grant program. And any pre-application costs should be clearly identified in the proposed project budget.

1:24:38

Additionally, pre-application costs are incurred at the sole risk of an applicant and will not be reimbursed by NTIA if the proposed project does not receive an award pursuant to this program.

Sarah Bleau:

1:24:53

OK, thank you. I'm going to ask you another one here, Nick, and that was pretty much on topic with what you were discussing today and the question is: what type of telehealth activities are allowable costs?

Nick Courtney:

1:25:12

Yeah, that's a great question and as a Tribal citizen, and throughout the past two years, first, I commend all that all Tribal leaders and all of us for their work and ensuring the safety of their communities. This fund and the COVID-19 pandemic really exacerbated the need for telehealth activities within our communities. So, under the broadband use and adoption portion of this program, telehealth projects are eligible. And typically, telehealth involves patients at home or at another location communicating with a doctor or other health professional online. This can include mental health professionals, dentists, behavioral health, and others. Eligible costs could include equipment, training, connectivity costs. We really want folks and eligible entities be thinking holistically about not only the infrastructure that is needed to engage an adequate telehealth activity, but also the workforce training and the equipment that is needed for sustainable telehealth systems. As we have experienced, I do not believe that telehealth is going anywhere. I think that all of us being on this webinar have shown that we can engage in a digital interface, if given the resources, the tools, and be given the resource to build our own capacity of knowledge to utilize those tools effectively.

1:26:37

So, we really encourage applicants to be thinking holistically around all of those aspects that are and could be used with telehealth, including

workforce development. And, again, some of that training and connectivity costs, but great question.

1:26:52

Sarah Bleau: Yes, thank you. Let's see, we have time for a couple more questions here. Let's see. Jana, I'm going to ask you a question here. This is about the Tribes in Oklahoma, and, Stephanie, if you want to chime in here, please do. The question is how do rights of way apply to Tribes in Oklahoma, in areas between existing Tribal lands and on existing Tribal lands that already have rights of way for electric and copper phone lines?

1:27:40

Jana Waters: This is Jana, and it goes back to the similar question that was presented to me first with the Tribal lands with the new facilities. Anytime there is a new purpose, even a purpose switching from electric to copper, or copper to fiber, that purpose is different. So you would have to apply for a new right of way.

1:28:02

Sarah Bleau: OK. Thank you. Stephanie, did you want to add anything to that?

1:28:09

Stephanie Henning: I'm sure Jana covered the particulars very well. Since I'm not entirely sure what the person was getting at with this question about the areas between existing Tribal lands and on existing Tribal lands.

1:28:21

Just to clarify again that the BIA only processes rights of way for trust and restricted lands. Any lands, even if they're on reservation or within the boundaries of former reservation, if they're not in trust or restricted status, if they are in fee status that has to be handled by the county or the other local authorities. So, multi-jurisdictional permitting is also going to be something that you'll want to be thinking about and is another good thing to talk about with your local agency offices as you start planning.

1:28:55

Sarah Bleau: Thank you. All right, we've got one last hot topic question, and this one I'm going to send to you, Nick, because it kind of resonates a little bit with what you were just talking about. Can applicants apply for funding to provide broadband services for workforce development programming?

1:29:16

Nick Courtney: Yes, Applicants may apply for grant funds for the use of workforce training and to facilitate access to broadband services, including workforce development centers. What our team is really encouraging applicants to be thinking about, and that is workforce development as any activity that builds the digital skills and workforce capacity to provide explanation in your application that justifies that activity.

1:29:44

So again, be thinking about workforce development as any activity that builds digital skills and workforce capacity.

1:29:53
All right.

1:29:55

Sarah Bleau: I think that these are some really good topics so thank you to the team here for being here and talking about it. We're going to conclude the FAQ portion right now, or, excuse me, the question and answer portion.

1:30:07
And again, lots and lots, there are many, many, many more questions that came in. And so, the team is going to take a look at all these and respond to these.

1:30:16
Keep looking at our BroadbandUSA website, if you go to the grants, and then you'll see the Tribal Broadband Connectivity Program, the NOFO's there, the FAQs are there, and we're posting updates all the time. So right now, I realize the window for application is through September 1st. So the clock is ticking. I would encourage you to take a look at that website for the FAQs and anything else that might be posted almost every day. It's worth it. Take a quick peek. So with that, we're going to revert back to our slides. I'd like for you, the audience, to see the contact information that we have for the team here.

1:30:57
Margaret and Adam are not with us here physically right now, but they are in spirit and they'll be back with us next month.

1:31:06
We've got contact information here for Crystal, Vanesscia, Gabe, and Nick. So please take a little screenshot of this one so you know where to track everybody down.

1:31:18
And on this next slide, we originally, when we started the webinars, we envisioned that there would be an end to the webinars in July.

1:31:29
But there are so many great questions, and we have, what about five weeks before the applications are due? So, the team here has stepped up and they are going to do four webinars for you in August, different material each and every time. There will be live Q&A. So, mark your calendars, 2:30 PM Eastern, August 11th, August 12th, August 23rd, and 24th.

1:31:56
So get your questions in and get them ready, mark down the time so you can attend these webinars. And, as always, I'll say, today was great with the hot topics, yesterday a lot of time over the forms – the documentation

that's required in order to submit your application. All of this material, yesterday and today, the transcript, the recording, as well as the deck and the content itself will be posted to our website. Again, go to BroadbandUSA and then look under the grant program. You'll see it there. You'll have a link to all that within seven days. So go take a look. Use as much information, keep sending in your questions. And thank you very much. Thank you to the team. Thank you to Heidi and Stephanie for being our special guests today. And thank you, audience, for being here, and we hope to see you very shortly. Have a great day. Bye.

END TRANSCRIPT.