

**DOC-NTIA-OTIA (US)
Broadband Infrastructure Program**

**Moderator: Margaret Gutierrez
August 11, 2021**

Margaret Gutierrez

2:22

Hello and thank you for joining us today for BroadbandUSA's webinar. I am Margaret Gutierrez with NTIA's BroadbandUSA Program. As a reminder, this webinar is being recorded and will be posted to NTIA's Broadband USA Program website. Today's webinar focuses on NTIA's Tribal Broadband Connectivity Program (TBCP).

2:43

First, we will open up the webinar for questions after the 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 or comments.

2:53

Second, the presentation, along with a transcript and audio recording of today's session, will be available on the BroadbandUSA website within seven days of this webinar under the Events-Past Events tab.

3:04

Finally, please visit our BroadbandUSA website for information about our technical assistance program, including useful guides, products, publications, and other tools that can assist you with planning, funding, and implementing your broadband project.

3:18

We provide updated information, including our monthly newsletter and other broadband news.

3:24

I would like to provide you with a brief background on each of our presenters today. Vanessa Cresci is a part of our BroadbandUSA team here at NTIA, and she's a broadband program specialist. She's also a citizen of the Navajo Nation born and raised in Shiprock, New Mexico. She currently resides in Sacramento, California. Vanessa serves as one of NTIA's broadband program specialists and she has more than 20 years of experience in public health management, a Master of Social Work degree from Washington University in Saint Louis, and a Master of Public Administration degree from the University of Southern California.

3:56

Crystal Hottowe 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

detailed to the Makah Tribe Tribal Broadband Project, which entailed not only a wireless network deployment, but also negotiations with industry. And he was very active with the national, regional, and statewide policy groups.

4:21

Amanda Pereira 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 product 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.

5:13

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 [Bureau of Indian Affairs] (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 TAAMs Mineral User Group, various Indian Energy and Mineral Steering Committee Workgroups and the Fluid Minerals Handbook team. In addition, she has served in acting capacities to broaden her knowledge of the Bureau of Indian Affairs interests activities. These positions include Regional Realty Officer and Deputy Superintendent of Trust Services.

6:15

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, also known as NCAI, the oldest, largest, and most represented American Indian and Alaska Native organization serving the broad interests of Tribal government and communities. Previous to working at NCAI, Nicholas served as program director for the Native American Political Leadership Program at George Washington University.

6:49

Adam Geisler is a National Tribal Government Liaison with the First Responder Network Authority serving Western Tribes and FEMA Regions 9 and 10. He is a member of the La Jolla Band of Luiseño Indians near San Diego, California and has served in an elected leadership role with his Tribe running Tribal government and shaping national policy and public health, transportation, economic development, and housing for over a decade. He has led his tribe through four federally-declared disasters, has served as vice chairman and founding board member of the Inter-Tribal Long Term Recovery Foundation (a disaster response and recovery organization), and as a recipient of the International Wireless Communications Under 40 Leadership Award.

7:25

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 Tribes' 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 collaborations, which was set on bridging the digital divide to bring broadband services at affordable prices to their constituents for the good of their communities.

7:54

My name is Margaret Gutierrez, and I will be your moderator. I'm an enrolled member of the Citizen Potawatomi Nation. I spent 10 years with the Agua Caliente Band of Cahuilla Indians as the director of emergency services. I'm the first Native American graduate at the Naval Postgraduate School Center for Homeland Defense and Security Program, and I hold a Master's degree in Security Studies. I'm an instructor for FEMA's Emergency Management Institute Tribal curriculum and a professor in the School of Criminology, Criminal Justice, and Emergency Management at Cal State University-Long Beach. I'm a national tribal liaison for FirstNet, and I serve as the principal point of contact for Tribes in FirstNet FEMA Regions 1 through 8. I am currently on detail to NTIA working on this Tribal Broadband Connectivity Grant Program.

8:32

Today's agenda will review the expected timeline, the top 10 questions regarding the Tribal Broadband Connectivity Grant Program, questions and answers from our partners, and then some time for question and answers at the end.

8:43

At this time, I would like to pass this over to Adam Geisler to review the expected timeline.

8:59

Adam Geisler

My name is Adam Geisler and I'm a citizen and enrolled member of the La Jolla Band of Luiseño Indians located here in Southern California. And I'm teleworking today to provide some additional content regarding the expected timeline for

our webinar. So let's go ahead and jump right into that. With regards to the expected timeline, let's talk a little bit about what we've done so far.

9:21

There has been plenty of pre-application activities that have gone on, but I wanted to highlight a few of them that are really critical to make sure that you're aware of as you're working through your applications.

9:32

Please verify that your Sam.gov registration is up to date, and that the information that's located within SAMs and within Grants.gov matches your eligible entities, DUNS number, and EIN.

9:45

And again, we also want to highlight that you need to be sure that you've obtained Grants.gov Workspace access because that's going to be critical for your ability to submit the application.

9:55

In addition to that, we want to again encourage you to take a look at that NOFO and make sure that you are gathering all the requirements listed in the NOFO to include programmatic documentation and standard forms.

10:07

Again, if you check out the NOFO, we have very clear documentation that we're looking for, whether you're submitting for broadband use and adoption, broadband infrastructure [deployment], or both broadband use and adoption [and broadband infrastructure deployment]. Please take a look at that section one more time to double-check.

10:24

In addition, I want to thank everybody for your continued engagement and participation. We have engaged in monthly webinars that have had over 400 plus participants from across Indian Country, and this program and the FAQs that we've developed wouldn't be where they're at without your participation.

10:42

So we want to thank you again for your participation in the webinars.

10:46

For those of you that this is your first webinar, I want to highlight that as you're working through your application, we have videos that we have since recorded and placed on our website to help you through all the different parameters of the program. Whether your questions are around what's eligible activities in the program, or you're literally wanting to go step-by-step on how to fill out forms, or you're thinking about hot topics around permitting or workforce development. We have some great resources on our website. So please go check out the webinars we've already held because our recordings are posted. And again thank you to those of you that have been participating with us in those.

11:25

In addition, I want to say a big thank you to all of our regional partners: the BIA Regional Offices, the Regional Tribal Organizations, even our partner states that have been out there really, really helping to provide a platform for engagement while we have been going through the technical assistance side of this program. So again, thank you so much for your participation in helping us to make this a better program and providing a platform for us to answer questions. Alright, so let's talk a little bit about the submission of what a full application [in] Grants.gov entails.

11:59

So applications really need to be complete, and we're going to as that you make sure that we're not missing any of the critical documentation. And again, if you look in the NOFO, it specifically outlines what's needed for broadband use and adoption, broadband infrastructure, and also if you're applying for both, you'll need to make sure that you submit the forms for both of those categories.

12:23

I also want to highlight, again, for everybody that, yes, you can submit a narrative for broadband infrastructure and another narrative for broadband use and adoption. Just please make sure that you do not go over the page count of 20 pages for either of those narratives. Again, 20 pages for broadband infrastructure, 20 pages for broadband use and adoption single-spaced. Also, the application date deadline is approaching and we are close: September 1st, 2021 at 11:59PM Pacific Daylight Time is the cutoff. So please, can you please make sure you get your applications in before then. If you can get it in a week early, we'd love to see that as well. But again, drop-dead deadline for submission is September 1st, 2021 at 11:59PM Pacific Daylight Time.

13:17

Also, applications can be submitted through Grants.gov, but we realize that there are some of you out there that may need to submit it through another format. I just, again, wanted to highlight to you that we will accept applications via email, as well as through traditional post mail. If that is the submission process that you're looking at, please reach out to me directly. Again, my name is Adam Geisler. I'm the name listed as the point of contact for the programmatic elements of the Tribal Broadband Connectivity Program within the NOFO. So please submit an email or drop me a phone call and let me know if you're planning on submitting through one of those alternative methods.

13:54

OK, so let's get into the third bucket here. So what happens after we get these applications in? And we know they're going to be amazing, we're looking forward to seeing them. We're gonna run it through a few review processes.

14:05

First, we're going to check the eligibility of the application, or the applicant. We want to make sure that eligible entities are who's applying for this program. And for those of you that are having a question mark around, "Am I an eligible entity?" I'm gonna go ahead and have you take a look at the NOFO in the

definition section. Eligible entity is a specific legal term within the NOFO that we want you take a look at. So we're going to make sure you're eligible, number one. After we double-check the eligibility of the applicant, we're then going to run through a merit review process and make sure that the merit itself of the application meets the requirements that we have within the NOFO.

14:45

Once we move through our merit review process and ensure that the eligible activities in there are correct – we don't have anything that doesn't belong within the application – we're then gonna send it into a more detailed review within the programmatic review process and really get into the nuts and bolts of the application itself. And double check on everything from budgets to narratives to environmental narrative components as well. And here's something I want to highlight with everybody. We will reach out to you with questions on your application if we have questions. Again, our intent is to try to work through and cure these applications. And we're going to go ahead and reach out and ask you questions as appropriate during any one of these review processes to make sure that we're understanding the application and to work through any of the pieces that we may lack clarification on. Whether it's documentation or it's specific language that you're using within the narrative, or if it's something within the forms that we need to pay a little bit more attention to and talk through.

15:49

All right. So we've made it pretty clear, I think, on what we're going to do once we get your application. So let's talk about the selection process. The Assistant Secretary of Commerce will select and recommend applications for funding to NOAA – the NOAA Grants officer. NOAA is housed within the Department of Commerce and that is actually the grants office for the Department of Commerce, for those of you that are wondering why NOAA. So, again, the Assistant Secretary will go ahead and select and make final recommendations to the grants officer over at NOAA. And from there, we'll go ahead and go through review, select, and award processing by November 29th of 2021. From there, we will then move into a start date for awards, which we expect to be around December 13th of 2021 at the earliest. Again we are crossing our fingers here, we're going to do everything we can to hit that timeline. So again, December 13th, 2021 is the start date for awards to be expected at the earliest. Alright, so now let's get into the fun part.

16:58

We have an exciting group of participants here today, and within the Tribal Broadband Connectivity team. I'm really excited to have my peers here. We wanted to make sure, as we kicked off this question and answer segment of the webinar, that we touched on a few of the high points. In particular, the team came up with a top 10 questions and answers that we have been seeing as you've been sending in your questions that we just thought we'd read off and go ahead and get the juices moving a little bit before we jump into the live Q&A. So, with that, I'm gonna go ahead and turn this over to Mr. Montoya. And thanks again.

Gabe Montoya

17:41

Will federal agencies expedite the permitting process required within the *National Environmental Policy Act*, also known as NEPA, that this grant requires?

17:52

The answer to that question is NTIA is continuing to work with its federal agencies to fulfill the permitting requirements in a timely manner. NTIA's BroadbandUSA website includes links to all the federal agencies permitting websites. Additionally, on July 22nd, 2021 NTIA and the Bureau of Indian Affairs co-hosted a webinar on hot topics pertaining to the Tribal Broadband Connectivity Program application. This presentation included information about the *National Historic Preservation Act* (also known as NHPA), and the *National Environmental Policy Act* (known as NEPA), and permitting.

18:44

Crystal Hottowe

Hi, Crystal Hottowe here. So this question – the NOFO states that NTIA will allocate up to \$500,000 to each Tribal government. Does this mean that Tribes will receive \$500,000 regardless of the application they submit?

18:59

So, the answer to that: no. The Tribal government must submit a single application by the application deadline to be eligible for program funding and propose a project consisting of eligible broadband infrastructure deployment, and/or broadband use and adoption activities. So the applicant must include a budget narrative, as well as a detailed budget justification, consisting of allowable costs associated with the proposed project activities. The grant applicant must follow the application instructions outlined in Section D of the NOFO and each application will be reviewed and scored against the evaluation criteria set forth in sections E1 and/or E2 of the NOFO. We also want you to note that this grant program is not a formula or block grant program, and furthermore, the \$500,000 allocation, it is not a funding cap.

20:01

So, for this question: Can a Tribal government apply for both [the] Tribal Broadband Connectivity [Program] and the [NTIA] Broadband Infrastructure Grant Program? These are excellent questions.

20:11

So the answer: eligible applicants for [the] NTIA Broadband Infrastructure Program are covered partnerships, which means a partnership between: (A) a state, or one or more political subdivisions of a state; and (B) a provider of fixed broadband service. So if the Tribal government is considered a political subdivision of a state, and can provide a citation to specific state law that authorizes or establishes as it as a political subdivision of the state in its grant application, then it may be eligible to apply to the Broadband Infrastructure Program as part of a covered partnership. That must also include a fixed broadband service provider.

21:03

Nicholas Courtney

Hi. My name is Nicholas Courtney. Our next question is: is my Tribal government eligible to apply if I am a partner, subawardee, or contractor on a grant that was awarded under the Federal Communications Commission's (FCC) Rural Digital Opportunity Fund (RDOF) funding Initiative? Well, the answer is yes as long as there is no duplication of activities or costs in the proposed project. NTIA will also coordinate with the FCC on the status of proposed RDOC projects in order to understand if areas of proposed projects are descoped or projects are no longer eligible for federal funding. However, a Tribal government may not certify that Tribal lands that will receive service under an enforceable build out commitment as "unserved," as those terms are defined in Section A.2.g and A.2.o of the NOFO. A tribal government must disclose whether it has terminated an existing agreement qualifying as an enforceable build out commitment in anticipation of receiving funding under the TBCP. Thanks.

22:28

Gabe Montoya

Can funds for infrastructure be used to overbuild an existing broadband provider who provides 25/3?

22:37

Section 905(c)(8) of the Act directs eligible entities to prioritize the construction of new broadband infrastructure proposals that will serve currently unserved households. NTIA permits Tribal Governments to self-certify the unserved status of the proposed service areas within Tribal lands, and lands providing services to Tribal members, with a description of how the Tribal Government determined that the area is unserved. Given this prioritization, NTIA does not expect to fund projects focused on overbuilding an existing broadband provider [that provides] qualifying broadband service as defined in Section A.2.j of the NOFO, (25/3 is the speed with low latency).

23:32

Vanesscia Cresci

I am Vanesscia, and I am going to be asking the next question. If asking for an extension, should we include a longer timeline provided in the application, meaning, when showing our timeline, can we present one for longer than one year?

23:51

The Act requires eligible entities to complete their projects within one year of their receipt of grant funds. However, applicants in their proposal should plan to spend funds within one year. The Assistant Secretary, however, may extend the award period for broadband infrastructure construction projects if the eligible entity certifies that: (1) it has a plan for the use of the grant funds, (2) the construction project is underway, or (3) extenuating circumstances require an extension of time to allow the project to be completed.

24:29

With respect to infrastructure projects, the eligible entity may submit a request for an extension of the one-year award period with its application, or no later than 90 calendar days before the end of the award period. The eligible entity

should explain in its extension request how much additional time it will need to fully complete its broadband infrastructure project.

25:03

Nicholas Courtney

Our next question is: can eligible entities use these funds to subsidize Tribal members' commercial broadband services?

25:12

The answer is yes. Funds may be used to provide affordable broadband programs including providing free or reduced cost broadband service and preventing disconnection of existing broadband service. You can see Section D.7 of the Tribal Broadband Connectivity Program NOFO for additional information on eligible costs. Thanks.

25:41

Adam Geisler

Alright, this is a good one. So question eight: 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 the consumers can only last a period of one year?

26:01

That it must conclude at the end of the one-year completion period? Or could monthly reduced pricing discounts continue for a longer period? We have an answer for that. I want to thank the legal team here at NTIA for putting this together. So let's answer that question. [The] broadband service costs are 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 for that service during the grant's one-year period of performance.

26:37

If an applicant intends to use grant funds in this way, the applicant must include a detailed description of such proposed costs in its application, including the proposed period of service. NTIA may include a specific award condition in any such award to ensure that the funds are used appropriately and to ensure that if the service is canceled and/or the grantee receives a refund, any grant funds returned to the grantee are subsequently returned to the federal government.

27:12

So, again, NTIA may include a specific award condition here in any such award to ensure that the funds are used appropriately, and to ensure that if the services canceled and/or the grantee receives a refund, any grant funds returned to the grantee and/or subsequently returned to the federal government. Go ahead and turn it over to the next question. Just kidding – it's me again! Question nine: what methods could be used for the Tribe to self-certify that they are unserved? We've got an answer for you – we've gotten this quite a bit.

27:52

Section 905(c)(8) of the Act directs eligible entities to prioritize the construction of new broadband infrastructure proposals that will serve currently unserved

households. NTIA will permit Tribes to self-certify the unserved status of proposed service areas within Tribal lands, and lands providing services to Tribal members, with a description of how the Tribe determined that the area is unserved. Tribes can use a variety of data to demonstrate that the area is unserved, including federal data found in NTIA's public facing National Broadband Availability Map, also known as NBAM, state or regional based data, and Tribal or local data, including surveys and speed test data. There you go. I'm going and turn it over now to my colleague Vanessa. Vanessa?

28:51

Vanesscia Cresci

Ah next question: if I am applying for the broadband infrastructure deployment and broadband use and adoption projects, am I only limited to 20 pages single-space, or 40 pages double-space?

29:07

No, if you're applying for both projects, you can allocate a total of 40 pages single-space, or 80 pages double-space. That 20 single- or 40 double-space page limit is per project.

29:24

Now we're going to hand over our presentation to our partners at the BIA and FirstNet for some additional questions and answers.

29:38

Jana Waters

Hi, I'm Jana Waters. I'm a realty specialist with the Bureau of Indian Affairs. And one of the frequent questions that we've been getting is how do I find out where my Bureau of Indian Affairs service area is?

29:51

Well, you can find your BIA region here by clicking on that hot link and it's also on the Bureau of Indian Affairs website, www.bia.gov. Within that page, you can search by zip code, state, and/or Tribe name at the right-hand side.

30:15

Amanda Pereira

Alright, so the next question is: what are the key components to be included in a narrative to provide NTIA with what it needs to determine environmental compliance? So we're going to talk about a few factors here. A good project description needs to provide NTIA with sufficient information to make an initial determination about EHP compliance requirements. So the first thing you want to describe is what the project is. So for example, construction of a 150-foot monopole communication tower – you want to clear, descriptive language. You want to make sure that you're factually describing the scale, scope, and content of the project. So next you want to describe where the project is proposed. Now there are two versions of where that we're talking about. One is the physical location, so that's going to be either street address or a latitude and longitude if street address isn't available. And the other is going to be including physical description of the surroundings and site area. So if it on developed plan versus open space? Are there adjacent natural resources such as rivers, wetlands, for are there any protected lands? Are there any lands that are owned by Tribes, federal agencies, state agencies, county agencies, [etc.]? All of these things will

provide NTIA with an idea of the types of coordination that may be required as part of the EHP process. While you're there, we also would like for you to include ground level, and aerial photographs, and project plan drawings if you have them. All these things are very useful in terms of providing that context that we need to properly evaluate your project. For new construction projects, we ask that you include a flood plain map from the FEMA Maps Service Center. Those are available for free download and we've provided the URL here. And also a wetlands map from the Fish and Wildlife Services National Wetlands Inventory, also available for free download at the URL provided. If you have questions or concerns about how to produce these maps, please do let us know, we would be happy to help walk you through the process. Next, we'd like you to describe how the project will be implemented. Again, using very straightforward, plain, descriptive language. So for example, requiring one-acre of ground disturbance and an approximate depth of five feet, and the installation of a concrete pad, an equipment shed, an emergency generator, and a one thousand-gallon-above-ground fuel storage tank. Please be aware that many projects or even most projects will have EHP requirements that will need to be completed post-award. This should not be considered an obstacle to successful grant execution. Awardees will be required to complete these EHP requirements prior to beginning the project, and EHP requirements are an allowable use of grant funds. In addition, there will be technical support available. This is not something that you're going to have to navigate on your own. We are here to help you. And with that, I'll hand it off to the next presenter.

33:22

Vanesscia Cresci

Thank you, Jana and Amanda for joining us. Now, I'm going to send it back over to Margaret for questions and answers. Thank you.

33:43

Margaret Gutierrez

Thank you. We will now begin the question and answer part of the webinar. If you haven't already done so, please remember to type your questions or comments into the box on the right-hand side of the screen. We will try to get through as many as we can.

33:58

The first question that we have is for Adam. What is the definition of unserved? And within an eligible applicant's TBCP application, how should the percentage of unserved homes be documented?

34:10

For example, if 50% of homes in our eligible lands do not have access to broadband and our proposal solves this 50%, should we indicate that we are serving 50% of households or 100% of households?

34:24

Adam Geisler

Thanks, Margaret. And is audio coming through okay? Maybe just a thumbs up? Yep, alright, beautiful. Well again, good morning or good afternoon for everybody I think with the exception of you folks in Alaska and Hawaii, I guess

good morning to you. Let's break this out into a couple of chunks here. First, let's make sure we all understand what the definition of unserved means, and it's a formal definition, a legal definition that is in the NOFO. So with regards to unserved with respect to a household means: the household lacks access to qualifying broadband service and no broadband provider has been selected to receive, or is otherwise receiving, federal or State funding subject to enforceable build out commitments to deploy qualifying broadband service in the specific area where the household is located by date certain, even if such service is not yet available, provided that the federal or state agency providing the funding has not deemed a service provider to be in default of its build out obligations under the applicable federal or state program. So now that we understand how we're looking at the term unserved – and again, I want to highlight that because I've seen some folks weigh in and say underserved. Our program doesn't have a definition for underserved. You either have access to 25 megabits down and three megabits up, or you do not. And, again, the other part of the unserved definition is I want to point you to an enforceable build out commitment. Because that's a specific, again, another legal term that we have within the NOFO.

36:02

So, now let's talk about making sure that we understand, or that we're hopefully shedding some light on, when we're talking about delineating 100% of the unserved area. So a number of you may already have a portion of your reservation or Tribal entity, your Tribal community, or Tribal lands, where you're receiving service or some of your members are receiving service. There's another segment of your community that does not have access to any form of service. The area that is unserved or that does not have access to 25/3 is the area that we want you to be describing in terms of whether or not you are going to be lighting up 100% of that unserved area. So, please, when you're putting together your application and your application narrative, and you are going to describe the percentage of unserved households that you are going to be connecting, 100% of the unserved portion is representative of those that do not have access to 25/3. So please use language that outlines the area that is unserved.

37:20

Margaret Gutierrez

Thank you. Adam, another question for you. Is NTIA proposed to manage the \$2 billion Tribal broadband funds set aside in the infrastructure bill? How might that funding program affect the current NOFO application deadline?

37:33

Adam Geisler

So we we gotta kind of answer with a little bit of a canned response here, so we apologize in advance. We cannot speak to a piece of legislation that has not been approved, and I think a lot of you can appreciate why, right? Obviously, there's a version of a bill that I think people are coining is the infrastructure bill that has been moving through the Senate. But it still has to go through the House of Representatives. And so, at this time, we really, it's not appropriate for

us to be weighing in on what we may or may not be doing, or what may or may not be impacted, because we really don't have a final document to be able to respond to you with. Please know that if additional funding does become available to the Tribal Broadband Connectivity Program, that additional guidance will follow once we know where, or if that funding is to come through, and if it is to be allocated to NTIA and the Tribal Broadband Connectivity Program.

38:35

Margaret Guterrez

Vanesscia – for construction pieces of the project, does the grant require prevailing wages with payroll audits?

38:45

Vanesscia Cresci

So the *Davis Bacon Act* was not applicable to this grant program, the Tribal Broadband Connectivity Program. Thus, Tribes may use their Tribal force account wage rates in lieu of the Davis Bacon wage rates.

39:03

Margaret Guterrez

Perfect, thank you. Vanesscia, again, for you: if we are submitting an application that contains both infrastructure deployment, and use and adoption components, do we have to fit those sections into the 20 page single-space requirement? Or are we able to use 20 pages per section? So 40 total single-space pages?

39:23

Vanesscia Cresci

No, it is per project. So it's 20 pages single-space, or 40 pages double-space for the broadband infrastructure deployment project, and another 20 pages single-space, 40 pages double-space for their use adoption projects for a total. So if you're applying for both, it's a total of 40 [pages] single space, [or] 80 [pages] double space.

39:49

Margaret Guterrez

Thank you. Adam – COVID is hitting our area pretty hard and we've had to completely shut down our offices. I am concerned that with the broadband use and adoption project, it will be hard to complete because it covers a large area of need working with different departments, staff, and entities.

40:02

Is there any chance that the submission due date will change?

Adam Geisler

First off, I just want to acknowledge the comment, and it breaks my heart to hear that you guys are having – sounds like a spike of an event related to COVID. It also doesn't bring me any pleasure in having to convey this message: the timeline for the application deadline was part of the statute, so we had a 90-day window that was within the statute for the application window. And so while the team here can completely appreciate what your community is going through and the issues and the challenges respectfully, unfortunately the timeline is statutory regarding the 90 day application window. So with that being said, please submit your application in whatever format that you have it, wherever you're at with it, because we do have the opportunity to cure

applications. So do your best to get something in, and I do want to encourage you to do that.

41:10

I mean, we still may be able to help clarify some things during the curing process. So I don't want to discourage you from submitting something. Please get your application in in whatever form you can.

41:24

Margaret Guterrez Thank you, Adam. Crystal – if a Tribe is applying for for both infrastructure and non-infrastructure, how should they submit their application?

41:33

Crystal Hottowe So if it's going to be for both the broadband use and adoption, as well as the infrastructure deployment, it would be two narratives, as stated before. So it would be the 20 pages single-space, 40 pages double-space. And everything will be submitted together with that SF-424. So all of your budgets and attachments, and I totally would like Vanesscia to chime in if she has anything to add on that.

42:05

Vanesscia Cresci I don't have anything else to add.

42:09

Margaret Guterrez Gabe is the *Infrastructure Investment and Jobs Act*, HR 3684, include this NTIA Tribal Broadband Connectivity [Program]?

42:18

Gabriel Montoya Unfortunately, we can't speak to a bill that hasn't been approved as of yet. It's up to Congress to get that approved. Should it become part of the Tribal Broadband Connectivity Program, we'd be more than willing to chime in [on] that. Thank you.

42:35

Margaret Guterrez Nick – can funds be used to prepay for multiple years of commercial broadband services, software or telehealth subscriptions, technical support, warranties, etc.?

42:45

Nicholas Courtney Hey, thank you so much for that question. So broadband service costs are allowable beyond the one-year timeframe as long as the costs and terms are reasonable, eligible under the NOFO, and the grantee makes full payment for that service during the grants one-year period of performance. If an applicant intends to use grant funds in this way, the applicant must include a detailed description of such proposed costs in its application, including the proposed period of service. We at NTIA may include a specific award condition in any such award to ensure that the funds are used appropriately and to ensure that if the service is canceled and/or the grantee receives a refund, that any grant fund returns to the grantee or subsequently returned to the federal government.

Margaret Gutierrez

43:37

Thank you, Nick. Vanesscia – specific forms were mentioned. Where are those forms?

Vanesscia Cresci 43:45
So, you can see a list of the forms – required forms and documentation in the NOFO starting on page 15. It's listed out for if you're planning on applying for both types of projects, and also it's listed out if you're applying for one or the other project.

Margaret Gutierrez 44:05
OK, one more question for you, Vanesscia. I recently received a notification from Grants.gov that multiple SF-424 assurances and budget information are considered optional forms. I apologize if this was covered earlier.

Vanesscia Cresci 44:22
Yes, I saw that they made some edits to the Grants.gov. So regardless if they're listed under the mandatory or optional forms section, which is on the right-hand side in Grants.gov, and mandatory is on the left-hand side, you must follow the NOFO guidance starting on page 15 for a list of required forms and documents. All forms and documentation listed in the NOFO, as required, must be submitted. Some of the forms were recently moved to the optional form section to ensure that the applicant is able to submit the required documents without any issues.

Margaret Gutierrez 45:04
Thank you. Adam – I'm still not clear on whether RDOF designated areas are eligible under the NOFO.

Adam Geisler 45:12
Sure, so I actually want to direct everybody's attention on this question to [the] FAQ [released] on July 13th of 2021, where we have a couple of questions that address the RDOF funding in particular. But I'm just going to make it real simple, I'll read the response here. So NTIA intends to fund specific eligible areas for which there are no other federal funds awarded and/or leverage to provide qualifying broadband service, as defined in Section A.2.j of the NOFO. NTIA will consult with the FCC to avoid any duplication of funding. With regard to coverage, NTIA may give favorable consideration to certification by Tribes when FCC data conflicts with Tribal data. In areas where there is potential duplication of funding with unconstructed projects that would provide qualifying broadband service or higher capacity to unserved areas, Tribal governments should indicate if they have authorized – and [I'll] highlight that – if they have authorized and/or commenced in the use of other funding on Tribal lands. And if they have not, funding may still be eligible through the TBCP. Also, we want you to see the definition of enforceable build out commitment and unserved in Section A.2.g and A.2.o of the NOFO. NTIA will also coordinate with the FCC on the status of the proposed RDOF projects in order to understand if areas of proposed projects are descoped or projects are no longer eligible for federal funding. I'm going to empathize this one more time: please take a look at the definition of enforceable buildout commitments because that's a critical definition and term that needs to be evaluated with regards to your question around RDOF funding. Thank you.

47:16

Margaret Gutierrez Thank you, Adam. Gabe – are redundancies allowed, i.e. multiple points of connections to Internet?

47:34

Gabe Montoya Unfortunately for your backhaul, you're only allowed one connection. You can't be doing redundant connections within any network plan.

47:34

Margaret Gutierrez Vanessa – if the page limit doubles for submitting two proposals, how would you prefer to have the budget and justification? Do we need to prepare two separate budgets with separate justifications? Or can we submit one long narrative, one longer budget, and one longer budget justification for two projects?

47:52

Vanesscia Cresci A separate budget narrative and detailed budget justification is required for each project. So it's required if you're applying for the broadband deployment infrastructure project or the use and adoption project, However, this does not count towards the project narrative page limit.

48:13

Margaret Guterrez Thank You. Crystal – could you please describe what is needed for the table of funded project participants and unfunded informal collaborators? An example would be great.

48:23

Crystal Hottowe Thank you for that question. If you have additional project that have been part of your overall communication plan, what NTIA is asking – or if you have been working with a partner and a project that has not been funded, NTIA is requesting that a table listing the partner, the funding status, and the amount, as well as informal collaborators are listed on the table and included in your attachment. Thank you.

48:55

Margaret Gutierrez Vanessa – where in the SF-424C does the IDC rate of two percent go?

49:06

Vanesscia Cresci So it's under the cost classification title Administrative and Legal Expenses.

49:16

Margaret Guterrez Perfect. Thank you. Adam – can you please address subrecipients? Are subrecipients allowed to be identified while the contract legal agreement is still being worked out for middle mile construction where the subrecipient will retain ownership of the assets?

49:32

Adam Geisler Good question, and essentially it depends. Here's what I really want everyone to point to. The Uniform Guidance Principles are something that we have to follow, as well as all the information or rules around 2 CFR 200. In particular, I want to point people to 2 CFR 200.320, regarding methods of procurement to be followed. If you're looking for clarification regarding subrecipients or subawardees or subcontractors or contractors, I really want everybody to spend

a moment to go pull up that that portion of the CFR, because it goes through the various methods of procurement that need to be followed in order to be in compliance. And there's different methods of procurement that are listed there. At the end of the day without us knowing all the details of how or who you're working with, we can't answer that as directly. So we have to paint with that broad brush. So 2 CFR 200.320 will get you there.

Margaret Gutierrez

50:38

Thank you. Crystal – if we need to hire additional employees to implement an infrastructure project, is hiring those employees an adoption project?

Crystal Hottowe

That could be considered one, but not necessarily, either. There are allowances within the infrastructure program for training, as well as some positions in there. I think we have more guidance in our FAQs. Can someone else step in on this? Adam?

Adam Geisler

51:22

You guys are funny today. I love you guys. So let me make sure I understand the question: so if we need to hire additional employees to implement an infrastructure project, is hiring those employees an adoption project? No, you're talking about hiring employees to implement construction activities. And in fact, what we're going to encourage you to do, if you're hiring staff that are going to be working on this project every single day, day in and day out, or a portion of their time where they're directly involved in the implementation of construction activities, it could be environmental, it could be everything related to pre-development, it could be construction activities, it could be a whole host of things that are under that category of construction. You need to go ahead and put their time in in the construction SF-424C under the construction category, and identify the hours or time that they're going to be allocating to each phase of that activity within your infrastructure project. So hopefully that gives you some clarification. So yes, you can hire staff, and I want to make sure that we're drawing a very clear distinction here. If you notice, I said they're working on this on a day-to-day basis, doing direct activities for the implementation of construction. That is very different than administrative costs or indirect costs, where we're really looking at bookkeeping, financial back of house things where it isn't necessarily a dedicated person doing that every day for the success or implementation of the program itself.

Margaret Gutierrez

52:54

Thank you. Adam – also, if a Tribe wishes to partner with a non-Tribal commercial entity, what are the procurement requirements or guidance for applicants prior to submission?

Adam Geisler

53:06

Alright, so I may be a broken record on this one. For all the questions around how do we hire people that you're going to be contracting with, please take a look at 2 CFR 200.320 regarding methods of procurement to be followed. So I'll say it one more time – and again, for those of you that are unfamiliar, it sounds like I'm speaking a foreign language – when you go through 2 CFR 200.320, methods of procurement to be followed, it goes through different procurement

methods: formal procurement methods, then it also talks about non-competitive procurement methods. So you really need to take a look at what methods you are employing in regards to implementing or hiring who you're looking to hire to see where it fits within 2 CFR 200.320.

Margaret Gutierrez

54:08

Thank you. Gabe – I am finding it difficult to identify communications specialists who would want to align with our Tribe in our efforts to develop broadband options for our rural community.

54:16

How do I identify a project partner who will provide the expertise you need to develop a program?

Gabe Montoya

54:22

This is a great question, first of all. Second, I believe that this is probably one of the hardest partnerships to be looking at as a Tribe tries to build out their network to be able to meet their needs and be able to meet the ISP's business model. Unfortunately, at NTIA, we can't provide any direct contacts to anybody. We would just encourage that you look at who you can partner with to provide the best resources for your community.

Margaret Guterrez

54:54

Thank you. Vanesscia – does the 2% limitation on administrative fees apply only to the applicant? Does [it apply to] distinctive project management fees for sub recipients or contractors?

Vanesscia Cresci

55:07

This limitation applies to the applicant's total proposed project costs. That is gonna be referenced in their budget.

Margaret Gutierrez

55:19

Gabe – are there any lists or references with FCC-approved and recommended hardware buildouts?

Gabe Montoya

55:26

We do not have any lists. However, we do recommend that you use commercial grade equipment, but however, the Tribe has the ability to choose whatever equipment they feel meets their needs best.

Margaret Gutierrez

55:43

Crystal – is building construction-minor renovations to develop a regional education facility that will provide telehealth services and job training service to unserved Natives an allowable expense under the adoption and use category?

Crystal Hottowe

55:57

Well, if the new building or construction is required in order for you to carry out your goals and objectives, then, yes, it is an allowable expense.

Margaret Gutierrez

56:10

Gabe – just to clarify, are these funds eligible to be used to create Tribal ISP, rather than using Xfinity, Cox, et cetera, or is this not the correct program? Our Tribe is located in Massachusetts.

56:26

Gabriel Montoya

This program would definitely be in that line. It allows you to be able to build workforce development and then if you centered around telehealth [or] telework, you can actually build on it.

56:39

Margaret Gutierrez

Adam – what about taxes? Do ISPs include that in the price of the equipment?

56:49

Adam Geisler

It depends! This is kind of an interesting question. So obviously, it all depends on who the applicant is and who is doing the purchase of the equipment. Federally recognized Tribes are well aware of their tax-exempt status when procuring equipment and having those delivered to Tribal lands. And so I apologize for not being able to be as direct as I'm sure you'd like to be because I don't know if the ISP you're talking about is Tribally-owned and run and operated, or if it's another entity. If you're currently having to pay sales or use taxes, I would continue to budget for that if you're doing an acquisition as an entity that is not eligible for tax exemption. However, for Tribes or Tribal Governments, or entities that are tax-exempt, you should be taking that into consideration when you're building out your budget.

57:52

Margaret Gutierrez

Amanda – does an applicant have to submit floodplain or wetland maps if neither condition applies to the area served?

58:00

Amanda Pereira

That's a good question. If there are other supporting documentation, like your ground level and aerial photographs, would convey that information, then you can include those and put that in your project description. So they're not required, but it is important to note that sometimes those maps can be just as useful for illustrating what isn't there as for illustrating what is there. So including them, even if there is not a wetland there, even if they're not within a floodplain, can help support your assertions. They can be useful, even if the resources that they are intended to document aren't there, but if they're not in your photograph, so let us know that as well. That's OK.

58:41

Margaret Gutierrez

Amanda – if a floodplain map is not available, can a blank map be submitted?

58:47

Amanda Pereira

There are some areas of the country that FEMA has not completed maps for. If part of your project area is in one of those areas, you certainly can submit a blank map, that's no problem at all. You can also state that a floodplain map or a firm is not available for your project area. Either way, if you do have additional floodplain data, even if it's not from FEMA, then you can certainly include that in your project description or with your supporting documentation as well.

Margaret Gutierrez 59:19
Adam – how should we document the percent of households below 150% of the HHS poverty guidelines, since this is different from the HSA or the US Census Bureau poverty low-income thresholds?

Adam Geisler 59:32
I'm going to read what's in the NOFO on page 20. We're about middle of the page, letter E. A description of the number of total Native American/Alaska Native/Native Hawaiian households in the proposed service area at or below 150% of the povertyline (provide percentage as it compares to all households on the Tribal land) applicable to the average family size represented on the particular Tribal land covered by the project in the lower 48 states, Alaska and Hawaii (utilizing HHS Poverty Guidelines).

Margaret Gutierrez 1:00:26
Thank you. Crystal – what is the level of detail on business plan and pro forma for this NOFO response?

Crystal Hottowe 1:00:34
The beauty of this NOFO is that it's designed to meet Tribes where they are at in their broadband development. The point system that is laid out in the NOFO, it does speak to organizational capabilities as well as your technical plan. So really, we do encourage you to be as detailed as you possibly can.

Margaret Gutierrez 1:00:59
Thank you. Adam – if a Tribe does not have a force account wage rate or does not use the force account wage rate, does the project needs to fall back to Davis Bacon wages?

Adam Geisler 1:01:10
We're gonna leave that up to you. When you query the NOFO regarding Davis Bacon, the Davis Bacon Act is not applicable to the Tribal Broadband Connectivity Program. Thus Tribes may use their Tribal forced account wage rates in lieu of Davis Bacon wage rate. So it does say in lieu of Davis Bacon wage rates. So if you feel as though you have a need, I put forth Davis Bacon as an alternative. It looks as though you have the opportunity to do that. I do want to highlight for whichever Tribe is submitting this: affordability is something we absolutely look at as part of this. I would encourage you – again, you have until September 1st to get your application in, maybe that gives you a window to get a force account wage rate approved related to this program. So I'd encourage you to take a hard look at that, and if not, put forward what you believe is appropriate for the wages.

Margaret Gutierrez 1:02:13
Thank you. Vanessa – what does NTIA suggested percentage for contingencies?

Vanesscia Cresci 1:02:24
NTIA notes that contingencies are generally considered reasonable if they are between 10 and 15 percent of construction costs or less. Otherwise, the applicant should provide justification for the higher costs.

1:02:44

Margaret Gutierrez

Thank you. Crystal – can Tribes provide more than one authorizing resolution for more than one grant application for separate entities to perform separate work on their Tribal service area?

Crystal Hottowe

1:02:55

I would say, yes, they can. That one kinda caught me off guard. I'm going to have to call Adam in on this.

Adam Geisler

1:03:06

Are you phoning a friend? Alright, so let's look – it's alright! If you can do us a favor when you submit the questions: these are very broad strokes that you're using in how you're asking these, [and] it would be good to get the particulars. So can a Tribe provide more than one authorizing resolution for more than one grant application where separate entities to perform separate work on their Tribal service area?

1:03:40

We have very clear language in the NOFO regarding how we will treat duplication with broadband use and adoption. And with regards to infrastructure, which is where – I think I have a feeling I know where this question is coming out of – but with regards to infrastructure, if a Tribe is going to apply and, say, a consortium is going to apply, as long as there is no overlap in the service area in terms of connections to households or anchor institutions, that's something that you're open to explore. I do want to caution you on something, which is that we do only allow one application per applicant. And we do not allow duplicate connections to households because it's duplication, or anchor institutions – you can't do duplication there. With regards to scoring considerations, I really want you to be cautious about this methodology or this approach if this is where you're going to go down, because we don't have clear guidance to give you today on what impact may or may not come because we don't know where that how or what those applications will look like, or if there's components that are dependent on one another. With that being said, we really want you to take a hard look at solving the problem holistically in one application, if you can. There is nothing wrong with submitting one application that has more than one solution set as long as you are not duplicating that solution to the same household or anchor institution. So I'll say that again: it is okay to have more than one solution set in an application as long as you're not duplicating that solution to the same household or anchor institution. So I'm going to encourage you guys to work together and think about how you can put that into one application, but what you choose to do is up to you.

Margaret Gutierrez

1:05:51

Adam – while you're on the hot seat, would it be acceptable to build a tower on department state land? If it's part of our backbone network, we would own the lease and the tower asset, et cetera.

Adam Giesler 1:06:03
So, go ahead and go to page – let's double check it, guys, keep me honest – I want to say it's 31 of the NOFO regarding eligible use for Tribal Broadband Connectivity Grant Program. And I also, then, it sounds like this is an infrastructure question. I want to point you to page 32 of the NOFO regarding eligible costs specific to broadband infrastructure deployment activities. And again, if you look at item two on page 32 B2, fund the cost of long term leases or facilities required to provide qualifying broadband service, including indefeasible, rights of use agreements, IRUs. We realize that backhaul is likely going to have to come from off of Tribal lands. What I want to encourage you to do is make sure that you're not just writing for backhaul, but that you actually have identified the last mile service that you're going to be connecting that to. Make sure that as you're thinking this through, that that site is going to be supporting last mile connections, right? We understand middle mile's gotta get to the community, but you gotta make sure that you have the last mile connection as part of that thought process.

Margaret Gutierrez 1:07:29
Thank you. Crystal – if paying for Tribal members' broadband, does the Tribe have to pay those funds directly to the ISP provider? This seems to be a logistical nightmare.

Crystal Hottowe 1:07:40
Thanks for the question. I agree, it does seem kind of logistically nightmarish. However, NTIA is going to go ahead and allow the applicants to determine those parameters of their program design, so that's up to you.

Margaret Gutierrez 1:07:57
Thank you. Vanessa – do maps, network diagrams, and other drawings count towards the page limit?

Vanesscia Cresci 1:08:05
No, it does not. It can be uploaded as an attachment separate from the project narrative.

Margaret Gutierrez 1:08:18
Gabe – if we're going to let a contract to a company to provide a turnkey solution for service store and serve area, can we simply put the entire cost in the contractual area, or should we break out the subcomponents of their proposal?

Gabe Montoya 1:08:32
I would recommend that you be as detailed as possible while submitting your your documentation. Understand that we're going to have independent reviewers look at your proposal. And you want to be able to have it all identified clearly so there is no question when they're reviewing.

Margaret Gutierrez 1:08:52
Adam – will 4G LTE equipment qualify as broadband in a project?

Adam Geisler 1:09:00

Go ahead and take a look at page 32 of the NOFO regarding eligible costs specific to broadband infrastructure deployment. And I want to point something out since we're here. Page 32, B.1: Fund costs of construction, improvement, replacement, extension, or acquisition of facilities, and telecommunications equipment required to provide qualifying broadband service (so that's 25 down 3 up) including infrastructure for backhaul, middle mile, and last mile, as well as for submarine seacable landing stations. So it sounds like 4G LTE, I would definitely put in terms of telecommunications equipment. But I'm gonna, again, direct you to page 32 of the NOFO regarding eligible costs specific to broadband infrastructure deployment activities.

Margaret Gutierrez

1:09:56

Thank you, Adam. Vanessa – if the indirect cost is more than 2% allowable, is the Tribe allowed to add matching funds to offset the indirect costs?

Vanesscia Cresci

1:10:05

Matching does not apply to this grant program. Therefore, the 2% cap on administrative costs still applies. Also, note that the 2% limitation includes the combined total of indirect costs and direct administrative costs.

Margaret Gutierrez

1:10:24

Nick, would we be able to hire 1 or 2 staff members that are 100% dedicated to running the infrastructure program as a project director to manage the activities to move the project forward, and a project coordinator 100% dedicated to tracking and reporting environmental surveys, etc., and administrative responsibilities of this project (no other projects)?

Nicholas Courtney

1:10:44

Thank you so much for that question. As it's been mentioned before, on page 31 of our NOFO, based on the broad parameters of the eligible use of the Tribal Broadband Connectivity Program, eligible costs will include personnel costs, including salaries and fringe benefit costs, which include personnel costs, including salaries and fringe benefits for staff and consultants, providing services directly connected to the implementation of the broadband connectivity program grants. This can be program project managers, program directors, and other subject matter experts.

Margaret Gutierrez

1:11:23

Thank you. Adam – we'd lost an RDOF bid. We expect the winning bidder on tribal lands will not be able to provide or perform their winning bid. Will this forfeit us grabbing NTIA funding to expand infrastructure in those areas?

Adam Geisler

1:11:37

Again, I'm going to have you guys go back and take a look at the FAQs, where we address RDOF specifically. And what's important, I think, in the context – and again, we don't know all the details, right?

1:11:52

We're doing our best to answer based on what we hear and see that you're putting in the chat. But I'm gonna encourage you to go look at an enforceable buildout commitment. It's really important that the solutions that are being

provided on Tribal lands through the Tribal Broadband Connectivity Program have consent, Tribal consent. I really want to encourage you in this instance, to go take a look at the definition of unserved, enforceable buildout commitment, and then look at the FAQ regarding RDOF funding.

1:12:35

Margaret Gutierrez

Adam, while you're still in the hot seat – so it wouldn't be considered duplicative if the fiber went to say schools, clinics, and satellites serving the community? But that's not what's best for the community. Ideally, NTIA could fund satellite service as an interim solution that could be available much sooner whereas fiber takes 2 to 3 years to build in Alaska.

1:12:55

Adam Geisler

Yeah. We're not prescribing what the right solution is for the community. I think what's important about the way this program has been established, and you'll notice that, right? There's a heavy emphasis on Tribal consent for infrastructure. The idea is that Tribes are weighing in on a solution that makes sense for them in the way they want to solve their digital divide issues. And so, I don't have a – probably the answer that you're looking for. Maybe it's going to be an answer that you may or may not agree with. We are looking for long-term, affordable, scalable, commercial-grade investments that meet the needs of the communities in the way that they want their needs met. And so with regards to the question, you really need to go back at the community level with the decisionmakers of the eligible entity that is applying and have that conversation and figure out what that answer is.

1:13:57

Margaret Gutierrez

Thank you. Nick – should we submit a one-year budget if we're asking for an extension into year two?

Nicholas Courtney

Thanks for that question. So the Act requires eligible entities to complete their projects within one year of their receipt of grant funds. Therefore, applicants in their proposals should plan to spend funds within one year. The Assistant Secretary, however, may extend the award period for broadband infrastructure projects if the eligible entity certifies that: 1) it has a plan for the use of grant funds, 2) the construction project is underway, or 3) extenuating circumstances require an extension of time to allow the project to be completed.

1:14:37

With respect to the broadband infrastructure projects, the eligible entity may submit a request for the extension of the one-year award period with its application or not later than 90 calendar days before the end of the award period. The eligible entity should explain in this extension request how much additional time it will need to fully complete its broadband infrastructure project. Please note that we at NTIA cannot grant any extensions of the September 1st, 2021 application deadline. Extensions for the expenditure of award funds are also not available for the broadband use and adoption projects. Accordingly, all broadband use and adoption projects funded pursuant to our NOFO must be completed within one year of an eligible entity receiving grant funds from NTIA.

1:15:29

Margaret Gutierrez

Adam – in the case where the majority of Native community members live off the reservation, largely because the reservation is quite small, is this eligible for funding? The reservation is adjacent to the communities where they reside, but the areas are not reservation land.

1:15:44

Adam Geisler

I'm going to point you back to the definitions page, and I think I'll speak for the whole team. We apologize if we sound a little canned and robotic in our speech. None of us appreciated having to speak like this, but you guys understand the role I think we're in. We're trying to get you to the solutions in the best way that we can. You really need to take a good look, and with regards to this question, in the case where the majority of Native community members may live off the reservation largely because the reservation is quite small, is it eligible for funding? You gotta look at the definition of how we define Tribal land. And I'm just going to read it out loud, and then you got to make your argument on why you believe it fits. We've been getting a lot of questions, everybody saying, "Hey Adam – but what if?" And I always come back and say, "Well, do you believe you fit within the definition of, in this case, Tribal land? If so, put it on paper on why you believe you fit in the definition. On its face is what I'm going to encourage you to do. But let's read the definition of Tribal land real quick – actually it's not going to be real quick, it's a long definition, but we're going to read it. Tribal land means A) any land located within the boundaries of 1) an Indian reservation Pueblo, Rancheria, or 2) a former reservation within Oklahoma.

1:17:09

B) Any land not located within the boundaries of an Indian reservation, Pueblo or Rancheria, the title to which is held 1) in trust by the United States for the benefit of an Indian Tribe or an Indian individual, or 2) by an Indian tribe or an individual Indian subject to restriction against the alienation under laws in the United States, or 3) by dependent Indian community.

By the way, I'm on page 8 of the NOFO, regarding definition of Tribal Land. C) Any land located within a region established pursuant to Section 7.A. of ANCSA, the Alaska Native Claims Settlement Act; D) Hawaiian Homelands as defined in Section 801 of the *Native American Housing Assistance and Self-Determination Act*, also known as the HASDA; and I want to highlight this one here for the question as well, E) those areas or communities designated by the Assistant Secretary of Indian Affairs, of the Department of Interior, that are near adjacent or contiguous to the reservation where financial assistance and social service programs are provided to Indians because of their status as Indians. And I'm going to take one more second on this one while we have everybody. Stephanie Henning, are you still on?

1:18:50

Here's the other thing I'm going to encourage you to do. Reach out to Stephanie Henning at the Bureau of Indian Affairs and chat about what your BIA service area is, or chat about the region that is described in in portion E of the definition of eligible lands. Because I think that that the Bureau and your regional office, or

the national office, will be able to help in terms of identifying I think what your question is. So probably not what you're looking for, apologies for that, but make your argument in why you believe [you are an eligible entity]. Reach out to the BIA, I know they have some resources to help with this as well.

1:19:31

Margaret Gutierrez

Gabe – if the Tribe plans a combination of wireless and fiber, if the fiber is specific to the home and anchor institutions, can the wireless overlap with a separate service?

Gabe Montoya

1:19:40

The flexibility of the NOFO is pretty clear as far as what you use to deploy your different networks. Ensure that you're not duplicating services and that you're not putting the connections to the same areas.

Margaret Gutierrez

1:20:00

And we have about three more questions, and then we will start to wrap up. Vanessa – do you have to have a Grants.gov account to apply for the grant?

Vanesscia Cresci

1:20:12

There are actually three ways you can apply for this grant opportunity. You can apply for it through Grants.gov, which means, yes, you would need to have a Grants.gov account. Secondly, you can apply for it via email, or third through the postal mail. See page 14 of the NOFO for further guidance.

Margaret Gutierrez

1:20:36

OK. Vanessa – is streaming audio of public safety and COVID information be allowed as setting up an adoption program?

Vanesscia Cresci

1:20:46

I would say, refer to sections of the NOFO that talk about allowable activities. Those are on page 6. Then there's also a section on eligible costs for broadband use and adoption, and those are on page 32 of the NOFO.

Margaret Gutierrez

1:21:04

OK. Adam – the last question is for you since we are discussing consent. If the Tribe does not consent to Tribal Net expansion, will that forfeit us from NTIA funding?

Adam Geisler

1:21:20

OK. Let's look at this one again. So since we were discussing consent, if the Tribe does not consent to Tribal Net – I'm not quite sure, maybe Tribal network, I'm not sure if that's a company or not. But if the Tribe has not consent to Tribal Net expansion, that will forfeit us from NTIA funding related to infrastructure.

1:21:47

It's going to require a resolution of consent from the federally-recognized Tribe that you are claiming to serve, or that you are trying to serve in terms of households and anchor institutions. Now, it does not exclude you from applying for a broadband adoption and use activities, because those activities don't require a formal consent process from the Tribal government. There's plenty of

of Tribal organizations out there that are looking at purchasing equipment, doing workforce development programs... There's a lot of things that you're all looking at, that maybe you're not a Tribal government, and that does not require consent. In terms of the way that we've defined Tribal consent in the NOFO. [Broadband] infrastructure [deployment's] gonna require Tribal consent, doesn't matter who you are, what entity you may be, it's gonna require Tribal consent and that's very clear in the NOFO. Non-infrastructure does not require Tribal consent.

1:23:03

Margaret Guterrez

One last, final question: is there a minimum funding amount that the application has to request? Adam?

1:23:17

Adam Geisler

Alright, we'll just knock this one out and we'll be back tomorrow for more everybody, so don't feel like you can't come back for more. We'll be back for more. Apply for what you need for, right? If you're a federally-recognized Tribe based upon some of the equitable requirements of the statute. We did put language in there where there's up to \$500,000 per federally-recognized Tribe. That does not mean you can't apply for more money. That does not mean that you can apply for less. Maybe you don't need \$500,000. That's OK. Apply for what you need is the gist of it. If you need more than the \$500,000, go for it. But if you are applying for – within the windows in the NOFO we have \$1 million to \$50 million for infrastructure. We have \$50,000 to \$2.5 million – it could be off by a little bit here – in the broadband use and adoption. Either way, if you're gonna apply for more than where those those soft ceilings and floors are, just give an explanation as to why. So apply for what you need. We're going to work with you – so it's all good if you need more, it's all good if you need less. Our goal was just to be able to give some flexibility in this program. But if you're a federally-recognized Tribe there's [up to] \$500,000 for you right now as long as you are submitting an application that has eligible activities in it.

1:24:42

Margaret Gutierrez

And, Adam – can you tell them what RDOF stands for?

1:24:47

Adam Geisler

Rural Digital Opportunity Fund.

1:25:57

Margaret Guterrez

That concludes all of the questions that we have time to answer today. While we transition our screen back over here, our contact information for all of us. So for those of you had follow up questions, Adam Geisler is your point of contact in the NOFO. Here's his contact information here.

1:25:24

You are welcome to reach out to any of us if you have any other questions, as well.

1:25:32

And then thank you again to our speakers today, and to all the attendees for joining. We made it through, I think, all but two questions. As a reminder, the

presentations, transcript, and audio recording will be available on our website within seven days. Please join us again tomorrow, and then also on August 23rd and 24th for future webinars. If you would like any other information, you can check the BroadbandUSA website for updates, or contact us if you have any questions at BroadbandUSA@ntia.gov.

1:26:02

Thank you, and have a wonderful afternoon.

END TRANSCRIPT