

IIJA Broadband Programs Virtual Tribal Consultation Session #2
Moderator: Matthew Rogotzke
March 18, 2022

Carole Garner

00:00:22 Hello, and welcome. We will begin in just a few minutes. In the meantime, we did want to let you know that this session is not available for press. So, if you are a member of the press, please, we ask that you excuse yourself from this session. Thank you so much.

Adam Geisler

00:03:52 Alright. Well, thank you, everybody for your patience, as we just wanted to give it a moment for everybody in the waiting room to come in, as you can see, this a little bit different platform than what we've used in the past, so we're trying, a new set of software out here at NTIA for this particular type of engagement, so. Welcome to NTIA's tribal consultation regarding the infrastructure investment and jobs act new additional funding. So today we are going to be focusing on three of the four programs within the exciting new bipartisan infrastructure law. Before we get going too far into the consultative process, we did want to spend a moment really quickly to go over our agenda, and then we have some welcoming remarks from our Assistant Secretary Alan Davidson. So we'll go ahead and go to the next slide please Carole.

00:04:51 So, as I mentioned we're going to have some welcoming remarks, we're then going to get into the broadband programs overview. We are going to go through and take each program you know one step at a time and ask questions specific to that program and then we'll go ahead and wrap up. We have budgeted about four hours today for our consultation and the other thing I did want to remind everybody is that this is meant for tribal leaders, so when we do get into this section regarding consultation and feedback, I am going to ask that you need to be a tribal leader or that you have the designation of your tribe when you're providing comments that you make that clear. So with that I am really excited to announce and we'll go ahead and go to the next slide, thank you Carol, I am really excited to announce the addition to our NTIA family with Assistant Secretary Alan Davidson. Alan has spent his entire career in the broadband space leading Internet policy for over 20 years in places like Mozilla, Google, as well as providing legal advice as that policy has been established as a graduate of Yale law, so please join me in welcoming our new Assistant Secretary Alan Davidson. Alan over to you.

Alan Davidson

00:06:18 Hi Adam and hello everybody. Wow, thank you so much for that introduction and I will say it is, it is wonderful to be here with you and it's an exciting time to be at NTIA. First let me just say a welcome to all of the tribal leaders who are joining us today. Thank you to those of you who joined us before in our previous consultation in January on the bipartisan infrastructure amendments to the Tribal Broadband Connectivity Program. And thank you for participating in today's workshop and today's consultation. We really appreciate your leadership and your partnership in this ongoing work to address the digital divide. We have been talking about the digital divide in this country for over two decades, really, and it is amazing to see now how clear it is

how we all see the importance of universal affordable broadband. It's essential for small business success. It's essential for educating our students, our children and it's essential for keeping us healthy. It's essential for people to thrive in the modern economy and of course you all know that that's why you're here and again why we're so grateful for your partnership and we're grateful that we have resources to do more about this. You've heard about, of course, our tribal broadband connectivity program. We've now made a total of 10 awards out of that program, there are many more to come and I know the team is working very quickly as quickly as they can to process for the awards that are rolling basis over the next few months. So, we are excited this spring to be making more of those award announcements and to be doing like say on a rolling basis as quickly as we can. And we're grateful and thankful that under President Biden's leadership Congress has passed what really feels like a historic law, you know, designed to connect 100% of Americans and invest in competitiveness for our country for everybody who's here. This bipartisan infrastructure law includes an additional \$2 billion in funding for the tribal broadband connectivity program which triples the available funding that was there before. So we're extremely excited about that, and I believe you all have talked about that before. Today's consultation is meant to focus on the other programs within the bill within the infrastructure bill and how those can benefit tribal communities. The three programs that we're going to be talking about today include the what we call the Bead Program, the Broadband Equity Access and Deployment, BEAD Program. The Digital Equity Program and our Middle Mile Program. BEAD, that's the Broadband Equity Access and Deployment that's kind of the big dog here. It's a \$42 billion program, formula-based, gives grants to states and territories to close the access gap for high-speed internet for unserved and underserved areas of the country. So, it's really focused on this idea where are the unserved, really the lowest speed or no Internet access. There's not an official tribal set aside in that funding but States will be required to address unserved areas and NTIA is going to strongly encourage, in evaluating their plans, that states and tribes coordinate on those plans. So that's going to be a big piece of it, and we hope that will be very important for your communities. A second really important program is a Digital Equity Program will be talking about. It offers almost \$3 billion, \$2.75 billion for three sets of grants for planning and implementation of programs that promote digital equity, digital inclusion activities, and broadband adoption. So beyond just access really thinking about adoption and thinking about equity. At least 5% of the state digital equity planning and capacity grants will benefit tribes or native entities. So there is a set aside there and within it there's a \$1.25 billion state digital equity competitive grant program and tribes can apply directly for funding or partner with others to apply as eligible applicants, so that's a program you can apply for directly. So, we'll be talking about that today. The third Program that's in the in the infrastructure law is really is what we call the Middle Mile Program and it's a program to extend a billion dollars to extend middle mile capacity. That's not sort of the last mile but the in between parts of the network to reduce and the goal is here that it will, if you invest in that we can reduce costs for serving those unserved and underserved areas. And tribes can apply directly for funding or also partner with eligible applicants to seed

funding. So that's another billion dollar program to be looking at. I'll just say when you look at these combined programs and additional to the programs, we've been talking to you about before it really feels like a unique opportunity to leverage, all of this additional funding as we continue with this current round of applications. So how we proceed, you know and how you proceed will be an important decision, which is why the department and NTIA are hosting this consultation, today. We want to hear from you about how these programs can best serve your communities. Our goal is to really serve as many tribal nations as possible with the funding that we now have. So, I'll just say, as I said at the beginning, this is an exciting time. Adam sort of implied, he said this too it's an exciting time at NTIA really feel, as I said like we've been given the resources for the first time in decades to really structurally address these divides that we have in our society, help people thrive, offer economic opportunity, deal with some of the stark and inequities in our society. It's an exciting time to be doing this work, and we are excited to work with you and our other tribal partners to meet this moment together and to address the digital divide, so thank you, thank you for your leadership, thank you for your partnership, and thank you for being here today, we look forward to continuing the conversation and back to you, Adam.

Adam Geisler

00:13:18 Awesome well, thank you Assistant Secretary Davidson. Again really lucky to have Alan as part of the team here, leading the charge through this historic opportunity for the nation and for Indian country all together. So, as many of you know we pride ourselves in making sure that we start these meetings off in the right way. And I am privileged today to recognize a member of our own team here at NTIA to provide the invocation, Mr. Gabriel Montoya. Gabriel is a broadband program specialist here at NTIA as well as a member of the Pueblo of Pojoaque and a former tribal leader and for those of you that know Gabe personally, you also know that he is very close to his own tribe's customs and traditions and so today, before we get too much further into our agenda, we did want to stop for a moment and make sure that we start things off in a good way. So with that I'll go ahead and turn over to Mr. Gabriel Montoya for our invocation, Gabriel.

Gabriel Montoya

00:14:24 Thank you Adam. Good afternoon. With all due respect, my name is Yellow Moon from the Pueblo of Pojoaque. My name as Adam said, is Gabriel Montoya, and I want to first off thank tribal leaders, for being here. The Assistant Secretary for making tribes a priority and for Mr. Geisler for continuing to advocate for tribes. With that, with all due respect I'd like to say a few words. I'd like to call on the creator, to bring blessings for all the tribal leaders and attendees present and for those that are not here and unavailable to attend. Ask that our hearts put in the words of wisdom for those who need to hear it and I ask that you amplify our ability to hear so we could hear the words that are being said. I pray for collaboration and partnership to benefit the communities who are the beneficiaries as we move into a new digital era. I pray that everybody will be mindful and that the growth of the leaders, whether it be on the tribal or the federal side, stand united and grow together for the vision of all of its people. Thank you Adam. Thank you.

Adam Geisler

00:15:46 NoŞúun Lóoviq. Thank you, Gabriel and appreciate those good words and starting us off in the right way. All right, well Carole if you don't mind, we'll go ahead and get to the next slide up. So my name is Adam Geisler, good afternoon or good morning, depending on where you're at. I don't think I've introduced myself formally here this morning, so my name is Adam Geisler. I'm an enrolled Member and citizen of the La Jolla band of Luiseño Indians. Our traditional name is the Payómkawichum people. And I'm actually coming to you today live from my ancestral homelands in my community. I am the division chief for the tribal connectivity and nation to nation coordination division within the office of Internet connectivity and growth here at NTIA. As I mentioned before, we are going to be covering three specific programs within the bipartisan infrastructure law, the infrastructure bill, as what a lot of folks refer to it as and really we're going to stop, explore each of these programs, and then we have a question or questions for each program we want to make sure that we get your feedback today. Also I'd be remiss if I didn't stop for a moment and as everybody has done so far, but I need to do it out of our own ways and our customs and acknowledge all of the tribal leaders that have spent the time to take everything on their busy schedules and hit pause to be here with us today. I understand how busy so many of you are and how many issues you're dealing with, within your own communities. So I do want to stop and acknowledge your commitment and participation in this process, as we work together to address the digital divide across Indian country. So with that we'll go ahead and move on to the next slide please Carol. And you know a little bit of housekeeping as we jump into the presentation today. Where, as I mentioned we're using a new platform, so if you if you don't mind please remain on mute. When we get into our question and answer or excuse me, we get it our consultation and where we begin soliciting feedback from the tribal leaders that are in attendance today or their designee, I am going to ask that you if you are a designee that you name your tribe and you have the authority to speak on behalf of your respective community that you're representing as part of this process, but go ahead and use your raise hand function and that's how we're going to go ahead and build up our queue. We also recognize that the digital divide is a real issue and that not everybody is able to get on a video component within zoom so we do also have the audio only feature. So for those of you that are dialing in, if you press star nine, our lovely operator will be able to also add you into the queue and we will work through the process. So with that, as a final reminder again, this is a closed event to the press, so if you are part of the press, we are going to kindly ask you to excuse yourself, and with that we will go ahead and start moving through our consultation today. So, as I mentioned and for those of you that reviewed the dear tribal leader letter that we sent out a little over 30 days ago now. There were four primary questions that we asked. The first question that we asked was, how should NTIA work with states to ensure tribal input and inclusion in the required BEAD five year state broadband plan? We're going to get into the weeds on that one and obviously that's part of the BEAD question.

00:19:22 The second is what our key considerations regarding digital equity for tribal communities?

00:19:28 The third is, how can States coordinate with tribes, to ensure that they're included in the state digital equity capacity grant program? I know it's a mouthful, including in the development of state digital equity plans so that's around the digital equity program. And then our last question that we're going to be exploring today is, how should NTIA ensure that tribal communities are included and served in the enabling middle mile broadband infrastructure Program?

00:19:58 We're going to move on to the next slide, as I said, we're going to take these in in bite size chunks as we move through it. But before we jump too far into each one of those, just as a quick reminder there are additional dollars that are out there for broadband beyond NTIA. You know, obviously we received \$48 billion that are going towards the four programs that we are administering. However, there's also additional funds that are out there through our partners at the FCC and the USDA. Actually \$14.2 billion under the Affordable Connectivity Program, as well as \$2 billion under the Rural Utility Service program over at USDA. So we're going to encourage you to reach out to our other federal partners, as well as you continue to put together the pieces around the approach that you're taking to address the digital challenges that you're facing and trying to resolve. I should also mention that there is a \$600 million private activity bond component as well that authorizes States and local governments to use private activity bonds for rural broadband. Again, everything on the right-hand side in the gray, are things that we are not administering, but we did want to bring it to your attention and give you kind of a full picture of where the pots of funding are. So, we'll go ahead and go to the next slide please Carole. Alright, so as we mentioned earlier, and it a little bit of a carryover from the last slide there are four programs that NTIA is administering. The BEAD Program, 42.45 billion, Digital Equity at 2.75 billion. The Middle Mile Program at 1 billion, and then, of course, the one that I know many of you are familiar with it shows the Tribal Broadband Connectivity Program which was a technical amendment that added an additional \$2 billion on to the TBCP program. As a reminder, we did already consult additionally on January 14 around the Tribal Broadband Connectivity Program and how should we treat that \$2 billion and what I can tell you today is that we do intend to allocate a portion of the \$2 billion to the existing round of applications, as well as we are holding some of that money back, of the \$2 billion dollars, in order to launch a second NOFO later on this year. We're in the process of finalizing the approval for exactly how much because I know many of you are probably wondering the answer to that question, so keep your eyes and ears open. We will absolutely make sure that we announce that here the very near future, about how that money is going to be addressed. So the remainder of our consultation today is really going to be focused on the other three programs: BEAD, Digital Equity, and Middle Mile, and the questions that we just shared a moment ago. So with that let's go ahead and jump into the next slide and we can jump into the BEAD Program. So I'm really excited about the amount of funding, but I will also address the elephant in the room, which I'm sure many of you are questioning, which is the allocation of the funds to the states directly. And, at the end of the day, the \$42.45 billion, you know is meant to be

administered through the state and territories through a formula program. Every state and territory is going to initially get money to do planning. In fact it's \$5 million to be exact and that \$5 million is going to be used in order to develop a state plan on how to address here the program priorities the unserved locations and underserved locations across the state. And I want to point out that that includes tribal communities, when we when have this conversation about what the plan is supposed to include. In addition to the \$5 million, that is available for the plan, every state is also guaranteed \$100 million, as part of this program as well. The \$100 million, 5 million of that hundred million is what is being used for the planning and then the balance is going to be used for the implementation of those plans. Again, as many of you understand and recognize that that is going to require a level of coordination between the tribes and the States and we highly expect the States to be able to engage with tribal nations and make sure that there is a level of inclusiveness in that planning process. The other thing that I do want to highlight in relationship to the BEAD program is we are in the process of developing a cohort of states that have tribes as their neighbors and as neighboring land use authorities and tribal nations and so keep your eyes and ears open for that as well. Because one of the intentions that we have here at NTIA is to make sure that we have a platform and a place to share best practices and information between tribes and states and how to approach the coordination that we know is going to be so important in meeting the needs of Indian country and States respectively. So again, in terms of eligible entities that that we prioritize, we are looking at persistent poverty and high poverty rates as part of the way that we look at administering the dollars beyond the 100 million right, we want to make sure that we really have a high focus on high priority and poverty areas. We are definitely looking at speed criteria of the proposed networks. Build time which we obviously know is a concern for everybody, given lead time and materials, etc. But build time is a factor and then demonstrated record on compliance with federal labor and employment laws. We really do want to make sure that there's great jobs coming out of this and good workforce capacity and development happening. And some other key features of the program, specific network requirements are included of speeds, at least at 120 hundred megabits down 20 megabits up. Then there is a matching component of this eligible entities must ensure that they or a sub grantee provide a 25% match unless there is a waiver granted, so you know, keep that in the back of your mind. I think many of you are familiar with waiver labor requests in Indian country. I know that that is not an uncommon thing so maybe something to discuss in partnership with your states, as you work on collaborating together in this process. Lastly, low cost plan requirements, you know it's not just about building out networks, it's about building out affordability in the process so folks can actually afford to access the networks. I think we're all cognizant of the fact that the network does nobody good if folks can't afford to be able to connect in the communities that clearly need these services. So you'll see there in the parentheses it's going to be determined by NTIA. So again, just kind of wrap a bow around the BEAD program in particular. We're talking about \$42 billion here and it's going to be a planning process and then, after that plan is completed and submitted to NTIA for approval. Upon approval, funding will

start to roll and everything above 100 million dollars will be looked at through a formula program that is established as a result of what we start to receive through those state plans. So with that, as I mentioned we're going to ask specific questions for each program and we're going to go ahead and open up the consultation question process here and I'm hoping that again if you can go ahead and use your raised hands feature, the question that we want to ask.

00:28:06 How should NTIA work with states to ensure tribal input and inclusion in the required BEAD five years state broadband plan? And so with that again, that is the question that we are consulting upon today, you know how do we ensure that your interests are captured in the planning process and in the plan themselves in order to meet the needs that we're looking at today. And I also do want to ask another one of my colleagues, if he doesn't mind coming on camera, Matthew Rogotzke. Matt is going to be a familiar face that many of you are going to be seeing in Indian country and in coordination with the state cohort that we're in the process of developing and Matt is going to help me with the queue today so Matt who do we have on deck.

Matthew Rogotzke

00:28:59 Yeah looks like Sally Fineday got her hand up first right ahead of Kevin Hamer so we have those two first and then folks if you keep putting your hands up I'll keep track of that and we'll keep announcing you as we go along and get comments. So Sally Fineday is first.

Adam Geisler

00:29:18 Beautiful. Sally we're going to go ahead and bring you off of mute if you don't mind just please give us the as you guys know we record these and we do a transcript afterwards, so if you don't mind just spelling your name and then the tribe that you're representing.

Sally Fineday

00:29:33 Sally Fineday representing Leech Lake Band of Ojibwe in Minnesota.

Adam Geisler

00:29:46 Wonderful happy to have you Sally and welcome.

Sally Fineday

00:29:50 Thank you, I think, a good way would be to have a Native American representing the tribes, maybe, possibly through NTIA. Somebody who can relate to the tribes. I know that, currently, the state of Minnesota's broadband at Minnesota does have one person who is a Native American. I believe he's from the Fond du Lac nation, but it would be nice to have at least another person to represent the tribes. I find that the last time that I tried to work with the state of Minnesota it was frustrating, because you know, we had those silly maps that didn't function for us and now we're way behind. And I do believe that the Leech Lake Band of Ojibwe if it owned its own fiber owned by the government, we could create that IT highway and provide a great bit of competition which we don't have currently in our tribal lands. We may have companies and those who are serving certain areas but it's unaffordable for many of our citizens. Thank you.

Adam Geisler 00:30:58 Absolutely Sally and I know you've attended these in the past, so I think you know I ask the follow ups, but one of the one follow ups that I am wondering is: What are some of the barriers that you are concerned about and in being able to coordinate with the state? I mean I'm not going to sugarcoat this we recognize that maybe the relationships are not always the best or a strongest we'd all like to see them with every tribe and every state. And so, are there things in particular within the state of Minnesota you'd mentioned, you know native representation by the state in this process to help you know advocate your positions, but are there any other things that we should be aware of, or suggestions that you have?

Sally Fineday 00:31:43 I think you know in my most recent meeting with the State Department of Commerce I let them know that tribal citizens are we're culturally different. A lot of our citizens are culturally different that they cannot you know a lott of families are staggering their payments. So maybe they'll pay every other month maybe they'll pay once every three months, but you know it's not like they don't need it, or they know that it's their responsibility it's just that they're juggling family budgets. And we live in northern Minnesota everything is so much more expensive than living in an urban area. So I think that cultural differences, the fact that Native Americans aren't so good at paying on a monthly basis and that's one thing that we found out at Leech Lake when we were operating our telecommunications company was that sometimes people could pay, maybe every three months, but those kinds of things need to be discussed, because that's a cultural difference.

Adam Geisler 00:32:42 Understood. Well Sally I want to thank you for spending the time with us and providing feedback and again we got other programs and questions, so please feel free to stay on and we'll continue to hear more input, as we go but miigwech, and thank you for sharing.

Sally Fineday 00:32:58 Miigwech.

Adam Geisler 00:33:01 All right, who do we have next Matthew.

Matthew Rogotzke 00:33:03 Thanks we have Kevin Hamer up next, apologies if that's a mispronunciation of the name, but we have that but, no one else in the queue so if other folks want to talk afterwards, please raise your hand and I'll be able to call on you, thanks.

Adam Geisler 00:33:20 Wonderful Kevin and a full spelling of your name the tribe that you're representing and your title if you don't mind.

Kevin Hamer 00:33:27 Thank you, Adam Kevin Hamer. I'm the general manager of the Yukon-Kuskokwim Delta tribal broadband consortium. It's a tribal organization, made up of 17 tribal governments in Southwest Alaska. I have a few comments for this specific question. I would suggest requiring States provide an assessment of broadband on tribal service areas, tribal lands in the State. There's plenty of

data to capture that information, census data, on travel service areas, FCC maps, NTIA's indicators of broadband need, etc. Number two to prioritize those unserved and underserved areas such as our area of Southwest Alaska prioritization of those unserved and underserved areas as part of that plan that state plan. Include an assessment of indigenous populations that are unserved and underserved and poverty levels in the areas of the state where those communities of tribal communities exist. And then fourth I think something that the Tribal Broadband Connectivity Program did so well is require tribal consent, tribal government consent for any of the work that's going to be planned in their areas of the State or in their tribal areas, prior to as part of the requirement for funding. And then you know level set, some sort of a level set in the state for those tribes in rural areas, where the cost to actually provide that infrastructure to build that infrastructure for broadband and high-speed internet is more expensive and very difficult, time consuming and the affordability of services provided in those rural tribal communities in a state needs to somehow be level set within that state either in some equity of Program. That you don't end up with the same problem, those that are hardest to reach, because they're the most expensive to build and therefore expensive to actually pay for their internet service. They have an equity within the state with those areas that are more urban and easier to provide that broadband infrastructure and pay for that you know those service plans are much more affordable in urban areas. So those are the five areas that I would suggest NTIA use in working with states to ensure that Tribal input, but thank you very much for the opportunity.

Adam Geisler

00:36:13 Thanks Kevin I just I do before you jump off just want to make sure I heard everything correctly. So your first one was requiring an assessment on tribal lands requiring the state to essentially conduct an assessment on tribal lands and I think the intent there is to make sure that you know, the most recent or up to date picture of Indian country is reflected I'm assuming so did I hear that correctly.

Kevin Hamer

00:36:37 You did both with whether or not there is broadband service, and in that whole tribal in the tribal areas and the affordability of that service.

Adam Geisler

00:36:49 Gotcha so it's not just the service and support the affordability component okay. And then the second point was prioritize those unserved and underserved areas and somehow ensure that tribal unserved meets a priority threshold in the plan.

Kevin Hamer

00:37:06 Yes, that's correct.

Adam Geisler

00:37:09 Okay, and the third was tribal consent. Now, when you say tribal consent, are you saying that you're wanting to have the in order for NTIA to accept the state plan are you saying that there should be tribal consent from all the tribes on the State plan? Or you mind walking me through a little bit more on what you mean when you say travel consent.

Kevin Hamer

00:37:32 Sure, so it doesn't need the plan needs to include the tribal consent will be a requirement for the actual use of those broadband for installation on tribal lands, not in the plan for the plan itself to be submitted to NTIA. But the plan should include that tribal consent will be required for any broadband installation activities, minimal infrastructure, etc, on tribal lands.

Adam Geisler

00:37:57 So it was so on implementation okay. Yeah you guys got 229 up there, and that could get to get it could get tough. You know I can understand, I could also see why folks would say that, as well, so either way on. And then that they're also, as you mentioned a requirement for funding. So the other, the other part of your suggestion was to make sure that the states somehow are required to or to fund the tribes through their plan or that there's a requirement to fund, build, where were you going with them?

Kevin Hamer

00:38:37 No, no, in order for the NTIA and that's the difference between the planning and the implementation more tribal consent would not be required for the plan to be submitted. But as part of the plan tribal consent would be obtained before implementation on tribal lands and so NTIA is, of course, could, you know, not fund or say we are withholding funding of the state's plan, implementation of the state's plan, without that tribal consent another requirement that forces states to bring tribes, to the table and discuss their plans and the implementation of those plans with the tribes, and as a partner, instead of an afterthought.

Adam Geisler

00:39:20 Understood. And then the, thank you for the clarification on that, and then I think the last item that you had mentioned was an equity component of this where the state plan takes into consideration just the high cost for build in really rural regions like the Yukon-Kuskokwim Delta. So is there, did I just capture that right, or is there anything else that you want to make sure that we get there?

Kevin Hamer

00:39:44 Yeah it's sort of kind of put everybody on a level playing field. And understanding that some areas of the states require a lot more funding to provide broadband infrastructure and the affordability again both infrastructure building and affordability of Internet services for those really remote areas. Put them on some kind of a parity so they don't always get left off the table, because they're so expensive. And there are lots of ways to do that and tribes, I'm sorry states do that with power and other utility services. So yeah there was one more item that I did include and that was include, an assessment of the indigenous populations and poverty levels for tribal lands that are unserved or underserved. So again something learning from the NTIA Tribal Broadband Connectivity Program we're having that as a requirement and prioritization for those most unserved with high poverty levels. In Southwest Alaska the indigenous population represents 85 to 95% of the entire population in that part of the state. They need to be part of this conversation and an assessment of those populations in those rural areas and the poverty levels as a factor in the prioritization of funding for those areas is important in a state plan.

Adam Geisler 00:41:16 I appreciate the clarification in the assessment on the poverty levels, I think I wrapped it in with the top one and I appreciate the distinction that you made. Awesome suggestions I really appreciate it Mr. Hamer for that, for the feedback and you know, as always, we appreciate our friends from Alaska joining. I'm looking at the list of folks, you guys have a good delegation on the call today, and you know, again, this is a this is, I mean it's specifically, let's talk Alaska for just two seconds. This program, in particular, there are huge opportunities for the state of Alaska you know based on the way that you guys are organized and how you coordinate and the makeup of the state and the Indian country as a whole. I'm glad you guys are on and paying close attention to this, because I think there's a real big opportunity here for you folks so thank you for attending today and being with us.

Kevin Hamer Thank you.

Adam Geisler All right who do we have next Matthew.

Matthew Rogotzke 00:42:14 Yeah few more queueing up, Terrence Adams is up next and then after that we'll have Sharon Hildebrand. Terrence is up now.

Adam Geisler 00:42:25 Awesome, hi Terrence, if you could give us your spell your name, title, and who you're representing.

Terrence Adams 00:42:34 Terrence Adams. I'm the vice, Chair of the Lummi Nation.

Adam Geisler 00:42:47 Washington state, correct? Correct awesome happy to have your Terrence. So what feedback, do you have for us on the BEAD program and how best to coordinate with the state of Washington.

Terrence Adams 00:43:00 Yeah first and foremost, I just want to thank you all for being here with us today. As I stated before, we are a federally recognized tribe here from the Treaty of 1855 of the Point Elliot Treaty and we're very honored and fortunate to be a part of this discussion. This is always been a goal of the Lummi Nation here to further move forward resources and developments for our people with communication and telecommunication. We have a couple of suggestions here, we wanted to ask that the NTIA should consider requiring the state to conduct a tribal consultation to gather tribal input on the needs and priorities of the BEAD Program. Additionally, states should be required to share with the tribal nations, the forecasted service areas for broadband technologies and when service areas are within tribal communities, grant tribal government first rights to develop.

Adam Geisler 00:44:19 Okay, so just to make sure I heard you I heard you clearly Terrence and you'll notice I do this with everybody. But I do want to make sure when we're consulting that what I heard and what you said are the same thing and I didn't miss anything. It's important it's really important for us to make sure we're on the same page when we do this. So the first one that you mentioned,

was the requirement of consultation on the states in the development of the plan in the planning process so did I hear that correctly.

Terrence Adams 00:44:49 Yeah yeah that's correct we just wanted to get the opportunity to sit down with the State and share any concerns and ideas that we may have moving forward, just like this consultation, I think it's a good platform for all to come forward and share their ideas, resources, and knowledge when moving forward with this broadband.

Adam Geisler 00:45:16 Okay, and then the second point that you made was to require the state to share that the forecast to propose projects that they want to implement and when they have tribal implications. Now, I want to make sure I understand this just correctly you're not talking about just on tribal lands, are you implying that if the project is also near tribal lands or adjacent to tribal lands that the tribe should have first right to develop those projects.

Terrence Adams 00:45:48 Pretty much on tribal land. I know just as within our own tribal boundaries we have that authority, but I think in our service area, you know, a service area map where it's going to make more sense for fiber optics to be laid or through the process what that looks like, and if that does lie within our tribal boundaries that these tribal governments have the first access to develop.

Adam Geisler 00:46:21 Do you think and I'm just going to pick your brain for a quick second, but do you think that recognition of something like TERO might kind of addressed that tribal Employment Rights Ordinance or the use of their of your existing TERO policy that the tribe may have could, you know, thinking about how the states incorporate that into the plan and recognize that, in the plan, do you think that would be a path to do that.

Terrence Adams 00:46:53 Yeah I think just having a seat at the table. I would have to agree, I think, working and I, and I kind of as my current job I still work closely with TERO and I think having those conversations within that office as well, to make sure within our TERO ordinance that we always have a seat at that table in those discussions and making sure we're aware of the process in building broadband.

Adam Geisler 00:47:28 Okay. No I appreciate the clarification on that, I mean you know I think a big part of one of the things that we have as a focal point with the program it's pretty clear and in statute is a workforce development component, as we do this, and I think that's what I'm hearing you say real loud and clear right, if there's jobs and opportunity to learn or build that that you want to make sure when it's on tribal lands, especially that you have that opportunity. So Terrence I want to thank you, Vice Chair Adams, I want to thank you for being on today and providing your feedback on this really important program. So thank you for the feedback and feel free to chime in, on the other questions as we move through.

Terrence Adams

00:48:10 Thank you, thank you very much.

Adam Geisler

00:48:14 Alright, so we have Sharon Hildebrand up and then I believe and who do we have after that?

Matthew Rogotzke

00:48:23 Will Micklin is next in line after that.

Adam Geisler

00:48:25 All right, all right well Sharon welcome, and if you could please spell your, I'm going to sound like a broken record here if you don't mind, could you please that say and spell your name, your title, and the tribe that you're representing please.

Sharon Hildebrand

00:48:39 Yeah I'm Sharon Hildebrand. I'm the village outreach liaison for Doyon, Limited the regional corporation in Alaska. The largest land holder, I believe, within North America, and we also submitted one of the grants to submit fiber down the Yukon river. Anyways, we in our we've been doing a working group with the nonprofit consortium Tanana Chiefs Conference and full disclosure I also am the Vice President of Tanana Chiefs Conference as well. But we do work closely with Tanana Chiefs Conference and we've found that there needs to be some sort of data bank where tribes and nonprofits and regional corps can share information. Because we found that when we've reached out to other tribes within Alaska, we are always willing to share information. That's just our way of wanting to lift up one another and help one another, we always want to share information. And the other thing is I think it's a good idea to create some sort of working group, not a huge working group, but something where there's representation from either the nonprofits or the regional corps, either one or the other but I think it's important to have representation from all areas of the State, so that input can be shared of where grants are coming in, because that's how Doyon, Limited and Tanana Chiefs Conference was able to share information and we were able to know where Tanana Chiefs was putting in grants and such vice versa, and we were able to cooperatively work with one another and, but the data bank, would be a something. And I also agree with Kevin with Yukon Kuskokwim on having a seat at the table, I think it's very, very important.

Adam Geisler

00:51:25 So I first off Vice President Hildebrand I want to thank you for the comments, because I think those are those are some thoughtful things and I think for our friends that aren't familiar with Alaska there's a strong intention behind your comments to make sure that there's collaboration. From what I heard you say between the village and the village corporation, the regional corporations, the regional nonprofits, and then of course the partner, the state. Because it's the way you guys do business up there and, so I think you bring up a good point about a data bank and I'm really hopeful that the state plan process in Alaska can hopefully do that and in terms of the working group, I think you know I hear you loud and clear on that. And again I'm just if I misunderstood what you were saying you know feel free to chime in and cut me off, but I heard you say, do you want to make sure that there's some sort of a data bank, where people are sharing their proposed projects where they're all

incorporated into a broader plan. And then, a working group or a hub, in order to coordinate those activities because it's such a I mean Alaska is just such a massive undertaking in itself. So that that makes a ton of sense. Quick question have you been I know that there was some there was a state broadband plan and there is a the governor had adapted a kind of like a planning body to start that process. Do you feel like that might be the forum in which engagement could occur? Because my understanding is there's representation from the different folks that you mentioned, but you know I guess while I have you just want to pick your brain on that.

- Sharon Hildebrand 00:53:08 Yeah so from what I understand we did have a Rep from Doyon, Limited on that state appointed broadband working group, but it has since been I think it's has since been taken apart because they've gotten what work they needed out of it. That person was Alan Todd.
- Adam Geisler 00:53:37 Right right okay well that's I think that's helpful again, you know I have my colleague on here Matt Rogotzke and part of what we want to make sure we're doing is getting that that that state cohort and states, and you know I'm going to say it broadly tribes, you know, to have a seat at the table with one another and then play that role of the facilitator. I think that you just brought up a great example of the question that we're asking. Which is how can folks work together so you're saying a database, a working group and you know, obviously we're going to be supplying \$5 million to every state for planning. So hopefully that that those dollars can help drive that process. Is there anything else you wanted to add before we move on to the next speaker.
- Sharon Hildebrand 00:54:20 No that's it, thank you for your time and the rest of the speakers brought up very good points, thank you.
- Adam Geisler 00:54:28 Awesome, thank you for being here today. Alright, so Matthew we have believe Mr. Will Micklin and who do we have to that?
- Matthew Rogotzke 00:54:36 Yeah we have Nate Tyler after that believe Jonathan Nez had his hand up but it's now down so on to Nate after that .
- Adam Geisler 00:54:46 Okay well let's do this President Nez, if you're still on, I will go to you right after Mr. Micklin. And if you're not you're not, on then we'll move on to Mr. Nate Tyler. All right, Mr. Micklin. How are you doing?
- Will Micklin 00:55:13 Good, sorry trying to get off mute. Good to see you, thank you, thanks for opportunity to comment. I guess our current concerns, Will Micklin, Second Vice President, Executive Council for the Central Council of Tlingit and Haida Tribes of Alaska, the regional and tribe for southeast Alaska headquartered in Juneau. Richard Peterson, President and so we discussed in our last consultation, the deficiencies with the broadband data maps and the state and then segue to the state boards for this consultation. I'll pretty much limit my remarks to the to that question. On the state boards it's an issue in

Will Micklin

that, as the previous consultator discussed the state of Alaska had the broadband board or council and it updated its Alaska broadband plan first issued in 2014, updated in 2019, and updated in 2021 issued in November and it called for many of those call that many of the needs in the state of Alaska, particularly with middle mile with underserved and unserved communities and the vast task of funding improvements to meet even the minimum requirements of broadband service and deployment, the price tag was somewhere around the \$21 to \$25 billion for that minimal effort. So that far outstrips the federal appropriations for broadband overall and as we've discussed in prior consultations, tribes in the state of Alaska, whether it's through the TBCP or the Reconnect applications or EDA opportunities or the BIL, we will need to compromise our design and engineering by the limits of funding available to try and extend broadband, to the extent possible. A significant limitation in this is that the BIL fund conveys most of its funding through the state broadband boards. The state of Alaska has been trying to decide how to organize such an entity, called for by the BIL, we know that the state has received the Capital Projects Fund, \$111 million. They do anticipate using the \$5 million to stand up a broadband board. I think there has been significant talk about just allocating the rest of the CPF to other needs of the state other than broadband deployment. I think that would be a mistake, but we are not trying to not the deciders on state appropriations. But it does highlight the concerns where funding that is targeted for broadband and intended for benefit of tribes is used otherwise for other purposes by the state. We think they need to make a case as to why they should be permitted to dispose the funds other than for broadband deployment. But that's a question of interpretation there. I think the Denali Commission, the existing entity in the state for conveying federal funds through the state for tribal benefits has been in discussion. They did receive a \$250,000 appropriations for broadband purposes, but I don't think they are going to end up being, it would seem, I don't think the decision is final. I think the legislature and governor are trying to determine who controls the entity and therefore where it sits in the state legislature, whether it's a Commission stood up by the office of the governor or whether it's a special entity, stood up by the legislature and that has all to do with control. But it does highlight the question that funds that tribes desperately need, particularly in the state of Alaska where the state broadband plan repeatedly reports that there are needs for funding far in excess of what the federal appropriations allow. That those funds that are conveyed to the state are diluted by other uses and have very limited consultation with Tribes as was noted on the plan, there was one representative of an ANCSA corporation on there, there was not a tribal Rep and as to the board there's still unclear who the representatives on the board would be. So those are specific concerns as to solutions. I just think that our federal partners need to make a strong requirement for these funds that the state reports on its disposition and reports how tribes and ANCSA corporations were involved in consultation In advance of the determination of the allocation and disposition of funds and that there was meaningful consultation in that we were heard and some action was based upon our interests. That's a tall order but I don't know what else to say except that it will take a significant effort by our federal partners to

convince state of Alaska to provide meaningful consultation and partnership, hopefully collaboration with tribes. I will add further that I think there should be some care on the poverty rates for a definitive metric for allocation of an eligibility of funding outside of Juneau in southeast Alaska outside of Juneau, Ketchikan, and Sitka. Broadband services that are reported to be broadband level service are just simply terrible and really not acceptable as broadband service, even those that are marketed and paid for as broadband service and in underserved areas there are folks above poverty income that don't have access to broadband. We also have in the TBCP the ability for use of funds to pay for service that helps and aides in deployment of broadband and Reconnect that there's no allowance of use of funds expended for service. So if we only allocate broadband deployment to poverty areas then it raises the question of how we pay for continued service and how we sustain service. We are working hard to raise our tribal citizens above poverty level and that effort should not be rewarded within ineligibility for funding, but more than that side point we need to pay for the services on a sustained basis and just allocating to restrictions to poverty areas or at least that impetus for eligibility based on poverty levels, I think needs a careful look at, so we don't make it impractical or and feasible for us to sustain these services by providing it to both poverty, below poverty and above poverty tribal citizens who nevertheless should have access to broadband services. And finally, I'll say in wrap up just as Executive Director for the Ewiiapaayp Band in the state of California, the state has done well they've created the California Broadband Council, they have created the California broadband board by governors' executive order. However, I can report that, even though \$3.25 to \$6 billion is in appropriations by the state to supplement federal funding for broadband deployment and tribes are listed as stakeholders, there is really not been meaningful consultation with tribes. The plan is progressing, the most recent meeting was March 2, which was an extended period of inactivity, but they did meet March 2 and disclose plans, for example, to provide the analysis of broadband deployment in March. By the end of the month of this year without tribal consultation however I can report and that they are will pursue stakeholder comments in February or did in February, but we didn't receive those and then April through June, they will provide outreach to try to however many of the decisions with the broadband deployment in the state will be decided substantially by that point so, although the effort is excellent, there really needs to be meaningful consultation with tribes in the state of California. So thank you again for the opportunity and I look forward to engage with you for further occasions, thank you.

Adam Geisler

01:07:02 Thanks Vice President bit going to just to just to recap, I think one of the things that I really heard you make clear, and I think this is probably going to be a common thread from all of our speakers because I've heard a pop up so far, a couple times requirement of consultation put on the states when developing these plans that there's you know there's a good faith engagement in consultation. So I hear you all loud and clear and feel free for other commenters if that is also how you, what you believe, will we will continue to capture that. We respect each tribal nation's feedback in this process, and the second point, I think that you that you brought up Vice President Micklin, but I

think it's an important one to think about in relationship to the poverty metric. Specifically in the state of Alaska and I think I think we'd all agree that there's usually a strong correlation between the socio-economic status of a community and their access. However, the other thing that I would mention is that the one of the things that you pointed out, is that, even if you are not in the poverty range in large sections of Alaska that doesn't necessarily correlate to Alaska. I guess is what I heard you say. Well there's definitely communities that are facing some poverty challenges, there's also communities that are not and they still aren't able to access the Internet. So to be mindful about how we think about that. Is there anything that I missed there and I, by the way, I appreciate the background on California as well, but I'll just pause it just make sure there wasn't anything additional.

Will Micklin

01:08:53 You're on point Adam. Thank you.

Adam Geisler

01:08:56 Okay, appreciate it, thank you, Vice President. With that we will go ahead and Matthew I think I know who we have up next. President Nez if you're on the line, and we will go ahead and work to unmute you and then right after that we will move on to Mr. Nate Tyler.

Jonathan Nez

01:09:18 Good afternoon, everybody, thank you, Adam.

Adam Geisler

01:09:23 Good afternoon, President Nez. Yah'eh-teh'.

Jonathan Nez

01:09:25 Yah'eh-teh', thanks for the invite and for organizing this consultation. Matter of fact you know what you were all talking about with the state consultation. It's really not a state consultation with Arizona, but later today we are to meet up with the folks at the Arizona Commerce Authority and broadband director, Jeff Sobotka. So a lot of this will be reiterated there I'm sure in that meeting. But just also want to say too that you know our Navajo Nation Telecommunications and Regulatory Commission office Executive Director Christopher Becenti transitioned from Navajo to NTIA. So you all have a good catch there and he's been very successful in broadband efforts here on the Navajo nation, it's going to be hard to fill his shoes. But you all are getting a great broadband and telecommunication leader there at NTIA. So before he left he developed some talking points, so I think in honor of his transition I'll stay with his talking points, you know how we are in Navajo, we tend to if I don't stay with the talking points it's going to be a lot longer. But you know, with the TBCP allocating \$1 billion and an additional 2 billion that really is a shot in the arm for tribes throughout the country. The Broadband Equity Access and Employment Program can and will complement current and future projects with the TBCP but I know that Christopher Becenti has said this many times in many forums. One of the major concerns Navajo is facing with federal grant funding that was provided to the states are the speed requirements right which required minimum speed to be 100 megabits per second download and symmetrical up. The current lay of the land with homes on the Navajo nation is a large land based tribe you know the Navajo nation and the right of way challenge, we will need to continue to utilize fixed wireless as an initial method

for deployment. We are in the process and planning stages to provide fiber to the homes with current proposals, however, this may not be financially feasible for homes, more than three miles which would warrant fixed wireless as a cost effective solution, however, fixed wireless has its limitations, as we all know. Therefore, we have to stress there be some leeway with the upcoming requirements for speed requirements for unserved and underserved territories. One other recommendation is to support 2.5 gigahertz spectrum utilization and build out requirement projects with 2.5 gigahertz proposal should be able to receive additional points with the grant and speaking on that I'm going to go to the second question, if I may just real quick because it talks about the 2.5. What the question was what are key considerations regarding digital equity for tribal communities? In our responses to promote 2.5 gigahertz projects to help tribes meet the FCC build out requirements, this also promotes the use of fixed wireless technology to connect homes, with the current definition of broadband speeds, this is the fastest way to get homes connected now as an additional option. Then work on shifting towards physical connections to the home via fiber. The biggest challenge we have with Navajo Nation is access to spectrum. Without our regional carriers working on a build out, national carriers would cease to have service in the heart of the Navajo Nation. We support our regional carriers, but they are in desperate need of additional spectrum to support the current demands for telework and distance learning since we're still following those Covid 19 protocols here in Navajo Nation. Schools are still remote, and employees are still remote as well, we are excited to have AT&T building out on an elevation we had a great meeting with the with them in Tohatchi, New Mexico. This is the first national carrier to deploy comprehensive network across the Navajo nation. But we always welcome new partners with other national carriers to deploy their own networks on Navajo. We now see spectrum like a water pipe like this analogy that he uses. It can only provide water to so many, based on the size of the pipe. What we're saying is, we need more pipes. And just quickly response to the third question, if I may Adam. I might as well just get it all of this full questions. The third question. Our responses, the state Digital Equity Planning Grant Program is crucial for a proper and complete broadband planning system. With this funding being available that can help provide solutions which can provide 100 megabyte per second solutions to majority of the homes. The key thing with this is the ability to plan and be able to utilize the funding. Once this is completed, we can proceed into the state digital equity plans. There's \$1.44 billion is available to the states. And one of the questions we have is how do you anticipate a distribution plan for this amount? The reason for this question is we would have to apply for these grants in three different states with respect to the Navajo nation expanding into Arizona, New Mexico, and Utah when it comes to tribal engagement with the three states for such grants, we have had a great working relationship with the states and can count on them to keep tribes in the loop, but the coordination is something that we look to NTIA for. The last question, how should the NTIA ensure tribal communities are included in serving Enabling Middle Mile Broadband Infrastructure Program. Right of way within tribes will always be our biggest barrier. As a large land-based tribe with planning for industry structure on tribal territories, the environmental,

cultural, and biological compliance and planning potentially be utilized with the state Digital Equity Planning Grant Program. The right of ways on tribal territories will either make or break the project, due to the amount of time needed to receive the green light to move forward with any new infrastructure project, especially for telecommunications. We have seen us an example of since 7-year fiber take 12 months, that a new tower take years to receive approval if the timing for the word processes time will be receiving federal funding support from the NTIA for planning, then migrate to the State Digital Equity Plans can help move tribes forward includes the digital divide. Lastly, you know, this is what Navajo has been proposing to the tribal leaders that are on the call. You know, we need to update federal regulations and laws to get these projects done quicker in Indian country and that's just not for broadband telecommunication. That's where electricity, water, for transportation, roads, infrastructure and that's what we're dealing with the ARPA, and soon to be infrastructure dollars. And we really need support to press on the new the administration to update, let me just say update when I say change laws of regulation, people are like whoa as If it's to see how they because these are archaic policies and regulations, some of these changes can be done by secretarial order to streamline right of way processes, so we have to deal with Interior for telecommunication and others for roads, we have to deal with BIA and also Transportation in you know there's so many examples of this, but here's an opportunity, everyone tribal leaders to update those laws, regulations policies that deal with doing infrastructure quicker here in Tribal communities, so thank you, I appreciate it.

Adam Geisler

01:19:15 Yeah no absolutely President, as always happy to have you on and just to recap, and you know I think you hit on a lot of a lot of key components and first and foremost thank you for acknowledging Mr. Becenti and the work that he's done. We're really honored to have him as a new member of our team and we obviously see him as a major asset and we're excited to have him. In fact this is his first week, so thank you for acknowledging him and, obviously, for your continued support and I may owe you a dinner President Nez. I think the other thing you make a great point about speed requirements that we need to be cognizant of. The reality is and I hear you loud and clear on some of the concerns that you have with speed requirements that may not be obtainable given some of the barriers and parameters that you're facing and your deployment, specifically when you started mentioning the fixed wireless concerns. I really appreciate the comment around 2.5 priority, and we need to think that over. But I just want to make sure I heard that correctly, because I think that that's a great nuance that not only meets you know the needs that we're looking for NTIA but obviously the needs of the deployment for FCC that everybody's committed on for the deployment of that spectrum. So I think you make a great component there. I hear you loud and clear on the spectrum access piece. I'm assuming that any state plan and correct me if I'm wrong President Nez but I'm assuming that in your comments, what you're conveying is that any state plan that involves additional spectrum coverage over your respective lands should really be managed by you. The assessment of the Digital Equity Distribution Plan as, as always, it's not just Navajo nation, but I

think you've raised another great point that we need to think about with our team on the Digital Equity Program about if you're in three states so how does that look and what does that process look like and you know how do we, you know not make an applicant jump through three different hoops if there's a way to not have to do that. No promises, but I appreciate you raising it because I know we have not addressed anything like that quite yet, the timing is right. Right of way issues also your ears must have been burning we you know we there, we are absolutely working on streamlining federal permitting processes and looking at what barriers exists, and I am going to be picking Chris's brain a little bit and happy to reach out to you as well, on some of the barriers that you're experiencing within the permitting process. We've absolutely heard some challenges around appraisals, for example, and the timelines associated with appraisals and different processes, depending on the land management agency. I believe I understood, where you were going with that, let me know if I if I misunderstood it and then the last one is the uptake of the federal regs that to get things done quickly as obviously as you're know you're speaking to the other tribal leaders on the line. But you know what I will say, as I know, we at NTIA would welcome updates to regs that streamline availability and access to the folks who we're trying to serve you know, obviously in balancing that with the cultural historic preservation environmental concerns that we all need to be mindful of on in that process. So I appreciate you raising that. Is there anything else, President Nez that you wanted to add or clarify before we move on to our next speaker.

Jonathan Nez

01:23:18 But no, Adam appreciate it, but we'll follow up with our written comments.

Adam Geissler

01:23:24 Wonderful Thank you President. All right, right um we have up next looks like Nate Tyler and then after that Lisa Sutherland and then we'll move on to the next, the next program so Nate. If you if you wouldn't mind, please, is that name spell your name title and the tribe you're representing are speaking on behalf of.

Nate Tyler

01:23:51 Okay, I appreciate that. Nate Tyler President of the Makah Tribe and a I appreciate this forum here on consultation Adam I'm not sure how familiar, you are with Makah.

Adam Geisler

01:24:11 I've been on the boat. Yeah, I've been I've been there, a couple times beautiful part of the of the country in fact I'll do a quick tease. For any of you that have never been to the most Northwest corner of united lower 48 and if you ever get a chance to get out to the Makah nation, I highly recommend it it's one of the most beautiful communities frankly I've ever seen you guys you guys live in an amazing spot. Happy to have you.

Nate Tyler

01:24:42 appreciate the PR right there. Absolutely, we just opened our reservation we've been closed down for two full years, so we just opened our reservation. Monday first visitor came in at about quarter after midnight. So uh I guess you know just to let you know my frustrations first. You know if I

guess you know the Makah tribe. You know we've been we've been in this arena for quite a few years now lobbying, and you know towards our efforts, but Chairman Nez talked about speeds I'm currently my average speed at homes about nine up and 0.7 down so. And that's pretty normal for a lot of households throughout the reservation here on the Makah reservation so, but you know just the frustrations, you know quite a few years we've been dealing with a broadband lobby and testifying you know, both in DC and in Olympia. And here we are, you know all these years later we're still discussing funding issues, so the system really isn't fair. Although there is there is mapping it's still not fair. And, that I don't I don't know what's currently in place between NTIA and Washington state and I guess in saying that you know there definitely should be some consultation. There should be an advisory committee put in place with tribal leaders on it with the state, there should be a single contact for tribes in the state of Washington in working with the state of Washington towards broadband funding. I guess one of one of the other things. You know, with all this money coming out. Money for tribes of spread out just in broadband alone I don't know how many agencies, you know 15, 16 agencies or something like that I have no idea, but I know it's a lot. Now we're talking tried to have any go through the state of Washington for access to funding, I don't know if the system that will be in places, going to be fair. It should be. And I sure hope it is a fair process that actually gets the money where the money needs to go. And one other thing I guess with all the money that's going be coming out and if it's going through the state and the state should be funding and operating you know the backbone that has open access to connect all the rural communities. Otherwise we're going to be basically competing with counties with we don't know who we're going to compete with it's going to be probably highly competitive. But I just think with all this money that's going to be coming out all the money that has come out. You know, then the state should just you know, put all this broadband in place and then connect communities, and then we wouldn't be here talking about this today, but I think mapping is really, really important. Mapping, which show where the needs that we've gone through this process about six years ago with Firstnet and we did the math on Firstnet and that alone took a couple years, I believe. Just this year some of them issues are being addressed through that Firstnet program so Makah tribe will also submit written comments, but I do appreciate the opportunity to come on here and speak with you guys so thanks.

Adam Geisler

01:29:21 Absolutely yeah Tyler appreciate that the time and in the patience as we work our way through each of the folks have provided feedback. And you know just to recap what I what I heard there you know there's clearly some concerns that you have and again for each of you, if this is a concern feel free to say it's always good to hear from each tribe where their position is at. But the concern about the direct funding to the States and the concerns that you raised about the ability to access that I think the second one that you pointed out, was the mapping concerns and how you know what mapping tools or information may be used in order to inform the planning activities and the third Item that you raised was a suggestion about an advisory body and making sure there is for sure, a single point of contact within the state at the state level to

ensure coordination and collaboration and the last item that I heard from you, was also ensuring an open access requirement, where your community isn't being limited or in competition with other communities, but that the networks that are being planned are really able to provide a level of access and open access for everybody, that is, you know whether you're at the end of the of the backbone or at the beginning that there's adequate sufficient capacity there. So is there, did I hear that correctly, I guess first Treasurer Tyler and then is there anything additional that you wanted to add before we move to our next speaker.

Nate Tyler 01:31:10 Yes, that's correct. I don't I don't have any more to add so appreciate it.

Adam Geisler 01:31:16 Absolutely well wonderful, thank you for the feedback, congratulations on the reopening of your community that's exciting news to hear. It's great to see the folks are opening back up and I'm not sure if you are aware, Treasurer Tyler we actually do have a couple members from the Makah nation I'm actually on our team, so thank you man, I feel like I'm going to be buying a lot of dinners so thank you for the contribution of the Makah people to the to the team here at NTIA really appreciate you lending some of your experts to the efforts that we have here at the federal government as we work to address the challenges, so thank you again. All right, so we now next have Lisa Sutherland and who we have in the batter's box Matt?

Matthew Rogotzke 01:32:07 And Stephen Atkins is up after that.

Adam Geisler 01:32:12 Hello, how you doing Ms. Sutherland good to see you.

Lisa Sutherland 01:32:15 Thank you. First of all I want to thank you for having this consultation on a State program you really are not required by law to do so and it just shows how NTIA is one of the you know kind of has the gold standard in terms of tribal consultation so anyway, I just wanted to note that and say how much that is appreciated.

Adam Geisler 01:32:40 Thank you, and if you don't mind I appreciate that feedback, by the way, um if you don't mind, I may have missed it on the last one, but if you don't mind just name title.

Lisa Sutherland 01:32:55 yeah my name is Lisa Sutherland and I work with the Alaska Federation of Natives in Alaska and my role is my title is called lead federal navigator. So on this on the State plan, one thing that I, and I got on a little bit late, so if this already been covered, but it might be a good idea to require every state, particularly those with significant Indian or native communities to have a separate section on how they're going to address tribal needs so it's not just kind of incorporated in every time they mentioned something they just saw in

the word tribe, they have a separate section that addresses tribal needs and in a state like ours, where nearly a quarter of the people are Alaska native or living native communities that would that would really be meaningful. I thought the idea of having a requiring the States to have a tribal consultation is excellent. But I also think and thinking about it that maybe it would be good to have one consultation that deals more with the infrastructure side because correct me if I'm wrong, but the state can use this money for both used to have adoption or infrastructure. But there might be a separate consultation on more they use and adoption that could also include: Tele health and pull in the Indian Health Service and tribal health care providers in Alaska that's a big deal we have hundreds of Indian health clinics and that kind of thing and then the other element is Indian housing authorities. We have 12 Indian housing authorities and a lot of other states have Indian housing authorities who are, by definition, provide housing to low income households, who probably almost by definition can't afford the Internet. So I think those are two other entities that maybe state should be required to have consultations with. On the comments I think your comments are due today at six. I've heard a lot of really good ideas today. that, I think we'd probably like to incorporate into our comments, but. The comments or do like literally when this is over at six o'clock. I was wondering if you might consider extending the comment period to Monday so some of us who have heard some fabulous ideas could incorporate some of those into our comments.

Adam Geisler

01:35:39So I'm not on mute okay good um. Well Lisa you always keep me on my toes. So I guess what I would say is. First off turn this notification off. I think the first thing that I would say, is, I think you raised a good point that. You know, within the state of Alaska when we're talking about consultation there's different players at the table, depending on what arm of the program you're looking to kind of support or fulfill so whether you're looking at infrastructure or UA and who should be there, so I think that you know fair point and noted. In terms of the comment period for the tribal consultation we are what I would encourage you to do is just go ahead and send in your send it in. Right, we have a closing period for the tribal consultation on today, however, as you can you see this is part of a broader Program. Right, where we're receiving feedback irrespective for all of these programs, while we're continuing to work on them, so I don't so don't hesitate and sending over your feedback or your comments on if you need you know until Monday or even if it pops up next week. We may not be able to you know include it formally in the consultation summary documentation, but it doesn't mean that the that we can't or wouldn't look at the feedback at your respective more broadly related to the program anyhow so.

Lisa Sutherland

01:37:19I had one other question on the on the equity plan that the State supposed to create under when we get to the equity program. Am I correct that they're required to delegate that to a third party or the State do it if they choose to? I thought there was some language in there That said, the state shall choose a third party to prepare the equity plan.

Adam Geisler

01:37:46um what let's chat about that, on the next section I'm not familiar with that particular what the language you're referencing, but what we can chat about that, on the with the next piece okay.

Lisa Sutherland

01:37:57And then just real quickly for the Alaska native leaders who are on this call, I might just say that the Alaska State Broadband plan that came out in November does recommend a task force, it has at least one tribal representative and one representative from Alaska Native Corporations and I think they're in the process of the either the state or the or the legislature are looking at how to do that and that the person who led the broadband task force was the head of the Alaska Native Corporation the village corporation groups, I think there was pretty good representation on that task force.

Adam Geisler

01:38:47 I will thank you Miss Sutherland for the for the feedback in the comments and anything else, before we move on to our next speaker.

Lisa Sutherland

01:38:56 The only other thing is whether you might think about requiring the States to have a tribal set aside or even a set aside for use and adoption. A lot of people on this call today have talked about maybe there is Internet but it's not affordable. So if the state is required to use at least a portion of the money 10% that could make a big difference, you know until we get more broadband built it kind of provides a little bit of a bridge. You know, to make broadband affordable for households that maybe have it. That's very true and Alaska it's the average cost of broadband is 300 to \$500 a month, where even places where they have it so that right that's always a struggle.

Adam Geisler

01:39:41um so I wrote it down, we definitely have it on the recording is a consideration for set aside, and you know, I will say that Ms. Sutherland and I know you're very familiar with the legislation. I know how extensively you familiarize yourself with it. I am not aware of any language that we would be able to use to require a State for a tribal set aside for this particular program and but that doesn't mean that the States on their own through you know the conversations and relationships, the tribes may have with their states. You know clearly tribes can go ahead and promote that in their respective states so, even though we may not be quote unquote a requirement within the statute of the legislation that also doesn't limit any states within their state plan from taking actions within their state plan to set aside, whatever their allocation, maybe for native country, or for the tribes there. So yeah don't while it's not written in law, I also want to want to point out that doesn't mean that you can't be having those conversations right as well.

Lisa Sutherland

01:40:55So even if they had to say how much they were putting in so that there is some kind of disclosure that would be helpful because that kind of forces people to not just pretend like they're going to do things, and then they don't do them.

Adam Geisler

01:41:08Right, well, we are, we are definitely paying attention to the inclusion of tribal needs, and we do want to ensure that the underserved populations are

a priority, so again, I appreciate the feedback as always Ms. Sutherland and with that I think we'll go ahead and move on to our next speaker, which I believe is a Chief Atkins.

- Stephen Adkins 01:41:41 Good afternoon.
- Adam Geisler 01:41:42 Good afternoon, if you don't mind Chief, name title and tribe spelling please.
- Stephen Adkins 01:41:51 Stephen Adkins principle Chief of Chickahominy Indian tribe I would like to echo the sentiments of Miss Sutherland I think you do have the gold standard on consultation and my comment really approximate those of friends from Lummi. I do think states should not have an option, I think they should be required to consult with the tribes their sovereign federally recognized tribes in the Commonwealth of Virginia, so I would like that to be hardwired you must consult with the tribe. Thank you.
- Adam Geisler 01:42:33 Absolutely and thank you for the feedback on the consultation to back in, so I think that was pretty short and sweet I don't think I missed it, but I just in the fashion, what we've done with everybody else that the main priority, you have is you want to you're advocating for required consultation for by the States for the tribes in the development of these plans.
- Stephen Adkins 01:42:59 Yes, not just check the box. I want consultation.
- Adam Geisler 01:43:03 Thank you, meaning meaningful consultation. Understood well thanks it backwards for hopping on today if there isn't anything else will go on to who's the next?
- Matthew Rogotzke 01:43:18 Yeah Bryan Maracle just came in so we'll get him before perhaps the next section yeah.
- Adam Geisler 01:43:25 I, this is the big the big enchilada here I think they're the big dog is our Assistant Secretary pointed out earlier right the BEAD program is complex it's not direct funding necessarily so I we did allocate you know about two hours for this conversation so four hour consult and the remaining two sections, we will we've set aside an hour for each of those and if we move faster we move faster so. With that we'll move on to the next section after we hear from Brian is it Maracle and if you don't mind Bryan name, title, and the tribe that you're representing today.
- Bryan Maracle 01:44:49 I will be very, very brief, my name is Bryan Maracle. I am a project manager working with the native village of Minto. The actionable item associated with this question would be to create in statute or formalize that projects engage directly on tribal lands or meeting tribal lead have an automatic waiver of the match requirement on the funds. That is my comment.

Adam Geisler 01:45:35Sorry I'm writing that down. Very straightforward, so I you know, Bryan for your sharing and thank you for the folks out of Alaska for that need a village and Minto and for you, representing them today and providing that feedback um I think I think you raised a very good point about the waiver of the match on tribal lands, do you mind just adding a little bit of color, as you know, as to why I think I understand it, but it's always good for as we're building the record around these consultations, you know the explanation of the justification, so do you mind, and I know it may sound like a dumb question, I think I understand it, but it would be good for us to understand why you believe that waiver should occur.

Bryan Maracle 01:46:29Ultimately, I think it's to incentivize states and partnerships to really meet the need on tribal lands. We need it, we all know, it we hear it loud and clear, and in some states there's the need for incentivization and this is a very good and incentivization to make tribal priority without having a specific set aside within those funds.

Adam Geisler 01:47:04And is there any particular that, thank you for the background on that I think that's where I thought you were headed, but I wanted to make sure whether we capture that um is there any particular law or statutes, I guess, the same thing that that you believe there would be some flexibility and being able to promote such a such a waiver. I'm just asking because I'm wondering if there's any type of foundation behind that that you may have may be aware of.

Bryan Maracle 01:47:42I don't I'm not a lawyer I'm a project manager. I am a do things guy um, but I think collaboration with somebody like Lisa, we could see what that opportunity is or if there is or what not.

Adam Geisler 01:48:03Awesome alright well Bryan Maracle. I really appreciate the time and for tuning in here with us out of Alaska and the village of Minto so appreciate the feedback. And thank you for humoring me on getting a little bit more clarification around your points in and the match component. So thank you so much. Alright well. We made it through the first Program. I will go ahead and move on to the next slide thank you Carole talking about the next program so we're going we're going to close the chapter on Bead and we're going to open up the next chapter on digital equity. And this is a, this is a unique program we have. We have some three different opportunities here essentially or well three different pots of funding and related to digital equity and essentially there's three sequence programs to promote digital inclusion. The total funding pool is 2.75 billion again that's that 2.75 billion is broken up into three buckets. The program objectives pretty straightforward it's to support the closure of the digital divide, and promote equity and digital inclusion, so that individuals and communities have the Information technology capacity that is needed for full participation in society and the economy of the United States. And I know in previous consultations I've heard from many of you raise concerns about capacity and capabilities of your respective tribal governments and being able

to find dollars to develop those internal capacities for information technology within your communities. And let's just be candid here so much of what we're doing has evolved over the years, and I'll just share a quick personal story. I remember the days when even myself as a former tribal leader, you know I looked at IT and thought well, that means you helped me set up my cell phone email and information technology has evolved into so many more things in the way that we all are doing business or would like to do business and well beyond setting up our emails on our phones. We're talking about you know critical Infrastructure communication capabilities between our governments tribal governments in our stakeholders. The ability to conduct different types of commerce and e commerce and all of that requires a lot more education and capabilities and an understanding and I also know that many of you have an emphasis on wanting to build that those capacities within your respective communities, so this is the program. And in terms of program priorities and the focal points veterans which is many of you know, Indian country has a high amount of individuals that enlist in our armed services that we're grateful for it. I do want to acknowledge our veterans that may be on the line today and thank you for your service. We also have individuals in terms of priorities individuals living in households earning at or below 150% of the poverty line. We also have a aging individuals as a priority for the Program. I'm going to simplify that for this conversation and say our elders and we have our folks that may be incarcerated within our respective populations, as well as individuals with disabilities. We also have priorities around individuals with the language barrier and you know let's just be straight here many of the indigenous communities within our great nation English as a second language for many of the communities and tribal nations. We're also looking at individuals who are members of racial or ethnic minority groups, I think that that speaks for itself in our given company today. And then individuals who primarily reside in a rural area, and I think that that again is another example, that goes without speaking for many of the tribal nations and communities today and the rural nature in which they live. So this pot of money again is broken up into three buckets but essentially there's two paths to accessing the dollars. The first path that I think we need to highlight is that there is a state planning grant programs similar to BEAD on there is going to be a State planning grant program, but one thing that is unique about this particular pot of money is that for the Digital Equity State Planning Grant Program up at least 5% will need to be made available for the benefit of tribal communities of not only just the state planning grant program dollars, but the actual State Capacity Grant Program itself and so In both instances, we are looking at, not less than 5% that needs to be to the benefit of on tribal communities, and so, in that sense I think that that's an important thing to keep in mind, and we will be asking again, we have our questions here about how best you know you feel that there should be availability or access to. We'll cover that in a moment, but, aside from the state program we have a competitive program that is pretty broad in terms of who can apply for the program it's 1.25 billion still the same goals and outcomes it's just not necessarily going to be driven through a state process, but more, more importantly, a competitive grant program and process in order to apply for those dollars so tribes are obviously eligible to work with their state and the

state program or apply for the competitive programs are clearly you can you can go after both, and I would encourage you to do so if this is something that is a priority for you and your Community. We will go ahead and go to the next slide. This is a little bit of a deeper dive and we talked about digital equity in terms of the State Capacity Grant Program itself 1.44 billion, the state and territory formula program the objectives are to implement. On the implementation of a stage and equity plan and the implementation of that plan and eligible eligibility and administering entity options are consistent with the planning program so you know again we're talking about the not less than 5% conversation there and in terms of eligible costs and activities. So a few things that you can that you can be considering when you're thinking about applying for this program. You can apply it to the program update and maintain the State's Digital Equity Plan, I no more than 20% of an amount awarded and you can also look to implement the State's Digital Equity Plan and so implementation of the plan itself. You could also do awards to sub grants to eligible entities to assistant implementation of the state's plan, so I think that's another thing to keep in mind Is the ability for tribes also be a sub grantee of this particular program to pursue digital inclusion activities in the state consistent within the plan that's developed. And then to report back to the state on related activities and, lastly, to determine the efficacy of efforts, no more than 5% of awarded funds can be used in that particular activity so with that we'll go ahead and move on to the next slide please Carole. Alright, so we talked about the state, the state program again, there was the State Plan for Digital Equity and then the implementation and in both those instances, it was not less than 5% would need to be to the benefit of tribal communities in both the planning and the implementation of the state plan, but we have a competitive program, and again in terms of eligibility tribes are absolutely an eligible entity for this particular program. Same goals in terms of program objectives to support efforts to promote digital inclusion, achieve digital equity, and improve adoption and broadband. And then, again in terms of eligibility a political subdivision agency or instrumentality of the state, including an agency of the state that is responsible for administering or supervising adult education and literacy activities or for providing public housing in state an Indian tribe Alaska native entity native Hawaiian organization. I would also point out that folks are welcome to partner with any of these eligible entities, you can clearly come at this on your own or you guys can all partner with one another. A foundation, corporation, institution, or association, that is a not for profit and not a school a community anchor institution a local educational agency an entity that carries out workforce development program so you know, maybe TANF, for example, or your TERO Office might be another thing we talked about carrying out workforce development programs a partnership between any of the entities described above and additional entities approved by NTIA. And in terms of eligible activities, develop and implement digital inclusion activities facilitate broadband adoption to provide educational and employment opportunities. Implement training and or workforce development programs make equipment instrumentation networking capability hardware and software or digital network technology available at low to no cost and the last bullet, here we have is construct upgrade expand or operate new or existing

public access computing centers through CAI's. So quite a bit in terms of eligible activities under the competitive program and you know, again, these are the same types of activities we're hoping to see within the State Plan Grant Program of the State program as well, so with that we'll go ahead and we'll move on to the next slide and we are now to our questions.

01:59:08So, in terms of key considerations for digital equity what are key considerations regarding digital equity for tribal communities. What are the things that you want to make sure that we are thinking about and promoting in the development of our NOFO that may have a tribal nuance to it, you saw the list of eligible activities, but is there any aspect that you feel is important for us to really call out or emphasize? The second is: How can states and it's the same similar to that some of the Bead question. How can States coordinate with tribes, to ensure that they are included in the State Digital Equity past Grant Program, including the development of a State Digital Equity Plan? So the first one is you know, are there any specific considerations around digital equity or DE for tribal nations or communities? And then similar to the previous question, you know how best should we promote coordination with tribes and states in order to make sure that there's inclusive it with any of the State components there? So with that same processes, as we have done prior if you don't mind using the raise hand function. You can also if you're dialing in by phone hit star nine and our operator will add you to the queue and with that we'll go ahead and we'll pause and let me pull up our list there Matt see if I get to it, make sure have it.

Matthew Rogotzke

02:00:47 Sally Fineday made it up first again so we'll shoot it over to her for the first comment.

Adam Geisler

02:00:52Alright, so over to you Sally.

Sally Fineday

02:01:04yeah good you know I think one of the problems that I had with the state of Minnesota has a Tribal Broadband Task Force committee and as a telecom owned by the tribe, we made application to them, we didn't get any money we've never got any consideration from that task force committee. So, once again I just like to say that you know, one of the good avenues that I found out is the Department of Commerce, with the state of Minnesota has a tribal liaison person on staff. So perhaps if we're going to go down run down this road again maybe the state task force could have its own on staff tribal liaison person that would be my recommendations.

Adam Geisler

02:02:01And Sally are there anything, thank you for the recommendation and I heard you loud and clear on making sure there's representation at the state level. How about in terms of any key considerations regarding digital equity for tribal communities is there any specific activities around as you're thinking about workforce development into that in the IT space or you're thinking about you know? The youth that are thinking about an educational path, or you know folks that are coming back into the community that may have been incarcerated or you know, maybe they were parents early on in their life and

are now ready to enter the workforce and find a home or a space? Are there any specific considerations that you think we should be making sure that we're including in terms of the needs of tribes we craft the NOFO.

02:03:00 Well, number one at least like band of ojibwe we're a real rural area and, like I said, we have we have fiber access in most of our tribal lands, but that libraries to it's unaffordable to low income families and I think that when we when we talking about education, the tribal college at the leech lake band of ojibwe does do an excellent job of online learning distance learning. And would be very valuable you know in in in addition to the fiber if we actually had fixed wireless in our tribal communities as well. I think that's very important, especially when we come out to 60 miles from the leech lake band of ojibwe headquarters where the tribal colleges located 60 miles out is a community where. it's pretty remote we're in the Chippewa national forest for most of the tribal lands. I think it would be valuable for us to have, in addition to fixed wireless fixed to fiber to the home but additionally to have fixed wireless to the Community Center so we could spread a wi-fi signal. Most of our Community centers are located are in the location of where the homes are of our citizens and we have found that even though we have those community centers we still don't have good connection for our police department or our mobility mobile health clinics. I think that I guess my additional point is let's consider fixed wireless as an option as a secondary option for those I really remote online communities.

Adam Geisler

02:04:52 Okay. Well, thank you for adding a little bit more flavor around the digital equity needs. I mean you know as we talked about you know make equipment, instrumentation, network capability hardware, and software or digital networking technologies available at low or no cost, and so I think you just. I think really did a nice job of explaining the why around the role that that equipment plays in your community and what you're what you're trying to accomplish and the why. So thank you, I appreciate that Sally. Thank you absolutely alright well we'll keep cruising along who do we have next up, Matthew.

Matthew Rogotzke

02:05:34 Yeah we have Denise May is next in line for us so good Denise.

Adam Geisler

02:05:48 There we go Denise if you don't mind I know you're the first time you're commenting with us today, I your your name if you don't mind spelling out your name your title and the tribe that you're representing today.

Denise May

02:06:01 Okay, my name is Denise May I'm with the native village of port lions and Alaska on the North into Kodiak island my last name is spelled May, just like the month. We're currently awaiting funding from NTIA we've been waiting since November and we're going to be patient in the hopes that you do fund us. But on this particular question one of my thoughts and I'm new to this, as you said, this is my first time testifying and or speaking on to this issue with you guys. I'm fairly new as the tribal administrator for the native village of Port Lions the project was applied for before I got here but I'm anticipating it um

one of my questions on this is this a good opportunity to bring jobs into the community itself? Because one of the problems that we have here as many Alaska villages do is that our people are being displaced because there is no jobs within our community so having the opportunity to have the Internet in our community and bring jobs through the Internet home jobs into the community for those that would like to move on would this be a good place to apply for that type of funding?

Adam Geisler

02:07:37Yes, and in fact implementation of training and or other workforce development programs is absolutely one of the things that that you could be looking at in terms of an application and just for the record Miss May I've actually been to Port Lions before the school up on the hill I believe you guys had some greenhouses down towards the dock that you guys were just newly building and one of the first education's I ever had in Alaska was actually out in the village of Port Lions and it's you know I'll say I guess I'm going to sound like a broken record here it's another just amazingly beautiful community with amazing people and I have seen firsthand and spoken with folks about the concern that you have with people leaving. The lifeline that a level of connectivity means to be able to keep people not to be able to provide opportunity for people to continue to live in the village versus having to leave. So to answer your question, yes, this is absolutely that type of program where you should consider thinking about workforce development or training opportunities for the community as an as something you may want to apply for.

Denise May

02:09:01Thank you very much for that, I invite you back to our village of Port Lions at any time we'd be happy to host you again, we are a beautiful northern Kodiak Island community and a rain forest.

Adam Geisler

02:09:14 It's gorgeous I'm jealous I won't lie so well, thank you, I appreciate the, the time is paying for popping on and the representation from port lions there on Kodiak island in Alaska. So all right well with that we'll move on to our next our next speaker. Who do we have?

Matthew Rogotzke

02:09:35 Yeah Danae Wilson pop up for a second but pop back down so I'm not sure if we want to go there, I just saw her hop off mute so maybe we'll stop there.

Danae Wilson

02:09:47Good afternoon and Danae Wilson, thank you for having this, and with the Nez Perce tribe I'm authorized to speak on behalf of the tribe. I think that any DE should include public hotspots to reach those disenfranchised or indigenous individuals, any homeless, as an example, or any of our elderly population hard of hearing population, and I think considerations, need to be very specific for states that are on tribal lands or any lands. That those programs should specifically include at a minimum a kiosk and so, not just a hotspot but then a device. We have one in our community. we were we have it behind protective glass and so. Day jobs as an example, come up on a reader and our indigenous population any of our homeless population any of our

disenfranchised members have an opportunity to look for day Labor or to look for opportunities to for quick fast employment that will help them get some income. It also can include training opportunities and any information that is pertinent to tribal Members like flooding or anything like that, so when you're thinking about Digital Equity Programs, they need to include the not for profits, any public transportation, public wi-fi on buses, and it should also include connectivity at your elder centers because many of them will pay for Internet in their homes, they may not be using it on a regular basis or in their apartment but they would use it if they had training and assistance, so any DE needs to be inclusive and those programs should be specific, because it'll be very easy to target under DE programs youth and homework assistance but it's much more difficult to target your disenfranchised populations and so any program that the State puts out or anything in any of the NTIA funding should be specific and that and address those individuals. How they will be taking care of the disenfranchised population, because they won't have devices, they won't have month to month plans, and they won't even have where they can power up their devices, if they do have them. Like the whole point is that homeless right. So we need to make sure that we're, including those individuals, thank you.

Adam Geisler

02:12:25 Thank you, thank you, Ms. Wilson, and to Nez Perce tribe. Just to recap what I heard you say first off, the program needs to be very direct we're talking about this. When we're talking about digital equity, I heard you mention the need for public hotspots and taking into consideration the indigenous population or a homeless that still may need access, and I think you raise a really good point that the digital equity sometimes does get gobbled up by or the focus tends to be on the educational components of this and there's a whole other segment that I think you added very nice color to about other aspects of the community, the elders those that are trying to re-enter the workforce, or those that may be working or in between places in which they live on. I also mentioned, I heard you mentioned the state specific kiosk or device, right, what good does service do without a device to connect to it. So you raise another, as always, Miss Wilson raising another great point, and also the component about you know these activities are also needing to facilitate recognizing that these facilities don't just or activities don't just facilitate. Opportunities in in working in the technology space, but the technology itself can provide an opportunity for people to look for other jobs when that is available to them, and so I think another amazing point on I also heard you mentioned the inclusion of as being part of the solution in this process, and so you know totally recognize why you would say that makes a lot of sense but absolutely have captured that you also mentioned considerations for public wi fi on the buses, as you know, I've been out to nez perce tribe a couple times. Another amazing place to go visit if you ever get a chance you're not too far from the continental divide either so if you ever want to go watch the river go in different directions it's kind of incredible. Go say hi to Denae out there, and the nez perce tribe but I think you brought up a really important part here with public wi-fi on buses and so many of communities are so rural that you know it's not like you're on a five minute bus ride. A lot of times folks are traversing their place of business or education or wherever they're heading and it's not a

five minute bus ride it could be hours. In order to be able to get around and with that there should be some level of access so appreciate you bringing that up and, as always, I think the last piece, I heard also was a continuation in the training components and you know let's face it, a lot of a lot of the communities that we work with do not have broadband access or Internet access, and so, keeping in mind that when the Internet gets turned on. There are legitimately people out there that have never used it before in our communities and that there's a level of training getting so I appreciate you bringing that nuance to the table, because I do think that that hits home from a cultural component. As so many communities are lacking a level of service or any service, so I appreciate that is there anything that I missed that you want to make sure that we captured before we move on to our next speaker.

Danae Wilson 02:15:57No that's it Thank you Adam.

Adam Geisler 02:16:00Thank you Danae. All right who else do we have Matt move on.

Matthew Rogotzke 02:16:06i'm just seeing Terrence Adams next.

Adam Geisler 02:16:09All right, Mr. Adams back to you.

Terrence Adams 02:16:19yeah Terrence Adams once again, this is the Vice, Chair of the Lummi Nation just a just a little bit of input, I think. Everyone at NTIA have seen the need for closing the digital divide in tribal communities through that 5 billion in requests. Under the tribal broadband connectivity program for generations tribal communities have been economically and socially disadvantaged and the digital divide that our communities have experienced amplifies these disadvantages. Broadband speeds are needed to ensure the continuous governmental services that we provide here in the Lummi Nation, including healthcare, education, economic and community development. I just wanted to throw that out there and add that, to the great discussion, I think all that trouble leaders for all their input we're all learning lots here, so thank you.

Adam Geisler 02:17:25Absolutely I appreciate, I think that the acknowledgement of us all, learning it's always great to get online and hear what other folks comments are what they're dealing with and so on, absolutely hear an echo that by Vice Chair Adams and thank you for providing that feedback. All right, Matthew who do we have next.

Matthew Rogotzke 02:17:52thing anyone else in the queue so most other folks on a jump on last second I think can move on to the last section.

Adam Geisler 02:18:17All right, well, we will move on to middle mile. The consultations we've conducted middle mile has always been an area of priority and concern for Indian country, and you know as Vice Chair Adams had mentioned. You know, we had a billion dollars for the tribal broadband program, for example, we were very quickly oversubscribed with \$5.8 billion dedicated or were in

requests and that was a billion dollars for Indian country and now we're talking about a billion dollars for everybody. So you know I think I'd be disingenuous if I didn't say that I believe this is going to be a very competitive program. One thing that I guess, I want to highlight before we jump too deep in the middle mile is the BEAD program also allows middle mile. The first program that we talked about so just keep that in mind, as for any of you that may be looking at a billion dollars going out of it didn't get us across the line for the first tribal program how are we going to solve it with middle mile but. Again, I just want to remind everybody that this is a dedicated pot of money, specifically for middle mile. But that doesn't mean that you also can't be looking at middle mile under the BEAD program as well, so with the disclaimer out of the way. We have a dedicated pot of money, it's a billion dollars allocated to the Middle Mile Grant program and support and the expansion of networks and the official name of the Program is Enabling Middle Mile Broadband Infrastructure it's a total of a billion dollars, the program is a direct competitive grant on a technology neutral basis. So, again, I just want to highlight that it is a technology neutral basis, in which we are approaching this so I'm hopefully my friends and colleagues in some of the more rural areas will appreciate that is the approach here technology neutral. Program objective encourage the expansion and extension and middle mile infrastructure to reduce the cost of connecting unserved and underserved areas and to promote broadband connection resiliency. Right so in a nutshell, the idea here is if the federal government can bear the expense of running middle mile backhaul or backbone across the country that in the end, that the end result is that the services that come out of the end of that investment in that last mile connection will be far more affordable because it's not because it's been absorbed by the investment that we would be making in the in that particular project. So program priorities for eligible entities meeting at least two of the five conditions. Here are our priorities and, again, you got to meet two of the five obviously you can meet more than two. The first is adopt fiscally sustainable middle mile strategy. The second is committed to offering non-discriminatory interconnect. So I know we had comments earlier today about making sure that there's nondiscriminatory interconnect capabilities, so this is absolutely something that's our priority within this program. Identify specific documented and sustainable demand for middle mile interconnect, don't think the folks on this call, are going to have a hard time doing that. But you do need to ensure that at least two of these five items are covered and so there's one more that you may want to consider as you think about your application. And the next is identify conditions resources to speed up the project on so you know again identifying conditions of resources speed of project. And the last is demonstrate benefits to national security interests, and you know, obviously I think we're all cognizant of what's evolving in the news and so. Here, we go demonstrating a benefit for national security interests, I think, is again another big priority here given, the legislation and also the environment that we find ourselves in today. Second, in terms of eligible entities, you also need to do a couple other things. One is agreed to prioritize connecting to unserved areas. Connecting to non- contiguous trust lands or offering wholesale carrier neutral service at reasonable rates. And then the other item that is a must, is offer interconnection in perpetuity on

reasonable rates and terms. So I'm assuming that the last two bullets are probably caught a lot of your attention because those are big ones again we're it's not just about running the infrastructure and but it's about making sure that the end result is that there's an affordable service that is available and an affordable service that is going to be around. In long term in order to support the needs of our collective communities and stakeholders. So I will go ahead and move on to the next slide. I'm in terms of eligible entities again it's a competitive grant program so eligible entities can be one or a partnership of multiple of the following: State or political subdivision, a tribal governments, a tech company, electric utility, coop, or a public utility district, a telecom company, or cooperative nonprofit foundation, corporation, institution, or association, a regional planning council, a native entity, an economic development authority. In terms of eligible costs and activities, the middle mile grants can be used for the construction, improvement, or acquisition of middle mile infrastructure. So I'll just read that one more time. The construction, improvement, or acquisition, of middle mile infrastructure, I know there's a number of you that are looking at buying existing infrastructure and upgrading it from copper to fiber. So again, this is something you may want to consider on middle mile infrastructure broadly means any broadband infrastructure that does not connect directly to an end user location, including an anchor institution and includes: leased dark fiber, inter-office transport, backhaul, carrier-neutral Internet exchange facilities, carrier neutral submarine cable landing stations, undersea cables, transport connectivity to data centers, special access transport and other similar services. Wired or private wireless broadband infrastructure, including microwave capacity, radio tower access, and other services or infrastructure free private wireless network eg. towers fiber, and microwave links. I don't know about you, but I feel like the kitchen sink is sitting in there somewhere um so with that we'll go ahead and move on to the next slide now that we've covered who's eligible and what the expenses are so. How should NTIA ensure that tribal communities are included and served in the enabling middle mile broadband infrastructure Program. So you see it obviously Indian country is eligible you see the activities that we have there, is not a direct all out for tribal set aside in here like we like we did see what the digital equity, for example, where it had the you know, not less than 5% that is not in this middle mile program so that does bring us to this question of how should NTIA ensure the tribal communities are included in served in enabling middle mile broadband so with that Matthew we will. I just had a colleague text me, we expect us to be very, very competitive, so we expect us to be very competitive I don't think that's any surprise to anybody, but. You know, again we're really looking forward to seeing some strong travel applications here in this program so with that Matthew who do we have a first.

02:27:05 Yeah we have a new first participant this time it's Kevin Hamer so I believe we had him earlier but yeah Kevin is first in line.

Adam Geisler

02:27:15All right. Mr. Hamer welcome back.

Kevin Hamer

02:27:19 Thank you, I apologize for having to drop off to another meeting and I'm looking forward to the recording. I will actually watch everything from this session. When you have something that this program the middle program that's competitive, I think everything is in the evaluation criteria, and so what I'd suggest is the evaluation criteria that you use to make selections in some sort of a merit review process would include tribal lands service on unserved or underserved tribal lands as extra points. Those are the ways to ensure that tribal areas are represented in the evaluation process in this kind of a competitive program. The other thing is again tribal entities that are using the same criteria tribal entities and nonprofits applications from those entities would be given additional points. Some worry to the service that some of that I know the tribal connectivity program does some of the evaluation criteria, so a blending of some of those evaluation criteria as part of this program. That represent tribal interest and tribal organizations tribal entities recognize tribal governments, those in my mind or a good way to ensure that tribal communities are included and served in this middle mile program Thank you.

Adam Geisler

02:28:48 Know the great comment just make sure I heard it correctly, Mr. Hamer. In the development of the criteria around how we're going to put out this particular program you feel like one of the best ways in order to ensure tribal interests are included, is by making sure that tribal lands in particular are an area in which you can receive additional points or more points when those are part of the application that we would be receiving. So did I hear that correctly.

Kevin Hamer

02:29:21 Absolutely so that's one of those ways of getting that prioritization in the scoring process and the second is that those applicants that include nonprofits and tribal governments or consortium of governments, of course, that's us. Are given extra points as well. That they become part of that team that applicant team and those proposals are scored are given additional points for that. So those two things service tribal lands and including in the application, a team, either from the applicant or the applicants team includes sub recipients that are tribal entities.

Adam Geisler

Thank you, Mr. Hamer appreciate the feedback. All right, um who do we have next Matthew.

Matthew Rogotzke

02:30:20 Know excite hi Danae Wilson is up next to this.

Danae Wilson

02:30:23 i'm sorry for having so many things to say today.

Adam Geisler

02:30:29 You do not need to apologize, that is what we're here for, and I have no doubt that you'll have some great feedback.

Danae Wilson 02:30:35 Well, I, I want to ask that NTIA ask or request that middle mile to tribal lands that the most difficult be addressed first. And so what you have seen in the past, through any other federal funding is that tribal lands are included in federal funding requests, but then the organization, who has applied for funding has met their obligation in for their build out and tribal lands don't actually ever get included, so, while the telecommunication company will receive that higher funding allocation to address connectivity on tribal lands most often they meet their build obligation before they ever get to tribal ends, what ACAM did was the reverse of that ACAM required telecommunication carriers to build their most difficult lands first, and it was the very first time, we saw true meaningful consultation on tribal lands from telecommunications carriers who were receiving universal service funds or any of the of the grants. So making them address their most difficult our highest cost build up build out first means travel ends actually get included in the front end and not forgotten about in the back end. Thank you.

Adam Geisler 02:31:59 Thank you tonight I'm just going to repeat you but that pretty straight forward statement right. And thank you for giving the ACAM making sure middle mile must prioritize and address the most difficult areas first example as a as a place for us to go. You know peel the onion a little bit and go not that our team is unfamiliar with ACAM. But then I think I think you bring up a good point for us to just go back and reflect upon that approach, because maybe there's some things we can glean from the process, thank you for that. Who do we have next Matthew?

Matthew Rogotzke 02:32:33 Good. Lisa Sutherland is up next in the queue.

Adam Geisler 02:32:37 All right, Ms. Sutherland.

Lisa Sutherland 02:32:39 Now, one of the things that I kind of wondered about obviously through the tribal broadband connectivity program a lot of tribes submitted applications for middle mile projects and because there was such an interest it's you know it's taking some time to kind of process all of those I was wondering whether it might be possible, rather than, especially since NTIA is one agency, whether they could just resubmit those same applications to the middle mile program so they basically don't have to kind of reconfigure and redo their applications and hire new technical people and new grant writers, because there's a you know, obviously, a lot of money goes into put it in those applications. Together I mean in an ideal world every agency, I mean all the agencies across the federal government could use kind of a single broadband application with maybe additional boxes unique to their agency, like our US you'd obviously have to show that you were in a rural area, but at least within NTIA. It seems like it would be good if the tribes could take applications they already submitted and just resubmit a submit them into the middle mile portal, you know, unless there's some statutory requirements that are unique to middle mile that maybe could be added as a supplement but anyway, it seems like that would save the tribes, a lot of time and money. And you guys would probably have a better idea if there were issues that needed to be cured, you

know with their first application that you know would also need to be addressed, maybe with the second application to middle mile.

Adam Geisler

02:34:21 Sure, well, I appreciate the suggestion. I think I heard this during our January 14 consultation. We did go back had our conversation with our folks with NTIA and I think that there are some nuances number one statutorily that creates some challenges in doing that one. Two is the application process is going to be a little bit different. I think we all have learned from both the TBCP program and also our BIP Program that there's always room for improvement, especially when you're doing things for the first time, like standing up the programs, and so we are looking at a revised approach In the way in which applications would be submitted for a second round that will be more I mean frankly more user friendly. I know, everybody is not a fan of our TBCP application for example I'll be the first to tell you I'm not a fan of necessarily, but what we were required to do at the time or the or the frankly level of burden that it that it did play. So absolutely hear you Miss Sutherland, but I also you know I did check on that previous that I just don't know that we would be able to fully accommodate that. But that doesn't mean that that there may not be a way to there still may be a way to incorporate aspects of the application so it doesn't feel like everybody's recreating the wheel.

Lisa Sutherland

02:35:59 yeah at least just some cut cutting and pasting that would help. yeah.

Adam Geisler

02:36:05 No absolutely noted and I completely understand why you would say that, and we do have that here, for the record today, so I appreciate that comment Thank you. and Matthew who do we have next?

Matthew Rogotzke

02:36:21 Terrence Adams in the queue.

Terrence Adams

02:36:26 Yeah I'm here I just got a little a little bit more input, you know we hear a lot the Lummi business council have made great strides to deliver meaningful services to the government agencies businesses but, ultimately, our membership in our community, we have much work left to do to leverage this technology as additional means to enhance and protect the Lummi Nation and our community and our members. We just hope that NTIA should allow NTIA excuse me, should allow tribes to self-certify the data within their lands to directly enable tribal governments to meet the needs of their community.

Adam Geisler

02:37:13 So you're raising self-certification, as part of the terms of what is or isn't served or the mapping component to this that maybe part of the consideration.

Terrence Adams

02:37:28 Yes, correct. I think that's the benefit us here in the nation if we're if we're able to do the self-certification and you know, look at the service maps and seeing what's going to best benefit the nation. And once again I appreciate the input, you know, and I think there's some great things that I will take away

and share with my council and the rest of our economic development team here to help us move forward with these broadband efforts. Thank you.

Adam Geisler

02:38:01 Thank you, Vice Chair Adams and noted on the self-certification. Okay, well who do we have next Matthew.

Matthew Rogotzke

02:38:10 Yeah not seeing anyone else in the queue this time so maybe give it another few seconds and yeah I see if you want to do a wrap up after that.

Adam Geisler

02:38:19 Okay well we'll do it. Three times in my community when you have nominations you, you ask, are there any more nominations three times, so there are there any more comments before we close and any more comments before we go ahead and close out this consultation. We pause for effect there Matthew. All right I'm assuming that there are no more comments at this time. So you know I do want to just stop and take a moment I mean we've been here now together for nearly three hours, and I want to just acknowledge the time that you've all taken out of your day to be here with us and to provide frankly some clarification and in informing the process. Here at NTIA, as you know, we don't go into these situations with you know everything written in stone and it is no different with this particular consultation today the feedback that you provided are critical elements that we wanted to make sure we heard from Indian country about how to best consider the needs of your communities as we finalize on whilst we draft and we finalize on. Our various program NOFO's in a way that is cognizant of the of the interests and needs of tribal nations, so I want to thank you for your time. I also want to just again thank our Assistant Secretary Alan Davidson for being on and acknowledge also our Secretary as well, they are their major supporters of addressing the digital divide on tribal lands, they are committed to that NTIA continues to invest and bringing on subject matter, experts and professionals from Indian country. My team continues to grow our office continues to grow here at NTIA. I do want to acknowledge that commitment, and lastly, I want to just spend a moment and thank the team that's helped put on the consultation today. Matthew I want to thank you for your work and you do not see Carol our producer but Carol I also want to thank you for helping us today. These consultations don't happen without a lot of folks doing the prep work beforehand and as all of you know. I guess, I will reinforce that we have there's always a work product that comes out of these consultations. So we will be posting the recording of this consultation on our website into the future. We will also be posting a transcript of this consultation, along with that recording and then lastly, we will also be putting forth a tribal consultation summary report summarizing what we heard today. So again, I want to thank you for humoring me and engaging us here at the federal government and an active dialogue around what you're looking for and how best we can serve your communities. And thank you for just the candor. So with that I hope everybody has a blessed and safe afternoon. Oh, and thank you again to Mr. Gabriel Montoya for the invocation as well and, as he mentioned, you know safe travels to you and your families as you head into this weekend so everybody be safe and be well, and thank you again for joining us today. Nošúun Lóoviq.

