

## Engagement with Tribal Governments

**This guide is a tool to assist State Broadband Offices in preparing for and engaging with Tribal Governments to further an understanding of high-speed Internet availability in their respective areas. It provides direction for initial discussions and is not comprehensive of all topics that may need to be discussed. The BEAD program specifically requires formal Tribal Consultation(s) as part of the grant process. Additionally, Tribal Governments should be regularly engaged to establish equities and interests, in addition to this Consultation requirement. This guide focuses on regular engagements and provides specific guidance on formal Tribal Consultation. When starting engagements, please reach out to your NTIA FPOs to be connected with the Tribal Team for further assistance.**

**State Broadband Office may also refer to the [U.S. Department of Commerce Tribal Consultation and Coordination Policy](#) for additional information.**

Coordination with Tribal Governments is a requirement outlined in the Broadband Equity, Access, and Deployment (BEAD) Five-Year Action Plan and the planning documentation required by the State Digital Equity (DE) Planning Grant program.

Collaboration with Tribal Governments is an essential component to these grant programs and their success. This guide will 1) frame why coordinating with Tribal Governments is important, 2) help prepare a meeting agenda and targeted outcomes, as well as 3) provide meeting best practices for conducting formal Tribal consultations.

### *Why Engagement Matters*

Under BEAD, Tribal Governments are eligible as subgrantees. BEAD planning requirements necessitate documented engagement with Tribal Governments, including provisions regarding the Tribe's ability to comment on proposals and consent to deployment planned to serve tribal lands. For Digital Equity Planning Grants, Indian Tribes, Alaska Native entities, and Native Hawaiian organizations are eligible for funding set-asides and additional program opportunities to encourage direct participation in high-speed Internet and digital equity expansion. Within this document, the term Tribal Governments will be used to describe the Tribal entities eligible for both programs.

Successful State Broadband Office engagement with Tribal Governments relies on open and transparent communication, focused on a deeper understanding of perspective and priorities. Engagement with tribes is important because it:

- Establishes a process to ensure all Tribal homes are included
- Acknowledges the Tribal contribution to the regional economy
- Opens dialogue to better identify and understand tribal priorities and needs
- Develops early buy-in for high-speed Internet buildout and planning that may require tribal land access
- Fosters collective planning and inclusion throughout the process
- Includes diverse expertise and experiences
- Encourages transparency, which builds trust by demonstrating responsible stewardship of state and local resources

- Allows the State to learn what resources exist within the Tribal Governments and their level of participation in the Digital Equity Act, BEAD, Tribal Broadband Connectivity Program (TBCP), and Middle Mile programs to further inform their planning efforts, and
- Establishes a feedback mechanism to capture additional input from the Tribal Governments.

## *Understanding Tribal Governments*

State Broadband Offices should engage early with Tribal Governments to collaborate in the planning stages, although engagement is not limited to the planning stage. Due to a unique set of challenges related to geography, topography, limited access to capital, and historical inadequate investments by the Federal and state governments, Tribal Governments are among the most digitally underserved populations in the United States. Tribal Government leadership possess a unique awareness of the operating and regulatory environments that may impact infrastructure projects within and adjacent to tribal lands and can provide a crucial understanding of their communities' challenges. Garnering support and establishing joint goals for project success is critical to program implementation.

The State Broadband Office can use meetings with Tribal Governments to understand current interests and evaluate what assistance may be needed at the program and project level to foster success. The level of Tribal Government involvement will vary, however State Broadband Office-initiated engagement should aim for full representation and inclusion of Tribal Governments throughout the planning and deployment process.

Some programs, such as BEAD, have several requirements regarding inclusion of Tribal Governments into the process. For instance, under BEAD, State's must ensure that the Tribes are involved directly in plan development, including, but not limited to, a formal Tribal Consultation. Additionally, each Tribal Government must be given an opportunity to submit its own plan to the Eligible Entity for consideration in the development of the State Broadband Office's proposal(s), as well as to comment on their proposal(s) prior to submission. The State Digital Equity Plan should also holistically align with the BEAD Five-Year Action Plan.

Prior to meeting with a Tribal Government, the State Broadband Office should seek to research and review the Tribe's involvement with other relevant programs, such as the Tribal Broadband Connectivity Program (TBCP), which promotes the use of broadband access in remote learning, telework, and telehealth. Funds can be used for broadband infrastructure, as well as deployment, adoption promotion and activities, affordability programs, distance learning, telehealth, and digital inclusion. Having background knowledge, using publicly available information to learn about past awards the Tribe has received from this high-speed Internet program, or others, can provide a useful historical lens to understanding the Tribal Governments as these conversations take place.

Robust engagement efforts are likely to increase initial adoption rates and stimulate awareness about the programs that can support the Tribal communities. States should also keep in mind that Tribal Governments are sovereign entities with jurisdiction over their lands, consent will be needed for projects on/through Tribal lands. Ongoing engagement with Tribal Governments is critical to the overall goal of closing the digital divide.

## High-Level Meeting Agenda and Targeted Outcomes

### Pre-Meeting Preparation

Prior to meeting, the State’s Broadband Office will need to send a Dear Tribal Leader Letter (DTLL) requesting to engage with the Tribal Governments. This letter should be used to identify the topics and questions the State intends to discuss and be signed by the Governor or a cabinet member.

Basic logistics should be considered and discussed prior to meeting. **Figure 1** captures key elements to consider when conducting an in-person, virtual, or hybrid meeting.

IN-PERSON		VIRTUAL		HYBRID
<b>LOCATION</b>	<b>EQUIPMENT</b>	<b>SOFTWARE &amp; LOGISTICS</b>	<b>EQUIPMENT</b>	<i>Combine in-person and virtual elements to meet physical and technological constraints of attendees</i>
<ul style="list-style-type: none"> <li>Consider location access details (ADA accessibility, parking, ability to physically distance)</li> <li>Provide directions for finding the meeting room once on site</li> <li>Include enough seating for all participants</li> <li>Communicate current health protocol guidance (masking, testing)</li> <li>Set up closed captions or make other considerations for multiple languages</li> </ul>	<ul style="list-style-type: none"> <li>Evaluate what AV needs the meeting has (projector, screen, conference speakers)</li> <li>Determine if participants can access location Wi-Fi and prepare guidance for how to access it</li> </ul>	<ul style="list-style-type: none"> <li>Understand web applications participants are familiar with using (Zoom, WebEx, Teams, etc.)</li> <li>Note if any constraints exist for using the selected application (free versions available, time limits on use)</li> <li>Offer to start the meeting earlier for those wishing to check their connection</li> </ul>	<ul style="list-style-type: none"> <li>Share information on what video/camera technology, software, or connectivity is needed (or preferred) for participation</li> <li>Plan for an alternate method to participate if technology or access issues arise (call-in number or different video application)</li> <li>Set up the virtual meeting to include a transcript that is made available to all participants after the meeting</li> </ul>	

Figure 1 - Meeting Formats and Considerations

**Note:** Meeting planning should not be one-sided. While the State’s Broadband Office might suggest one venue or software for the meeting, remaining open to alternatives proposed by the Tribal Governments may assist in successful scheduling and coordination.

### Evaluate Meeting Logistics

Once the State’s Broadband Office has established whether the meeting is in-person, virtual, or hybrid of the two, evaluate meeting logistics:

- **Government-to-Government:** For meaningful meetings to occur with Tribal Governments, initial kick-off meetings should be conducted by the most Senior Levels of Government before transitioning to other State’s staff.
- **Number of Voices:** Meetings with an individual Tribal Government is preferable as the focused format invites more open, detailed, and transparent dialogue. If a meeting has numerous Tribes or Leaders participating, consider the potential impact on the level of details gathered for the selected topics.
- **Availability:** Consider using a polling application (i.e., Doodle, Calendly) to determine attendee availability. If the meeting topic allows, consider offering multiple sessions or formats for attendees to participate.

- **Meeting Size:** Understand who the Tribal Government wants to bring into the meeting and the size of the group and plan for meeting space that adequately accommodates the size of the planned engagement.
- **Duration:** Assess questions in the Discussion Guide from the context of the meeting timeframe, realizing that one question posed to several Tribal leaders or groups may take as long as several questions posed to a smaller group. Additionally, for initial meetings, more time may be necessary than with follow-up sessions, so take the time to evaluate needs and set up for the correct amount of time. Most meetings range from 1-8 hours.

## Prepare Agenda in Advance

Developing and sharing an agenda in advance of meeting will inform attendee perspective, set expectations about discussion areas, and help bring the right participants to the table. Below is a sample agenda that States can use as a meeting framework for Tribal Governments discussions.

*Note:* States can modify the agenda, within reason.

Agenda Topic	High-level Objective
<b>Invocation</b>	➤ <i>A Tribal leader, spiritual leader, or elder traditionally will start the meeting with an opening invocation.</i>
<b>Opening Remarks &amp; Introductions</b>	➤ <i>Opening remarks should be offered to the delegate(s) for each Tribal Government and the Governmental representative. Review meeting purpose and facilitate participant introductions, to include position and role in planning and implementation processes.</i>
<b>BEAD, Digital Equity, &amp; TBCP Overview</b>	➤ <i>Brief overview of the State's planning and implementation phases, to include a high-level review of program timelines. Additionally, if a Tribal Government has received a TBCP award, this may be announced during this time.</i>
<b>Understanding Tribal Government's Perspective</b>	➤ <i>Dialogue and understand the attendees' experience in broadband infrastructure planning through the lens of selected topics and discussion of priority concerns.</i>
<b>Feedback &amp; Next Steps</b>	➤ <i>Provide a feedback mechanism to capture additional input following the meeting and establish future engagement.</i>

## Establish Targeted Outcomes

Tribal Government engagements should seek to advance one or several of the following objectives:

- Establish relationship and respectful rapport between the Tribal Governments and State's Broadband Office
- Provide a uniform, base understanding of the BEAD, Digital Equity, and TBCP programs
- Share the State's planning and implementation timelines and ongoing engagement plans and in return learn of the Tribal Government's own plans
- Engage in an open dialogue and collect Tribal feedback throughout the meeting
- Gain high-level understanding and clarity on the Tribal Government's understanding of the current state of broadband deployment and priority concerns
- Establish post-meeting feedback mechanisms to capture additional input from Tribal Governments

## Discussion Guide

Below are sample questions to help guide conversations based on the sample agenda above. These aim to elicit an understanding of the Tribal Government’s perspective on certain topics. For meetings with Tribal Governments, these should be considered less of a question and answer, and more of an open dialogue between equals. Extra space should be given to gather immediate feedback from the Tribal Governments during the discussion period rather than holding off until the meeting’s conclusion.

At minimum, the state should include questions to Tribal Governments asking them to:

- Learn how Tribal Governments would like to participate in the state plan, including as a subgrantee
- Share current plans to be included in the state plan
- Identify if they have secured funding for implementation
- Ask if assistance is needed in putting together plans for inclusion in the state plan
- Ask the Tribe to identify their Tribal representative as the point of contact

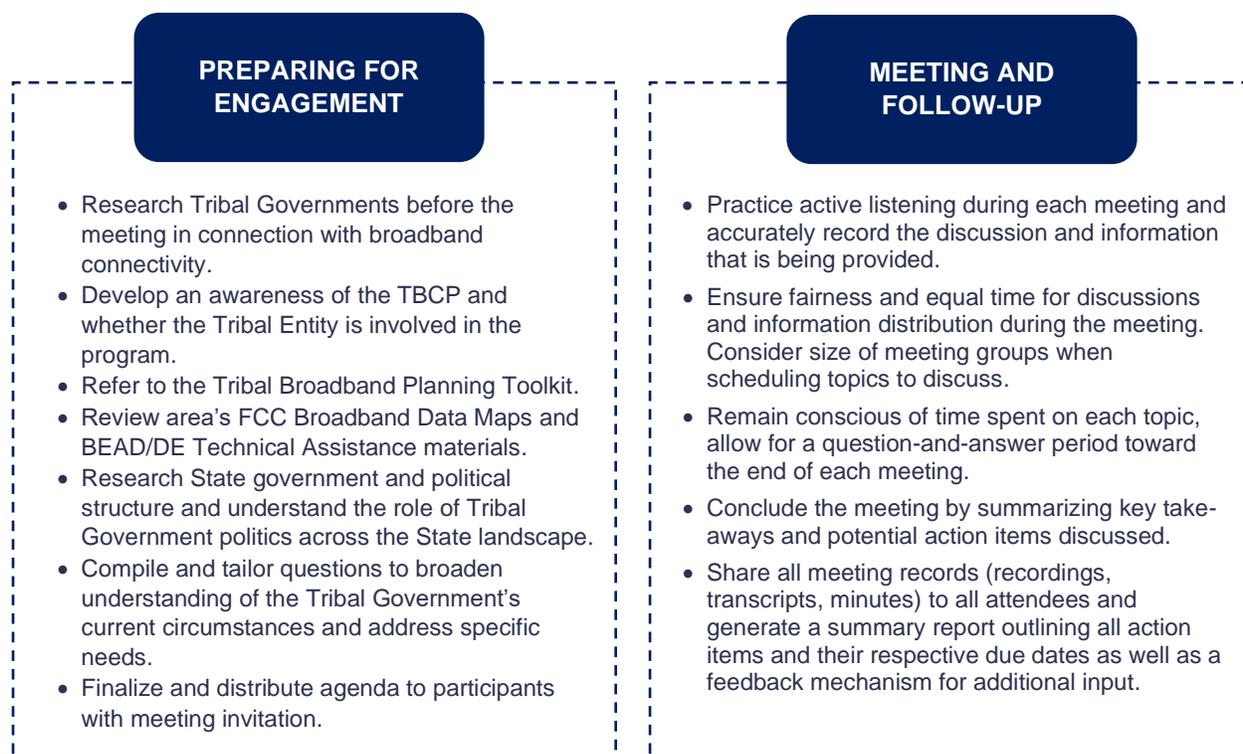
*Note:* These questions are not considered a comprehensive guide to all topics for discussion, and they may be tailored by the State, as needed. States should remember to take the overall meeting timeframe into account when choosing the number of topics to cover as well as volume of questions to ask.

Welcome and Introductions	
<b>Guidance:</b> <i>Discuss the meeting’s purpose and ask all attendees to provide a personal introduction.</i>	<b>Discussion Questions:</b> <ul style="list-style-type: none"> <li>• <i>What is each attendee’s anticipated role in the planning and implementation process?</i></li> <li>• <i>How familiar is the Tribal Governments with the State Broadband Office and its purpose?</i></li> </ul>
BEAD, Digital Equity, & TBCP Overview	
<b>Guidance:</b> <i>Provide overview of the State’s planning and implementation phases for each program, including a high-level review of program timelines. Can discuss Broadband Maps and the challenge process at a high-level.</i>	<b>Discussion Questions:</b> <ul style="list-style-type: none"> <li>• <i>What is the attendee perspective on the current broadband environment? How aware are attendees of BEAD, Digital Equity, and TBCP objectives and timelines?</i></li> <li>• <i>What impacts are the Tribal Governments anticipating from BEAD/Digital Equity/TBCP activities across the community? What does success look like?</i></li> <li>• <i>What concerns are being raised across Tribal Lands? Are other related programs driving cause for concern (i.e., Middle Mile)?</i></li> </ul> <p><i>Information: <a href="#">BEAD Program</a>, <a href="#">Digital Equity Program</a>, <a href="#">Middle Mile Program</a>, <a href="#">TBCP Program</a>, <a href="#">Digital Inclusion Startup Guide</a>, <a href="#">FCC Broadband Data Maps</a></i></p>

<b>Understanding the Tribal Governments' Perspective on...</b>	<i>NOTE: Questions may be tailored, and meeting timeframe should be taken into account when choosing the number of topics to cover and volume of questions to ask.</i>
<b>Guidance:</b>	<b>Discussion Questions:</b>
<b>Broadband Infrastructure Needs</b>	
<i>Discuss identified infrastructure needs, level of community support, and historical challenges to implementation.</i>	<ul style="list-style-type: none"> <li>• <i>What infrastructure gaps have been identified within the community, post-pandemic? Remote work or learning, telehealth needs?</i></li> <li>• <i>What is considered the primary barrier within the Tribal Governments—physical connectivity access (including equipment) and availability, cost and affordability, or digital literacy and skills?</i></li> <li>• <i>Does current infrastructure support connectivity expansion?</i></li> <li>• <i>Are any challenges anticipated within the community to infrastructure expansion (such as climate impacts)? Historically, have there been past issues to implementation efforts or a lack of community support?</i></li> </ul>
<b>Collaborating with Internet Service Providers (ISPs)</b>	
<i>Gather information on what engagement is taking place, or planned to take place, with ISPs. Document relevant points of contact mentioned.</i>	<ul style="list-style-type: none"> <li>• <i>Does the Tribal Governments operate its own ISP or have any established relationships with ISPs? If so, which ISPs are collaborating or have a presence across the Tribal Governments?</i></li> <li>• <i>Is there interest or outreach underway to establish relationships with other ISPs?</i></li> <li>• <i>Are there any known regulations complicating an ISP's broadband implementation efforts across the Tribal Governments? What are the impacts?</i></li> <li>• <i>Are there any other concerns or issues the State should be aware of regarding interactions with ISPs?</i></li> </ul>
<b>Digital Equity</b>	
<i>Inquire if attendees have developed plans for the provision of equitable high-speed Internet services to middle and low-income communities.</i>	<ul style="list-style-type: none"> <li>• <i>What is the state of Digital Equity across the Tribal Governments? What are strengths/ weaknesses in the programming now available?</i></li> <li>• <i>Is there an outreach plan for digital inclusion? What is being done to gauge awareness and participation in BEAD/Digital Equity activities?</i></li> <li>• <i>Are the Tribal Governments participating in the Digital Equity Program, or do they have plans to apply in the future NOFOs to develop a digital equity plan?</i></li> <li>• <i>Is the Tribe involved in TBCP and are funds being used for digital inclusion?</i></li> <li>• <i>How will the Tribal Governments engage with their tribal communities? Will outreach take multiple languages/formats?</i></li> </ul>
<b>Workforce &amp; Digital Skills Training</b>	
<i>Encourage conversations regarding workforce issues, as well as on the state of continuing education and digital skills training.</i>	<ul style="list-style-type: none"> <li>• <i>What are some of the pressing workforce concerns?</i></li> <li>• <i>What workforce planning initiatives are currently taking place across the Tribal Governments? How mature are they and how funded?</i></li> <li>• <i>What opportunities does the Tribal Government see for the State, BEAD and Digital Equity to support advancing workforce initiatives?</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>What digital training, skill enrichment, educational classes or initiatives exist within the Entity? What is being done to provide outreach and additional awareness of these programs? What level of community participation and engagement is there?</i></li> </ul>
<b>Feedback &amp; Next Steps</b>	
<p><i>Capture technical assistance concerns, ask for feedback, and plan next meeting.</i></p>	<ul style="list-style-type: none"> <li>• <i>What resources or guidance is needed for the future?</i></li> <li>• <i>Was this a successful mode for future collaborative efforts or is another medium needed for future meetings?</i></li> <li>• <i>Are there any topics not touched on that should be discussed in future meetings?</i></li> </ul>

## Best Practices for Successful Engagement



## Tribal Consultation

A Tribal consultation is a formal, two-way, government-to-government dialogue between official representatives of Tribes and Federal agencies to discuss programs before the Federal agency makes decisions on those programs. The Federal agency provides sufficient advance notice to appropriate Tribal leaders of upcoming consultation sessions and, following the consultation sessions, explains to those Tribal leaders how the final agency decision incorporates Tribal input. States should coordinate with the NTIA team on setting up a formal Tribal consultation.

### Engagement

Engaging Tribal Entities is key to tackling their complex and unique challenges related to high-speed Internet.

Due to a unique set of challenges related to **geography, topography, and persistent poverty** and **historical disinvestment** by the Federal and state governments, among other factors, Tribal Entities often experience Internet service that is **unreliable, slow, and expensive**, if available at all

Engaging Tribal stakeholders is critical to **understanding these communities' challenges** and **coordinating resources** to meet their needs.

### Formal Consultation Guide

- **Meaningful consultation** should be conducted by the most Senior Levels of Government and be on a government-to-government basis.
  - At a minimum, the Senior Official should be present to kick off before turning over to state SME staff/team.
- States need to send a Dear Tribal Leader Letter (DTLL) to each Tribal Government requesting to engage in Tribal Consultation.
  - The DTLL needs to identify the topics and questions for which the state intends to consult upon and should be signed by the Governor or cabinet member.
- States should prepare questions and identify **what specifically they intend to consult upon** to include in the DTLL.
  - At a minimum, States should ask the Tribes to share their current plans to be included in the State plan and identify if they have secured funding for implementation.
  - Additionally, States should ask:
    - If Tribes need assistance in putting together their plans for inclusion in the state plan
    - How Tribes would like to be included in the state plan and if they would like to be a subgrantee during implementation or leverage the state's expertise, and
    - Who is the best person to coordinate with for each Tribe.
- Plan to record Tribal Consultations, create a digital transcript, and create a summary of the Consultation to make available post Consultation

### Consultation Process

- **Budget Appropriate Time:** Most Consultation can last from 1-8 hours depending on the number of Tribes. Note that some states may want to conduct consultations regionally.

- **Consultation:** Should always start with a Tribal leader, spiritual leader, or elder giving the **opening invocation**.
- **Opening remarks** should then be offered to one delegate for each Government represented (this includes state and tribal leaders).
- An **overview of questions** should be provided by the consultation moderator.
- The consultation should be a **dialogue with Tribal leaders** or their designee only. Be prepared to share what you do and do not know and what you'll need to come back to the table with.
- Each Tribe should have the opportunity to **engage and provide their feedback to consultation questions** posed.

## *Post Consultation*

Following Tribal Consultations, States should:

- Generate a **tribal consultation summary report**, documenting what they heard and any actions to be taken
- Make the **recording** of the consultation available to the tribes
- Schedule **future consultations based upon the outcomes** of the initial consultation