

Summer 2022 Virtual Tribal Consultation #1

Moderator: Adam Geisler

September 12, 2022

Adam Geisler

00:03:13 All right, it looks like we are accumulating critical mass. (Luiseno Language) Miiyuyum, good morning, or good afternoon wherever you may be. My name is Adam Geisler. I'm the division chief for the tribal connectivity and nation to nation coordination division, here within the Office of Internet Connectivity and Growth at NTIA. And it is an honor to have you join us today for our first tribal consultation regarding NOFO number two for the tribal broadband connectivity program. I'm coming to you today in, and I want to recognize the native Hawaiian population. I'm coming to you today from Honolulu, Hawaii and I want to acknowledge that I'm on the ancestral lands of the indigenous and native Hawaiian people. Before we go too far into our consultation today, I want to thank them for their hospitality. It's a beautiful place. Also, I want to acknowledge the tribal leaders that have joined us today to engage in this government to government dialogue about how we can improve this next NOFO. I also want to thank the tribal leaders and their teams for participating in the tribal broadband connectivity program over the last year and continuing to provide feedback and show up to provide meaningful comments as we move forward. This consultation that we're going to be engaging in today is one of three that we have scheduled. For some reason you need to jump off today, you're welcome to come back on Wednesday. We will be having another consultation on Wednesday. Let me make sure I have the date correct. September fourteenth, at 10 am eastern and Friday, September sixteenth, at 1 pm eastern. We have scheduled 4 hour blocks for all these consultations. I'm hoping that if you have to leave today that you'll come back and join us at either of the other consultations. Lastly, I want to remind everybody that our consultation today is being recorded. We do want to have an engaged dialogue. However, if you are unable to participate fully, or you want to submit your comments in writing. You do have until this Friday, September sixteenth, at 6 pm eastern. We've had the window open for that will make it about thirty days. We sent our dear Tribal leader letter out on August eighteenth, and so we're going to be closing the comment period. But I did want to remind everybody that if you have written comments that you'd like to provide that you can go ahead and send in your written comments to TBCPConsultation@NTIA.gov. We'll have that on a slide at the very end for those of you that are that maybe trying to jot that down right away. With that being said again, it's an honor to have you, and thank you for being here, and we'll go ahead and move on to the next slide. I just want to chat about the agenda as before, we jump straight into the consultation. There are some opening remarks as well as an invocation that we're going to have today from Chairwoman Pinto of the Jamul Indian village and opening remarks from our Assistant Secretary Alan Davidson. I am going to give a quick update on the tribal broadband connectivity program round one, because I'm sure there's some questions related to that. I do want to point out that this consultation is about the NOFO, but I did want to just give a quick overview there and then the third item today we will jump into question and comment consultative period here. We're going to dive into the questions that we're sent in the dear tribal leader letter. And then we're going to go through those one by one and capture that feedback. All right. We'll go to the next slide, please. Introductory

remarks from Alan Davidson for those of you that haven't had a chance to meet Alan I'm hoping in the near future you will. This is a very sincere, honest, hard-working man that has really put his feet on the grounds of Indian country firsthand and has begun to see firsthand the issues that many of our communities are facing today with regards to the digital divide. It is my distinct honor and pleasure to recognize Mr. Assistant Secretary Alan Davidson, who is also the administrator over here at NTIA, as well to provide some opening remarks. Over to you, Mr. Assistant Secretary.

Alan Davidson

00:07:50 Hello, I'm Alan Davidson, Assistant Secretary of Commerce for communications and information, and the Administrator of NTIA. I'd like to take a moment to both welcome and thank all the tribal leaders who are joining us today, as well as the other stakeholders who are with us for this consultation. As those of you who have participated in these consultations before well know, these meetings are just vital for us in shaping our policies for connecting the unconnected on tribal lands. Last January, for example, you helped us determine the timing and the funding amounts for a second round of the tribal broadband connectivity program which we'll be discussing today. We really believe in these consultations, and we appreciate the time that you all are putting in to be with us today. We all know the importance of universal, affordable, high-speed Internet service. It's just essential infrastructure today for connecting rural communities, educating our students, keeping us healthy. I was able to hear firsthand about some of these needs most recently in a trip I took to visit with tribal communities in Alaska just a few weeks ago, and it was incredibly powerful to see firsthand what it really means to people living in these communities to be able to get a high-speed, reliable, affordable connection and also to see the challenges. We visited with native community members in places like Napakiak and Napaskiak. The village of Tanana on the Yukon River. We were in the town of Port Lions on Kodiak Island. In each of these communities we were able to speak with the members, who, you know, live in very different places, but share very similar stories about their need and the opportunity before us. You know we heard about the importance of access in remote places, we heard about the importance of affordability. It was incredible to see the actual bills that people brought us, showed us on their phones seven or eight hundred dollars a month that some folks were paying there for actually very low bandwidth connections. And it was incredible to hear about the kind of opportunity and hope that we can bring, if we can actually provide, that kind of affordable and reliable high-speed access. Now I was very grateful for the stories that these folks shared with us, and I think our whole team came away invigorated, and feeling a sense of purpose about the importance of this next round of funding. To help meet all these needs, you know, to date NTIA has made a total of 69 different awards, totaling over seven hundred million dollars through our tribal broadband connectivity program, and there's a lot more to come. Thanks to President Biden's leadership and leadership in Congress, we've passed the historic bipartisan law that's designed to connect one hundred percent of the people in America. That includes all the people in our tribal communities. The broadband, the bipartisan infrastructure law included an additional two billion dollars for our tribal connectivity program which triples the amount of funding that we had before. We had previously allocated a billion dollars of funding to the existing applications that we got in our first round.

00:11:56 We've added another billion dollars based on the consultations that we had with all of you to that first round, and we reserved the remaining funds approximately one billion dollars for a second notice of funding opportunity which we really want to hear from you about today. We've targeted this new notice to open later next month, and eligible tribal entities will have about six months to fill out the new applications. We'll be incorporating your feedback from today's session into this new notice, so please speak up in today's meeting. Submit written comments to us reach out to the appropriate staff of the NTIA. We want to hear your feedback and your ideas. There's a saying in the civic tech community that I come from, that we should aspire to build with, not for, build with communities, not for communities. And that is why these consultations are so important. We know that we have a unique opportunity to work with you to help close the digital divide across Indian country. How we proceed is important, which is why that the Commerce Department and NTIA why, we're hosting this tribal consultation today. We are excited. I am excited to continue working with you and our other tribal partners to meet this historic moment and provide Internet service for everyone. Thank you. And we appreciate your participation

Adam Geisler

00:13:42 Awesome. Well, thank you, Assistant Secretary Davidson, for those opening remarks and for your dedication to the work that we're doing here. As I mentioned earlier, the Assistant Secretary shared, he put his feet on the grounds of some of the most challenged places in America when it comes down to the digital divide and got to see the issue firsthand and understands it firsthand. I want to thank him for his time and commitment and support for this program as we move forward. All right, so, as we all know, we always want to start off our consultations in a good way with an invocation or prayer, and it is my distinct honor to recognize Chairman Erica Pinto, of the Jamul Indian village. But Erika has really become known in California, and now nationally, for the work that she has done, not only for her own tribe, but for the continuance of promoting tribal sovereignty for all tribes in the nation. And, I've gotten the chance to know Chairwoman Pinto pretty well here over the last few years, and I'm just always impressed with her willingness to participate, share, and advocate. And so, with that chairwoman, I want to just acknowledge you and hand you the floor if you wouldn't mind doing the invocation and starting this off in a good way. Haawak.

Chairwoman Pinto

00:15:06 Absolutely. Thank you, Adam. I also want to acknowledge that I am coming to you from the Kumeyaay territory, which is the traditional territory of my people. I appreciate the land acknowledgment hearing that this morning from Adam, and where he's at. I'd like to start us off in a good way to set this intention of these consultations, these much-needed consultations. So Myha, thank you for another beautiful day, and for bringing us together to discuss important issues that are affecting our tribes in our community. Myha, our connection to one another is vital. It's vital to our well-being and vital to our survival. We ask that you watch over our communities who've suffered loss and illness, and we ask that you bring healing and strength to those who are in need. Myha, we ask that you provide guidance, wisdom, and courage to everyone here today. We ask that you open our hearts, open our minds, our ears, and that we listen to one another. We ask that you give a voice to those who cannot speak. Myha, protect our elders, protect our youth, protect our LGBTQ2S plus communities. Myha, protect our veterans, our tribal leaders, and their families, and the community members bring peace to those families of thousands of

indigenous kids who were uncovered at the boarding schools across North America. Myha, protect our earth. We thank you for the many resources you provide for us today, and every day. We are truly blessed and grateful that you have brought us here together amongst one another. Please continue to watch over us and watch over our communities. Thank you.

Adam Geisler

00:17:10 (Kumeyaay Native Language) Thank you, Chairwoman, for those good words. I really appreciate you being here today. Thank you so much. Thank you. Alright. Well, that was a that was a great way to get us started, and very moving, so I appreciate that, chairwoman Okay, well, let's start getting into the next items that we have on our agenda as a reminder today, as we go through the consultation. What I am going to ask is that you'd use the raised hand feature on this zoom platform, on the bottom you'll see a raise hand, and we're going to be keeping track of everybody as they raise their hands. I do want to remind everybody as well that this is again a government to government consultation, meant for tribal leaders or their designee. I am going to ask when people speak if you are not a tribal leader that you state which Tribe they're with. But if you are not a tribal leader, and you are speaking on behalf of that tribe, that you that you do state that you have the authority to speak in the capacity, and that that has been delegated to you. Again, wanting to uphold tribal sovereignty and government to government recognition of how we approach tribal consultation. Again raise hand feature. Once you raise your hand, I have a couple of colleagues with me. Mr. Matt Rogotzke will be saying, who is up next, and who is in the queue. Excuse me, who is up to speak, and who's in the batter's box, or who's in the queue. For those of you that are dialing in. You'll need to press star nine in order to indicate that you would like to speak, and Carole will be able to hear that on the back end. If you're dialing in, we have the capabilities for just dial in. If that's something that needs to happen again star nine, so we can get you in the queue as well. All right, next slide, please. We're going to do a quick overview, although I think the Assistant Secretary stole the thunder a little bit. 69 awards have been made today, for around one of the tribal broadband connectivity program, totaling seven hundred and twenty million and in fact, we're probably going to have another announcement here later today, or I should say the next twenty four hours will keep that number continuing to grow. A lot of awards are in the pipe as we speak, and we're going to continue to make awards through round one. As you also heard as a result of consultation back in January and again, I want to thank everybody who has been continuing to show up and participate, we added one billion dollars to the current round one from the bipartisan infrastructure law making the total amount of awards we're targeting to be right around two billion dollars. I'm excited to say that we can publicly now come up and say that we've added an additional billion dollars to this round. And again, that's largely a part to your feedback in lessening the burden on trying to make it so we don't have to have as many tribes come back and reapply in round two. I want to thank you for your participation and guidance that you provided to us for how to address the bipartisan infrastructure law additional funding and with that being said, we're here today because there's an additional billion dollars that we're going to be looking at for NOFO number two. And for those of you that are wondering, how did we arrive at this decision online, you'll find online our tribal consultation summary report from the January fourteenth consultation, which will kind of give an explanation as to our position, and how we reached making the decisions that we did

again, based on consultative feedback. Again, just to recap 69 awards have been made seven hundred and twenty million out. Definitely much more to come. As you have heard, we've added another billion dollars, so NOFO one will not be completely exhausted until we get that additional billion dollars out the door. And lastly, the remaining funds are what we're here to talk about today, that last billion dollars, and how we want to treat them with that next slide, please, Carole.

00:21:41 All right on August eighteenth we sent out the dear tribal leader letter with four primary questions that we wanted to ask about the NOFO. And again, today is really meant to dial in on NOF) Number two, and we are trying to get direct feedback. Let's just cover the questions one through four and then we're going to go through each one of these questions individually. We're going to open up the floor and then receive the feedback, and we'll engage in in dialogue there, and then we'll wrap up question one. Then we'll go to question two. We'll do the same thing, and then three and a four, and by the time we're done we will have some succinct feedback for each of those questions that we're asking. I also want to highlight that if there's additional information that you want to add on, you know, feel free to share that. But I am going to ask folks to focus on the specific components of NOFO Number two.

00:22:31 However, I do want to be respectful. If there are additional items that need to that come up, we're welcome to hear those and discuss those how we can. All right. Consultation questions. Should, and NTIA consider prioritization of new projects in the tribal broadband connectivity program? If so, how should these be prioritized? And I'm going to do some teasers off for each one of these questions in a moment. The second question. What type of guidance documentation can be included in, or in addition to the NOFO that would assist applicants in completing their application. Number three. How can technical assistance from NTIA be improved to ensure timely and complete submissions? And then number four should, and this is a big one. Should Tribal Broadband Connectivity Program applicants be subject to Build America Buy America act domestic sourcing requirements for materials and equipment? Additionally, how does the Build America Buy America Act impact applicant's ability to complete the proposed projects?

00:23:36 So those are the four questions. And again, we're going to go into each one of those individually, engage in consultation. We'll wrap question one, then we'll go into question two, and so on, and so forth. All right, Carole. Let's go to the next slide, please. Thank you. All right. Question number one and again use the raised hand feature. But pretty straightforward, should NTIA consider prioritization of new projects in the Tribal Broadband Connectivity Program? If so, how should these be prioritized?

00:24:10 So, and I'm going to set up a teaser here a little bit. There are some folks that are going to be awarded, or have been awarded in round one, should they be eligible for round two? There are some folks that are going to be receiving equitable distribution dollars of up to five hundred thousand, should they be eligible for round two? Should we be looking at prioritizing applicants with this upcoming NOFO based upon speeds? In the past the program had a minimum threshold of twenty-five, three. But, as many of you know, the BEAD program and other programs with our sister

agencies, such as USDA, are now looking at higher speed requirements, so should we be looking at prioritizing projects that have higher speeds? Should we be looking at shovel readiness. There's a lot of you that maybe weren't in a position a year ago with the first round open but are in a far better position now. You've used your funds, or you're going to be receiving funding to do pre-development-related planning. Should we give priority to folks that have received pre-development, funding, or that have prioritized that have shovel ready projects? Folks that already have a design done etc. Should NTIA consider prioritization of new projects in the tribal broadband connectivity program. If so, how should these be prioritized? With that Matt, I'll go ahead and lean on you to see who we have in the queue.

Matt Rogotzke

00:25:47 Great, yeah. The first hand up was Rachel Lyons. Next, I'm seeing Will Maclin. I'll put that in our list if folks want to keep raising their hand. I'll track it, and then we can announce as we see, those hands come in, and then I think Carole will be unmuting folks. So okay, Great: Yeah, All right. So, Rachel can go right ahead.

Rachel Lyons

00:26:12 Hi, Good afternoon. My name is Rachel Lyons. I am the tribal manager for Bay Mills. Indian community. I have been designated to speak on behalf of our Tribe, in regards to this consultation. In regards to prioritization one big thing that I really want to stress is that I fully believe that individuals or I'm sorry that tribes that were fully funded with this first announcement should not be eligible for this second announcement. There are plenty of us that did not get full funding. There are plenty of us that did not get any funding with regards to that first round. As you know, tribal broadband connectivity is a big issue, especially for us rural tribes, that need this funding to get connected. So, with that those that received up to the five hundred thousand dollars should still be eligible for projects were not fully funded. They still have a huge scope that five hundred thousand dollars just simply is not going to be able to address, along with any other previous applicants that did not get any of the funding. I think that the partial funded and the previous applicants should get priority over any other applicants, even new applicants that did not apply for the first round.

Adam Geisler

00:27:32 All right, so, Rachel, real quick. I didn't catch your title, one more time.

Rachel Lyons

00:27:38 A tribal manager for Bay Mills Indian Community. Thank you.

Adam Geisler

Ms. Lyons, I just want to make sure that I heard you correctly, a big part of these consultations is making sure that we have a good established record. When we make our decisions and people ask why to do it, I can come back and say, Well, this is a feedback we got. I just want to make sure I heard you correctly. The first point that you made was that if tribes received, let's just call it the big money. If they were fully funded for their infrastructure, ask or for their broadband use and adoption ask, that they would be deemed ineligible or not, wouldn't necessarily be eligible for the next round, did I hear that correctly?

Rachel Lyons

00:28:21 Yes.

Adam Geisler 00:28:22 Ok, then the second part to that was that you do want to prioritize folks that that did apply for round one, the five hundred thousand or that got zero. Correct?

Rachel Lyons 00:28:38 Yes.

Adam Geisler Okay, I just wanted to make sure that I that I captured that. Was there anything else that that I was that I'm missing.

Rachel Lyons 00:28:47 Nope, I think you got the gist of it. Um, you know there's partial funding and there's no funding. It's very disheartening for us, especially us up here in rural upper peninsula of Michigan, and these are big projects that we really needed and we're banking on. So we're kind of back to the drawing board. I'm hopeful that this next round can really hit these needs that that we have.

Adam Geisler 00:29:14 Awesome. Well. Miss Lyons, thank you so much for your participation, and thank you to the Bay Mills tribe for being on the line today, and I'm glad we captured your feedback correctly. Thank you.

Rachel Lyons 00:29:25 No, Miigwech for hosting these.

Adam Geisler 00:29:31 Absolutely, Miigwech. All right, Matt. Who do we have next? I think you said Mr. Micklin.

Matt Rogotzke 00:29:34 Yep. Yeah. And not seen anyone else in the queue after that. So ah, folks, please raise hand, and we can capture that. Whoever wants to speak after that can go right ahead, but we can turn it over to Mr. Micklin.

Will Micklin 00:30:00 Uh yeah, Will Micklin, can you hear me Adam? Thank you. Thanks for the chance to talk with you again. I appreciate it. Appreciate you and your team's efforts on this question.

Adam Geisler Oh, real quick. I'm sorry. Just for because we have the transcript. If you could just give your title and the tribe you represent.

Will Micklin 00:30:21 Yeah I apologize, Will Micklin. I'm The Fourth Vice President, Executive Council for Central Council Tlingit and Haida, Indian Tribes of Alaska. Richard J. Peterson is our President and we're the regional tribe in southeast Alaska, over thirty-three thousand tribal citizens in over the thirty-five thousand square miles. I'm CEO for the Ewiiapaayp Kumeyaay Indians. Fifty four-hundred acre reservation in East San Diego County, California. Robert Pinto, Senior, is our chairman, I'm authorized to speak on behalf of both tribes. Thank you for the opportunity to respond as to the eligibility for funding absolutely, particularly those descoped to the five hundred thousand should be eligible in round two. I also believe that those that submitted applications in round one that were either partially or fully funded, may be considered for additional funding, based on merit of their application, and based on feasibility. By merit, I mean that the target a priority for the fund program was to provide deployed broadband to unserved and underserved communities, and with requirements for

serving under income or in poverty communities by a percentage, particularly one hundred percent. Where those can still be accomplished by round one applications should be considered for additional funding. As to feasible, I think, for those applications, they should have a close look to their methodology in deployment so that the dollars are best used. We did note in round one applications that there was a heavy emphasis on fiber. That we know fiber is mentioned for forward-looking sustainability of buildouts in the round one NOFO. But, we think that fiber in the backbone and the core network, and in the back haul of the Middle Mile is certainly reasonable and feasible, and accounts for a lot of the cost. The fiber to the home, we think, needs a close look when there are is radio spectrum to fixed wireless that is available at lesser costs and may be challenged in the near term for the BIL targets for performance with one hundred megabits symmetrical, but with the near-term advances in integration of fixed wireless radio spectrum and mobile wireless and wi-fi in the home from two, and with fixed wireless from two point five gigahertz to three point five gigahertz, with four point nine, five. There's a lot of opportunities to approach those standards. We think that should be a reasonable criteria for award of funding. As to time, under the BIL and limitation on equipment sources that we think shovel ready is a difficult concept in broadband, with permitting requirements and with environmental documents required, those can begin right away. I think everything is shovel ready when we're looking at that, and in particular the attention with the permitting. The Forest Service has said that they are not subject to executive orders for expediting broadband deployment permitting, permitting that only utilities can be a sponsor for the permits. We don't agree with that but that's going to delay these projects. NEPA documents always take time, so as permissive as we can be on the timelines, because we are not holding up these projects, the bureaucratic process is. And as to equipment limitations, you know, we understand national security issues we certainly think that's important, but we are hoping that there is not such a limitation that the equipment is constrained which would further delay our projects outside of our control, so as much flexibility in that as possible would be helpful. Thank you.

Adam Geisler

00:35:43 Thank you, Mr. Micklin and I again, as usual I'm going to go back through and just make sure I understood it all. We are talking about prioritization, and it sounds like you again want to continue to give preference to similar to what I heard with the last with Miss Lyons, that you want to give preference to those that were descoped, or did not receive funding. But you also want to give some credence to those that may have received funding in round one, maybe a large chunk of dollars as well, to expound upon those projects. Can you, did I hear that correctly, or did I misunderstand it?

Will Micklin

00:36:23 No you understand that the Alaska broadband plans sponsored by the state the most recent edition in November 2021 includes an estimate for the cost of full deployment in Alaska, which is twenty-four billion dollars. And if you take out the per user cost of the last several awards in the State of Alaska. If you serve about thirty-five percent of the known users in the state of Alaska that's about twenty-four billion dollars. There is nowhere near twenty-four billion dollars appropriated for the entire country. We need to be sure that what we propose is reasonable and feasible in terms of cost, and where we can enhance performance but it's got to be subject to the

logistical performance requirements in the environment that you're building out. Okay, fixed wireless as a Middle Mile backhaul is really tough in the state of Alaska, I mean, really tough. I mean you could put all the fiber you want to the home. But if you're backhaul from that core network to Middle Mile, it's not good. You you're not really spending your money well. So you know, I think, have particular tension.

Adam Geisler

00:37:53 So I think I think then I, that I heard you correctly on also your position with fiber, which is from a backbone standpoint, great, or from a last mile standpoint, leveraging fixed wireless solutions and having some flexibility around any latency components is where you're thinking to keep things affordable.

Will Micklin

00:38:13 No, I applaud anyone that can be awarded funds, fiber to the home. If they're awarded, I fully support it. But I think when we're coming down to how much money is left for appropriation, and we have to start making decisions, and that's I'm just saying that I'll be subject to a careful consideration, particularly for those funding in round one that should be eligible for funding in round two. Thank you.

Adam Geisler

00:38:40 Understood and then I hear you loud and clear on the permitting issues. I'd like to take it offline with you regarding what you're hearing from the US Forest Service. There is a team here at and NTIA that works on Federal permitting, and if you're running into some roadblocks because of this designation of utilities. I just want to understand a little bit more and make sure that we're getting that up the chain, not only to the team here at NTIA, but to the White House Council on Native American Affairs, so we can get some visibility on that at the senior principal level. So okay, Well, is there anything I missed Mr. Micklin before we move on?

Will Micklin

00:39:19 No, thank you. Thank you very much to you. Thank you.

Adam Geisler

00:39:22 Thank you All right. Who do we have next, Matt?

Matt Rogotzke

00:39:27 Mr. Michael Derry is next with his hands up, and then Mr. Mark Payan is after him.

Michael Derry

00:39:45 Good morning, everyone. I'm Michael Derry. I'm with the Travel Council liaison for the Guidiville Rancheria. I'm here in Northern California. I just want to sort of parrot some of the other speakers by saying those tribes that, like us hopefully will receive a five hundred thousand dollar allocation on our project that was to do pre-planning, such as NEPA, and other design, work, which some of which has a lifespan. We would hope that we would still be able to be considered for round two, because it would just sort of be a waste of Federal dollars, if we, you know, do some pre-development work, and then never proceed with building anything. It's just a waste of Federal funds. And we do think also that prioritizing, I wouldn't say prioritizing applicants who have not had an allocation over ones that have had full funding makes a lot of sense. Gives everyone a chance to have a bite at the apple, not saying that those that we're not saying that those that did receive full funding should be excluded, they should just have a lower priority than ones that have not. And that's really the extent of our comments. We like the program. We certainly enjoyed the additional

technical assistance we got, and look forward to being able to do something for our communities with this funding,

Adam Geisler

00:41:33 Awesome, I'm happy, you've had a good experience with our team. I have nothing but positive things to say about the team here at NTIA a lot of passion within the TBCP team. They work hard. They're here for all the right reasons, and I'm happy that you have that type of an experience with them.

I wanted to get a point of clarification if I could Mr. Derry. So, as you heard our Assistant Secretary say, we are targeting and use that word intentionally, we are targeting our release towards the end of October for NOFO round two. Now, obviously you know that's with us, hopeful that the awards for the equitable distribution the five hundred thousand, or up to five hundred thousand is out on the street by then. In terms of timing for the next NOFO you, I think what I heard you say, and I just want to make sure I capture it correctly. Is it makes absolutely no sense, I heard it from two different lenses. One, there should be some priority given to folks that have received, or will be receiving the five hundred thousand, because there is a life cycle on that, and it makes sense that they would be kind of next in line, because it would be a waste of an investment. I heard that correctly correct? Yes. Okay. Then in I think I know where you're going to go at this. But I'm going to ask you the question. Do you believe that we should hold off on releasing a second NOFO until all of those five hundred thousand dollars awards have been made?

Michael Derry

00:43:01 I don't know. I don't really have an opinion on that, but I do know how we will respond to that. If a second NOFO is released, we'll respond to it with the rest of our program, under the assumption that we're going to get our five hundred thousand dollar allocation. We'll try to do the best we can with whatever NOFO comes along. But it would be nice to know if we had received our equitable distribution, so that we don't repeat requests if we're funded, that makes sense.

Adam Geisler

00:43:44 Yeah. You're not. You're not duplicating in your next application for that.

Michael Derry

That's right, and not including funds that are relevant, or maybe irrelevant this time. And then you get, you know an over request again, because maybe you're duplicating your effort. In an ideal world. Yeah, it would be great if we knew before the NOFO comes out, but if it doesn't, it's not going to stop us from trying to go after those funds anyway, as best we can.

Adam Geisler

00:44:12 Understood, then I heard I just want to make sure I heard your last piece there, which was to prioritize. You're saying everybody can apply right? You're saying you don't want to take away any tribe's ability to apply, but in terms of prioritization you already received a large award in round one you're welcome to apply again, but you're not necessarily the priority, for round two.

Michael Derry

00:44:35 More or less. Yeah, I can give the ones that haven't received full funding at least a chance first. Ah, it's all it's all we're saying. But, you know people shouldn't be precluded from applying, because I think the agency needs to get some get their

hands around what the need is out there and the only way you're going to know what the need is when you receive these proposals.

- Adam Geisler 00:45:05 It's a good point. Awesome. Thank you, Mr. Derry. I appreciate Rancheria for being on today and for your feedback. Thank you. Alright. And who do we have next Mr. Rogotzke?
- Matt Rogotzke 00:45:20 Sure, Mr. Mark Payan is up next, and then after that, Emily Dodge.
- Mark Payan 00:45:43 Good morning. It's Mark Payan, and I'm administrator at Agua Caliente Band of Cahuilla Indians. The only comment is if for planning purposes it would have helped greatly if knowing the progress of the award, the first NOFO in the first round. If it was, the proposal was fully funded, or if it's down to just the allocation that would help in terms of planning for the NOFO round two, and just a kind of echoed thoughts of previous panelists, and I would also concur that that they would be great to have that information in order to plan accordingly for round two, if that makes sense.
- Adam Geisler 00:46:39 That does. And I think that you're echoing the previous speaker as well. Um, so it'd be good to know the status of the award before another NOFO is released because it sounds like there are some folks that some may be waiting on notification of where their application stands. Altogether I appreciate that feedback. I'm happy to have Agua Caliente on. I actually ran into the former chairman, Mr. Grubbe, here a couple of weeks or a couple of months ago, and it was really good to connect with him, and just hear how things are going over there. Hope things are well over in Agua. Thank you.
- Mark Payan 00:47:13 Great. Thank you. I appreciate all your help all the teams help. Just appreciate everyone's concerted efforts and help and communication throughout the process. Thank you.
- Adam Geisler 00:47:24 Awesome. Appreciate that. Thank you. Alright who do we have next, Matt?
- Matt Rogotzke Emily Dodge and no one in the queue. Folks want to raise their hand go for it. Otherwise, Emily right now.
- Emily Dodge 00:47:42 Hi! Good morning. My name is Emily Dodge, and I'm a consultant representing Igiugig village council, of the Bristol Bay region of Alaska. We represent a consortium of nineteen tribes and twenty total communities for this Grant program, and I'm trying to find my notes here, so I can speak.
- Adam Geisler 00:48:04 Emily, real quick on and just to I have to get this on the record. So, just to be clear, you have permission to speak on the behalf of all the villages? Or is there a particular village that you're providing? Is it for the village of Igiugig?
- Emily Dodge 00:48:19 So yes, that's probably what you want to write down. Yes, I have permission from President AlexAnna Salmon to speak on behalf of the village of Igiugig.

Okay. Considering this question, I do just before I forget, want to say that regarding your sort of side question in a previous or comment Adam, about whether NTIA should wait to release the second NOFO until all of the equitable distributions have been made. I think that our comment on that question specifically is Yes. We would like to see you wait to release the second NOFO, because knowing where we are with the equitable distribution will really inform what we can do, especially because we're trying to get creative with our funding right now. Um, you know, with the digital equity planning funds and the CPF Funds, and then the equitable distribution funds. Um, you know we want to be responsible with federal dollars, and we're trying to do as much as we can with the money we have. So that's a really important consideration in what we would be applying for in the second round. And then you're welcome. And then I also want to say regarding this question, as far as prioritizing new projects in the second round Igiugig village would really like to see prioritization of infrastructure projects over broadband use of adoption, because, you know, there's a lot of great broadband use and adoption projects and awards going on right now. But as far as Bristol Bay Tribes go, we can't even really participate in those projects because we don't have access to high-speed broadband at all. We can't use and adopt it, because it doesn't exist. So until all tribes in the U.S. are connected to high-speed Internet, we really need to see those infrastructure projects prioritized.

Adam Geisler

00:50:16 Then how about in relationship to prioritization amongst infrastructure?

Emily Dodge

00:50:24 We would like to see projects from the first round that were unfunded, prioritized absolutely. We were told that we didn't have any deficiencies in our application. And so, if that's true, then there's no reason that ours wasn't funded other than you know, running out of money. I think that that really points to prioritizing complete and adequate applications and projects from the first round in the second round of funding before funding new projects.

Adam Geisler

00:50:55 Understood. Any other things that we should consider in a relationship to speeds or other things, that we should look at for this round, you know again we had, we looked at poverty. We looked at a whole different slew of things in the criteria that we use to evaluate the applications. Is there anything that that you believe that we should be thinking about beyond what we've previously done?

Emily Dodge

00:51:22 Sure. I do think that, considering Alaska's unique situation with construction seasons and scheduling is a huge consideration, because, you know, we, if you're looking for projects that are, quote, unquote, shovel ready, and can be completed in two years. Alaska projects are never going to be able to that criteria, and that is not the tribe's fault. You know we're tied to construction seasons that are short, and you know, if you're permitting takes up a winter construction season when you could be out laying cable then you know you've lost a year of construction, so certainly I understand why you may want to fund shovel ready projects. But as a previous commenter noted. You know the definition of that is a little bit nebulous, and I think for Alaskans, timeline is certainly something that we suffer to we're challenged to meet. I think that puts us at a disadvantage if you're requiring short timeframes.

Adam Geisler

00:52:26 Um, what about you know again, I'm just a dialogue here. What about considerations for I mean, is there anything else that you would want us to think of? I hear you loud and clear on the shovel readiness in your position on that which is kind of a no, because of the nature of the environment. Is there any other things that we should be thinking about in relationship to? You know I don't know population considerations or, you know, big tribes, small tribe population land bases. Um, you know. Should we be thinking about carving out a chunk for smaller tribes, or bigger tribes, or you know anything like that. Is there anything that you have to offer there that you may want to share?

Emily Dodge

00:53:14 So I could talk all day about the unique situation that Alaska tribes are in, because we don't have the large reservations and the large geographical areas that are represented by a single tribe. I think the thing I would encourage you to consider is um the consortium aspect, you know. I think NTIA encouraged consortiums in the first round. But then that kind of fell apart when you know the rubber met the road, and we have, you know, like I said, we had nineteen tribes as part of our consortium. Small tribes with very little resources, and the Native village Igiugig stepped up to represent those tribes and kind of inject the financial resources that were needed to get that application in. So I think that where a regional approach has been considered that application should get some sort of priority or scoring based on the merit of that regional approach, because there will be cost savings, and there will be efficiencies built in, and there will be more future-proof infrastructure as a result of that consortium structure. Alright, let me say one more thing Adam that came to mind. Um. Sorry as far as future proof goes. You know we understood that NTIA wanted to see future-proof applications. I'm using air quotes, and we submitted a fiber proposal. You know, based on that, because fiber is the most future-proof solution, and it's also what fit our region the best. So I think I know that agencies are trying to be technology agnostic because there is no one size fits all solution. Actually, you know, technology speaking. But I think you need to be careful when you encourage future proof solutions and sustainable solutions. If you're going to do that, I think you do need to give reference to fiber optic projects. Thank you.

Adam Geisler

00:55:25 No worries. I'm just writing your future proof equals fiber. From the way you just explained it all right. A couple things I want to make sure I got it all. From your position. Yes, we need to wait in terms of releasing until the equitable distributions have been made for planning purposes. And to understand the deck of card you're applying for consistent with what I've heard from others. Um, you do. You do want us to look at prioritizing infrastructure over broadband use and adoption projects. You also want to give preference to folks that were um awarded in the first round for equitable distribution. Is it, was that correct? Am I missing anything there so far?

Emily Dodge

00:56:04 And I don't think so. I think you got it.

Adam Geisler

And then from a shovel readiness standpoint or concern. Um, that's it that puts that puts tribes in. I'm just going to say in general, at a disadvantage that have limited build seasons. You would not be a fan of that. And then but you are a fan of giving preference to consortium approaches based upon the merits of their approach. Um

demonstration of cost savings, and then future-proof considerations. And if we're going to require future proof, you're saying to just come out the gate and call it fiber.

Emily Dodge

00:56:41 So Yes, I think I think you covered it. Yeah, I would like to add that on the consortium approach there's a geographic element to that. Um, I don't necessarily think that geographic or regional, geographically speaking, applications are implied by the word consortium. So maybe note that because I think that's a very Alaska specific, issue. Well, I am just. Yeah. I think I am, because I'm encouraging you to prioritize infrastructure projects, right? And so that geographic approach really ties to that prioritization of infrastructure projects over broadband use and adoption.

Adam Geisler

00:57:30 Alright. Well, Miss Dodge, I appreciate you coming on, and the village of Igiugig being present today. Please give my best to Alex Anna, and I appreciate the feedback. Thank you.

Emily Dodge

00:57:41 I will thank you, Adam.

Adam Geisler

00:57:43 Thank you. Alright, it looks like we have a caller, Matt. 907. I think that's Alaska, 444-5530.

Matt Rogotzke

00:57:53 Yeah. Let's see if we can get them unmuted.

AlexAnna Salmon

00:58:03 Thank you. Hi, Adam! It's! AlexAnna actually calling in from Igiugig village and figuring out how to unmute on my cell phone. Here not on the zoom, I don't have the bandwidth for it. But I appreciate hearing from Emily on our behalf, and then also all the other tribal leaders on the call. I just want, you know I think she nails all of our comments, and I just wanted to re-echo I think what Will Micklin brought up about I really out here appreciate putting in design build projects with the permitting aspect because of exactly what was brought up on the you know you can expend all these federal dollars on getting a fully permitted project that you're continually maintaining and updating over, you know, a long span of time. I think I have one project we just update permits for the last decade, because we don't have the actual development fund. For this broadband that or for this fiber build out we were cognizant of that. But I really just got on to type in about the population. Our village is so tiny and a lot of you know the entire population is less than one million, and when you talk when you think about twenty-four billion needed to serve the whole state, population never works in our favor. But one thing I do stress to the Federal Government is. We are, we're, Bristol Bay has a gigantic commercial fishery and seafood industry that brings in we're inundated with a population boom during that season, and then for the for the wider Bristol Bay we're home to ninety commercial sport fishing or tourism operators, and we encompass two major national parks. And so, although we might have a small year-round residency, we have very, very large population influxes during which tourists and fishermen come in and even our cell service isn't sufficient.

Adam Geisler

01:00:06 Yes. That makes sense transient, transient population. They come in, are seasonal.

AlexAnna Salmon

01:00:11 Yeah. It's massive.

Adam Geisler

01:00:13 Yeah. You go from five hundred to fifty thousand, right?

AlexAnna Salmon

01:00:18 Probably more. Yeah, not a lot of fish good fishing up there, and also, you know, we would love to see statistics on there. But the state of Alaska and other entities they just at the moment do not have a great way to capture that. And so that's one thing that I have struggled with on certain NOFOs that have kind of a population prioritization that is not equitable in my opinion. Quyana

Adam Geisler

01:00:46 Thank you for you on that. Thank you. Alright. I hear you loud and clear, AlexAnna on the permitting concerns that's a bummer to hear that you guys just keep renewing the permits while you're waiting on dollars to actually do projects. I hear you loud and clear on that, and then also on the population point, thinking through a way to give consideration, to make sure that smaller tribes are not left out in in the process. Understood. It looks like we made it through question one, and we're about an hour, we're about an hour in. We're doing good guys. One question an hour. Maybe we'll move faster. Here we'll see all right. Consultation question number two is: What type of guidance/documentation can be included in, or in addition to the NOFO that would assist applicants in completing their application? Um, you know, for example, right, and I apologize. We didn't get it out for the previous NOFO getting things through clearance and timing standing up a new thing in a pandemic was a definitely a curve there, but one of these examples would be a sample application, a sample budget narrative, a sample budget. For many of you you've gone through some level of curing with our team, and you're learning the nuances of how Commerce does business. All the good and things probably need some improvement. But are there other tools or documentation that we should include in the application or guidance that we should be giving in order to help all of you in completing the next application. That is the question. So it looks like question number two. We're going to go ahead, Matt who do we have in the queue?

Matt Rogotzke

Looks like Mr. Will Micklin again, is kicking things off.

Will Micklin

01:02:58 I'm Will Micklin, Vice President, Central Council of Tlingit and Haida Indian Tribes of Alaska. CEO, Ewiiapaayp Band of Kumeyaay Indians, authorized to engage on behalf of the two tribes. Thank you for these questions. First off. I just like to say that we would advise being very careful on emphasizing performance and increased performance in terms of speeds. We think that advantages communities that are already served or available to be served, when the emphasis, we believe from the NOFO is to deploy broadband, to unserved and underserved communities, and particularly those with income disadvantage, impoverished households. Those households are really not in areas that are available to high speed capability. In many instances they are, just across the reservation boundary, but in the State of Alaska and in East San Diego County, California, the backbone services are just not there, so the cost to build out is significant. It's the major part of the funding request, and the higher performance speeds required, the more costly it is to deploy. We advise caution on that. As to guidance there's a number of items that we would like greater information about. Subscriptions as an operational or capital expense is important.

Information to us, length on terms for direct Internet access is incredibly important. Definitions of sustainability, particularly when we are required to serve X percent of impoverished households in our service area, and to keep our rates available to those low-income households and yet have the burden of deploying very expensive broadband, particularly in the Middle Mile facilities to those communities, balancing the high cost with the low expectation for revenue is exceedingly difficult. Some guidance on what the standards are for sustainability would be helpful, so we can be sure that our response in application is competitive for award. The depreciation expense for towers, it's important. Is it one year? Is it five years, ten years, twenty years? In particular and in some communities like Southeast, we're working with carriers. We're not displacing carriers. We're working with ISPs. So we have the requirement in the deployment of Federal dollars if we purchase, if we pay for an asset, we have to own that asset. The burden, the responsibility, the operations and maintenance duties for carriers, ends at the point where we own facilities. Now through DIA or subscriptions, we're able to collaborate with carriers and extend their presence into the community. You're lessening our costs. Sharing in essence, sharing the cost and sharing the benefit of creating new consumers. And yet it can be very difficult to figure out what is valued by the NTIA reviewers. These types of agreements, these types of financial considerations are extremely important, and we think it should be more than just a question and general guidance. There ought to be some specific answers so that we can make sure that we are crafting our project, our application to meet the needs and benefit from an award. We can craft it many different ways, but unless we have a better understanding of what NTIA thinks is valuable for award, then we can go astray when we could have chosen the right path. All those are really important from performance, being reasonable for the availability of facilities and service and spectrum to financial issues of agreements and to definitions of sustainability, even to definitions of eligible entities. As you know, in Alaska, thanks to courts, tribes, inter-tribal consortiums, the regional tribes. There are two regional tribes in Southeast, in North Slope and in southeast. All those mean different things. They're not well recognized across the Federal Government. The census doesn't depict the regional tribes as they do the other tribes with the Alaska native vital statistic areas. So that's the kind of information that I think we think would be enormously helpful. Thank you.

Adam Geisler

01:09:44 Thanks, I hear you loud and clear on getting more clarity. In terms of what the modeling is, and for that right, you need to know. How should you treat depreciation schedules of assets for you to back into that that makes a lot of sense? Also defining sustainability. I'll be honest Will, and I'm always going to tell you guys what I know what I don't know, and what I think is possible. But I think that we are going to be a little challenged on the definition of sustainability in a NOFO, largely because I think it's going to vary, depending on the region of the country that we're dealing with. Sustainability in a successful model is going to be very different in Alaska than it is going to be in South Dakota, for example. What does success look like is kind of the same. You hear people talk about what does this? What does success look like is really what we're talking about. The success is going to look differently depending on where you're at, with the exception of one thing which is reliable, affordable, high-speed Internet access. And you know, don't be shocked Will, if the definition that we do come up with is exactly that you know we're looking at sustainability, that it's so that

it's high speed, it's affordable, and it's reliable. But I hear you loud and clear on the need to have some more specificity around that. I am going to ask just one other question here, because one thing that we have been talking about as a team is the way in which documentation came into the program for mapping, for example, right? Some folks sent in Jpegs, some people sent in detail gif files or shape files. Other folks provided us census block information or census tract information for us to be able to see exactly where the projects are going. Do you think it is, we should this round, and again, we cast a wide net, because everybody was in different place a year ago in the middle of the pandemic. It was a very quick application window. This application window is going to be six months. Do you think we should increase the level of detail that we're looking for in these applications from that standpoint in making sure that we are getting the same file types? For example, shapefiles when folks are putting forward their network diagrams, or what they're putting forward for the deployment of their network. That's it. That's a question for you Will.

Will Micklin

01:12:28 Thank you. We Central Council have benefited from two things: one we're a regional tribe so we have a lot of administrative capacity in an excellent network team through our tribal networks that we established to run with this project. We also benefited from the FCCs Tribal party window, 2.5 Gigahertz license application, where we I mean we went Pixel by Pixel in differentiating our license area from tribes within southeast Alaska. We're the regional tribe. There's, I think, eighteen IRA tribes. So we had to be very careful about that. And you know frankly, we had to revise our maps because a pixel overlaid another pixel. For us, tell us what you want, and we will provide it. Just be clear on what it is. For others I can't say that they have. I would caution that many tribes in Alaska, particularly don't, have the administrative capacity to do the shape files with the granularity that we were able to provide, and are able to provide. I think there should be a combination of those, and I don't think the service areas is going to be substantially determinant on the quality of the application. We suggest having a care there. I do want to say one other thing, if I might. Other infrastructure projects was a question, and broadband is hugely important. But so, as energy, affordable, reliable energy is needed for broadband to work, and for all the benefits of broadband in the BIL, there's project bundling provision in the transportation section that allows some benefit for overlapping infrastructure projects. We think that's entirely needed where broadband, deployment and energy improvements to particularly to grid transmission and regionally and in communities, and frankly, transportation as well. All line up with the same environmental document, with the same permitting requirements and work each other. So, having three different expenditures for really the same project is not a wise use of Federal dollars. We're hoping that the White House Council can convince agencies that they ought to be able to use same information from multiple projects and reduce the cost significantly. And you know we agree. We need electrical improvements. I don't know if you've been in a village and you put an expensive piece of electrical equipment, plug it in, and it gets a surge from a high amp or a low voltage situation, and it destroys it. Well, you know so much for your broadband equipment. We think that broadband deployment is hugely important, but it really should go together with the other infrastructure projects to make this sensible, and there's funding now to BIL. And the inflation reduction, act, and et cetera. But the administrative process between the

administrative agencies or the administration's agencies, needs to come together to recognize that overlay. I think.

Adam Geisler

01:16:31 I hear you. Okay, well, I appreciate the feedback there. And, Emily, you're in the batter's box, and I am going to ask the same question to you with regards to, you know detailed data, and I just I guess I should preface this with: You know part of what we have to do here at NTIA, and some of you have noticed this is, we have to go through a deconfliction process where we need to actually meet with our Federal colleagues at USDA and FCC and others to make sure that your project that you're proposing is not overbuilding somebody else's project, and one of the best ways to do that is to have a simple shapefile to be able to do those quick overlays. Even without the census blocks we can pull that together. But we do need a structured data file as opposed to a JPEG or a PDF, which is what we've gotten in the past, because we don't want to be redrawing people's footprints. That's where the thought is coming from. But I hear you loud and clear Will, that from your point we need to be careful with that, because some folks just may not have the capacity. If we go down that path, we need to be prepared to have the technical assistance to support it, probably be part of question three. All right. So it looks like we have next Emily, Miss Dodge, Igiugig council.

Emily Dodge

01:17:51 Hello again. On that on that note I would just, I guess, offer you know, I'm working on some Middle-Mile grant applications right now and that funding program requires an ESRI shapefile of the route, which I think that would be pretty prohibitive for tribes who lack the capacity to produce that type of material. But there's also the data specification where you put in Lat-Long. Well, I think it's just Lat-Long and a point description for your route and your community served, and you know that could be something that maybe I think tribes would be able to provide that perhaps NTIA, through some technical assistance could get that into the database, for their deconflicting process. Seems like a really simple suggestion, but worth making. And then, as far as this question goes, I would just like to offer that this is a huge injection of Federal funds, and with that level of funding comes private interest, and unfortunately, that can put tribes in a tough position, and I think that one of the things that the first NOFO failed to do was really communicate clearly to tribes that the expectation was that they would only support one project, and now you guys are having to go through this deconflicting process, and we have a lot of tribal leaders who are very confused about where they stand, what project they supported, who is being funded, and that's really unfortunate, because it does put a strain on people's already limited capacity, and also just relationships in the region. I think, I hate to be someone who just throws a problem out without offering a solution. But I don't know what the solution is to this other than just NTIA, being more aware, that is something that tribes struggle with. You know they are they are met with so many requests for resolutions of support and letters of support for projects and grant applications, and it's hard to keep up with their limited capacity and unfortunately, you can't always trust everybody that comes to you asking for a letter of support. So some awareness on NTIA's part, and really prioritizing that tribal sovereignty and the communication that puts tribes in a better position to make good decisions and to support competitive applications.

Adam Geisler

01:20:38 All right. Thank you for the feedback on the mapping and the Lat-Long I think, is definitely a starting point. When I talk to my map team about how we might be able to do that. Also, I don't want to give up completely on the ESRI shape file thing only because only because I think in a six-month window there may be the ability for us to support. May, I say that may the ability for us to support that engagement. But I hear you, there's an alternative solution that still fits, and it's not putting a strain on everybody, which is what I want to avoid. Right to your point. Everybody's got a lot on their plate. I want to, I want to find that balance. And then, you know, lastly, I appreciate you raising the concern because our team is also the time and resources about deconfliction. There are things, and that's really what this question is about. Is there documentation or guidance that we can use to better inform the next NOFO? And I think what I heard you say, Emily, is to be very, very clear in this next note. Yeah, basically to be a little bit more to draw the lines a little tighter, that you're only allowed to be in one application period. Done, right that don't, come in by yourself, and in a consortium. You need to pick where you're going to go to limit the confusion. I guess we have to work on how we message that if we were to do that. But is that where you are going with it?

Emily Dodge

01:22:05 That is where I'm going with it, and you know honestly, it's because I know our tribes, and especially the Bristol Bay Region tribes; and if you tell them that in the dear tribal leader letter, and in the NOFO that they are, they can only support one project. They will absolutely do their due diligence to grill these people who are coming to them for letters of support, and at the end of the day they just want broadband. They want high-speed Internet for their communities. But if they know that if they would have known that they were expected to only support one application, and that I know that I'm like talking about that as a rule, and that's not necessarily the way that it is. But I think at the end of the day that is kind of what the expectation was. That was sort of the ideal scenario, right? Is that every tribe pick one project to support, and everything's clear cut and easy, and if tribes knew that I think that they would have done their due diligence, and they would have, you know, done the work to understand the projects they were supporting, and to make a choice. Yes, some guidance, and a better line in the sand, as far as what the expectation is in the NOFO would be great.

Adam Geisler

01:23:20 How about this? And I'm going to put this on the table, and maybe this will get a couple of other people thinking here, right, there are definitely tribes that have resolutions for infrastructure, resolutions of consent, and multiple infrastructure applications that we've had to work on deconflicting. We're still working on deconflicting frankly. For those of you that are wondering Adam what's taking so long. There's a number of items that we've had to work through and are still working through. But with a six-month window. One thing that we've been talking about is removing the idea that you can submit a letter and then get the resolution later again. We did that because of the pandemic and flexibility, and, you know, subsistence hunting and fishing. But in a six-month window is it fair for us to require the resolutions up front from everybody in six months. The NOFO to come out in October, or you know, or later it's just call it, you know, December, January in the next quarter, and the next three months or so, if the NOFO were to come out, and in that timeframe we were to say, okay, you have six months, and if you don't have your resolutions,

we're not going to accept either we're going to remove them from the application, or we'll reject the application, or what's your thoughts on something like that?

Emily Dodge

01:24:43 I would defer to President Salmon if she's still on the line. Maybe she wants to comment on that. But, personally, with my years of experience in supporting tribal governments, and grant awards, or grant applications, I think that six months is enough time to require a resolution. I don't believe we have a subsistence season that goes for six months. I think that is plenty of time to require resolution, and I do think that that is a very simple way to address this problem. But again, I'm not the one in the village trying to get the Council together. So please ask some Council members for their opinion as well.

Adam Geisler

01:25:29 Understood. Any other tribal leaders on the line care to weigh in on that. It looks like we have Miss Lyons, with her hand up.

Rachel Lyons

01:25:56 Sorry about that. I don't know what happened, but I just kind of wanted to add a little bit to what was just stated, in regards to, the timeline for the application. I can appreciate you guys trying to offer us more time to submit this application. But what stinks is if you do six months, we're looking at another construction season coming and going. You know we'll be getting awarded what springtime, so we won't even be able to put out an RFP for next season for any of this work to get done. I don't know about other tribes, but I would really like to see that shortened. It's not often that I say that. But many of us, and like I had already proposed, is that people that had already applied to get this priority. You know, many of us have our applications, and we're ready to rock, and we've got work that needs to get done as soon as possible. A six-month open timeline for these NOFOs is a lot, and, like I said we wouldn't even be able to do any of our construction work any of the dirt work until 2024, if that's what's going on, because all of our contractors will have already been bid out for the season for 2023. So you know we're just we're delaying something that's needed yesterday if we go six months.

Adam Geisler

01:27:23 I hear you on that. I think the one struggle I'm going to have with that Ms. Lyons is its statutory. It was the amendment, so some of the consultative feedback that we received from round one was three months just was too quick, and so Congress changed that in the bipartisan infrastructure law, too. But I need to chat with the lawyers, I mean I hear you loud and clear on why the concern exists. This would be a different conversation if we were launching the NOFO a month and a half ago. Right. The awards would still be at a point where that wouldn't impact your construction season. I need to go back and chat with our legal team about this and see what flexibilities we have there, because that's a fair point that you're making and then we want to hear. I mean, six months is what everybody wanted you to try to get people more time. But I also hear what you're saying about impact of when awards would happen, and when you could actually be doing anything with those dollars so

Rachel Lyons

01:28:26 Well and I can appreciate that with our first round giving the six months, because it was a new application. It was identifying new projects. We've done that we put that work in, and now we need to kind of adjust what was submitted before and resubmit it. The six months is overkill if you ask me at this point.

Adam Geisler 01:28:47 Ok thank you for the feedback, and it looks like we have AlexAnna with lgiugig via phone.

AlexAnna Salmon 01:29:13 Ordinarily with a round one NOFO I wouldn't recommend the six-month timeline, or it'd be short but, like, she said, there are quite a few applications I'm sure that are out there that are not funded that had no deficiencies, so they're just ready to be reapplied and because of all of the awareness that's out there, and we have tribes that are waiting on this, many of them probably just need to brush up their resolution. It is overkill also, in our opinion, and because of how oversubscribed your first round was these are valid arguments to bring before for a shorter timeframe.

Adam Geisler 01:29:57 Thank you. Over subscription and applications ready. Okay. Alright. Well, I appreciate the feedback. The anybody else want to provide feedback or comment any other hands raised before we move on to the next topic. Again, we're talking about any other documentation or guidance that you think needs to be included in the next NOFO. All right. Well, we got two more days of this Wednesday and Friday. So you think of something where you want to send an additional written comment. Again, we're happy to field that as well. I think Emily actually had her hand up for a second time. I don't see a hand up anymore.

Emily Dodge 01:31:04 Sorry it does this crazy thing when you when you switch to panelists, where I just stop hearing everything for fifteen seconds. I just wanted to add on that on the lion's point, which is a great point, and I am sorry that I suggested that six months is great, because it is great from a new application standpoint like you said but it is not great for losing a whole other year. And I guess, Adam, I was just I wanted to throw out. That is it possible, if you're tied to the six months from a statutory point. Is it possible to accept applications on more of a rolling basis within that window and award them, you know, as they are submitted if they are, if they have no deficiencies like AlexAnna mentioned?

Adam Geisler 01:31:50 I, from an from an awards of you know our guidance requires us. That's a good question. Our guidance requires us to um that that we can't make awards until the award window is closed, right? We couldn't do anything in terms of awards until the window formally closes. But I need to talk to our legal team about a rolling like how can we treat things coming in in a rolling fashion? And or you know, I think maybe the other thing I'm hearing is that it is a priority given to almost like a first come first-serve basis for those that are that just that have their application ready and meet the minimum requirements of the program. I need to ask about that. I'm not, I'm not sure if we could do that, but it's a good, it's a good question to go back to your so rolling basis.

Emily Dodge 01:32:45 I think that you know from a science project it sounds like, even if it were three month's she might lose the construction window. I think that is definitely something. And for our project, too, it's something worth considering, because if we submit it in the first round, we have no deficiencies. We've successfully descoped our application based on deconflicting, and we have this, you know, going back to like essentially shovel ready project now. But we have to wait six months for everybody else to get their applications in. That would definitely be a huge bummer.

Adam Geisler

01:33:18 Yeah. Well, I think I do want to just want to manage a little bit of the expectations too right, timing wise, whether it's three months or it's a six-month window, or anywhere in between. If we were to say, get that NOFO out at the end of October, for example, you know you're still going to need to go through the environmental NEPA and NHPA process, in addition too which, you know that can range from a couple of months up to twelve. Let me chat with the lawyers. Let me see what our options are here, what we can do, and but I also just again managing expectations. I'm hopeful, but I'm also realistic on the environmental clearance components, and as we just heard Mr. Micklin expressed earlier as well, too, that there are permitting challenges that I don't know that anybody may be hitting the build season in the way that you want to for actually digging or installation of infrastructure in the coming season. We'll just have to play that by year. So again, guys, I'll tell you what I know. I'll tell you what I don't know, and then I'll tell you what I think. I need to go back and ask for. So there you go, but all fair points, and I'm glad we have them on the record. So I appreciate you guys expressing those. That's exactly why we're here. Okay, Any other feedback on this question two? Going once, twice. Okay, we'll move on to the next question. And, this is this is a pretty straightforward one. NOFO number one we were at a really tight a three-month timeline. We try to do some technical assistance on the front end. We tried to do recorded webinars. If you remember, we used national associations, regional associations, the regional offices for BIA to work with everybody, plus we had a whole webinar a schedule that we had where we had multiple webinars each month leading up to the NOFO release, and during the NOFO window while it was open. We are now going to have a, you know again, statutorily, recognizing the conversation we just had. But we're going to have a larger window of some kind here to work with. What types of additional technical assistance from NTIA do you guys think that we could use to improve to ensure timely and complete submissions? And you know again, many of you have had the chance to now go through our exciting curing process. Again, thank you all who have done that for your patience and working with our team. But what are things that we can do to try to limit, or from a technical assistance standpoint that we can do to try to limit these are more elongated cures on the back end. How can we help you all? More in-person? We now have boots on the ground a team of fifteen. Would that be helpful technical assistance workshops in each of the respective Bia regions? Would that be something that would be helpful? I guess I'll just pause there and see if there's any feedback. It looks like we have Miss Lyons.

Rachel Lyons

01:37:13 Sorry for the delay. I get the same thing where I'm booted back to no man's land for a second there. I just kind of want to get some clarification on, so we didn't have any deficiencies that we had to address in our application. I had kind of heard from around other tribes on how that went. Is that primarily what caused the delay and announcing of these awards on your end?

Adam Geisler

01:37:42 There were a whole host of items. It was a combination of, oh geez we had the If you guys recall we had to just hit send policy by the time we got close to the application window closing, and we had a lot of folks that sent us applications that were missing components of them, components of the application right? The 424 form itself is formally the application. There was a lot of time that we spent around triaging and frankly curing those applications which is again a requirement under the

statute that we were mandated to do so that was one of those items where Congress said, you need to cure everybody, but you have to do it quickly and here's a clock and good luck and we did our best to try to hit that. So that was one component. Another component of this was, you know I'll just be candid with everybody here we were standing up a program in the middle of a pandemic, that the same impacts that you have had in onboarding, training and connectivity is something that our own team had to go through with you in trying to stand up this program. And then, you know lastly, I'll say that there are some, some dynamics that we've had to work through with the we're very excited about the additional dollars of the bipartisan infrastructure law, however, to Build America Buy America provisions came at a time where we were midstream, and making awards that we then had to stop, pause, and go through a waiver process with OMBB, which has also taken us some time, and I'm happy we've done it because we had some tribes that had been awarded under one set of rules previous to when the BIL had happened, and another group that was going to be subject to things that that they and this is basically question four that they were going that they did not plan, for when they had built their budgets, a lot of this industry and the supplies are not necessarily domestic, and at the time any domestic supply that was around was bought up by a lot of the larger companies. There isn't one issue. I would say that there's a host of items that have created some delays, and that's why part of what we've been wondering is if we show up and work with people in person, which is one thing that we've seen in the curing process. Where folks have drafts of their application, and we can help them get their budgets categorized correctly. Um, if that would be helpful. And then I think the last thing, Miss Lyons, that I would say that that through us for a loop for all of us, for a loop was this two percent admin cap. Many of you have an indirect cost rate, or an admin cap of much higher than two percent. And so, working through these applications to be able to get tangible projects down with a two percent administrative or indirect cost rate was not easy, and that took time, and that took a lot of patience from the applicants and frankly, from our team as well to get there in navigating that process. I think those are the generally, the broad, sweeping challenges that we face. We come to question three, kind of wondering if we show up in person, and we'd have some regional touch points, more we show up to your door to help do some review. Would that be helpful? Or there are other things that you think would be helpful to make sure that we have just a cleaner set of applications. Also, the six-month window, kind of back to that. There's a little bit more time. Help to help on the front end. Help to alleviate the clean up on the back end. We are all ears. We have ideas, but nothing's written down in stone by any means. When we say we're flexible, and we're open, we are. So I'd love to hear your thoughts.

Rachel Lyons

01:41:35 Well, I agree. I think those applicants that need that one-on-one assistance. I don't necessarily think boots on the ground. I think we're all acclimated to zoom in this virtual interaction and working with it that that way would be quicker and more efficient and cheaper, quite frankly for everyone. I do want to add something to what you had discussed, in regards to, the delays and awarding that initial well, and in the awards for this initial pot of funding. I can appreciate every bit of that. Covid threw us all a major curve ball, not only, in regards to, you know, we've got to rework how we do everything. But then also, with all of these different funding streams and new funding streams and new programs that's huge, and that's big on not only the

agencies and but the tribes. We were trying to juggle, surviving quite frankly and trying to make sure that we're getting everything that we can to support and help our communities. My biggest frustration with this process was the lack of communication. We had a project, and we were sitting on it, sitting on it, sitting on it, and it was tied in with other projects that we had. You know we were ready to rock. We couldn't do it until we knew what was going on over here, and we were getting kind of rumblings and rumors quite frankly of what was going on. No, they're going to, they're going to be a wording here in a couple of weeks. No, they're going to be announcing something by the end of the month out there. You know they're having this meeting. We know they're going to announce something. If you guys, would it just put out like, hey? This is what we're dealing with right now. We've got, you know it's going to be a delay, as we've got to address. You know the Buy America Act, or what have you just open those lines of communication, so that we weren't kind of just guessing on what was going on, holding up other projects, and you know, really just crossing our fingers like, when's this going to happen, you know, is it next week, is it? Next week? And it was just constant, and that's all I ask, and I know other tribes they had that same frustration where it was. You know we were just kind of here to down the pike like okay, this is what we're hearing. But there was never anything that we see an official from you guys like, hey? We're working on it. We're doing this. This is causing a delay. We're anticipating this, and even if there's a delay with an anticipated announcement date, get this, you know. I feel like most of us are pretty reasonable, and especially with Covid. We get it, and we get that you this is a totally new funding source with you guys. We deal with it with Treasury. Trust me, that was a whole other ball game. We can roll with the punches, but we got to know what we're rolling with. Please, if that's what's going to happen this go around. Keep us informed.

Adam Geisler

01:44:38 No, I good topic for this conversation. One thing we are going to do, and where you're going to hear about this at the Department of Interior Broadband Summit next week, which we are absolutely a partner in working with DOI. We're going to start having a monthly tribal broadband leader's network to disseminate information to have a monthly check in with everybody that we're working with, and that's focusing on Tribal broadband, not only to share best practices, but to provide updates across the TBCP program. But then also the other programs, BEAD, digital equity. We'll, obviously, and by guests from our partners at USDA and the FCC. And even Treasury, our good friend Fatema will likely pop on as well. I really appreciate the feedback, Miss Lyons because I've heard the sentiment from others, and one I want to thank you for expressing it and doing it so constructively but also for just the candor. I want to just say, I hear you loud and clear. It's definitely an area where we want to improve upon. We set a course to do it. Not that it helps for the past. But I'm happy you raise it because we do want to improve moving into the future now that we have finally starting to come out of this pandemic. We have a few more tools and definitely a bigger team. I now have a team of fifteen people which is nice. Awesome. I appreciate the feedback, and I look forward to seeing you on our first tribal broadband leaders network call here. We're going to be announcing it at the summit here. I guess we were going to be now seeing it at the summit tomorrow. You'll hear more details then about it. But hopefully we see you on there as well.

Rachel Lyons

01:46:25 No, that's great to hear Adam and I'm really excited that we're going to have this ongoing interaction. Not just with just these NOFOs, I mean in general, there's a lot of different opportunities out there. A lot of us don't know about them, so that's great. I am leaving you guys now, so I'll quit talking. I have another meeting. I'm going to, but I will stop in for the next consultation. Thank you

Adam Geisler

01:46:48 Thank you. All right. Anybody else on question three? How can technical assistance from NTIA be improved more webinars, less webinars, in-person? You want to think about it and come back Wednesday or Friday, that's fine, or you can also send in your comments to the TBCPconsultation@ntia.gov. Okay. Alright. Well, we'll go ahead, and we'll move on to going once, twice, three times. Alright. Question four. Should the tribal broadband, and this right on point. Now, here we go. Should the Tribal Broadband Connectivity Program applicants be subject to Build America Buy America Act domestic sourcing requirements for materials and equipment? Additionally, how does the Build America Buy America Act impact applicant's abilities to complete proposed projects? This is a big deal. This is a really important question. I'm really hoping I can get your feedback on this, because many of you have called me independently, or sent notes along the way, talking about the challenges that you've had, and being able to get equipment, let alone get equipment domestically. And so, while there is some fiber companies here in the United States. Many of you have actually looked at sourcing it outside the US. And a lot of this industry, as you all know, it's in the news. Obviously, you've heard about the CHIPs program that is moving forward here within Commerce it's going to take some time to get up and stay and up. But obviously there's a lot about this industry that is still happening overseas. The question here is, do we require in the next NOFO tribes to and its require, tribes to domestically source your equipment and materials, or do we give, or do you agree that there should be some flexibility, for whatever the reason is, I mean, I've heard a lot of different reasons. Supply chain challenges. What's available? Who actually manufactures what you're looking for isn't available domestically. So now is the time to share that that input. Alright? It looks like we have Miss Dodge for question Four.

Emily Dodge

01:49:29 I really did not expect to be talking this much today. I think what I have to say about this is that the burden of improving America's economy, or rescuing our climate, or any of those things, should never be passed on to the most vulnerable communities in our country which are unfortunately often tribal communities. You guys have a really unique opportunity here, with this tribal broadband connectivity program to offer unique funding for these tribes to bring connectivity to their communities, and I absolutely do not think that that these types of burdens should be passed on and required of these communities.

Adam Geisler

01:50:16 Okay, very straightforward response. I appreciate that Miss Dodge. Anybody else on the line have anything further they want to add. Is there a concurrence? Is there disagreement? And that's okay. We're all here to hear everybody's position. But this is an important item for us to understand. I should also say that the feedback that you provide on this question is what we use to go to OMB for a waiver. In the event that we don't hear feedback one way or the other. You may just see this language as a requirement moving forward. I'm going to ask for those of you that may have a concern around this that you speak up. And if you don't have a concern also speak up.

But we do need to capture the sentiment here today on this question. So please don't be shy. I'm not going to rush off of this one. It looks like we have Mr. Will Mickin in the queue. Go ahead Will.

Will Micklin

01:51:24 Will Micklin, fourth Vice President, Central Council of Tlingit and Haida Indians in Alaska. CEO, Ewiiapaayp Band of Kumeyaay Indians, authorized to speak on the on behalf of both tribes. Our short answer is no, preferably not. Particularly for supplies and materials without network intelligence. We understand that the administration may have security concerns with devices that can share data surreptitiously, perhaps across networks. There's a lot of network equipment unrelated to that that could be constrained with these requirements, so we hope not simply because we are well aware of the constraint on supplies, equipment, materials, and systems, and it could be a real bottleneck for these projects, particularly when the Congress in their wisdom has given NTIA and others such extremely short timelines to complete this work, so any additional delay is consequential. Whatever we can do to keep from tripping ourselves before you cross the finish line, I think, is reasonable, and there's a reasonable argument to OMB. That this should not be a further obstruction to what is a priority given the intent of Congress, which is to deploy broadband to unserved and underserved communities, particularly with distress, to low-income communities. Thank you.

Adam Geisler

01:53:26 I hear you loud and clear. I think that the caveat to that is as long as the equipment doesn't bring a national security risk right. I think that's what you're what you were getting at, Mr. Micklin.

Will Micklin

01:53:38 I I think it' be hard to argue against them. There's a lot that falls outside of that risk. So there is. That's right.

Adam Geisler

01:53:49 That's right. Okay? Well, I appreciate the feedback Mr. Micklin. Anybody else, in regards to, Build America Buy America domestic sourcing requirements should be. Should we be requiring in round two tribes to Buy American domestic source, equipment, and materials? Should we leave it upon the applicant to decide where they would like to source their materials. So far, I think what we've heard is that, recognizing the need of the program, we want to make sure we're not, I think what I heard was to not at the expense of vulnerable communities slow down the deployment, in the same breath, you know, be cognizant about not creating a national security risk with some equipment. That there is a recognition that that doesn't necessarily mean all things. There are some things we need to be careful with. Appreciate that. All right. Who else do we have in the queue?

Matt Rogotzke

01:55:04 Yeah. A couple of people just popped in. So we have Lynn Williams, and then I think the number for AlexAnna Salmon after that.

Adam Geisler

01:55:13 All right, Lynn Williams, I appreciate you joining Lynn, and if you could, the tribe you're with, and that you have the authority to speak on behalf of.

Lynn Williams 01:55:32 Can you hear me now? There we go. Okay, I'm the Chairwoman of the Kaw Nation. We're a small tribe here in Northern North Central Oklahoma, and I agree with the, what both of the previous speaker said about Buy American Build American. I wish we could do that, but it would severely delay I think our projects and may even disrupt it in such a way that we wouldn't be able to even complete them. If you're looking for a consensus, I think that, there's three of us that are saying the same thing.

Adam Geisler Thank you Chairwoman. I just need to make sure we have a good Ah, a good sense of where tribes are at. I think you know we have some Alaskan sentiment. We now have some Oklahoma sentiment around this this particular issue, and I appreciate everybody articulating the why. Because that's a big part of what we have to explain. If we were to pursue a waiver and I'm really hearing Chairwoman here that it's the concern about sourcing and delays in the deployment of these networks that everybody needs so badly.

Lynn Williams 01:56:49 Yes, I said, That is true. Thank you. Thank you for being with us today,

Adam Geisler 01:56:57 Right? Who do we have next? Looks like, AlexAnna again

Matt Rogotzke 01:57:00 Get her Unmute it again.

AlexAnna Salmon 01:57:08 Hi, Adam. I know you've heard enough from Alaska, but if you said you wanted to take your time on this, and if you want to be a dead horse on down.

Adam Geisler 01:57:15 We got four hours. You're fine.

AlexAnna Salmon Just like the previous Chairwoman said ideally, that would be the case, but realistically it, could be unaffordable and not work with our time schedule, and I saw the eighty-eight million fiber outlay to southwest initially with ARRA funding, and it mostly went to foreign companies. The waiver should be I mean, that's anything to be difficult, and it was American Recovery and Reinvestment Act. The other, besides what we've seen with supply, and especially during the pandemic and the unknown uncertainty for the next few years. On the other issue that I see is all the competition you know. All of these awards are going out, and we're going to be competing for a lot of the same contractors. I think just having an open playing field will help with the competition and pricing and getting make for overall more feasible projects for build. So that's my one cent. Quyanana.

Adam Geisler 01:58:25 Thank you. No, it makes sense, you know. I think that's another fair point. When you limit the availability of sourcing domestically, and it's already constrained. Right. There's big movement behind the Administration to address this issue again in the CHIPS program, and some of the other mechanisms that are there. But while that's catching up, many of you are ready to pull the trigger on your project sooner, and so you raise a good point that could create bottleneck and price increases, which lessens the likelihood of you being able to serve as much as you want to serve. So that's a fair point. And then also delays around sourcing if you're waiting. So all good points. Anybody else on the Build America, Buy America provision again? This is a big one that

we just want to make sure that we hear from folks that are on the line, and where you stand on this because it will impact how you would procure your equipment if you are to be funded through the TBCP program for NOFO, too. We'll wait three more seconds of awkward silence. All right?

Matt Rogotzke

01:59:44 Don't want to wait two more hours of awkward silence?

Adam Geisler

But we have some very busy Tribal leaders on the line. I'm looking at the names here. I don't want to hold anybody longer than what they've joined us for today. Again, I first I just want to say thank you for just a candid conversation that we've had today. This is meant to be a government-to-government consultation between the United States Government and respective tribal leaders on behalf of your governments. And I just want to say, thank you for chiming in and giving us the feedback, as you can tell. I have a lot of questions because we are not one hundred percent baked on this next NOFO, we genuinely want your feedback and we want to hear from all of you. That we don't, we're not leaning one way or the other. We just want to continue to administer a program that's helpful for Indian country and to continue to solve the digital divide. So again, if you'd like to come back and join us. I'm going to encourage you to do so to provide additional comments. If you didn't comment today on Wednesday that's two days from today. We're going to be holding another consultation at 10 AM Eastern. That is, 7 AM Pacific, and that is 4 AM Hawaiian time for anybody that may be on the line from the Department of Hawaiian Homelands, and that again is a four-hour block and then Friday we have a consultation scheduled, same questions, same topics looking for the same dialogue here. Friday, September sixteenth, and that's 1 PM. As a reminder, you can send in your tribal consultation feedback as well. You don't need to vocalize it here. You could send in written feedback to the TBCPconsultation@NTIA.gov inbox. And then, lastly, if you have not become familiar with our website, I am going to steer you to our website. Tribal nations, the Tribal Nations tab on broadbandUSA. You can see all of our awards when we publish. There's a map there. You can see how much money we've added to date. There's probably going to be an update to it here later today, if not tomorrow morning. We're continuing to chip away at that first billion with another billion to come behind it. It's a great resource, and I guess lastly, I want to thank you for being here again and thank the team for putting this on. Chairman Pinto again for that amazing prayer to kick us off in a good way. And with that everybody be safe. Thank you for joining us and I will catch you later on. In the week. Thank you, appreciate your time.