



---

# Tribal Broadband Leaders Network

---

March 23, 2023



# Day 1 Agenda

---



1. Welcome and Introductions
2. NTIA Programs Overview
3. TBCP Self-Assessment Session
4. FCC Mapping Overview
5. BEAD Deep Dive and Regional Breakouts
6. Lunch – Keynote Session
7. TBCP Regional Breakouts
8. Digital Equity Office Hours
9. Tribal Awardees Panel – Lessons Learned



# Welcome and Introduction

---

# Welcome and Introductions



1. Go around room for introductions, limit 1-2 speakers per Tribe
2. Answer the following:
  1. Name
  2. Affiliation
  3. How many from your Tribe are at the meeting (if known)
  4. If you have received an NTIA award
  5. Favorite ice cream flavor



# NTIA Programs Overview

---

# Today's presentation will focus on the role of Tribal entities in the broadband programs administered by NTIA (Internet for All initiative)

## BEAD

---

**\$42.45B**

### Broadband Equity, Access & Deployment Program

A program to get all Americans online by funding partnerships between states or territories, communities, and stakeholders to build infrastructure where we need it and increase adoption of high-speed internet.

## DIGITAL EQUITY

---

**\$2.75B**

### Digital Equity Act

Three programs that provide funding to promote digital inclusion and advance equity for all. They aim to ensure that all communities can access and use affordable, reliable high-speed internet to meet their needs and improve their lives.

## TRIBAL

---

**\$2.00B**

### Tribal Connectivity Technical Amendments

A program to help tribal communities expand high-speed internet access and adoption on tribal lands.

## MIDDLE MILE

---

**\$1.00B**

### Enabling Middle Mile Broadband Infrastructure

A program to expand middle mile infrastructure, to reduce the cost of connecting unserved and underserved areas.

# BEAD Program will provide ~\$42.45B for infrastructure planning and implementation

**Funding pool**  
**\$42.45B**

A program to get all Americans online by funding partnerships between states or territories, communities, and stakeholders to build infrastructure where we need it and increase adoption of high-speed internet.

## PROGRAM HIGHLIGHTS

### Entities eligible to apply for this program include:

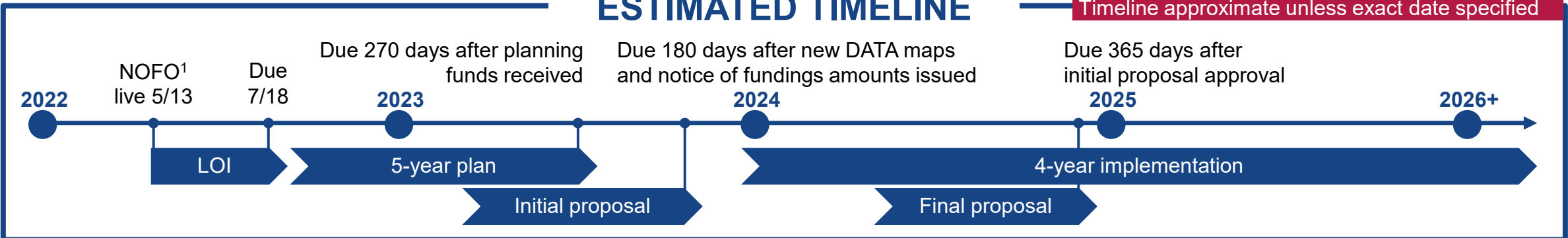
- All 50 States
- The District of Columbia and Puerto Rico
- Other Territories: U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands

### Example eligible uses of funds include:

- ☆ Planning for deployment of Internet
- ☆ Deploying or upgrading Internet
- ☆ Installing Internet in multi-tenant buildings
- ☆ Implementing adoption and digital equity programs
- ☆ Workforce and job training

## ESTIMATED TIMELINE

Timeline approximate unless exact date specified



1. Notice of Funding Opportunity (NOFO), available [here](#).

# Digital Equity Act created three (3) programs to promote digital equity and inclusion

**Funding pool**  
\$2.75B

Three programs that provide funding to promote digital inclusion and advance equity for all. They aim to ensure that all communities can access and use affordable, reliable high-speed internet to meet their needs and improve their lives.

## PROGRAMS HIGHLIGHTS

The Digital Equity Act created three programs:

### State Planning

- \$60M formula funding program to develop digital equity plans

### State Capacity

- \$1.44B formula funding program to implement plans & promote digital inclusion

### Competitive

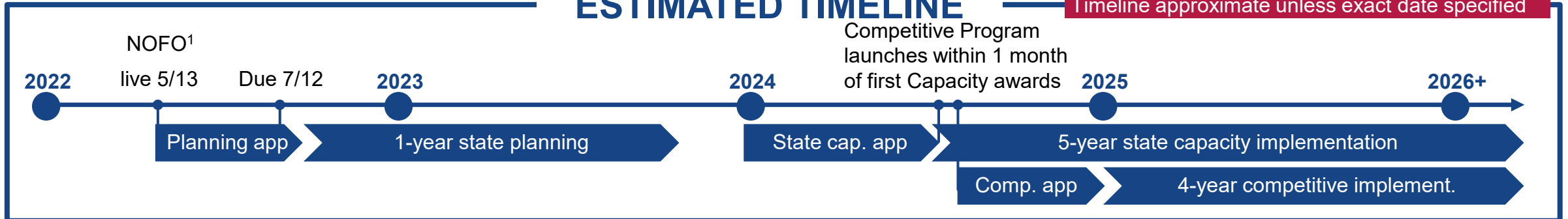
- \$1.25B to implement digital equity and inclusion activities

**Example eligible uses of funds across three programs include:**

- ☆ Developing digital equity plans; states must develop a plan to be eligible for state capacity grants
- ☆ Making awards to other entities to help make digital equity plans
- ☆ Improving accessibility and inclusivity of public resources
- ☆ Implementing digital equity plans and related activities
- ☆ Providing digital literacy and digital skills education
- ☆ Facilitating the adoption of high-speed Internet

## ESTIMATED TIMELINE

Timeline approximate unless exact date specified



1. NOFO available [here](#).



# Tribal Broadband Connectivity Program

**Funding pool**  
\$2.00B

A program to deploy high-speed internet in tribal communities.

## PROGRAM HIGHLIGHTS

**The Bipartisan Infrastructure Law (BIL)** added \$2 billion to the existing TBCP and relaxed time requirements of the original program. The Consolidated Appropriations Act of 2021 created the TBCP and allocated \$980 million for high-speed internet deployment in Tribal communities.

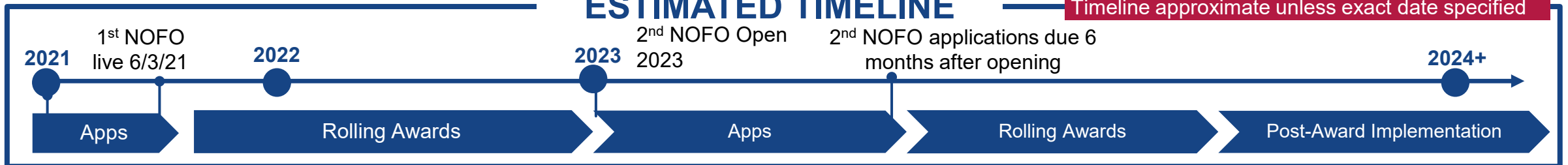
**Entities eligible to apply include tribal entities, Native Hawaiian communities and Alaskan native entities.**

**A second NOFO will open later this year and include:**

- ☆ Approximately \$1 billion in grant funding
- ☆ Regular technical assistance and webinars
- ☆ Application period open for 6 months starting in 2023

## ESTIMATED TIMELINE

Timeline approximate unless exact date specified



# Middle Mile Grant Program will invest in the construction, improvement or acquisition of middle mile infrastructure

**Funding pool**  
\$1.00B

A program to expand middle mile infrastructure, to reduce the cost of connecting unserved and underserved areas.

## PROGRAM HIGHLIGHTS

**Middle mile infrastructure refers to** the mid-section of Internet infrastructure that carries large amounts of data at high speeds over long distances and connects the "backbone" of Internet infrastructure to the "last mile", which connects to end users<sup>1</sup>

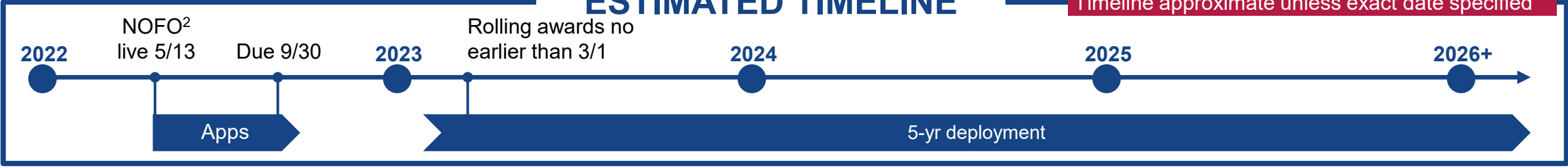
**Entities eligible to apply include a wide variety of entities**, incl. but not limited to government entities, utilities, companies, and non-profits that provide Internet services

**Example uses of funds:**

- ☆ Construction, improvement or acquisition of facilities and equipment
- ☆ Engineering design, permitting and work related to projects
- ☆ Personnel costs, including salaries and benefits
- ☆ Other costs necessary to program's activities

## ESTIMATED TIMELINE

Timeline approximate unless exact date specified



1. California Department of Technology, "What is the middle mile"? 2. NOFO available [here](#).

# TBCP Self-Assessment Session

---

# Four Categories

- GOL (Grants Online)
- Reporting
- Environmental
- Other (can be procurement, initial expenditure plan, or anything else you would like to share)

# Round Stickers

- Each person should place 3 stickers.  
(GOL & Environmental & Reporting)
- The higher you place the sticker on the poster the more confident / comfortable you are with understanding that issue and the requirements.

# Sticky Notes

- Top corner should have one of three marks:
  - “+” = a strength (something you feel good about)
  - “-” = an area of growth (something you or NTIA can improve on)
  - “?” = a question you still have regarding this issue area

# FCC Mapping Overview

---

# **BEAD Deep Dive and Regional Breakouts**

---





# BEAD DEEP DIVE & REGIONAL BREAKOUTS



•MARCH 2023

# BEAD Program will provide ~\$42.45B for infrastructure planning and implementation

**Funding pool**  
**\$42.45B**

A program to get all Americans online by funding partnerships between states or territories, communities, and stakeholders to build infrastructure where we need it and increase adoption of high-speed internet.

## PROGRAM HIGHLIGHTS

### Entities eligible to apply for this program include:

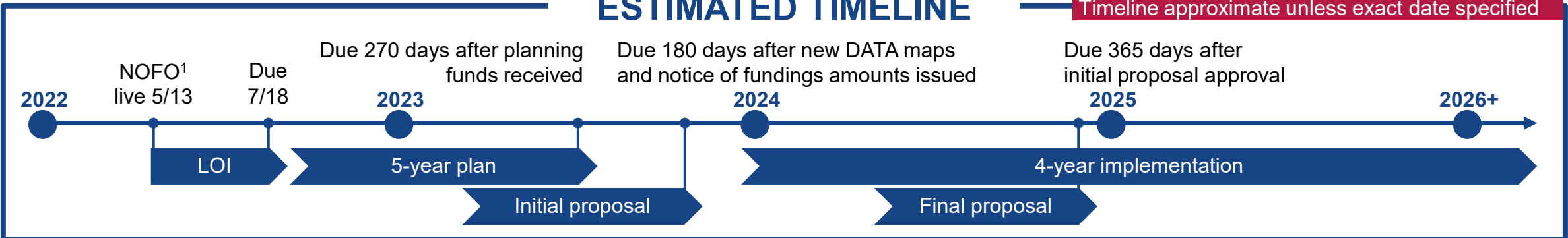
- All 50 States
- The District of Columbia and Puerto Rico
- Other Territories: U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands

### Example eligible uses of funds include:

- ☆ Planning for deployment of Internet
- ☆ Deploying or upgrading Internet
- ☆ Installing Internet in multi-tenant buildings
- ☆ Implementing adoption and digital equity programs
- ☆ Workforce and job training

## ESTIMATED TIMELINE

Timeline approximate unless exact date specified



1. Notice of Funding Opportunity (NOFO), available [here](#).

# BEAD to prioritize complete coverage of unserved locations and underserved locations (where funding permits)



Complete coverage of **unserved locations** (incl. by deploying Wi-Fi to multi-family buildings)



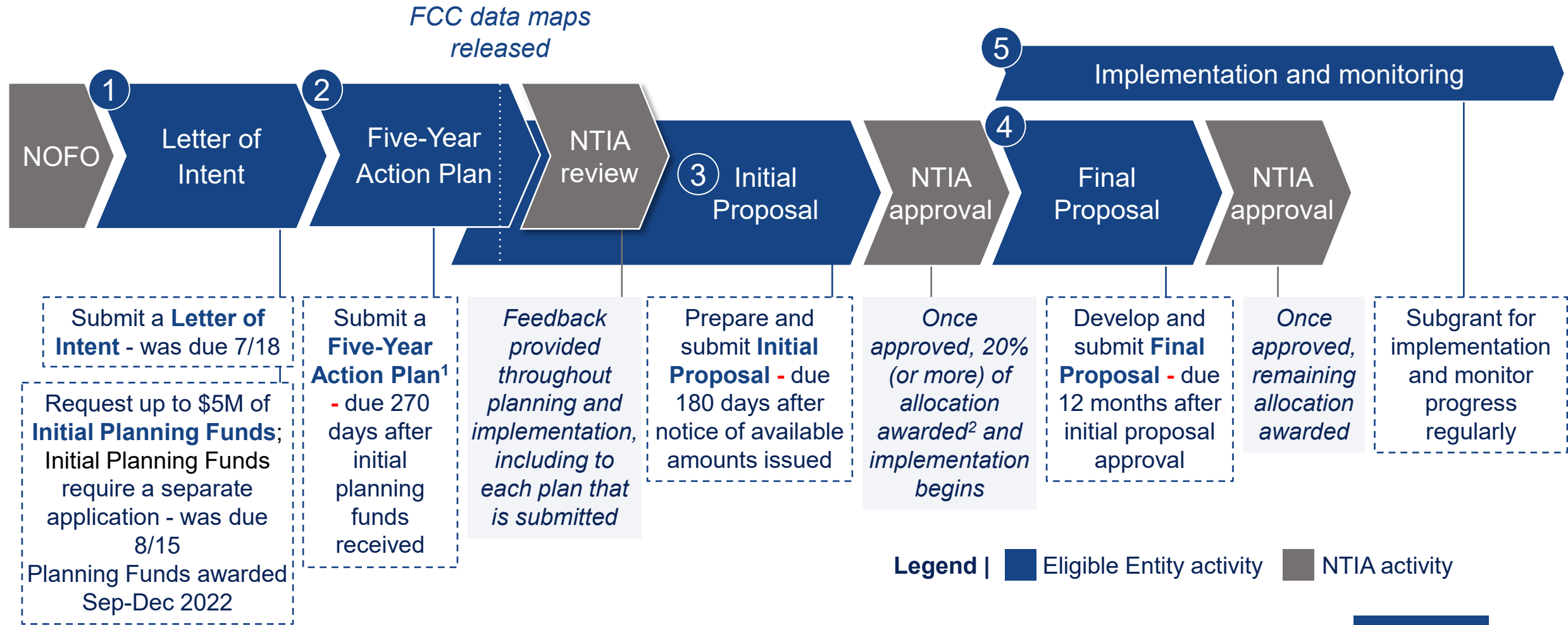
Complete coverage of **underserved locations** (where funding permits)



NTIA urges use of remaining funds for **Community Anchor Institutions (CAIs)** before other eligible uses

**Note:** If an Eligible Entity has a plan to deploy service to all unserved and underserved locations within its jurisdiction, it may pursue non-deployment initiatives before or while deployment projects are underway

# Eligible Entity application includes five key steps



1. Required for entities that receive initial planning funds 2. Must be used for projects in areas with >80% unserved locations or high poverty areas  
 Note: funding amounts inclusive of all administrative set-asides

## Tribal entities may carry out BEAD activities as an Eligible Entity's subgrantee

- **"Eligible Entity"** refers to all 50 U.S. States, the District of Columbia, Puerto Rico, and other U.S. Territories (including the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands)

- **"Subgrantees"** are entities that receive grant funds from an Eligible Entity to carry out eligible activities – this includes traditional and non-traditional providers (i.e., electric co-ops, nonprofit orgs, public-private partnerships, public or private utilities, public utility districts, Tribal entities, or local govts)

## BEAD Entities

# BEAD Program requirements for local coordination include ongoing engagement with Tribal entities



## Geographic coverage



**Coordination must include Tribal**, rural, suburban, and urban areas

Each political subdivision and Tribal entity must be given:

- Opportunity to submit a plan for Eligible Entity consideration
- Opportunity to comment on Eligible Entity proposals



## Diverse stakeholders



Coordination must include a diversity of stakeholders

Eligible Entities must ensure Tribal entities are involved in developing plans (including via a **formal Tribal consultation process**)

Example stakeholders include State agencies, CAIs, non-profits, etc.



## Outreach mechanisms



Coordination must include **multiple mechanisms to ensure broad awareness and participation**

Example mechanisms include listening sessions, public meetings, websites, social media, etc.



## Transparency



Coordination must include clear procedures to ensure transparency, such as **publicly posting comments** from Tribal Governments and **provide explanations** of how recommendations were addressed

Examples include websites, periodic reports, in-person meetings, etc.



## Un-/underserved and under-represented communities



Coordination must **target un-/underserved, and underrepresented communities** that have historically faced barriers in participating in federal programs

Examples include an advisory board with representatives, surveys to better understand needs, etc.

# Tribal entities may serve as subgrantees and must provide consent to projects on Tribal Lands



## Principles for the Eligible Entity's subgrantee selection process:

- May fund an unserved or underserved project area as small as a **single location**
- May include **Middle Mile Infrastructure** to reach interconnection points or serve an un- or underserved location, or CAI
- May not fund a project already subject to a **federal or State commitment** for deployment unless without a waiver
- Must **maximize the public benefits** by maximizing match and reducing costs to consumers
- May seek bids for unserved locations, underserved locations, and CAIs **collectively or separately**
- May not exclude **different types of subgrantees** from eligibility
- May solicit proposals at the **geographic level of its choosing** (e.g., per-location, per-census block, etc.)
- Must include the **level of BEAD subsidy** required to serve a specific location
- May encourage providers to **expand their existing/proposed service areas** and consider inducements if **no proposals** to serve a location that is unserved or underserved
- Must submit proof of the **Tribal Government's consent** to deployment to locations on Tribal Lands
- May decline to select a proposal that **exceeds the extremely high cost per location threshold**



# NTIA suggests that Eligible Entities include local and Tribal coordination as project selection criteria

Process must first assess which locations have one or more proposals that meet two criteria:

1. Satisfy subgrantee requirements
2. Priority Broadband Projects

Priority Broadband Projects are projects that will rely entirely on **fiber-optic technology** to reach end-user premises

Except that an Eligible Entity may disqualify any project that **surpasses the Extremely High Cost Per Location Threshold**

Primary criteria must account for **≥75%** of the total selection criteria available in choosing between proposals

## Priority Broadband Projects

If there is **only one** priority project proposal for an area, that proposal is the default winner unless a waiver granted

If there is **more than one** priority proposal, run competition, affording benefits to the following factors:

- ★ Minimal BEAD Program outlay
- ★ Affordability
- ★ Fair labor practices
- ★ Speed to deployment
- ★ Workforce development
- ★ Open access
- ★ Local and Tribal coordination

## Non-priority projects

If there is **only one** project proposal for an area, that proposal is the default winner unless a waiver granted

If there is **more than one** proposal, run competition, affording benefits to the following factors:

- ★ Minimal BEAD Program outlay
- ★ Affordability
- ★ Fair labor practices
- ★ Speed to deployment
- ★ Speed and tech capabilities
- ★ Workforce development
- ★ Open access
- ★ Local and Tribal coordination



# To serve as a BEAD subgrantee, Tribal entities must meet general and specific qualification requirements



## General qualifications

Eligible Entities shall ensure that any prospective subgrantee is capable of carrying out activities funded by the subgrant in a competent manner and in compliance with all applicable laws



## Seven specific qualifications:

**Financial capability:** Certification of financial qualifications, letter of credit, audited financial Statements, and project pro forma analyses

**Managerial capability:** Resumes for key personnel, org charts, and narrative describing qualifications

**Technical capability:** Network design, diagram, project cost, buildout timeline and milestones, and capital investment schedule

**Compliance with laws:** Permit worker-led health and safety committees that management will meet with upon reasonable request

**Operational capability:** Certification of operational capability and certification for experience (e.g., for broadband service experience)

**Ownership:** Provide ownership info, including name address and citizenship of any party with >10% stock in applicant<sup>1</sup>

**Other public funding:** Disclose any applications for broadband service projects using public funds

1. Consistent with requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7)



---

# Breakout Groups

**Lunch**

---

# Keynote

---

# Alan Davidson

Assistant Secretary of Commerce

National Telecommunications and Information  
Administration



# Danae Wilson

Assistant Director for Internet Access

White House Office of Science and  
Technology Policy



# TBCP Regional Breakouts

---



---

# ENVIRONMENTAL AND HISTORIC PRESERVATION REQUIREMENTS

---

*Funded by the Bipartisan Infrastructure Law (BIL)*

*Administered by the Department of Commerce's National Telecommunications and  
Information Administration (NTIA)*





# Table of Contents

- 1** Welcome
- 2** What is the National Environmental Policy Act (NEPA)?
- 3** NEPA and Grants
- 4** Application Requirements
- 5** Best Practices
- 6** Q&A

# WHAT IS THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)?

---

# NHPA and NEPA Overview



The environmental review processes initiated with the National Historic Preservation Act (NHPA) in 1966 and National Environmental Policy Act (NEPA) in 1969 set forth the requirement for environmental reviews and formally established environmental protection as a Federal policy. NEPA and NHPA require NTIA and other federal agencies to “stop, look, and listen” before making decisions that impact historic properties and the human environment.

NEPA does not contain a mandate for conservation as other laws do; it is a process law.

- NHPA requirements can be addressed as part of the NEPA compliance process
- NEPA and NHPA review, including consultation, must be completed before awarded project can begin
- Consult with your FPO (Tribal Broadband Connectivity – TBCP, Broadband Equity, Access, and Deployment - BEAD) or your NTIA point of contact (Middle Mile Grant Program - MM) if you have any questions or concerns regarding the NEPA or NHPA Process



# What is NEPA?



Passed in 1970, the National Environmental Policy Act (NEPA) is considered an “umbrella law” as it provides a framework within which all other environmental, historic, and cultural resources laws can be evaluated. The list to the right identifies only a fraction of the requirements that must be met before a project can move forward.

## The NEPA process can cover:

- Resource Conservation and Recovery Act
- Superfund Authorization and Recovery Act
- Archaeological and Historic Preservation Act
- American Indian Religious Freedom Act
- Floodplains and Wetlands laws and requirements
- Safe Drinking Water Act
- Coastal Zone Management
- Clean Water Act
- Clean Air Act
- State and Local land use requirements
- Climate Resiliency
- Endangered Species Act
- Migratory Bird Treaty Act
- Bald and Golden Eagle Protection Act
- Executive Orders on Environmental Justice
- Toxic Substances Control Act
- Comprehensive Environmental Response, Compensation, and Liability Act
- Farmland Protection Policy Act
- Native American Graves Protection and Repatriation Act



## WHEN DOES NEPA APPLY?

### FEDERAL FUNDS

This includes both federal and federally assisted activities, with the exception of general revenue sharing funds that have no Federal agency control over their use.

### FEDERAL LANDS

This includes activities that take place on or in some way involve Federal lands, including parks, refuges, campuses, and other properties.



### FEDERAL PERMITS

This includes approval of specific projects, such as construction or management activities located in a defined geographic area and includes issuance of permits and other regulatory decisions.

### FEDERAL RULEMAKING

This includes the adoption of official policies that will result in or substantially alter agency programs, and that will guide or subscribe uses or allocations of Federal resources, upon which future Agency decisions will be based.



# NEPA - What does it do?



Provides **interdisciplinary analysis** of the effects of a Proposed Action and Alternatives on the human environment



Determines whether a Proposed Action and Alternatives have the potential to **significantly impact the environment**



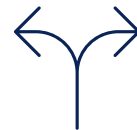
Requires **public involvement**



Requires **early consideration of the environmental effects** of Proposed Action



Requires the **preparation of environmental analysis** when federal funds, permits, lands, and/or rulemaking are involved



Aids in **decision making**



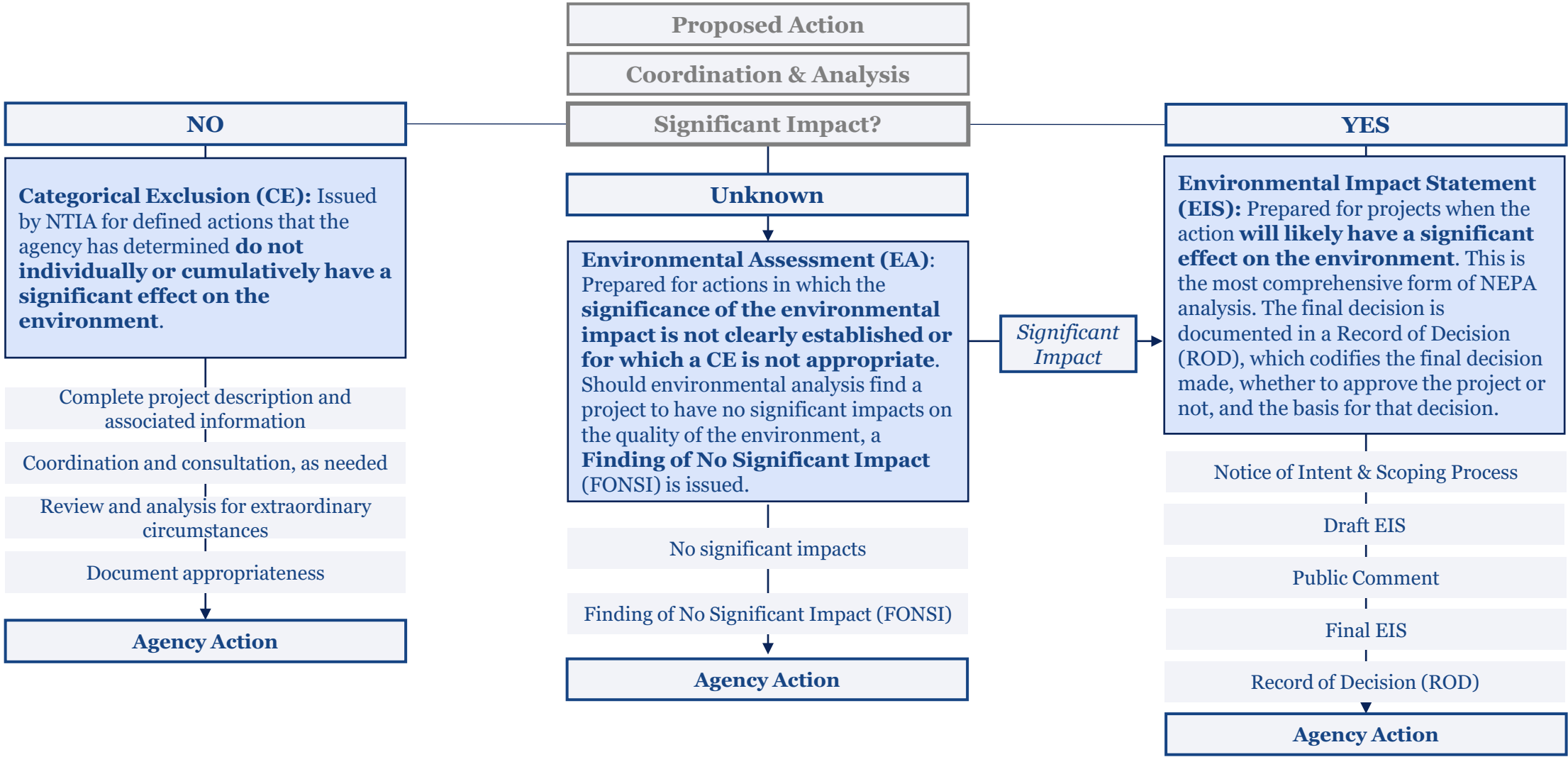
Addresses requirements under numerous **other environmental and historic preservation laws, regulations, and Executive Orders** without the need for duplicative analysis



Requires that environmental effects be **considered as decision points** along with technical, economic, and other factors

**Grant funds can be utilized to prepare the required Environmental Documentation, or to contract for preparation of Environmental Documentation.**

# Levels of NEPA Review



# Categorical Exclusion (CE)



For NTIA to determine if a CE can be applied to your project, you will need to **have sufficient detail about the various components** of your project including their **location and their magnitude**, as well as a good understanding of the surrounding environment. This information must be provided to NTIA in your grant application.

- ❑ You must provide **sufficient documentation** in your application so that NTIA can complete an analysis of CE applicability.
- ❑ The Department of Commerce's CEs are **listed in 74 FR 33204** (July 10, 2009)
- ❑ Your project **can have multiple CEs associated with different components** of your project.
- ❑ If you have multiple components to your project, they **ALL must meet the criteria for one or more CEs** or the entire project moves to an EA or an EIS. Connected elements of your project may not be broken up and analyzed separately.
- ❑ Even if your project can be Categorical Excluded from further NEPA review, you must **still complete all required consultations and applicable permitting**. For example, you will need to provide results of your consultations with the State and Tribal Historic Preservation Officers (SHPO/THPO), U.S. Fish and Wildlife Service (USFWS), and others.
- ❑ **Extraordinary Circumstances (EC) will need to be assessed** to determine if your project will create any environmental impacts; the presence of ECs may mean that a CE cannot be applied to your project.

**NTIA may initiate formal consultations, and requests for formal consultations should be coordinated through your FPO (TBCP, BEAD) or your NTIA POC (MM)**





# Environmental Assessment (EA) General Preparation Guidelines



An acceptable EA must be sufficiently detailed to enable NTIA to evaluate the following:



### Purpose and Need

Understand the purpose and need for the applicant’s proposal



### Significance

Assess the significance of those environmental effects listed



### Reasonable Alternatives

Determine if reasonable alternatives have been considered



### Mitigation

Specify mitigation measures, if necessary



### Affected Environment and Environmental Effects

Evaluate the environment in which the Proposed Action would take place and analyze effects of the Proposed Action and any reasonable alternatives



### Opportunity to Participate

Conclude that interested agencies, tribes, and the public were given adequate opportunity to participate in, review, and comment on the Proposed Action, as appropriate

NTIA will have an Environmental Assessment template for applicant use available on [Internetforall.gov](https://internetforall.gov).



# NEPA AND GRANTS

---

## Timelines

These timelines do not take into account any other outstanding agency approvals. A project is not considered cleared for NEPA until NTIA issues a decision document (FONSI or ROD).



### Categorical Exclusion

NTIA will develop after receiving information from the grantee sufficient to evaluate the appropriateness of a CE and determine whether ECs are present. If required, all consultation must be complete before NTIA may begin evaluation. Typically 3 – 6 months to develop and deliver to NTIA. Approximately **30-45 days** for NTIA to evaluate and issue a CE.



### Environmental Assessment

Grant recipient will develop in coordination with NTIA, approximately **3-12 months or more** to develop and deliver to NTIA. All consultations must be complete before a Final EA may be published. Once approved by NTIA, a 30-day public comment period will be required, and NTIA will develop a FONSI.



### Environmental Impact Statement

Grant recipient will develop in coordination with NTIA, extensive public involvement requirements apply, approximately **12 –24 months or more** to develop and deliver to NTIA. Public comment periods will be required in accordance with NEPA. After the Final EIS public comment concludes, NTIA will develop a ROD.

Pre-Award	Specific Award Conditions (SAC)	Post-Award
<p>Project descriptions are reviewed to determine the expected level of NEPA analysis that will be required. Some proposed projects may be able to receive a CE during pre-award, but most will complete NEPA requirements post-award.</p>	<p>For those projects that cannot receive a pre-award CE, a SAC will be applied to the award that allows the disbursement of funds to complete planning and analysis, including NEPA analysis, upon award. The remainder of funds are withheld until compliance requirements are met.</p>	<p>NTIA will work with grantees to provide support in meeting their compliance requirements. Support activities will range from detailing additional information needed to determine if a CE can apply, to providing guidance and templates that will facilitate consultation and EA/EIS development, as needed. <i>It is strongly recommended that grantees/subgrantees engage a qualified consulting firm if an EA/EIS is required.</i></p>

# APPLICATION REQUIREMENTS

---

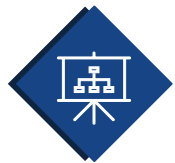
# Environmental & Historic Preservation Requirements



Subgrantee applications must contain sufficient information to allow for **initial** NEPA analysis:



Applicants must submit a detailed project description, including applicable supporting documentation, with their application package (*See following slides*)



If project information is not adequate, or if further analysis is required, funds may be withheld under a specific award condition until the Awardee develops and submits required environmental compliance information or analysis of environmental impacts of the project



It is strongly recommended that applicants engage subject matter experts (SMEs) to develop their NEPA Documentation if they do not have such expertise in-house and identify who that is in Project Description



Awardees will be required to obtain all required federal, tribal, state, and local governmental permits and approvals and complete all agency consultations prior to beginning their project – ***this does not all need to be done pre-award***



# Project Description



## A good project description is essential for NTIA to determine the level of NEPA review required



Describe **what** the project is (e.g., construction of a 150' monopole communication tower)



Describe **where** the project is proposed (e.g., 123 Main Street, Anytown, USA) and/or provide a detailed outline of the route the project will use



Provide a physical description of the site and surrounding area (e.g. developed land vs. open space; adjacent natural resources, such as rivers, wetlands, or forests; and any protected lands)



Describe **how** the project will be implemented (e.g., requiring 1-acre of ground disturbance at an approximate depth of 5 feet, and the installation of a concrete pad, an equipment shed, and an emergency generator with a 1,000-gallon above-ground fuel storage tank)



# Project Description (Cont'd)



In addition to a detailed project description that includes all environmental aspects and expected impacts of your project, be sure to include the following in your application:

- Ground-level and aerial photos of the proposed project area and project plan drawings,
- Floodplain map** from the Federal Emergency Management Agency (FEMA) Map Service Center with your project overlain to show if and where your project falls in the flood zone,
- Wetlands map** from the US Fish and Wildlife Service's (USFWS) National Wetlands Inventory with your project overlain to show if your project will impact wetlands or waterways and including buffer zones,
- Initial Consultation with State Historic Preservation Officers (SHPO) or Tribal Historic Preservation Officers (THPO) including a listing of any historic or archaeological resources within the vicinity of your construction activities,
- Initial Consultation with the USFWS to determine if there are **threatened or endangered species or critical habitat** in the vicinity of your project,
- Initial plans for assessment of potential climate risks impacting the proposed project, and mitigation actions (i.e., design changes, method of construction or other) being considered.





# Consultations and Permitting



Federal	State	Regional & Local
<p>Depending upon the impact to resources, required federal permits and approvals may include the following:</p> <ul style="list-style-type: none"> <li>➤ US Army Corps of Engineers Section 10/404 – Impacts to wetlands and waterways of the US</li> <li>➤ SHPO and/or THPO - Section 106 consultation</li> <li>➤ US Coastal Zone Management - For project located within the Coastal Zone prepare a Consistency Review</li> <li>➤ US Fish and Wildlife Service (USFWS) – Section 7 Consultation</li> <li>➤ Hazardous Materials storage and transport (federal requirements for storage, marking, labeling under OSHA, and transportation under DOT)</li> <li>➤ Hazardous Waste – compliance with EPA 40 CFR requirements for generation, transport and disposal</li> </ul>	<p>States have varying permitting requirements including:</p> <ul style="list-style-type: none"> <li>➤ State Environmental Quality or Protection Programs (EX: CEQA, MEPA, TCEQ)</li> <li>➤ Stormwater</li> <li>➤ Wetlands and Land Disturbing Permits</li> <li>➤ Spill Prevention Control and Countermeasure (SPCC) (federal requirement but must apply to a state level)</li> <li>➤ Hazardous Materials storage and transport (federal and state requirements may apply)</li> </ul>	<p>Regional and Local Entities have permitting and approval processes including:</p> <ul style="list-style-type: none"> <li>➤ Regional Planning organizations</li> <li>➤ Local Noise and Idling ordinance</li> </ul>

Applicants are responsible for identifying and obtaining applicable Federal, State and Local permits required to conduct their project; not all permits need to be done for the NEPA process to conclude. **Look to NTIA for support in order to determine what has to be done prior to the conclusion of NEPA review.**



# BEST PRACTICES

---

# Best Practices



There are steps that Eligible Entities and subgrantees can take in the project planning process to avoid or minimize impacts to sensitive resources:

1. Consult the *2013 U.S. Fish and Wildlife Service (USFWS) Revised Voluntary Guidelines for Communication Tower Design, Siting, Construction, Operation, Retrofitting, and Decommissioning* for any portion of your project that may require towers.
2. Reach out to federal land- or resource-managing agencies early, if applicable, to determine if your proposed project that crosses those lands is feasible. These agencies can include the US Forest Service, the Bureau of Land Management, the US Fish and Wildlife Service, the Bureau of Indian Affairs, and others.
3. Consult the National Wetlands Inventory’s Wetlands Mapper and the US Army Corp of Engineers (USACE) Nationwide Permit Information to understand the potential presence of wetlands in your project area, and whether USACE permits may apply.

***The most common factors that extend the EHP process are impacts to sensitive resources – understanding how to avoid or minimize those impacts is crucial for moving through the process efficiently***



**Q&A**

---



**THANK YOU**

---



# TBCP Updates



1. NTIA has made 135 awards to Tribal entities which includes:
  1. Approximately \$1.75 billion in total funding allocated
  2. New broadband connections to over 135,000 households and nearly 1,500 community anchor institutions
  3. Creation of nearly 1,700 jobs
2. TBCP team currently curing Equitable Distribution awards and preparing for the next Notice of Funding Opportunity
3. Hosted announcement events in 14 states with Secretary Raimondo, Assistant Secretary Davidson, April Delaney, Special Representative Andy Berke, and many TBCP team members



# Announcements





# Announcements





**TBCP Team**

---

Crystal Hottowe

Stephanie Henning

Theron Rutyna

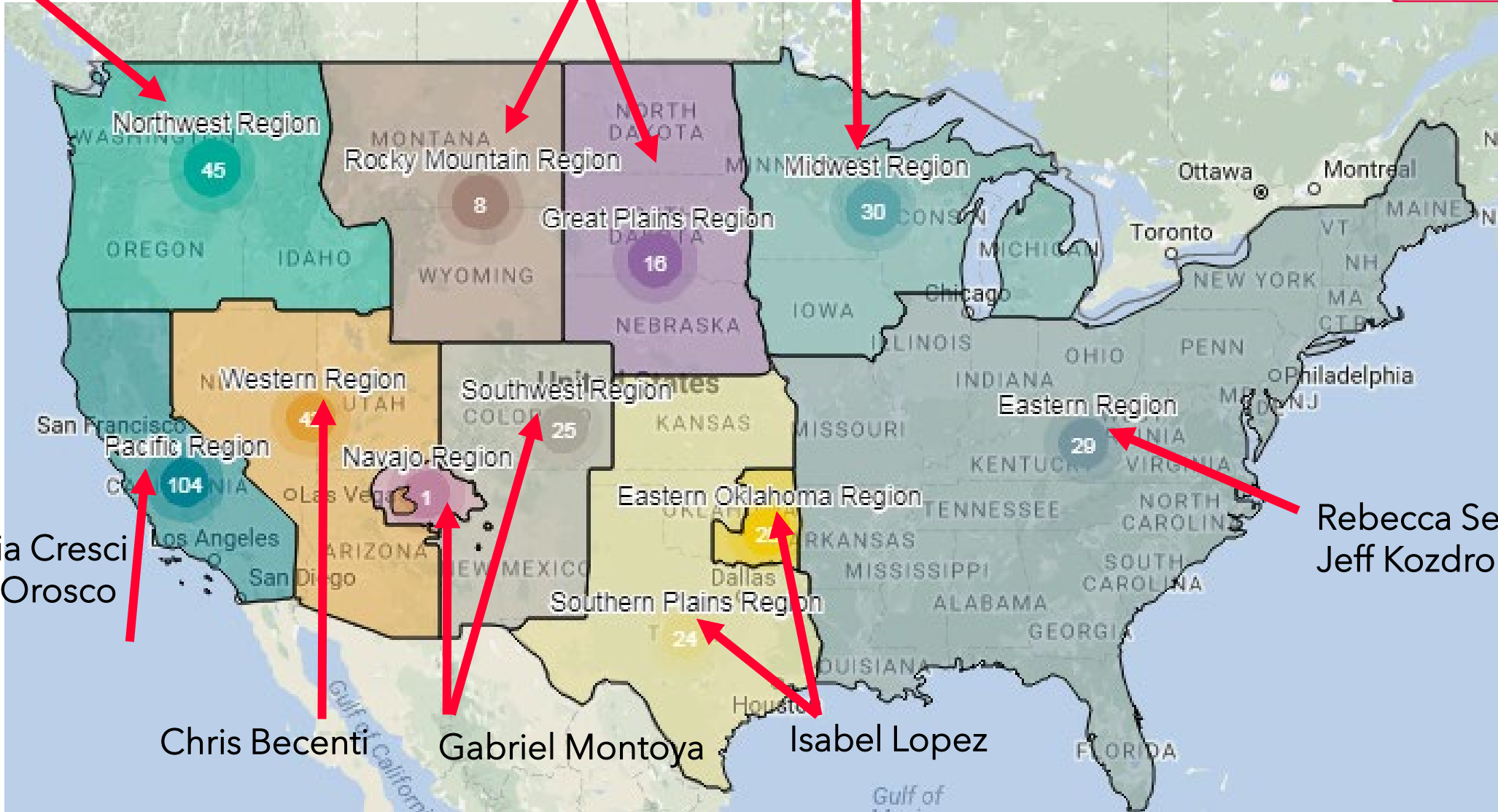
Vanesscia Cresci  
Andrew Orosco

Chris Becenti

Gabriel Montoya

Isabel Lopez

Rebecca Seewald  
Jeff Kozdron



Keja Whiteman  
Josh Standing Horse



Margaret Gutierrez  
Nicholas Courtney



# Tribal Broadband Leaders Network

---

- Started October 2022 and announced by Secretary Raimondo at National Tribal Broadband Summit
- Monthly online convenings for Tribal leaders
- Meetings are strictly for representatives for Tribal governments
- Hosting an in-person meeting in Arizona in March for sessions and technical assistance

# Breakout Discussions

---

# Digital Equity Office Hours

---



---

# TIPS FOR SUBMITTING COMMENTS

---

March 2023





# Table of Contents

<b>3</b>	Overview
<b>4</b>	Background
<b>6</b>	Request for Comments
<b>10</b>	How to Write an Effective Comment
<b>12</b>	Listening Session Questions

# Overview



The Biden-Harris Administration is committed to ensuring that all Americans have access to affordable, reliable, high-speed Internet service.

As part of this goal NTIA has published a Request for Comment on Regulations.gov to help inform how the Bipartisan Infrastructure Law (BIL) Digital Equity Act programs can work to achieve this national and community driven opportunity for change.

**This Request for Comment is part of NTIA’s wider strategy to engage with partners, stakeholders, and most importantly, individuals with lived experiences who are impacted by the digital divide.**

**These tips are meant to help you submit effective comments that have an impact and help us improve our programs.**



# Background

---

# The Digital Equity Act - Three Programs to Promote Digital Equity and Inclusion



## Funding pool

\$2.75B

Three programs that provide funding to promote digital inclusion and advance equity for all. They aim to ensure that all communities can access and use affordable, reliable high-speed Internet service to meet their needs and improve their lives.

## PROGRAMS HIGHLIGHTS

The Digital Equity Act created three programs:

### State Planning

- \$60M formula funding program to develop digital equity plans

### State Capacity

- \$1.44B formula funding program to implement plans & promote digital inclusion

### Competitive

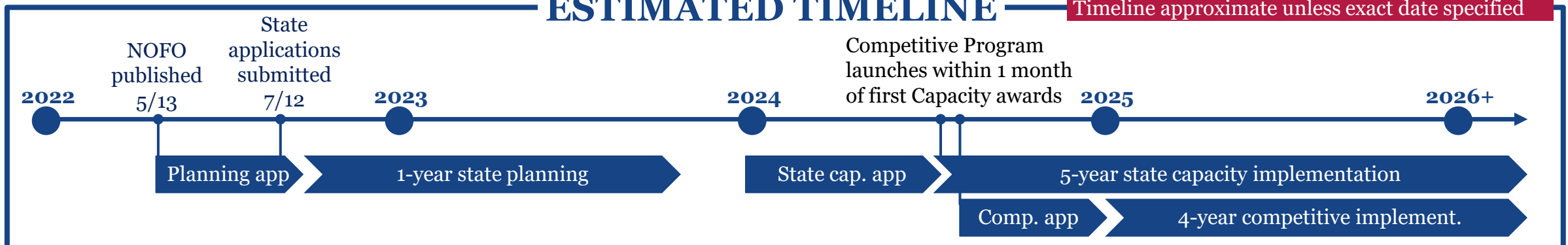
- \$1.25B to implement digital equity and inclusion activities

Example eligible uses of funds across three programs include:

- ☆ Developing digital equity plans; states must develop a plan to be eligible for state capacity grants
- ☆ Making awards to other entities to help make digital equity plans
- ☆ Improving accessibility and inclusivity of public resources
- ☆ Implementing plans related and activities
- ☆ Providing digital literacy and digital skills education
- ☆ Facilitating the adoption of high-speed Internet service

## ESTIMATED TIMELINE

Timeline approximate unless exact date specified



# Request For Comment

---

NTIA's Request for Comment  
on the Digital Equity Act  
programs is **currently open**.

The Notice and RFC is available  
[here](#). Comments can be  
submitted at regulations.gov  
under Docket **NTIA-2023-  
0002**.

The deadline for all comments  
is: **May 1<sup>st</sup>, 2023, 5:00 PM  
EST**

# How to Submit Comments



1. The Digital Equity Act comment period will close **60 days after date of publication on the Federal Register** (March 2 to April 30) - begin work well before the deadline.
2. If you are uploading more than one attachment to the comment web form, it is recommended that you use the following file titles:

Attachment1\_<title>; Attachment2\_<title>; Attachment3\_<title>; etc.

3. Keep a copy of your comment in a separate file - this practice helps ensure that you will not lose your comment if you have a problem submitting it using the [Regulations.gov](https://www.regulations.gov) web form.
4. Additionally, NTIA will accept comments via email. Please include the docket number **NTIA-2023-0002** in the subject line of the message, and direct your comments to [digitalequity@ntia.gov](mailto:digitalequity@ntia.gov)
5. You may also mail a printed submission to  
National Telecommunications and Information Administration, U.S. Department of Commerce,  
1401 Constitution Avenue NW, Room 4878, Washington, DC 20230, Attn: Digital Equity RFC.



# Regulations.gov

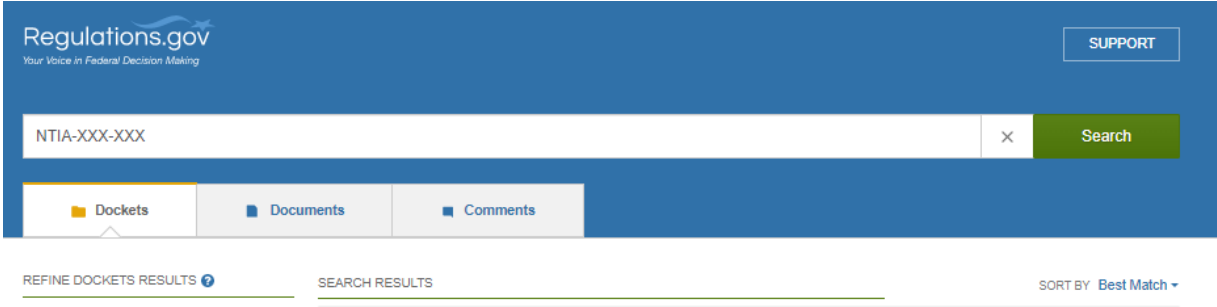


To submit a comment via [regulations.gov](https://www.regulations.gov) enter the Docket “NTIA-2023-0002” in the search bar, then click on the ‘Dockets’ tab (as shown below).

For further questions, please refer to the [regulations.gov FAQs](#).



- General FAQs
- Site FAQs
- General Information
- Find Dockets, Documents, and Comments FAQs
- Rulemaking Process
- Unified Agenda
- Privacy
- Commenting
- Media Instructions
- Regulations.gov API (v4)
- Subscriptions
- Downloading Data





# How to Write a Comment

---

# Tips on Crafting Effective Comments



1. While NTIA encourages you to support your comment with substantive data, facts, and opinions, **you do not need to be an expert or professional to provide a comment.** You are encouraged to provide your lived experience in your comment
2. Clearly identify the question(s) that you are commenting on and include the question number. There is no minimum or maximum length for an effective comment, and you are encouraged to reply to any or all questions posed.
3. If you disagree with an aspect of our programs, suggest an alternative and include an explanation and/or analysis of how the alternative might meet the same objective or be more effective.
4. Include pros and cons and trade-offs in your comment. Consider other points of view and respond to them with your views. Include examples of how our programs would impact your life and work positively or negatively.
5. Please reach out to NTIA via [digitalequity@ntia.gov](mailto:digitalequity@ntia.gov) if you have any questions about the Request for Comment, and stay up to date on NTIA information by visiting [broadbandusa.ntia.doc.gov](https://broadbandusa.ntia.doc.gov) and [www.internetforall.gov](https://www.internetforall.gov)



# Listening Session Questions

# Listening Session Questions Review



**RFC Question 1:** During the public comment period for the States' Digital Equity Plans, what guidance should NTIA and/or each State provide to enable communities to review and provide actionable feedback to States regarding their State Digital Equity Plans? What criteria/factors/outcomes should communities focus on in their review? How can NTIA ensure that States/Territories consult with Tribal entities about how best to meet Tribal members' needs?



# Listening Session Questions Review

---



**RFC Question 3:** How should NTIA define success for the Capacity Grant Program? What outcomes are most important to measure? How should NTIA measure the success of the Capacity Grant Program, including measures and methods?



# Listening Session Questions Review

---



**RFC Question 5:** What criteria/factors should NTIA take into consideration when assessing whether States, Territories, and Tribal entities are meeting the stated goals of their Digital Equity Plans? How should NTIA measure each Digital Equity Plan's progress in the short-term (one year or less) and long-term (two or more years)?



# Listening Session Questions Review

---



**RFC Question 19:** For each of the Covered Populations, what are proven strategies and tactics, projects or programs, with outcome-based measures and impacts, that promote and achieve digital equity?



# Listening Session Questions Review

---



**RFC Question 20:** Youth and young adults are members of each of the Covered Populations except for Older Americans. The COVID-19 pandemic had a devastating impact on academic achievement, physical and mental health, and earning opportunities for our youth and young adults. How can NTIA encourage and measure the effects of investments in our youth and young adult populations?





# Listening Session Questions Review



**RFC Question 21:** To ensure all learners (youth, adult, incarcerated, etc.) have access to the opportunities that technology unlocks, how should NTIA promote a baseline or fundamental standard for digital literacy for all learners? What kind of baselines should NTIA's grant programs strive to achieve and should the intended outcomes be based on a type of standard which includes varying levels of digital skills, such as pre-basic, basic, intermediate and advanced? If so, please elaborate.



# Participating in Moderated Stakeholder Discussion



## To provide verbal comments:

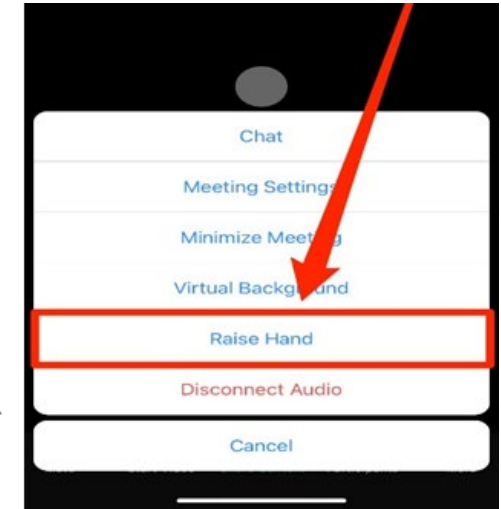
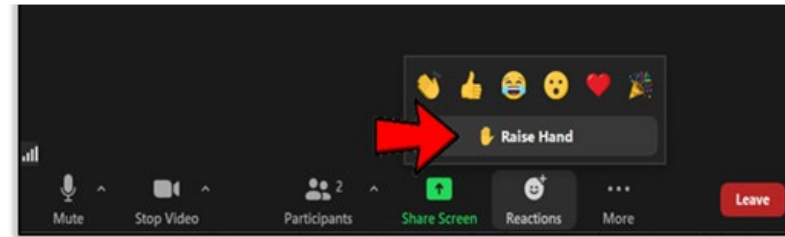
Raise your hand to provide comments.

**If you joined via computer/Zoom app:** Use the “Raise your Hand” feature on your Zoom module. You will receive a private message when it is nearing your time to provide input.

## If you joined via dial-in audio

**ONLY:** Press \*9 to indicate that you would like to provide verbal comments.

When the moderator calls your name, you will be given permission to unmute yourself. Before speaking, please state your full name and the organization you represent.



## To provide written comments:

You have two options:

1. Using the Q&A or chat box in the Zoom module, please type out your written comment and submit.
2. You can email your written comment to [DigitalEquity@ntia.gov](mailto:DigitalEquity@ntia.gov).

# Notes and Disclaimer

---



\* Throughout this document, the term “*Comment*” is used in place of the more technically accurate term “*Public Submission*” in order to make the recommendations easier to read and understand.

**Disclaimer:** This document is intended to serve as a guide; it is not intended and should not be considered as legal advice. Please seek counsel from a lawyer if you have legal questions or concerns.





**THANK YOU**

---



# **Tribal Awardees Panel Lessons Learned**

---

# Kimball Sekaquaptewa

Chief Technology Director

Santa Fe Indian School

# Ana Hoffman

President/CEO

Bethel Native Corporation



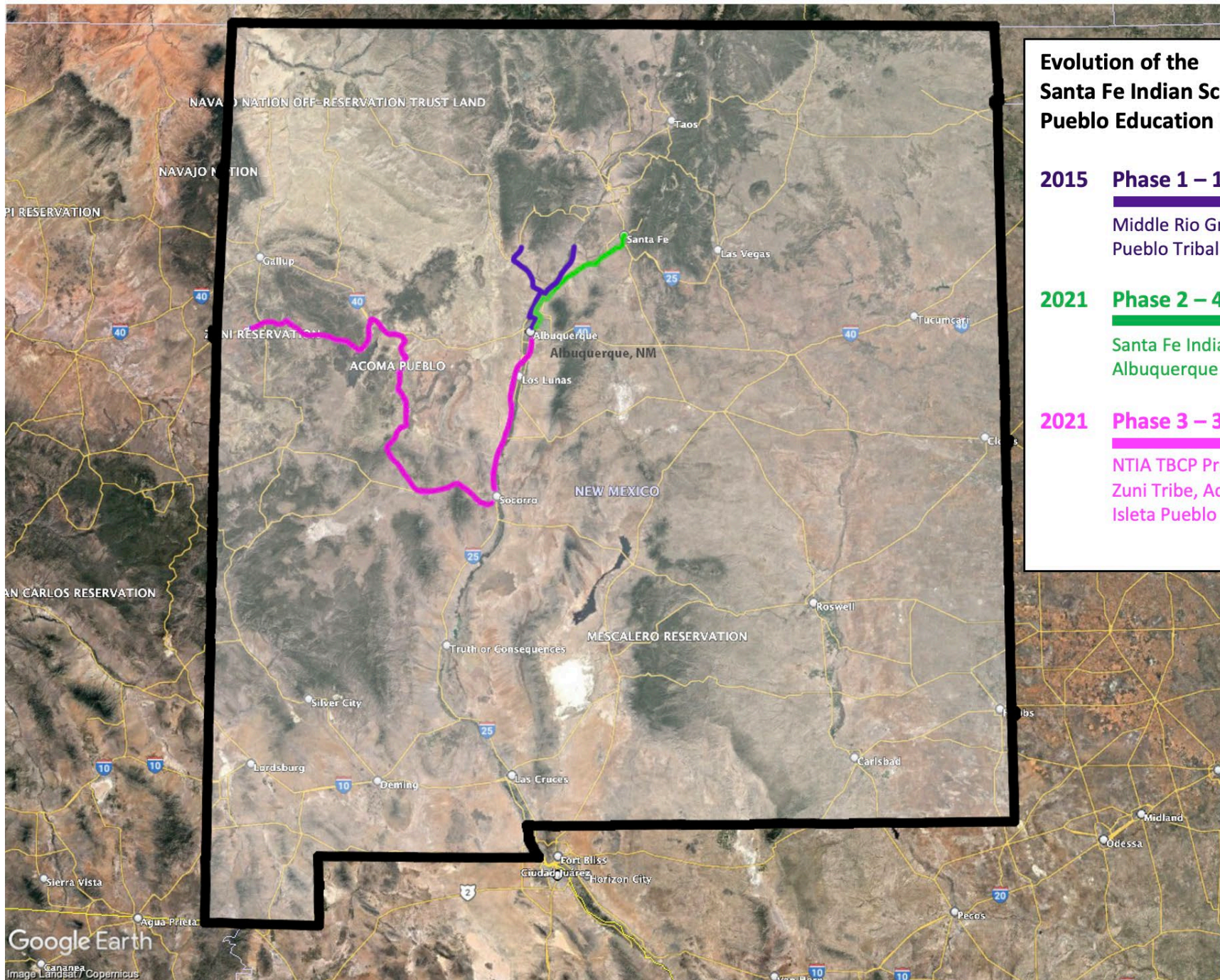


# Santa Fe Indian School Pueblo Education Network





Puebl



### Evolution of the Santa Fe Indian School Pueblo Education Network

**2015 Phase 1 – 120 miles**

Middle Rio Grande & Jemez-Zia Pueblo Tribal Consortium

**2021 Phase 2 – 42 miles**

Santa Fe Indian School to Albuquerque

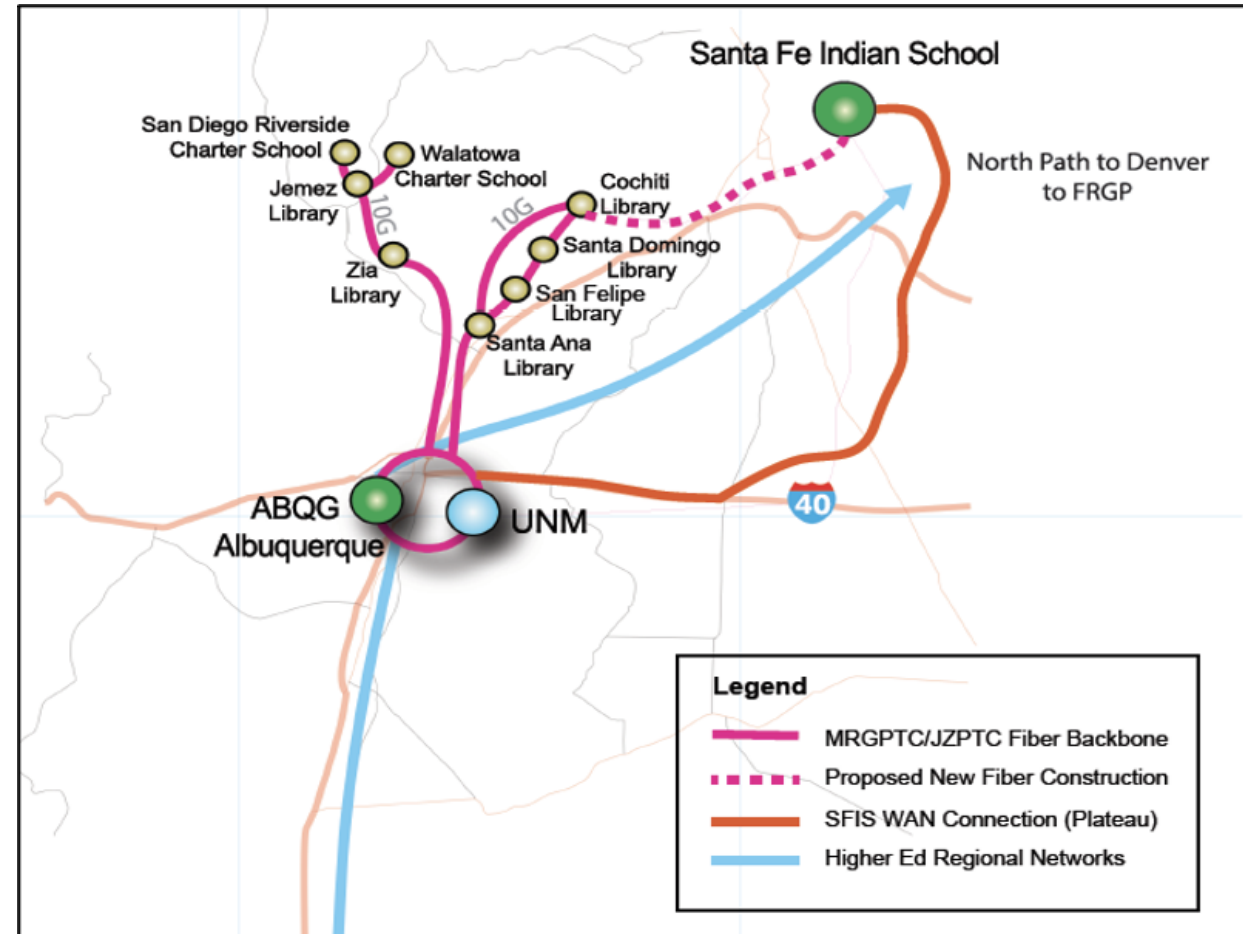
**2021 Phase 3 – 324 miles**

NTIA TBCP Proposal  
Zuni Tribe, Acoma Pueblo, Isleta Pueblo



# Building Educational Networks

- Increasing the use of technology – broadband and video-conferencing in native language instruction
- At least 23 States have education K-20 networks but not New Mexico
- In 2021, the NM legislature passed SB144 authorizing the Public School Capital Outlay Council to create a state education network
- Why 505 Marquette? Albuquerque GigaPop connecting education and tribes





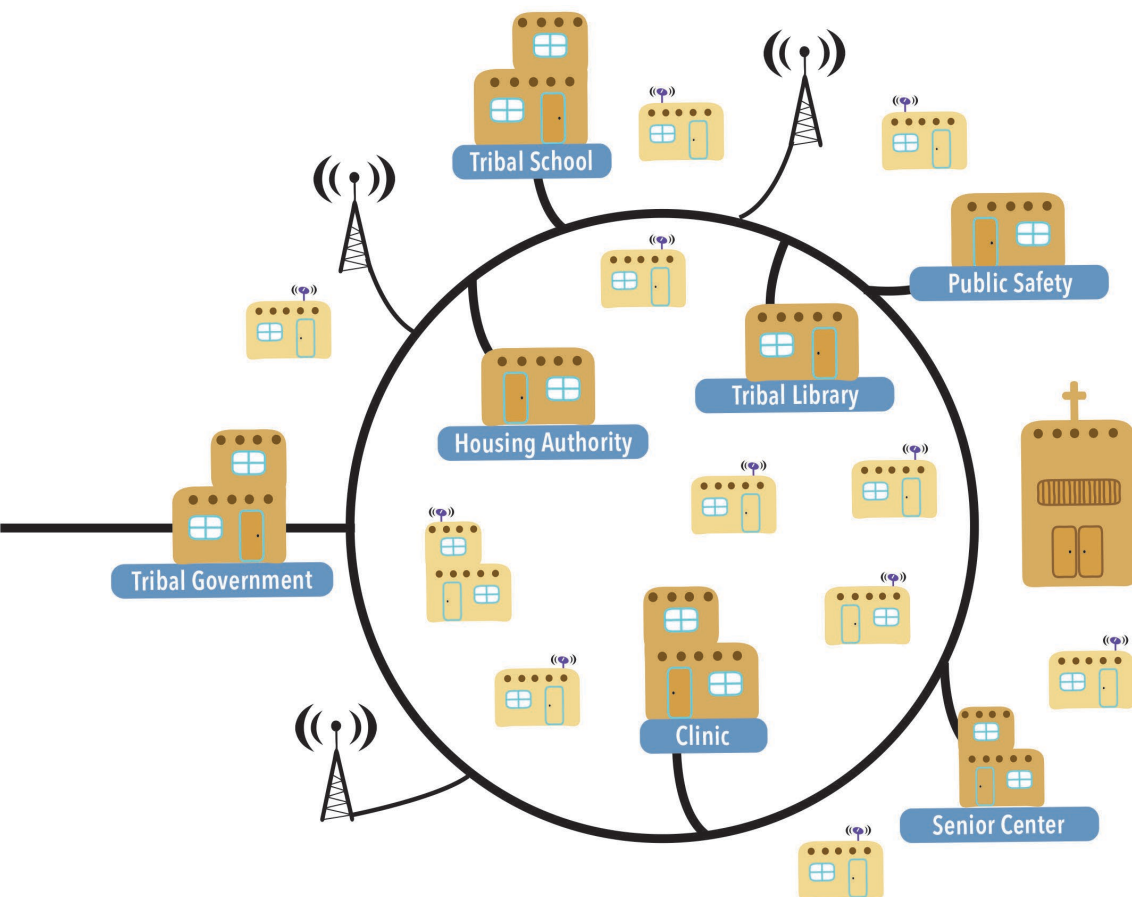
- Partner Exchange Links
- Participant Links
- Prospective Links
- AP-REX Links
- Pacific Wave Backbone
- Pacific Wave POP
- AP-REX POP
- ◆ Pacific Research Platform (PRP)
- PRP Science DMZ Fabric
- AutoGOLE
- Commercial Peering Points (Amazon, Google, & Microsoft)

- WESTERN REGIONAL NETWORK**  
States served by WRN members:
- ABQG: New Mexico GigaPoP
  - CENIC: California
  - FRGP: Colorado, & Wyoming
  - PNWGP: Washington, Montana, Alaska, Oregon, & Idaho
  - UH: Hawaii





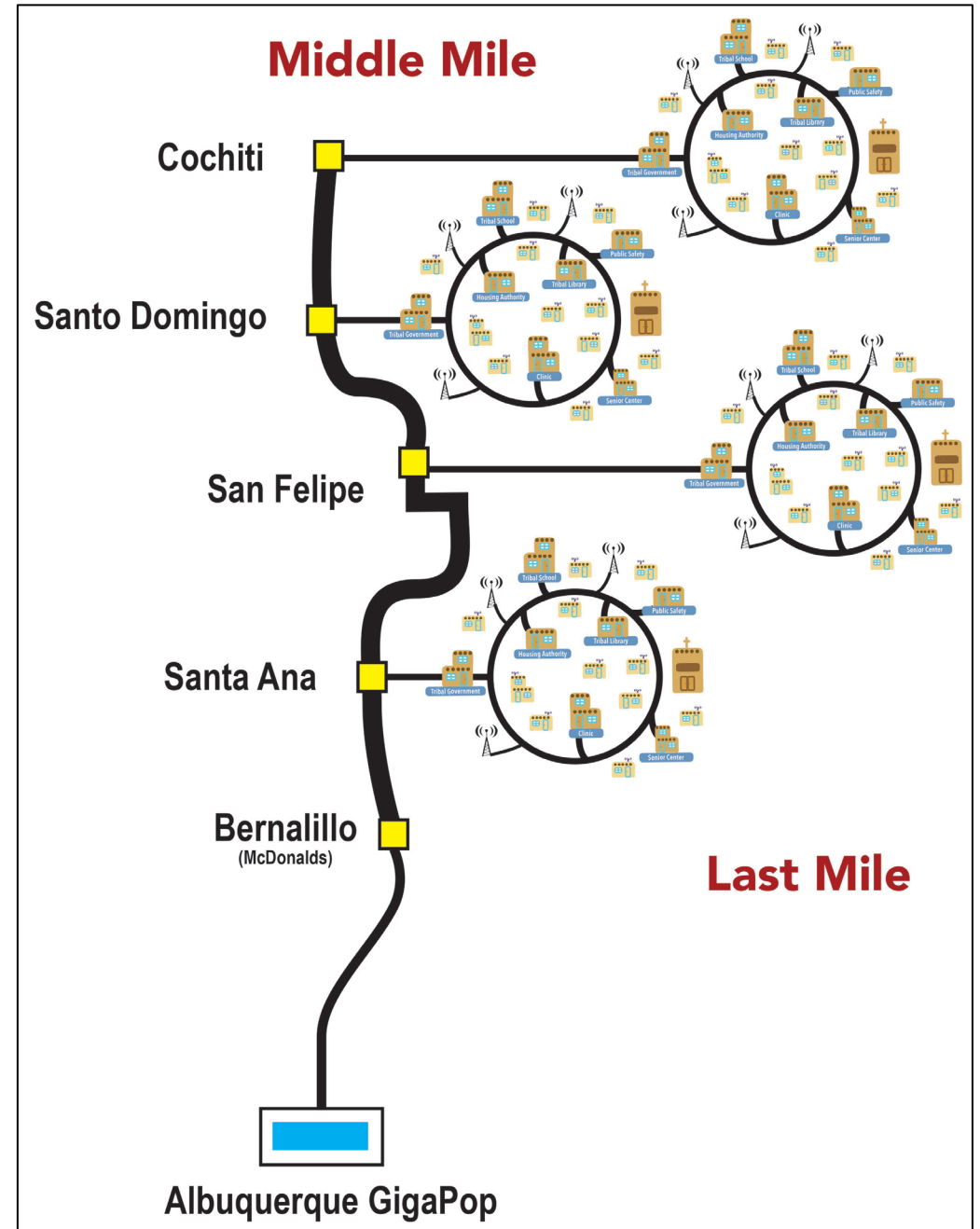
## Connecting a Community at the Same Time



- Under connected communities have needs beyond just schools and libraries
- Creating tribally-owned networks exercises self-determination by building tribal capacity as an Internet Service Provider, enabling data sovereignty in the global information age
- Recent self-investments, Treasury Funds, NM Broadband Collective grants, and federal programs such as the NTIA Tribal Broadband Connectivity Program or USDA grants, at least 10 Pueblos will build out Last Mile broadband infrastructure
- Budding Tribal ISPs can be ACP providers – 2 so far!

# Future

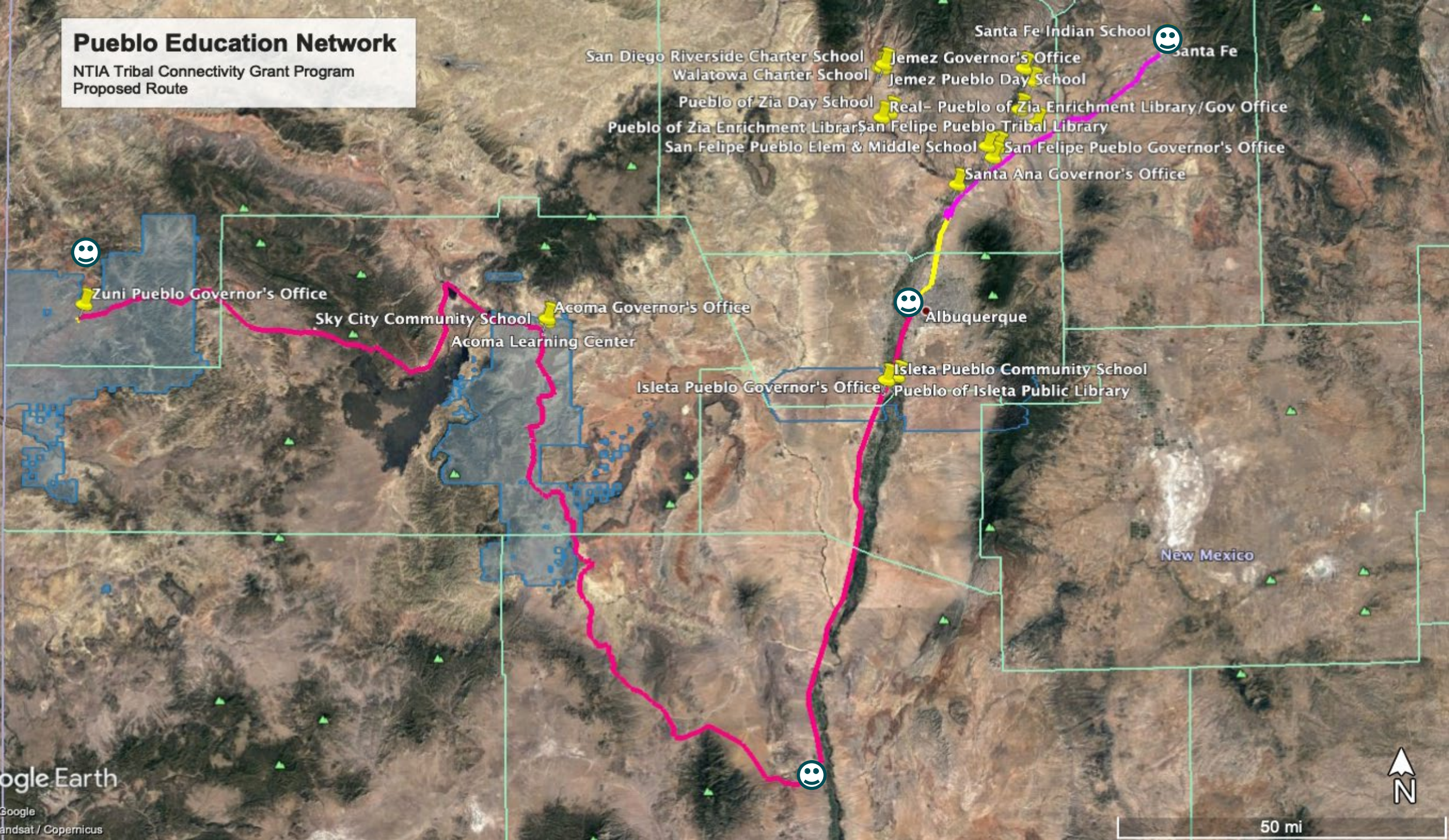
- **Tribal fiber networks connect back to regional carrier hotels and/or data centers in Albuquerque**
  - Partnership: Can connect underserved communities or businesses, and anchor institutions along the way
- **Tribal fiber footprints statewide can provide new routes and diverse paths for resiliency and reliability**
  - Partnership: Higher education, city and state agency networks new opportunities to improve networks
  - Partnership: Private sector has can extend to new markets increasing affordable service options across New Mexico
- **Take Away: Tribes as engaged partners**





# Pueblo Education Network

NTIA Tribal Connectivity Grant Program  
Proposed Route





# 2023 Outlook and Wrap

---



---

# Tribal Broadband Leaders Network

---

March 24, 2023



# Day 2 Agenda

---



1. Welcome and Day 1 Recap
2. Fraud, Waste and Abuse Session
3. FCC Listening Session
4. Technical Assistance Hours
5. Wrap Up





# **Welcome and Day 1 Recap**

---

# Fraud, Waste and Abuse

---



# Detecting and Defeating Fraud

**U.S. Department of Commerce**  
**Office of Inspector General**  
**Office of Investigations**



# Detecting and Defeating Fraud



- Internet for All and your crucial role
- What the OIG is
- Why you should contact the OIG
- How whistleblowers are protected
- What to look out for
- How to contact the OIG and what happens next

# Internet for All and Your Crucial Role



**INTERNET  
FOR ALL**



Image Credit:

- <https://www.internetforall.gov>
- [https://commons.wikimedia.org/wiki/File:Ambox\\_important\\_blue.svg](https://commons.wikimedia.org/wiki/File:Ambox_important_blue.svg)

# What the OIG Is



- Mission
- Audits
- Investigations (law enforcement)
- Criminal, civil, and administrative remedies

# Why You Should Contact the OIG

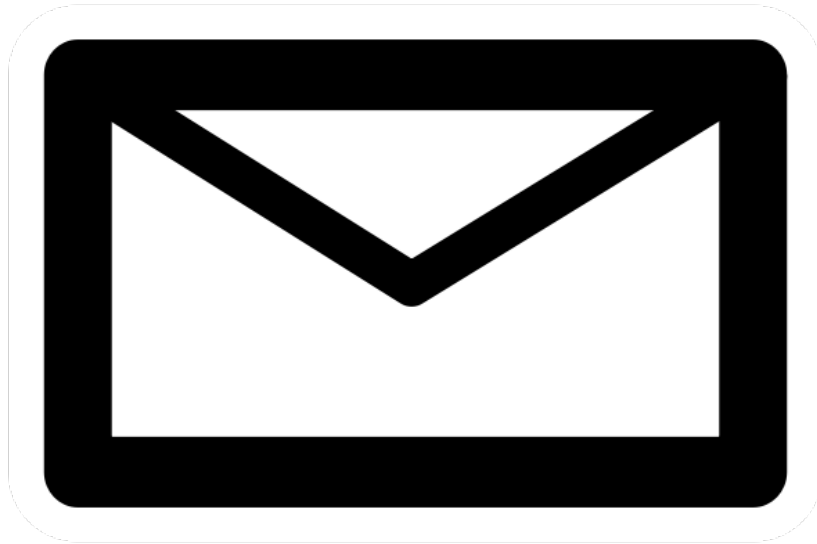


Image Credit:

- <https://freesvg.org/contact-mail-icon>
- <https://iconscout.com/icon/phone-1768014>

# How Whistleblowers Are Protected



## 5 U.S.C. § 2302(b)(8)

Employees of the  
federal government

## 41 U.S.C. § 4712\*

Employees of federal  
contractors,  
subcontractors,  
grantees, subgrantees,  
and personal services  
contractors

[www.oig.doc.gov](http://www.oig.doc.gov)

**Reasonably believe disclosure to the  
OIG\*\* is evidence of:**

- Violation of a law, rule, or regulation  
(\*related to a federal contract or grant)
- Gross mismanagement (\*of a federal  
contract or grant)
- Gross waste of funds (\*of federal  
funds)
- Abuse of authority (\*relating to a  
federal contract or grant)
- Substantial and specific danger to  
public health or safety



# What to Look Out For



- Lying, cheating, and stealing

- Examples

- The Fraud Triangle

- Pressure/Motivation

- Opportunity

- Rationalization

- Iceberg

Image Credit:

<https://commons.wikimedia.org/wiki/File:Iceberg.jpg>

- Embezzlement and theft
- False information
- Non-existent, duplicate, or ineligible expenses
- Product substitution
- Bribery and kickbacks
- Self-dealing and conflicts of interest
- Antitrust violations

# How to Contact the OIG and What Happens Next



- **[www.oig.doc.gov](http://www.oig.doc.gov)**
- **1-800-424-5197**
- **U.S. Department of Commerce  
Office of Inspector General  
1401 Constitution Avenue N.W.  
Washington, DC 20230**
- **Anonymity and confidentiality**



# Questions?

[www.oig.doc.gov](http://www.oig.doc.gov)

1-800-424-5197

U.S. Department of Commerce  
Office of Inspector General  
1401 Constitution Avenue N.W.  
Washington, DC 20230



# FCC Listening Session

---

# Technical Assistance

---

**Wrap Up**

---