



HOH INDIAN TRIBE

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Douglas W. Kinkoph
Associate Administrator
Office of Telecommunications and Information Applications
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Re: Comments on Implementation of the Tribal Broadband Connectivity Program

Dear Mr. Kinkoph:

On February 2, 2021, the Department of Commerce National Telecommunications and Information Administration (“NTIA”) sent a letter (the “DTL letter”) to tribal leaders, initiating consultation on the Tribal Broadband Connectivity Program (TBCP). Division N, Title IX, Section 905 of the Consolidated Appropriations Act of 2021 (“Act”) established the TBCP and provides a direct appropriation of \$1 billion for Tribal Broadband Connectivity Grants to expand broadband, remote learning, telework, and telehealth access and adoption by grants to qualifying tribal entities. The Hoh Tribe appreciates the agency’s effort to conduct consultation before finalizing the program requirements and submits this comment to provide our perspective on an equitable and efficient path forward.

Background on the Hoh Tribe

The Hoh Tribe (Tribe) is located on the northwest coast on the Olympic Peninsula of Washington State. Our Reservation, at the mouth of the Hoh River, is densely forested, with creeks, beaches, and pristine wilderness areas. The area is also home to one of the largest temperate rainforests in the country, and we receive an average of 140 inches of rain annually.

Sadly, climate change and increasingly dangerous weather events have rendered only a few acres of the original Reservation safe from tsunami threats, flooding, and erosion. The coastal bluffs are eroding and insufficient land remains for many essential government functions. The Tribe recognized the need to move the community further inland to a safer location and worked with our congressional delegation to pass the Hoh Indian Tribe Safe Homelands Act of 2010. The Safe Homelands Act authorized a land exchange between the

Tribe and the federal government to ensure Hoh has a safe, permanent land base for future generations. The new land is “off the grid” and the Tribe intends to relocate once infrastructure, housing, and governmental operations can be built.

The Tribe cherishes the unspoiled beauty of our traditional homeland, but recognizes that the landscape, undeveloped areas, and climate make infrastructure projects extremely difficult. These challenges have left our area without a modern, terrestrial, high-speed broadband connection. The Tribe has no broadband backbone for emergency services, and the Covid-19 pandemic has brought to light the significant need for Internet connectivity in order to keep our Tribe’s members safe, healthy, and educated.

The Tribe has been working with the Grays Harbor Public Utility District on a joint project to bring high speed broadband to our area. Building a high-speed broadband system will allow us to establish a reliable first-responder system, create opportunities for telehealth and distance learning, and provide the infrastructure needed to engage in robust economic development activity. Increased educational opportunities, economic vitality, and workforce development cannot be achieved without a high-speed, reliable broadband connection.

TBCP Distribution Methodology

The DTL letter asks for tribal input on how NTIA can equitably distribute TBCP funds and ensure that the agency is upholding its treaty and trust responsibilities. The concept of equity is synonymous with fairness and justice. In order to achieve an equitable distribution, NTIA should develop funding criteria that look at a range of factors in order to ensure tribal projects are examined and approved objectively. These factors should be weighed appropriately to reflect the following:

- **Need:** The primary basis for distribution should be based on need. Need is a multi-faceted determination, which should include:
 - ***Health and Safety:*** NTIA should prioritize tribes without broadband infrastructure for emergency and first response capabilities. The ability to alert the community in emergency situations and allow first responders to communicate during a crisis should be a primary factor in determining need.
 - ***Existing Infrastructure:*** The Tribe urges NTIA to prioritize tribal areas that have no access to existing broadband service. While the Tribe appreciates the comments made on the consultation webinars from nations seeking to build their own, separate broadband systems, Hoh believes those without access to *any* existing hard-line infrastructure should be given funding priority. It is also important that NTIA *not* rely on FCC data to determine existing connectivity. It is widely acknowledged that the broadband mapping done by the FCC – using ISP self-reporting via Form 477 – is flawed. If the ISP offers service to at least one household in a census block, the FCC counts the entire census block as covered by that provider. NTIA should not rely on this flawed data and instead should

allow tribes to self-certify as to the connectivity options and levels on their lands.


- **Location Density:** Indian tribes in rural areas should be given priority for these funds. Rural areas lag far behind more urban and suburban areas both in infrastructure build-out and in provider options. The FCC stated in the 2019 Broadband Deployment Report that “the gap in rural and Tribal America remains notable: over 26% of Americans in rural areas and 32% of Americans in Tribal lands lack coverage from fixed terrestrial 25 Mbps/3 Mbps broadband, as compared to only 1.7% of Americans in urban areas.” The Hoh Tribe urges NTIA to use the definition of “rural area” used below by the U.S. Department of Agriculture in 7 CFR Part 1738:

“Rural area means any area, as confirmed by the most recent decennial Census of the United States (decennial Census), which is not located within:
(1) A city, town, or incorporated area that has a population of greater than 20,000 inhabitants; or
(2) An urbanized area contiguous and adjacent to a city or town that has a population of greater than 50,000 inhabitants. For purposes of the definition of rural area, an urbanized area means a densely populated territory as defined in the most recent decennial Census.”

- **Economic Considerations:** A need determination should also factor in a tribe’s ability to fund its own broadband projects. The Hoh tribe has faced significant hurdles over the past decade in trying to bring high-speed Internet to the community, and a lack of broadband infrastructure has limited the Tribe’s economic opportunities. The equitable solution is to provide the most financial support to tribes that have not been able to build a strong reservation economy in part due to the lack of broadband infrastructure.
- **Flexibility:** As the agency has heard over the course of the consultation calls, the needs in Indian country vary greatly. Each tribal nation has its own set of circumstances that require a flexible use of funds. There is no “one size fits all” answer to closing the digital divide. The Tribe urges NTIA to build flexibility into the TBCP to ensure the program has the greatest impact. This includes allowing both last mile and middle mile projects to be constructed under the program regulations, and include reasonable waivers to certain grant requirements to account for both lack of financial resources and other deficiencies.
- **Non-Federal Match Requirement:** Tribes have historically faced challenges in obtaining federal grant dollars due to cost-prohibitive match requirements. The Tribe urges NTIA to consider allocating funds regardless of a non-federal match, or, include a sliding scale that eliminates the match based on the economic situation of an applicant tribe.

On behalf of the Hoh community, thank you again for your commitment to full and meaningful tribal government consultation and your desire to fulfill the mandate of the Act by creating an equitable and efficient program. Closing the digital divide in these uncertain times is a paramount concern for all of Indian country, and the Hoh Tribe looks forward to working with NTIA to bring broadband to our community.

Sincerely,



Chairwoman Dawn Gomez
Hoh Indian Tribe