



CENTRAL COUNCIL
Tlingit and Haida Indian Tribes of Alaska
Office of the President • Edward K. Thomas Building
9097 Glacier Highway • Juneau, Alaska 99801

Executive Council of the Central Council
TLINGIT & HAIDA INDIAN TRIBES OF ALASKA

Resolution EC 21-43

Title: Certification of Unserved Areas

WHEREAS, the Central Council of Tlingit & Haida Indian Tribes of Alaska (Tlingit & Haida) is a federally recognized tribe with more than 32,000 citizens; and

WHEREAS, under Article X of the Tlingit & Haida Constitution, the Executive Council is the governing body of Tlingit & Haida when the Tribal Assembly is not in session; and

WHEREAS, the Tribal Assembly is not in session; and

WHEREAS, Tlingit & Haida desires to participate in the National Telecommunications and Information Administration (NTIA) Tribal Broadband Connectivity Program (TBCP), authorized by the Consolidated Appropriations Act, 2021, Division N, Title IX, Section 905(c), Public Law 116-260, 134 Stat. 1182 (Dec. 27, 2020), the “Act”), Catalog of Federal Domestic Assistance (“CFDA”) Number 11.029, pursuant to the U.S. Department of Commerce’s NTIA Notice of Funding Opportunity for the Tribal Broadband Connectivity Program (“NOFO”) Section C(3)(b); and

WHEREAS, Tlingit & Haida is a regional federally recognized tribe, with political subdivisions that span the entirety of Southeast Alaska, as well as Anchorage, Alaska, Seattle, Washington and San Francisco, California, recognized by the federal government pursuant to Section 8 of the Act of June 19, 1935 (49 Stat. 388), as amended by the Act of August 19, 1965 (79 Stat. 543), and the Tlingit and Haida Status Clarification Act (Public Law 103-454, Title II, 108 Stat. 4792), which recognition is re-affirmed and recorded by the U.S. Department of the Interior, Bureau of Indian Affairs, *Indian Entities Recognized by and Eligible to Receive Services From the United States Bureau of Indian Affairs*, 86 Fed. Reg. 7554 (Jan. 29, 2021); and

WHEREAS, Tlingit & Haida as a Tribal Government is an Eligible Entity Tribal Government pursuant to the NOFO Section A.2(f)(i) and Section A.2.(l) and an eligible applicant pursuant to the NOFO Section C(1); and

WHEREAS, NOFO Section D(2)(c)(vii) Certification of Unserved Areas permits a Tribal Government to certify whether areas are “unserved” within its own proposed service areas on Tribal Lands; and

WHEREAS, under NOFO Section A(1)(b)(2)(m) “Tribal Land” “means ... (C) any land located within a region established pursuant to section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. § 1606(a)); and

WHEREAS, the NOFO definition of “Tribal Land” in Section A(1)(b)(2)(m) includes 43 U.S.C. § 1606(a)(10) Tlingit-Haida Central Council (southeastern Alaska, including Metlakatla); and

WHEREAS, Tlingit & Haida propose to provide service in Southeast Alaska communities, including Angoon, Coffman Cove, Craig, Haines, Hollis, Hydaburg, Kake, Ketchikan, Kasaan, Klawock, Klukwan, Petersburg, Saxman, Sitka, Tenakee, Thorne Bay, Wrangell, Yakutat, Edna Bay, Naukati Bay, Port Alexander, and Pelican; and

WHEREAS, within Tlingit & Haida’s proposed service areas there are at least 12,181 Tlingit & Haida Tribal Citizens, representing approximately 5,800 households; and

WHEREAS, Tlingit & Haida has collected and analyzed multiple sources of data regarding Tlingit & Haida Tribal Citizens’ lack of access to qualifying broadband service, including data from the US Census reports, Federal Communications Commission (“FCC”) fixed broadband deployment data from FCC form 477 and fixed broadband deployment data, NTIA National Broadband Availability Map, State of Alaska, OOKLA internet metrics data and analyses, BROADBANDNOW research, community surveys, internal Tribal data, and expert advice confirming that lack of access; and

WHEREAS, Tlingit & Haida has not terminated any existing qualifying agreement and is not aware of any Enforceable Buildout Commitment as defined under NOFO Section A(2)(g) covering its proposed service areas, and no broadband provider to Tlingit and Haida’s knowledge has been selected to receive or is receiving funding subject to enforceable build out commitments to deploy qualifying broadband service to unserved households within Tlingit & Haida’s proposed service areas;

NOW THEREFORE BE IT RESOLVED, in accordance with the NOFO Section D(2)(c)(vii), the Central Council of Tlingit & Haida Indian Tribes of Alaska hereby certifies that the Service Areas within its Tribal Lands proposed and presented in the Tlingit and Haida NTIA TBCP grant where last mile service is proposed are “unserved” pursuant to the NOFO Section A(2)(o).

ADOPTED this 27th day of August 2021, by the Executive Council of the Central Council of Tlingit and Haida Indian Tribes of Alaska, by a vote of 5 yeas, 0 nays, 0 abstentions and 1 absence.

CERTIFY



President Richard J. Peterson

ATTEST



Tribal Secretary Ralph Wolfe