



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 21-44

Title: Statement on Tribal Consent

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 TBCP’s June 2021 Notice of Funding Opportunity (“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 is an “Eligible Entity” Tribal Government pursuant to NOFO Section A(2)(f)(i) and Section A(2)(l) and an eligible applicant pursuant to NOFO Section C(1); 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)) (“ANCSA”); and

WHEREAS the NOFO definition of Tribal Lands therefore includes Tlingit-Haida Central Council (southeastern Alaska, including Metlakatla) as provided under 43 U.S.C. § 1606(a)(10) of the ANCSA; and

WHEREAS Tlingit & Haida by its resolution EC Res. 21-43 determined its Tribal Lands are “Unserved” pursuant to NOFO Section D(c)(viii) Certification of Unserved Areas; and

WHEREAS, Tlingit & Haida, as the regional tribe, possesses the inherent governmental duty to serve its Tribal citizens in all of southeast Alaska, including the Southeast Alaska communities of Angoon, Coffman Cove, Craig, Douglas, Haines, Hollis, Hydaburg, Juneau, Kake, Ketchikan, Kasaan, Klawock, Klukwan, Petersburg, Saxman, Sitka, Tenakee, Thorne Bay, Wrangell, Yakutat, Edna Bay, Naukati Bay, Port Alexander, and Pelican; and

WHEREAS, under NOFO Section C(3)(c)(i), each Eligible Entity applying for NTIA TBCP Broadband Infrastructure Deployment funds is required to submit a Resolution of Consent from each tribal government upon whose Tribal Lands the infrastructure will be deployed;

NOW THEREFORE BE IT RESOLVED, that in accordance with NOFO Section D(2)(b)(iii)(c)(v) Tribal Resolution, and with NOFO Section C(3)(c)(i) Tribal Consent and Authorization – Broadband Infrastructure Deployment, the Central Council of Tlingit & Haida Indian Tribes of Alaska hereby consents to all southeast Alaska Eligible Entity/Tribal Government(s), defined by NOFO Section A(2)(f)(i) and A(2)(l), whether single or consortium application(s) for TBCP Broadband Infrastructure Deployment funds to be deployed on Tlingit & Haida Tribal Lands; and

BE IT FURTHER RESOLVED, in accordance with the NOFO Section E(3)(c) Programmatic Review, Tlingit & Haida hereby will defer to any southeast Alaska Eligible Entity/Tribal Government(s) that certifies/certify a service area for providing access to qualifying broadband service to “unserved” households pursuant to the NOFO Section A(2)(o) in order to avoid duplication pursuant to NOFO Section E(3)(c) Programmatic Review; and

BE IT FINALLY RESOLVED, in accordance with Section 905(c)(8) of the Act that directs eligible entities to prioritize the construction of new broadband infrastructure proposals that will provide access to qualifying broadband service to currently unserved households, businesses, and anchor institutions, Tlingit & Haida will provide service anywhere within Tlingit & Haida Tribal Lands, including in southeast Alaska communities of Douglas and Juneau, where broadband service access is not provided and where duplication of broadband service does not exist.

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