

**COMMENTS FROM THE CHEYENNE RIVER SIOUX TRIBE 911 CORPORATION REGARDING  
DOCKET NO: 120509050-1050-01, RIN 0660-XC001**

**DEPARTMENT OF COMMERCE, NATIONAL TELECOMMUNICATIONS AND INFORMATION  
ADMINISTRATION REQUEST FOR INFORMATION**

**“Development of the State and Local Implementation Grant Program for the Nationwide  
Public Safety Broadband Network”**

Beau Maynard  
911 Corporation Director  
Cheyenne River Sioux Tribe  
PO Box 590  
Eagle Butte, SD 57625  
Telephone: 605-964-2005  
Fax: 605-964-4999  
Email: maynardk9@hotmail.com

**Introduction: Great Public Safety Challenges and Unique Needs Faced by Indian Tribes**

Pursuant to the Middle Class Tax Relief and Job Creation Act of 2012 (PL 112-96), the Assistant Secretary, in consultation with the First Responder Network Authority, is charged with taking necessary action to “to establish a grant program to make grants to States to assist State, regional, tribal, and local jurisdictions to identify, plan, and implement the most efficient and effective way for such jurisdictions to utilize and integrate the infrastructure, equipment, and other architecture associated with the nationwide public safety broadband network to satisfy the wireless communications and data services needs of that jurisdiction, including with regards to coverage, siting, and other needs.”

We want to request that in the development and implementation of this grant program, NTIA fully respects and incorporates the unique challenges and responsibilities faced by Indian tribal governments and their emergency response programs in effectively delivering public safety services to their communities. As is well-known, the public safety challenges faced by Indian country are numerous. Nonetheless, some key points bear repeating:

- Indian tribes suffer from much higher than average violent crime rates.
- Criminal jurisdictional complications coupled with understaffed federal and tribal law enforcement result in many crimes being unreported, unsolved, or declined for prosecution.
- Many Indian tribes are located in remote areas with large land areas and comparatively sparse populations.
- Low overall population numbers and the inaccessibility of many reservations have led to a situation where tribes are left behind regarding technological advances enjoyed by the rest of the country, including in the area of public safety broadband access.

## **Cheyenne River Sioux Tribe Public Safety Needs**

### **CHEYENNE RIVER SIOUX TRIBE QUICK FACTS**

- 2.8 Million Acres Total Land Base
- On-Reservation Population of over 8,100
- 75% of population is Native American according to most recent Census Data.
- Covers Two Counties: Dewey and Ziebach.
- Poverty Rate of the two counties among the highest in the nation.

Our experience, like that of many tribes, is extremely challenging. The Cheyenne River Sioux Tribe 911 Emergency Response system is the only emergency dispatch system for all the residents of Dewey and Ziebach counties in South Dakota. Ziebach County is comprised of approximately 2,800 residents while Dewey County has approximately 5,300 residents. Both counties are three-quarters Native American. Our dispatch system serves the non-Native American community of both counties as well. Together these two counties encompass 2.8 million acres of often desolate terrain in an extremely harsh environment.

To serve this diverse population across this challenging environment, we are insufficiently staffed and are located in a rudimentary metal barn-like facility that could not withstand an unpredictable weather calamity.

We receive no state funding for our emergency dispatch system. While we have received some federal grants in the past, these have dried up. Our only source of funding is the three-dollar surcharge that CRST residents pay for their wireless or landline phones. In more heavily-populated areas, these surcharges can add up to create greater revenue for 911 services. In our case, our large land area, high poverty and lower population numbers have meant that while our needs are great our internal sources of funding are severely limited.

Expanding and integrating public safety broadband access on Indian reservations like ours is a critical need. We want to ensure that tribes' needs are fairly incorporated in this grant program. Below we respond to a few specific points in the RFI. RFI language is italicized; our responses are in regular font.

### **Comments in Response to RFI Prompts**

#### *The Consultation Process*

*2. The Act requires that each State certify in its application for grant funds that the State has designated a single officer or governmental body to serve as the coordinator of implementation of the grant funds.*

*a. Who might serve in the role as a single officer within the State and will it or should it vary for each State?*

We believe a government body would be more representative of different stakeholders than a single officer.

*b. Who might serve on the governmental body (e.g., public partners, private partners, technical experts, Chief Information Officers, SWIC, finance officials, or legal experts)?*

The governmental body should include tribal representation from each of the federally recognized tribes in a state, or an elected member chosen by the tribes if the governmental body has a more limited number of members. Whatever the composition of the governmental body, there should be at least one or two tribal representative for each State, regional and local representative.

*d. How should the States plan to involve the tribal entities in the grant program?*

States should be mandated to provide funding to Tribal entities in keeping with the statutory language and Congressional intent “to satisfy the wireless communications and data services needs of that [tribal] jurisdiction, including with regards to coverage, siting, and other needs.” This funding should not merely be population based otherwise Tribes such as ours will be limited in our ability to avail of this funding resource despite our great needs. Allocating funding based on the poverty level of each county in a State as measured by the US census would be one method of targeting funding to areas which need it most.

*e. What requirements should be included in the grant program to ensure that local and tribal public safety entities are able to participate in the planning process?*

As mentioned above, the governmental body itself should include sufficient Tribal representation. Different states may have different relationships with tribes, and in some states these relationships have, at times, been strained. Therefore tribal participation must be directed by the Federal government.

### ***State and Local Implementation Grant Activities***

*9. What types of costs should be eligible for funding under the State and Local Implementation grant program (e.g., personnel, planning meetings, development/upgrades of plans, or assessments)?*

All the listed costs.

*b. Should the State and Local Implementation grant program fund any new positions at the State, local, or tribal level that may be needed to support the work to plan for the nationwide public safety broadband network? If so, what, if any, restrictions should NTIA consider placing on the*

*scope of hiring and the type of positions that may be funded under the grant program?*

Yes. A position should be funded at each federally-recognized tribe.

*10. What factors should NTIA consider in prioritizing grants for activities that ensure coverage in rural as well as urban areas?*

Poverty level as measured by the US Census.

Land Area to be covered.

Existing infrastructure (or lack thereof) as measured by an impartial surveyor appointed by the grant-making body in each state.

*15. Do the States have a preferred methodology for NTIA to use to distribute the grant funds available under the State and Local Implementation grant program?*

*a. Should NTIA consider allocating the grant funds based on population?*

*b. What other targeted allocation methods might be appropriate to use?*

*c. Should NTIA consider phasing the distribution of grant funds in the new program?*

We would like to emphasize that Tribes' preferred methodologies should also be solicited in keeping with the language of the statute, even if the grants are administered by States. To ascertain Tribes' preferred methodologies, each federally recognized Tribes should be consulted.

*17. The Act requires that the Federal share of the cost of activities carried out under the State and Local Implementation grant program not exceed 80 percent and it gives the Assistant Secretary the authority to waive the matching requirement, in whole or in part, if good cause is shown and upon determining that the waiver is in the public interest. As NTIA develops the State and Local Implementation grant program, what are some of the factors it should consider regarding States' ability to secure matching funds?*

Poverty levels of each state and existing public-safety infrastructure (or lack thereof).

*18. What public interest factors should NTIA consider when weighing whether to grant a waiver of the matching requirement of State and Local Implementation grant program?*

The ability of a tribal government and its public safety division to pay for the matching share and the comparative crime data that exists on Indian reservations to their local non-Indian counterpart jurisdictions.

***Other***

*19. Please provide comment on any other issues that NTIA should consider in creating the State and Local Implementation grant program, consistent with the Act's requirements.*

We would again like to emphasize that NTIA should consider tribes' unique circumstances and needs in administering this program.