
INTERNET FOR ALL

Finding of No Significant Impact

*Lac du Flambeau Broadband Infrastructure
Deployment Project, Award
NT22TBC0290073*



Lead Federal Agency

U.S. Department of Commerce:

National Telecommunications and Information Administration

Cooperating Agency

U.S. Department of Interior:

Bureau of Indian Affairs-Midwest Region

Finding of No Significant Impact

National Telecommunications and Information Administration Tribal Broadband Connectivity Program

Lac du Flambeau Broadband Infrastructure Deployment Program

Overview

This document serves as the Finding of No Significant Impact (FONSI) for the following project awarded by the National Telecommunications and Information Administration (NTIA). The NTIA and cooperating agencies including the Bureau of Indian Affairs (BIA) Midwest Region have completed the sufficiency review of the recipient's Environmental Assessment (EA) and have determined that the project will not have a significant impact on the environment. The Chequamegon-Nicolet National Forest will issue their own Categorical Exclusion (CATEX) for the proposed project and is not a signatory to this joint agency FONSI. The FONSI contains information related to the review.

Recipient Name:	The Lac du Flambeau Band of Lake Superior Chippewa Indians Tribe
Grant Project Name:	Lac du Flambeau Broadband Infrastructure Deployment Program
Grant Award No.	NT22TBC0290073
Program Location:	Price, Oneida, Iron, and Vilas Counties, Wisconsin

Program Summary

The NTIA awarded a grant to The Lac du Flambeau Band of the Lake Superior Chippewa Indians Tribe, through the Tribal Broadband Connectivity Program (TBCP), as authorized by the Consolidated Appropriations Act, 2021, Division N, Title IX, Section 905(c), Public Law 116-260, 134 Stat. 1182 (Dec. 27, 2020) (Act). TBCP provides new federal funding for grants to eligible entities to expand access to and adoption of: (i) broadband service on Tribal Land; or (ii) for programs that promote the use of broadband to access remote learning, telework, or telehealth resources during the COVID-19 pandemic. The Lac du Flambeau Band of the Lake Superior Chippewa Indians Tribe project is called Lac du Flambeau Broadband Infrastructure Deployment Program and proposed activities are scheduled to occur in Price, Oneida, Iron, and Vilas Counties, Wisconsin.

The Lac du Flambeau Band of the Lake Superior Chippewa Indians Tribe completed an EA for this Project which was finalized and published in December 2023. The NTIA and BIA reviewed the EA and determined it is sufficient. The EA is adopted as part of the development of this FONSI.

The Project includes:

- Deployment and construction of broadband infrastructure to unserved and underserved Native American households on the Reservation. The service area encompasses 122 miles of fiber to homes plus an additional 38 miles of fiber to bring a broadband backhaul to the Reservation from Fifield, Wisconsin.

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- Placement of underground components, construction of a Network Operations Center, and the installation of 160 miles of fiber in Price, Oneida, Iron, and Vilas Counties, Wisconsin. Installation will be within the reservation, within existing rights-of-ways and infrastructure. Vibratory plow will be used for trenching and directional boring will be utilized where surface disturbance presents the potential of harming wetlands, infrastructure, and environmental or cultural resources.

The Chequamegon-Nicolet National Forest is located in Price, Oneida, and Vilas counties. The Proposed Project Route travels through the forest on WIS 70 from Price County to Vilas County. A special use permit is required from the Forest Service.

The Project route will cross native allotment lands and BIA Midwest region roads. The BIA Midwest Region requires a utility permit within BIA Road ROW that will be followed and for crossing native allotments.

The Project will serve up to 2,300 households, 25 businesses, and 19 community anchor institutions. Based on a review of the analysis in the EA, the NTIA and BIA have determined that the project, implemented in accordance with the preferred alternative, and incorporating best management practices (BMPs) and protective measures identified in the EA, will not result in any significant environmental impacts. Therefore, the preparation of an Environmental Impact Statement (EIS) is not required. The basis for this determination is described in this FONSI.

Additional information and copies of the Executive Summary of the EA and FONSI are available to all interested persons and the public through the NTIA website (<https://broadbandusa.ntia.doc.gov/funding-programs/documentation-and-reporting>) and the following contact:

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Project Purpose and Need

The purpose of the project is to provide the Lac du Flambeau Tribe with a broadband infrastructure that will make available, affordable, and reliable broadband services to the underserved and unserved Native American Households on the Reservation. Service will be provided to more than 2,300 households, 25 businesses and community anchor institutions currently unserved or using inadequate services and access. These anchor institutions include, but are not limited to, Tribal buildings, township halls, community buildings, libraries, public works buildings, public safety facilities, water towers, school buildings, medical facilities, and community colleges. The public safety facilities include Tribal Police Department, Department of Motor Vehicles, Tribal Courts, Emergency Management and Emergency Operations Centers, the 911 dispatch center, public safety radio towers, and fire stations.

The Lac du Flambeau Band of Lake Superior Chippewa Indians has investigated options for providing affordable and quality high speed Internet to the reservation. During that investigation, it was determined through a survey of membership, that the majority of the respondents with some form of access reported well under the minimum needed broadband speeds of 25 Megabits per Second (Mb/s) download and 3 Mb/s upload established by the Federal Communications Commission (FCC), demonstrating the need for the project. In consideration of the fact that the Tribes membership is either unserved or underserved by local broadband companies, the Tribe has chosen to exercise its sovereignty by establishing its own local Internet Service Provider (ISP) for the Reservation.

The project will remedy the following needs currently facing the Tribe:

- Provide immediate connectivity relief to the anchor institutions with cost-effective high-speed transport services.
- Creates a public-private partnership for the delivery of a broadband solution.
- Provides economic enhancements to an area with lower incomes.
- Provides connectivity to public safety entities to allow for sharing of data and implementation of technologies that could otherwise not occur.
- Provides the opportunity to deliver last mile services to businesses and residents of the area.
- Provides for enhanced educational access and opportunities for Tribal schools and online classes at all grades and levels.
- Provides the opportunity for telemedicine to positively impact the Tribal population where access to clinics or travel to medical services may be inhibited.

The purpose of the project is to provide an affordable and accessible Tribal-wide broadband network to remedy the unserved and underserved Tribal members of the Lac du Flambeau Reservation.

Project Description

The Proposed Action is expected to provide and improve the high-speed broadband services available to users on the Reservation. The Project would bring substantially upgraded broadband service with minimum asynchronous speeds of 25 Mb/s to households and up to 1 Gigabits per Second (Gb/s) for businesses, Tribal government, and anchor institutions on the Reservation.

The Proposed Action anticipates construction will include installation of underground components. The Project design includes approximately 122 miles of fiber to homes plus an additional 38 miles of fiber to bring a broadband backhaul to the Reservation from Fifield, Wisconsin via underground installation.

The Project will require the construction of a new Network Operations Center (NOC) to house the termination of the backhaul, Internet service equipment, and backup power sources to support the Tribe as an ISP. The 160 miles of fiber in Price, Oneida, Iron, and Vilas Counties will include the installation of the fiber with electronics located along the proposed route. The Project will follow along existing utility Rights-of-Ways (ROW) and infrastructure (e.g., roads, etc.) ROWs.

The underground portions of the Project will be installed via vibratory plowing and directional boring techniques.

Vibratory plowing or directional boring installations will more typically occur in less densely developed areas. Directional boring will likely be utilized where a significant number of utility crossings or above-grade obstructions (trees, signage, guardrails, etc.) are present that would impact the use of the vibratory plow. It will also be used to avoid or minimize impacts to wetlands, waterways, roads, and other surface features. The environmental impact associated with these methods of underground installation is anticipated to be minimal. Site-specific methods of underground installation will be developed during the detailed engineering phase.

The vibratory plow technique will use a vibratory cable plow and a crawler tractor to carry the cable feed system. As the equipment moves forward, the plow will cut a path of approximately 3 to 4 inches wide in the soil and install the cable at a depth ranging from 36 to 48 inches below grade under normal circumstances. When the cable is installed, the cable will be immediately covered with the soil that was side cast. The installation will occur in existing ROWs, to the maximum extent feasible; however, there will be some minimal impact to the surrounding area as the plow is approximately 7 to 8 feet wide. All paving, sidewalks, impacted lawns, shrubs, and other vegetation removed or damaged during the cable installation will be replaced and/or restored. A typical plow crew involves three to four people capable of installing between 2,000 feet and 15,000 feet of cable per day, depending on soil conditions.

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The directional boring technique involves the use of a surface-launched drilling rig to drill a hole and advance an underground pathway along the designated installation route. The directional bore will have an entry point pit and an exit point pit. Conduit and the fiber will be pulled through the drilled pathway between the entry and exit points. This methodology minimizes overall ground disturbance but would require equipment to be set up at the entry and exit points. The entry and exit points are typically a few feet wide, resulting in some surface disturbance. A typical drilling crew includes three to four workers capable of installing between 100 feet and 2,000 feet of cable per day, with an average of 1,400 feet per day. Installation rates are dependent upon the existing soil conditions and geology.

Regardless of the installation technique, special care will be taken to avoid damaging other buried utilities that may also be present in the existing ROW; therefore, all existing below-grade utilities present within the ROW must be identified and properly marked.

The proposed installations will be performed from existing roads. The construction of temporary access roads will not be anticipated since the proposed fiber route is easily accessible within the existing road and/or ROWs, to the maximum extent feasible.

The installation of connections to buildings along the network will be accomplished through underground methods based upon existing or new sub-grade or above-grade infrastructure. The proposed installation will be accessed utilizing existing access roads or driveways, or performed manually via directional boring if no existing access road or driveway is present. The physical penetration of the building will be through an existing conduit or a new sub-grade or above-grade building penetration. The type of building penetrations will be developed during detailed engineering and will be based upon the requirements of the building owner, the type of building construction, and the proposed installation of the lateral and the historical significance of the building.

All installations will be in the public ROW, to the maximum extent feasible, on or within existing utility easements, or within property lines of the facilities being connected to the network.

Analysis of Alternatives

The Lac du Flambeau Band of the Lake Superior Chippewa Indians Broadband Deployment EA includes an analysis of the alternatives for implementing the project to meet the purpose and need. The NTIA and BIA conducted a review of the recipient's analysis of alternatives for implementing the project to meet the purpose and need, including a review of the "no action" alternative, where applicable. Each alternative was evaluated for impacts against the "no action" alternative and impacts from other alternatives, as a component of selecting the preferred alternative. The following summarizes the alternatives analyzed in the EA.

Alternative 1(Preferred Alternative): The Tribe seeks to deploy broadband infrastructure to unserved Native American households, businesses, anchor institutions and Tribal public service facilities on the Reservation. The service area encompasses 122 miles of fiber to homes plus an additional 38 miles of fiber to bring a broadband backhaul to the Reservation from Fifield, Wisconsin. The Project will serve up to 2,300 households, 25 businesses, and 19 community anchor institutions. The project will provide Internet access for educational opportunities, community and business enhancement and telemedicine, and greatly increase the quality of life for Tribal members.

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No Action Alternative: The no action alternative was also considered. This alternative represents conditions as they currently exist. The EA examined this alternative as the baseline for evaluating impacts relative to other alternatives being considered. Under the No Action Alternative, the Project would not be constructed, and unmet needs would continue in the unserved and underserved community of Lac du Flambeau, having a negative and potentially generational impact to the Tribe.

Alternatives Considered but Not Carried Forward: The Lac du Flambeau Band of the Lake Superior Chippewa Indians Tribe also considered the following alternatives:

- **Collaboration with Current Providers:** The Tribe considered a potential expansion of existing providers that currently offer some limited access to a number of households. Presently, the primary provider of broadband services to the Tribal community is Frontier Communications Corporation. To a much lesser extent, HughesNet, Dish Network, Sonic Net, and Northwoods Connect also provide low quality and low speed broadband services to a limited number of households, at costs ranging from \$45 to \$130 per month. In addition to being inadequate as far as their broadband speed is concerned, as well as expensive, the present providers are considered unreliable. Internet outages are common and have the potential for tragic consequences, given the necessary reliance upon Internet services by the Tribe's health clinic and law enforcement agencies. Tribal Government offices, Tribal enterprises, and all Tribal programs also rely upon Internet services as basic infrastructure. Outages typically result in a reduction in services to community members and costly reduction in productivity. The lack of adequate and/or available broadband services has significantly impaired the Tribe's ability to support telehealth, education, and public safety for its membership, and greatly exacerbated the challenges associated with the COVID-19 pandemic. Additionally, it has served as a significant barrier to economic development for the Tribe and employment opportunities for Tribal members. The Lac du Flambeau Tribe eliminated this alternative due to the lack of dependability, monthly cost, and the limited-service area provided.
- **Wireless Alternative:** The Tribe originally began planning for a wireless deployment. They were able to obtain the licensed 2.5GHz Spectrum feed, but the feed would not provide the needed service to local colleges and into the Reservation. A plan to reach some level of service could not be attained, due to undesired tower locations and connectivity issues (abundance of trees, poor elevations) which eliminated this alternative from consideration almost immediately.

Findings and Conclusions

The recipient's EA analyzed existing conditions and environmental consequences of the preferred alternative, other alternatives, and the no action alternative for potential impacts in the major resource areas of Noise, Air Quality (including greenhouse gases [GHGs]), Geology and Soils, Water Resources, Biological Resources, Historic and Cultural Resources, Aesthetic and Visual Resources, Land Use, Infrastructure, Socioeconomic Resources, and Human Health and Safety. The results of the analysis are summarized in the table below:

Resource Area	Preferred Alternative	No Action Alternative
Noise	No Significant Impact	No Impact
Air Quality (including greenhouse gases [GHGs])	No Significant Impact	No Impact
Geology and Soils	No Significant Impact	No Impact
Water Resources	No Significant Impact	No Impact
Biological Resources	No Significant Impact	No Impact
Historic and Cultural Resources	No Significant Impact	No Impact
Aesthetic and Visual Resources	No Significant Impact	No Impact
Land Use	No Significant Impact	No Impact
Infrastructure	No Significant Impact	No Impact
Socioeconomic Resources	Significant Positive Impacts	Potential Negative Impact
Human Health and Safety	Significant Positive Impacts	Potential Negative Impact

The sections that follow provide a brief narrative for those resource areas where there has been a potential impact indicated in the table above or provide a summary of the results of required consultation with the appropriate agency or agencies.

Water Resources

Under the Proposed Action, the following effects could occur. Placement of the underground fiber will be via Horizontal Directional Drilling (HDD) in designated wetland/waterway crossings areas. Designed locations of hand holes will be outside of the designated wetland/water crossings areas. If the Project path cannot avoid having construction activities occur within the designated wetland/water crossings areas, the US Army Corps of Engineers (USACE) will be consulted before proceeding.

The USACE determined in their consultation the activities described for the Project will likely not result in any regulated discharge of dredge or fill material. Therefore, their conclusion is no permit is likely required from their organization.

Under the No Action Alternative, the Project would not be constructed and there would be no impact on water resources.

Biological Resources

Under the Proposed Action, the following effects could occur. Potential impacts to vegetative communities would include vegetation and soil disturbance. These locations would temporarily be disturbed by construction activities during installation of the Project. HDD would have limited surface disturbance and thus no impacts are anticipated along the underground portion that is located between the bore entry and exit point. Since the bore sites would be located in pre-

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disturbed, existing ROWs, to the maximum extent feasible, it is unlikely to affect unique plant communities. Unnecessary ground disturbance and vegetation removal will be minimal due to the location of the Project alignment within disturbed ROWs, to the maximum extent feasible.

Areas temporarily disturbed during construction will be restored to preconstruction conditions or conditions specified by any permit requirements as applicable or appropriate. In order to mitigate the spread of weeds to adjacent areas, existing vegetated areas that are disturbed by construction will be restored with respect to seed mixtures, recommended seeding schedules, and erosion control measures before seeding. Restoration will be implemented until a satisfactory percentage of vegetation cover is achieved. In addition, construction equipment will be cleaned prior to exiting one work area to access another.

There may be temporary avoidance of the Project area by certain wildlife species during construction. The USFWS granted permission to proceed with the action under the terms of the not likely to adversely affect concurrence, which concluded their consultation of the Project. The Project is not likely to adversely affect the Northern Long Eared Bat (NLEB), Canada Lynx, or Gray Wolf. The Project will have no effect on the Monarch Butterfly, Tricolored Bat, and Whooping Crane. If this Project has the potential to adversely affect Tricolored Bats after the potential new listing goes into effect, the USFWS recommends the effects of the project on Tricolored Bats and their habitat be analyzed to determine whether authorization under Endangered Species Act section 7 or 10 is necessary. There is no critical habitat in the Project area for any ESA listed species.

Based on human habitation and since the Project follows relatively busy and noisy roads, the NTIA made a “may affect, not likely to adversely affect” determination to the Canada Lynx and Gray Wolf with concurrence from the U.S. Fish and Wildlife Service.

Bald Eagles are not a Bird of Conservation Concern (BCC) for the Project area but warrant attention because of the Bald and Golden Eagle Protection Act or for potential susceptibilities in offshore areas from certain types of development or activities. The breeding season for the Bald Eagle is December 1st to August 31st. If a Bald Eagle nest is observed in the vicinity of the Project, the National Bald Eagle Management Guidelines will be followed. The majority of the Project is located along predisturbed existing ROWs, to the maximum extent feasible, therefore minimizing additional tree clearing that could increase fragmentation of sensitive habitats. No significant impacts to wildlife are anticipated.

Under the No Action Alternative, the Project would not be constructed and there would be no impact on biological resources.

Historic and Cultural Resources

Under the Proposed Action, historic and cultural resources would be preserved in place wherever possible. No direct or indirect impacts to historic structures are anticipated to occur as the Project would not involve the removal or alteration of any buildings or above-ground structures located along the proposed route. All historic properties within view of construction activities may be impacted visually. These impacts, however, would be temporary in nature and would last only as long as the construction activities. These types of impacts are not anticipated to have a lasting effect on any of the structures.

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The majority of the Project will be located within pre-disturbed ROWs (i.e., when along roadways, within an area encompassing a traffic lane and the pre-disturbed area immediately adjacent to the paved roadway), to the maximum extent feasible, or within pre-disturbed areas such as existing, unpaved access roads, beneath bermed and landscaped areas immediately alongside roadways, or within existing easements through residential areas. No significant impacts to historic and cultural resources are anticipated.

For off reservation project components, the Wisconsin State Historic Preservation Office (SHPO) deferred review to the Lac du Flambeau Tribal Historic Preservation Office (THPO) and accepted the THPO's findings for the Project. The THPO determined the Project will have no effect on historic properties within the area of potential effects both on and off reservation. If the scope of work changes in any way, or if artifacts or human remains are discovered, construction will stop and the THPO will be notified immediately.

Tribal coordination was initiated by the NTIA through the Federal Communication Commission's (FCC's) Tower Construction Notification System (TCNS) process. No cultural resources were identified to be impacted. There were no objections to the project from any of the tribes coordinated with. For tribal coordination details, refer to Appendix D of the EA.

Under the No Action Alternative, the Project would not be constructed and there would be no impact on historic and cultural resources.

Land Use

The Chequamegon-Nicolet National Forest is located in Price, Oneida, and Vilas counties. The Proposed Project Route travels through the forest on WIS 70 from Price County to Vilas County. Forest land will not be measurably affected because the Project route will be located within the existing WIS 70 ROWs, to the maximum extent feasible, that are already designated or used for utility placement. The Forest Service will issue their own CATEX and is not a signatory to this joint agency FONSI. A special use permit is required from the Forest Service.

The Project route will cross native allotment lands and BIA Midwest region roads. The BIA was consulted, and they elected to participate as a Cooperating Agency in the EA. The BIA Midwest Region requires a utility permit within BIA Road ROW that will be followed and for crossing native allotments. The BIA is a signatory to this joint agency FONSI.

The no action alternative would not require approvals from these agencies.

Socioeconomic Resources

The project will have a positive impact on the socioeconomic resources of the Lac du Flambeau Tribe, providing employment, business opportunity and telemedicine to the Tribal community. In consideration of Executive Order 12898, the construction of the broadband system would be a net benefit in support of environmental justice for low-income communities of the Tribe.

The no action alternative would result in a status quo, with a significant portion of the tribe being without affordable and reliable broadband service. This alternative would not provide educational, business or telemedicine to the Tribal community and could negatively impact the Tribe for generations.

Health and Human Safety

During the construction and installation of the project, there may be minor risk of exposure to contaminated soil or water, however the known benefits of the projects are significant and beneficial. With the advancement of telemedicine and broadband resources, the project could enhance the overall health and human safety of the tribe. The high-speed connection to community resources such as community centers, police, emergency services and other resources could improve health and human safety across Tribal lands.

Selection of the no action alternative would result in the continued unsupported services and have a potentially negative affect on health and human safety of the Tribe. The lack of support and modernization of the community resources, police and telemedicine would have a negative benefit to the Tribe.

Cumulative Impacts

It is not anticipated that there will be cumulative impacts associated with the implementation of this project. There may be concurrent activity associated with projects at hazardous sites or public safety facilities, however those potential cumulative impacts would be positive in nature. Cumulative impacts of implementation of the preferred alternative would be positive in nature as well, whereas the no-action alternative would present negative impacts from no affordable or sustainable broadband service to the Tribe.

Public Comment

The NTIA and BIA conducted a public comment period for the EA. Public notice was placed in The Lakeland Times and the Northwoods River News, local newspapers of general circulation. The notice of the proposal and EA was also posted on NTIA's website for national exposure. The notice described the proposed project and comment process and provided guidance on where to view the document and federal points of contact. The comment period began on December 08, 2023, and concluded on January 07, 2024. No comments were received by the NTIA or BIA.

Decision

The NTIA and BIA conclude that constructing and operating the project as defined by the preferred alternative, identified BMPs, and protective measures, will not require additional mitigation. A separate mitigation plan is not required for the project. The analyses indicate that the Proposed Action is a major federal action that will not significantly affect the quality of the human environment. The NTIA and BIA have determined that preparation of an EIS is not required.



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