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Finding of No Significant Impact

Zayo Group, LLC (08-40-MM216)

U.S. Department of Commerce
National Telecommunications and Information Administration

Finding of No Significant Impact

National Telecommunications and Information Administration

Middle Mile Grant Program

Zayo Oregon-NorCal-Nevada Middle Mile

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). NTIA has completed the sufficiency review of the recipient's Environmental Assessment (EA) and has determined that the project will not have a significant impact on the environment. The FONSI contains information related to the review.

Recipient Name:	Zayo Group, LLC
Grant Project Name:	Zayo Oregon-NorCal-Nevada Middle Mile
Grant Award No.	08-40-MM216
Program Location:	Oregon, Northern California, Western Nevada

Program Summary

The NTIA awarded a grant for Zayo Group, LLC, through the Middle Mile (MM) Grant Program, authorized by the Infrastructure Investment and Jobs Act of 2021, Division F, Title IV, Section 60401, Public Law 117-58, 135 Stat. 429 (November 15, 2021) (Infrastructure Act or Act), also known as the Bipartisan Infrastructure Law. The MM program provides funding to encourage the expansion and extension of middle mile infrastructure to reduce the cost of connecting unserved and underserved areas to the backbone of the Internet (commonly referred to as the ''last mile'') and to promote broadband connection resiliency through the creation of alternative network connection paths that can be designed to prevent single points of failure on a broadband network. The Zayo Group, LLC project is called Zayo Oregon-NorCal-Nevada Middle Mile and proposed activities are scheduled to occur in Oregon, Northern California, and Western Nevada.

Zayo Group, LLC completed an EA for the Bureau of Land Management (BLM) for this Project in May 2022. NTIA reviewed the EA, determined it is sufficient, and adopted it as part of the development of this FONSI.

The Project includes:

- Construction and installation of a fiber optic communication system beginning in Prineville, Oregon and terminating in Reno, Nevada.
- Three 1.25-inch-diameter, high-density polyethylene (HDPE) conduits will be bundled and buried in a single furrow/trench along existing roads and highway Rights-of-Way (ROW) in South-Central Oregon, Northeast California, and Western Nevada.

Prior to NTIA adoption of the BLM EA, Zayo privately funded construction for large portions of the project in Oregon and Nevada. California project segments have not been constructed except for one in line amplification hut because Zayo is waiting for State Public Utilities

Commission approval. Rural access equipment still needs to be installed along the entire route including Oregon, California, and Nevada.

Based on a review of the analysis in the EA, NTIA has 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 adopted BLM EA and NTIA FONSI are available to all interested persons and the public through the NTIA website (www2.ntia.doc.gov/) and the following contact:

Amanda Pereira

Environmental Program Officer, Grants Management and Compliance
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Project Purpose and Need

The purpose of the project is to improve the quality of rural broadband in south-central Oregon, northeastern California, and western Nevada. This project would provide broadband connectivity from the Prineville hub to Bend, La Pine, and Lakeview in Oregon; Alturas and Susanville in California; and the greater Reno/Sparks metropolitan area. The project is important to these communities for providing redundant and alternative bandwidth services to resolve reliability issues the residents experience due to their limited bandwidth infrastructure options.

To meet the needs of a truly redundant system, the fiber-optic line needs to provide expanded and alternative bandwidth in the case of an emergency or catastrophic event, such as fire and windstorms. It also needs to be separate from existing infrastructure. This is to ensure that it is not vulnerable to the same outages that the current corridors are susceptible to.

Project Description

The Proposed Action (preferred alternative) consists of three 1.25-inch-diameter, high-density polyethylene conduits that are bundled for installation and buried in a single furrow/trench. The bundle of three conduits would be installed along the majority of the route, with additional conduits installed at the following locations for added redundancy; this would not change the conduit footprint or installation method:

- The location from the Oregon/California state line to Davis Creek, California, would have four conduits.
- The location from Davis Creek, California, to Alturas, California, would have six conduits.
- The location from Alturas, California, to Standish, California, would have five conduits.

The fiber-optic line would link distribution lines throughout the system. Related facilities would include buried fiberglass handholes or vault bodies, or both, used to house fiber-optic splice cases and pedestals; these would provide access for maintenance. Precast utility vaults would protect and provide access to fiber-optic utility cabling.

Except where conduits may be attached to bridges, the conduits and handholes/vault bodies would be buried approximately 36 inches, with access lids at the ground surface. The conduits and handholes/vault bodies would be placed, in part, approximately 5 to 8 feet off the edge of the existing pavement or gravel road. The exception would be in areas where the line is required to be at the edge of the ROWs to avoid sensitive features, or as required by another approving agency. Vaults would be installed approximately every 2,500–3,500 feet along the entire alignment, resulting in approximately 144 to 202 vaults.

Construction is anticipated to take approximately 10 months to complete. The proposed alignment would be within previously disturbed areas in existing ROWs, to the extent feasible; however, if vegetation has regrown in the previously disturbed ROWs, some minor vegetation clearing may be required, using hand tools, such as clippers and chainsaws. Removing trees or shrubs outside the road ROWs is not anticipated.

The project assumes a 20-foot-wide construction corridor would be necessary on one side of the road, depending on site-specific conditions and resource concerns. The long-term corridor width for operation and maintenance would average 10 feet.

Staging areas would not be cleared, flattened, graded, or stripped of topsoil. Equipment would run over the existing disturbed ground surface. No long-term (multiple days, but not to exceed one week) project staging or laydown areas are proposed within ROWs; however, short-term (1 or 2 days), overnight staging of equipment on existing disturbed ground within the ROWs may be needed at locations identified and approved in advance by the appropriate authority. Several potential staging areas have been identified, but final locations would be determined in consultation with the appropriate approving authority. See the adopted BLM EA for further details on the proposed action.

Rural access network equipment will be installed along the entire route (Oregon, California, Nevada).

Analysis of Alternatives

NTIA 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.

***No Action Alternative**:* This alternative represents conditions as they currently exist in Oregon, California, and Nevada. Under the no action alternative, new middle mile infrastructure would not be constructed. Many rural communities would continue to be unserved or underserved with respect to broadband internet access.

Alternatives Considered but Not Carried Forward: The recipient also considered the following alternatives:

1. Installing aboveground, pole-mounted lines as an alternative to subsurface construction. The disadvantages of an aerial line are the increased visual disturbance, increased risk of outages from natural disasters or vandalism, and increased operation and maintenance costs. For these reasons and because it would be technically or economically infeasible, aerial construction was generally dismissed as a practicable alternative.
2. The Proposed Action is the shortest route considered. The applicant considered other routes, but all were longer than the proposed alignment, given the service requirements to connect the fiber-optic line through Bend and La Pine, Oregon; thus, longer routes were generally dismissed as practicable alternatives because they were economically infeasible.

Findings and Conclusions

The recipient's NTIA adopted BLM EA and supporting environmental and historic preservation documentation 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	Preferred Alternative	No Action Alternative	No Action Alternative
	No Significant Impact	Significant Impact	No Impact	Significant Impact
Noise	X		X	
Air Quality (including greenhouse gases [GHGs])	X		X	
Geology and Soils	X		X	
Water Resources	X		X	
Biological Resources	X		X	
Historic and Cultural Resources	X		X	
Aesthetic and Visual Resources	X		X	
Land Use	X		X	
Infrastructure	X		X	
***Socioeconomic Resources**		X		X
***Human Health and Safety**		X		X

*Construction of the preferred alternative is anticipated to provide beneficial impacts to socioeconomic resources and human health and safety. The no action alternative is anticipated to have negative impacts to these resource categories.

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.

Noise

This project will have no impact on noise during long-term operation. However, short-term increases in ambient noise levels are expected during the construction period. Noise impacts to the Greater Sage Grouse (GRSG) were reviewed, but any noise associated with the project will occur next to the highway which has the potential to be louder than the actual work itself. Based on these considerations, no significant impacts on noise are expected to occur as a result of project implementation.

Air Quality

Vehicles will not be operating on bare soil. When equipment operates on bare soil, dust control will be used to prevent track out. Any sediment on paved roadways will be swept back into the project area and stabilized. Water for dust control may be used to prevent migration of sediment to paved surfaces. With these measures in place, the project is not expected to result in significant adverse impacts to air quality.

Geology and Soils

Soils within the project area are predominately classified as hydrologic group D, soils having a very slow infiltration rate and high to very high runoff potential. Soils are predominately classified as sandy loam, clay, or gravelly with a low erosion potential. The construction plan limits the length of time soils will be disturbed by immediately filling in trench dug for line placement. Silt fencing will be used to delineate the perimeter of directional drilling pits and soil stockpiles. This linear project is along the paved ROW. Equipment/vehicles will not operate on bare soils thus preventing the track out of sediment. With these measures in place, the project is not expected to result in significant adverse impacts on geology or soils.

Water Resources

Wetlands would be avoided by installing fiber-optic cable in conduits along bridges or by using Horizontal Directional Drilling (HDD). In addition, preventive measures, detailed in the stormwater pollution prevention plan would be implemented to ensure any construction-related erosion, sediment runoff, and discharge of other pollutants into adjacent waterways would not occur. Therefore, effects on wetlands and riparian vegetation are not likely, and any disturbance would be minimal and temporary.

Biological Resources

According to the USFWS Information and Planning Consultation (IPaC) tool, Endangered Species Act (ESA) species including one bird, one amphibian, three fish, one plant, and two insect species have the potential to occur in the project ROW. No critical habitats were identified for the wildlife species and the plant species (Webber's ivesia) does have critical habitat.

Common Name	Scientific Name	Status
	Birds	
Yellow-billed cuckoo	*Coccyzus americanus*	Threatened
	Amphibians	
Oregon spotted frog	*Rana pretiosa*	Threatened
	Fish	
Lahontan cutthroat trout	*Oncorhynchus clarkii henshawi*	Threatened
Lost river sucker	*Deltistes luxatus*	Endangered
Shortnose sucker	*Chasmistes brevirostris*	Endangered
	Insects	
Carson wandering skipper	*Pseudocopaeodes eunus obscurus*	Endangered
Monarch butterfly	*Danaus plexippus*	Candidate
	Plants	
Webber's ivesia	*Ivesia webberi*	Endangered

NTIA's analysis of the BLM EA revealed that further analysis needed to occur to determine effects to the ESA listed fish species, Yellow-billed cuckoo, Oregon spotted frog, Webber's ivesia, and Carson wandering skipper. The NTIA undertook a Biological Assessment for the Oregon spotted frog, Webber's ivesia, and Carson wandering skipper.

The Lahontan cutthroat trout, Lost River sucker and Shortnose sucker all subsist in aquatic environments. There would be no direct or indirect impact to water resources therefore the NTIA made a no effect call for these three species.

The federally listed Webber's ivesia is not located within the ROW and would not be directly affected. This Action Area occurs approximately 1,180 feet from the edge of 5-acres of Webber's ivesia occupied habitat and approximately 370 ft from the edge of one, 122-acre unit of its designated critical habitat. The Action Area is also adjacent to the western boundary of this unit of Webber's ivesia designated critical habitat. However, the habitat within the Action Area is frequently disturbed as it's within ROW and along the road shoulder.

In addition, Best Management Practices (BMPs) detailed in the BLM BA for Webber's ivesia would be implemented to ensure any potential indirect effects from construction- and maintenance-related activities would not occur. These BMPs would minimize the potential that construction- and maintenance-related activities would result in further noxious and invasive plant establishment and spread, increased wildfire risk, or plant and habitat damage due to inappropriate herbicide use.

None of the reasonably foreseeable future actions are anticipated to occur at the same time as the Proposed Action. Also, the Proposed Action would have no impacts, or it would have minimal temporary impacts. The Proposed Action includes implementation of BMPs and stipulations to minimize impacts. Therefore, there would be no impacts on Webber's ivesia or its designated critical habitat from the BLM ROW that would occur later in time or farther removed in distance.

Yellow-billed Cuckoos use wooded habitat with dense cover and water nearby, including woodlands with low, scrubby, vegetation, overgrown orchards, abandoned farmland, and dense thickets along streams and marshes. In the West, nests are often placed in willows along streams and rivers, with nearby cottonwoods serving as foraging sites. Vegetation removal is limited to minor clearing of grasses and shrubs, if necessary, through Modoc National Wildlife Refuge and no trees with a diameter at breast height (dbh) >8 inches would be allowed to be removed through National Forest Units. This project would not impact riparian habitat, therefore the NTIA made a determination of no effect for this species.

Although there are Saltgrass communities within the Action Area, these vegetation communities are not suitable habitat for the species, as determined by the BLM during coordination in April of 2020. The Project will have no direct or indirect impacts to Carson wandering skipper habitat due to the Project impacts occurring within road right-of-way which is frequently disturbed; therefore, the Project will have no effect on Carson wandering skipper or its habitat. Carson wandering skipper does not currently have any designated critical habitat.

For the Oregon Spotted Frog, the Action Area occurs adjacent to suitable habitat for this species which is associated with Paulina Creek where it crosses U.S. Highway 97 near La Pine, Oregon. Project design features have been established to avoid impacts outside the disturbed OR Department of Transportation (DOT) road shoulder, minimize disturbance by using HDD methods and seasonal restrictions; therefore, there are no direct or indirect effects on this species or its habitat, as they will be avoided. The habitat within the Action Area is frequently disturbed as it's within the disturbed OR DOT road shoulder and work will be confined to these areas; therefore, the NTIA determined the Project will have no effect on this species or its habitat.

The Proposed Action also would include implementation of BMPs and stipulations to minimize impacts. Therefore, there would be no impacts on migratory birds from timing or seasonal restrictions.

Historical and Cultural Resources

The BLM approved an Area of Potential Effect (APE) for considering potential effects to cultural resources resulting from the proposed project. The horizontal APE varies in width from 60 to 600 feet, depending on access, current land use, or disturbance; it averages 200 feet across. The APE includes previously surveyed areas and new surveys conducted for this project.

The APE defines all areas that may be affected from general construction activities, but no surface disturbance is proposed. The area of direct impact (ADI) defines the area that will be directly impacted by the placement of the fiber-optic line. An ADI for the project encompasses all areas of direct ground disturbance associated with construction, including all areas that would be subject to furrowing, trench installation, vault installation, and directional boring. The horizontal extent of the ADI is expected to not exceed 18 inches across for furrowing and trench installation. The vertical ADI for furrowing, trenching, and vault excavations would not exceed 42 inches, though deeper excavations would be required for directional boring to bypass sensitive areas or paved roads. The vertical ADI (height) would be approximately 11 feet for the in-line amplifier stations. Temporary staging areas would not require grading, grubbing, or clearing and would not be considered part of the ADI, though they would be confined to the ROW boundaries. The Nevada State Historic Preservation Office (SHPO) concurred with a No Historic Properties Affected determination April 27, 2022. The Oregon SHPO provided concurrence with a Section 106 determination of no adverse effect on December 21, 2022. The California SHPO concurred with a no adverse effect determination on June 16, 2023.

Potential tribal interests in the project area may include a wide range of overlapping economic, social, traditional, and religious practices and uses. There is a responsibility to consult with tribes to consider the conditions necessary to satisfy their concerns and to ensure they can continue traditional uses in interest areas. Confidential ethnographic studies have been prepared to support project consultation and an understanding of particular places and the tribal values associated with them.

The applicant (Zayo Group) conducted outreach and informal coordination with Native American tribes and requested information regarding the potential for affecting sensitive Native American resources, including traditional cultural properties and traditional cultural resources. The applicant sent letters to federally and non-federally recognized tribes with potential interest in the project area. The applicant also reviewed the National Register of Historic Places (NRHP), the Nevada State Register of Historic Places, the Oregon Historic Sites Database, the California Register of Historic Places (CRHR), and the California Sacred Lands File to identify any tribal resources that are already formally listed or recorded. The applicant also conducted informational meetings regarding the project with the Burns Paiute Tribe, the Klamath Tribes, the Pit River Tribe, and the Washoe Tribe, usually with the BLM in attendance.

The Klamath, Burns Paiute, and Washoe Tribes reached out to the applicant requesting that a monitor work during testing efforts within ancestral lands. Zayo Group's consultant, Stantec, has accommodated requests for tribal monitors to be present during survey/testing and construction, and has incorporated reviews and information regarding tribal sensitivity into reporting efforts. Zayo Group LLC also worked with the Pit River Tribe regarding the XL Ranch ROW permit.

The BLM formally initiated consultation on the overall project, as well as on the Archaeological Resources Protection Act permit, through notification letters sent to the following tribes:

Burns Paiute Tribe	Confederated Tribes of the Warm Springs Reservation of Oregon
Klamath Tribes	Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
Pit River Tribe	Washoe Tribe of California and Nevada
Greenville Rancheria	Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
Susanville Indian Rancheria	Reno-Sparks Indian Colony, Nevada
Modoc Nation	Alturas Indian Rancheria of California

The BLM prepared a programmatic agreement (PA) with consulting parties including multiple Tribes and SHPOs. This programmatic agreement addresses a phased approach for submission of cultural resource compliance reports for each state. Communication and consultation efforts are continuing and will continue through the life of the project.

No reasonably foreseeable future major actions are anticipated to occur at the same time as the Proposed Action. Cultural resources or tribal values could be impacted from actions that are not subject to review or that are inadvertent. Also, with implementation of the measures outlined in the PA, the Proposed Action would result in a reduced potential for unmitigated impacts on cultural resources and tribal values in the ROW. Based on the above there would be no significant impacts to historic and cultural resources.

Land Use

Right of Way (ROW) permits were obtained by Zayo Group, LLC from the following agencies: BLM; Modoc National Wildlife Refuge; Bureau of Indian Affairs (BIA), Northern California Agency; California, Nevada, and Oregon Departments of Transportation (DOT). Special Use Permits were obtained from the Fremont-Winema and Humboldt-Toiyabe National Forests. The California project received final approval under the California Environmental Quality Act (CEQA). Other state and local permits are obtained as well.

Cumulative Impacts

As described throughout this FONSI, the project will not have significant adverse impacts on any of the environmental resource areas evaluated in the EA. As such, no cumulative impacts on the environment are anticipated.

Public Comment

A letter was sent to interested parties notifying them of the availability of the Draft EA and giving the web address to access the EA and unsigned BLM FONSI. In addition, a notice was posted in the local newspaper and/or a press release was issued for each of the affected BLM district offices on March 18, 2022. The BLM received four comments. These comments are available for review at the BLM Lakeview District Office; 1301 South G Street; Lakeview, OR 97630. None of these comments were substantive. Two of the comments were generally supportive of the project. One of the comments listed specific requests in terms of cultural resources. One of the requests reminded the BLM and applicant to follow proper water permitting regulations within the State. The cultural resources requests are addressed in the stipulations that are in place as part of the PA (Appendix I of the BLM EA).

Mitigation

The following mitigation measures will be implemented as part of this project:

1. BMPs detailed in the BLM EA Appendix on page C-9 for Webber's ivesia would be implemented to ensure any potential indirect effects from construction- and maintenance-related activities would not occur. These BMPs would minimize the potential that construction- and maintenance-related activities would result in further noxious and invasive plant establishment and spread, increased wildfire risk, or plant and habitat damage due to inappropriate herbicide use.

2. The use of herbicides, which harm or kill Webber's ivesia pollinators, must not be used during the bloom period of April 1 to June 1 in the areas thar are within three (3) miles of designated critical habitat or occupied habitat.

3. Vegetation removal is limited to minor clearing of grasses and shrubs, if necessary, through Modoc National Wildlife Refuge and no trees with a diamter at breast height (dbh) >8 inches would be allowed to be removed through National Forest Units.

4. Prior to removal, all trees and vegetation would be surveyed by a qualified wildlife biologist to confirm the absence of nesting migratory birds during the bird breeding season. If nesting migratory birds are located, a 300-foot no-cut buffer would be enforced around the nest site until after the young have fledged. Spatial and temporal stipulations specific to each species of migratory birds are detailed in the EA Appendix C. Any additional raptor nests found would be subject to the restricted dates and buffer distances dependent on the species, as found in EA Apprendix C. These measures would be implemented to avoid any disturbance to migratory birds and raptors during crucial nesting periods. Therefore, seasonal and spatial restrictions would minimize or avoid any effects on migratory birds.

5. Cultural sites do exist in several areas along the route. These sites will be avoided by moving the running line to ensure no adverse impacts where possible, in the locations where this may no be possible the effect to the resources will either be minimized, mitigated, or resolved as determined in consultation with local tribes and as discussed in the PA and Treatment Plan attached to the BLM EA in Appendix I.

6. Zayo Group's consultant, Stantec, has accommodated requests for tribal monitors from the Klamath, Burns Paiute, and Washoe Tribes to be present during survey/testing and construction.

7. There are features within the Project Area listed or eligible for listing in the NRHP. However, any sites have been avoided, or potential impacts to sites have been minimized, mitigated, or resolved in consultation with local tribes and SHPOs. The PA and Treatment Plans can be found attached to the BLM EA in Appendix I.

Decision

NTIA concludes 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 not a major federal action that will significantly affect the quality of the human environment. NTIA has determined that preparation of an EIS is not required.

Issued on October 20, 2023 by:

AMANDA PEREIRA

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