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# INTERNET FOR ALL

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## Finding of No Significant Impact

*Standing Rock Telecommunications Inc.*  
(NT22TBC0290078)



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

# Finding of No Significant Impact

## National Telecommunications and Information Administration

### Tribal Broadband Connectivity Program

Standing Rock Tribal Broadband Project: Black Horse Butte, Little Eagle SE, Morristown SE, and SW Solen Antenna Towers

## Overview

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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) Great Plains Regional Office 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 FONSI contains information related to the review.

Recipient Name:	Standing Rock Telecommunications Inc.
Grant Project Name:	Standing Rock Tribal Broadband Project: Black Horse Butte, Little Eagle SE, Morristown SE, and SW Solen Antenna Towers
Grant Award No.	NT22TBC0290078
Program Location:	Standing Rock Indian Reservation, North and South Dakota

## Program Summary

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The NTIA awarded a grant to Standing Rock Telecommunications Inc., 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 Standing Rock Telecommunications Inc. project is called Standing Rock Tribal Broadband Project: Black Horse Butte, Little Eagle SE, Morristown SE, and SW Solen Antenna Towers and proposed activities are scheduled to occur on the Standing Rock Indian Reservation (hereafter Reservation) in North and South Dakota.

Standing Rock Telecommunications Inc. completed an EA for this Project in August 2024. NTIA and the BIA reviewed the EA and determined it is sufficient. NTIA has adopted it as part of the development of this FONSI.

The Project includes:

- **Project Activity 1 (Preferred Alternative):** Construction and maintenance of four new wireless towers to expand the range and strength of broadband coverage throughout the service area on the Reservation.

Based on a review of the analysis in the EA, 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.gov/funding-programs/documentation-and-reporting>) and the following contact:

Amanda Pereira

Environmental Program Officer  
Office of Internet Connectivity and Growth (OICG)  
National Telecommunications and Information Administration  
U.S. Department of Commerce Room 4874  
1401 Constitution Avenue, NW Washington, DC 20230

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## Project Purpose and Need

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The purpose of the project funded by NTIA's grant award is to upgrade to 15 existing tower sites to replace aging equipment and enable 4G/5G development, and to construct four new wireless towers to expand the range and strength of coverage throughout the service area.

The need for the project is to improve access to and use of broadband services among Standing Rock Sioux tribal members. The project would take place entirely on tribal lands, both allotted and trust lands, and would connect approximately 1,000 underserved tribal households with 50 megabytes per second (Mbps)/10 Mbps fixed wireless service. In addition, the construction of the four wireless towers would help to alleviate the current challenges faced by residents and first responders in accessing broadband services on the Reservation. Furthermore, the towers would serve as a valuable redundancy measure for Standing Rock Telecommunications, Inc.'s network by providing increased accessibility for potential fiber connectivity to enhance both the fixed wireless network and mobile broadband offerings in the area. In addition, the construction of the towers would alleviate congestion in tribal radio frequencies, preventing overuse and ensuring optimal performance. Ultimately, the construction of the four additional wireless towers would improve access to telehealth, remote learning, workforce development, e-commerce, and public safety for tribal members living on the Reservation.

Under the National Environmental Policy Act (NEPA) of 1969, as amended, NTIA must review proposals for projects utilizing federal funding provided by the agency. According to a January 2023 NTIA memorandum, the two main components of the Standing Rock Tribal Broadband Project have independent utility, and the proposed upgrades to the 15 existing tower sites can work as intended wholly separately from the proposed construction of the four new wireless towers, therefore the two components are to be analyzed separately for purposes of NEPA compliance (Pereira 2023). The environmental assessment (EA) analyzed the NTIA's potential approval of the proposed construction and maintenance of the four new wireless towers, including the direct, indirect, and cumulative impacts, in order for the NTIA to issue a determination of effect in compliance with NEPA. The proposed towers would be located entirely on tribal land, including both allotted and trust lands. This NEPA review complies with the regulations of the Council on Environmental Quality (CEQ), 40 Code of Federal Regulations (CFR) parts 1500 through 1508.

## Project Description

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The following is a description of the Project:

Four new wireless towers would be constructed to expand the range and strength of broadband coverage throughout the service area on the Reservation. Generally, construction for each tower would include an approximately 100 foot by 100 foot "lease area" that would encompass a fenced 50 foot by 50 foot area where the tower would be located (i.e., "the compound"), an access road, a 20-30 foot by 100 foot gravel turnaround between the access road and lease area, and three fenced guy wire anchor points. A 30-foot utility easement would surround the access road, the three guy wire anchor points, and the areas running from the guy wire anchors to the lease area. Applicable utilities (e.g., electrical, broadband fiber, etc.) would be installed

underground or aerially within the utility easement. The lease area, guy wire anchor points, access road, and associated utility easements would make up the “site” and all four sites would constitute the Project Area. Above-ground propane Generac Generators would be used as backup power systems. The towers would range in height from approximately 300-400 feet. Tower lighting would follow Federal Aviation Administration and Federal Communications Commission guidelines and LumenServe, a tower lighting company, would maintain the tower lights, including keeping the lights in compliance with federal regulations. General construction for each site would take approximately 3 weeks; construction details applicable to all four sites are summarized below. In addition, specifics about each site, including site name, location, tower height, etc. are also described below.

### **General Construction Details**

Site preparation would generally include clearing trees, brush, and debris from each of the four sites. All waste materials, including but not limited to, stumps and debris would be removed from the Project Area and disposed of properly. For excavation and site grading, the contractor would excavate each site to the depth of approximately 6 feet (for the towers) and grades shown on the construction plans for that site. Standard industry practices for site preparation would be conducted including the use of excavators and trenchers. On-site materials or imported fill would be used for site grading. All finished surfaces would be graded to drain from the foundation, provide proper ditching and routing of surface water, and avoid ponding and erosion. Furthermore, all exposed soil would be properly reclaimed, reseeded with a native seed mix, and protected from erosion.

The 12-foot-wide access roads would only be graded, and no base material would be applied. The compound would be constructed using crushed aggregates, and/or other locally available and acceptable road base material.

A staging area would be used for the tower construction and be approximately 5 acres (within the tower footprint). All vegetation that was temporarily disturbed for the staging area would be properly reclaimed, revegetated by reseeded with a native seed mix, and protected from erosion. A concrete truck would be used to lay a concrete pad to serve as the tower foundation within the compound. A crane would be used to erect the tower, which would take approximately 3 days. Within 24 hours of the tower being erected, the compound would be fenced (permanently or temporarily) for security. The guy wire anchors would be installed at a minimum depth of 6 feet below the finished grade and the surrounding area would be fenced.

All utilities would be trenched along access roads within the 30-foot utility easement. Underground utilities at each tower site would be installed by either using a trencher, backhoe, or excavator. The excavation depth for the installation of the utilities would be less than 6 feet.

A communications hut would also be constructed consisting of a shelter with a concrete pad; the shelter would be approximately 10 feet by 12 feet.

The Project Area would be kept free from the accumulation of waste caused by the construction crews throughout the construction process. At the completion of the construction work, all waste and non-construction material would be removed; all four sites would be left clean and ready to use. In addition, a native seed mix would be planted, watered, and otherwise maintained at each site. All exposed areas of soil would be protected against washouts, minimize soil erosion, and stabilize slopes through the use of various mitigation measures (e.g., straw blankets,

reseeding of vegetation, etc.; additional information on best management practices [BMPs] is further discussed in the EA Section 5.3, Geology and Soils). Final stabilization of revegetation would be considered achieved once 70% or more of the cover that was provided by vegetation native to local undisturbed areas is achieved, as defined by the USEPA 2022 Construction General Permit for Stormwater Discharges from Construction Activities (US EPA 2022). Following the 70% revegetation achievement, stormwater BMPs would be removed.

### *Ongoing Maintenance*

Generally, ongoing maintenance of the four new wireless towers would be completed on a three-year maintenance schedule. General maintenance could include checks on grounding, guy wire tension, and generator backup systems (i.e., propane); structural assessments; light replacement; and/or battery replacement. In addition, periodic maintenance (e.g., ensuring the power system is operational) would occur annually and mowing around the shelter and fencing (no herbicides) would occur as needed.

### *Wireless Tower Site Specifics*

#### Black Horse Butte

The Black Horse Butte site would be located approximately 15 miles south of McIntosh, SD, in the Northeast quarter (NE ¼) SW ¼, Section 7, Township 20 North (T20N), Range 23 East (R23E), Corson County, South Dakota (SD). The site, which includes the lease area, guy wire anchor points, access road, and associated utility easements, encompasses approximately 0.9-acre and would be located on allotted land. The approximate depth of excavation for the tower would be less than approximately 6 feet. The access road would run approximately 360-feet from SD State Highway 65 to the lease area. A culvert would be placed along the access road within the right-of-way for SD State Highway 65 to allow and facilitate the natural flow of drainage and existing topography, and a cattle guard would also be installed along the access road. The tower would be built to 304 feet, and the three guy wire anchors would be installed approximately 240 feet from the tower.

#### Little Eagle SE

The Little Eagle SE site would be located approximately 6 miles southeast of Little Eagle, SD, in the NW ¼ SE ¼, Section 20, T19N, R27E, Corson County, SD. The site, which includes the lease area, guy wire anchor points, access road, and associated utility easements, encompasses approximately 1.5 acres and would be located on tribal trust land. The approximate depth of excavation for the tower would be less than approximately 6 feet. The access road would run approximately 155-feet and would be tied into an existing gravel drive that provides access to SD State Highway 63. The existing gravel drive would be improved as needed through gravel overlay. A cattle gate would be placed along the access road. The tower would be built to approximately 400 feet, and the three guy wire anchors would be installed approximately 320 feet from the tower.

#### Morristown E

The Morristown E site would be located approximately 3 miles southeast of Morristown, SD, in the N ½ NW ¼ Section 28, T23N, R20E, Corson County, SD. The site, which includes the lease area, guy wire anchor points, access road, and associated utility easements, encompasses approximately 1 acre and would be located on allotted land. The approximate depth of excavation for the tower would be less than approximately 6 feet. The access road would run approximately 250-feet and would be tied into an existing gravel road (i.e., 223<sup>rd</sup> Avenue). The

tower would be built to 304 feet, and the three guy wire anchors would be installed approximately 240 feet from the tower.

### SW Solen

The SW Solen site would be located approximately 8 miles southwest of Solen, ND, in the N ¼, Section 30, T133N, R81W, Sioux County, North Dakota (ND). The site, which includes the lease area, guy wire anchor points, access road, and associated utility easements, encompasses approximately 1.1 acres and would be located on tribal trust land. The approximate depth of excavation for the tower would be less than approximately 6 feet. The access road would run approximately 460-feet and would be tied into an existing gravel road (i.e., 76<sup>th</sup> Street SW). In addition, an approximately 300-foot long, 30-foot-wide utility easement would run west from the lease area to an existing overhead utility line located west of the site. An underground or aerial electrical utility conduit is planned for that utility easement, which would be connected to the existing overhead utility line to provide power for the site. If the electrical utility requires an underground approach, then it would be laid with a trench and the potentially disturbed land is included in the approximate acreage noted above and is included in the planned ROW. The tower would be built to 304 feet, and the three guy wire anchors would be installed approximately 240 feet from the tower.

## Analysis of Alternatives

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The recipient's EA includes an analysis of the alternatives for implementing the project to meet the purpose and need 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.

**Alternative 1 (Preferred Alternative):** Construction and maintenance of four new wireless towers to expand the range and strength of broadband coverage throughout the service area on the Reservation.

**Alternative 2:** Other site locations on the Reservation would be used for the construction of the four wireless towers. This alternative presented issues with access and certain sites' abilities to best serve those areas in the utmost need.

**No Action Alternative:** No action was also considered (i.e., the four wireless towers would not be constructed, and residents of the Reservation would remain underserved in regard to wireless connectivity). 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.

**Alternatives Considered but Not Carried Forward:** Standing Rock Telecommunications Inc., also considered the following alternative:

A total of four other locations on the Reservation were considered for siting the four wireless towers, in addition to the four locations presented under the Proposed Action. Determining potential tower sites required consideration of land ownership, Universal Mobile Telecommunications Service (UMTS) Received Signal Code Power (RSCP) predictions (i.e., the anticipated signal strength of an area), current land uses, ease of access, and the ability of the site to best serve those in the utmost need.

Standing Rock Telecommunications Inc., eliminated this alternative from further consideration based on the following reason:

Due mainly to access issues and/or the ability of a site to best serve those in utmost need, other potential tower locations were eliminated from further analysis.

For example, one particular site in the Other Tower Locations alternative that was considered but eliminated from further discussion, was due to the site being in an area that was defined as a “dead zone” for cellular mobility due to the terrain and deep isolation. Therefore, this site was eliminated because no provider would have had enough service to hold a call at that site. The other three sites in the Other Tower Locations alternative were eliminated due to no access to the sites and they were not in the area that was in a crucial need for coverage.

## 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 Impact	No Impact
Aesthetic and Visual Resources	No Significant Impact	No Impact
Land Use	No Significant Impact	No Impact
Infrastructure	No Significant Impact	No Significant Impact
Socioeconomic Resources	No Significant Impact	No Significant Impact
Human Health and Safety	No Significant Impact	No Significant 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 provides a summary of the results of required consultation with the appropriate agency or agencies.

### Noise

The project would have negligible to minor adverse impacts over the short and long term. During construction, noise generated from necessary construction equipment would be temporary and minor, and limited to the local area around each tower. In addition, the towers are located in a rural area and noise caused from construction is anticipated to be minimally adverse over the short term. To reduce noise impacts during construction, the operation of construction equipment would be limited to operate during daylight hours, limiting the timeframe of noise exposure. During operations, primary noise sources at the towers include cooling units, backup generators, and occasional pickup trucks. Any noise from backup generator operations would be a temporary impact and limited to the local



area. Noise from the daily operations of the towers would not likely be heard at residences in the vicinity of the towers.

### *Air Quality*

Construction activities would generate negligible fugitive dust emissions, limited to the local area around the tower site through the use of require heavy equipment, passenger vehicles, and the removal and addition of ground cover. BMPs would be used to control fugitive dust during the construction phase of the project, including dust suppression efforts via water trucks or other methods and reseeding and revegetation of the disturbed areas. During operations of the project, the electrical demand and overall contribution to greenhouse gases and climate change through energy consumption is negligible over the long term. Both the states of North and South Dakota have air monitoring programs that require air permitting for construction activities; however, in this case both states do not require an air permit for the construction of the towers. Based on this analysis and the implementation of the BMPs, construction of the four new wireless towers could occur with no significant adverse impacts on air quality.

### *Geology and Soils*

The project would result in no impacts to geologic resources. The project would result in adverse minor to moderate impacts to soils over the short and long-term as a result of excavation and trenching for infrastructure and utilities installation. There are no soils designated as Prime Farmland by the Natural Resources Conservation Service (NRCS), however, some soils classified by NRCS as Farmland of Statewide Importance and Prime Farmland if Irrigated are present. Farmland Conversion Impact Rating Forms have been completed and coordination with NRCS for the Farmland Protection Policy Act (FPPA) would be completed before construction. During and after construction, BMPs for erosion control would be implemented to stabilize soils and reduce erosion. In addition, any areas identified to be eroded, collapsed, or deemed insufficient in any other way would be repaired post construction on an as needed basis. Based on this analysis and the implementation of the BMPs, construction of the four new wireless towers could occur with no significant adverse impacts on geology and soils.

### *Water Resources*

Project construction activities would result in no impacts to surface water resources (i.e., lakes and rivers), coastal zones, estuaries, inter-tidal areas, floodplains, wild and scenic rivers within the Project Area. Impacts to groundwater are anticipated to be negligible to minor over the short and long-term with the application of applicable BMPs and the prevention of chemical releases to the environment during construction activities. Based on this analysis and the application of the BMPs, construction of the four new wireless towers could occur with no significant adverse impacts on water resources.

### *Biological Resources*

The project would result in negligible to minor adverse impacts on biological resources. Based on a letter dated March 19, 2024, and with a concurrence from U.S. Fish and Wildlife Service (USFWS) on April 30, 2024, the project as described would not adversely affect federally listed or proposed species and/or designated critical habitat(s). USFWS provided concurrence with a determination of "no effect" to the endangered pallid sturgeon and a determination of "may affect but is unlikely to adversely affect" the threatened piping plover, the threatened Rufa red

knot, and the endangered whooping crane. There are no critical habitats located within or overlapping the Project Area. The USFWS recommended conservation measures to avoid and minimize impacts to listed species, bald eagles, and migratory birds. There would be negligible to minor adverse impacts to migratory birds, bald and golden eagles, and common wildlife. Additionally, no impacts to wetland habitats would occur and impacts to vegetation given the small acreage size when compared to the total acres of native vegetation within the Reservation, the total impacts to vegetation would be minimal. Based on this analysis and following the guidance of the USFWS, construction of the four new wireless towers could occur with no significant adverse impacts on biological resources.

### *Aesthetics and Visual Resources*

The project would have negligible to minor long-term impacts on aesthetic and visual resources. The tower locations are generally rural in nature with a wide-open view scape with little to no other infrastructure; or adjacent to already disturbed areas with infrastructure (e.g., roadways, transmission lines, train route, and residential areas); or well off the nearby highway where bluffs and rolling topography naturally limit visual interference from the road. Lighting from the tower sites would be visible likely from 6 miles away; however, there are none or minimal homes around the tower sites. There are no listed monuments, national parks, or state interest sights near the tower sites. Accordingly, the project is not expected to have a significant adverse impact on aesthetic and visual resources in the Project Area.

### *Land Use*

Impacts to land use from the project would be negligible and would be limited to the local area around the tower sites. The tower sites would be placed on land that was utilized for agricultural purposes. The land would no longer be available for agricultural purposes; however, it would not result in a change to developed land and it would not prevent agricultural uses from occurring adjacent to or nearby. Coordination with NRCS for FPPA would be completed before construction; though conversion of a minimal amount of prime farmland would occur on some of the tower sites. Therefore, the project would have no significant impact on land use.

### *Infrastructure*

Project construction activities to nearby infrastructure may result in short-term negligible to minor adverse impacts, such as line strikes or damage to other infrastructure (i.e., roadways) could occur. However, mitigation measures to prevent short-term adverse impacts during construction would be implemented and any direct damage or interruptions to services would be immediately addressed and repaired. The project would increase the availability of telecommunication services in the area, and ultimately facilitate the continued distribution of telecommunication infrastructure across the Reservation. Based on this analysis and the implementation of the BMPs, construction of the four new wireless towers could occur with no significant adverse impacts on infrastructure.

### *Socioeconomic Resources*

The project would provide beneficial impacts to socioeconomic resources over the long term through an increase in telecommunication services across the Reservation during the present and foreseeable future. The installation of the towers would provide improvements in service so

that communities within the Reservation that currently have no, or limited, access to communication technologies, could have better and more consistent access.

The population in the Project Area is considered a minority population and low-income population according to the USCB data. However, there would not be disproportionately high and adverse impacts to the environmental justice populations located in and around the Project Area. Based on this analysis construction of the four new wireless towers could occur with no significant adverse impacts on socioeconomic resources.

### *Health and Human Safety*

Under the Proposed Action Alternative, impacts to human health and safety are expected to be minor and adverse over the short term; and beneficial over the long term with safety mitigation efforts included. During construction activities impacts to human health may occur from impacts related to traffic management, utility line strikes, decreased air quality from dust and utility services, and accidental release of hazardous materials (i.e., fuels). Mitigation measures to eliminate and/or reduce impacts to human health and safety include the following: performing utility locations prior to construction; discussing traffic management plan with state Department of Transportation agency officials; dust suppression efforts; storing and maintaining chemicals in designated staging areas; and maintaining an emergency spill kit on site.

In addition, access to each tower would be limited during operation by fencing each tower and controlling access. Other mitigation measures to protect human health and safety over the long term include placing the towers a safe distance from outside infrastructure in case of tower foundation failure; installing utilities within conduit and burying with tracer lines and warning tape; securing the main tower base behind a 6-foot-high security fence with a secure access gate; and locating transformers outside of the security fence in case of electrical service emergencies. Overall, operations of the towers would be a long-term beneficial impact to human health and services since the towers would improve or establish communications in rural areas, thus improving response times for emergency services in the area. Based on this analysis, construction of the four new wireless towers could occur with no significant adverse impacts on human health and safety.

### *Cumulative Impacts*

As described throughout this FONSI, the project would 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*

The NTIA and BIA conducted a public comment period for the EA. Public notice was placed in The Teton Times, a local newspaper 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 July 9, 2024 and concluded on August 8, 2024. No comments were received.

## Decision

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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 not a major federal action that would significantly affect the quality of the human environment. NTIA and BIA have determined that preparation of an EIS is not required.

Issued on August 28, 2024, by:

AMANDA PEREIRA  Digitally signed by  
AMANDA PEREIRA  
Date: 2024.08.30  
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Amanda Pereira

Environmental Program Officer  
Office of Internet Connectivity and Growth (OICG)  
National Telecommunications and Information Administration  
U.S. Department of Commerce Room 4874  
1401 Constitution Avenue, NW Washington, DC 20230

FRANCINE FAST HORSE  Digitally signed by  
FRANCINE FAST HORSE  
Date: 2024.08.30 13:34:30  
-08'00'

Francine Fast Horse

Acting Regional Director  
Bureau of Indian Affairs, Great Plains Regional Office  
U.S. Department of the Interior  
115 4th Avenue Southeast, Suite 400 Aberdeen, SD 57401