

**FINDING OF NO SIGNIFICANT IMPACT  
FOR THE  
KLAMATH RIVER RURAL BROADBAND INITIATIVE PROJECT**

**AGENCIES:** Bureau of Indian Affairs  
Bureau Land Management  
National Park Service

**ACTION:** Finding of No Significant Impact

**SUMMARY:**

The Karuk Tribe (Applicant) is the lead applicant and fiscal agent for the Klamath River Rural Broadband Initiative (Project), which will provide high-speed internet service to numerous communities in northern Humboldt County. The Project has been granted California Advanced Services Fund (CASF) funding. As the state agency responsible for allocation of CASF grants, the California Public Utilities Commission (CPUC) is serving as the lead agency under the California Environmental Quality Act (CEQA) for this project. In addition to the need for review under CEQA, the Project involves federal actions including the granting of rights-of-way on Karuk and Yurok trust land by the Bureau of Indian Affairs (BIA); the granting of rights-of-way and the issuance of a Temporary Use Permit for activities in the construction right-of-way by the United States Forest Service (USFS); the granting of rights-of-way by the Bureau of Land Management (BLM); and the granting of rights-of-way by the National Park Service (NPS) (Proposed Federal Actions). For NEPA compliance, BIA is serving as lead agency, with NPS, BLM, and USFS serving as cooperating agencies.

To achieve compliance with CEQA and NEPA a joint Initial Study/Mitigated Negative Declaration/Environmental Assessment (ISMND/EA) was completed in June 2022 and submitted for public review from June 24, 2022, until July 25, 2022. The Proposed Federal Actions will allow for the installation of middle-mile fiber optic network and last-mile broadband networks to provide high-speed broadband internet access to an area of approximately 80 square miles in rural Humboldt County and to the Yurok and Karuk Tribes (see ISMND/EA Chapter 2). Based upon the entire administrative record including the June 2022 ISMND/EA, the September 2022 Final ISMND/EA<sup>1</sup>, all public comments received, the mitigation imposed, and recent consultation with the State Historic Preservation Officer (SHPO) and the U.S. Fish and Wildlife Service (USFWS), BIA, BLM, and NPS make a finding of no significant impact (FONSI) for the Proposed Federal

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<sup>1</sup> The September 2022 Final ISMND/EA has been published and is available at <https://ia.cpuc.ca.gov/environment/info/esa/klamath/index.html>.

Actions. This finding constitutes a determination the Proposed Federal Actions do not constitute Federal actions significantly affecting the quality of the human environment. Therefore, in accordance with Section 102(2)(c) of the National Environmental Policy Act, 42 U.S.C § 4321 et seq., an Environmental Impact Statement (EIS) is not required.

### **PURPOSE AND NEED:**

The BIA, USFS, BLM, and NPS are charged with reviewing the Proposed Federal Actions, which would allow for the Project. The Project will provide broadband internet access to large portions of Humboldt County and the Karuk and Yurok Tribes that currently have no access other than limited and unreliable service. Additional details regarding purpose and need can be found in ISMND/EA Chapter 1.3.

### **ALTERNATIVES CONSIDERED:**

Two alternatives are analyzed in the EA: the Proposed Action and a No Action Alternative. The Proposed Federal Actions are summarized above and includes various rights of way approvals that will allow the development of the high-speed internet Project. Under the No Action Alternative, no federal actions would occur, and the Project would not be developed. Additional details can be found in ISMND/EA Chapter 3.

### **PREFERRED ALTERNATIVE:**

The Proposed Action will allow for the installation of middle-mile fiber optic network and last-mile broadband networks to provide high-speed broadband internet access to an area of approximately 80 square miles in rural Humboldt County and to the Yurok and Karuk Tribes (see ISMND/EA Chapter 2). The Proposed Action meets the stated purpose and need and will result in less than significant environmental impacts after the implementation of mitigation. Therefore, the Proposed Action is designated as the Preferred Alternative to be selected for implementation. The No Action Alternative would not have any significant environmental impacts, but it would also fail to meet the purpose and need.

### **ENVIRONMENTAL IMPACTS:**

Potential impacts to geology/soils/paleontological resources, mineral resources; water resources; air quality and greenhouse gas emissions; biological resources; cultural resources; population and housing; socioeconomic/environmental justice; environmental justice; transportation; land use and planning; public services; utilities and service systems; recreation; noise; hazards and hazardous materials; energy conservation; agriculture/forestry resources; wildfire; and visual resources were evaluated in the ISMND/EA, with the

following conclusions for the Proposed Federal Actions<sup>2</sup> (see ISMND/EA Chapter 4 for detailed analysis and for specific mitigation measures):

### **Aesthetics and Visual Resources**

Aesthetics and visual resources impacts could occur during the construction and operation of the Project. No significant impacts will occur.

### **Agriculture and Forestry Resources**

Impacts to agriculture and forestry resources will occur during construction and operation of the Project. No significant impacts will occur.

### **Air Quality**

Impacts to air quality will occur during construction and operation of the Project. No significant impacts will occur.

### **Biological Resources**

Impacts to biological resources will occur from the construction and operation of the Project. Mitigation measures detailed in ISMND/EA Chapter 4.4 will ensure impacts to biological resources are less than significant. In July 2022 the USFWS service concurred with the determination that the Proposed Action “may affect but is not likely to adversely affect” any Federally listed species.<sup>3</sup>

### **Cultural Resources**

Impacts to cultural resources could occur from the construction and operation of the Project. Mitigation measures detailed in ISMND/EA Chapter 4.5 will ensure impacts to cultural resources are less than significant. The SHPO concurred with the finding of no historic properties adversely affected in a consultation that was completed in July 2022.<sup>4</sup>

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<sup>2</sup> The No Action Alternative would generally not result in detrimental impacts to the environment, therefore the impacts and mitigation measures detailed here are generally not applicable (see ISMND/EA for more details). As noted in the ISMND/EA, the No Action Alternative would not meet the purpose and need of the action.

<sup>3</sup> Letter dated July 11, 2022, from Tanya Sommer, Field Supervisor, US Fish and Wildlife Service, Arcata Fish and Wildlife office to Jay Hinshaw, Environmental Compliance Coordinator, US Bureau of Indian Affairs, Pacific Region. Subject: Informal Consultation for the Klamath River Rural Broadband Initiative. Reference number: AFWO-2022-0009528-S7.

<sup>4</sup> Letter dated July 26, 2022, from Julianne Polanco, State Historic Preservation Officer, California State Office of Historic Preservation to Amy Dutschke, Regional Director, US Bureau of Indian Affairs, Pacific Region. Subject: Section 106 consultation for the Klamath River Rural Broadband Initiative (KRRBI), Humboldt County. Reference number: BIA 2022 0421 001.

**Energy Conservation**

Impacts to energy conservation will occur during construction and operation of the Project. No significant impacts will occur.

**Geology, Soils and Paleontological Resources**

Impacts to geology, soils, and paleontological resources will occur during construction and operation of the Project. No significant impacts will occur.

**Greenhouse Gas Emissions**

Impacts to greenhouse gas emissions will occur during construction and operation of the Project. No significant impacts will occur.

**Hazards and Hazardous Materials**

Impacts from hazards and hazardous materials will occur from the construction and operation of the Project. No significant impacts will occur.

**Hydrology and Water Quality**

Impacts to hydrology and water quality will occur during construction and operation of the Project. No significant impacts will occur.

**Land Use and Planning**

No impacts to land use and planning are anticipated to result from the implementation of the Project.

**Mineral Resources**

No impacts to mineral resources are anticipated to result from the implementation of the Project.

**Noise and Vibration**

Noise and vibration impacts will occur from the construction and operation of the Project. Mitigation measures detailed in ISMND/EA Chapter 4.13 will ensure noise and vibration impacts are less than significant.

**Population and Housing**

No impacts to population and housing are anticipated to result from the implementation of the Project.

**Public Services**

No impacts to public services are anticipated to result from the implementation of the Project.

**Recreation**

No impacts to recreation are anticipated to result from the implementation of the Project.

### **Socioeconomics and Environmental Justice**

Impacts to socioeconomics<sup>5</sup> and environmental justice will occur during construction and operation of the Project. No significant impacts will occur.

### **Transportation and Traffic**

Impacts to transportation and traffic will occur during construction and operation of the Project. No significant impacts will occur.

### **Utilities and Service Systems**

Impacts to utilities and service systems will occur during construction and operation of the Project. No significant impacts will occur.

### **Wildfire**

Impacts to wildfire will occur during construction and operation of the Project. No significant impacts will occur.

### **MITIGATION:**

The Council on Environmental Quality NEPA Regulations require that mitigation measures be developed for all effects of a proposed action where it is feasible to do so (40 CFR 1502; CEQ 40 Most Asked Questions, 19a). Feasible mitigation measures have therefore been included in ISMND/EA Chapter 4 as referenced above. All mitigation is enforceable because it is 1) inherent to the project design as summarized in the ISMND/EA; 2) required by federal or state statute including the Federal Endangered Species Act (16 USC 1531 – 1534) and the National Historic Preservation Act (54 USC 300301 et seq); and/or through a condition of project approval. All mitigation measures included in the ISMND/EA will be stipulated as conditions of approval for the Project by the CPUC and monitored through a mitigation monitoring plan contained in Chapter 3 of the Final ISMND/EA (California Public Utilities Code 21081.6; 40 CFR 1505.3; BIA NEPA Guidebook, 59 IAM 3-H).

### **PUBLIC AVAILABILITY:**

A Notice of Availability for the ISMND/EA has been provided to agencies, organizations, and interested parties. The ISMND/EA was made available for a 30-day public review period. A total of eight comments were received during the review period. These comments and responses to substantive comments are included within the September 2022 Final ISMND/EA. The comments did not require any changes to the impact analysis within the ISMND/EA.

### **DETERMINATION:**

It is hereby determined that the Proposed Federal Actions, including the issuance of a Temporary Use Permit by USFS and the granting of rights-of-way by BIA, BLM, USFS,

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<sup>5</sup> Note that impacts to socioeconomics will be beneficial.

and NPS for the purpose of allowing the development of a rural high-speed internet project as described above and in the ISMND/EA, does not constitute a major federal action that would significantly affect the quality of the human environment; nor is this project without precedent or similar to ones that normally require an environmental impact statement. Furthermore, there will be no significant impacts on public health, public safety, or unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the NPS selected alternative will not violate any federal, state, or local environmental protection laws. Therefore, in accordance with Section 102(2)(c) of the National Environmental Policy Act, 42 U.S.C § 4321 et seq., an Environmental Impact Statement is not required. This determination is supported by the findings described in this FONSI and the analysis contained in the entire administrative record including the June 2022 ISMND/EA, the September 2022 Final ISMND/EA, all public comments received, the mitigation imposed, and recent consultation with the SHPO and the USFWS. This fulfills the requirements of NEPA as set out in the Council on Environmental Quality Regulations for Implementing NEPA (40 C.F.R. 1500–1508),

Approved:

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Amy Dutschke  
Regional Director  
Bureau of Indian Affairs, Pacific Region

Approved:

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Collin Ewing  
Field Manager  
Bureau of Land Management, Arcata Field Office

Approved:

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Frank Lands  
Regional Director  
National Park Service, Interior Regions 8, 9, 10 & 12

Redwood National Park  
Klamath River Rural Broadband Initiative  
ISMND/EA  
DETERMINATION OF NON-IMPAIRMENT

Congress directed the U.S. Department of the Interior and the National Park Service (NPS) to manage units "to conserve the scenery, natural and historic objects, and wildlife in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wildlife in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (54 United States Code 100101). An action constitutes impairment when its impacts "harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values" (NPS Management Policies 2006 [Management Policies 2006], Section 1.4.5). To determine impairment, NPS must evaluate the "particular resources and values that will be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts" (Management Policies 2006, Section 1.4.5). Although Congress has given NPS the management discretion to allow certain impacts within the park, that discretion is limited by the statutory requirement that NPS must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise. The prohibited impairment is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of these resources or values.

**What is Impairment?**

NPS Management Policies 2006, §1.4.5, What Constitutes Impairment of Park Resources and Values, and §1.4.6, What Constitutes Park Resources and Values, provide an explanation of impairment. "Impairment is an impact that, in the professional judgment of the responsible NPS manager, will harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values." §1.4.5 of Management Policies 2006 states: "An impact to any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- identified in the park's general management plan or other relevant NPS planning documents as being of significance.

An impact would be less likely to constitute impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated. An impact that may but would not necessarily lead to impairment may result from NPS activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park." Per §1.4.6 of Management Policies 2006, park resources and values at risk for being impaired include:

- the park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural

visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;

- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.

### **Impairment Determination for the Selected Alternative**

Some resources identified for impact analysis in Chapter 4 of the ISMND/EA were eliminated from further consideration in the analysis below due to their lack of presence on or effect on NPS lands or because these are not considered to be park resources or values subject to the non-impairment standard established by the Organic Act and clarified further in Section 1.4.6 of the Management Policies 2006. They include Agriculture and Forestry Resources, Energy Conservation, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Socioeconomics and Environmental Justice, Utilities and Service Systems or Wildfire.

After dismissing the above resources, the following resource topics analyzed in the ISMND/EA are applicable to evaluation of the Project for potential impairment: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology, Soils, and Paleontological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise and Vibration, Transportation and Traffic.

The ISMND/EA evaluates the environmental consequences and potential impacts that the Project would generate. The impacts identified were compared with predetermined, specific significance criteria, and were classified according to the significance categories listed for each resource area. When significant impacts were identified, feasible mitigation measures were formulated to eliminate or reduce the intensity of the impacts and focus on the protection of sensitive resources. The mitigation measures recommended in this document are identified in the respective sections for each issue area (Sections 4.1 through 4.20) and are presented in the Mitigation Monitoring, Compliance and Reporting Program in Chapter 6 of the ISMND/EA.

A Cumulative Scenario analysis in Section 4.21 of the ISMND/EA identified possible recent, present, and reasonably anticipated future projects that could produce related or cumulative impacts, including those projects outside the control of the lead agency. The document also identified projections contained in planning documents designed to evaluate regional or areawide conditions.

The terms defined below are applied to the impact analyses in this document and are used in the ISMND/EA, as appropriate.

#### **Context Terminology**

- Short-term: Effect that occurs during construction.
- Long-term: Effect caused during either construction and/or operations and remaining after construction is completed.



- **Localized:** Effect that remains at the construction site, within the Project area, or near the Project area.
- **Widespread:** Effect that extends well beyond the Project area and may affect a regional area.

#### Intensity Terminology

- **Adverse:** A negative effect on a particular resource or resource use.
- **Beneficial:** A positive effect on a particular resource or resource use.
- **None/Negligible:** No change/no measurable change to current conditions.
- **Minor:** A slight but detectable adverse effect; a small change would occur. No mitigation is required.

### **Resources Analyzed**

#### Aesthetics

No significant aesthetic-related values will be affected outside of the immediate area where equipment is operating during construction and during future maintenance activities. Trenching activities will be short-term and localized. As a result, there will be little to no impact to aesthetics by implementing the Project because the result of construction will be fiber optic cable underground. After analysis, no cumulative effects have been identified because there are no possible recent, present, and reasonably anticipated future projects that would cause or contribute to any cumulative impact related to aesthetics.

#### Air Quality

No significant air quality related values will be affected outside of the immediate area where equipment will be operating for a short period of time during project implementation. Dust and emissions will be short-term. Project-related construction emissions would be less than the respective significance thresholds identified in ISMND/EA Section 4.3.4, and therefore, would not be cumulatively considerable and would result in less than significant and minor cumulative impacts.

#### Biological Resources

the ISMND/EA analyzed vegetation communities and special-status species which included plants, wildlife, and critical habitat. Impacts on biological resources would be localized and short-term, Once the Project is implemented there will be little to no effect on biological resources because the result of construction will be lines placed underground. All cumulative projects would be spatially distanced from the Project footprint and would not be constructed within the same location. There would be no potential for a cumulative direct impact associated with the Project.

#### Cultural Resources

Two National Register-listed districts, the Bald Hills Archaeological District, and the Lyons Ranches Historic District, and a National Register-eligible ethnographic landscape called Bald Hills Ethnographic Landscape occur on NPS lands in sections 3 and 4 of the Project. Most of the work will occur in previously disturbed areas and the prescribed mitigation, monitoring, reporting, and compliance program for the Klamath River Rural Broadband Initiative (ISMND/EA Ch. 6) installs measures to ensure that there will be little to no potential for impacts to cultural resources. Because of this, the Project would not cause or contribute to any cumulative impact related to cultural resources.

#### Geology, Soils, and Paleontological Resources

Construction activities will not result in substantial soil displacement, soil erosion, or loss of topsoil. The Project does not involve rupturing an earthquake fault or using seismic ground

shaking, nor is the Project site located on unstable geologic units or soil. Geologic mapping shows that deposits likely to reveal paleontological resources are not located on NPS-owned portions of the KRRBI Project. For these reasons, there will be little to no impact or impairment to geology, soils, and paleontological resources in the short or long-term and the Project will not cause or contribute to any cumulative impact related to this topic.

#### Greenhouse Gas Emissions

Adverse greenhouse gas emissions associated with construction activities were analyzed thoroughly in Appendix B of the ISMND/EA. They will be short-term and are negligible and necessary to achieve construction objectives, and therefore acceptable. In the long-term, there will be no impact or impairment of NPS lands caused by emissions because the results of construction activities will be lines under the ground. Although the geographic scope of cumulative impacts related to GHG emissions is global, the analysis in the ISMND/EA focused on impacts related to potential conflicts with California's reduction goals set forth in Executive Order S-3-05, Executive Order B-30-15, Assembly Bill 32, and the Project's direct and/or indirect generation of GHG emissions. The Project would result in less than significant, minor emissions of GHGs and would not conflict with the state's GHG reduction goals (see responses to questions a) and b) in ISMND/EA Section 4.8, Greenhouse Gas Emissions). Therefore, the Project-specific incremental impact associated with GHG emissions would not contribute to a significant cumulative impact.

#### Hazards and Hazardous Materials

Hazards and hazardous materials will have little to no impact on the environment. The use of hazardous materials and substances during construction would be subject to the federal, state, and local health and safety requirements for the handling, storage, transportation, and disposal of hazardous materials. Fiber optic cables may require occasional maintenance and repair, which would be conducted by a licensed contractor who would be required to comply with all applicable regulations pertaining to the use, transport, and disposal of hazardous materials. Impacts on NPS lands associated with operation of the Project would be short-term and minor to none. The Project's potential residual effects after compliance with regulatory requirements would not combine with the potential residual effects of cumulative projects to cause a significant cumulative impact, because residual impacts would be highly site specific and would have been cleaned up to the same regulatory standard.

#### Hydrology and Water Quality

Impacts to hydrology and water quality are negligible to none. The project will not violate any water quality standards, waste discharge requirements, or interfere with groundwater. It will not alter drainage patterns of the site or stream courses. It will not result in substantial erosion or create flooding. The incremental negligible contributions of Project-related impacts would not be cumulatively considerable because the Project, and likely any other past, present, or future projects, will be required to comply with federal, state, and local regulations and other measures to protect water quality.

#### Noise and Vibration

With mitigation incorporation into the Selected Alternative, noise and vibration will have negligible to no effect on NPS property. Non-excessive vibrations associated with construction activities would be localized and short term and would only occur during installation. Once the Project is complete, no noise or vibration will occur. There are two identified projects adjacent to Segment 4 (the Redwoods Rising Project and Redwood National and State Parks Visitor Center and Restoration Project) that could occur at the same time as the Project. The cumulative projects would occur more than 1,000 feet from the locations of sensitive receptors. Therefore,

noise resulting from simultaneous construction of these projects would result in a less than significant and minor cumulative impact on sensitive receptors in the vicinity of the Project area

#### Transportation and Traffic

Transportation and traffic impacts would be negligible and would only occur during installation activities. There would be no impact to either element once construction is complete because it will result in fiber optic cables placed underground. The potential for the effects of any of the cumulative projects to combine with those of the Project would be limited to times when such a project would be under construction at the same time as a component of the Project. Even if any of the cumulative projects identified in the ISMND/EA were constructed at the same time as the Project, the low quantities of Project-generated traffic mean that a cumulative traffic impact would be unlikely.

#### **Summary**

As described above, adverse effects and environmental impacts anticipated as a result of implementing the selected alternative on a resource or value whose conservation is necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or identified as significant in the park, general management plan, or other relevant NPS planning documents, will not rise to levels that will constitute impairment of park values and resources in Redwood National Park.

In conclusion, as guided by this analysis, good science and scholarship, advice from subject matter experts and others who have relevant knowledge and experience, and the results of public involvement activities it is the Superintendent's professional judgement that there will be no impairment of park resources and values from implementation of the Selected Alternative.