National Telecommunications and Information Administration
Broadband Technology Opportunities Program
Finding of No Significant Impact
Com Net, Inc., Com Net GigEPlus Availability Coalition Project

Summary

Com Net, Inc. (Com Net) applied to the Broadband Technology Opportunities Program (BTOP) for a grant to install approximately 688 miles of new fiber, including both middle mile and last mile fiber, and construct five new prefabricated concrete huts. While the new network will be a hybrid of aerial and buried fiber, most of the fiber will be installed underground by plowing, open trenching, or directional boring. The new network will directly connect approximately 880 community anchor institutions (CAIs) and provide middle mile network service to the region's 33 last mile service providers. The proposed action passes through 24 western Ohio counties, two southeast Michigan counties, and one Indiana county, and is referred to as the Com Net GigEPlus Availability Coalition Project (Project).

The National Telecommunications and Information Administration (NTIA) awarded a grant for the Project to Com Net, through BTOP, as part of the American Recovery and Reinvestment Act (ARRA). The funding must be obligated and the Project completed within three years. This timeline will comply with the laws and regulations governing the use of this ARRA grant funding.

BTOP supports the deployment of broadband infrastructure in unserved and underserved areas of the United States and its Territories. As a condition of receiving BTOP grant funding, recipients must comply with all relevant Federal legislation, including the National Environmental Policy Act of 1969 (NEPA). Specifically, NEPA limits the types of actions that the grantee can initiate prior to completing required environmental reviews. Some actions may be categorically excluded from further NEPA analyses based on the specific types and scope of work to be conducted. For projects that are not categorically excluded from further environmental review, the grant recipient must prepare an Environmental Assessment (EA) that meets the requirements of NEPA. After a sufficiency review, NTIA may adopt the EA, use it as the basis for finding that the project will not have a significant impact on the environment, and issue a finding of no significant impact (FONSI). Following such a finding, the BTOP grant recipient may then begin construction or other activities identified in the EA as the preferred alternative, in accordance with any special protocols or identified environmental protection measures.

Com Net completed an EA for this Project in April 2011. NTIA reviewed the EA, determined it is sufficient, and adopted it as part of the development of this FONSI.

The Project includes:

- Installing a hybrid broadband network of aerial and buried fiber throughout 24 western Ohio counties, two southeast Michigan counties, and one Indiana county:

- Installing 688 miles of new fiber, including both middle mile and last mile fiber, in existing rights-of-way (ROWs);
- Installing approximately 80 miles of fiber aerially by attaching to existing poles;
- Installing approximately 608 miles of buried fiber by pulling it through existing conduit, directional drilling, open trenching, or plowing;
- Attaching fiber to bridges within existing conduit at certain water crossings;
- Directly connecting 880 CAIs through existing fiber lines and providing middle mile network service to the region's 33 last-mile service providers; and
- Constructing five points of presence (POPs) prefabricated concrete huts in previously disturbed areas along the Project route.

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 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 BTOP website (www2.ntia.doc.gov/) and the following contact:

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Purpose and Need

Inadequate high-speed broadband service within the Project area prevents business development, hinders public safety improvements, eliminates critical educational connections, hampers health care innovation, and negatively impacts tourism. The purpose of the Project is to bring affordable broadband service to unserved and underserved communities across 24 western counties in Ohio, two counties in Michigan, and one county in Indiana. The Project will deploy fiber in areas where, to date, it has not been economically feasible to install telecommunications infrastructure. Specifically, the new fiber network will connect up to 880 CAIs, and 33 last mile

service providers. Specifically, 212 K-12 schools, 173 state and local government offices, 112 public safety facilities, 84 health care facilities, 12 community colleges, 4 universities, 43 libraries, 92 public housing facilities, 151 community support organizations, 5 state parks, and others will be connected through this new network. Without the new fiber, affordable broadband options at the needed bandwidth would not be available to many of the CAIs.

Project Description

Com Net will install approximately 688 miles of new fiber, including both middle mile and last mile fiber, that will connect up to 880 CAIs and 33 last-mile service providers. The majority of the fiber network will be buried via plowing, trenching, or directional boring, or pulling it through existing conduit, while the remaining portion of the route will be installed aerially. Fiber optic cable will be installed across streams and rivers either by use of directional boring techniques or by hanging the cable on existing bridges, either through existing or newly installed conduit. In urban areas, aerial installation will be used where underground installation is not feasible and existing poles are in place to accommodate the new fiber optic cable. Construction will take place in previously disturbed areas, primarily within existing public ROWs. In addition, the Project will construct five new points of presence (POPs) prefabricated concrete huts in previously disturbed areas along the Project route.

The majority of the route fiber will be installed underground, in existing ROWs, by plowing, open trenching, or directional boring. When plowing, a 1 inch wide trench is opened by the plow. The plow depth will be 36 inches in county/township ROWs, and 48 inches in state ROWs. Directional boring will be used to cross sensitive ecological resources, such as wetlands, streams, lakes, ponds, or woodlots. This method involves drilling a horizontal cable pathway from one access point along the route to another, installing conduit to house the cable, and then pulling the cable back through the conduit. The fiber optic cable will be installed at least 3 feet below these resources. If necessary, hand holes will be excavated at least 50 feet away from the edge of the sensitive resource to avoid direct impacts. In cases where fiber from a utility pole can be routed to existing underground conduit, the gap between the pole and the conduit manhole will be either trenched or bored connecting the aerial segment to the existing underground duct.

Aerial installation may be used in urban areas where underground installation is not feasible and existing poles can accommodate the new fiber optic cable. This method involves attaching a 1/4-inch strand cable to the poles and lashing the new fiber cable to the strand. Some poles may need additional down-guys with 6-foot anchors using a 6-inch helical disk. The tools and method of cable placement are dependent upon vehicle accessibility to the cable route. The cable will be pulled using the stationary reel method for areas inaccessible by vehicles. For areas with easy vehicle access, the cable will be lashed as it is taken off the vehicle's reel, or the moving reel method. All aerial construction will occur on existing pole lines within previously disturbed areas.

Four CAIs required for network connectivity are located in buildings over 50 years of age. Within these buildings, Com Net will connect new fiber optic and communications equipment to the GigEPAC network through existing physical fiber lines. No ground disturbance will be involved, and equipment within historic buildings will be installed according to the NTIA's best management practices found in Appendix I of Com Net's Cultural Resource Impact Study Report.

Com Net will also construct five new prefabricated concrete huts in previously disturbed areas along the Project route. All five hut sites will be secured to a floating concrete slab, which will require minimum excavation and grading. Four of the five huts will be 10 feet by 12 feet and one will be 20 feet by 20 feet. To power each hut, diesel-powered generators will be installed on the concrete pad within a separate, Kohler, weather/sound proof enclosure. Fuel will be stored in a sub-base fuel tank. The typical plot size is approximately 1/3 acre. Gravel access roads will be constructed on previously developed ground adjacent to each hut location.

Alternatives

The EA includes an analysis of the alternatives for implementing the Project to meet the purpose and need. NTIA also requires that an EA include a discussion of the no action alternative. The following summarizes the alternatives analyzed in the EA.

Hybrid Underground and Aerial Fiber (Preferred Alternative). As noted in the Project Description, this effort will include installation of approximately 688 miles of new fiber. The network will directly connect up to 880 CAIs and 33 last mile service providers. The new fiber optic cable will be installed aerially on existing pole lines, pulled through existing conduit, and buried via directional drilling, open trenching, and plowing.

No Action Alternative. No action was also considered. This alternative represents conditions as they currently exist in these 27 rural counties. Under the no action alternative, new fiber would not be constructed. These communities would continue to be unserved or underserved with respect to broadband internet access. Additionally, broadband services would not be provided to CAIs in the Project area. The EA examined this alternative as the baseline for evaluating impacts relative to other alternatives being considered.

Alternatives Considered But Not Carried Forward. Com Net considered installing the fiber along an alternative route. However, this route would result in longer fiber optic cable runs between the end users adding to the cost of the project, and increase the risk of line breakages and associated service outages. Consequently, this alternative was eliminated from further consideration due to its inability to meet the purpose and need. Different configurations of aerial and underground installations were also considered. An alternative network that relies solely on aerial installation is infeasible given the lack of the existing poles along the route and susceptibility to outages during storm events and therefore was eliminated from further

consideration. An alternative that utilizes more underground conduit may be able to adequately address the project purpose and need, but would require additional underground construction work and likely require greater permitting and agency consultation activity. Consequently, an alternative network configuration that uses more underground conduit was eliminated from further consideration due to the increased potential for construction delays and environmental impacts compared to the Preferred Alternative. Com Net also considered an all-wireless telecommunications network. However, wireless technology is not a viable alternative because of the inability to provide the capacity or speed needed to fully meet the purpose and need, and the greater potential for ground disturbance and associated environmental impacts.

Findings and Conclusions

The EA analyzed existing conditions and environmental consequences of the preferred alternative and the no action alternative in 11 major resource areas, including Noise, Air Quality, 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.

Noise

This Project will have no impacts on noise during long-term operation. However, short-term increases in ambient noise levels are expected during the construction period. Noise created by machinery used during installation will be temporary and localized in nature. Based on these considerations, no significant impacts on noise are expected to occur as a result of Project implementation.

Air Quality

Potential impacts on air quality will be both short-term, related to construction, and long-term, related to operation of this Project. Fiber installed underground via plowing, trenching, and directional boring will result in minor disturbance of the ground surface. Negligible fugitive dust emissions will be generated during construction of the five prefabricated huts and from construction activities along unpaved roads. Com Net will implement best management practices (BMPs) to limit fugitive dust emissions, including seeding to reestablish ground cover, vehicle wheel cleaning, and limiting speeds on unpaved roads. There will also be long-term impacts on air quality from the generators, which are used as the primary power source for the five prefabricated huts. A short-term minor increase in the use of fossil fuel and associated greenhouse gas (GHG) emissions will occur as a result of Project construction, but the emissions will be below established thresholds. Construction of the planned network is not expected to have significant adverse impacts on air quality.

Geology and Soils

The Project's fiber route will be installed primarily underground using cable plow or open cut techniques. Both methods will produce a narrow, shallow slit or trench that creates minimal

ground disturbance. All fiber optic cable will be installed within existing ROWs along existing roads. If bedrock is encountered, a jackhammer or backhoe will be used to create a narrow, shallow trench for cable installation. This technique will limit and localize temporary impacts on geologic resources. Approximately 1/3 acre of soil will be disturbed for each new hut, including access road construction. Appropriate BMPs will be implemented to prevent sedimentation and erosion impacts in the Project area. Consequently, the Project is not expected to result in significant adverse impacts on geology or soils.

Water Resources

Project construction activities are not expected to impact to water resources. Directional boring will be used to cross under water resources, such as wetlands, streams, rivers, lakes, and ponds. For river and stream crossings, horizontal directional drilling will begin and end on upland areas at least 50 feet away from the wetland or upland boundary. BMPs will also be used to minimize the potential for soil erosion and sedimentation at any crossings. Com Net has alerted the U.S. Army Corps of Engineers (USACE), Michigan Department of Natural Resources and Environment (MDNRE), and Ohio Department of Natural Resources (ODNR) of all planned water crossings and is consulting with these agencies to obtain applicable Section 404 permits for all river and stream crossings.

In a letter dated February 4, 2011, the USACE confirmed that the Project will cross Section 10 navigable waters, and therefore requires further coordination and a Department of the Army permit is required. The USACE also recommends that a wetland delineation study be conducted along the route and submitted for their review prior to commencing work. In a letter dated December 30, 2010, the ODNR, Division of Watercraft, Scenic Rivers Section recommended conditions for water crossings within the Project area. Com Net will implement the recommended management measures provided in the December 30, 2010 letter from ODNR to avoid or minimize impacts for installation of fiber optic cable for all river crossings, specifically for State and National Wild, Scenic and Recreational Rivers.

A small portion of the Project will pass through the Lake Erie Coastal Zone in Lucas and Wood Counties, Ohio. The designated Coastal Zone Management Area (CZMA) extends upstream approximately 16 miles from the mouth of the Maumee River into Lucas and Wood counties. The fiber route will cross the Maumee River between the cities of Perrysburg and Maumee, Ohio along the Maumee-Perrysburg Bridge. A separate location in northern Lucas County will also pass through the designated CZMA. The ODNR Office of Coastal Management will determine whether a consistency review is necessary after the agency receives notice from the USACE that a Section 10 or Section 404 Permit is required for this project.

Com Net will avoid disturbance of floodplain areas by either installing the fiber underground through horizontal directional drilling, aerially on existing poles, or within existing conduit. No new construction of prefabricated huts will occur in the floodplain areas. Com Net will also implement the following BMPs to avoid and minimize floodplain disturbance:

- Construction will not result in any increase in ground elevations;
- No above ground structures will be placed in regulated floodplains;
- The top of buried fiber optic cables will be at least 3 feet below stream beds; and
- Disturbance of streamside vegetation will be kept to a minimum.

In addition, fiber optic cables will be placed primarily along roads within existing utility ROWs and the plowing technique that will be employed over the majority of the project area will be shallow enough so as not to adversely affect groundwater flows. Therefore, no significant direct or indirect impacts to groundwater resources are anticipated. By avoiding construction in waterways, and implementing erosion and sediment control BMPs, Com Net will be able to construct the network with no significant adverse impacts on water resources.

Biological Resources

The preferred alternative may result in minor impacts on biological resources. Some disturbance to the ground surface will occur during construction activities, which will be limited to existing ROWs and previously disturbed areas. No woody vegetation or trees will be removed; horizontal directional drilling will be used to install the fiber optic cable beneath the root zone of woody vegetation. The installation of five prefabricated huts will disturb approximately 1/3 acre at each new site, including access road construction.

Com Net consulted with the U.S. Fish and Wildlife Service (USFWS) field offices in Ohio, Indiana and Michigan, as well as ODNR, MDNRE, and the Indiana Department of Natural Resources (IDNR) regarding biological resources. In a letter dated October 20, 2010, the USFWS Ohio Field Office provided information on federally-listed or proposed, threatened or endangered species, or critical habitat known to occur in the Project area(s). In a follow up letter to the USFWS, Com Net provided management measures to avoid or minimize impacts to these identified federally-listed species. The USFWS Ohio Field Office stated in a letter dated February 24, 2011, that based on the follow up information and management measures provided by Com Net, no further consultation is required under Section 7 of the Endangered Species Act (ESA) unless additional information on listed or proposed species becomes available. The following avoidance measures will be implemented by Com Net along the project route.

- All streams will be crossed using directional drilling methods.
- Best construction techniques will be used to minimize erosion, especially on slopes.
- Indiana bat (*Myotis sodalis*) – No trees will be removed as part of this project. Horizontal directional drilling will be used to avoid conflicts with stands of trees or larger wooded areas.
- Eastern prairie fringed orchid (*Platanthera leucophaea*) – For all potentially suitable habitat areas indentified along the route, fiber optic cable will be laid around or directionally bored beneath these areas.

- Copperbelly water snake (*Nerodia erythrogaster neglecta*) – For all potentially suitable habitat areas indentified along the route, these areas will be avoided by either installation of the fiber optic cable around the potentially suitable area or by using horizontal directional drilling to install the cable beneath the area of potential habitat.
- Eastern massasauga (*Sistrurus catenatus catenatus*) – For all potentially suitable habitat areas indentified along the route, these areas will be avoided by either installation of the fiber optic cable around the potentially suitable area or by using horizontal directional drilling to install the cable beneath the area of potential habitat. Trained personnel will be required to walk ahead of the construction equipment to determine if this species is present in the construction corridor in counties that may contain this species. If the species is encountered within the project corridor, work will stop immediately and the USFWS will be notified for proper coordination prior to resuming construction.

In a letter dated October 19, 2010, the USFWS Indiana Field Office recommended the use of directional drilling for all stream crossings. Their office concluded that no further consultation is required under Section 7 of the ESA unless additional information on listed or proposed species becomes available. The USFWS Michigan field office provided an email response on October 29, 2010 with information on a regional endangered species website for Section 7 review under the ESA. Com Net provided a follow up response based on the results of their review confirming that the proposed management measures will have no effect on the listed species or their habitat.

In an email dated December 30, 2010, the ODNR provided information on listed rare, state threatened, or endangered species within the Project area. ODNR, Division of Wildlife (DOW) has determined that there are records of state-listed plant and vertebrate species along segments of the proposed fiber optic routes. Com Net will implement the recommended or required management measures provided in the December 30, 2010 email to avoid or minimize impacts to these state-listed species. The recommended or required management measures provided by Com Net include the following:

- The ODNR DOW noted the preferred nesting habitat for each identified bird species (e.g., grassland, prairie, oak savannah and wetlands and shrub-dominated areas) and the period during the nesting season when work in these areas should be avoided. Preferred habitats for the state-listed insects were also noted. Com Net has identified all areas within the proposed route where these habitats occur and has committed to avoiding these areas during construction.
- ODNR DOW has indicated that a habitat survey for the Eastern plains garter snake (*Thamnophis radix radix*) will be required due to the proximity of the corridor for fiber optic segment GB-016-096 to the Killdeer Plains Wildlife Area. Com Net will commission a qualified herpetologist, who is approved by the ODNR, to conduct a habitat survey for this species prior to construction. Com Net will avoid any areas identified as suitable habitat along the project corridor.

- ODNR DOW indicated that the contractor should stop work and contact the agency if the Eastern fox snake (*Pantherohphis gloydi*), Kirtland's snake (*Clonophis kirtlandii*), peregrine falcon (*Falco peregrines*), sharp skinned hawk (*Accipiter striatus*), spotted turtle (*Clemmys guttata*), Eastern massasauga (*Sistrurus catenatus*), or copperbelly water snake (*Nerodia erythrogaster neglecta*) is encountered during construction. Com Net will stop work and notify the DOW if any of the above species are encountered during construction.
- ONDR DOW indicated that if the blue-spotted salamander is encountered during construction, the contactor should stop work and contact the DOW for guidance. Com Net will comply with this request.

In a letter dated December 21, 2010, the Michigan Department of Natural Resources and Environment (MDNRE) reported the potential presence of Sullivant's milkweed (*Asclepias sullivantii*), a state threatened species, in the vicinity of the proposed project in Michigan. MDNRE indicated that the project area may include suitable habitat for this species and that clearance from the agency in the form of a "No Effect" statement will be needed before land altering activities on this project can begin. On February 3, 2011, Com Net provided the MDNRE with a summary letter of the field investigation that was conducted in November 2010 along the proposed fiber optic corridors in Hillsdale and Monroe Counties, Michigan. MDNRE concluded in their response letter dated February 15, 2011 that the information provided on February 3, 2011 adequately addressed the concerns for the potential threatened and endangered species at the site in question; that the proposed project should have no direct impacts on known special features at the locations specified if it proceeds according to the plans provided; and an endangered species permit will be required if the proposed activity will harm the species, including transplanting the species to another location.

In a letter dated November 16, 2010, the Indiana Department of Natural Resources (IDNR), Division of Fish and Wildlife reported that no plant or animal species listed as state or federally threatened, endangered or rare are known to occur in the project vicinity. However, IDNR recommends submitting additional information on the exact location, method of installation and plans/maps with the proposed construction boundaries for further review. The IDNR also provided some recommended management measures to avoid or minimize impacts to fish, wildlife and botanical resources.

Based on this analysis and implementation of the recommended protective measures, Com Net will be able to construct the network with no significant adverse impacts on biological resources.

Historic and Cultural Resources

On September 24, 2010, a consultation initiation letter, including a detailed Project description, was sent by NTIA to the State Historic Preservation Officer (SHPO) in Ohio, Michigan, and Indiana., Following the initiation letter, Com Net engaged qualified staff at The Mannik & Smith Group, Inc., to analyze the archeological and architectural resources within the Project's

area of potential effect (APE). On December 23, 2010, Com Net, through its cultural research consultant, completed a Cultural Research Impact Study (CRIS) for the Proposed Action that included all project activities in Michigan, Indiana, and Ohio and provided a copy of the CRIS to each individual state SHPO office. The results of the CRIS identified 18 previously recorded cultural resources within the APE (3 bridges and 15 cemeteries), 10 previously undocumented cultural resources, and 9 areas of undisturbed ground that may have the potential to yield intact archaeological resources in locations directly adjoining the APE.

The Michigan SHPO received the CRIS on December 28, 2010. On March 4, 2011, a response was issued by the SHPO with a finding that no historic properties are affected within the project APE. However, the SHPO requested that they be notified if artifacts or bones are discovered during construction, or if the scope of work changes in any way.

The Indiana SHPO received the CRIS on December 29, 2010. In a letter dated, January 19, 2011, the SHPO determined that because all fiber optic lines in Indiana will be installed underground, no further information about historic properties was needed. However, the SHPO asked that a separate archaeological report be submitted for their review and comment. The Mannik & Smith Group, Inc. provided an Archaeological Short Report to the Indiana SHPO on February 7, 2011. In a letter dated February 28, 2011, the SHPO concluded that no historic properties were identified in Indiana and no currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places have been indentified based on the following conditions:

- All of the proposed fiber within Indiana will be installed underground. If the project changes within Indiana and fiber lines are to be placed above ground, Com Net will need to contact the Indiana SHPO;
- The project activities remain within areas disturbed by previous construction; and
- Site 12Wy222 is avoided by project activities. If this site cannot be avoided, and the project will impact areas of the site which have not been previously disturbed or destroyed, then additional archaeological investigations will be necessary.

In addition to the conditions provided by the Indiana SHPO, Com Net confirmed in a letter addressed to NTIA dated March 7, 2011 that they will commit and implement additional management strategies to avoid archaeological impacts for this project.

The Ohio SHPO received the CRIS on December 29, 2011. Following a preliminary review of its contents, the SHPO requested and was provided with additional mapping on February 8, 2011. On April 1, 2011, the Ohio Historic Preservation Office (OHPO) provided Com Net a letter concurring that their project would have "No Adverse Effect" on historic properties and agreeing Com Net could begin project implementation activities subject to the following conditions:

Huts

Com Net must establish an APE for each of the four proposed hut sites that meets the requirements found at 36 CFR 800.4(a), as well as for any additional huts sites that were not anticipated in the original construction design. Com Net's expressed intent is to place huts only where they can avoid historic properties, wherever possible.

A cultural research consultant who is qualified as an historic or prehistoric archaeologist, historian, architectural historian, architect or historical architect, as defined by ''Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation'' must evaluate and determine the potential effects on historic properties for each proposed hut site. Each property within the APE will be evaluated by the appropriately qualified professional. Evaluation must include sufficient background research and field evaluations to make a reasonable determination of the potential effects using professional methods that meet procedures established at 36 CFR 800.3 through 36 CFR 800.6.

If the evaluation of a proposed hut site by a cultural research consultant results in a finding of "no historic properties," then the OHPO agrees that Com Net may begin activities on the proposed hut site without further consultation on such sites with OHPO.

If the evaluation of the proposed hut site by a cultural research consultant results in a finding of "historic properties affected," but the proposed hut site is relocated to a location where no historic properties are present, then OHPO agrees that project activities may begin on the site without further consultation with OHPO.

If the evaluation of a proposed hut site by a cultural research consultant results in a finding of "no adverse effect" and OHPO concurs with that documented finding, when submitted by Com Net, then OHPO will offer written concurrence that project activities at such a hut site may proceed. In the event of a disagreement regarding such a finding, Com Net will notify NTIA and additional consultation will occur with OHPO until agreement on a finding for the site is reached.

If there is a finding of potential "adverse effect" on historic properties, but the proposed hut site cannot be relocated, then Com Net and NTIA will return to consultation with the OHPO to determine how the "adverse effect" will be resolved, as described at 36 CFR 800.6. NTIA and OHPO will advise Com Net when they are authorized to proceed with construction for such sites, either through their written concurrence with a lesser effect finding or the execution of a Memorandum of Agreement for the hut site in question.

Equipment at POP Sites

New equipment and equipment upgrades at POP site buildings greater than fifty years old must be evaluated by a cultural research consultant who is qualified as a historian, architectural historian, architect or historical architect, as defined by "Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation." This qualified professional will evaluate the proposed installations to determine the potential for effects on historic properties using the "Secretary's Standards."

If Com Net's cultural research consultant determines that the BMPs established by NTIA for equipment installation are met and no adverse effects to eligible buildings are found, then the OHPO agrees the project activities may begin on the these POP sites without further consultation with OHPO.

If the evaluation of the new equipment or equipment upgrades by a cultural research consultant results in a finding of that there may be an "adverse effect" on historic properties that cannot be avoided by implementing NTIA's BMP, then Com Net and NTIA will return to consultation with the OHPO to determine how the "adverse effect" will be resolved, as described at 36 CFR 800.6. NTIA and OHPO will advise Com Net when they are authorized to proceed with construction for such sites, either through written concurrence with a lesser effect finding, or the execution of a Memorandum of Agreement for the POP site in question.

Cemetery Avoidance Strategy

Com Net will implement avoidance strategies in order to avoid potential adverse effects at known or suspected cemetery sites. These strategies include having an archeologist on site to monitor trenching and boring activities in areas that are that are adjacent to undisturbed ground and proactively moving the location of fiber-optic lines across the road from known or suspected cemetery sites. In the event that a cemetery cannot be avoided, then Com Net and NTIA will consult with the appropriate OHPO regarding alternatives that would resolve the effects of such actions through letter concurrence or the execution of a Memorandum of Agreement.

Notification of Discovery of Archeological Deposits or Human Remains

In the event that previously unidentified significant archeological deposits or unanticipated effects on historic properties are discovered during implementation of this undertaking, Com Net must immediately cease project activities in the area of the discovery or effects. The personnel discovering such properties or effects shall immediately notify Com Net. Upon notification, Com Net will immediately notify NTIA, OHPO, and any consulting parties or consulting Tribes of the discovery.

In the event of the discovery of properties or effects during the implementation of the undertaking, Com Net will not resume project activities in the area until the requirements of 36 CFR 800.13(b)(3) have been completed.

In the event of the discovery of human remains during implementation of this undertaking, Com Net must immediately cease project activities in the area of the discovery. The personnel discovering the human remains shall immediately notify Com Net. Upon notification, Com Net will immediately notify NTIA, OHPO, County Sheriff, County Coroner, and any consulting Tribes of the discovery.

In the event of the discovery of human remains during implementation of the undertaking, Com Net shall instruct personnel on site to make a reasonable effort to refrain from disturbing or removing the remains. Where necessary, Com Net shall take reasonable preventive measures to protect any exposed portions of discovered human remains from inclement weather and vandalism.

In the case the remains are found not be subject to a criminal investigation by the local, state, or federal authorities, the OHPO's *Policy Statement on the Treatment of Human Remains* (1997) shall be used as guidance. In addition to the guidance supplied by the OHPO, all applicable state and federal laws and regulations governing the discovery of human remains shall be applied during the undertaking.

Overall Outreach

Com Net agrees to make a reasonable effort to provide the Ohio Archaeological Council, county and local historical societies, and local historic commissions the opportunity to comment on the treatment of historic properties that are located within the APE for this undertaking. Com Net may also be subject to local review requirements under ordinances pertaining to local landmark designations or historic preservation concerns that may require the preparation of additional information to obtain the necessary local approvals.

Through the Tower Construction Notification System (TCNS), NTIA provided Project details to 29 tribes interested in the Project's geographical location (Ohio, Michigan, and Indiana). Com Net received responses from 16 tribes that were notified about the Project. Eight of the 15 tribes responded via TCNS that there would be no impact to religious, cultural, or historical assets. Five of these tribes also requested that the SHPO and the Tribe be notified in cases of new ground disturbance or in the event of unanticipated discoveries. Eight other tribes requested additional information on the Project. Com Net provided additional information to these tribes, as requested. After review of the additional detail, two tribes requested that, in the event of inadvertent discovery of human remains and/or archaeological artifacts, Com Net cease all activity in proximity to the discovery location and notify the Tribe's Tribal Historic Preservation Office (THPO). To date, no response has been received from the other five tribes to which Com

Net sent additional information. The remaining 14 tribes originally notified of the Project through TCNS have not yet responded.

Aesthetic and Visual Resources

The Project primarily involves installing fiber optic cable by attaching it to existing utility poles and burying the cable underground in existing ROWs and constructing five huts in previously disturbed areas. Fiber installation will have a short-term, minor, and temporary impact on aesthetic and visual resources due to the presence of construction equipment and limited soil disturbance. A portion of fiber optic cable segment GB-030-096 will be installed within the public ROW of Diamond Mill Road, which runs between Sycamore State Park properties in Montgomery County, Ohio. In addition, the Project will involve the installation of fiber optic cable within the public ROW of SR 4 near Buck Creek State Park. No lands that are managed by the ODNR Division of Parks and Recreation will be impacted by this project. On February 11, 2011, the ODNR concurred that the proposed project, as currently routed, should not adversely affect the two state park resources. Accordingly, the Project is not expected to have a significant adverse impact on aesthetic and visual resources in the Project area.

Land Use

The Project's fiber route will be installed in existing ROWs and five huts will be constructed in previously disturbed land. There will be no change in the existing land use due to the aerial and underground fiber installation. USDA Forest Service lands will not be impacted by this project. Therefore, the Project will have no significant adverse impact on land use.

Infrastructure

The Project will improve communications infrastructure and is expected to improve the transfer of information between CAIs, businesses, and individuals residing within the communities along the Project route. The Project's aerial fiber route will be attached to existing utility poles resulting in no change to the existing utility infrastructure. Existing buried utilities will be identified, located, and avoided. All existing roadways, sidewalks, and bike trails will be crossed either aerially or underground by horizontal directional drilling. The majority of the work will be conducted within existing ROWs off of existing pavement; therefore minimal effects on traffic are anticipated. Access roads will also be established at the five new hut locations. Overall, the Project will have a positive impact on infrastructure across 24 western counties in Ohio, one county in Indiana and two counties in Michigan, and is not anticipated to result in significant impacts on infrastructure.

Socioeconomic Resources

The Project will expand the region's existing fiber optic networks to fill significant gaps and persistent holes in broadband coverage across 24 western counties in Ohio, one county in Indiana, and two counties in Michigan. The project will create jobs, provide greater broadband access for school districts, upgrade public safety infrastructure, and advance health care innovation in rural, impoverished areas with low population densities. Additional benefits

include affordable broadband access for local consumers and businesses, public safety agency upgrades, and encourage investment in economically distressed counties served by this project. The Project will have positive impacts on socioeconomic resources, and is not anticipated to result in significant impacts on socioeconomic resources.

Human Health and Safety

It is unlikely that hazardous wastes will be encountered during Project installation, due to the shallow depth of the proposed project installation procedures and because construction will be completed within existing and previously disturbed ROWs. Several hazardous waste sites have been identified near the project area. However, construction crews will be made aware of the potential and will provide with applicable training and personal protective equipment; in the event that contaminated materials are encountered, appropriate procedures will be followed.

BMPs for workplace safety will be implemented to protect workers and the public. Contractors will adhere to all federal, state, and local safety and health laws and regulations under the applicable Occupational Safety and Health Administration (OSHA) and Department of Transportation (DOT) guidelines to ensure compliance with proper safety and installation procedures. Contractors will be required to develop and implement a project, site-specific health and safety plan, which would be administered by a trained safety professional. Adherence to required installation and traffic safety procedures will also be included in the contractor's health and safety plan. With implementation of these protection measures, the Project will not generate any significant adverse worker or traffic-related health or safety issues.

Cumulative Impacts

As described above, 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.

National Telecommunications and Information Administration
Broadband Technology Opportunities Program
Finding of No Significant Impact
Com Net, Inc., Com Net GigEPlus Availability Coalition Project

Decision

Based on the above analysis, NTIA concludes that constructing and operating the Project as defined by the preferred alternative, identified BMPs, identified protective measures, and planned consultation studies, 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:

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