



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Navajo Regional Office  
P.O. Box 1060  
Gallup, New Mexico 87305

March 16, 2022

Mike Hazel  
Director, Right-of-Way  
Arcadian Infracom  
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The Branch of Environmental Quality Act Compliance Review office, Navajo Region, received the environmental assessment (EA), **EA-22-121321-1** on August 10, 2021, for the proposed **ARCADIAN INFRACOM BROADBAND FIBER PROJECT North-South Route Right-of-Way (ROW) approval.**

Arcadian Infracom, Inc. is requesting a ROW on Navajo Nation Trust Lands for the proposed project to construct approximately 81 miles of fiber within the Navajo Nation located along existing public rights-of-way (the Project). The alignment runs along Navajo Route (NR) 20 for approximately 57 miles from LeChee, Arizona to U.S. Highway 89 (US 89), west of Tuba City, Arizona and continues south for 24 miles along US 89 to Gray Mountain, Arizona. The proposed right-of-way for the Project will consist of 10-foot-wide corridor and be approximately 81 miles in length across Navajo Nation Trust Lands.

In accordance with Section 102 (2) (c) of the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council of Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR § 1500.1508), the Bureau of Indian Affairs, Navajo Regional Office finds that the proposed action is not a major federal action that will significantly impact the quality of the human environment. Therefore, an environmental impact statement is not required for implementing the proposed action. This Finding of No Significant Impact (FONSI) is supported by the environmental assessment (EA) and the supporting appendices and documents.

If you have questions, you may contact Mr. Leonard Notah, Supervisory Environmental Protection Specialist at (505) 863-8287.

Sincerely,

Gregory C. Mehojah  
Regional Director

Enclosure

**FINDING OF NO SIGNIFICANT IMPACT**  
**ENVIRONMENTAL ASSESSMENT EA-21-081021-1**  
**ARCADIAN INFRACOM BROADBAND FIBER PROJECT**  
**North-South Route**

**Arcadian Infracom, Inc**

**Location: LeChee-Gray Mountain, Arizona**

**Quadrangle: Page, White Dome, Dead Monkey Ridge, Dove Spring, Toh Bih Nosteny, The Gap, Willow Springs, Shadow Mountain Well, Cameron North, Cameron South, Gray Mountain. State of Arizona**

Arcadian Infracom, Inc. is requesting a Right-of-Way on Navajo Nation Trust Lands for the proposed project to construct approximately 81 miles of fiber within the Navajo Nation located along existing public rights-of-way (the Project). The alignment runs along Navajo Route (NR) 20 for approximately 57 miles from LeChee, Arizona to U.S. Highway 89 (US 89), west of Tuba City, Arizona and continues south for 24 miles along US 89 to Gray Mountain, Arizona. The proposed right-of-way for the Project will consist of 10-foot-wide corridor and be approximately 81 miles in length across Navajo Nation Trust Lands.

The easement will be 10 feet wide with the edge offset approximately 5 feet west of the eastern Arizona Department of Transportation (ADOT) fence or as construction requires on US 89 starting at the intersection of the section line at approximately the midpoint of  $\frac{1}{4}$  SE  $\frac{1}{4}$  SE Section 31 T28N R9E. It will then proceed north for approximately 23 miles to the intersection of US 160 at  $\frac{1}{4}$  SE,  $\frac{1}{4}$  SE Section 11 T31N R9E, continuing north for approximately 16.9 miles to the intersection of NR 20 at about the middle of  $\frac{1}{4}$  SE,  $\frac{1}{4}$  NE Section 31 T34N R9E. It will then cross under NR 20 to the north side of the road approximately 5 feet from the fence or as construction requires for approximately 42.2 miles to the endpoint located at about the middle of  $\frac{1}{4}$  NW Section 16 T40N R9E on the section line.

The BIA determined a Finding of No Significant Impact (FONSI) is appropriate. There is no need to develop an environmental impact statement (EIS). The analysis considered the following issues that were addressed in the environmental assessment (EA).

1. **Beneficial and adverse environmental impacts:** The EA demonstrates vegetation removal will be minimal due to the location of the Project alignment within disturbed rights-of-way. There may be a temporary avoidance of the Project area by certain wildlife species during construction. Golden eagles are known to nest in the vicinity of portions of the Project area. No construction activities will occur within the vicinity of golden eagle habitat from March through June without coordination with NNDFW and pre-construction surveys. There will be no significant adverse or beneficial impacts on the quality of the human environment including land resources, water resources, air resources, biotic resources, cultural resources, socioeconomic conditions, resources/land use patterns, and other values.

2. **Public health and safety:** The construction of the proposed project will be a temporary project and will have no lasting effect on the residents. Construction will take place during the daylight hours since there will be a temporary increase of noise due to construction activities. The health and safety of the community will improve with the installation of the fiber.
3. **Clean Water Act (CWA) Compliance: When a project spans, crosses or results in work in a river bed, stream bed or wetland, permits from the U.S. Army Corps of Engineers (ACOE) and/or the Navajo Nation Environmental Protection Agency, Water Quality Program may be required, including: Section 401, Water Quality Certification; Section 402(p), Storm Water Pollution Prevention Plan, if the project activity will disturb surfaces of ½ acre or more; and Section 404, Permit for Discharge of Dredge or Fill Material into Waters of the US. The applicant shall submit and obtain approval for all required applications prior to construction. The applicant shall adhere to all mitigation measures and strategies developed with the U.S. Army Corps of Engineers and the Navajo Nation Environmental Protection Agency:** The project area is not located within or near wilderness areas and will not cross designated wetlands areas. There are no natural or semi-permanent sources of water located within the corridors. Based on the EA, this project may cross, or span waters of the U.S. If so, Arcadian Infracom, Inc will contact ACOE and the Navajo Nation EPA for consultation to ensure the proper permits are obtained prior to construction.
4. **Unique characteristics of the geographic area:** The project area is not unique within its geographical setting and is like other areas in the region. There are no prime farmlands, wild or scenic rivers, wilderness areas, refuges, park lands, unique ecological areas, or other unique or rare characteristics that will affect the land and aquatic environs.
5. **Degree to which the effects on the quality of the human environment are likely to be highly controversial:** There are no known scientific controversies concerning the effects of the proposed project on the human environment. The fiber will Provide broadband services to the Navajo Nation. Impact of the Proposed Action will improve the overall quality of life of residents by providing increased electrical and broadband support to the area. The Project will provide an overall positive impact on socioeconomic resources within the surrounding Project area.
6. **Degree to which the effects are highly uncertain or involve unique or unknown risks:** There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks.
7. **Degree to which this action will establish a precedent for future actions with significant effects:** This project will not set a precedent for similar projects that may be implemented by the BIA or other agencies.
8. **Relationship to other actions with cumulatively significant impacts:** There are no known incremental effects of the action that become significant when added to other past, present, or reasonably foreseeable future actions that have affected or will affect the project area.
9. **Degree to which the action may affect districts, sites, objects, or structures listed on, or eligible for, the National Register of Historic Places, or may cause loss of significant**

**cultural resources:** The Navajo Nation Historic Preservation Department (NNHPD) issued a Cultural Resources Compliance Form (CRCF) NNHPD No. HPD-21-1080 on September 3, 2021. The Cultural Resource Compliance Form indicates the proposed project will have a “No Historic Properties Will Be Affected” determination within the area of this undertaking and there will be conditions associated with the construction activity. WestLand developed a Historic Properties Treatment Plan (HPTP) to identify and mitigate adverse effects to the archaeological sites eligible for inclusion in the National Register of Historic Places (NRHP) and/or eligible for protection under the Archaeological Resource Protection Act (ARPA) that are located within the Project area (Charest 2021). This HPTP was submitted to the Navajo Nation Historic Preservation Department (NNHPD), and the NNHPD has reviewed and accepted the methodology detailed within the HPTP. Archaeological approval is hereby granted for the undertaking.

In the event of a discovery [“discovery” means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices] all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7198.

10. **Degree to which the action may affect threatened, endangered, or sensitive species or their habitat:** A Biological Resources Compliance Form (BRCF) provided by the Navajo Nation Department of Fish and Wildlife (NNDWF) with review No. 20wlr102 was issued by the NNDWF on August 27, 2021, which indicated the approval of the proposed action with the following avoidance/mitigation measures: **Timing of construction activities within Raptor Sensitive Areas (RSA) defined shall not occur between Feb-June of any year to avoid noise impacts to golden Eagles. If the proposed Construction schedule changes to occur between Feb-June, an eagle nesting survey shall be performed, and a report shall be sent NNHP for their approval prior to construction.**
11. **Whether the action violates Federal or local laws or requirements imposed for the protection of the environment:** The proposed project will not violate any Federal or Tribal environmental laws or requirements.
12. **Indian Trust Assets:** To minimize negative impacts (direct, indirect, and cumulative) to the Navajo Nation’s forest resources. The construction activity will avoid unnecessary ground disturbance and removal of vegetation/forest products within and adjacent to the right-of-way corridor during the construction period by use of vehicles, construction equipment, and machinery.

The Navajo Nation Woodland Inventory Analysis Report (1986-1991 measurement) for the project area is as follows:

The Bodaway-Gap Chapter estimates there is approximately 37.66 cubic feet of commercial woodland forest products per acre. These woodland forest products are composed of juniper (*Juniperus* spp.) and pinyon pine (*Pinus edulis*) trees. The site produces approximately 0.46 cubic feet of woodland forest products per acre, per year. In addition, ponderosa pine (*Pinus ponderosa*) may be present within the Project area.

The Cameron Chapter estimates there is approximately 969.71 cubic feet of commercial woodland forest products per acre. These woodland forest products are composed of juniper (*Juniperus* spp.)

and pinyon pine (*Pinus edulis*) trees. The site produces approximately 2.76 cubic feet of woodland forest products per acre, per year. In addition, ponderosa pine (*Pinus ponderosa*) may be present within the Project area.

The Coppermine Chapter estimates there is approximately 222.63 cubic feet of commercial woodland forest products per acre. These woodland forest products are composed of juniper (*Juniperus* spp.) and pinyon pine (*Pinus edulis*) trees. The site produces approximately 0.16 cubic feet of woodland forest products per acre, per year. In addition, ponderosa pine (*Pinus ponderosa*) may be present within the Project area.

The LeChee Chapter estimates there is approximately 280.52 cubic feet of commercial woodland forest products per acre. These woodland forest products are composed of juniper (*Juniperus* spp.) and pinyon pine (*Pinus edulis*) trees. The site produces approximately 2.09 cubic feet of woodland forest products per acre, per year. In addition, ponderosa pine (*Pinus ponderosa*) may be present within the Project area.

Trees and shrubs may be trimmed along the right-of-way. If pinyon pine, juniper, Russian thistle, sage brush, or any other forest product is identified within the right-of-way of the proposed power line, they will be harvested to avoid any physical interference and to avoid fires. The forest products harvested from the project area will be inventoried and appraised in accordance with the *Navajo Nation Forest and Woodland Regulations* (RCMA-48-01), *Part 53 Indian Affairs Manual Chapter 3 - Harvest of Forest Products*, and 25 Code of Federal Regulation Part 163. It is anticipated the stumpage (appraised fair market value minus the cost to harvest/transport/implement mitigation requirements) will be less than \$25,000.00 due to the small size of the proposed project area.

The proposed project area does not contain any Indian Trust Assets in the form of perennial water resources, fisheries, saleable timber, paleontology resources or agricultural resources. The proposed project area is not part of any right-of-way avoidance and exclusion areas, wilderness areas, special management areas, areas of critical environmental concern, or other protected areas.

13. **Climate Change, its effects on the proposed action and its environmental impacts:** The proposed action will have little to no effect regarding climate change. Arcadian Infracom Inc. will use existing right-of-way, and construction of the Project will follow Navajo Nation laws and regulations regarding wildlife protection. Existing roads will be used during the construction and maintenance of the fiber lines and disturbed sites will be used for parking and staging areas. To minimize dust and vehicle emissions, Arcadian vehicles are equipped with regular exhaust mufflers will be used during construction, maintenance, and operation of the fiber line.

## CONCLUSION

The BIA has determined that approving the Right-of-Way will not result in significant environmental impacts on the human environment that would merit preparation of an environmental impact statement.

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Gregory C. Mehojah  
Regional Director

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Date