

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Communications Division
Broadband, Video, and Market Branch**

**RESOLUTION T-17772
December 1, 2022**

RESOLUTION

Resolution T-17772: Authorizes the release of California Advanced Services Fund grant monies to Karuk Tribe (U-7235-C), to Construct the Klamath River Rural Broadband and Initiative Project in Humboldt County; and adopts the Final Initial Study/Environmental Assessment and Mitigated Negative Declaration (IS/MND/EA) for the Klamath River Rural Broadband Initiative Project.

I. SUMMARY

This Resolution authorizes the release of California Advanced Services Fund (CASF) grant funding approved by Resolutions T-17418 and T-17690 to the Karuk Tribe to construct the Klamath River Rural Broadband Initiative Project (“Project”). This Resolution also adopts the Final Initial Study/Environmental Assessment and Mitigated Negative Declaration (“IS/MND/EA”) for the Project prepared in compliance with the California Environmental Quality Act (CEQA).¹

The Karuk Tribe will install a 104.1-mile middle-mile fiber optic network as well as provide last mile fixed wireless broadband access and enable Internet speeds of up to 25 Mbps download and 3 Mbps upload to an estimated 616 eligible households in Humboldt County

II. BACKGROUND

On October 17, 2013, the Commission adopted Resolution T-17418, conditionally authorizing a CASF grant of \$6,602,422 to the Karuk Tribe for its Klamath River Rural Broadband Initiative (KRRBI) Project, subject to the Commission’s completion of CEQA review. The Karuk Tribe requested a CASF grant of \$6,602,422 to match the Tribes’ (Karuk and Yurok tribe) funding of \$6,213,326, derived primarily from grants that the Tribes obtained from the U.S. Department of Agriculture’s Rural Utilities Service (USDA-RUS). This CASF award represented 51.5% of the total project cost of \$12,815,748.

¹ California Public Resources Code Sections 21000 *et seq.*

On November 5, 2019, the Karuk Tribe submitted a request for an additional \$11,329,178 in CASF funding for the KRRBI Project. The additional funding request was based on a change to the middle-mile fiber optic route and interconnection point previously authorized in Resolution T-17418.

On May 8, 2020, the Commission adopted Resolution T-17690, approving supplemental funding for the grant application of the Karuk Tribe, from the California Advanced Services Fund for \$10,820,150 requested for the Klamath River Rural Broadband Initiative Project. The additional funding enables the Karuk Tribe to cover costs associated with: (1) extending the middle-mile infrastructure to an interconnection point in McKinleyville (adding approximately 21.8 miles to the previously approved route of 82.3 miles); (2) providing the project with the appropriate level of management, permitting, engineering and environmental review; and (3) increased labor costs from changes to prevailing wage laws that were not in effect when the original grant was approved in 2013.

The Karuk Tribe, which holds a Certificate of Public Convenience and Necessity (CPCN) number U-7235-C and the Yurok Tribe (The Tribes), created the KRRB Initiative to deploy broadband in their highly rural, isolated, unserved and underserved tribal lands to enable the members of their tribes, who live in extremely rural and frontier environments in Northern Humboldt County, to obtain high speed Internet access.

On February 1, 2013, the Karuk Tribe, in collaboration with its project partner, the Yurok Tribe, submitted an application for CASF funding to bring broadband to the unserved communities of Orleans, Weitchpec, Orick and the underserved areas of Johnsons, Wautech, and other unincorporated areas of Humboldt County.

The Karuk Tribe plans to construct a 104.1-mile fiber optic middle mile network to extend broadband from Orleans to the communities of Weitchpec, Wautech, Johnsons, and Orick, to serve residents, anchor institutions and businesses along the way. In addition, the CASF funding will pay for the installation of a last mile fixed wireless broadband network to provide last mile broadband to members of The Tribes', businesses, anchor institutions and other community members. When completed, the project will reach an estimated 616 households and 170 businesses in highly rural and isolated areas in Northern Humboldt County, at maximum advertised speeds of 25 Mbps download and 3 Mbps upload.

III. ENVIRONMENTAL COMPLIANCE DISCUSSION

The Commission's decision in Resolutions T-17418 and T-17690 to conditionally grant funding under the CASF triggers the requirement that the Commission act as the lead agency for environmental review pursuant to California Environmental Quality Act (CEQA) for the Klamath River Rural Broadband Project. Consistent with the

Commission's requirements, the Karuk Tribe provided a Proponent's Environmental Assessment (PEA) to the Energy Division's Infrastructure Permitting and CEQA Unit (CEQA Unit) on December 18, 2017. The PEA included measures proposed by the Karuk Tribe to reduce the environmental impacts of the Karuk Tribe project. The CEQA unit deemed the initial PEA complete on January 18, 2018. Subsequently, to reduce potential impacts on sensitive resources, the Karuk Tribe amended its application and submitted an Amended PEA on May 15, 2020. After the review of the Amended PEA, the CEQA Unit determined that it would be appropriate to prepare an Initial Study (IS)-Mitigated Negative Declaration (MND) for the Project.

The Project also would involve federal actions including the granting of rights-of-way on the Karuk and Yurok Indian Reservations by the U.S. Bureau of Indian Affairs (BIA), part of the U.S. Department of the Interior; therefore, review under the National Environmental Policy Act (NEPA) is also required. BIA is serving as the federal lead agency under NEPA and advised the CEQA Unit that an Environmental Assessment would be appropriate for the required NEPA review. The CPUC and the BIA jointly prepared a Draft Initial Study-Mitigated Negative Declaration and Environmental Assessment (IS/MND/EA) to meet both CEQA and NEPA requirements. The Draft IS/MND/EA was published with a Notice of Intent to Adopt on June 24, 2022. This opened a public comment period on the Draft IS/MND/EA that ended on July 25, 2022. Following the end of the public comment period, the CEQA Unit reviewed responses to the eight comments on the Draft IS/MND/EA and revised the document as needed. The CEQA Unit finalized the IS/MND/EA on September 27, 2022 (State Clearinghouse No. 2022060515). The Final IS/EA MND is available on the project website at: <https://ia.cpuc.ca.gov/environment/info/esa/klamath/index.html>.

The Commission has reviewed the Klamath River Rural Broadband Project Final IS/MND/EA and finds that the Project will have no significant effects on the environment with the implementation of mitigation measures. The Commission finds that the contents of the Final IS/MND/EA and the procedures to prepare, publicize, and review comply with CEQA requirements. The IS/MND/EA correctly identifies the potential impacts and includes the appropriate mitigation measures to minimize the impacts of the Project. All required mitigation measures identified in the IS/MND/EA and contained in the Mitigation Monitoring, Compliance, and Reporting Program (MMCRP) are included as conditions of approval of the Project.

IV. RELEASE OF CASF FUNDS

Given the CEQA Unit's conclusion as discussed in the prior section, the Karuk Tribe has satisfied the CEQA Compliance Requirements in Resolutions T-17690 and T-17418. Therefore, the Commission shall authorize CASF grant funds to be released for the construction of the Klamath River Broadband Initiative Project, in accordance with the

scope and budget specifications provided in Resolutions T-17690 and T-17418.

V. SAFETY IMPACT

The construction of this project will likely provide considerable safety benefits. Broadband will enable eight first responder agencies and 14 other anchor institutions within the project area to assist in communicating with first responders in the event of an emergency. The project area is also located in a high-risk fire area and improved broadband speeds will facilitate the transmission of data and communications amongst first responders and the public. Lastly, faster broadband speeds will enable better training or distance learning for first responders.

VI. COMMENTS ON DRAFT RESOLUTION

In compliance with Public Utilities Code, §311(g), a notice letter was emailed on October 28th, 2022, informing all parties on the CASF Distribution List of the availability of the draft of this Resolution, at the Commission's documents website at <http://www.cpuc.ca.gov/documents/>, and of the opportunity to comment. This letter also informed parties that the final conformed Resolution adopted by the Commission will be posted and available at the same website.

VI. FINDINGS

1. Resolution T-17418 (adopted October 17, 2013) conditionally authorized a CASF grant of \$6,602,422 to the Karuk Tribe to construct the Klamath River Rural Broadband Initiative Project, subject to the Commission's completion of CEQA review.
2. Resolution T-17690 (adopted May 8, 2020) conditionally authorized supplemental funding for CASF grant of \$10,820,150 to the Karuk Tribe to construct the Klamath River Rural Broadband Initiative Project, subject to the Commission's completion of CEQA review.
3. The Commission is the lead agency under CEQA for environmental review of the Klamath River Rural Broadband Project.
4. The applicant provided the required Proponent's Environmental Assessment (PEA) on December 18, 2017, and Energy Division's CEQA Unit deemed the PEA complete on January 18, 2018.
5. The CEQA Unit determined that it would be appropriate to prepare an Initial Study and Mitigated Negative Declaration (IS/MND) for the Project.

6. The Project would involve federal actions including the granting of rights-of-way on the Karuk and Yurok Indian Reservations by the U.S. Bureau of Indian Affairs (BIA), part of the U.S. Department of the Interior.
7. BIA's granting of right-of-way within the Reservation is a federal action that is subject to NEPA review.
8. BIA advised the CEQA Unit that an Environmental Assessment (EA) would be the appropriate environmental document for the required NEPA review.
9. The CEQA Unit prepared a joint IS/MND/EA document to meet both CEQA and NEPA requirements.
10. The Final IS/MND/EA (State Clearinghouse No. 2022060515) is complete and in compliance with CEQA
11. The Final IS/MND/EA reflects the Commission's independent judgment and analysis on the issues addressed by the IS/MND/EA.
12. The Project will have no significant effects on the environment with the incorporation of the mitigation measures identified and listed in the MMCRP.
13. The Karuk Tribe will implement the measures contained in the MMCRP (Chapter 3 of Final IS/MND/EA) as conditions of project approval and has adopted a system to document and verify MMCRP implementation.
14. With the adoption of this Resolution T-17772, the Karuk Tribe has satisfied the conditions required to release funds for the construction of the Klamath River Rural Broadband Initiative Project, as set forth in Resolution T-17418 and T-17690.
15. A notice letter was e-mailed on October 28, 2022, informing all parties on the CASF distribution list of the availability of the draft of this Resolution at the Commission's website <http://www.cpuc.ca.gov/documents/>, and of the opportunity for comment. This letter also informed parties that the final confirmed Resolution adopted by the Commission will be posted and available at this same website.

THEREFORE, IT IS ORDERED THAT:

1. The Commission authorizes \$17,422,572 in CASF grant funds to be released for the construction of the Klamath River Rural Broadband Initiative Project, in accordance

with the scope, budget specifications, and payment guidelines provided in Resolutions T-17690 and T-17418.

2. The Karuk Tribe shall comply with all guidelines, requirements, and conditions associated with the CASF funds award as specified in D. 18-12-018, Resolutions T-17772, T-17690 and T-17418.
3. In the event that the Karuk Tribe fails to complete the project in accordance with the terms of approval granted by the Commission in Resolutions T-17772, T-17690 and T-17418, the Karuk Tribe may be required to reimburse some or all of the CASF funds that it has received.
4. The Final Initial Study/Environmental Assessment and Mitigated Negative Declaration (IS/MND/EA) for the Klamath River Rural Broadband Initiative Project is adequate for the Commission's decision-making purposes and is hereby adopted pursuant to the requirements of the California Environmental Quality Act, Public Resources Code §§ 21000 et seq. See at: <https://ia.cpuc.ca.gov/environment/info/esa/klamath/index.html>.
5. All applicant-proposed mitigation and other mitigation measures identified in the Mitigation Monitoring, Reporting, and Compliance Plan are adopted and hereby imposed on the Karuk Tribe and made as a condition of project approval. See MMCPRP (Chapter 3 of IS/MND/EA).
6. The Final Mitigated Negative Declaration for the Project is adequate for the Commission's decision-making purposes and is hereby adopted pursuant to the California Environmental Quality Act Guidelines and the Public Resources Code.
7. The Energy Division may approve requests by Karuk Tribe for minor project refinements that may be necessary due to final engineering of the Project, so long as such minor project refinements are located within the geographic boundary of the study area of the Final IS/MND/EA and do not, without mitigation, result in a new significant impact or a substantial increase in the severity of a previously identified less-than-significant impact, based on the criteria used in the environmental document, conflict with any applicable operational activity, design element, law or policy, or trigger an additional discretionary permit requirement. The Karuk Tribe shall seek any other project refinements by a petition to modify this resolution.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on _____. The following Commissioners approved it:

Rachel Peterson
Executive Director