

Rural Broadband Access Loan and Loan Guarantee Application

Version 2011-3

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United States Department of Agriculture
Rural Utilities Service (RUS), Telecommunications Programs

APPLICATION FOR BROADBAND LOAN OR LOAN GUARANTEE

RUS USE ONLY

Borrower and Loan Designation:

APC Date:

Section A: General Information

1. NAME & ADDRESS OF APPLICANT:	2. REGISTERED AGENT (Address, Telephone and Fax):	
3. PHONE NUMBER:	4. FAX NUMBER:	
5. E-MAIL ADDRESS:	6. CONTACT PERSON:	
7. TYPE OF ORGANIZATION (Check one): <input type="checkbox"/> Corporation <input type="checkbox"/> LLC <input type="checkbox"/> Cooperative or Mutual Org. <input type="checkbox"/> Indian Tribe or Tribal Org. <input type="checkbox"/> State or Local Government <input type="checkbox"/> Other _____	8. TYPE of LOAN (Check one): <input type="checkbox"/> Cost-of-Money <input type="checkbox"/> Four Percent <input type="checkbox"/> Guarantee	9. REFINANCE/ACQ.: <input type="checkbox"/> Refinancing <input type="checkbox"/> Acquisition <input type="checkbox"/> Not Applicable
10. PURPOSE OF LOAN (Briefly explain the purposes for which loan funds are intended and the amount required for each purpose):		
11. LOAN MATURITY REQUESTED (Check one): <input type="checkbox"/> Composite Economic Life of Facilities Financed <input type="checkbox"/> _____ years (if less than composite economic life)	12. AMOUNT OF LOAN APPLIED FOR:	
13. IDENTIFICATION INFORMATION: A. EMPLOYER TAX ID NUMBER (TIN): OR FEDERAL EMPLOYER ID NUMBER (FEIN): B. DUNS NO:	14. ORGANIZATIONAL NUMBER:	
15. TYPE OF BORROWER (Check one): <input type="checkbox"/> Current RUS Borrower <input type="checkbox"/> New RUS Borrower	16. UPGRADE OR EXPANSION OF EXISTING NETWORK (Check all that apply): <input type="checkbox"/> Upgrading existing network <input type="checkbox"/> Expanding existing network <input type="checkbox"/> Building new network	
17. CONGRESSIONAL DISTRICTS (Attach as Schedule A): <input type="checkbox"/>	18. EXECUTIVE SUMMARY (Attach as Schedule B): <input type="checkbox"/>	

Rural Broadband Access Loan and Loan Guarantee Application

Version 2011-3

Section B: Entity Eligibility

19. LEGAL OPINION & PROPERTY SCHEDULE:

- A. LEGAL OPINION (Attach as Schedule C-1):
- B. REAL PROPERTY SCHEDULE (separated into real property, leased-property, easements, and rights-of-way) (Attach as Schedule C-2):

20. CORPORATE STRUCTURE:

- A. ARTICLES OF INCORPORATION or ORGANIZATION (Attach as Schedule D-1):
- B. BYLAWS or OPERATING AGREEMENT (Attach as Schedule D-2):
- C. BOARD OF DIRECTORS OR MANAGING MEMBERS (Attach as Schedule D-3):
- D. MANAGEMENT EXPERIENCE AND COMPENSATION (Attach as Schedule D-4):
- E. ORGANIZATIONAL CHART (Attach as Schedule D-5):
- F. PARENT AND SUBSIDIARIES, if any (Attach as Schedule D-6):

21. BOARD RESOLUTION (Attach as Schedule E):

Section C: Area Eligibility

22. Service Area Maps and Details:

- A. SERVICE AREA MAPS (Submitted through RUS' Mapping Tool):
- B. SERVICE AREA DETAILS (Attach as Schedule F-2)

23. SERVICE AREAS – EXISTING OR NEW; FUNDED OR NON-FUNDED (Attach as Schedule G):

Section D: Other Federal Requirements

24. COMPLIANCE CERTIFICATES (Print and sign the samples provided):

- A. EQUAL OPPORTUNITY AND NONDISCRIMINATION CERTIFICATION (Attach as Schedule H-1):
- B. CERTIFICATION REGARDING ARCHITECTURAL BARRIERS (Attach as Schedule H-2):
- C. UNIFORM RELOCATION ASSISTANCE & REAL PROPERTY ACQUISITION POLICIES (Attach as Schedule H-3):
- D. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS PRIMARY COVERED TRANSACTIONS (Attach as Schedule H-4):
- E. CERTIFICATION REGARDING LOBBYING FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS (Attach as Schedule H-5):
- F. CERTIFICATION REGARDING FLOOD HAZARD AREA PRECAUTIONS (Attach as Schedule H-6):

25. FEDERAL DEBT

- A. IS THE BORROWER DELINQUENT ON ANY FEDERAL DEBT Examples of debts include, but are not limited to, delinquent taxes, guaranteed or direct government loans (more than 31 days past due) and other administrative debts:
 No
 Yes (if yes, provide explanation with Schedule I)

B. OUTSTANDING FEDERAL DEBT (Attach as Schedule I):

The Federal Government is authorized by law to take any or all of the following actions in the event that a borrower's loan payments become delinquent or the borrower defaults on its loan: (1) Report the borrower's delinquent account to a credit bureau; (2) Assess additional interest and penalty charges for the period of time that payment is not made; (3) Assess charges to cover additional administrative costs incurred by the Government to service the borrower's account; (4) Offset amounts owed to the borrower under other Federal programs; (5) Refer the borrower's debt to the Internal Revenue Service for offset against any amount owed to the borrower as an income tax refund; (6) Refer the borrower's account to a private collection agency to collect the amount due; and (7) Refer the borrower's account to the Department of Justice for litigation in the courts. All of these actions can and will be used to recover any debts owed when it is determined to be in the interest of the Government to do so.

Rural Broadband Access Loan and Loan Guarantee Application

Version 2011-3

IMPORTANT: If you believe the following information contained in Schedules I through R-6 is Business Proprietary Information, pursuant to Executive Order 12600, please indicate so at the top of each page.

Section E: Financial and Marketing Information

26. EQUITY:

- A. APPLICANT'S EQUITY (Refer to Schedule M4-a):
- B. INVESTOR PROPOSAL (Attach as Schedule J-1):
- C. STATE/LOCAL GOVERNMENT - BOND(Attach as Schedule J-2):

27. RESEARCH DATA & MARKET ANALYSIS:

- A. RESEARCH DATA (Attach as Schedule K-1):
- B. MARKET ANALYSIS (Attach as Schedule K-2):

28. COMPETITIVE ANALYSIS:

- A. EXISTING PROVIDERS (Attach as Schedule L-1)
- B. STRATEGIC PLAN (Attach as Schedule L-2)

29. FINANCIAL POSITION:

- A. HISTORICAL FINANCIAL STATEMENTS for last three years with full footnotes & disclosures (Attach as Schedules M-1) (Certified financial statements are required if available):
- B. SCHEDULE OF DEBT AND EQUITY FUNDING (Attach breakdown as Schedule M-2):
- C. SUBSCRIBER PROJECTIONS AND SERVICE TIERS (Attach as Schedule M-3):
- D. PRO-FORMA 5 YR. FINANCIAL FORECAST (Attach as Schedule M-4A):
- E. PRO-FORMA FINANCIAL ASSUMPTIONS (Attach as Schedule M-4B)
- F. ADDITIONAL CASH REQUIREMENT(Attach as Schedule M-5):
- G. DEPRECIATION SCHEDULE (Attach as Schedule M-6):

Section F: Network Design

30. NETWORK DESIGN

- A. NETWORK DESIGN (Attach as Schedule N-1):
- B. SERVICE METRICS AND NETWORK MANAGEMENT (Attach as Schedule N-2):
- C. NETWORK DESIGN CERTIFICATION (Attach as Schedule N-3):

31. NETWORK DIAGRAMS:

- A. EXISTING NETWORK DIAGRAM (Attach as Schedule O-1):
- B. PROPOSED NETWORK DIAGRAM (Attach as Schedule O-2):

32. PROJECT COSTS:

SUMMARY OF PROJECT COSTS = Total from Details (Attach as Schedule P): \$ _____

33. ENVIRONMENTAL REPORT (Attach as Schedule Q):

34. LICENSES AND AGREEMENTS (Attach as Schedule R):

CERTIFICATION

The undersigned certifies that the information contained herein is accurate and complete to the best of his knowledge and belief.

SIGNATURE OF AUTHORIZED OFFICIAL

TITLE

DATE

Instructions for RUS Form 490 (Rev.09-03)

APPLICATION FOR TELECOMMUNICATIONS LOAN OR LOAN GUARANTEE

A completed RUS Form 490 is part of the loan application for RUS loans to improve and extend telecommunications services in rural areas. In addition to a completed RUS Form 490, the loan application includes additional information depicted in 7 CFR 1737 available at

<http://www.usda.gov/rus/telecom/publications/publications.htm>. This form is used by telecommunications entities, public bodies, cooperatives, and nonprofit, limited dividend, or mutual associations to apply for hardship loans, RUS cost-of-money and Rural Telephone Bank loans, and guaranteed loans. RUS does not make loans to individuals.

This form must be completed as follows:

Item No.	Instruction
1	Enter the complete legal name of the company and the company address including the street, city state, and zip code.
2	Check one of the three boxes to indicate the organization type of your company.
3	Check one of the two boxes to indicate the loan maturity. If you check box "a," please insert in the blank provided the loan maturity of the loan in years not to exceed 35 years. If you check box "b," RUS will base the loan maturity on the composite life of facilities financed in the loan plus 3 years.
4	Enter the loan amount you are applying for.
5	Enter in item "a" the total number of telecommunications exchanges your company serves. Insert in item "b" the number of telecommunications exchanges where facilities are to be financed by this loan.
6	Enter in item "a" the total number of current subscribers in the entire service area. Enter in item "b" the total number of subscribers projected in the area coverage survey that your company will be serving in the entire service proposed in this loan. For more information on the area coverage survey, please refer to 7 CFR 1737 available at http://www.usda.gov/rus/telecom/publications/publications.htm .
7	Briefly summarize the purposes of the loan and include the estimated loan amount associated with each of the loan purposes.
8	Check the appropriate box to indicate if your company is or has been delinquent on any Federal Debt such as taxes, direct government or guaranteed loans, etc. Any payment that is past due by more than 31 days is considered delinquent by RUS for purposes of filling out this form.
Certification	An authorized official must sign the form. Include the title and the date in the spaces indicated. This certifies that the information provided is correct and that the applicant has been notified of the Federal collection policies in the case of delinquency.

A hard copy of this form, with supporting materials as specified in 7 CFR 1737, should be provided to your General Field Representative.

[REDACTED]

Dear [REDACTED]:

We are pleased to inform you that your application for a loan from the Rural Utilities Service ("RUS") Rural Broadband Access Loan and Loan Guarantee Program has been approved. We are offering you a loan in the amount of [REDACTED] at the Cost-of-Money interest rate for a term of 21 years. The loan is subject to the terms of the enclosed Loan and Security Agreement and Promissory Note. The loan designation for your project is [REDACTED]. This designation should be referenced in all future correspondence concerning this loan.

If this proposal is acceptable to you, please indicate your acceptance by having the President or other authorized representative of your organization execute the second copy of this letter and return it to the following address and/or by facsimile within **thirty (30) calendar days** of the date of this letter:

Mr. Kenneth Kuchno
Rural Utilities Service
U.S. Department of Agriculture
1400 Independence Avenue, SW
Stop 1599, Room 2868-S
Washington, DC 20250-1599
Fax: (202) 690-4389

In addition, please complete and return the enclosed Form AD-3031, Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants. Although a representative of your organization previously completed a similar form at the time the application was submitted, we require this completed form in order to process your concurrence with this loan offer.

Upon receipt of the completed form and the executed second copy of this letter, the RUS will then send executed versions of the legal documents to your organization. Please note that any proposed modifications to these documents at this point may result in withdrawal of the offer by the RUS.

Should your organization accept this loan offer, we ask that you also complete the enclosed Telecommunications Program Project Fact Sheet to the best of your ability. However, your response to the Fact Sheet is strictly voluntary, and will have no effect on your acceptance of this loan offer, though it will assist the RUS as we announce and publicize the loan project's benefits to rural areas. We will also use this information to develop success stories which are posted on our website and shared with members of Congress and the public to inform them of the significant contributions that our awardees make in the lives of rural residents. We ask that you please return a completed Fact Sheet to us at your earliest convenience, though there is no deadline for your response. If you have any questions regarding the Fact Sheet, please contact Mary Campanola at (202) 720-8822 or by email: mary.campanola@wdc.usda.gov. Thank you for your support.

Sincerely,

/s/ John Charles Padalino

John Charles Padalino
Administrator
Rural Utilities Service

Enclosures

ACCEPTANCE:

[Redacted Signature]

By: _____

Name: _____

Title: _____

Date: _____

cc: Official File ([Redacted]) Loan Docket PASD/Belcher Reading File
RUS:BBD:DKombolias:6/28/2013 [Redacted]

JCP mc



**United States Department of Agriculture
Rural Development**

[REDACTED]
President
[REDACTED]
[REDACTED]
[REDACTED] Minnesota 55335-0289

Dear [REDACTED]:

A Loan Guarantee Commitment (Commitment) in the amount of \$ [REDACTED] has been approved for your organization. Under this Commitment, the Government will guarantee a loan in this amount to [REDACTED] from the Federal Financing Bank (FFB) under the terms and conditions set forth in the contract of guarantee now in effect between the Rural Utilities Service (RUS) and FFB. The interest rate is fixed by FFB with respect to each advance in accordance with the FFB statute, and the final maturity date is [REDACTED] years after the year in which the note is issued. The loan guarantee is subject to the terms of the enclosed Loan Agreement. The loan designation for your project is [REDACTED]. This designation should be referenced in all future correspondence concerning this loan.

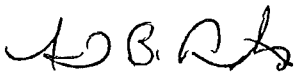
Please indicate your acceptance of this offer by having the President or other authorized official sign the second copy of this letter and, within 21 days from the date hereof, returning it both by fax and in hard copy to:

Mr. Shawn B. Arner, Deputy Assistant Administrator
Loan Origination and Approval Division
Stop 1597, Room 2808, South Building
1400 Independence Avenue, SW
Washington, DC 20250-1595
Fax: (202) 205-2921

Upon receipt of the second copy of this letter, the loan documents will be prepared and forwarded for execution. This loan Commitment is approved with the understanding that the loan guarantee documents will be authorized and executed by your organization and returned to us within the time period which will be set forth in the letter of transmittal.

Under USDA's Fiscal Year 2015 Appropriations Act, Congress inserted specific restrictions on use of funds to enter into financial transactions with corporations having felony convictions or tax delinquencies. In order to comply with these provisions, you will need to execute and submit the enclosed "Assurance Regarding Felony Conviction or Tax Delinquent Status For Corporate Applicants."

Sincerely,



KEITH B. ADAMS
Assistant Administrator
Telecommunications Program

Enclosure

ACCEPTANCE:



By:

Name:

Title:

Date:



local businesses. The last mile fiber optic facilities also provide broadband connectivity to Verizon, T-Mobile and U.S. Cellular towers in northeast Oklahoma.

15.1.3. TOTAL NUMBER OF ESTABLISHMENTS SERVED

Wireline – none

Critical care facilities – 35 (schools, libraries and hospitals)

15.1.4. NUMBER OF SUBSCRIBERS PER SERVICE OFFERED

Voice – none

Data – 35 end user locations which include a total of 5,000 IP addresses hosted by [REDACTED]

Video – none

15.1.5. INFRASTRUCTURE TECHNOLOGIES UTILIZED

The types of technologies utilized in the infrastructure are standards based. The entire infrastructure is fiber optic point to point Ethernet based technology, or wireless unlicensed point to point radio.

15.1.6. CURRENT CONNECTIVITY TO OTHER PROVIDERS

[REDACTED] current connectivity to ISP's is via an internet POP located at [REDACTED] headquarters in [REDACTED], Oklahoma, as described in Section 15.1.

15.2. PROPOSED NETWORK

The proposed network for [REDACTED] includes building new headend facilities at their corporate headquarters near [REDACTED] Oklahoma. The proposed middle mile construction includes [REDACTED] miles of new fiber optic plant primarily built on existing [REDACTED] pole lines and [REDACTED]

15.2.5. TECHNOLOGY EMPLOYED IN INFRASTRUTURE

The new service area build for FTTH will be completed using “standards based” GPON technology incorporating a 1 by 32 split. The VoIP service will operate off a new softswitch using existing Telecordia standards and meeting FCC requirements. The new video headend will operate using MPEG 2 and MPEG 4 video standards and IPTV middleware, and will support three screen content streaming.. All data equipment routers, switches and servers use current ITU standards with RFC. All VoIP and data services will meet the requirements for CALEA. The middle mile rings will employ standard Gigabit Ethernet transport equipment.

The FTTH system will use middle mile rings to transport service from the headend / office to every substation. At the substation, the FTTH equipment will extend service to every household and business in the census blocks using a Passive Optical Network (PON) design with a maximum 1 by 32 split architecture. The system is fully loaded and is capable of providing 2.4 Gigabits down and 1.2 Gigabits up. NRS will rate limit service based on subscription but can provide 20 Mbps down and 3 Mbps up under the proposed maximum data plan. The plant exceeds the 5 Mbps broadband lending speed in the Broadband Loan Program and the system can expand to offer 200 megabits down and 200 megabits up, per subscriber if desired at any time. IPv6 software is not purchased today but will be available in the near future. Should the FTTH product not provide IPv6 service, [REDACTED] will purchase a net translator to meet the needs of the subscribers when required.

Ninety percent (90%) of the project will be constructed using [REDACTED] and other utilities’ pole lines under joint use agreements. The buried fiber (approximately 10% of the project) will be installed using a directional bore or trenched placement process,

in dense areas, to reduce construction clean up requirements. In the very rural areas, [REDACTED] will use plow techniques to install duct for the fiber to be pulled in. The use of duct protects the fiber and, in some cases, allows for future cables to be installed.

The design requires the use of splitter cabinets in the field. The cabinets will be placed in low traffic areas to reduce visibility and the chance for vehicular encounters. The drops to the home will be either aerial or buried depending on existing infrastructure in a given area with the optical network terminals (ONT) placed on the premise near the electrical service entrance.

The ONT will require a battery backup unit installed inside the premise and wired back to the ONT to provide operating power and standby power for 8 hours reserve, in case of power outages. The ONT for residences will have two phone ports (RJ-11) and two Ethernet ports for broadband internet and video services. The premise will be either wireless or CAT 5 wiring, in cases where video is provided to connect to set top boxes. The wiring options will depend on what services the subscriber requests. Residents using internet only service will be served, if requested, with wireless in home networks.

15.2.6. PROPOSED CONNECTIVITY TO ISP, VIDEO AND VOICE/VOIP

[REDACTED] currently is connected to the internet via a 1 Gbps redundant connection with [REDACTED] at [REDACTED]'s [REDACTED] office. [REDACTED] has redundant routes to Cogent in Tulsa and Level 3 in Kansas City. [REDACTED] fiber backbone paths provide 100 Mbps transport and load balancing to the Internet cloud. VoIP service does not currently exist nor does video service. Latency for the system is very low, at a rate of 29 ms from the customer premise to the router prior to the gateway.

Environmental Questionnaire



CONFIDENTIAL

i. Project Description and Location:

[REDACTED] is proposing to expand broadband facilities in their existing parent company [REDACTED] service area, as well as in the communities and rural areas surrounding the electric cooperative service areas. Located in Craig, Delaware, Mayes, Ottawa, and Rogers counties, these proposed broadband service coverage areas are rural and small town settings (populations less than 5,000) in northeastern Oklahoma. The purpose of the broadband facilities is to provide new or upgraded high speed internet, VoIP, and video services in areas where these services are limited or unavailable. [REDACTED] conducted a regional market research survey, which magnified the proposed locations as those areas with the greatest need and demand for broadband services.

The project will consist of building 16 prefabricated buildings for new fiber optic equipment. The buildings will be located at existing [REDACTED] substation sites. They will be approximately 12 by 12 feet, and located adjacent to the existing electric facilities. Depending on the size of the substation locations, some clearing for a ground ring will be required for the new building placement. Additionally, renovations to the [REDACTED] headquarter's building in [REDACTED], will include remodeling a portion of the basement to house electronics for the headend, softswitch, core router(s) billing system, NOC and power equipment. New off air antennas will be placed on the existing radio tower at the Vinita headquarter's building to receive local TV station content. Receive-only earth stations will be placed at the headquarters site to receive satellite signals. TVRO antennas operating in the C band will be licensed with the FCC to protect the site from terrestrial microwave interface.

To reduce the effects of construction to the immediate environment, [REDACTED] proposes to place new fiber optic cable lines along their parent company's existing aerial and buried electric service routes within and between the communities. For proposed new facilities where ~~Central Oklahoma Electric~~ [REDACTED] does not have existing electric service [REDACTED] will lease space on other existing utility pole lines in and between those communities. **Aerial "joint use" cable construction** on existing pole lines (both [REDACTED] owned poles and those poles leased from other utility providers) will total [REDACTED] miles. The planned **new buried fiber route construction** will consist of approximately [REDACTED] of cable, not including drop cable.

Following this Environmental Questionnaire is a "Fiber to the Home Routes Map" illustrates the areas where the proposed **new buried construction routes** are expected to be placed. The new fiber optic cable will parallel existing utilities located in public rights-of-ways. Handholes (48" x 30" x 18") will be used to house splices for reel ends and side tap route splicing. Small pedestals will be placed where needed along the route to serve customers and will consist of 6" by 6" wide and 3' high encasements. These pedestals are usually placed approximately 2,000 feet apart in sparsely populated areas and closer in more densely populated residential areas.

To ensure that all NEPA requirements are met for the proposed new buried areas, additional consultation with relevant agencies during the construction planning phase will be initiated and documented in site-specific Borrower's Environmental Reports (BERs). [REDACTED] anticipates three (3) separate construction phases, which will result in three (3) site-specific reports documenting consultations prior to construction. Also following this Environmental Questionnaire is a "[REDACTED] Phase 1, 2, 3 Map," which illustrates the chronological order that construction activities are expected to flow. Upon RUS approval of each report, [REDACTED] will initiate construction site activity in the approved areas only. Because of the linear nature of the project, [REDACTED] also anticipates that construction activities will have minimal impacts on the natural environment or on historic preservation, due to the use of public rights-of-ways where other utility line and road maintenance disturbances have already taken place.

**CONFIDENTIAL****ii. Map:**

For each construction phase of the project, a site-specific Borrower's Environmental Report (BER) will include USGS topographic maps illustrating where the proposed cable routes will parallel local roadways. These maps will follow planned "as-staked" routes. They will be the same maps that accompany correspondence to the environmental agencies. The maps will demonstrate, where feasible, wetlands, forests, and wildlife preserves and management areas. Supporting maps will demonstrate wetlands using the USFWS National Wetlands Inventory program, general soils using the USDA Web Soil Survey, floodplains using FEMA FIRM documents, and brownfield sites using resources from the EPA. Additional drawings will represent right-of-ways and easements. Aerial maps and site photographs will be provided, depending on specific consultation requests, to document preconstruction disturbances on or near the site.

iii. Property Changes:

All new fiber optic cable burial will be placed in existing utility corridors within public road rights-of-ways. Temporary disturbance along the rights-of-ways will involve a 5 feet width to accommodate construction equipment and a 6 inch width by a 30 inch (minimum) depth trench for the buried cable. The rights-of-ways will be cleaned up by repacking the cable slot, smoothing the rip, and hauling off rocks and debris. This will be accomplished directly behind the plow on a daily basis. Above ground appearances of the cable will be placed in standard telephone pedestals. In one growing season, all signs of surface disturbances will disappear. Necessary procedures for erosion control and re-vegetation will be followed. There will be no chemical treatment involved in the cable installation. The only pollutants discharged will be that of the exhaust fumes emitted by the working machinery required for plowing, trenching and digging. The nature of disturbance and best management practices (BMPs) (to reduce storm water pollutants and general environmental degradation during construction activities) will be outlined for each construction area in Storm Water Pollution Prevention Plans prepared per the EPA's requirements on the National Pollutant Discharge Elimination System (NPDES).

For new building sites, property on or near the existing electric substations may be cleared to place the buildings. However, the sites should be no larger than 12 x 12 feet in width and length, and should not require significant ground disturbance or changes to the existing substation location. Therefore, very little, if any, properties will be cleared, fenced, or otherwise disturbed by the project.

Portions of the project are located near land regulated by the U.S. Army Corps of Engineers (USACE). During the site-specific BER consultation process, the USACE will be contacted for guidance and permit approvals, if required, although these areas are not expected to be affected by the proposed construction. No other areas within the proposed project areas are located on public lands. The majority of the fiber will be installed using a trenching or directional boring method to reduce construction clean-up requirements. In the very rural areas, plow techniques will be used to install duct for the fiber to be pulled in. The use of duct protects fiber, and in some cases, allows for future cables to be installed. Additionally, the duct will prevent significant ground disturbance for future maintenance and any required additional cable placement.

Because most of Oklahoma was historically divided as a homeland for many displaced Native American Nations originating in other parts of the United States (known as "Indian Territory" prior to statehood in 1907), the project area is within the boundaries of many of those historical divisions. With the exception of the Osage Nation (in Osage County, Oklahoma), these lands are not officially considered reservation land any longer because of the Dawes Allotment Act of 1887, which redistributed the properties to individual native families (most parcels of land were later leased and sold to non-native citizens). However, these areas are still considered "tribal lands" within those historical boundaries. In addition, there are pre-removal native Nations (such as the Osage Nation, the Caddo Tribe and the Wichita Tribes, among others) currently residing in the state. Therefore, the site-specific BERs will contain documentation of consultation with each of the identified Native American Nations that have an interest

in these areas (based on both the pre-removal and post-removal tribal boundaries). In northeastern Oklahoma, these Nations include:

Caddo Nation
Cherokee Nation of Oklahoma
Eastern Shawnee Tribe of Oklahoma
Miami Tribe of Oklahoma
Modoc Tribe of Oklahoma
Osage Nation
Ottawa Tribe of Oklahoma

Peoria Tribe of Indians of Oklahoma
Quapaw Tribe of Oklahoma
Seneca-Cayuga Tribe of Oklahoma
United Keetowah Band of Cherokees
Wyandotte Nation
Wichita and Affiliated Tribes of Oklahoma

iv. **Wetlands:**

For the proposed new construction cable routes, a review of local county maps and the US Fish & Wildlife Service National Wetland Inventory maps indicated that the proposed construction is within the vicinity of wetland areas. These areas primarily include Lakes and Tributaries associated with the Arkansas River. However, the proposed construction will take place along existing roads and outside of riparian zones to the greatest extent possible, and any crossings of waterways will be accomplished using the directional boring method. The site-specific BERs will include local wetlands maps as part of the documentation for consultations with the appropriate local and federal environmental agencies (i.e. USFWS, USACE, etc.). For a general overview of wetlands in the entire project area, see *Exhibit A* following this Environmental Questionnaire.

v. **Threatened and Endangered Species:**

For the proposed new construction cable routes, the residential subdivisions and transport route for the signal are described as well-developed public road networks or existing power line rights of ways that have sparse vegetative cover. Conditions within the pre-disturbed road right-of-way and parallel existing utility corridor provide a very low probability for the presence or the necessary habitat for wildlife and T&E Species within the construction corridor. Site-specific threatened and endangered species evaluations will be prepared, and consultations with the U.S. Fish & Wildlife Service regional office will be initiated for comments on potential impacts to any threatened, endangered or candidate species that may be impacted by the proposed construction. Except for the American Burying, all federally-listed species and their habitats require water or water-related environments or cave habitats. The proposed action should have *no effect* on the listed species. The proposed action *may have an affect* on the American burying beetle (endangered) because the proposed action falls in the prescribed counties and general habitat requirement where they are found to occur. However, because the proposed routes are previously disturbed from existing road construction activities or the clearing of power line rights-of-ways, the proposed action is *not likely to affect* the American burying beetle or its habitat. A copy of the evaluations and correspondence to USWFS office will be included in the site-specific BER supporting documentation.

vi. **Floodplains:**

The fiber optic cable facilities to be constructed as discussed herein are not considered "critical activities," as defined in E. O. 11988, "Floodplain Management," and require consideration of 100 year or base flood conditions only. For the proposed new construction cable routes, FEMA Flood Insurance Rate Maps (FIRM) maps were reviewed to determine if any 100 year or base flood conditions exist in the project area. The majority of the proposed routes do not cross flood zones. There are locations where a Zone A flood area (no base flood elevations determined) will be crossed. The construction plans do account for these crossings, and each location will be bored to avoid as much impact to the area as possible. None of the existing substation locations (where new buildings are proposed) are in flood zones.



vii. **Historic Properties:**

For the proposed new fiber optic cable construction routes, the National Register of Historic Places database has been accessed to determine if the proposed construction will be located on, within or adjacent to any properties listed in or eligible for listing in the NRHP. The proposed construction is not expected to have an impact on these structures or any cultural resource sites because the planned construction will take place in an existing utility corridor and outside of the actual location of each property. See *Exhibit B* following this Environmental Questionnaire for an NRHP list of historic sites/structures in each county for a general overview of those properties anticipated in the greater project area. Based on a database search of National Historic Landmarks, no NHL sites were found in the vicinity of the project locations (see *Exhibit C* following this Environmental Questionnaire for a state list of NHL sites). The proposed construction only involves the renovation or placement of modern buildings or structures; therefore, no buildings or structures over 50 years of age will be impacted by the project. Per the Programmatic Agreement among RUS, NTIA, the National Conference of State Historic Preservation Officers and the Advisory Council of Historic Preservation, once funding is awarded, the SHPO and interested THPOs will provide final comments on the potential effects of construction activities on historic properties and cultural resource materials from records that may not be available for public access and identification. This documentation will be included in the site-specific BERs.

viii. **Coastal Areas:**

The proposed project does not involve coastal areas.

ix. **Brownfields:**

The majority of the proposed project area does not involve brownfield sites. However, northern Ottawa County and southern Mayes County do contain brownfield properties, hazardous waste, and superfund sites. The largest of these is the Tar Creek superfund site in northern Ottawa County where residents have been relocated. The proposed new fiber optic placement for this project will avoid these areas. See *Exhibit D* following this Environmental Questionnaire for a general overview of hazardous waste sites in the general project area. Additional review of these areas will be included in the site-specific BERs to ensure that the final cable route design will not be impacted by these areas.

