



March 3, 2023

**REQUEST FOR PROPOSALS: PREPARATION OF ENVIRONMENTAL ASSESSMENTS,
CATEGORICAL EXCLUSIONS, AND GENERAL ENVIRONMENTAL
PERMITTING SUPPORT SERVICES FOR A LARGE-SCALE BROADBAND
INSTALLATION ON THE SOUTHERN UTE INDIAN RESERVATION**

Introduction

Southern Ute Shared Services (Shared Services), a division of the Southern Ute Indian Tribe (Tribe), is requesting bids for the preparation of Environmental Assessments (EAs), Categorical Exclusions (CATEX) and general environmental permitting support services for a large-scale broadband infrastructure project on the Southern Ute Indian Reservation (Reservation). Shared Services recently received a federal grant from the National Telecommunications and Information Administration (NTIA) to install broadband to provide tribal members and non-tribal member Indians who reside on the Reservation with access to the internet. A condition of the NTIA grant is compliance with the National Environmental Policy Act (NEPA). In addition, environmental permitting support will be needed not only for Shared Services to comply with all applicable federal requirements but also for Shared Services to comply with the Tribe's internal requirements and to obtain utility permits from the Colorado Department of Transportation (CDOT) .

The NTIA grant will fund a fiber-to-the-home (FTTH) construction project that will place more than 298 miles of fiber that will serve 1,798 homes on the Reservation. Within the project area (See Maps SUIT Shared Services Broadband Phase II Project Plan and Phase II Highway 151 Aerial Plan), 100 percent of Southern Ute tribal member homes will be served (590 homes). The project is located in La Plata and Archuleta counties, Colorado. Installation of the fiber optic lines will be via trenching, boring, and aurally on existing power poles within county road and CDOT highway rights-of-way (ROW). It is anticipated that environmental support services will be needed for up to three years.

Specific tasks and the level of NEPA compliance has not yet been determined. Therefore, NEPA and environmental support services proposals should be in the form of a rate sheet for the necessary professionals required to perform the services and provide the deliverables as may from time to time be set forth in a statement of work executed by the parties, including all labor, materials, expenses, tools, equipment, and other services necessary to complete the services. Shared Services may provide notices to proceed on a segment-by-segment basis. The selected contractor will perform the services and provide the deliverables in accordance with the descriptions, specifications and delivery schedule in the applicable notice to proceed or statement of work. If a notice to proceed or statement of work does not set forth a delivery schedule or milestones for the performance of the services, then contractor will perform such services with due diligence under the circumstances.



Scope of Work

The following is the scope of work:

Task 1: NEPA Compliance Recommendation

- Compile project descriptions and data (engineering prints) and summarize both in a table format and brief narrative for each segment whether an EA or CATEX will be required based on NTIAs CATEX guidance (See Appendix A).
- The summary should recommend whether a comprehensive EA could suffice, or if several separate EAs would be required. This recommendation should be formulated in close consultation with Shared Services and its general contractor for the infrastructure project.
- The summary should also recommend the extent to which the Tribe may require an internal EA, and whether the Bureau Indian Affairs (BIA) will also require either an EA or CATEX.

Task 2: Biological Assessment

- Conduct activities necessary to complete a Biological Assessment (BA) for the entire alignment. The BA will be completed to meet Colorado Department of Transportation utility permit requirements and in accordance with federal guidance for BA's, to include State and Federally listed threatened and endangered, and candidate species in La Plata and Archuleta Counties, Colorado. In addition, the BA will need to meet requirements for inclusion in an EA according to the National Environmental Policy Act (NEPA).
- Conduct surveys of potential areas for mitigation or phasing of construction.
- The BA will consider and take into account mitigation and construction phasing and timing restrictions to reduce potential impacts to species.
- If impacts are found, work with Shared Services to eliminate them to the extent possible (avoidance through boring, changing alignment, etc.) before the draft is submitted.
- Develop a draft BA report for submission to the Tribe and CDOT for review.
- Develop a final BA incorporating any comments from review.
- Provide Shared Services with a word and pdf copy of the document.

Task 3: Environmental Assessment

- If necessary, conduct activities necessary to complete one or more Environmental Assessments (EA) for the entirety or separate segments of the alignment.
- The EAs will be completed to meet the Tribe's requirements and federal NEPA requirements, specifically NTIA.
- The EA will include a summary of cultural resources surveys and compliance with the National Historic Preservation Act (NHPA). In addition, the EA cultural resources analysis must adhere to the Tribe's policy of non-disturbance to all cultural resources.
- The EA will include a Paleontological Survey and potential mitigations.



- The EA will evaluate the proposed action and a no action alternative for that specific segment or area and focus on the resources brought forth from the Tribe's Proposed Project Notification process.
- If impacts are found, work with Shared Services to eliminate them to the extent possible (avoidance through boring, changing alignment, etc.) before the draft is submitted.
- Develop a final EA report for submission to NTIA, and possibly BIA.
- Provide Shared Services with a word and pdf copy of the document.

Task 4: General Environmental Permitting Management and Project Support

- Coordinate Cultural Resource surveys with the Tribe's Lands Division and ensure non-disturbance (avoidance) to identified cultural resources. Incorporate the findings into EAs or CATEXs.
- Wetland delineation and possible Army Corps of Engineers (ACOE) jurisdictional determinations.
- Clean Water Act Sections 401 and 404 permitting through ACOE and USEPA due to potential disturbance.
- Stormwater Pollution Plan Prevention development, permitting, and implementation to meet Tribal, State of Colorado, and USEPA requirements.
- Conduct a Hazardous Materials Initial Site Assessment and obtain clearance from CDOT.
- Construction Environmental Monitoring to include compliance with:
 - Cultural Resource non-disturbance,
 - Stormwater Plans via inspections,
 - Migratory Bird Treaty Act,
 - Bald Eagle and Golden Eagle Protection Act,
 - Endangered Species Act,
 - ACOE and EPA wetland and Waters of the US permits.
- Obtain a CDOT Special Use Permit to allow conducting surveys and monitoring within the CDOT ROW.
- Coordinate environmental activities (permitting, EA and BA development, monitoring) with the Shared Services point of contact and the lead permitting manager.
- Participate in regular permitting team and construction meetings with Shared Services and their construction contractor.
- Ensure implementation of all environmental mitigation measures is accomplished to protect tribal resources.
- Provide Shared Services with a word and pdf copy of any draft permit applications and SWPPP plans prior to submittal.

Selection Criteria

Indian Preference



This request for bids is an unrestricted solicitation, with Indian preference given to Indian owned businesses which are technically qualified to perform the scope of work required. A proposer desiring Indian preference for selection must be certified through the Southern Ute Indian Tribe's Tribal Employment Rights Office (TERO) as an Indian owned business. This certification by the Tribe's TERO is a mandatory requirement for receiving preference, regardless of any other registration or certification that may exist with government agencies or other tribes' TERO offices. Firms not certified as Indian owned businesses by the Southern Ute Indian Tribe TERO will not qualify for preference under this RFP. If a certified, qualified Indian owned business is within 5% of the lowest bid, and the bid is responsive, then that firm will be awarded the project. If a certified qualified Indian owned business submits a bid that it not within 5% of the lowest bid and there is no other certified Indian owned business that is qualified, there will be one opportunity to submit a revised bid.

Lack of certification, however, will not be grounds to cause a bid to be considered non-responsive, and non-certified American Indian firms may still qualify for award, but will not be given Indian preference under the selection criteria.

The Tribal Employment Rights Code is applicable to all businesses operating within the exterior boundaries the Reservation on land subject to the jurisdiction of the Tribe, who employ for wages five or more persons.

For more information refer to the Southern Ute Indian Tribe's Tribal Employment Rights Code [here](#).

Contractor Project Team

Provide a rate sheet for the following suggested minimum professional project team staff:

- Environmental Permitting and NEPA Project Manger
- Environmental Assessment and Permitting Author
- Biologist and Biological Assessment Author
- Mapping and Geographic Information Systems Professional
- Stormwater Plan Author, Permitting, and Inspector
- Clean Water Act (Sections 401 & 404) Permitting Specialist
- Administrative support

Describe the proposed project team, including an organizational chart of the team, and the responsibilities of each member.

At a minimum, include the following:

- Proposed staffing requirements and key individuals to be assigned to this project. List the title of the position, the name of the individual to be assigned, and address the individual roles and responsibilities of each member.



- Discuss the experience and skills each team member would bring to the project. A resume must be submitted for each team member (resumes must be limited to 2 pages/person). At a minimum, the document must show each member's educational and work experience that indicates why they have the expertise.

Firm Experience

- Provide a list of projects of similar magnitude, complexity, and focus that the firm has performed in the last five years. This list of projects should focus on completion of EA and BA documents, and general environmental permitting, preferably for broadband installation in western Colorado. Include a brief description of each project listed.

Timing

Bid Submittal

- Please submit bids to Delbert Cuthair by March 31, 2023

Task Start

- Environmental permitting work will need to begin immediately upon execution of a master services agreement. It is anticipated that a large portion of the environmental work will be completed in the spring and summer of 2023.

Documents

- A draft BA must be delivered to Shared Services. Shared Services will route the BA for tribal and CDOT review, Contractor will receive comments by within two weeks or sooner and is expected to email final documents to Shared Services two weeks from receiving Shared Services and the Tribe's comments.
- Draft EA(s) and/or CATEX(s) will be routed for tribal review. Contractor will receive comments by within two weeks or sooner and is expected to email final documents to Shared Services two weeks from receiving Shared Services and the Tribe's comments. Shared Services will submit the final EA(s) and or CATEX(s) to NTIA for approval.

Primary Points of Contact

Delbert Cuthair, Southern Ute Shared Services

dcuthair@southernute.com

Andy Young, Growth Fund Safety and Environmental Compliance Management Group

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APPENDIX A

NTIA CATEX GUIDANCE



National Telecommunications and Information Administration Environmental Considerations for Determining the Applicability of a Categorical Exclusion

The National Environmental Policy Act of 1969 (NEPA) created an environmental protection program for the United States and its territories. NEPA requires federal agencies to consider the effects of their actions on the environment, identify reasonable alternatives, and consider the input of interested parties and the public. The NEPA process is intended to help agencies make informed decisions that are based on an understanding of environmental consequences and take actions that protect, restore, and enhance the environment. **It is important to note that ALL federal actions are subject to NEPA analysis¹.** Federal actions tend to fall within one of five categories: 1) rulemaking, 2) planning, 3) funding, 4) proposing/construction, and 5) licensing, permitting, or approval. These actions range from administrative to physical ground disturbance and include various levels of federal oversight and responsibilities; however, all will require some level of NEPA review and decision/determination.

To comply with NEPA as it applies to National Telecommunications and Information Administration (NTIA) grants, NTIA may utilize the Department of Commerce's categorical exclusions (CATEX or CE)². **A CE does not exempt a proposed project from NEPA review; rather, it is one form of environmental review under NEPA.** A CE may be applied to a proposed project after NTIA has carefully reviewed and determined that the proposed project fits within the category of actions encompassed by the CE. In making this determination, the decision maker must also consider whether environmental considerations apply, which can indicate that a normally excluded action might have a significant environmental effect. **Thus, a CE does not eliminate environmental review of a proposed project** but reduces paperwork and delay and allows NTIA to efficiently focus its resources on proposed actions with the potential for significant environmental effects.

It is highly recommended that the proposed project information and associated environmental analysis provided to NTIA for the proposed project should be completed by an environmental consultant with the experience and familiarity with this type of work. Additionally, as the grant holder, the principal investigator, principal engineer, or other member of the grantee's organization, who has sufficient knowledge of the proposed project, should be involved in providing and verifying this information.

To be considered for a CE, the applicant/grantee FIRST needs to describe the proposed project. To determine how your proposed project may potentially impact natural and cultural resources, a detailed account of all proposed project elements is necessary. **The project description needs to describe/analyze the proposed project as a whole, including all work to be performed by the grantee, its subrecipients, and contractors. You may not limit your responses to work performed by the grantee or some other division of the proposed project, unless instructed to do so by NTIA.** Prepare a detailed project description, including:

- Project purpose.
- Construction methods, including but not limited to equipment, materials, description of percussive activities, use of lighting (e.g., type, location), need for tree clearing, and construction timing (time of year, time of day/night, etc.).

¹ In rare instances, federal actions are considered "statutorily exempt" when exemptions from one or more environmental laws are written into a statute by Congress.

² Department of Commerce: National Environmental Policy Act—Categorical Exclusions, *74 Federal Register 33204* (July 10, 2009).



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- Physical description of the project area, including but not limited to total project length or area, total amount of ground that will be disturbed, typical area of potential effect (for instance, construction corridor), and the need/use of easements, staging areas, or access roads. **Please confirm whether the project is located on or crossing any tribal or federal lands, such as those managed by, but not limited to, the National Park Service, Forest Service, Fish & Wildlife Service, Bureau of Indian Affairs, Bureau of Land Management, Army Corps of Engineers, etc.**
- Maps with enough detail to discern project boundaries and effected areas. Such maps may include but are not limited to: vicinity map with address and latitude/longitude in decimal degrees; property boundary or parcel maps; aerial and topographic maps depicting project location or route and differentiating between construction type (i.e., aerial versus subsurface); site plans – plan view, typical cross-sections, and engineering specifications. **Please clearly distinguish between aerial and buried fiber locations.**
- Long-term operation and maintenance activities (e.g., tree trimming, mowing, herbicides, etc.).

Following project review, ONLY IF the NTIA has determined that the proposed project is likely to qualify for a CE, NTIA will notify the grantee that they may qualify for a CE and may continue to analyze the proposed project against the CE environmental considerations.

Taking the proposed project and its potential effects into consideration, the grantee needs to respond to the following environmental considerations. To avoid the need to request additional information, please provide justifications for the affirmative or negative, explain responses with reasons why, and cite/describe the tools used/how those determinations were made, such as specific maps, agency websites, agency consultations, and/or field surveys, for example.

1. Reasonable likelihood that the proposed action occurs within an environmentally sensitive or unique³ geographic area of notable recreational, ecological, scientific, cultural, scenic, or aesthetic importance.

Discuss justification for how you answer (yes/no) and provide information on sources that were reviewed to determine this, such as maps, agency websites, field surveys, etc.

2. Reasonable likelihood that the proposed action impacts species listed or proposed to be listed as Endangered or Threatened Species or have adverse effects on designated Critical Habitat for these species.

*Discuss justification for how you have determined why there may or may not be impacts to all individual species given their life histories and the proposed project impacts. Provide information on sources that were reviewed to determine this, such as state and federal fish and wildlife websites, consultations with such agencies (Endangered Species Act), or field survey results. **Please***

³ “Environmentally sensitive or unique” resources and areas may include, but are not limited to: all federal lands; areas having special designation or recognition such as prime or unique or agricultural lands; designated wilderness or wilderness study areas; wild and scenic rivers; 100-year or 500-year floodplains; coastal zones; wetlands; sole source aquifers (potential sources of drinking water); National Wildlife Refuges; National Parks; areas of critical environmental concern; or other areas of high environmental sensitivity.



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note that the absence of designated critical habitat within a proposed project area DOES NOT mean impacts cannot occur or individual species are not present. All this means is that the USFWS has not been able to designate critical habitat for that species and/or in that area.

Examples include:

<https://ecos.fws.gov/ipac/> - USFWS Information for Planning and Consultation

<http://bewildvirginia.org/species/> - Virginia DWR Species of Conservation Concern

3. Reasonable likelihood that the proposed action impacts migratory birds or their habitats.

Discuss justification for how you answer and provide information on sources that were reviewed to determine this, such as state and federal fish and wildlife websites, consultations with such agencies (Migratory Bird Treaty Act), or field survey results.

Examples include:

<https://ecos.fws.gov/ipac/> - USFWS Information for Planning and Consultation

<http://bewildvirginia.org/species/> - Virginia DWR Species of Conservation Concern

4. Reasonable likelihood that the proposed action affects historic, archeological, or cultural sites, including Native American Traditional Cultural Properties, properties listed or eligible for listing on the National Register of Historic Places, or land identified by archeologists as having high potential to contain archeological resources.

*Discuss justification for how you answer and provide information on sources that were reviewed to determine this, such as consultations with State Historic Preservation Offices (National Historic Preservation Act), or field survey results. **Please note that SHPO consultation will be necessary for this EC.***

5. Reasonable likelihood that the proposed action restricts access to and ceremonial use of Indian sacred sites by Indian practitioners or adversely affect the physical integrity of such religious sacred sites.

*Discuss justification for how you answer and provide information on sources that were reviewed to determine this, such as consultations with tribes or THPOs. **Please note that Tribal consultation will be necessary for this EC.***

Tribal Consultation

The National Historic Preservation Act (NHPA) requires that federal agencies must consult with any federally-recognized Tribal Nation that attaches religious and cultural significant to historic properties affected by an undertaking in carrying out the Section 106 review process. NTIA has teamed with the Federal Communications Commission (FCC) to use their Tower Construction Notification System (TCNS), an on-line, password-protected system that notifies all Tribal Nations



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and Native Hawaiian Organizations (NHOs) of proposed communication tower construction in their areas of interest. The grantee will initiate tribal consultation, on behalf of NTIA, using grantee prepared information/documentation that is consistent with that in FCC Form 620/621. Uploading the relevant information to the TCNS system will notify Tribal Nations that the materials are ready for review and begin the 30-day period that is ordinarily considered reasonable time for review. It is expected that tribal recipients will respond directly to the grantee if they have concerns about a proposed construction or need additional information, but, if Tribal Nations request direct communication with NTIA, NTIA will consult with Tribal Nations directly. If after 30 days, the grantee has not received a response, the grantee may refer the matter to NTIA. Upon referral, NTIA will promptly contact the tribe by email, phone, or letter to request that the tribe inform the grantee and NTIA, within 15 calendar days, of its interest in a proposed project. If the tribe does not provide comment within 15 days, the grantee's pre-construction Section 106 review obligations are discharged with respect to that tribe.

Please document, retain, and keep track of your communications with tribes as you will be required to provide proof of consultation/conclusions as tribes provide determinations of no effect, no interest, or no response to your requests for comment. A consultation log will be required for submittal to NTIA as a record of completion of tribal consultation.

6. Reasonable likelihood that the proposed action adversely impacts waterbodies, wetlands, floodplains, water quality, sole source aquifers, public water supply systems, or state, local, or tribal water quality standards established under the Clean Water Act or the Safe Drinking Water Act.

Discuss justification for how you answer and provide information on sources that were reviewed to determine this, such as maps, agency websites, consultations with such agencies, and/or field survey results.

Examples include:

<https://msc.fema.gov/portal/home> – FEMA's Flood Map Service Center

<https://www.fws.gov/wetlands/data/mapper.html> - USFWS National Wetlands Inventory Wetlands Mapper

<https://www.epa.gov/waterdata/waters-geoviewer> - EPA Waters Geoviewer (Water quality, etc.)

7. Reasonable likelihood that the proposed action has a disproportionately high and adverse effect on low-income populations or minority populations.

Determine if the proposed project is located in a U.S. Census block group that includes low-income and/or minority populations and how you determined this. Describe the geographic distribution of low-income and minority populations in the affected area; 2) assess whether the potential impacts of construction and operation would produce impacts that are high and adverse; and, 3) if impacts are high and adverse, determine whether these impacts disproportionately affect minority and low income populations. If the proposed project is being proposed as a benefit to those communities, state this and how it is beneficial.



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8. Reasonable likelihood that the proposed action involves construction on or near an active, inactive, or abandoned contaminated or hazardous waste site, or involve generation, transportation, treatment, storage, or disposal of substances hazardous to human health or the environment.

Discuss justification for how you answer and provide information on sources that were reviewed to determine this, such as maps, agency websites, consultations with such agencies, and/or field survey results.

Examples include:

<https://www.epa.gov/superfund/search-superfund-sites-where-you-live> - EPA Superfund, Areas of Concern, and Community Cleanup site locator

9. Reasonable likelihood that the proposed action involves the generation of ionizing or non-ionizing radiation or use of any radiation in excess of the Federal Communications Commission's established Maximum Permissible Exposure (MPE) limits for human exposure to Radiofrequency Electromagnetic Energy (RF-EME) fields.

Specific to telecommunication projects: Discuss justification for how you answer and provide information on sources that were used to determine this.

10. Reasonable likelihood that the proposed action is controversial because of the introduction or employment of unproven technology, highly scientifically uncertain or unique environmental effects, substantial disagreement over the possible size, nature, or effect on the environment, or likelihood of degrading already existing poor environmental conditions.

Have any public or agency concerns been raised of the proposed project, in general, or specifically regarding the technology used, construction method, resources impacted, etc.?

11. Reasonable likelihood that the proposed action violates a federal, state, local, or tribal law, regulation, policy, or requirement imposed for the protection of the environment.

Please provide a table that includes all the necessary permits/approvals that will be required for the proposed project by federal, state, tribal, or local agencies/organizations. List the permit, describe what it entails, and who it is from/for. Additionally, are there any other local, state, tribal, or federal permitting concerns in addition to any above that NTIA should be aware? If so, please explain.

12. Reasonable likelihood that the proposed action is of a greater size or scope than is normal for an action of its type.

Is this proposed project unusually larger or more complex than typical projects of this type? If so, please explain.

13. Reasonable likelihood that the proposed action has any other impacts on human health or the environment that have not been otherwise addressed.



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Any other local, state, tribal, or federal environmental considerations in addition to any above that are of concern or that NTIA should be aware? If so, please explain.

Other Helpful Environmental Compliance Guidance

Below are some additional resources that may be helpful to reference for some of the major laws, regulations, and environmental/historic preservation processes that may be required as part of this EA.

The Council on Environmental Quality – for guidance and information on NEPA and its requirements:

<http://www.nepa.gov>

Advisory Council on Historic Preservation – for information regarding compliance with Section 106 of NHPA:

<http://www.achp.gov>

U.S. Fish and Wildlife Service/National Oceanic and Atmospheric Administration – for information on compliance with Section 7 of the Endangered Species Act:

<https://www.fws.gov/service/esa-section-7-consultation>

<https://www.fisheries.noaa.gov/topic/consultations#endangered-species-act-consultations>

U.S. Army Corps of Engineers – for information regarding the Section 404 of the Clean Water Act permitting program:

<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit>

U.S. Environmental Protection Agency – for information on Section 401 of the Clean Water Act water quality certification:

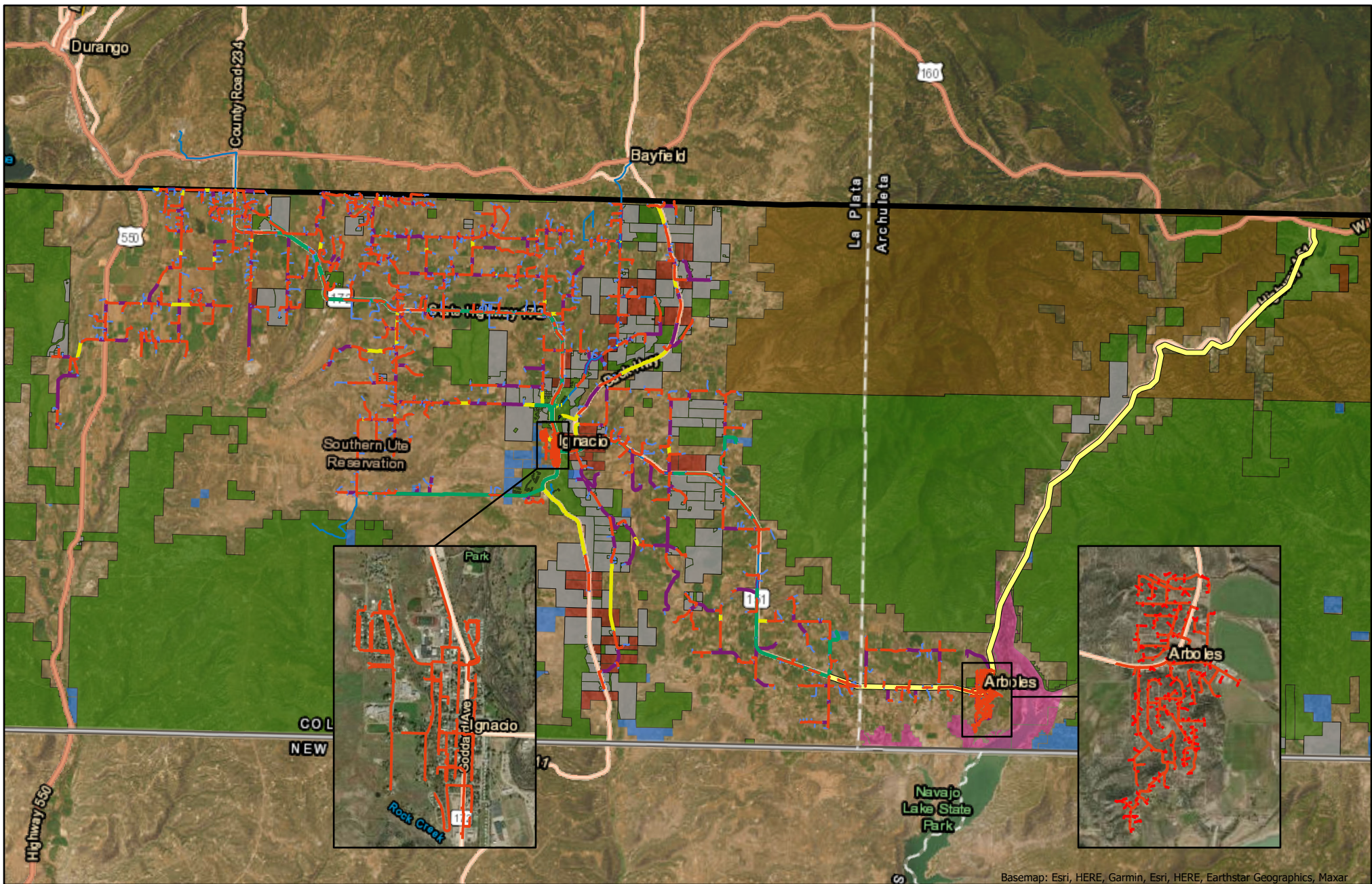
<https://www.epa.gov/cwa-401>

U.S. Environmental Protection Agency – for information on the National Pollutant Discharge Elimination System program for Section 402 of the Clean Water Act:

<https://www.epa.gov/cwa-404/clean-water-act-section-402-national-pollutant-discharge-elimination-system>

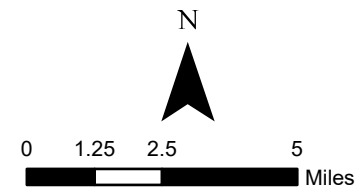
National Oceanic and Atmospheric Administration – for information on National Coastal Zone Management:

<https://coast.noaa.gov/czm/act>



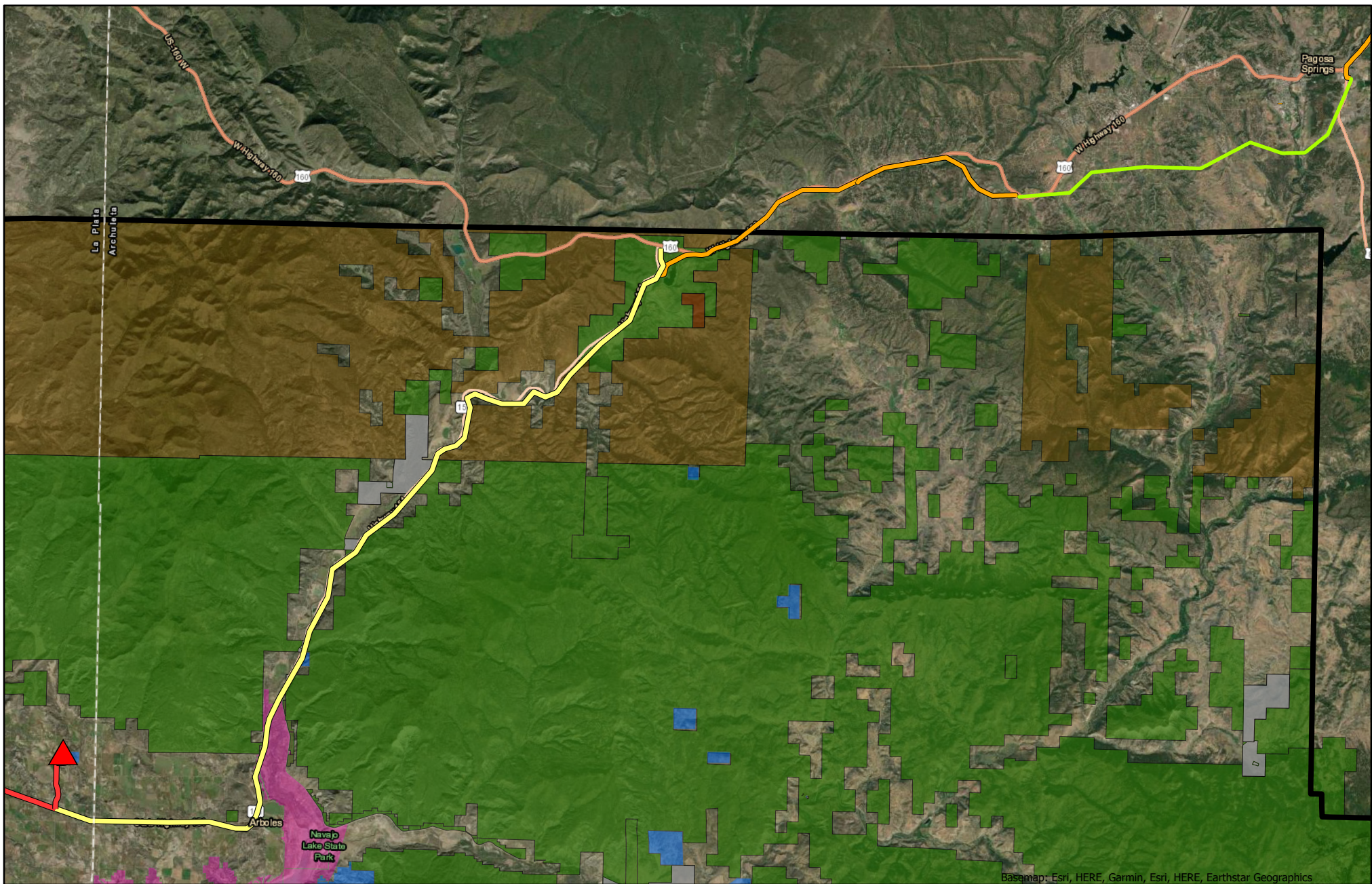
SUIIT Shared Services Broadband Phase II Project Plan

- | | |
|-------------------------------------|--------------------------------|
| — Distribution Cables | — Tribal Fee-Owned Land |
| — Drop Cables | — Tribal Assignments |
| — Phase 2 Fiber Preliminary | — Allotments |
| — Feeder Cables1 (Phase 1 Existing) | — Tribal Trust |
| — Feeder Cables 144 | — United States Forest Service |
| — Phase 1 End Route Fiber | — Bureau of Reclamation |
| — Primary Distribution Cables | — Bureau of Indian Affairs |
| ■ SUIIT Reservation | |



Date: 3/2/2023





SUIT Shared Services Broadband Phase II Highway 151 Aerial Plan

- ▲ Phase 1 Towers
- Phase 1 Fiber
- Phase 2 Fiber Preliminary
- LPEA Fiber Project (Completed)
- LPEA Fiber Project (Incomplete)
- SUIT Reservation

- Tribal Fee-Owned Land
- Tribal Assignments
- Tribal Trust
- United States Forest Service
- Allotments
- Bureau of Reclamation

