



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Natural Resources**  
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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November 14, 2025

National Telecommunications and Information Administration  
Attention: Amanda Pereira  
Environmental and NEPA Specialist  
U.S. Department of Commerce  
1401 Constitution Avenue, NW, Room 4878  
Washington, DC 20230

Submitted via email to [NEPAComments@ntia.gov](mailto:NEPAComments@ntia.gov)

Re: Draft Environmental Assessment for the NANA Regional Broadband Network Project  
(EAXX-006-60-3D-1754935958)

Dear Ms. Pereira,

The State of Alaska (State) reviewed the National Telecommunications and Information Administration (NTIA) Draft Environmental Assessment (Draft EA) for the NANA Regional Broadband Network Project. The document describes the NANA Regional Corporation, Inc. (NANA) proposal to construct, operate, and maintain a broadband fiber network to eight rural communities under the Middle Mile Fiber Optic Project (Project). The Project proposes to provide broadband high-speed internet to the communities of Ambler, Buckland, Deering, Kiana, Kivalina, Kobuk, Noatak, and Shungnak, and additional infrastructure in Noorvik and Selawik. For this Project, NTIA's authority would be to release funds to deploy the action, and the Bureau of Land Management (BLM) and U. S. Fish and Wildlife Service (USFWS) would permit rights-of-way for the fiber optic cable network and associated structures.

The State appreciates the need for adequate internet connectivity in the region and is providing information to inform the federal review. The following supportive comments focus on the requirements in the Alaska National Interest Lands Conservation Act (ANILCA), fish and wildlife resources, habitat, subsistence uses, historic rights-of-way, and water uses, as addressed under both state and federal laws. These comments incorporate input from the Departments of Natural Resources (DNR) and Fish and Game (ADF&G).

**Compliance with ANILCA Title XI (Transportation and Utility Systems)**

The proposed fiber optic route, including associated infrastructure and temporary work areas, crosses federal lands subject to the provisions of ANILCA, including portions of the Selawik National Wildlife Refuge. ANILCA Title XI applies to all federal agencies sharing decision-making responsibility for a proposed project if any part of that project goes through a CSU (ANILCA Section 1102(4)(A)). In this instance, the proposed broadband project spans the CSU Selawik National Wildlife Refuge and BLM non-CSU land. Therefore, the final EA or errata

sheet should clarify that BLM's land use authorization is also issued under the ANILCA Title XI process.

- **Access and Permitting:** The final design and construction plan does not appear to create physical barriers or legal restrictions impeding public access to adjacent public lands or navigable waters for recreational and subsistence purposes. Construction and long-term maintenance activities will require temporary and permanent access rights of way permit. The Draft EA outlines the specific permitting requirements under ANILCA Title XI for the proposed transportation and utility system (TUS). It notes that, "Authorization of a TUS across lands designated for Minimal Management would require the CCP to be amended or revised ...." (page 3) The final EA should identify the type of Comprehensive Conservation Plan (CCP) amendment/revision that will be needed. The EA demonstrates that the project will not significantly change the goals, objectives, or management direction of the refuge; it seems a minor CCP modification should suffice. A minor CCP modification or amendment should not impede the approval a right of way for this project.
- **ANILCA prevails in Alaska:** For example, the National Wildlife Refuge System Improvement Act of 1997 explicitly states that ANILCA's provisions take precedence in Alaska when a conflict arises. For a ROW authorized by ANILCA, all federal agencies, including the USFWS, must follow the procedures outlined in 43 CFR Part 36, which implements ANILCA Title XI. For the Refuge, this process supersedes the standard USFWS compatibility procedures for ROW applications in the Lower 48. If ROW approval is not initially granted by the USFWS, this decision is appealable to the President of the United States under ANILCA Section 1106(b). The Final EA should strike language requiring a CCP revision, amendment, or modification prior to right of way approval.

### **Terrestrial Resources, Winter Caribou, and Subsistence**

The project corridor lies within the range of the Western Arctic Caribou Herd, an important resource for general hunters and providing subsistence to the region's residents.

- **Caribou Migration and Disturbance:** Construction activities, especially ground disturbance, trenching, and prolonged heavy equipment use during the winter months, pose a risk of sensory disturbance and short-term fragmentation of caribou habitat. ADF&G appreciates the inclusion of mitigation to consult with community and tribal members so that "construction will be scheduled during periods with the lowest possible impact to migratory species, such as caribou and birds, as well as marine life." This should minimize disturbance to wintering or migrating caribou.
- **Subsistence Harvest:** Disturbing wintering caribou herds can displace them from traditional harvest areas, imposing difficulty on local subsistence users. The State supports the analysis and determination in Appendix L – ANILCA 810 that there will not be significant impacts to subsistence resource populations or to subsistence hunting practices, however, the EA and Appendix D1 – Avoidance, Minimization, and Mitigation should outline the strategies included in Appendix L.

- Den Site Reporting: During construction there is a possibility of grizzly bear den-site disturbance. ADF&G requests the following:
  - Any den-site disturbances should be reported to the ADF&G office in Kotzebue or the website ADF&G: Report a Wildlife Encounter<sup>1</sup> if and when a disturbance has occurred.

### **Marine Mammals**

The marine component of the project, including cable-laying activities within Hotham Inlet has the potential to impact marine mammals. Hotham Inlet is a known migration corridor and feeding area and the State supports the inclusion of marine mammal monitoring into Appendix D1 – Avoidance, Minimization, and Mitigation. The State concurs that consultation with National Marine Fisheries (NMFS) and USFWS regarding letters of authorization are required.

### **Sport Fisheries**

Following successful installation, we anticipate that the long-term impact of the project on fish resources and habitat will be minimal.

### **R.S. 2477 Trails**

The Draft EA provides a brief discussion of R.S. 2477 rights-of-way in section 3.3.3.1.11, but does not clarify the management authority of DNR over these rights-of-way. The Draft EA must clarify that the State of Alaska asserts the authority to manage R.S. 2477 routes in the best interest of Alaskans. This acknowledgement would be appropriate in section 3.3.3.1.11, or in section 3.3.3.1.5 (“Alaska Department of Natural Resources). Furthermore, the Draft EA would benefit from additional context describing the ways in which RS 2477 routes are used (e.g. access to mining claims, intercommunity travel, recreation), and how Alaskans benefit from free access across and along these routes.

### **Water Uses**

In section 3.1.4.2.2.1 *Construction Impact* the Draft EA discusses the infrastructure necessary for spanning waterbodies, including horizontal directional drilling (HDD). This section states that “HDD methods require use of local water sources, ranging from 200 – 1,000 gallons for each individual crossing. These would be withdrawn from the local waterbody.” The same section also includes the statement that “no impacts are anticipated for the water rights, temporary water use authorizations, and/or Reservations of Waters because water use is not a component of this project.” These two statements appear to contradict, and they raise additional questions about the rate and sum of water use for the purpose of HDD on State-owned submerged lands. The final EA should explain the apparent contradiction presented by these two sentences and must clarify whether the 200 – 1,000-gallon water requirement is expected to be drawn from a single source on a single day, or if it will be spaced over time, or drawn from multiple sources. State law requires NANA and/or its contractors to obtain authorizations from DNR’s Water Section if *more than 5,000 gallons of water from a single source in a single day, more than 500 gallons of water per day from a single source for more than 10 days in a year, or more than 30,000 gallons per day from a single source.*<sup>2</sup>

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<sup>1</sup> <https://www.adfg.alaska.gov/index.cfm?adfg=reportwildlifeencounter.main>

<sup>2</sup> 11 AAC 93.035

### Page Specific Comments

Please revise the text as shown by underline or strikeout.

Page 56 -- Title XI of the Alaska National Interest Lands Conservation Act (ANILCA) (16 USC 3161 et seq.) and the implementing regulations in 43 CFR Part 36 established procedures for approval or disapproval of Transportation and Utility System authorizations where any part of the route will be within any conservation system unit, national recreation area, or national conservation area in Alaska. In making a decision on authorization, each Federal agency shall consider and make detailed findings supported by substantial evidence.

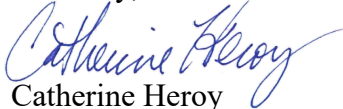
Page 65 – Subsistence activities on all lands in Alaska, including private lands, are subject to state ~~or federal subsistence regulations, with the state~~ fish and wildlife management managing including State subsistence harvest ~~of fish and wildlife~~ on state and privately-owned land. Subsistence harvest of fish and wildlife on federal lands are managed by the Federal Subsistence Board regulations.

Page 71 -- ~~Sport~~ State hunting seasons vary, and include: black bear (all year), brown bear (all year), caribou (all year), moose (July 1 – December 31 and/or September 1- September 20), muskox (August 1 – March 15), wolf (August 1 – April 30), and wolverine (September 1 – March 31).

### Closing

Thank you for the opportunity to review and comment on this proposed project. The State recognizes the additions and changes that were made to the Draft EA in response to input provided by the State of Alaska during the cooperating agency review and appreciates the opportunity to provide additional input to this project. We look forward to continued coordination with NTIA and the project applicant to ensure the design and execution of this project are consistent with the sustained yield of Alaska's fish, wildlife, and subsistence resources. Please contact me at (907) 269-0880 or by email at [catherine.heroy@alaska.gov](mailto:catherine.heroy@alaska.gov) to coordinate any follow up discussions.

Sincerely,



Catherine Heroy  
Federal Program Manager