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February 18, 2022

Joby P. Timm, Forest Supervisor
5162 Valleypointe Parkway
Roanoke, Virginia 24019

Re: File Code 1950, Fiberoptic permits

Dear Mr. Timm:

We write on behalf of the West Virginia Department of Economic Development, Office of Broadband (the "Office"), and the West Virginia Broadband Enhancement Council (the "Council"), to provide comments upon the January 20, 2022 letter of the U.S. Dept. of Agriculture, Forest Service, George Washington and Jefferson National Forests, regarding the proposed programmatic Environmental Assessment ("EA") and Decision Notice to issue permits to proponents to locate fiberoptic telecommunication lines across the George Washington and Jefferson National Forests ("GWJNF").

The Office and the Council appreciate the USDA's acknowledgment of the value and need for broadband service to modern American living, as evidenced not only by the January 20, 2022 letter, but also by USDA's extensive prior involvement promoting the expansion of broadband to rural America. The Council has cooperated with the USDA in promoting and assisting applicants with USDA's broadband funding programs.

The COVID pandemic has accentuated the importance of wide-spread, reliable, and affordable broadband service to education, employment, and health access. By specifying the expansion of broadband service as an approved use for State and Local Fiscal Recovery Funds under the American Rescue Plan Act ("ARPA"), authorizing $10 billion for broadband expansion under the Capital Projects Fund of ARPA, and designating $65 billion for broadband expansion in the Infrastructure Investment and Jobs Act, the federal government could hardly speak louder regarding its recognition of the importance of broadband. Due to the shape and arrangement of the GWJNF, if the Forest Service does not accommodate requests for the installation of fiberoptic lines across or along the GWJNF, nearby communities will be deprived of access to quality broadband service.

The importance of the availability of reliable broadband service within federal lands to support safety and emergency communications, general operations, and to meet visitor information needs and expectations was recently confirmed with the National Park Service issuing a FONSI for fiber optic cable installation within Yellowstone National Park. See https://parkplanning.nps.gov/projectHome.cfm?projectId=89373

The Office and the Council support the proposed special use permit process as presented in the January 20, 2022 notice. The Office and the Council do have concerns regarding the proposed criteria.

The first bullet point on page 2 is an effort to describe the various permissible methods of installation, which can be used in combination. To clarify that all of the identified methods can be used in combination with each other, and/or should be used throughout. The final phase in this bullet point is ..."existing bridges, or existing utility poles/lines." We believe it should read "existing bridges, and/or existing utility poles/lines." Bullet point 2 also suggests that no new utility poles will be permitted. We believe that such a prohibition is overly broad and could frustrate commonsensical and minorly intrusive additional pole installations. Under the National Electrical Safety Code communication facilities are located on poles below power facilities. The installation of new communication facilities may require the installation of additional poles within an existing pole route to maintain minimum ground clearance distances. We also believe that new pole routes should not be impermissible in all circumstances.

The second bullet point on page 2 says the fiber optic line has to have a minimum depth of 30'. Most micro trenching is 12'-24' deep. 30' seems to be a hybrid of traditional trenching and micro trenching. We would suggest a minimum depth of 12"-18" and a maximum depth of 24".

We believe the fifth bullet point should read "tree clearing would be minor and limited to incidental brush and/or hazardous tree removal."

The statement on page 4, "No above ground infrastructure on NFS lands is proposed; therefore, no scenic quality impacts are expected" is inconsistent with the first bullet point on page 2 which identifies the use of existing utility poles/lines as a permissible installation method. The use of existing poles is less disruptive to the environment than trenching, as it entails no new earth disturbance. The use of poles is very often the most economical means to install broadband. Consequently, permitting the use of poles promotes the efficient use of limited public and private funds for broadband expansion, as well as the affordability of service to the public. Adding broadband facilities to poles that are already carrying power and/or telecommunication lines will have a minimal adverse impact upon visual scenic quality. Further, the environmental effect of the installation of new poles can also be less than that of trenching.

We appreciate the Forest Service's consideration of these comments. We ask that we be kept apprised as the Forest Service advances this proposal.

Very truly yours,

James V. Kobak, Attorney, For
Kelly Workman, Executive Director
Office of Broadband

Robert Morris, Chairman
West Virginia Broadband Enhancement Council