

Don't Get Behind:

Staying Ahead of Environmental Requirements for Telecom Projects



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National Environmental Policy Act

Wetlands

NHPA

CAA

SWDA

Floodplains

NEPA

CZMA

**Wild and
Scenic Rivers**

**Environmental
Justice**

**Coral Reef
Protection**

MSA

RCRA

MMPA

CRBA

ESA

CWA

**Rivers and
Harbors Act**

Invasive Species

Migratory Birds

FFPA

**historic
property**

**climate
resilience**

**socioeconomic
resources**

**Section
404**

**wetland
delineation**

Section 106

TCNS

**FIRM
panels**

**critical
habitat**

**environmental
impact statement**

Funding Applications

VS

Construction Permitting

Federal Funding

NTIA- Middle Mile

NTIA- TBCP

RUS ReConnect

NTIA

NTIA- Middle Mile

NTIA- TBCP

**Most NTIA projects fall under a
categorical exclusion**

BUT
**You won't be certain until the
analysis is complete!**

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NTIA

Environmental Report (CatEx or EA determination)

Cultural Resources

Tribal Notifications

iPac USFWS

Permitting

Timeline



USDA RUS

**Most RUS projects fall under a
categorical exclusion**

BUT
**You won't be certain until the
analysis is complete!**

RUS

Environmental Process

Cultural Resources

Tribal Notifications

iPac USFWS

Land Managers



United States Department of Agriculture

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8/13/2024

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Subject: USDA Rural Utilities Service (RUS) Staff SHPO Recommended Finding of No
Historic Properties Affected

[Click here to enter text.](#)

[Click here to enter text.](#)

Dear Mr. Tozer:

is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities
Service (RUS) under its ReConnect Grant Program for the Group 1 buried cable project.
This Project will be using the NPA to obligate funds before completing Section 106.¹

The Group 1 project proposes to install fiber optic cable in both the existing roadside
and disturbed right-of-way for approximately 26.65 miles. This project will bring high
speed internet services to the communities |

If RUS elects to fund the Project, it will become an undertaking subject to review under
Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its
implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project
construction and excavation activity required to construct, modify, improve, or
maintain any facilities; any right-of-way or easement areas necessary for the
construction, operation, and maintenance of the Project; all areas used for excavation
of borrow material and habitat creation; all construction staging areas, access routes,
utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at

Timeline



Design matters

Changes = Delays

Construction Permitting

USACE

BOR

Tribal Land

BLM

USFS

DOT

DOD

**State
Lands**

USFWS

DNR

- Understaffed
- USFS: online broadband submittal
- USACE: watch for levee crossings and new river crossings
 - Joint applications with DNR
- BLM: 270 day turnaround!
- State lands: land surveys generally required

Delays, Mitigation, Cease and Desist

Federal: 90 days to 2+ YEARS

State: 30 days to 90 days (average)

Local: 30 days or less (average)

**It CAN work, the process is set for
success**

Siyeh Communications NTIA TBCP

Awarded September 2022

The Broadband Infrastructure Deployment project proposes to install fiber directly connecting 4,482 unserved Native American households with fiber to home service at speeds ranging from 50/5 Mbps to 250/25 Mbps w/100 millisecond latency.

Engage in a multi-phased approach to this infrastructure project in 11 service areas of approximately 437 route miles of underground feeder and distribution fiber, and about 214 route miles of service drop cable.

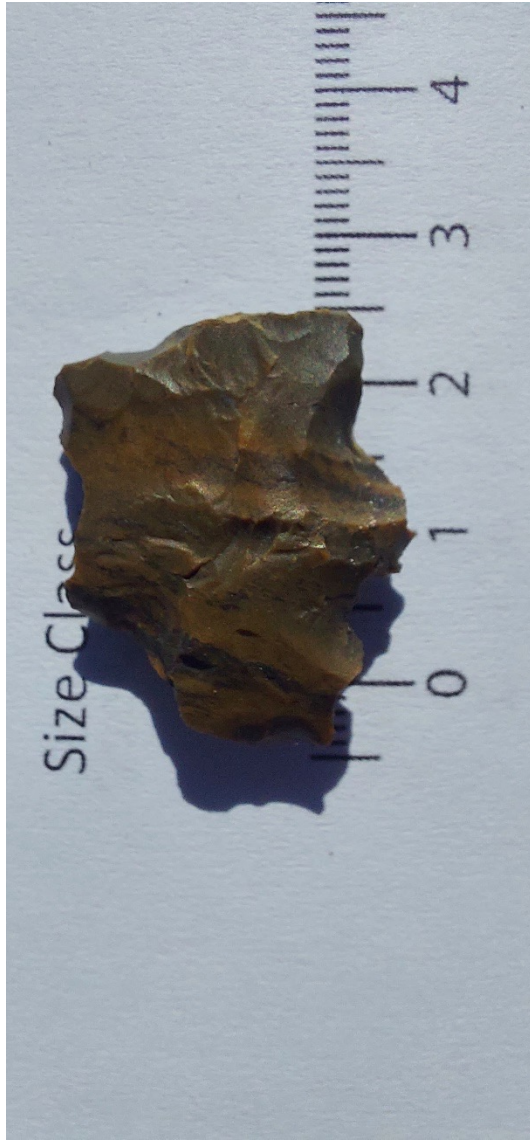
Process:

- Complete an independent utility review to split up areas and priority list (Spring 2023)
- Complete engineering design (Summer 2023)
- Work with Tribal Historic Preservation Office for cultural surveys (Summer 2023)
- Work with Natural Resource Office for water crossings and other sensitive areas (Fall 2023)

Process con't:

- BIA involvement for ER documentation, cultural report, and easements
- Three separate environmental documentation reports for NTIA
- Construction started June 2024
- New jobs
- Engaged each department early





What's next?



Proposed Program Comment on Accessible, Climate-Resilient, and Connected Communities

The ACHP is developing a [Program Comment on Accessible, Climate-Resilient, and Connected Communities](#) that aims to provide federal agencies with an alternate way to comply with their responsibilities under [Section 106](#) of the National Historic Preservation Act. Drawing from recently adopted ACHP policy statements and guided in part by the mechanisms, provisions,



from [Energy Security and Climate Change Program](#)

The U.S. Supreme Court's Chevron Deference Ruling Will Disrupt Climate Policy

The Supreme Court's recent ruling to limit federal agencies' power to interpret laws will have major implications for U.S. climate and environmental policies.

Expert Brief by Alice C. Hill

August 7, 2024 1:18 pm (EST)

Broadband Equity Access and Deployment Program



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