

ENVIRONMENTAL REVIEW PROCESS HELPFUL TIPS

Why do the National Telecommunications and Information Administration (NTIA) and the Rural Utilities Service (RUS) have environmental review requirements?

In accordance with the National Environmental Policy Act (NEPA) and other relevant federal statutes, regulations and Executive Orders all federal agencies must consider and evaluate the potential environmental impacts or effects of their actions before those actions are taken. In the case of NTIA and RUS, the approval of loans and grants are actions that require the consideration of environmental factors in their decisionmaking processes.

NEPA is the primary statute that mandates a procedural process as to how federal agencies implement this consideration. The Council on Environmental Quality (CEQ), an Executive Office of the President, promulgated implementing regulations, titled "Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act" (40 CFR 1500). These regulations require that federal agencies supplement those procedures by classifying their actions into NEPA levels of review, i.e., Categorical Exclusions, Environmental Assessments, and Environmental Impact Statements. RUS's implementing environmental policies and procedures can be found at 7 CFR 1794. NTIA recently published a list of Categorical Exclusions in the Federal Register (74 FR 32876).

In accordance with Section 106 of the National Historic Preservation Act (NHPA), NTIA and RUS are required to take into account how the projects they might assist could alter or diminish the qualifying characteristics of properties listed in or eligible for listing in the National Register of Historic Places.

What types of issues are of potential concern in the environmental review process?

As noted above, RUS and NTIA must comply with various federal statutes and regulations, and Executive Orders, as part of their decisionmaking processes. The primary issues of concern relate to groundbreaking construction activities whether site specific, such as construction of buildings, or linear proposals such as laying fiber optic cables in public rights-of-way. Specific concerns include potential changes or effects to existing land uses, wetlands, floodplains, threatened or endangered species and other wildlife and avian species, and cultural resources, including historic properties.

How does an applicant assist NTIA and RUS in complying with federal historic preservation requirements?

Federal agencies are required to complete compliance with Section 106 of the NHPA and its implementing regulations (36 CFR Part 800) prior to the approval of a grant and/or loan. NTIA and RUS have authorized applicants to gather the information needed to conduct the Section 106 review process. Applicants should begin this process by contacting the State Historic Preservation Officer (SHPO), or the Tribal Historic Preservation Officer (THPO) when the proposal crosses tribal land, to gather information about historic properties that their proposal may affect.

For SHPO contact information visit the National Conference of State Historic Preservation Officers at: www.ncshpo.org/stateinfo/olist/fulllist.htm

For a list of Tribal Historic Preservation Officers, go to the National Association of Tribal Historic Preservation Officers at: http://www.nathpo.org/THPO/state_list.htm

Which NTIA/BTOP and RUS/Broadband Initiatives Program (BIP) funded projects are classified as Categorical Exclusions?

The U.S Department of Commerce (DOC) has recently published two sets of Categorical Exclusions (CE)s, that is, actions that do not individually or cumulatively have a significant effect on the human environment and, for which, therefore, neither an environmental assessment nor an environmental impact statement is required. The list of the eleven types of CEs for the DOC were published in the Federal Register on July 10, 2009 and can be found at http://www.nepa.noaa.gov/DoC_CEs_FRN_07-10-2009.pdf, along with the administrative record at: http://www.nepa.noaa.gov/DoC_CEs_AR_Final.pdf.

The 19 BTOP specific CEs can be found at: http://www.nepa.noaa.gov/NTIA_BTOP_CEs_FRN_7-9-2009.pdf. The administrative record for these CEs is located at: http://www.nepa.noaa.gov/NTIA_BTOP_CEs_Admin_Record.pdf.

RUS CEs can be found at 7 CFR 1794.21, Categorically excluded proposals without an Environmental Report and 1794.22, Categorically excluded proposals requiring an Environmental Review.

What are the differences in the environmental review process between the NTIA BTOP/BIP Infrastructure Program and the NTIA Public Computer Center and Sustainable Broadband Adoption Programs?

NTIA has developed a streamlined approach for the Public Computer Centers and the Sustainable Broadband Adoption Programs, because projects applying to these programs are not likely to have significant impacts on the environment. These projects are required to use the DOC NTIA

Environmental Checklist in the respective applications rather than the more extensive NTIA/RUS Environmental Questionnaire (see below).

Proposals considered under the BTOP/BIP Infrastructure Program, however, will have a greater likelihood for impacting the environment as a result of their manner of construction and geographic scope. Accordingly, NTIA/RUS have developed an Environmental Questionnaire to assist the agencies in identifying any extraordinary circumstances associated with infrastructure projects. A more detailed explanation of the environmental requirements for each of the programs is included below.

When does the environmental review process begin for the BTOP/BIP Infrastructure Program?

The environmental review process for the BTOP/BIP infrastructure Program applications begins when an applicant is invited by NTIA or RUS to complete Step Two of the application process. In Step Two, the applicant is instructed to complete the Environmental Questionnaire which consists of ten questions that are designed to provide information to support the agencies' environmental decision making process.

For the BTOP/RUS Environmental Questionnaire, go to:

[http://www.broadbandusa.gov/files/BTOP%20Grant%20Guidelines%20v1%2000%20\(July%2010\).pdf](http://www.broadbandusa.gov/files/BTOP%20Grant%20Guidelines%20v1%2000%20(July%2010).pdf)

Public Computer Centers and Sustainable Broadband Adoption Projects

The two NTIA programs that will require the least amount of environmental analysis and review are the Public Computer Centers Program and the Sustainable Broadband Adoption Program. Under BTOP, both of these programs require the completion of the DOC NTIA Environmental Checklist in the application. This checklist is comprised of five questions that require a Yes, No or Not Applicable response. This expedited review process is designed to eliminate unnecessary questions. There is no other environmental information required in Step Two for these programs. Only in the rare instance where building renovation or construction is proposed may NTIA require additional environmental or historic preservation information.

For the DOC NTIA Environmental Checklist, go to:

http://www.broadbandusa.gov/files/BTOP%20Grant%20Guidelines%20v2_0%20July%2031.pdf