

# **Requirement 14 – Environmental and Historic Preservation Documentation**

## **Environmental and Historic Preservation (EHP) Requirements**

The purpose of this section is to ensure that the Broadband Equity, Access, and Deployment (BEAD) Program Eligible Entity provides information on how it will ensure subgrantees will comply with environmental and historic preservation requirements including but not limited to the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) (NEPA), Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) (NHPA), Section 7 of the Endangered Species Act (16 U.S.C. 1521, et seq.), Section 404 of the Clean Water Act (33 U.S.C. 1251, et seq.), and all other applicable Federal, state, and local environmental laws and regulations.

It is a BEAD program imperative to ensure that projects are in environmental compliance and a condition of the award that each Eligible Entity is a joint lead agency for NEPA.

## **Joint Lead Agency Responsibility Summary**

The BEAD program is managed by the National Telecommunications and Information Administration (NTIA) and is designed to fund broadband expansion in unserved and underserved areas. The Executive Office of Economic Development (EOED) is the Eligible Entity on behalf of the Commonwealth of Massachusetts and will serve as joint lead agency in implementing EHP requirements under 42 U.S.C. § 4336a.

The Massachusetts Broadband Institute (MBI), a division of the quasi-public agency Massachusetts Technology Collaborative, will partner with EOED to manage the BEAD Program, including overseeing the subgrantee selection process and monitoring compliance for the program, with support from EOED as required.

In accordance with this role, MBI will oversee the preparation of all necessary environmental analyses and review documents, as applicable to the scenarios described below. To support this effort, MBI will contract with NEPA subject matter experts (SMEs) to lead and coordinate the EHP compliance program, ensuring consistency, accuracy, and adherence to all statutory obligations.

Using its qualified NEPA SMEs, MBI will complete all analyses required to prepare all NEPA documentation, draft all NEPA documents, and ensure that such documents meet

the requirements of NEPA prior to transmittal to NTIA. MBI will be responsible for submittal of NEPA documentation—including any supporting environmental documentation required or requested by NTIA through the NTIA Environmental Screening and Permitting Tracking Tool (ESAPTT).

## **Methodology to Evaluate Subgrantee Projects**

MBI will ensure compliance with NEPA and the timely completion of environmental review for all BEAD-funded activities subject to NEPA review. MBI will supervise the preparation of required EHP compliance documents or, depending on the complexity of the deployment activity and the capability of the subgrantee implementing the deployment activity, may directly assist in the preparation of such documents.

After approval of its Final Proposal, MBI will screen projects for compliance with NEPA using the ESAPTT. MBI will receive project implementation plans for BSLs from the subgrantees detailing the description and location of deployment activities intended to service the BSL and preliminary route maps and facility locations.

In all cases, MBI will centrally review and concur with the findings and recommendations of all EHP compliance documentation prior to approval. MBI SMEs and geographic information system (GIS) specialists will coordinate review activities and review environmental documents submitted by grantees.

MBI anticipates that the nature of the deployment activities under evaluation for each BSL and the technical environmental capability of the submitting subgrantee will factor in whether the environmental review shall be performed by the subgrantee and supervised by MBI or, in certain circumstances performed directly by MBI. As such, the following compliance responsibility scenarios are expected:

1. In many instances where the deployment activities qualify for one of NTIA's categorical exclusions (CE), the review may be completed by MBI using ESAPTT. ESAPTT automates CE and extraordinary circumstance reviews.
2. For complex deployment activities to be undertaken by subgrantees or where an environmental assessment is required, MBI will supervise the preparation of environmental review documents by the subgrantee and shall retain the privilege of final approval prior to implementation of the deployment activities in question.
3. If in MBI's judgment, the subgrantee lacks the technical EHP expertise to produce a compliant review document, MBI shall support the subgrantee in preparation of the required document package. In this scenario, the subgrantee will be required to

provide the supporting documentation used in the preparation of the environmental review.

MBI shall conduct ongoing discussions with the subgrantees prior to project implementation to determine the appropriate course of action to ensure EHP compliance, taking into consideration the volume and complexity of projects assigned to each subgrantee.

MBI shall use ESAPTT during preliminary analysis to identify any federally recognized Tribes with interest in the subgrantee's project area, including potential impacts on historic properties of Tribal significance.

To ensure the timely completion of historic preservation review for all BEAD funded activities, MBI will require that subgrantees provide all such information required to:

- Provide NTIA's Environmental Program Officer with sufficient information to initiate Tribal notification via the Federal Communication Commission's (FCC) Tower Construction Notification System (TCNS) when applicable.
- Communicate with Tribes using their preferred methods, as identified in TCNS.
- Apply the Advisory Council on Historic Preservation (ACHP) Program Comment to avoid duplicative reviews for wireless communications facilities, or any other applicable program alternative.
- Notify NTIA of any Tribal request for government-to-government consultation or any indication that a grant funded activity may affect a historic property of religious or cultural significance to a Tribe.
- Provide all consulting parties with the statutorily required timeframe to respond to determinations regarding the effect of a grant-funded activity on historic properties.

MBI shall conduct ongoing discussions with the subgrantees prior to project implementation to determine the appropriate course of action to ensure EHP compliance, taking into consideration the volume and complexity of projects assigned to each subgrantee and the technical EHP capability of each subgrantee. Subgrantees will not be allowed to commence construction and funds will not be disbursed until any necessary environmental review is complete and NTIA has approved any necessary decision document, except for the limited permissible activities.

# FirstNet Programmatic Environmental Impact Statement Evaluation

MBI has followed NTIA's [guidance](#), to complete an evaluation of the sufficiency, applicability, and accuracy of the analysis in the [FirstNet Nationwide Public Safety Broadband Network Regional PEIS Volume 6-Chapter 8](#), dated 2017, as it applies to anticipated BEAD implementation activities for Massachusetts. Based on its evaluation, MBI has found that the NEPA analysis contained in the FirstNet Regional PEIS is sufficient, with consideration for certain updated Massachusetts regulatory changes and updated protected species, which may be taken into account during the screening process for individual projects.

While the detailed route review of subgrantee projects is yet to be completed, MBI anticipates that BEAD deployment-related activities in Massachusetts are covered by the actions described in Volume 6-Chapter 8. All project scopes will be reviewed to evaluate whether activities specific to the project are covered by the FirstNet Regional PEIS. If subgrantee proposed projects are not adequately addressed by the PEIS, additional analysis to determine whether supplemental environmental review is necessary to address any gaps or deficiencies will be requested. Although final project scopes and locations are not known, the following activities described in the PEIS may be implemented:

- **Wired Projects**

- Use of Existing Conduit - New Buried Fiber Optic Plant: Disturbance associated with the installation of fiber optic cable in existing conduit would be limited to entry and exit points of the existing conduit in previously disturbed areas.
- Use of Existing Buried or Aerial Fiber Optic Plant or Existing Submarine Cable: Lighting up of dark fiber, which would require no ground disturbance.
- Installation of Optical Transmission or Centralized Transmission Equipment: requiring no ground disturbance.
- New Build - Buried Fiber Optic Plant: Plowing (including vibratory plowing), trenching, or directional boring and the construction of points of presence (POPs), huts, or other associated facilities or hand-holes to access fiber.
- New Build - Submarine Fiber Optic Plant: The installation of cables in limited nearshore and inland bodies of water.

- New Build - Aerial Fiber Optic Plant: Potential impacts would be similar to Buried Fiber Optic Plant, especially where ground disturbance is expected when connecting aerial cable to new ground locations or installation of new or replacement of existing telecommunications poles.
- Collocation on Existing Aerial Fiber Optic Plant: Similar to new build activities, collocation on existing aerial fiber optic plant could include installation of new or replacement towers or telecommunications poles requiring ground disturbance.
- Installation of Optical Transmission or Centralized Transmission Equipment: installation of transmission equipment that would require grading or other ground disturbance to install small boxes or huts, access roads, or similar.
- **Wireless Projects**
  - New Wireless Communication Towers: Installation of new wireless towers and associated structures (generators, equipment sheds, fencing, security and aviation lighting, electrical feeds, and concrete foundations and pads) or access roads.
  - Collocation on Existing Wireless Tower, Structure, or Building: Collocation would involve mounting or installing equipment (such as antennas or microwave dishes) on an existing tower.
- **Satellite and Other Technologies**
  - Satellite-Enabled Devices and Equipment: including permanent equipment on existing structures

MBI has also reviewed the PEIS with regard to the following:

- **Regulatory Changes**: Since the publication of the PEIS, Massachusetts has amended Massachusetts Environmental Policy Act regulations in 2021 to enhance environmental justice (EJ) considerations, affecting projects that are likely to cause air quality impacts within five miles of an EJ population, or other environmental impacts within one mile of an EJ population. For projects meeting these criteria, a state Environmental Impact Report (EIR) must be prepared. These regulatory changes will be taken into account when completing NEPA screening for individual projects.
- **Affected Environment – Endangered Species**: The PEIS describes the potentially affected environment in Massachusetts, including biological resources. Since its publication in 2017, 22 new plant and animal species were added, one

plant was delisted, and two plants changed status, as part of August 2024 updates conducted by the Massachusetts Division of Fisheries and Wildlife. These changes are not expected to materially affect broadband deployment activities beyond the existing analyses and protections already in place for threatened and endangered species in the state; however, these revisions will be taken into account when completing NEPA screening for individual projects.

- **Affected Environment – Historic Preservation:** The PEIS describes the potentially affected environment in Massachusetts, including historic resources. The Massachusetts Historical Commission is also developing a new State Historic Preservation Plan which is expected to be completed in 2025, and which may result in refinements to resources subject to protection or related procedures for permits affecting those resources. These changes are not expected to materially affect broadband deployment activities beyond the existing analyses and protections already in place for threatened and endangered species in the state; however, these revisions will be taken into account when completing NEPA screening for individual projects.

## NTIA Categorical Exclusion Screening Description

MBI will utilize the following process system to identify, confirm, and categorize projects that likely qualify for CE under NTIA's NEPA guidance and those that require further environmental review:

1. **Initial Review of Project Scope:** Once the final proposal has been approved, MBI's SMEs will work with grantees to conduct a preliminary screening of proposed projects to evaluate potential environmental impacts. MBI's SMEs will assess project scope, including size, location, and construction methods. ESAPTT will be used to evaluate proximity to sensitive environmental or historic resources and to determine whether the project qualifies for a CE or requires further environmental analysis.
2. **Cross-Referencing with NTIA's Categorical Exclusions:** Each project will be cross-referenced with the list of CEs provided in Attachment A through ESAPTT. Projects that involve activities with minimal or no environmental impact, such as minor upgrades, maintenance, or non-intrusive installations, are typically eligible for a CE determination.
3. **Review for Extraordinary Circumstances:** Each project that would normally be considered categorically excluded will be evaluated to determine if extraordinary

circumstances (Attachment B) are present within ESAPTT. If extraordinary circumstances are identified, MBI, acting as the supervising agency for the subgrantee, will work with the subgrantee to conduct and document the appropriate environmental analysis to determine whether the action still qualifies for a CE or requires the preparation of an EA or EIS.

4. **Environmental Assessment (EA):** An EA will be prepared when the significance of the project's environmental impact is not clearly established. If environmental analysis determines a project to have no significant impacts on the quality of the environment, a Finding of No Significant Impact (FONSI) is issued. An EIS is required if the analysis determines that an action may have a significant environmental impact.
5. **Environmental Impact Statement (EIS):** An EIS will be prepared for projects when the action will likely have a significant effect on the environment. This is the most comprehensive form of NEPA analysis. The final decision is documented in a Record of Decision (ROD), which codifies the final decision made, whether to approve the project or not, and the basis for that decision.

MBI will identify, confirm, and categorize projects likely qualifying for NTIA categorical exclusions and those requiring further environmental review (and, if further review is required, will determine how that review will be conducted).

## Specific Award Conditions Description

The Subgrant Agreement governing deployment activities includes strict conditions that prohibit subgrantees from initiating or authorizing any grant-funded implementation activities until all required EHP reviews are completed. Specifically, subgrantees must ensure the following:

- **NEPA Compliance:** All reviews required under the NEPA must be completed. This includes obtaining the appropriate decision documents such as a CE, Record of Environmental Consideration (REC), Finding of No Significant Impact (FONSI), or Record of Decision (ROD) (hereinafter "decision documents") as applicable.
- **Section 106 Review:** Subgrantees must complete all reviews required under Section 106 of the NHPA, including consultations with the SHPO and any federally recognized Native American Tribes, as required by federal law.
- **Endangered Species and Water Resources:** Consultations must be completed with the USFWS or the National Marine Fisheries Service (NMFS), as applicable, under Section 7 of the ESA. Additionally, consultations with the U.S. Army Corps of Engineers (USACE) under Section 404 of the CWA must be completed, if applicable.

- **General Environmental Compliance:** Demonstration of compliance with all other applicable federal, state, and local environmental laws and regulations.

Furthermore, the Subgrant Agreement stipulates these conditions:

- **No Early Implementation:** Implementation activities and disbursement of funds are prohibited until all required environmental reviews are completed and NTIA has approved the necessary decision documents, except for limited activities explicitly permitted in the agreement (see “Permissible Pre-implementation” below).
- **Timely Documentation and Permitting:** Subgrantees are responsible for preparing all required NEPA documentation, securing necessary permits, and adhering to statutory deadlines outlined in 42 U.S.C. § 4336g(a).
- **Milestone Schedule:** A detailed milestone schedule must be submitted, outlining specific deadlines and the subgrantee’s plan to meet all timing requirements. This includes the completion of consultations, NEPA and Section 106 reviews, and the submission of EAs or EISs, as applicable.
- **Certification of Subgrantee-prepared NEPA Documentation:** For grant-funded activities carried out by subgrantees, subgrantees must certify the sufficiency of NEPA documentation they have prepared.

## Permissible Pre-Implementation Activities

Aligned with the BEAD program and NTIA guidance, MBI will allow the following limited permissible pre-implementation activities under NEPA to proceed using award funds prior to the completion of the EHP review process, noting that subgrantees that undertake unauthorized project activities in contravention of these activities proceed at their own risk and may face de-obligation of funding:

- Pre-construction planning, including collecting information necessary to complete environmental reviews
- Applications for environmental permits
- Studies, including, but not limited to:
  - Environmental Assessments
  - Wetland delineations
  - Biological assessments
  - Cultural surveys
  - Other environmental reviews and analyses
- Administrative and pre-award application activities
- Activities supporting consultations required under the NHPA, the ESA, and the CWA
- The purchase of applicable or conditional insurance



# Attachment A

## Categorical Exclusions

The CEs applicable to NTIA programs and listed in this Attachment as available for NTIA actions include CEs established by the Department of Commerce (2009), those established by the NTIA (2024), and six CEs established by the First Responder Network Authority in 2018 and adopted by NTIA in 2024.

### Department of Commerce Categorical Exclusions (2009)

A-1: Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in the functional use of real property (e.g. realigning interior spaces of an existing building, adding small storage shed to an existing building, retrofitting for energy conservation, or installing a small antenna on an already existing antenna tower that does not cause the total height to exceed 200 feet and where the FCC would not require an EA or EIS for the installation). This CE does not apply in instances where the project must be submitted to the National Capital Planning Commission (NCPC) for review and NCPC determines that it does not have an applicable CE.

A-2: New construction upon or improvement of land where all of the following conditions are met:

- (a) The site is in a developed area and/or a previously disturbed site,
- (b) The structure and proposed use are compatible with applicable federal, Tribal, state, and local planning and zoning standards and consistent with federally approved state coastal management programs,
- (c) The proposed use will not substantially increase the number of motor vehicles at the facility or in the area,
- (d) The site and scale of construction or improvement are consistent with those of existing, adjacent, or nearby buildings, and
- (e) The construction or improvement will not result in uses that exceed existing support infrastructure capacities (roads, sewer, water, parking, etc.). This CE does not apply in instances where the project must be submitted to the NCPC for review and NCPC determines that it does not have an applicable CE.

A-3: Software development, data analysis, or testing, including but not limited to computer modeling in existing facilities.

A-4: Siting/construction/operation of microwave/radio communication towers less than 200 feet in height without guy wires on previously disturbed ground.

A-5: Retrofit/upgrade existing microwave/radio communication towers that do not require ground disturbance.

A-6: Adding fiber optic cable to transmission structures or burying fiber optic cable in existing transmission line rights-of-way.

A-7: Acquisition, installation, operation, and removal of communications systems, data processing equipment, and similar electronic equipment.

A-8: Planning activities and classroom-based training and classroom-based exercises using existing conference rooms and training facilities.

A-9: Purchase of mobile and portable equipment and infrastructure which is stored in previously existing structures or facilities.

A-10: Siting, construction (or modification), and operation of support buildings and support structures (including, but not limited to, trailers and prefabricated buildings) within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible). This CE does not apply where the project must be submitted to the NCPC for review and NCPC determines that it does not have an applicable CE.

A-11: Personnel, fiscal, management, and administrative activities, such as recruiting, processing, paying, recordkeeping, resource management, budgeting, personnel actions, and travel.

## **NTIA Categorical Exclusions (2024)**

### **Administrative Actions**

A-1: Personnel, fiscal, management, and administrative activities, including recruiting, processing, paying, recordkeeping, budgeting, personnel actions, contract administration, and travel.

A-2: Preparation, modification, and issuance of policy directives, rules, regulations, procedures, guidelines, guidance documents, bulletins, and informational publications that are of an administrative, financial, legal, technical, or procedural nature, for which the environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will be, in whole or part, subject later to the NEPA process, either collectively or on a case-by-case basis.

A-3: Studies and engineering undertaken to define proposed actions or alternatives sufficiently so that environmental effects can be assessed.

A-4: Planning, educational, informational, or advisory activities provided to other agencies, public and private entities, visitors, individuals, or the public, including training exercises and simulations conducted under appropriately controlled conditions and in accordance with all applicable laws, regulations, and requirements.

A-5: Software development, data analysis, or testing that does not involve ground disturbing activities.

A-6: Preparation and dissemination of scientific results, studies, surveys, audits, reports, plans, papers, recommendations, and technical advice.

A-7: Technical assistance to other federal, Tribal, state, and local agencies or the public.

A-8: Routine procurement, use, storage, transportation, and disposal of non-hazardous goods and services in support of administrative, operational, or maintenance activities in accordance with Executive Orders and federal procurement guidelines. Examples include office supplies and furniture; equipment; mobile assets (i.e., vehicles, vessels, aircraft); utility services; and deployable emergency response supplies and equipment.

A-9: Purchase of deployable mobile and portable telecommunications equipment (e.g., radios, Cell on Wheels, Cell on Light Truck, System on Wheels) that will be housed in existing facilities when not deployed.

A-10: Routine use of hazardous materials (including procurement, transportation, distribution, and storage of such materials) and reuse, recycling, and disposal of solid, medical, radiological, or hazardous waste in a manner that is consistent with all applicable laws, regulations, and requirements. Examples include use of chemicals for laboratory applications; refueling of storage tanks; temporary storage and disposal of solid waste; disposal of waste through manufacturer return and recycling programs; and hazardous waste minimization activities, including source reduction activities and recycling.

A-11: Reductions, realignments, or relocation of personnel, equipment, or mobile assets that do not result in changing the use of NTIA facilities or space in such a way that could cause a change to existing environmental effects or exceed the infrastructure capacity outside of NTIA-managed property. An example of exceeding the infrastructure capacity would be an increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase.

A-12: Federal assistance, grants, and external funding for activities that do not concern environmental matters or where the environmental effects are negligible. Examples of

relevant activities could include, but are not limited to, planning, studies, or programs such as the Digital TV transition, which provided rebates to consumers to subsidize the purchase of digital antennas, that have no potential to impact the environment. If an analysis determines that such activities have the potential to impact the environment, the CE cannot be applied.

A-13: Contracts, collaborative research agreements, cooperative research and development agreements, interagency agreements, and other agreements that do not concern environmental matters or where the environmental effects are negligible.

### **Real Property/Facility Actions**

B-1: Maintenance of facilities, equipment, and grounds. Examples include interior utility work, road maintenance, window washing, lawn mowing, landscaping, weed management/maintenance, trash collecting, facility cleaning, and snow removal.

B-2: Internal modifications, renovations, or additions (e.g., computer facilities, relocating interior walls) to structures or buildings that do not result in a change in the functional use of the property.

B-3: Exterior renovation, addition, repair, alteration, and demolition projects affecting buildings, roads, grounds, equipment, and other facilities, including subsequent disposal of debris, which may be contaminated with hazardous materials, lead, or asbestos. Hazardous materials must be disposed of at approved sites in accordance with all applicable laws, regulations, and requirements. Examples include the following:

- (a) Painting, roofing, siding, or alterations to an existing building;
- (b) Adding a small storage shed to an existing building;
- (c) Retrofitting for energy conservation, including weatherization, installation of timers on hot water heaters, installation of energy efficient lighting, and installation of low-flow plumbing fixtures; or
- (d) Closing and demolishing a building not eligible for listing under the National Register for Historic Places.

B-4: Abatement of hazardous materials from existing facilities, including asbestos and lead-based paint, conducted in compliance with all applicable laws, regulations, and requirements established for the protection of human health and the environment. Examples include containment, removal, and disposal of lead-based paint or asbestos tiles and asbestos-containing materials from existing facilities, and remediation of hazardous materials in accordance with all applicable laws, regulations, and requirements as part of facility and space management activities.

B-5: Proposed new activities and operations conducted in an existing structure that would be consistent with previously established safety levels and would not result in a change in use of the facility. Examples include new types of research, development, testing, and evaluation activities and laboratory operations conducted within existing enclosed facilities designed to support research and development activities.

B-6: Acquisition or use of existing facilities or portion thereof by purchase, lease, or use agreement where use or operation will remain unchanged. Examples include acquiring office or laboratory space through lease, purchase, or use agreement.

B-7: Transfer of administrative control over real property, including related personal property, between another federal agency and NTIA that does not result in a change in the functional use of the property. Examples include transfer of facilities for use by NTIA and transfers of computer equipment, office equipment, and personal property, including laptops and cell phones.

B-8: Decisions and actions to close facilities, decommission equipment, or temporarily discontinue use of facilities or equipment where the facility or equipment, including office equipment, telecommunications equipment, and computer equipment, is not used to prevent or control environmental impacts.

B-9: The determination and disposal of real property, such as excess office space, or personal property, including laptops and cell phones, that is excess to the needs of NTIA when the real property or personal property is excessed in conformity with applicable General Services Administration procedures or is statutorily authorized to be excessed.

### **Operational Actions**

C-1: Research activities conducted in laboratories and facilities where research practices and safeguards prevent environmental impacts. Examples include types of research, development, testing, and evaluation activities, and laboratory operations conducted within existing enclosed facilities designed to support research and development activities.

C-2: Outdoor research activities conducted in compliance with all applicable laws, regulations, and requirements. Examples include types of research, development, testing, and evaluation activities conducted outdoors where no new ground disturbance occurs and no sensitive resources (e.g., threatened or endangered species, archaeological sites, Tribal resources, wetlands, and waterbodies) are present, such as radar testing, radio noise measurements, and public safety communications research.

C-3: Periodic flight activities for training and research and development that are routine and comply with all applicable laws, FAA regulations, and other requirements.

C-4: New construction or improvement of land, operations, or support facilities, switching stations, maintenance facilities, and other non-tower structures supporting wired or wireless communications systems in a developed area and/or on previously disturbed ground with no more than 1 acre (0.4 hectare) of ground disturbance where the proposed facility use is generally compatible with the surrounding land use and applicable zoning standards and will not require additional support infrastructure.

C-5: Installing, operating, maintaining, retrofitting, upgrading, repairing, removing, and/or replacement of existing microwave or radio communication towers, instruments, structures, or buildings that do not require ground disturbance outside of the original footprint, including installing or collocating equipment such as antennas, microwave dishes, or power units. For communications towers at or below 199 feet, renovations and equipment additions must not cause the total height of the tower to exceed 199 feet. Existing structures must not be eligible for listing in the National Register of Historic Places.

C-6: New construction or improvement of temporary buildings or experimental equipment (e.g., trailers, prefabricated buildings, and test slabs) on previously disturbed ground, with no more than 1 acre (0.4 hectare) of ground disturbance, where the proposed facility use is generally compatible with the surrounding land use and applicable zoning standards and will not require additional support infrastructure.

C-7: New construction of self-supporting (e.g., monopole or lattice) wireless communication towers at or below 199 feet with no guy wires that require less than 1 acre (0.4 hectare) of ground disturbance and where another Federal agency would not require an EA or EIS for its acquisition, installation, operations, or maintenance.

C-8: Acquisition, installation, reconstruction, repair by replacement, and operation of aerial or buried utility (e.g., water, sewer, electrical), communication (e.g., fiber optic cable, data processing cable and similar electronic equipment), and security systems that use existing rights-of-way, easements, grants of license, distribution systems, facilities, or similar arrangements.

### **First Responder Network Authority CE (Adopted 2024)**

In assessing whether one of these proposed actions has the potential to result in significant effects, NTIA will consider extraordinary circumstances established in the FirstNet Authority's NEPA procedures in addition to the NTIA extraordinary circumstances established in Attachment B.

B-3: Construction of buried and aerial telecommunications lines, cables, and related facilities.

B-4: Changes to existing transmission lines that involve less than 20 percent pole replacement, or complete rebuilding of existing distribution lines within the same right-of-way. Change to existing transmission lines that require 20 percent or greater pole replacement will be considered the same as new construction.

B-7: Changes or additions to telecommunication sites, substations, switching stations, telecommunications switching or multiplexing centers, buildings, or small structures requiring new physical disturbance of fencing less than one acre (0.4 hectare).

B-12: Rebuilding of power lines or telecommunication cables where roads or highway reconstruction requires the Applicant to relocate the lines either within or adjacent to the new road or highway easement right-of-way.

B-13: Phase or voltage conversions, reconductoring, or upgrading of existing electric distribution lines or telecommunications facilities.

B-15: Deployment of Cells on Wheels, System on Wheels, or another deployable architecture intended for temporary placement (no more than two years) on an impervious surface.

# Attachment B

## Extraordinary Circumstances

Extraordinary Circumstances that may preclude the use of a CE include:

1. Proposed action occurs within an environmentally sensitive or unique<sup>1</sup> geographic area of notable recreational, ecological, scientific, cultural, scenic, or aesthetic importance.
2. Proposed action may adversely impact species listed or proposed to be listed as endangered or threatened or have adverse effects on designated critical habitat for these species.
3. Proposed action may adversely impact protected migratory birds or their habitats.
4. Proposed action may adversely affect historic, archeological, or cultural sites, including Native American Traditional Cultural Properties, and properties listed or eligible for listing on the National Register of Historic Places.
5. Proposed action restricts access to and ceremonial use of Indian sacred sites by Indian practitioners or adversely affects the physical integrity of such religious sacred sites.
6. Proposed action occurs in floodplains or involves significant changes to or effects on waterbodies, wetlands, floodplains, water quality, sole source aquifers, public water supply systems, or state, local, or Tribal water quality standards established under the CWA or the Safe Drinking Water Act.
7. (Revoked)
8. Proposed action involving construction impacts on or near an active, inactive, or abandoned contaminated or hazardous waste site, or involving non-permitted generation, transportation, treatment, storage, or disposal of substances hazardous to human health or the environment, unless NTIA determines the action is consistent with an approved remediation plan for the site.
9. Proposed action would involve human exposure to ionizing or non-ionizing radiation or use of any radiation in excess of the FCC's established Maximum Permissible Exposure limits for human exposure to Radiofrequency Electromagnetic Energy fields.

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<sup>1</sup> "Environmentally sensitive or unique" resources and areas may include: 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; coastal zones; National Wildlife Refuges; National Parks; areas of critical environmental concern; or other areas of high environmental sensitivity.



10. 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.
11. Proposed action may violate a federal, Tribal, state, or local law, regulation, policy, or requirement imposed for the protection of the environment.
12. Proposed size or scope of action is greater than is normal for an action of its type.
13. Proposed action may cause other significant effects on human health or the environment that have not been otherwise addressed.