



BROADBANDUSA
CONNECTING AMERICA'S COMMUNITIES

Environmental Compliance

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BTOP Recipient Post-Award Workshop
Chicago, IL
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Genevieve Walker and Frank Monteferrante

- Genevieve leads pre-award and Frank leads post-award environmental compliance.
- Both possess extensive environmental compliance, NEPA, and program management experience.
- Emphasis on compliance with applicable environmental laws and technical assistance.





Goals and Agenda

Goals

- Provide a brief overview of BTOP environmental compliance programs, NEPA, NHPA, and applicable consultations and permits.
- Present suggestions for making this process as painless as possible.
- Facilitate an open session to discuss specific topics of interest to participants.

Agenda

- Environmental Compliance: Overview of NEPA and NHPA.
- NEPA & NHPA Applicability to Telecommunications Issues.
- Special Award Condition (SAC) Compliance.
- Lessons Learned.





Overview of NEPA

- National Environmental Policy Act (NEPA) of 1969.
- Requires examination of potential impacts of Federal actions and reasonable alternatives before decision.
- Applies to actions funded by Federal grants and matching funds.
- Review and analysis of all applicable resources.
- Three primary levels of review:
 - Categorical exclusion (CATEX).
 - Environmental assessment (EA).
 - Environmental impact statement (EIS).





Overview of NHPA

- National Historic Preservation Act (NHPA) of 1966.
- Section 106 requires examination of potential impacts of Federal actions on historic, cultural, and tribal resources before decision.
- Projects with potential adverse impacts require consultation with the appropriate State Historic Preservation Office (SHPO) or Federally-recognized tribes.





Overview of Other Consultations and Permits

- Section 7 of the Endangered Species Act (ESA) – consultation with the U.S. Fish and Wildlife Service.
- Wetlands – U.S. Army Corps of Engineers.
- Coastal zones – National Oceanic and Atmospheric Administration (NOAA) and coastal zone management.
- Other Federal, state, and/or local permits.





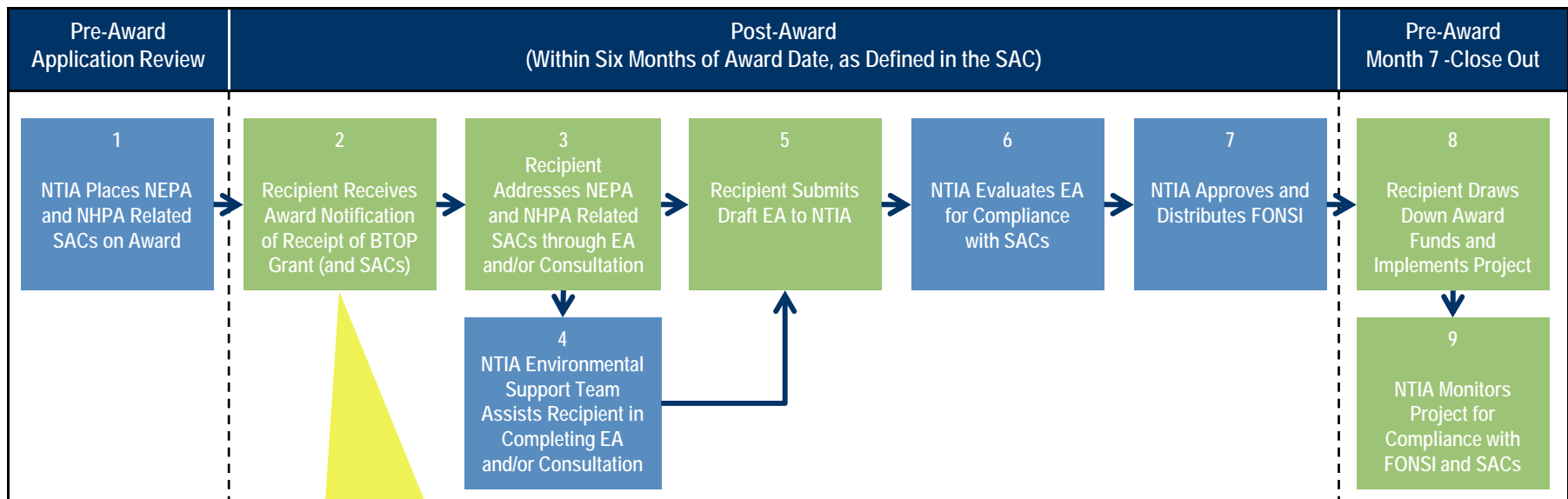
NEPA and NHPA Applicability to Telecommunications Issues

- Environmental assessments.
- Consultations.
- Permits.
- Issues raised to date:
 - Rights-of-way are not exempt from environmental issues.
 - Segmentation of proposed projects or actions is prohibited.
 - Categorical Exclusions - why didn't I get one?





BTOP Environmental and Historic Preservation Compliance Process



This step begins the six-month period to comply with Environmental SACs, per the specific timeline defined in the SAC.

Note: "Award date" is defined as the award start date, not date of issuance by grants office, date of receipt, or date of award acceptance.





Lessons Learned

- Hire reputable and qualified consultants very early in the process.
- Complete your EA (if applicable) as early as possible.
- Submit comprehensive and accurate project data for all regulatory and consulting authorities as early as possible.
- If required, use a professional who meets the Secretary of the Interior's Professional Qualification Standards for Historic Preservation.
- If you are having difficulty with some aspect of your EA (for instance, consulting agencies not responding) – contact Dr. Monteferrante as soon as possible. We may be able to help.
- Lessons learned from the front: specific recipient experiences.





Questions?

