



ENVIRONMENTAL AND HISTORIC PRESERVATION (EHP) DOCUMENTATION (REQUIREMENT 14)

14.1 Attachment (Required): Submit a document which includes the following:

- Description of how the Eligible Entity will comply with applicable environmental and historic preservation (EHP) requirements, including a brief description of the methodology used to evaluate the Eligible Entity's subgrantee projects and project activities against NTIA's National Environmental Policy Act (NEPA) guidance. The methodology must reference how the Eligible Entity will use NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT) to create NEPA project records, evaluate the applicability of categorical exclusions, consider and document the presence (or absence) of Extraordinary Circumstances, and transmit information and draft NEPA documents to NTIA for review and approval
- Description of the Eligible Entity's plan to fulfill its obligations as a joint lead agency for NEPA under 42 U.S.C. 4336a, including its obligation to prepare or to supervise the preparation of all required environmental analyses and review documents.
- Evaluation of the sufficiency of the environmental analysis for your state or territory that is contained in the relevant chapter of the FirstNet Regional Programmatic Environmental Impact Statement (PEIS), available at <https://www.firstnet.gov/network/environmentalcompliance/projects/regional-programmatic-environmental-impact-statements>.
- Evaluation of whether all deployment related activities anticipated for projects within your state or territory are covered by the actions described in the relevant FirstNet Regional PEIS.
- Description of the Eligible Entity's plan for applying specific award conditions or other strategies to ensure proper procedures and approvals are in place for disbursement of funds while projects await EHP clearances.

Description of how the Eligible Entity will comply with applicable environmental and historic preservation (EHP) requirements, including a brief description of the methodology used to evaluate the Eligible Entity's subgrantee projects and project activities against NTIA's National Environmental Policy Act (NEPA) guidance. The methodology must reference how the Eligible Entity will use NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT) to create NEPA project records, evaluate the applicability of categorical exclusions, consider and document the presence (or absence) of Extraordinary Circumstances, and transmit information and draft NEPA documents to NTIA for review and approval

The District of Columbia State Broadband Office (DC SBO) will maintain full compliance with applicable Environmental and Historical Preservation (EHP) requirements as part of the District's implementation of the Broadband, Equity, Access, and Deployment (BEAD) program. This includes adherence to the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and all relevant federal, state, and local environmental statutes and regulations.

Pre-Application Assistance

DC SBO hosted a webinar during the pre-application phase that included sections aimed at helping applicants prepare compliant applications with NEPA and NHPA requirements. The webinar informed applicants of the need to provide a detailed narrative description of parts of the project plan that are relevant to EHP regulations. The requested information included the project location, a physical description of the surrounding area and of the potential construction or ground-disturbing activities, a description detailing how the project will be implemented, and any additional supporting material deemed relevant by DC SBO.

The webinar also directed applicants to submit to budget EHP compliance-related tasks into their project timelines and milestones and to submit descriptions of anticipated preliminary government authorizations, permits, and other approvals required in connection with the project, as well as an estimated timetable for acquiring such approvals. A recording of the webinar and related materials were made available on the State's website (<https://www.techtogetherdc.com/deployment>).

DC SBO reviewed the narrative and supporting materials submitted with the application to confirm the applicant's capacity to comply with permitting and environmental requirements. This process provided an early opportunity to identify and address potential gaps, ensuring applications are robust and well-prepared for approval.

Technical Reviews

DC SBO's technical review process is an integral part of the state's efforts to comply with EHP requirements and is designed to identify and mitigate environmental and historical compliance risks early in the project lifecycle. Leveraging geographic information system ("GIS") software and advanced clash detection techniques, DC SBO evaluates subgrantee-submitted GIS linework files to confirm alignment with federal, state, and local permitting requirements under NEPA and NHPA regulations. The following are key steps in the review and evaluation process:

KEY STEPS:

- **GIS Linework Submission:** Subrecipients are required to submit detailed GIS linework files as part of their application. These files serve as the foundation for permitting evaluations and clash detection analyses.
- **Clash Detection Analysis:** DC SBO utilizes a suite of mapping layers provided by the NTIA and other agencies to perform clash detection, compiled in NTIA's National Broadband Availability Map (NBAM), identifying areas where permitting conflicts or compliance risks may occur. The specific layers analyzed include, but are not limited to:
 - **Railroads:** Identifies railroad crossings requiring permits from the responsible agency.
 - **Federal Lands:** Highlights federal lands managed by agencies such as the Bureau of Land Management, National Park Service, and U.S. Forest Service.

- **DOT Ownership:** Details road ownership (state, local, or other), providing insight into permits required from transportation authorities.
 - **USGS Flowline and Waterbody:** Maps waterbodies and flowlines, helping identify areas regulated by the U.S. Army Corps of Engineers or state environmental agencies.
 - **Historic Locations:** Pinpoints locations listed on the National Register of Historic Places, managed by the Historic Preservation Office (HPO).
- **Spatial Analysis and Outputs:** Subrecipient linework is buffered (e.g., 50-foot for linework, 250-foot for historical sites) and overlaid with these layers to detect clashes. The results are exported into tables summarizing potential permitting conflicts, which serve as actionable guidance for subrecipients.
- **Categorical Exclusion Identification:** DC SBO will work with each subgrantee to obtain detailed project information — including infrastructure type, construction methods, location data and proximity to sensitive environmental or historic resources — needed for complete and accurate data entry into the NTIA’s Environmental Screening and Permitting Tracking Tool (ESAPTT) and will use the information to complete the ESAPPT Questionnaires in order to identify instances of Categorical Exclusions (CatEx) and Extraordinary Circumstances. DC SBO will validate any categorical exclusions that should be applied and will produce a NEPA Decision Memo for submission to NTIA for review and approval.

This technical review process offers significant benefits to subgrantees by streamlining compliance and minimizing environmental and historical impacts. Findings from GIS-based clash detection provide subgrantees with a clear understanding of the permits and consultations they need to obtain and areas to avoid, allowing them to address compliance requirements proactively. This early guidance will help subgrantees adjust project designs to mitigate risks and avoid unnecessary delays. Additionally, the review process will foster collaboration, enabling DC SBO and subgrantees to work together in addressing identified risks and developing solutions tailored to project-specific challenges.

Compliance Monitoring

DC SBO will execute grant agreements that include terms and conditions designed to promote compliance with EHP requirements. These agreements will clearly define the responsibilities of subgrantees and establish expectations for permitting and environmental stewardship throughout the project lifecycle, as well as any special award conditions. Terms and conditions will include specific language regarding compliance with all applicable federal, state, and local environmental and historic preservation regulations, laws, and executive orders, including the NEPA, the NHPA, the Endangered Species Act, and executive orders related to floodplains, wetlands, and environmental justice.

Grant agreements also require applicants to provide any information requested by the DC SBO, NTIA, or other relevant authorities to demonstrate compliance with applicable laws and regulations.

Furthermore, subgrantees will be contractually obligated to secure all necessary federal, state, and local permits and approvals before initiating any project activities, including site preparation, demolition, construction, or ground disturbance.

DC SBO will actively monitor subgrantees’ compliance with these agreements through regular reporting, permit reviews, and ongoing communication. This structured approach ensures that all grant-funded projects are implemented successfully while upholding rigorous environmental and historic preservation standards. The framework includes the following key activities:

- **Permit Identification:**
 - DC SBO will independently compile a list of required permits for each project, using federal mapping tools, GIS layering, and clash detection to identify permitting needs.
 - DC SBO will obtain a detailed list of required permits from each subgrantee.
- **Gap Analysis:**
 - DC SBO will compare the subgrantee's provided permit list against the required permit list to identify gaps, such as overlooked federal, state, or local requirements.
- **Permit Validation:**
 - Subgrantees must provide detailed records for permits, including supporting documents, jurisdictional approvals, inspection results and evidence of closure.
- **Stakeholder Interviews:**
 - DC SBO will conduct interviews with subgrantees and, when necessary, their contractors or engineers to clarify permitting processes and resolve outstanding environmental requirements.
- **Monitoring Project Modifications:**
 - DC SBO reviews scope changes, such as route adjustments, to verify they do not introduce new permitting or environmental compliance obligations.
 - Updated plans are assessed to ensure alignment with regulatory expectations and to mitigate risks of non-compliance.
- **Reporting:**
 - Subgrantees are required to submit periodic updates on milestones as part of project reporting.
 - DC SBO will review these reports, providing feedback to address errors or omissions.

DC SBO's project monitoring framework will help to ensure that subgrantees remain aligned with permitting and environmental requirements throughout the lifecycle of their projects. By combining detailed analysis, proactive validation, and consistent oversight, DC SBO mitigates compliance risks, addresses potential gaps, and fosters collaboration with stakeholders. This approach not only supports efficient project execution but also upholds the integrity of environmental and historic preservation standards, reinforcing DC SBO's commitment to responsible broadband infrastructure deployment.

Description of the Eligible Entity's plan to fulfill its obligations as a joint lead agency for NEPA under 42 U.S.C. 4336a, including its obligation to prepare or to supervise the preparation of all required environmental analyses and review documents.

DC SBO acknowledges its statutory obligation to serve as a joint lead agency with the National Telecommunications and Information Administration (NTIA) in implementing the requirements of the National Environmental Policy Act (NEPA) pursuant to 42 U.S.C. § 4336a.

DC SBO understands that, as a joint lead agency, it shares responsibility with NTIA for ensuring that all broadband infrastructure projects funded under the BEAD program are planned, reviewed, and implemented in a manner that complies with federal environmental laws. DC SBO further understands its role in fulfilling the following obligations as a joint lead agency:

- Supervise the preparation of an environmental document if, with respect to such proposed agency action, there is more than one participating Federal agency;

- Request the participation of each cooperating agency at the earliest practicable time;
- In preparing an environmental document, give consideration to any analysis or proposal created by a cooperating agency;
- Develop a schedule, in consultation with each cooperating agency, the applicant, and such other entities as the lead agency determines appropriate, for completion of any environmental review, permit, or authorization required to carry out the proposed agency action;
- If the lead agency determines that a review, permit, or authorization will not be completed in accordance with the schedule developed under the previous bullet point, notify the agency responsible for issuing such review, permit, or authorization of the discrepancy and request that such agency take such measures as such agency determines appropriate to comply with such schedule; and
- Meet with a cooperating agency that requests such a meeting.

Evaluation of the sufficiency of the environmental analysis for your state or territory that is contained in the relevant chapter of the FirstNet Regional Programmatic Environmental Impact Statement (PEIS):

As part of their commitment to ensuring compliance with federal environmental requirements under the National Environmental Policy Act (NEPA), DC SBO has completed a comprehensive revalidation of the 2017 FirstNet Regional Programmatic Environmental Impact Statement (PEIS) for the Eastern Region. This revalidation evaluates changes in environmental conditions, regulatory frameworks, and resource sensitivity within the District.

DC SBO's revalidation affirms that the original PEIS remains valid for use in subsequent environmental reviews for broadband infrastructure projects under the BEAD program. The revalidation process identified minor updates related to telecommunications and road networks infrastructure, land use and ownership, wetlands regulations, threatened and endangered species, and other localized environmental considerations. These updates do not alter the overall conclusions of the original PEIS but will inform future project-level assessments and best management practices.

The completion of the revalidation demonstrates DC SBO's proactive approach to environmental stewardship and readiness to support streamlined NEPA compliance for broadband deployment activities. The evaluation provides a foundational environmental analysis that can be referenced for projects meeting the criteria outlined in the PEIS, reducing duplication and expediting permitting while ensuring robust environmental oversight.

Evaluation of whether all deployment related activities anticipated for projects within your state or territory are covered by the actions described in the relevant FirstNet Regional PEIS.

The District of Columbia State Broadband Office (DC SBO) conducted a formal revalidation of the 2017 FirstNet Final Regional Programmatic Environmental Impact Statement (PEIS) for the Eastern Region. This effort was carried out in accordance with Section 108 of the National Environmental Policy Act (NEPA), as amended by the Fiscal Responsibility Act of 2023, which requires reevaluation of programmatic environmental documents that are more than five years old.

DC SBO understands that the FirstNet Regional PEIS considers the following deployment activities for the Proposed Action:

- Wired (new or existing buried fiber, aerial fiber, submarine fiber optic plant, optical transmission, and centralized transmission equipment)
- Wireless (new wireless communication towers and equipment installation on existing wireless towers, structures, or buildings)
- Deployable (cell on wheels, cell on light truck, system on wheels, deployable aerial communications architecture)
- Satellite (satellite-enabled devices and satellite deployment)

The deployment related activities to be implemented within the District as part of the BEAD program fall within the deployment activities covered in the PEIS. Therefore, DC SBO has determined that the existing PEIS remains a valid and appropriate framework for future environmental compliance efforts related to broadband infrastructure deployment in the District and that the PEIS will sufficiently cover the anticipated deployment-related activities anticipated under the BEAD program.

Description of the Eligible Entity's plan for applying specific award conditions or other strategies to ensure proper procedures and approvals are in place for disbursement of funds while projects await EHP clearances.

DC SBO anticipates attaching EHP-focused specific award conditions (SACs) to all subgrantee awards that involve construction or activities that may result in ground disturbance, visual alterations, or other environmental impacts. These SACs will explicitly prohibit the use of BEAD funds for construction, installation, or other physical site work until all required NEPA approvals and other applicable environmental permits have been obtained. Subgrantees will be permitted to engage in allowable pre-construction activities—such as planning, engineering, environmental assessments, and permitting work—prior to receiving final NEPA clearance, provided those activities are clearly separated from ground-disturbing actions.

To operationalize this strategy, DC SBO will integrate SACs into its grant agreements and grants management system, ensuring that both the subgrantee and program staff are fully aware of the restrictions on fund use and the conditions for release of construction funding. Each SAC will specify the documentation required to demonstrate environmental compliance, including NEPA determinations, Section 106 consultation outcomes (where applicable), and any other federal, state, or local permits required under environmental law.

Additionally, DC SBO is developing internal monitoring and tracking tools to ensure that all SACs are actively managed and enforced throughout the grant lifecycle. Prior to releasing any disbursements for construction-related costs, DC SBO will verify that all NEPA reviews have been completed and that the subgrantee has received written authorization to proceed.