

# **Overview: Program Comment for Communications Projects on Federal Lands and Property**

August 2017



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# Purpose

The purpose of today's panel is to:

- Share background and efforts to-date on the ***Program Comment for Communications Projects on Federal Lands and Property*** (Program Comment)
- Discuss benefits of the Program Comment
- Share milestones and vision for the way ahead
- Address Questions & Seek Feedback



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# Panelists

- Ms. Jennifer Hass, Department of Homeland Security
- Ms. Ranel Capron, Department of Interior, Bureau of Land Management
- Ms. Jill Springer, Federal Communications Commission
- Mr. Reid Nelson, Advisory Council on Historic Preservation
- Mr. Darrell Smith, Department of Homeland Security



# History

- The American Recovery and Reinvestment Act (ARRA) of 2009 funded several broadband deployment initiatives intended to accelerate broadband deployment in unserved, underserved, and rural areas.
- These included the Broadband Technology Opportunities Program (NTIA), the Broadband Initiatives Program (USFS Rural Utility Service), and the development of a National Broadband Plan (FCC).
  - The Broadband Technology Opportunities Program (BTOP) provided \$4.7 billion in grants to develop and expand broadband services to rural and underserved areas and improve access to broadband by public safety agencies.
  - RUS leveraged its budget authority appropriated by the Recovery Act to make Broadband Initiatives Program (BIP) grants, loans and loan/grant combination awards totaling over \$3.5 billion of funds for 320 projects.



# Section 106 for ARRA Broadband Projects

- The Advisory Council on Historic Preservation (ACHP) assisted RUS and NTIA in developing a Nationwide Programmatic Agreement for BTOP and BIP.
- This NPA provided for phased Section 106 reviews post-grant award and established targeted exclusions, notably for aerial fiber over existing lines.
- ACHP subsequently issued a Broadband Program Comment (BPC) eliminating duplicative Section 106 review responsibilities when BTOP and BIP projects funded towers subject to review under the FCC's Nationwide Programmatic Agreement (NPA).
- The Broadband Program Comment was so successful that in 2014, the ACHP expanded it to apply beyond the Recovery Act to benefit other agencies funding towers licensed by the FCC, like DHS and DOT/FRA.



# Section 106 for ARRA Broadband Projects

- In administering over 400 Section 106 reviews for broadband projects in all 50 states and several territories, RUS and NTIA helped develop best practices and protocols to minimize the potential for impacts on historic properties.
- Only 1 of the ARRA-funded broadband project resulted in an Adverse Effect.
- Because broadband projects are linear and sometimes extend hundreds or thousands of miles, they may require coordination with multiple states and Tribal Nations, and permitting by one or more land managing agencies.
- BTOP and BIP grantees experienced frustration that broadband procedures, requirements, and policies are inconsistent among Federal agencies.
- The White House Office of Science and Technology Policy prioritized an initiative to streamline environmental review requirements for broadband deployments on Federal lands and property, building on effective program alternatives developed among the ACHP, the FCC, NTIA and RUS.



# How Did the Program Comment Originate?

- The Program Comment was developed by Federal Departments and Agencies who remain committed to the increased telecommunications /broadband deployment, adoption, and expanded use, especially within tribal, rural, and underserved communities. This commitment is underscored by:
- The Federal Interagency is committed to In June 2012, [Executive Order \(E.O\) 13616](#), Accelerating Broadband Infrastructure Deployment, established the Broadband Deployment on Federal Property Working Group to expedite processes and implement efficiencies with the goal of increasing the deployment of broadband infrastructure on federal property.
- On January 30, 2017, the issuance of the [E.O. 13766](#), Expediting Environmental Reviews and Approvals for High Priority Infrastructure Projects reaffirmed the importance of broadband infrastructure deployment as a priority within the new Administration. This E.O. requires infrastructure decisions to be accomplished with maximum efficiency and effectiveness, while also respecting property rights and protecting public safety.



# How Did the Program Comment Originate? (continued)

- In 2017, the group joined forces with ongoing broadband collaboration efforts across the federal interagency as the “Federal Permitting” workstream within the Federal Broadband Interagency Working Group (BIWG)
- Federal Preservation Officers (FPOs) from several different Federal Departments and Agencies, who were involved with both the E.O. 13616 Working Group collaborated to develop the Program Comment
- Feedback from past Industry Day events and information gathering efforts led to the idea for the Program Comment
- Focused effort from federal departments and agencies since spring 2016 resulted in the development and publication of the Program Comment.





# Working Group Members

Several Departments and Agencies have participated in the shaping and development of the Draft Standard Treatment:

- Department of Homeland Security (Lead Federal Agency)
- U.S. Department of Agriculture/U.S. Forest Service
- U.S. Department of Agriculture/Rural Utilities Service
- Department of the Interior/Bureau of Land Management
- Department of the Interior/Bureau of Indian Affairs
- Department of the Interior/National Park Service
- Department of Defense/Headquarters
- Department of Defense/U.S. Navy
- Federal Communications Commission



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# Foundation of the Program Comment

The concept for the Program Comment has been built upon:

- Success of the FCC's Nationwide Programmatic Agreements
- Consistent and continual **feedback** from stakeholders and partners
- Federal interagency collaboration on telecommunication /broadband specific efficiencies
- Coordination with the Advisory Council for Historic Preservation (ACHP) and the Council on Environmental Quality (CEQ)



# Engagement with Key Partners

Consistent and continual feedback from our partners was essential throughout the process

- **Outreach Letters** providing background of the effort and inviting informal feedback on drafts for THPOs, SHPOs, and Industry
- **Interactive Webinars** providing background, overview of the Standard Treatment, facilitated discussion, and question and answer for THPOs, SHPOs, and Industry
- **Comment Periods** on the drafts where valued partners could submit written comments and/or directly to discuss the effort
- **Representation at NATHPO 2016** to present the effort and directly extended the invitation to provide feedback



# What is the Program Comment?

On May 8th the Advisory Council for Historic Preservation (ACHP) issued the ***Program Comment for Communications Projects on Federal Lands and Property***

- **Who**: Collaboratively developed by the Federal Preservation Officers (FPOs) from several different Federal Departments and Agencies in accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. §§ 300101 et seq.) (NHPA) and its implementing regulations, “Protection of Historic Properties” (36 CFR Part 800).
- **Purpose**: Assist Federal Land Managing Agencies and Federal Property Managing Agencies in permitting and approving the deployment of next generation technologies of communications infrastructure, e.g. 5G, more efficiently
- **Benefit**: Establishes tailored and uniform procedures that the agencies can use for reviewing an entire category of undertakings rather than conducting separate Section 106 reviews for each individual undertaking



# Activities Addressed by the Program

## Comment

Activities that have been determined to not typically result in adverse effects on historical properties:

1. Collocation of communications antennae
2. Above-ground communications connections to and collocations on federal buildings and buildings located on federal land
3. Placement of above-ground communications and cable lines on existing poles or structures
4. Installation of buried communications cable on federally managed lands in areas previously disturbed or dismissed through prior S106 compliance
5. Communications tower replacement
6. New communications tower construction in areas previously disturbed or dismissed through prior S106 compliance
7. Removal of obsolete communications equipment and towers



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# How the Program Comment Helps

- Extends efficiencies of the 2001 and 2005 Federal Communications Commission's (FCC) Nationwide Programmatic Agreements (NPAs) used on private property to projects that include federal lands and properties
- Enables transparency when planning for and managing telecommunications projects on or near federal lands and federally managed properties
- Creates the opportunity for expedited review for telecommunications permitting applications on federally managed lands
- Enables consistent and predictable implementation across the federal government
- Levels the playing field, reducing cost-burden as a result of delays and uncertainty
- Creates the opportunity for increased internet access and use across the country, including tribal, rural, and underserved communities



# Way Ahead

- **Now**: Getting the Word Out
  - Information Sharing
  - Encourage wider adoption/usage
  - Need Your Help
- **Near Term**: Develop Federal Department and Agency Implementation Guidance for Telecommunications Projects
- **Long Term**: Explore opportunities to align Federal Department and Agency Categorical Exclusions to demonstrate consistency for telecommunications /broadband projects



# Program Comment Implementation Guidance

- Currently under development, anticipated completion FY2018
- Purpose: Provide guidance on the consistent implementation of expedited reviews for broadband permitting applications in compliance with the NHPA for Federal Land Management Agencies.
  - U.S. Department of Agriculture/U.S. Forest Service
  - Department of the Interior/Bureau of Land Management
  - Department of the Interior/National Park Service
- The vision is for each of the Federal Land Management Agencies to internally issue implementation guidance to their field staff to encourage greater consistency in managing telecommunications /broadband projects across the Federal Government





**QUESTIONS**  
**COMMENTS**  
**FEEDBACK**



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# Points of Contact

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# Backup Slides



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# Aligning Categorical Exclusions for Telecommunications Projects

- The group plans to explore opportunities to align their existing Categorical Exclusions (CatEx) to demonstrate consistency for broadband projects.
- Specifically for CatEx's identifying categories of action which have been determined do not individually or cumulatively have a significant affect on the human environment and, thus, should be categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement under the National Environmental Policy Act (NEPA).
- Cover activities pertaining to the construction, deployment, and maintenance of telecommunications infrastructure, including broadband technology.

