



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, D.C. 20230

MEMORANDUM FOR: State Historic Preservation Officers (SHPO), Tribal Historic Preservation Officers (THPO) and Recipients of NTIA Infrastructure Grants

FROM: Jill Springer, Senior Advisor on Permitting
Federal Preservation Officer

SUBJECT: Authorization of NTIA Grant Recipients to Initiate Section 106 Consultation for NTIA Funded Projects

EFFECTIVE DATES: January 2024 through December 2030

In 2021, the Consolidated Appropriations Act of 2021 and the Bipartisan Infrastructure Law of 2021 appropriated \$49.8 billion in grants for the Department of Commerce's National Telecommunications and Information Administration (NTIA) to bring broadband service to unserved and underserved locations across America through several grant programs. NTIA will administer the Broadband Equity, Access, and Deployment (BEAD) Program, the Middle Mile Deployment Grant Program, the Tribal Broadband Connectivity Program (TBCP), and the Broadband Infrastructure Program (BIP). These initiatives will expand access to high-speed infrastructure by funding infrastructure deployment in all fifty states, five territories, and the District of Columbia.

NTIA has determined that projects receiving financial assistance for infrastructure deployment may be undertakings subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470f, and its implementing regulations under 36 CFR part 800 (Section 106). Early consideration of Section 106 is necessary to meet program timelines. To facilitate the review process, NTIA has determined that it is consistent with 36 CFR § 800.2(c)(4) for grant recipients to initiate consultation with State Historic Preservation Officers (SHPO), Tribal Historic Preservation Officers (THPO), and other consulting parties.

Effective immediately, NTIA authorizes grant recipients and their authorized representatives (which for BEAD recipients may include subrecipients) to act on behalf of NTIA to consult with SHPOs and other consulting parties, except for Tribes requesting government-to-government consultation, to initiate the Section 106 review process, identify and evaluate historic properties, and assess effects. Recipients must include a copy of this Memorandum with their submission to the SHPO.

NTIA remains legally responsible for Section 106 findings and determinations and for government-to-government consultation with Tribes and Native Hawaiian Organizations. To this end, NTIA advises all grant recipients to hire Secretary of the Interior qualified cultural resource



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consultants with state-specific Section 106 experience. NTIA also provides recipients of funding with ongoing technical assistance on environmental and historic compliance in the form of fact sheets, webinars, and in-person training.

When consulting with the SHPO and others, NTIA grant recipients shall identify an appropriate contact person representing the grant recipient and the authorized representative hired to coordinate the review, if applicable.

The grant recipient or authorized representative shall prepare documentation that meets 36 CFR 800.11 (d) or (e), or the requirements of the applicable program alternative, and submit complete information to SHPO for review and comment (as applicable) following NTIA environmental and historic preservation technical assistance available online at <https://broadbandusa.ntia.gov/technical-assistance-hub>.

NTIA will participate in the Section 106 consultation when:

- It is determined during review that, in accordance with the *Criteria of Adverse Effect*, there may be an adverse effect on a historic property;
- There is a disagreement or dispute between the grant recipient and the SHPO or THPO regarding identification of historic properties or assessment of effects;
- There is an objection from Tribes, consulting parties, or the public regarding assessment of effects, the implementation of review provisions, or their involvement in a Section 106 review; or
- There is a potential foreclosure situation per 36 CFR 800.9(b) or anticipatory demolition as specified in Section 110(k) of the NHPA.

It is important that Section 106 reviews be conducted within statutorily established timeframes and that the exchange of documentation and other aspects of consultation be carried out in a consistent and predictable manner. To this end, NTIA will coordinate with grant recipients to carry out the process set forth in this memorandum. NTIA will provide guidance and periodic training on the implementation of the authorization and monitor compliance with the authorization.

If you have any questions regarding this Memorandum, please contact Amanda Pereira, Environmental Program Officer, at apereira@ntia.gov

Affirmed by

Douglas Kinkoph
Doug Kinkoph
Associate Administrator
Office of Internet Connectivity and Growth

10/23/2025

Date

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