

Program Comment for Federal Communications Projects

NTIA Section 106 Documentation Form

NTIA elects to follow the Program Comment for Communications Projects (Program Comment) in lieu of the procedures in 36 CFR §§ 800.3 through 800.7 for qualifying broadband grant projects, including Broadband Equity, Access, and Deployment (BEAD) projects. This form documents the application of the Program Comment, including the appropriate scope and level of effort of historic property identification. Completion of this form fulfills Section 106 obligations for NTIA and the participating Federal agencies identified below.

In a Memorandum effective January 1, 2024, to December 31, 2030, NTIA authorized the recipients of NTIA funding, including BEAD applicants, to act on behalf of NTIA to complete Section 106 reviews under the Program Comment.

This form has been completed by a Secretary of Interior Standards Qualified Professional in accordance with Section 110(a)(1) of the NHPA, 54 U.S.C. 306101(c), and Section III.W of the Program Comment.

General Information	
Project Name:	
Project Location:	
Grant Recipient or BEAD Sub-grantee:	
BEAD Eligible Entity (if different):	
Contact Information:	
NTIA Grant Number:	
Preparer:	
Participating Federal Agencies:	
Submittal Date:	Review Concludes:

Enclosures	
This submittal includes:	
<input type="checkbox"/>	Records Check document that lists previous surveys, historic properties in the Area of Potential Effects (APE), and an analysis of potential effects on historic properties.
<input type="checkbox"/>	Mapping of the APE that includes areas of previous ground disturbance, previous survey, and previously identified historic properties.
This submittal may include:	
<input type="checkbox"/>	Conditional Exemptions summary to include mapping of exempt elements, applicability of Conditional Exemptions, and Conditional Exemption Implementation Plan, if necessary.
<input type="checkbox"/>	An Avoidance Plan, Survey Program, or Monitoring Program.
<input type="checkbox"/>	Additional documentation as follows:

Program Comment Finding

- ☐ CONCLUSION OF REVIEW WITHOUT CONDITIONS, DOCUMENTATION PROVIDED FOR YOUR RECORDS
- ☐ CONCLUSION OF REVIEW WITH CONDITIONS, DOCUMENTATION PROVIDED FOR YOUR COMMENT
- ☐ REQUEST FOR COMMENT ON SURVEY OR MONITORING PLAN

I. Applicability

The Program Comment applies to communication deployment undertakings that are carried out, permitted, licensed, funded, assisted, or approved by any federal agency. This undertaking has been reviewed for Program Comment Applicability by a Qualified Professional and found to meet applicability requirements.

- | | |
|--------------------------|---|
| <input type="checkbox"/> | A. This project includes excepted resources as described in <i>Program Comment Section II.B.1</i> and requisite documentation of Program Comment applicability is enclosed. |
| <input type="checkbox"/> | B. This Project does not include excepted resources as described in <i>Program Comment Section II.B.1</i> . |

II. Tribal Notification

NTIA has notified potentially interested Tribes of this project and provided this form to Tribes requesting to consult.

Notification Date:

III. Area of Potential Effects

NTIA's undertaking includes the following communications project deployments within an APE as established in Sections IX, X, and XI of the Program Comment. NTIA will apply the *Program Comment to Avoid Duplicative Review for Wireless Communications Facilities Construction and Modification (Duplicative Review Program Comment)* to remove Section 106 review responsibilities for applicable project elements that are subject to FCC Section 106 review.

A. Broadband infrastructure elements subject to review under the <i>Program Comment for Federal Communications Projects</i> and reviewed in this submittal include:	
<input type="checkbox"/>	Above ground communication and cable lines on existing poles
<input type="checkbox"/>	Above ground communication and cable lines on new and/or replaced poles
<input type="checkbox"/>	Buried communications cables
<input type="checkbox"/>	Other:
B. Broadband infrastructure elements that will support the use of FCC licensed spectrum and are subject to (or excluded from) Section 106 review under the FCC's Nationwide Programmatic Agreement and are subject to the <i>Duplicative Review Program Comment</i> (locations of applicable elements are included in the APE map):	
<input type="checkbox"/>	Collocation of Communications Antennae
<input type="checkbox"/>	Above-ground Communication connections to and/or collocations on buildings
<input type="checkbox"/>	Communication tower replacement
<input type="checkbox"/>	New Communication tower construction
<input type="checkbox"/>	Not Applicable

IV. Record Check Results		
A. Records Check as defined in Section III.O of the <i>Program Comment</i> identified:		
<input type="checkbox"/>	i. No Historic Properties in the APE	Continue to Section IV.B of this Form.
<input type="checkbox"/>	ii. Historic Properties in the APE	APE map identifies location(s) of known historic properties. Skip to Section V. Conditional Exemptions.
B. <i>Program Comment</i> Section IV.A.3 applies to the APE as follows:		
<input type="checkbox"/>	i. previously surveyed (acceptable to current state standards or less than ten years old) AND no known historic properties are <i>identified</i> within the APE (<i>Program Comment</i> Section IV.A.3.a).	
<input type="checkbox"/>	ii. previously disturbed to the extent and depth where the probability of finding intact historic properties is low (<i>Program Comment</i> Section IV.A.3.b).	
<input type="checkbox"/>	iii. not considered to have a high probability for historic properties (<i>Program Comment</i> Section IV.A.3.c) OR areas of high probability for NRHP eligible properties will be avoided (<i>Program Comment</i> Section IV.A.2).	
C. Program Comment conditions are met. No further Section 106 review is required as one or more of the above criteria apply to the entire APE. See Program Comment Finding, pg. 1.		<input type="checkbox"/>
D. <i>Program Comment</i> Section IV.A.3 DOES NOT apply to the entirety of the APE. Further Section 106 Review Required. Continue to Section V. Conditional Exemptions.		

V. Conditional Exemptions

Conditional Exemptions listed in *Program Comment Sections VI-XI* apply to the APE. Any segment of the APE exempt from review is mapped on the attached annotated APE map with the Program Comment exemption reference. The sub-grantee confirms exemptions apply to telecommunications installations described in Section III of this Form as indicated in Sections V.A and V.B. If applicable, a Conditional Exemption Implementation Plan is enclosed.

The following telecommunications installations are exempt from Section 106 Review:

A. Above-ground Communications and Cable Lines on Existing Poles or Structures (*Program Comment VIII*) as the following applies:

<input type="checkbox"/> i. Exemption VIII.A: Placement of above ground communications and cable lines on existing poles or structures as:	<input type="checkbox"/> No new structures or poles will be added to accommodate the new lines; and the structure or pole is not a historic property and does not contribute to the significance of a historic district
<input type="checkbox"/> ii. Exemption VIII.B: Replacement of structures or poles as:	<input type="checkbox"/> The location of the replacement pole will be either: a. Within 10 feet of the original pole (<i>Program Comment Section VIII.B.1.a</i>); or b. Within an existing ROW or easement which has been surveyed
	<input type="checkbox"/> The replacement structures and poles are: a. Consistent with the quality and material of the originals; and b. Any proposed height increase is acceptable (<i>Program Comment Section VIII.B.3</i>); and c. The original pole or structure is not a historic property and does not contribute to a historic district
<input type="checkbox"/> iii. Exemption VIII.C: Infill structures of poles on an extant line as:	<input type="checkbox"/> Infill structures are: a. Within existing ROWs or corridors that are NOT within the boundary of a known historic property; and b. Are not within 100 feet of a boundary of any historic property or historic district significant for their visual setting; and c. Are of generally consistent quality and material with the originals; and d. Are within acceptable height limits (<i>Program Comment VIII.C.4</i>)

☐ iv. **Not Applicable**, as this project does not include this type of telecommunications deployment.

B. Installation of Buried Communications Cable (*Program Comment IX*) as the following applies:

☐ i. **Exemption IX.B:** New or replacement communications cable and new or replacement associated vaults for cable access will be installed or maintained along or solely in previously disturbed areas and a records check confirms there are no known historic properties within the APE (*Program Comment IX.B*).

<input type="checkbox"/>	ii. Exemption IX.C: New or replacement vaults for cable access will be installed outside the existing ROW, however, they will be located in previously disturbed soils and a records check confirms there are no known historic properties within the APE (<i>Program Comment IX.C</i>)
<input type="checkbox"/>	iii. Exemption IX.D: New or replacement buried communication connections from road, railroad, and utility ROWs or vaults to a facility will be installed in previously disturbed existing rights-of-way up to the existing facility or building or to an overhead line that connects to the facility or building (<i>Program Comment IX.D.2</i>) and a records check confirms that there are no known historic properties within the APE.
<input type="checkbox"/>	iv. Exemption IX.E: Buried fiber will be installed in or adjacent to a known archaeological site, however, a qualified professional has confirmed the depth and extent of the property's intact and undisturbed deposits within the APE and the site can be avoided via directionally boring.
<input type="checkbox"/>	v. Not Applicable , as this project does not include this type of telecommunications deployment.
C. Communications Towers and/or Equipment:	
<input type="checkbox"/>	i. Not Applicable , as this project does not include this type of telecommunications deployment.
D. Program Comment conditions are met. Conditional Exemptions apply to all telecommunications installations within the APE, and no further identification is required. If applicable, a Conditional Exemption Implementation Plan is enclosed.	
E. Conditional Exemptions DO NOT apply to the entire APE. Further Section 106 Review Required. Label all APE segments that do not fall under the conditions in Section V on an annotated map and continue to Section VI. Survey and/or Monitoring Program.	

VI. Survey and/or Monitoring Program	
Review of the proposed project identified either areas of high probability for historic properties that have not been previously surveyed and cannot be avoided, or proposed deployments that cannot be exempted from review. A Survey and/or a Monitoring Program is recommended as sufficient to avoid adverse effects to historic properties.	
<input type="checkbox"/>	A. A targeted Survey Program will be implemented for those areas where deployments cannot be exempted from review, and/or where there is a high probability for historic properties in the APE. The Survey Program clearly maps these areas and includes a plan to avoid adverse effects to NRHP eligible properties (<i>Program Comment Section IV.B.7</i>).
<input type="checkbox"/>	B. A Monitoring Program including inadvertent discoveries procedures will be implemented during project construction.
<input type="checkbox"/>	C. Not Applicable, Program Comment conditions were met without the need for survey and/or monitoring.
D. Program Comment conditions are met. SHPO/THPO concurrence on the recommendations will conclude Section 106 review as the Survey and/or Monitoring Program is sufficient to avoid adverse effects.	
<input type="checkbox"/>	