

*Program Comment for Federal Communications Projects*  
NTIA Section 106 Documentation Form FAQ

**1. Who should use this Form and who should receive it?**

This form is intended to assist grant recipients in documenting how an undertaking meets the conditions of the *Program Comment for Federal Communications Projects* (Program Comment). It must be prepared by a Secretary of the Interior (SOI) qualified historic preservation professional on behalf of the project proponent or State/Territory Broadband Office and submitted to the appropriate consulting parties, which may include State or Tribal Historic Preservation Officers (SHPOs or THPOs) and others, as applicable. If Section 106 is concluded and documented with this form for Broadband Equity, Access and Deployment (BEAD) projects, it should be uploaded into the Environmental Screening and Permitting Tracking Tool (ESAPTT) by the state NEPA specialist.

**2. Can Section 106 review conclude with one submittal to SHPO?**

Yes. The *Program Comment* provides a streamlined alternative process for federally funded or permitted broadband deployments that establishes the Area of Potential Effect (APE), level of effort, and measures to avoid adverse effects. The Form can be completed and submitted to the SHPO and consulting parties to confirm the APE, document the results of a Records Check, apply conditional exemptions, and memorialize conditions that the *Program Comment* establishes as sufficient to avoid adverse effects. Completion of the Form will identify whether the Program Comment terms are sufficiently met, that Section 106 obligations are met, or will require a request for SHPO comment (or concurrence).

**3. Where are Section 106 steps like identification and findings of effect?**

The *Program Comment* provides an alternative to traditional 36 CFR 800 review that supports documenting projects with no historic properties or low archaeological potential to file; identifying applicable exclusions and associated conditions; or consulting to develop a Survey or Monitoring Plan implemented to avoid adverse effects. The Program Comment is not assumed to apply to National Monuments, National Memorials, National Historical Parks, National Historic Trails, National Historic Sites, National Military Parks, National Battlefields, National Historic Landmarks, and undertakings on *tribal lands* without documented agreement and may not be appropriate in areas of high archaeological potential.

**4. What is a Survey or Monitoring Plan?**

A Survey or Monitoring Plan is a document that clearly identifies areas where archaeological survey or monitoring will be conducted to avoid adverse effects on historic properties. The plan should establish research questions and field methods, include detailed mapping of survey and/or monitoring areas, describe avoidance measures and their implementation, and address final report submission. The avoidance measures established in a Survey or Monitoring Plan will become enforceable conditions on the grant, and failure to implement them may result in funds being withheld or terminated.

**5. What if this Form does not meet SHPO requirements for Section 106 review?**

SHPOs may have their own preferred Section 106 processes, forms, and submittal procedures, however, per 36 CFR 800.2(a), the federal agency has the responsibility to comply with the requirements of Section 106, which allows the Advisory Council on Historic Preservation (ACHP) to establish program alternatives. NTIA is available to consult with SHPOs on program tools and review guidance, if requested. In addition, NTIA will participate in the Section 106 consultation when there is a disagreement or dispute between the sub-grantee and the SHPO (and/or THPO) regarding identification of historic properties and/or assessment of effects or if 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.

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