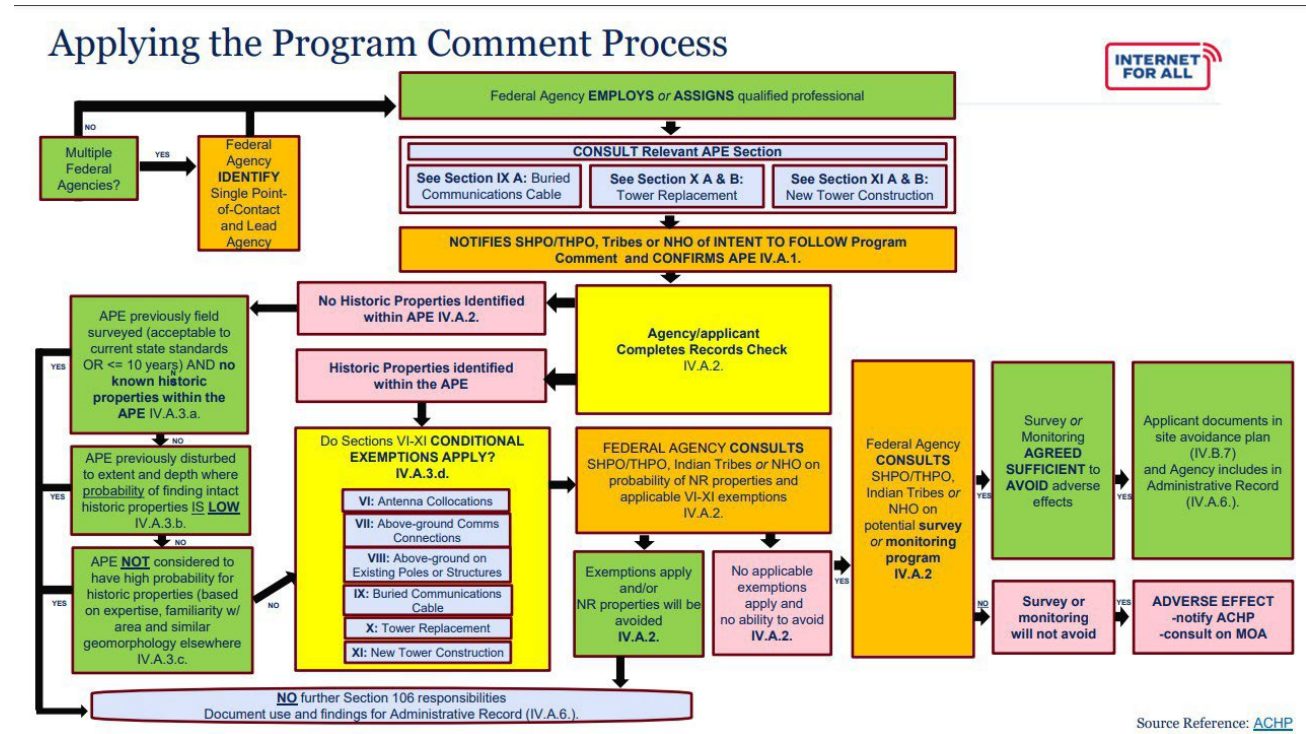


INSTRUCTIONS FOR THE PROGRAM COMMENT FOR FEDERAL COMMUNICATIONS PROJECTS NTIA DOCUMENTATION FORM

These instructions are a reference for completing the [Program Comment for Federal Communications NTIA Documentation Form](#) which documents Section 106 review under [Communications Project PC amendment - 20240313 letterhead SIGNED.pdf](#) (Program Comment). The process flow is illustrated in the following chart.



General Information and Enclosures: The Program Comment Documentation Form must be prepared by an individual who meets one of the [Secretary of Interior's Professional Qualification Standards](#). Identify the grant recipient or the BEAD sub-grantee and Eligible Entity and provide a grant project contact and the NTIA grant number in the General Information box. Identify whether NTIA's application of the Program Comment fulfils Section 106 responsibilities for any other federal agencies. Provide the date the form is submitted (submittal date) and the date that NTIA may assume that the review has concluded (upon submission or 30 days after submittal). Mark the mandatory enclosures that must accompany every form (Records Check and APE Mapping) and any enclosures necessary to support the record (e.g., Conditional Exemptions summary, Avoidance, Survey, or Monitoring Plan).

Program Comment Finding: After completing Form sections, I through VI on pages 2 to 5, summarize the conclusion of the Section 106 review under the Program Comment on page 1.

Option 1: CONCLUSION OF REVIEW WITHOUT CONDITIONS, DOCUMENTATION PROVIDED FOR YOUR RECORDS

Section 106 review under the Program Comment can be concluded with no further Section 106 responsibility when the entirety of the APE meets the conditions set forth in *Program Comment Section IV.A.3*. Check this option if Program Comment conditions were met as described in Form Section IV.C.

Option 2: CONCLUSION OF REVIEW WITH CONDITIONS, DOCUMENTATION PROVIDED FOR YOUR RECORDS. This option concludes review when avoidance or other conditions are placed on the deployment due to areas of high archaeological probability and/or the application of certain exemptions as set forth in *Program Comment Sections IX-XI*. In this case, check the second Program Comment Finding checkbox ‘with conditions’ as described in Form Section V.D and attach a *Conditional Exemption Implementation Plan* and/or *Avoidance Plan* that will be implemented during construction.

When conditions apply, the Documentation Form and attachments must be submitted to the SHPO and any Tribal (or other) consulting parties to record the conditions and conclude Section 106 obligations. The project proponent will provide parties 30 days to review the documentation. Provide the Documentation Form to NTIA either directly or via ESAPTT for BEAD, to contractors as necessary, and maintain it as a part of the Administrative Record. The project proponent is responsible for ensuring the implementation of any necessary conditions and an inadvertent discovery plan during construction.

Option 3: REQUEST FOR COMMENT ON SURVEY OR MONITORING PLAN. Section 106 review under the Program Comment can be concluded with the implementation of a survey or monitoring program sufficient to avoid adverse effects upon consultation with SHPO/THPO (see bottom right, orange box on the Flow Chart). Check the appropriate measure(s) for this option and enclose documentation for SHPO review and comment. The project proponent must consider consulting party comments received prior to the “Review Concluded” date (30 days after submittal) and notify an NTIA Environmental Program Officer (EPO) if a SHPO or Tribal representative identifies potential impacts to a specific historic property (as defined in Program Comment Section III.J).

Section I. Applicability: The Program Comment is generally available for all federal communication deployment undertakings, but is not applicable to projects on or affecting certain “excepted” resources unless the consulting parties agree it is appropriate. These resources include National Historic Landmarks, National Monuments, National Memorials, National Historic Parks, National Historic Trails, National Historic Sites, National Military Parks, National Battlefields, and Tribal Lands.

If the proposed project includes an excepted resource, consult with an NTIA Environmental Program Officer (EPO) on how to initiate consultation with the applicable federal agency or tribe to determine if the Program Comment adequately considers the undertaking’s potential effect. Should a Tribe agree to use the Program Comment on their Tribal lands, NTIA and the Tribe must enter into a written agreement to follow the Program Comment and notify the Advisory Council on Historic Preservation (ACHP).

Program Comment Reference: Section II.A, II.B

Section II. Tribal Notification: NTIA will notify Tribes of BEAD projects in their expressed areas of interest and provide high-level, preliminary project information for review. The Documentation Form should be provided to Tribes that have requested Section 106 participation after reviewing the detailed description and mapping for the project.

Section III. Area of Potential Effect (APE): The Program Comment *Section III.D* establishes presumed Areas of Potential Effect for component infrastructure types (see Program Comment *Sections IX-XI*). Provide a complete, detailed narrative APE description in Form Section III keyed to labelled mapping that identifies all NTIA-funded infrastructure components. The annotated map(s) of the APE must clearly identify the following:

- All historic properties identified within the APE;
- Any segments of the APE that have been previously surveyed, with the survey date;
- Any areas considered to have a high probability of historic properties (if applicable);
- Towers and/or antennas described in Section III.B; and
- Any segments where Conditional Exemptions are applied.

In Section III.A, indicate if the project includes infrastructure supporting the use of FCC licensed spectrum that is subject to or excluded from Section 106 review under the FCC's Wireless Facilities Nationwide Programmatic Agreement (NPA) or the Collocation NPA. NTIA's Section 106 responsibilities for these components are removed by the *Program Comment to Avoid Duplicative Reviews for Wireless Communications Facilities Construction and Modification*.

In Section III.B, identify the towers and/or antennas supporting the use of FCC licensed spectrum. These elements should be labelled on the APE map but require no additional effort for this submittal. Consult the FCC's [environmental and historic preservation rules](#) for compliance guidance.

Program Comment Reference: Sections IX.A, X.A, X.B, XI.A, XI.B

Section IV. Records Check Results: The Program Comment establishes a Records Check (Program Comment *Section III.O*) as the level of effort generally presumed adequate for the identification of historic properties, combined with additional analysis of ground disturbance and archaeological probability (Program Comment *Section IV.A.2*). The Records Check results should be represented on mapping (described in Section III above) that further identifies, as applicable:

- Areas of the APE that are previously disturbed to the extent and depth where probability of finding intact historic properties is low (Program Comment definitions *III.I, III.N*)
- Areas of the APE with a high probability for historic properties, considering the scope of the potential project effects and the extent of ground disturbance.

Summarize the results of identification and the application of the criteria established in Program Comment *Section IV.A.3* to determine whether the Program Comment conditions are met (Form Section IV.C) or conditional exemptions must be applied (Form Section IV.D, continue to Section V).

Section IV.B If one or more of the conditions in Section IV.B applies to the **entire** APE, Section 106 review is concluded with no conditions. Check checkbox IV.C and select the first option under **Program Comment Finding** on page 1 of the Form and refer to the *Form Submittal and Conclusion of Section 106* section of these instructions.

If none of the conditions of IV.B are applicable to the full APE, proceed to Form Section V and apply conditional exemptions to all proposed deployment types.

Program Comment Reference: Section IV.A.3

Section V. Conditional Exemptions: Apply available exemptions to all deployment types within the APE. Check each exemption available to the project and key the exemption to an annotated map, (as described above in Section III instructions). Provide a written summary of applicable exemptions.

If conditional exemptions can be applied to the entirety of the APE, Section 106 review is concluded, and the second option should be selected under **Program Comment Finding** on page 1 of the Form. The implementation of certain conditional exemptions in areas with historic properties or high archaeological potential may require the submittal of a “Conditional Exemption Implementation Plan” providing a description of avoidance measure commitments. Commitment to implement avoidance measures are considered specific award conditions applied to the federal funding. Refer to the *Form Submittal and Conclusion of Section 106 Review* section of these instructions.

Program Comment Reference: VI-XI

If the application of criteria (Program Comment *Section IV.B*) and/or conditional exemptions (Program Comment *Section VI*) are not sufficient to conclude the review, a Survey or Monitoring plan must be developed for areas of high potential of historic properties that cannot be avoided.

Section VI. Survey and/or Monitoring Program: Include a Survey and/or Monitoring Program with targeted survey and avoidance measures developed by the appropriate cultural resource expert as well as procedures for unanticipated discoveries (see Program Comment *Section XIII*) for any areas of the APE for which application of Section IV.B and Section V do not conclude Section 106 review obligations. Select the third option as the **Program Comment Finding** on page 1 of the Form.

Form Submittal and Conclusion of Section 106 Review

Submit the completed Documentation Form with all attachments to the SHPO/THPO, consulting parties (including Tribes), the BEAD NEPA specialist, and/or the NTIA EPO.

For Program Comment Finding Option 1: Section 106 review is concluded when the terms of the Program Comment are met, documented, provided to parties listed above, upon NTIA acceptance.

For Program Comment Finding Option 2: Section 106 review is concluded when the terms of the Program Comment are met, the parties listed above are provided 30 days to review the documentation and NTIA approves the avoidance commitments.

For Program Comment Finding Option 3: Section 106 review concludes with concurrence from the SHPO/THPO. Submit form and concurrence to the NTIA EPO or State/Territory BEAD NEPA specialist with NEPA documentation. Consult the NTIA EPO or BEAD NEPA specialist if the SHPO/THPO or other consulting parties fail to provide concurrence or comment by the “Review Concludes” date identified on the first page of the form (30 days after submittal).