

Environmental and Historic Preservation (EHP) Documentation (Requirement 14)

Purpose

The purpose of this document is to provide information on how ConnectLA will ensure subgrantees will comply with environmental and historic preservation requirements including but not limited to the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*) (NEPA), Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.*) (NHPA), Section 7 of the Endangered Species Act (16 U.S.C. 1521, *et seq.*), Section 404 of the Clean Water Act (33 U.S.C. 1251, *et seq.*), and all other applicable Federal, state, and local environmental laws and regulations.

Environmental and Historic Preservation Requirements

ConnectLA will ensure full compliance with all applicable environmental and historic preservation (EHP) requirements by adhering to the requirements of the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), Section 7 of the Endangered Species Act, and Section 404 of the Clean Water Act, as applicable, and NTIA's programmatic guidance. This compliance is a critical part of the project review process, and all subgrantee projects will undergo a detailed evaluation to ensure minimal environmental and historic impacts.

NEPA COMPLIANCE

ConnectLA will serve as a joint lead agency for NEPA and will design and implement a program to ensure compliance by the work implemented by subgrantees. As a joint lead agency, ConnectLA will fulfill the role of lead agency, as defined in 42 U.S. Code § 4336a, with respect to proposed deployment activities undertaken. ConnectLA shall supervise the preparation of required EHP compliance documents or, depending on the complexity of the deployment activity and the capability of the subgrantee implementing the deployment activity, may directly assist in the preparation of such documents. In all cases, ConnectLA shall centrally review and concur with the findings and recommendations of all EHP compliance documentation prior to approval. ConnectLA has retained subject matter experts (SME) and GIS specialists to both coordinate review activities and to prepare environmental review documents, as necessary.

ConnectLA will use its in-house NEPA-specific GIS compliance platform, an advanced, web-based mapping and environmental data screening tool developed over the past year, to assess project implementation plans from the subgrantees detailing the description and location of deployment activities intended to provide broadband service. ConnectLA will require all subgrantees to submit



project-specific data via Shapefiles in a uniform and structured format that specified attributes required to assess a project's environmental impact, if any. This uniform format ensures that project data is consistently and accurately collected statewide and is compatible with ConnectLA's NEPA-specific GIS compliance platform and the NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT) environmental screening questionnaire. To promote the submission of high-quality Shapefiles, the Office has developed a Shapefile template and Shapefile Submissions Guide designed for the purpose of submitting geospatial data for BEAD. ConnectLA SMEs will input GIS data obtained from subgrantees into the NEPA-specific assessment tool and create a detailed report for each project. The report will include:

- detailed project location;
- construction methods;
- proximity to environmental or historic resources or areas of concern (i.e., those listed among NTIA's Extraordinary Circumstances);
- identification of potentially affected sensitive areas; and
- a completed environmental questionnaire.

The report will document in advance of input into ESAPTT the absence or presence of Extraordinary Circumstances.

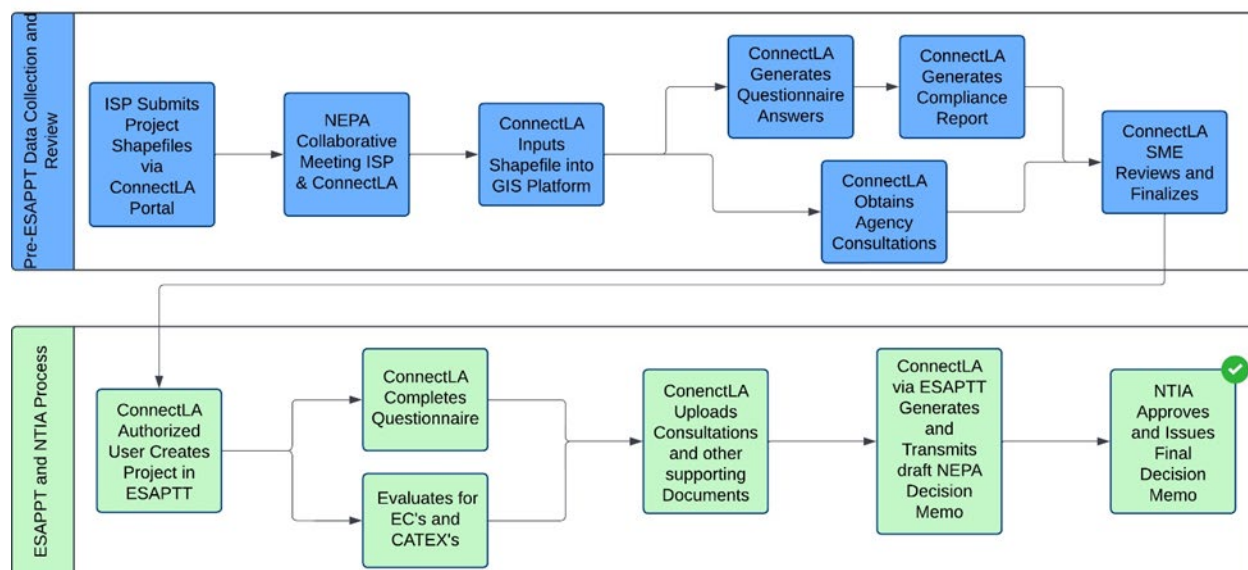
ConnectLA SMEs will then review the information provided by the subgrantees and the report generated from our NEPA-specific GIS compliance tool and determine the appropriate level of review required based on NTIA's programmatic and general NEPA guidance. This assessment will proceed concurrently and in alignment with the ESAPTT submission. Using the outputs from ConnectLA's compliance tool and as required by NTIA's restructuring policy and ESAPTT guidance, ConnectLA's authorized users will input finalized and reviewed project data into ESAPTT, where the following will occur:

- upload of project descriptions, maps, and other project information;
- completion of the Environmental Screening Questionnaire;
- selection of applicable Categorical Exclusions based on automated screening logic;
- documentation of the Extraordinary Circumstances, as applicable;
- upload of any relevant supporting documentation (e.g., agency consultations); and
- generation and transmission of draft NEPA Decision Memos to NTIA for review and final approval.

The workflow described above is depicted in the diagram below:



EHP Compliance Workflow



ConnectLA anticipates that the nature of the deployment activities under evaluation for each project and the technical environmental capability of the submitting subgrantee will factor in to whether the environmental review, with emphasis on completing the environmental questionnaire, will be performed by the subgrantee and supervised by ConnectLA or, in certain circumstances performed directly by ConnectLA. As such, the following compliance responsibility scenarios are expected:

1. In many instances where the deployment activities qualify for one of NTIA's categorical exclusions, the review may be completed by ConnectLA using GIS mapping and report-generating software which is already in use. This approach will allow for more timely preparation of this level of review and a report with a uniform appearance and centrally sourced data inputs. Software-generated responses to questionnaire questions will be reviewed as needed by ConnectLA SMEs with environmental expertise for accuracy and quality.
2. For complex deployment activities to be undertaken by subgrantees or where an environmental assessment is required, ConnectLA will supervise the preparation of environmental review documents by the subgrantee or the subgrantee's environmental consultants and shall retain the privilege of final approval before submission to the NTIA and prior to implementation of the deployment activities in question.
3. If in ConnectLA's judgement, the subgrantee lacks the technical EHP expertise to produce a compliant review document, ConnectLA shall support the subgrantee in preparation of the required document package. In this scenario, the subgrantee will be required to provide the supporting documentation used in the preparation of the environmental review.

ConnectLA shall conduct ongoing discussions with the subgrantees prior to project implementation to determine the appropriate course of action to ensure EHP compliance, taking into consideration the volume and complexity of projects assigned to each subgrantee and the technical EHP capability of each subgrantees.



NHPA COMPLIANCE

ConnectLA will not allow to be initiated, as enforceable by the Subgrant Agreement, any grant funded implementation activities prior to the completion of reviews required under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470, et seq.), including any consultations required by Federal law, to include consultations with the State Historic Preservation Office and Federally recognized Native American tribes.

To ensure the timely completion of historic preservation review for all BEAD-funded activities, ConnectLA will require that Subgrantees provide all such information required to:

- at the earliest possible time, provide the NTIA-assigned Environmental Program Officer sufficient information to initiate Tribal notification via the FCC's Tower Construction Notification System (TCNS) when required for grant funded activities;
- provide notified Tribes with information regarding grant funded activities via their preferred communication means, as identified in TCNS;
- apply the Advisory on Historic Preservation (ACHP) Program Comment to Avoid Duplicative Reviews for Wireless Communications Facilities or any other applicable program comment or program alternative developed to address the Section 106 review of communications facilities;
- notify NTIA of any Tribal request for government-to-government consultation or any identification that a grant funded activity may impact a historic property of religious or cultural significance to a Tribe; and
- provide all consulting parties with the statutorily required time to respond to its determination of a grant funded activity's effect on historic properties.

To support compliance with Section 106 and facilitate timely historic preservation reviews, ConnectLA has retained the services of a Secretary of the Interior (SOI)-qualified architectural historian. This professional will review all relevant project materials, render professional determinations regarding potential effects on historic properties, coordinate with the Louisiana State Historic Preservation Office (SHPO) and any relevant Federally recognized Tribes as needed, and fully document all findings and correspondence in accordance with applicable federal standards.

Joint Lead Agency Responsibility Summary

ConnectLA understands that it shall serve as a joint lead agency to implement EHP requirements under 42 U.S.C. 4336a, particularly the obligations listed in paragraph (2). As such, ConnectLA will either directly prepare or supervise the preparation of the required analyses and review documents as described in the scenarios in the above section. ConnectLA retained subject matter experts to direct and coordinate this compliance program.

Description of FirstNet Regional PEIS Evaluation

ConnectLA has reviewed the FirstNet Regional Programmatic Environmental Impact Statement (PEIS). At this time, the exact scope and location of Subgrantee projects is to be determined. Currently, it is anticipated that deployment related activities for projects within Louisiana are covered by the actions



described in Chapter 8 of the PEIS. In all cases, project scopes will be reviewed, once proposed, to evaluate whether the activities are covered by the FirstNet Regional PEIS. In the event that Subgrantee proposed projects are not sufficiently covered by the FirstNet Regional PEIS, additional analysis will be conducted by subject matter experts to determine whether supplemental environmental assessment is required to address identified gaps or deficiencies. Although final project scopes and locations are not known, the following activities described in the PEIS may be implemented:

- **Wired Projects**
 - **Use of Existing Conduit – New Buried Fiber Optic Plant:** Disturbance associated with the installation of fiber optic cable in existing conduit would be limited to entry and exit points of the existing conduit in previously disturbed areas.
 - **Use of Existing Buried or Aerial Fiber Optic Plant or Existing Submarine Cable:** Lighting up of dark fiber
 - **Installation of Optical Transmission or Centralized Transmission Equipment** requiring no ground disturbance
 - **New Build – Buried Fiber Optic Plant:** Plowing (including vibratory plowing), trenching, or directional boring and the construction of points of presence (POPs), huts, or other associated facilities or hand-holes to access fiber
 - **New Build – Submarine Fiber Optic Plant:** The installation of cables in limited nearshore and inland bodies of water.
 - **New Build – Aerial Fiber Optic Plant:** Potential impacts would be similar to Buried Fiber Optic Plant, especially where ground disturbance is expected when connecting aerial cable to new ground locations or installation of new or replacement of existing telecommunications poles.
 - **Collocation on Existing Aerial Fiber Optic Plant:** Any ground disturbance could cause direct and indirect impacts to wetlands from increased suspended solids and runoff from activities, depending on the proximity to wetlands and type of wetlands that could be affected.
 - **Installation of Optical Transmission or Centralized Transmission Equipment:** installation of transmission equipment that would require grading or other ground disturbance to install small boxes or huts, access roads, or similar.
- **Wireless Projects**
 - **New Wireless Communication Towers:** Installation of new wireless towers and associated structures (generators, equipment sheds, fencing, security and aviation lighting, electrical feeds, and concrete foundations and pads) or access roads
 - **Collocation on Existing Wireless Tower, Structure, or Building:** Collocation would involve mounting or installing equipment (such as antennas or microwave dishes) on an existing tower
- **Satellite and Other Technologies**
 - **Satellite-Enabled Devices and Equipment:** including permanent equipment on existing structures

ConnectLA also reviewed the PEIS with regard to the following:

- **Regulatory Changes:** no known changes to the environmental or historic preservation laws and regulation in the State of Louisiana would have a material impact on the analysis presented in the PEIS.
- **Affected Environment:** The PEIS adequately described the potentially affected environment in Louisiana, including infrastructure and biological resources. It should be noted that two (2) bird



species have been listed on the Fish and Wildlife Service's (FWS) Endangered and Threatened Species List since the publication of the PEIS and are believed to or known to occur in Louisiana. Neither listing has a material potential to impact broadband deployment activities apart from the analyses and protections already in place for threatened and endangered species in the State. The species added to the FWS list since the publication of the PEIS include the following:

- Black-capped Petrel (*Pterodroma hasitata*)
- Eastern Black rail (*Laterallus jamaicensis ssp. jamaicensis*)

NTIA CE Screening Description

ConnectLA will utilize the following process system to identify, confirm, and categorize projects that likely will qualify or Categorical Exclusions (CATEX) under NTIA's NEPA guidance and those that require further environmental review:

1. Project Screening Process

- a. **Initial Review of Project Scope:** ConnectLA will begin with a preliminary screening of proposed subgrantee projects, once submitted to ConnectLA, to evaluate their potential environmental impacts. This screening process will rely on the NTIA guidance document: *Guidance on NTIA National Environmental Policy Act Compliance – June 2025*, particularly Appendix C, which outlines activities that typically qualify for Categorical Exclusions. The process involves the following steps: ConnectLA's SMEs will review the project scope and details, including project size, location, construction methods, and proximity to sensitive environmental or historical areas. This review helps in determining whether the project falls under a CATEX or requires further analysis. These steps will be taken concurrently and in alignment with the NTIA-required CATEX application process made available via the ESAPTT tool.
- b. **Cross-Referencing with NTIA's Categorical Exclusions:** Each project will be cross-referenced with the list of Categorical Exclusions provided in Appendix B of NTIA's June 2025 NEPA guidance publication. Projects that involve activities with minimal or no environmental impact, such as minor upgrades, maintenance, or non-intrusive installations, are more likely to qualify for a CATEX. These steps will be taken concurrently and in alignment with the NTIA-required CATEX application process made available via the ESAPTT tool.
- c. **Review for Extraordinary Circumstances:** Each project that would normally be considered categorically excluded will be evaluated to determine if extraordinary circumstances (Appendix C of NTIA's June 2025 NEPA Guidance Document) are present. If any of the extraordinary circumstances are involved with the proposed project, ConnectLA, supervising the subgrantee, will conduct and document the appropriate environmental analysis to determine if the action warrants a categorical exclusion or if the preparation of an environmental assessment or EIS is required. These steps will be taken concurrently and in alignment with the NTIA-required Extraordinary Circumstance selection process made available via the ESAPTT tool.

Specific Award Conditions (SACs) Description

The Subgrant Agreement to be used for deployment activities includes provisions prohibiting subgrantees from initiating or allowing any grant funded implementation activities prior to the following:



- The completion of any review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) (NEPA), and issuance, as required, of a Categorical Exclusion (Cat Ex) determination, Record of Environmental Consideration (REC), Finding of No Significant Impact (FONSI), Record of Decision (ROD) (hereinafter “decision documents”) that meets the requirements of NEPA;
- The completion of reviews required under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470, et seq.) (NHPA), including any consultations required by Federal law, to include consultations with the State Historic Preservation Office and Federally recognized Native American tribes;
- The completion of consultations with the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS), as applicable, under Section 7 of the Endangered Species Act (16 U.S.C. 1531, et seq.), and/or consultations with the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (33 U.S.C. 1251, et seq.), as applicable; and
- Demonstration of compliance with all other applicable Federal, state, and local environmental laws and regulations.

Additionally, the Subgrant Agreement requires that the subgrantee:

- will not commence implementation and funds will not be disbursed until any necessary environmental review is complete and NTIA has approved any necessary decision document, except for the limited permissible activities identified in the Subgrant Agreement;
- must timely prepare any required NEPA documents and obtain any required permits, and must adhere to any applicable statutory deadlines as described in 42 U.S.C. 4336g(a); and
- must provide a milestone schedule identifying specific deadlines and describing how Subgrantee proposes to meet these timing requirements including, as required, the completion of consultations, the completion of NEPA and Section 106 reviews, and the submission of Environmental Assessments (EAs) or Environmental Impact Statements (EISs).

Other Relevant Information

ARCHAEOLOGICAL RESOURCES

ConnectLA's Subgrant Agreement also provides for the protection of archaeological resources. Burial sites, human remains, and funerary objects are subject to the requirements of all applicable Federal, Tribal, state, and local laws and protocols, such as the Native American Graves Protection and Repatriation Act (NAGPRA), in addition to Section 106 of the NHPA. Subgrantees must notify the Office of inadvertent discoveries and potential impacts to these resources. The Subgrant Agreement requires that if any potential archeological resources or buried human remains are discovered during construction, the subgrantee must immediately stop work in that area, secure that area, and keep information about the discovery confidential, except to notify ConnectLA, NTIA and the interested SHPO, THPO, and potentially affected Tribes. Such construction activities may then only continue with the written approval of ConnectLA and NTIA.