Environmental Overview

USDA RUS ReConnect Program

USDA United States Department of Agriculture
Rural Development

Agenda

- Environmental Overview Introduction - updates
- Key Changes from FY2020
  - FY2022 FOA Requirements
  - Rural Development (RD) Environmental Requirements
- Completing the Environmental Components within the Application System
  - Project Tab
  - Environmental Tab
    - NEPA Review
    - Drawing Sites and Routes
    - Site and Route Descriptions
    - Environmental Questionnaires (EQs)
    - Additional Environmental Documents
- Post-Award Requirements
- Sites and Routes Descriptions

USDA United States Department of Agriculture

Rural Development

Environmental Requirements

Changes from FY2020

- Submission on project maps or site plans are required to identify cable routes, building locations, tower locations, equipment locations and all structures and facilities that are part of the project. The default buffer has been changed from 75 feet to 25 feet.

- **DO NOT** START consultation without first speaking with RUS Telecom Division staff. You can reach out through the "Contact Us" link with any questions.

  - Expanding use of .53 authority for “No Potential” determinations per Secs. 7 ESA and 106 NHPA.
  - Not requiring initiation of coordination prior to application submission.

FY2022 Funding Opportunity Announcement Requirements

1. Applicants must adhere to Federal environmental laws, statutes, regulations, and Executive Orders found in 7 CFR 1970 and supply required environmental authorizations and permits
   - National Environmental Policy Act of 1969 (NEPA)
   - National Historic Preservation Act of 1966 (NHPA) – Section 106
   - Endangered Species Act of 1973 (ESA)
   - +40 additional laws and regulations
2. Applicants must provide completed Environmental Questionnaires (EQs) including the following:
   - Site/Route Questionnaire
   - Project Questionnaire
   - NHPA Section 106 Project Questionnaire

FY2022 Funding Opportunity Announcement Requirements (continued)

3. It is the applicants' responsibility to obtain all necessary federal, tribal, state, and local governmental permits and approvals necessary for the proposed work to be constructed.
   - Permits are not required at the time the application is submitted.
   - However, we encourage pre-application meetings with land management agencies.

4. Applicants will be required to cooperate with the granting agencies in identifying feasible measures to reduce or avoid any identified adverse environmental impacts.

5. Expanding use of the National Programmatic Agreement (NPA) authority under ReConnect.

RD Environmental Requirements

- Regulations found at 7 CFR 1970 establish the policies and procedures to ensure that RUS complies with NEPA and other applicable environmental requirements.
  - Subpart B: Categorical Exclusions (CE)
  - Subpart H: Section 106 National Historic Preservation Act of 1966 (NHPA)
  - Subpart N: Endangered Species Act of 1973 (ESA)

- The agency and all ReConnect applicants must comply with these regulations as well as more than 40 other statues, Executive Orders, and regulations applicable to agency programs.

- The applicant is responsible for complying with state and local regulations.

USDA United States Department of Agriculture

Rural Development

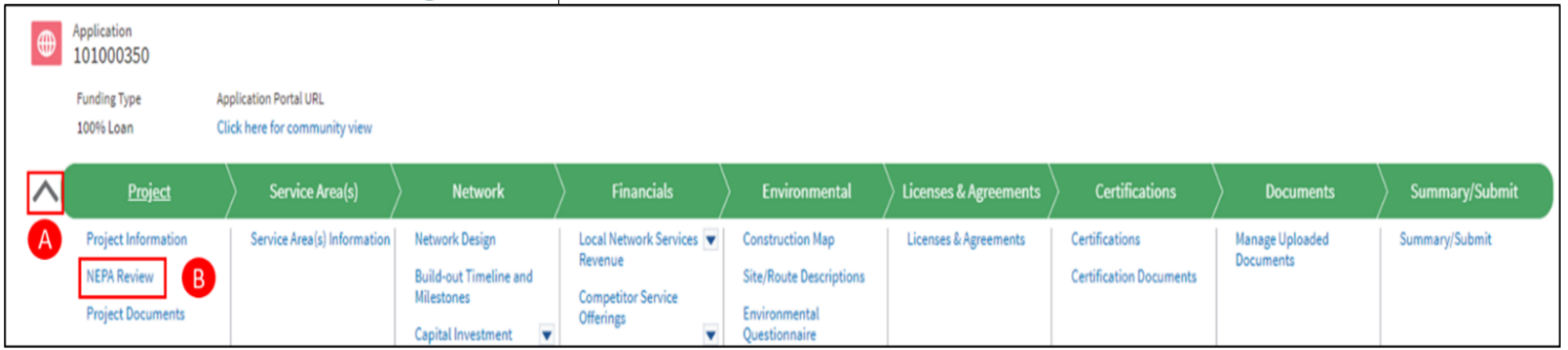
Completing the Environmental Components of the Application System

Project Tab

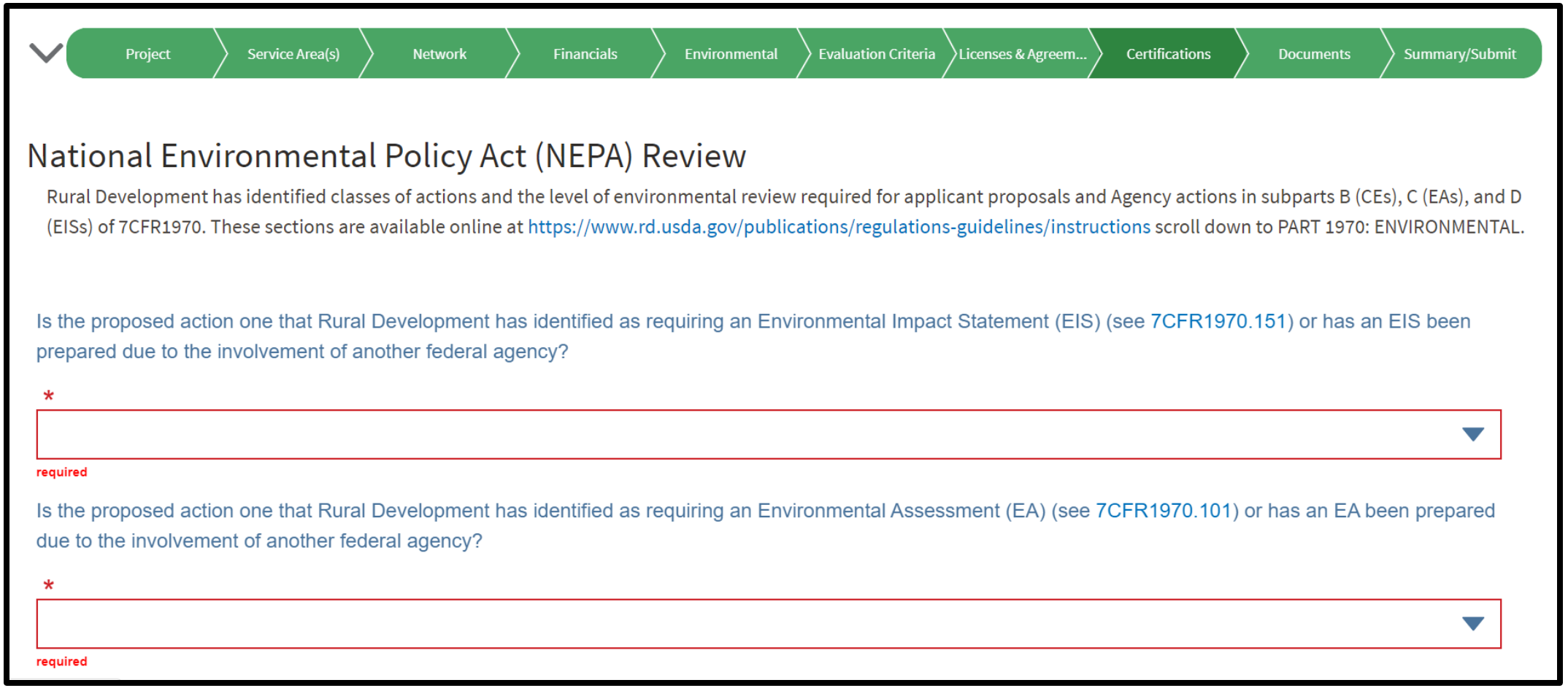
NEPA Review

1. From the Application Navigation Bar, click the **Project** section header. The Application Navigation Bar expands(A). Click the **NEPA Review** hyperlink(B).

Figure 119: **NEPA Review**



Project Tab – Required Level of NEPA Review

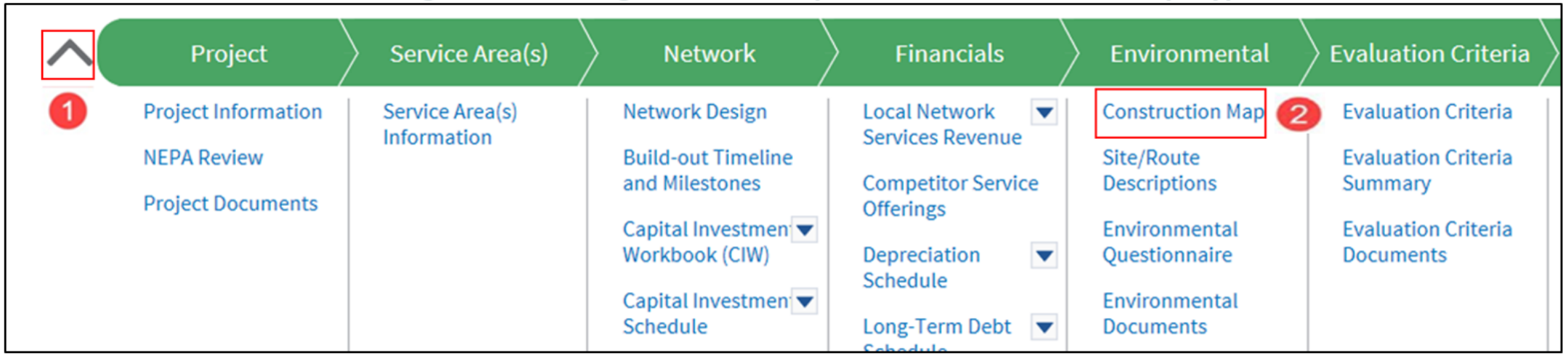


Environmental Tab

Navigating to the Construction Map

1. From the Application Navigation Bar, click the **toggle.** The Application Navigation Bar expands.
2. Under the Environmental header, click the **Construction Map** hyperlink.

Figure 270: **Navigation Bar – Expanded – Construction Map Hyperlink**



Environmental Tab – Construction Map

- The Construction Map is where an applicant draws their sites and routes. Not the PFSA Map.
  - The maps should be drawn as close to accurate as possible as they will be used to complete your environmental review. Changes to design can later be handled as a scope change after initial approval.
  - Sites - assets such as new or existing facilities.
    - Pads: towers, huts, cabinets
    - Parking lots, and access roads
  - Routes - all fiber being installed minus service connections to a subscriber.
- The map includes various environmental resource layers.
  - Flood Hazard Zones and National Wetlands Inventory layers, Historic and Cultural Resources, Critical Habitats, etc.

Note: the resources seen as layers in the map will come up again in the EQs which reference specific subparts of the 7 CFR 1970.

USDA United States Department of Agriculture

Rural Development

Site and Route Descriptions

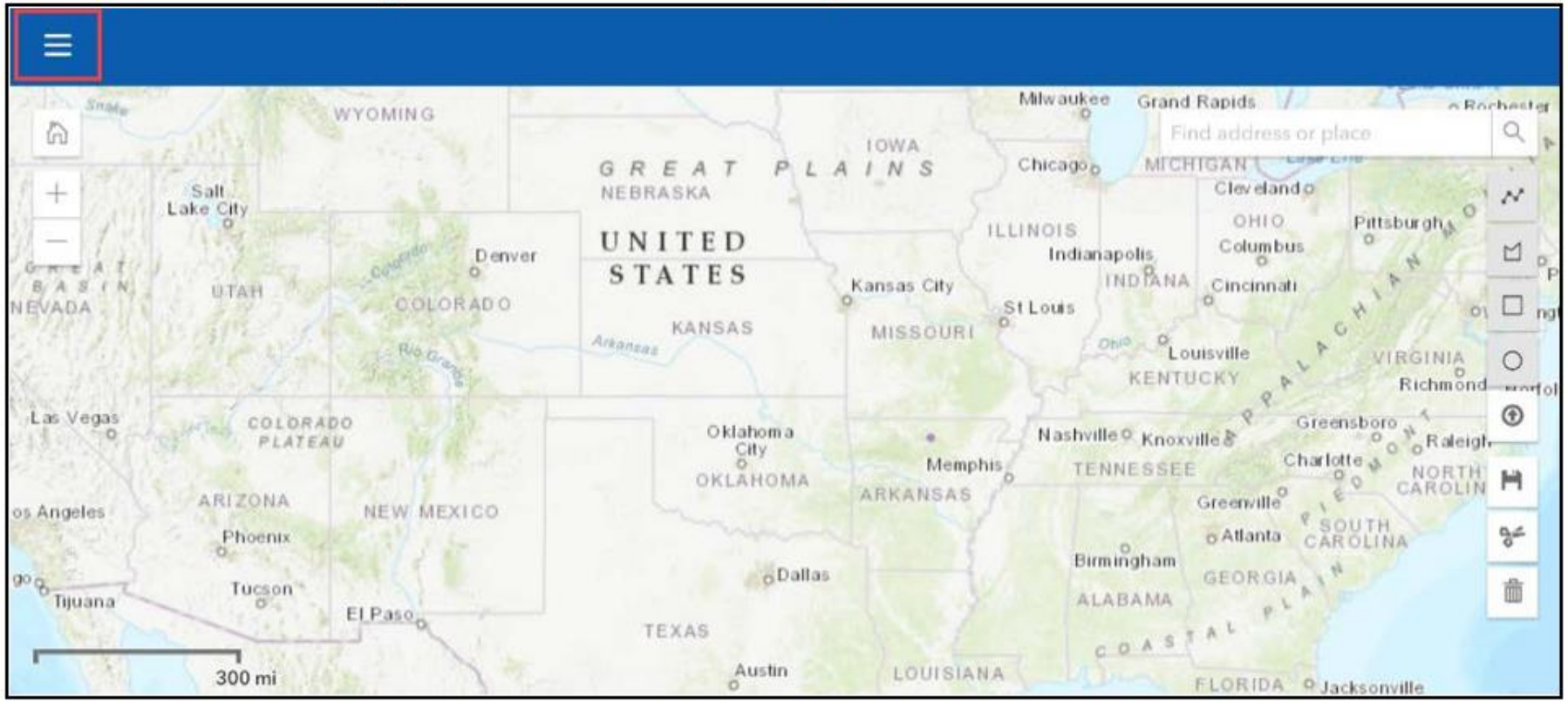
Navigating to Site/Route Descriptions

Create Sites and Routes

Creating and Drawing Sites and Routes

1. Click the **menu** in the top left corner of the Construction Map (three horizontal lines).

Figure 272: **Construction Map – Menu Button**



Drawing Sites and Routes

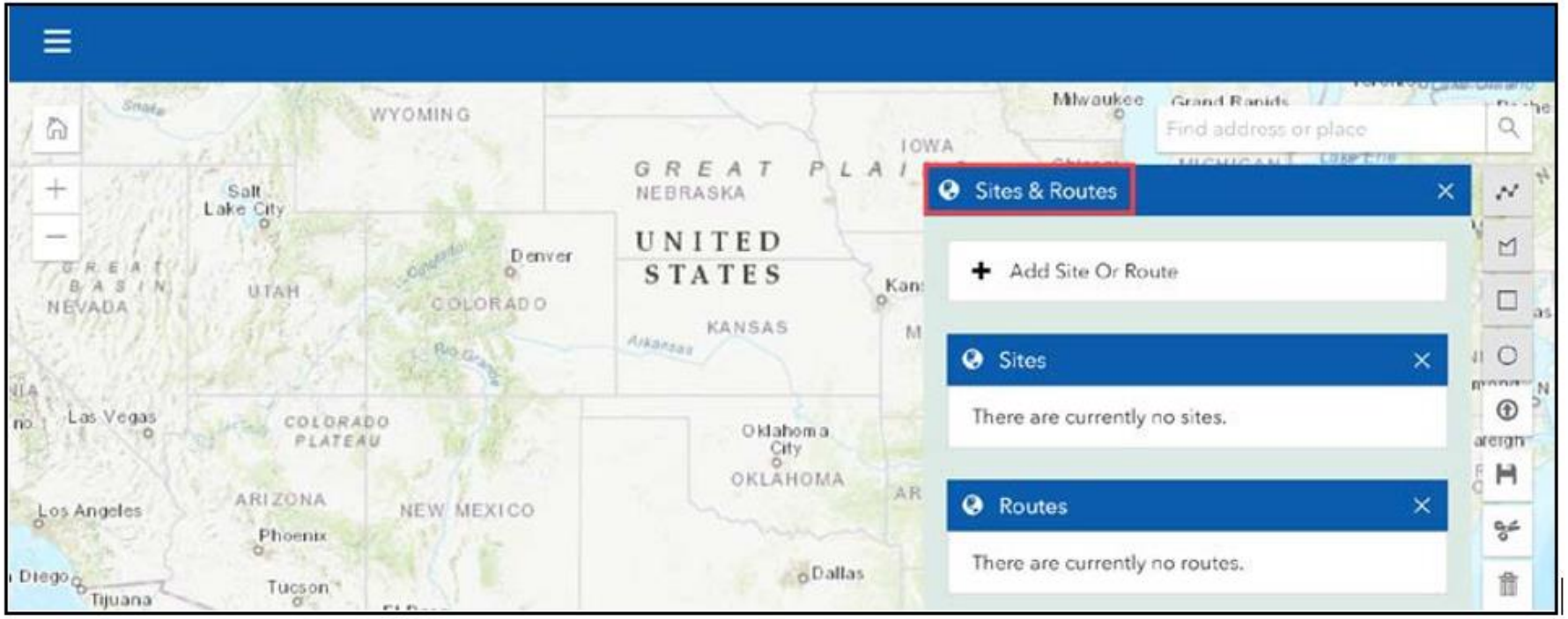
2. Click **Sites & Routes** on the menu to display the Sites and Routes tables.

Figure 273: **Construction Map – Menu Options – Sites and Routes Option**

Creating Sites and Routes

3. The Sites & Routes table displays in the top right of the screen. The Sites & Routes header is collapsible when it is selected, meaning the table shrinks to the top right corner of the map and displays a globe icon. To expand the table, click the **globe icon ( ).**

Figure 274: **Construction Map – Sites and Routes Panel**

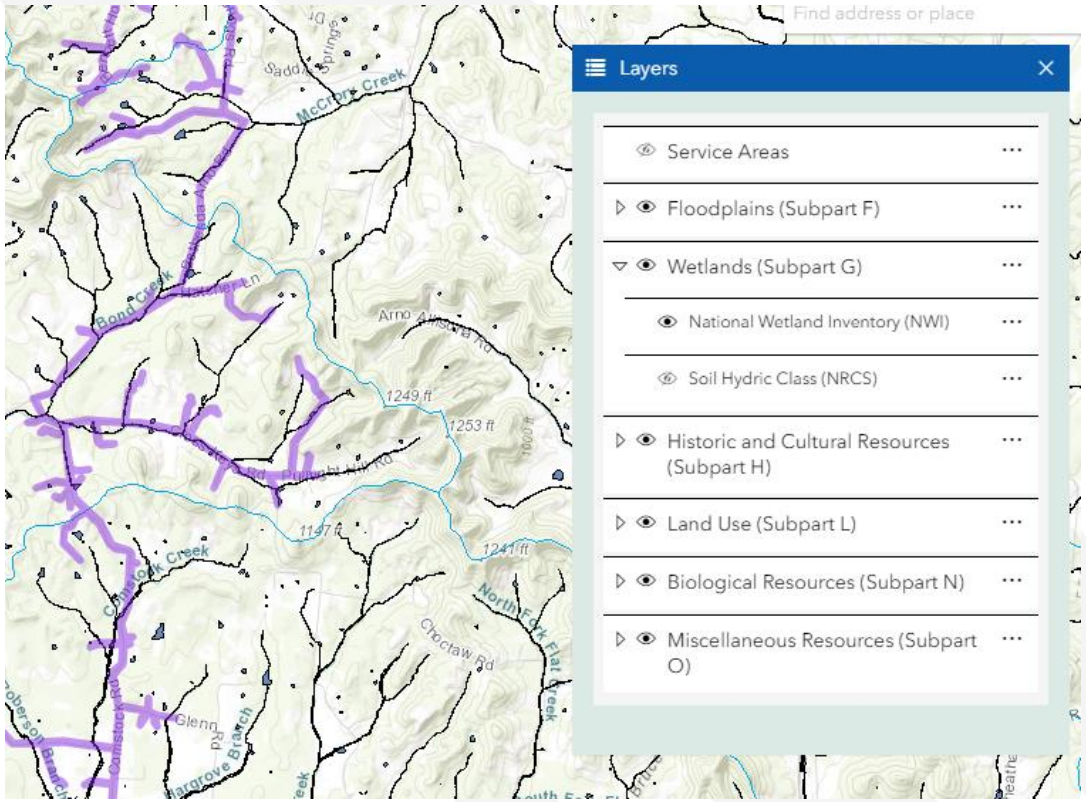


Understanding Site/Route Descriptions

- After all sites and routes and their respective shapes have been created via the Construction Map, applicants must enter descriptions for each site and route.
- Project site and route descriptions will specify the types of facilities to be built or upgraded at each location and the estimated environmental and regulatory impact from construction or installation activity.
- Applicants cannot enter a description for a site or route before it is created in the Construction Map.
- This section must be completed before the applicant begins the Environmental Questionnaire, or EQ section, because the information provided in this section will determine the requirements for the EQ section.

Environmental Tab – Sites and Routes

- Accuracy and detail are key to an environmental approval.
- Applicants should create multiple routes to delineate different technology types, installation methods, and right-of-way requirements.
- Applicants must enter descriptions for each site and route once they've been created in the Construction Map.
- Descriptions should specify the types of facilities to be built or upgraded at each location.
  - Descriptions will be used along with the EQs to determine the anticipated environmental and regulatory impact from construction or installation activity
- The information submitted in this section will determine the requirements for the EQ section.



Route Description

Is the proposed route located on or does it cross Tribal Land(s) as identified in the Tribal Lands layer of the construction map? Only answer "Yes" if the American Indian, Alaska Native, and Native Hawaiian Area (AIANNHA) Census Code for that area falls within 0000 - 4990.

*

No

Is the proposed route located on or does it cross Federally Managed Land(s) as identified in the Formally Classified Lands layer of the construction map? *

No

Is the route New or Upgrading / rebuilding existing telecommunication facilities? *

- [ ] New
- [x] Upgrading/Rebuilding

Is the route in a previously-developed, existing right-of-way? (Select all that apply) *

- [x] Yes. The Route will be in a previously-developed, existing Right-of-Way
- [ ] No, a new right-of-way or easement will be required
- [ ] No, but area is already in or committed to urbanized development as characterized by a highly disturbed environment with human-built features

What is the installation method? (Select all that apply) *

- [x] Plowed
- [x] Bored
- [ ] Open Trench
- [ ] Existing Conduit Systems
- [ ] Existing Ducts
- [ ] Aerial Cables on Existing Poles
- [ ] Aerial Cables on New Poles
- [ ] Underwater

Plowed Miles: *

28

Bored Miles: *

1

Environmental Tab – Environmental Questionnaires

Environmental Questionnaire

☑ By checking the box, I affirm that I have completed the Construction Map and Site/Route Descriptions. While checked, the Construction Map and Site/Route Descriptions will lock for completion of the below EQs. To edit the Construction Map and/or Site/Route Descriptions, uncheck the box. Changing the information provided on the previous pages may result in changes to the requirements for the EQs.

> The proposed actions identified in the Site/Route Description section of this application have been determined to **not have potential to cause effects to historic properties**. Do not complete the NHPA Section 106 Environmental Questionnaire or initiate the S106 process unless the S106 process has already been initiated with Tribes, the State Historic Preservation Office, or other interested parties.

One Project Level EQ should be completed for the entire project and a Site/Route EQ should be completed for each site or route. All Site/Route EQs should be completed first as those answers will be used to identify requirements in the Project Level EQ. Download the Project Level EQ and Site/Route EQ below.

Site/Route Environmental Questionnaire

Project Environmental Questionnaire

NHPA Section 106 Environmental Questionnaire

Environmental Tab – Site/Route EQ

- Captures the appropriate environmental information for each proposed Site and Route.
- A few things to keep in mind when completing the Site/Route EQs:
  - This is going to be what is reviewed for environmental. Accuracy is key.
  - The information contained in the Site/Route EQ must be consistent with the Construction Map and the site/route descriptions.
  - Site/Route EQs are based on the different layers contained within the Construction Map.
  - When completing the EQs applicants should ensure that the appropriate features and options are selected in the Construction Map.
  - User errors in the Construction Map will likely cause the EQs to be completed incorrectly and may lead to RUS finding the application to be ineligible.

Environmental Tab – Accessing Endangered Species Information for Sites and Routes

- Applicants must review the official list of endangered species for each site or route to complete the EQ.
- The U.S. Fish and Wildlife Service (USFWS) IPaC Planning Tool opens in another browser tab.
  - Applicants will have to create a free account access the IPaC Planning Tool
  - Projects occurring in water or in proximity to water should obtain lists from the appropriate NOAA Fisheries office
  - Complete Subpart N Special Status Plant and Wildlife Species Table for known listed species identified.

Note: Applicants must have an account with Fish and Wildlife Services (USFWS) first before being able to obtain the official species list for their overlapping areas

Environmental Tab – Project EQ

- Captures the appropriate environmental information for the overall proposed project
- A few things to keep in mind when completing the Project EQ:
  - The Site/Route EQs inform the responses to the Project Eqs.
  - Certain circumstances will require multiple Project EQs:
    - E.g. If a project had construction in two geographically unrelated areas with environmental impacts that are different in each location.
    - E.g. If there are multiple service areas in an application, applicants may need to fill out a Project EQ for each service area if they are non-contiguous or geographically dissimilar.

Environmental Tab – NHPA Section 106 EQ

- The application system includes several built-in validations that help determine whether applicants are required to complete a NHPA Section 106 EQ
  - If prompted to fill out this EQ, it does not mean that you should start the Section 106 Process. Please wait for RUS Telecom guidance before proceeding with Section 106.
  - Desktop or Heritage Reviews are recommended but not required for the application.

- This EQ consists of Section 106 Questions that will be used to review your application for environmental purposes.
- RUS will advise on starting the Section 106 process at the appropriate time.
- **RUS will be responsible for initiating all consultation through the Awardee**

Environmental Tab – Environmental Documents

- In the Environmental Documents subsection of the Environmental Tab, applicants can upload environmental documents, including EQs as part of the application.
- Applicants can view, download, delete, and replace all documents previously uploaded within the Environmental sections.
- Applicants should complete the Construction Map, the Site/Route descriptions and the EQs before uploading environmental documents.
- While a survey is not required prior to submission, a desktop review of the proposed routes may be appropriate if you are confident that Section 106 consultation will likely occur.

Environmental Tab – Additional Environmental Documents

- Applicants may be requested to submit additional environmental documentation after submission on a case-by-case basis.
  - If additional information is requested, the applicant will have up to 30 calendar days to respond to RUS.
  - If additional information is required after an application is accepted for funding, funds can be withheld by the Agency under a special award condition requiring the Awardee to submit additional environmental compliance information.

Tips for Success

- Clearly identify and describe sites, routes and proposed method of construction on the map.
- Understand and be aware of what environmental and historic resource areas the project will impact.
- Determine whether project activities can avoid impact floodplains, wetlands, and other resources.
- Identify if the proposed project will require new rights-of-way, or if it can be built within existing rights-of-way.
- Build environmental costs into your budget, capped at 3% pre and 3% post award.
- **DO NOT START** Section 106 without agency recommendation.

Post-Award Requirements

- Inform USDA if there are any deviations from the proposed project plan after staking the project and finalizing any engineering designs.
  - USDA must approve any change and will engage the appropriate parties as needed in order to clear the changes.
  - These will be handled by Telecom staff as scope changes.

- Post award 3% environmental costs – scope changes, studies, monitoring, etc.

- If additional information is required after an application is accepted for funding, funds can be withheld by the agency under a special award condition requiring the Awardee to submit additional environmental compliance information sufficient for the USDA to assess any impacts that a project may have on the environment.

Important Tips

- Routes should be as narrow as realistically possible. The default buffer for routes has been changed from 75 ft to 25 ft construction corridor. Unless you are planning more than a 25ft disturbance corridor, use the default buffer.
- When creating a site be sure to clarify site disturbance i.e. site size vs hut or building size. We had several situations where the description was 50 feet in every direction for a pre-fab hut causing confusion and delays in the review. Site maps and drawing are useful for review purposes.
- An existing aerial route (owned by another utility) is not a new pole, do not choose new poles unless you know that a new pole line will be installed.
- If you are not clear on any portion of how to input or handle a situation reach out to RUS using the “Contact Us” and it will be routed to the appropriate staff. DO NOT guess or leave out details, it will delay review.

Important Tips

- A Right of Way (ROW) may be existing, disturbed or new.
- Examples of an existing ROW wholly owned by the applicant with previously present infrastructure; it could be buried or aerial.
- ROW that is owned by another entity, such as an electric co-op that the applicant is collocating on would be an existing ROW.
- Roadside ROW where there is existing disturbance, water, sewer, ditches, etc. would be an existing ROW. Sometimes justifications or additional details are required in order to know that your project will not go deeper than the previous disturbance.
- Account for Construction areas: Borrow sites, staging areas, etc.

1970.53 Categorical Exclusions

- Actions that normally only require minimal environmental documentation, as long as the agency doesn't find a potential for extraordinary circumstances.

- Actions in this section may be determined to require no further review under 36 CFR part 800 because they have no potential to cause effect to historic properties.

- Actions in this section may be determined to have no effect to listed threatened or endangered species.

1970.53 Actions

- **C (8)** New utility service connections to individual users or construction of utility lines or associated components where the applicant has no control over the placement of the utility facilities;
  - **Note: This would include drops to subscribers.**

- **D (1) Upgrading or rebuilding existing telecommunication facilities (both wired and wireless) or addition of aerial cables for communication purposes to electric power lines that would not affect the environment beyond the previously-developed, existing rights-of-way**;

- **D (2)** Burying new facilities for communication purposes in **previously developed, existing rights-of-way and in areas already in or committed to urbanized development** or rural settlements whether incorporated or unincorporated that are characterized by high human densities and within contiguous, highly disturbed environments with human-built features. **Covered actions include associated vaults** and pulling and tensioning sites outside rights-of-way in nearby previously disturbed or developed land;

1970.53 Actions (continued)

- **D (3) Changes to electric transmission lines that involve pole replacement** or structural components only where either the same or substantially equivalent support structures at the **approximate** existing support structure locations are used; and

- **D (5) Collocation of telecommunications equipment on existing infrastructure** and deployment of distributed antenna systems and small cell networks provided the latter technologies are not attached to and will not cause adverse effects to historic properties.

1970.54 Categorical Exclusions W/Report

- **§ 1970.54 CEs involving small-scale development with an environmental report.**
- Contact the RUS prior to starting an ER as templates are available.
- Construction of telecommunications towers and associated facilities, if the towers and associated facilities are 450 feet or less in height and would not be in or visible from an area of documented scenic value.
- Installation of new linear telecommunications facilities and related equipment and infrastructure.
- Construction or repair of roads, streets, and sidewalks, including related structures such as curbs, gutters, storm drains, and bridges, in an existing right-of-way with minimal change in use, size, capacity, purpose, or location from the original infrastructure.
- **The Agency's review may determine that classification as an EA or an EIS is more appropriate than a CE classification.**

The Guru's Guide to Enlightenment

- Extraordinary Circumstances – 1970.52
  - Extraordinary circumstances are unique situations presented by specific proposals, such as characteristics of the geographic area affected by the proposal, scientific controversy about the environmental effects of the proposal, uncertain effects or effects involving unique or unknown risks, and unresolved conflicts concerning alternate uses of available resources within the meaning of section 102(2)(E) of NEPA.
  - An adverse effect to environmental resources on the CE checklist (e.g. NHPA, ESA, CWA).
  - In the event of extraordinary circumstances, a normally excluded action will be the subject of an additional environmental review by the Agency to determine the potential effects.

That's Extraordinary!

Environmental EQ's Formally Classified Land

Formally Classified Lands (Subpart L): Use the **Formally Classified Lands** layer available in the construction map in conjunction with local resources or maps that indicate state and local municipally-managed lands to determine overlap with formally classified lands. A detailed list of areas considered Formally Classified Lands can be found in RD Instruction 1970 – Subpart L – Land Use and Formally Classified Lands (available at this link: https://www.rd.usda.gov/files/1970l.pdf).

Will the proposed action occur within or adjacent to any Formally Classified Lands?

- ○ NO The Formally Classified Lands review for this project is complete.
- ○ YES Formally Classified Lands (Subpart L) under the Detailed Environmental Responses section must be completed by the applicant.

Formally Classified Lands (Subpart L):
Contact that land's managing agency to obtain permission to proceed.

1) Does the applicant have a special use permit to construct on the Formally Classified Lands for the applicable managing agency or agencies?
   - ○ NO Please contact RUS using the Contact Us page (available at this link: https://www.usda.gov/reconnect/contact-us) and describe the project. Additional information may be requested by RUS at the time the application is reviewed.
   - ○ YES Applicants must contact the formally classified lands' managing agency(s) to ensure that the permit they have in place is applicable for the proposed project.
2) Have the appropriate managing agency or agencies been contacted?
   - ○ NO Applicants must contact the formally classified lands' managing agency and upload evidence of that correspondence to the Environmental Documents section of this application.
   - ○ YES Upload copies of all correspondence to and from the managing agency or agencies – along with any required mitigating measures – to the Environmental Documents section of this application.

Environmental EQ's - ESA

Special Status Plant and Wildlife Species Table Guidance:

Special Status Plant and Wildlife Species Identified as Potentially Occurring in the Project Vicinity Table

Common Name	Scientific Name	Federal Status	Critical Habitat* Present?	Critical Habitat	Description of Suitable Habitat* (Cite source)	Potential for Occurrence (is suitable habitat present)	Explain reasoning for selected Potential for Occurrence (Cite sources)	Proposed Finding of Effect	Explain reasoning for Proposed Determination (Cite Source)

- Cross-reference the species information gained through your research with your knowledge of the project site or route to determine listed species' home range, presence, or designated habitat. Engage federal land managers where applicable.
- Where ESA listed species or habitats occur within project area or area of potential effects, consult with a qualified biologist to begin informal or formal consultation with the ESA jurisdictional agency. Consider project design strategies and mitigation to minimize impacts to listed species.
- A qualified biologist will propose a Finding of Effect(s) to listed species and complete the table (NLAA, LAA).

Environmental EQ's Wetland

- Use the National Wetland Inventory (NWI) layer available in the construction map to determine potential impact to a wetland.
  - Note: some areas may need wetland delineation where evidence of wetlands exist but not mapped. Consult with USACE in those cases.

  - **Is the applicant's proposed action located in a wetland?**
    - Does the applicant's proposed action have the potential to be affect a wetland?
    - Does the applicant's proposed action have the potential be affected by a wetland?
    - What kind of permit is required to address wetland impacts? USACE individual, Nationwide/General, Local

- Practicable Alternatives: for each site that may impact a wetland, identify and evaluate practicable alternatives to locating the proposed action in the wetland.

Environmental EQ's NHPA -106

- Identify Historic Properties: Review existing information on historic properties within the Area of Potential Effects (APE)
  - APE is defined as the area in which eligible properties may be directly or indirectly affected by the proposed project
  - Include listed or eligible properties or properties (includes sites/artifacts) that are at least 50 years old but have not been evaluated for eligibility.
  - Adverse Effect - if the project diminishes the integrity of a property's location, design, setting, materials, workmanship, feeling, and association, then there is an adverse effect.

- The applicant is encouraged to consult a Cultural Resources contractor to conduct identification efforts – including cultural resources surveys – desktop reviews and field surveys.
- Programmatic Agreements or Memorandums of Agreement may be utilized for NHPA compliance where necessary.

Q&A

Available Resources

7 CFR 1970 – Title 07: Agriculture at https://ecfr.io/Title-07/pt7.14.1970

- Environmental Questionnaire hyperlinks to specific subparts of the 1970 Environmental Regulation
- **Register for upcoming events:** https://www.usda.gov/reconnect/events
- **Resources**
  - ReConnect website: https://reconnect.usda.gov
  - Fact Sheets & FAQs
- **Help Desk**
- **Rural Development eConnectivity Toolkit**
  - Rural Prosperity Taskforce - Launched February 6, 2019
  - https://usda.gov/broadband
- **General Field Representative (GFR) & State Office**
  - https://www.rd.usda.gov/contact-us/telecom-gfr/all
  - https://www.rd.usda.gov/contact-us/state-offices

USDA Rural Development
U.S. DEPARTMENT OF AGRICULTURE