# FINDING OF NO SIGNIFICANT IMPACT

## Programmatic Environmental Assessment

## Broadband Deployment to Rural America
## Washington, D.C.

**U.S. Department of Agriculture**

**Rural Development**

**Rural Utilities Service**

**Telecommunications Programs**

**September 2018**

## A. INTRODUCTION

The USDA Rural Utilities Service (RUS) prepared a Programmatic Environmental Assessment (PEA) of the Telecommunications Program's financial support for deployment of broadband to rural America through the following programs:

- Telecommunications Infrastructure Loan Program;
- Rural Broadband Access Loan and Loan Guarantee Program;
- Community Connect Grant Program; and
- Distance Learning and Telemedicine Grant Program

The PEA facilitates agency compliance with the National Environmental Policy Act (NEPA), Rural Development's (RD) Environmental Policies and Procedures at 7 CFR 1970, and other applicable environmental statutes, regulations, and presidential executive orders. Use of the PEA is intended to avoid duplication and repetition in project planning and to ensure consistent and accurate environmental evaluations commensurate with the potential environmental impacts of broadband telecommunications infrastructure projects financially supported by RUS' Telecommunications Programs.

The PEA analyzes direct, indirect, and cumulative impacts to the human environment based on the scope of activities eligible for financing under these programs, and it performs that environmental analysis at a program or non-site specific level.

## B. PURPOSE AND NEED

The overall mission of RUS is to improve the economic outlook and quality of life in rural America by providing financial assistance to rural cooperatives, nonprofit associations, public bodies, and other eligible applicants to expand and maintain utility-related technology and facilities and to help establish new and vital services for water, wastewater, electricity, and telecommunications purposes.

In accordance with NEPA, Section 106 of the National Historic Preservation Act (NHPA), Section 7 of the Endangered Species Act (ESA) and other applicable environmental statutes, regulations, and presidential executive orders (EO), RUS must evaluate the environmental impacts of its potential Federal Action (i.e., the obligation or approval of financial assistance). Historically, RUS has facilitated and documented compliance with application completion of project-specific environmental reports (ER) or questionnaires consistent with the requirements of 7 CFR §1970.8(a).

Realizing that most projects submitted for financing through the Agency's Telecommunications Programs use similar construction technologies and methods, RUS elected to issue the "Broadband Deployment to Rural America" PEA. In addition, to providing a program-level environmental analysis of activities eligible for financing under the Telecommunications Programs' existing programs (Telecommunications

Infrastructure Loan Program; Rural Broadband Access Loan and Loan Guarantee Program; Community Connect Grant Program; and Distance Learning and Telemedicine Grant Program), the PEA also allows for RUS to use "tiering" or subsequent phased review of activities. Use of "tiering" is based on execution of this Finding of No Significant Impact (FONSI or Finding) and is consistent with the regulations promulgated by the Council on Environmental Quality (see 40 CFR §§1500.4(i), 1502.4, 1502.20, and 1502.28). When electing to use the tiering framework described in the PEA, RUS must document its applicability prior to making a decision to obligate funds or approval a financial assistance request.

## C. APPLICANT ACTIVITIES ANALYZED IN THE SCOPE OF THE PEA

The PEA analyzes environmental impacts at a program-level associated with deployment of the following kinds of telecommunications infrastructure:

- Cable Placement and Ancillary Equipment
    - Underground Placement: Fiber optic cables placed in conduit in more developed areas to minimize potential for damage;
    - Buried Placement: Fiber optic cables placed underground but in less robust ductwork or conduit, or sometimes placed directly in the ground on a protective bed;
    - Aerial Cable Placement: Cables strung on existing or new telecommunications or electrical poles, transmission towers or bridges;
    - Drops: Fiber optic cables placed from a main line cable that connects to a user facility, such as a residence or business
- Cell and Microwave Towers and Ancillary Equipment: Antennas installed on new structures and collocated on existing towers and structures; and
- Headquarters, Support Buildings, Huts and Ancillary Equipment: Equipment necessary for supporting the use of wired or wireless broadband operation, such as but not limited to electrical cabinets and small buildings.

Construction activities as described below should follow RUS bulletins and regulations, industry standards, the National Electrical Safety Code, National Electrical Code, and applicable federal, state, and local guidelines and regulations.

Installation of buried, underground, and aerial fiber optic cables typically occurs along existing roadways and electric rights-of-way or other utility corridors. Aerial cables are usually attached to existing overhead, power line poles and require little land disturbance. Underground placement typically involves inserting a narrow slit into the ground using a trenching or vibratory plow. The technology typically does not result in material excavation or require the use of imported soil to restore the slit. At times,

directional boring technology may be used to install cable under existing roads or utilities or to minimize impacts to identified environmental resources, such as wetlands or cultural resources. Small buried handholes are installed at periodic intervals for accessing buried cables for maintenance or for terminating or connecting aerial cables at a splice point.

Wireless technology sends and/or receives radio frequency signals using antennas attached to new towers or collocated on existing towers, buildings, or other infrastructure; this may include accessory equipment such as equipment rooms and metal cabinets. Cell antennas are typically a series of vertical rectangular metal pieces configured in a circular array. Microwave antennas typically look like a round vertical drum. Communications towers may be straight towers supported by guy wires attached to the ground to anchor the tower, or can be self-supporting (monopole towers on one foundation, or three-sided lattice towers with a triangular base), depending on engineering, economic, environmental, visual, wind loading, or historic preservation considerations. Typically, towers for wireless communications that are financed by the agency range in above ground height of less than 200 feet to 450 feet, unless they are collocated on taller towers owned by others through space leased by the applicant.

Broadband systems also include “service drops” to connect the broadband infrastructure to the end user (i.e., a residence or business customer). Service drops typically span 40-feet in length can be installed aerially or buried from the nearest utility pole or point to a building’s overhead mast for wired systems. A wireless terminal may also be installed for wireless systems.

Ancillary structures such as small pre-fabricated buildings, sheds, or cabinets that are used for housing electronic equipment in support of the telecommunications network infrastructure, often are located on previously disturbed or developed land. These small buildings are usually placed on concrete pads and generally require minimal land disturbance. Occasionally, RUS applicants may also request construction of a headquarters or warehouse building as part of a loan or grant application. The amount of land disturbance resulting from this type of construction can vary depending on the size of the proposed building, but is typically less than 10 acres.

## D. ALTERNATIVES EVALUATED AND TIERING TO THE PEA

The application process for requesting financial assistance for the Telecommunications Infrastructure Loan Program, Rural Broadband Access Loan and Loan Guarantee Program, Community Connect Grant Program, and Distance Learning and Telemedicine Grant Program varies slightly from program to program including competitive grant programs, individual project proposals, or multi-year “loan design” applications. Historically, each program’s application process and associated environmental review had been administered differently, resulting in both customer and staff confusion on how to implement the agency’s environmental review procedures.

Because these programs fund similar types of telecommunications infrastructure that are standard to the industry, evaluating the environmental impacts of installing this infrastructure at a program-level rather than repeatedly at a per-project level was the chief aim of the PEA. Completion of this objective would synchronize the environmental review compliance processes for all four programs, resulting in streamlined and consistent review of applicable environmental documentation.

Lastly, use of a "tiered" or phased review would allow for the agency to obligate or approve financial assistance requests for those projects requiring additional information that may not be available or accessible at the time that financial assistance is needed. This would allow for the agency to serve more customers that need financing to perform engineering planning and would provide the reassurance that the customers have a secure form of financing available.

**No Action and Proposed Action Alternative**

As described in **Section 1.7.3** of the PEA, both the no action and the proposed action are the same. RUS is continuing its current programs by funding applicant proposals that use current, industry-standard technologies. The only differences between the No Action and Proposed Action are internal RUS procedures as it relates to taking a Federal Action (i.e., obligating or approving financial assistance requests).

Under the No Action Alternative, RUS must evaluate the environmental impacts of its actions to the human environment prior to taking a potential Federal Action or the approval of financial assistance consistent with §§1970.8(a),(b). Historically, RUS has implemented this provision by conducting its environmental reviews on a per-grant or loan design application basis.

Under the Proposed Action Alternative, RUS would have the option to take a Federal Action and condition obligation or approval of agency funding based on this FONSI. The decision to provide financial assistance would be subject to the availability of loan or grant funds for the designated purpose in RUS' budget at the time of application consideration.

Through the use of "tiered" environmental reviews, RUS would have the ability to phase its environmental reviews to the post-obligation stage of funding or prior to project construction or approval of construction contracts. This would ensure that phased environmental reviews are completed consistent with NEPA (see 40 CFR §§1500.4(i), 1502.4, 1502.20, and 1502.28) and the Rural Development's National Programmatic Agreement executed on July 3, 2018, for the agency's NHPA responsibilities.

### Selection of the Proposed Action Alternative

With execution of this Finding, RUS may elect to use the PEA framework for conducting environmental reviews for the following programs administered through the agency's Telecommunications Programs:

- Telecommunications Infrastructure Loan Program,
- Rural Broadband Access Loan and Loan Guarantee Program,
- Community Connect Grant Program, and
- Distance Learning and Telemedicine Grant Program

**Section 4** and **Appendix J** of the PEA describe how the PEA is to be used by applicants and program staff to enable proper use of this framework in compliance with 40 CFR §§1502.4, 1502.20, and 1502.28. The technology descriptions, environmental impact analyses, and Standard Operating Procedures (SOPs)/Best Management Practices (BMPs) included in the PEA provide the basis for using a "tiered" approach in conducting the agency's environmental reviews. Application of the appropriate "tiering" form can be found in the matrix included **Attachment 1** to this FONSI.

## E. SUMMARY OF ENVIRONMENTAL EFFECTS

The analyses in the PEA provide the basis for the Agency determination that the broadband program would have no significant adverse effects to the human environment. Of the 18 resources analyzed, RUS comprehensively addressed eleven of them at the program-level and determined there would be minimal impacts to these resources if industry standard operating procedures (SOPs) and best management practices (BMPs) are properly implemented during project planning and construction. Accordingly, further evaluation of impacts to these eleven resources is not needed in tiered environmental reports prepared by applicants or program staff, as long as the SOPs underlying the PEA have not changed.

### Resources Requiring No Further Environmental Analyses at the Project Level

**Section 3.14** of the PEA provides an analysis of anticipated impacts to the human environment, including any mitigation measures determined necessary to avoid or minimize impacts. The resources which do not require further "tiered" environmental review include: groundwater, surface water quality, soil erosion, native vegetation, greenhouse gas emissions and climate change, air quality, noise, non-ionizing electromagnetic radiation (human health/safety and wildlife), migratory birds, and environmental justice.

### Resources Requiring Further Environmental Analysis in Environmental Reviews

As described in **Chapter 3** of the PEA, "tiered" environmental reports are required to address the following resources based on the kinds of activities included in a funding application:

- Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act
- E.O. 11990: Protection of Wetlands
- E.O.s 11988 and 13960 regarding Floodplains
- Farmland Policy Protection Act
- Section 106 of the National Historic Preservation Act
- Section 7 of the Endangered Species Act
- Consistency with Lands/Waters of Special Use Designation
- Coastal barrier resources

The PEA's tiering forms (as revised in **Appendix J** of the PEA) describe the information necessary to complete subsequent environmental reviews for the above resources.

## F. BEST MANAGEMENT PRACTICES (BMPS), STANDARD OPERATING PROCEDURES (SOPS), AND MITIGATION

**Section 3.13** of the PEA identifies BMPs, SOPs, and mitigation measures that should be applied where applicable in project design and implementation. In order to meet the conditions of this FONSI, RUS will include applicable measures in loan and grant condition letters and/or documents where appropriate.

## G. PUBLIC AND AGENCY INVOLVEMENT

On November 28, 2014, RUS published a Request for Information (RFI) in the *Federal Register* for 60 days comment concerning the scope of this PEA. RUS interviewed representatives of relevant federal agencies, applicants, industry, and applicants' contractors as a part of the RFI process. A detailed report of the interview results and written responses to the RFI are included in **Appendix F** of the PEA. The PEA responded to commenters' concerns and information to the extent practicable within the scope of RUS' authorities.

A Notice of Availability (NOA) of the PEA was published in the Federal Register on March 1, 2016 (81 FR 10575) for 30 days comment or March 31, 2016. During this comment period, a copy of the PEA was available for downloading through the Rural Development website. Another NOA of the PEA version incorporating 7 CFR part 1970 was published in the *Federal Register* on March 14, 2016 (81 FR 13317), with no change to the comment period because the change was not substantive. RUS received three comments from two commenters. These are included in **Attachment 2** to this FONSI. Those comments are summarized below:

- Comment #1: *Jean Public*: Environmental matters should be handled by EPA…. USDA should not be funding telecommunication projects. --- **RUS Response**: Congress has authorized RUS to administer these programs in accordance with the Rural Electrification Act of 1936, as amended in 7 U.S.C. 901 *et seq*.

- Comment #2: *D. Zachary Champ; PCIA – The Wireless Infrastructure Association*: PCIA commends RUS for proposing policies that reduce barriers to broadband infrastructure deployment, such as burdensome procedures for construction in floodplains. In the absences of practical alternatives to construction in floodplains, an applicant should be able to proceed if the appropriate measures are taken to minimize potential harm in floodplains. Therefore, RUS should implement the proposed application procedures outlined in the PEA, to allow construction on floodplains, thereby mitigating any potential adverse impacts. --- **RUS Response**: Comment noted. The PEA does not remove analysis of impacts to floodplains for certain activities (it occurs during the "tiered" review). If there are no practical alternatives for the conversion of floodplains, the Agency would document this finding.

- Comment #3: *D. Zachary Champ; PCIA – The Wireless Infrastructure Association*: The FCC requires an applicant to file an Environmental Assessment for construction of facilities to be located in the floodplain. Because the procedures proposed in the PEA make the effect on floodplains negligible, further review by the FCC through an EA would be duplicative. In an effort to streamline broadband deployment, RUS should encourage other agencies to defer to its floodplains construction procedures. Additionally, we encourage other agencies to adopt RUS' proposed floodplains construction notice and best practices procedures as it will help expedite the deployment of broadband infrastructure. --- **RUS Response**: RUS may encourage other federal agencies to adopt and use the PEA. These agencies must follow their own NEPA implementing procedures in order for the adoption to occur.

## H. FINDING OF NO SIGNIFICANT IMPACT

Based on its PEA, RUS has concluded that continued implementation of the Telecommunications Programs and use of "tiered" environmental reviews would have no significant impacts to the human environment, including the resources discussed in **Section E** of this FONSI. The Proposed Action Alternative would allow for resources requiring further evaluation to be performed in the post-obligation stage of funding or prior to project construction or approval of construction contracts. This "tiered" phasing of the environmental review will not result in a significant impact to the human environment.

In accordance with the National Environmental Policy Act, as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality Regulations (40 CFR 1500–1508), and RD's Environmental Policies and Procedures (7 CFR Part 1970), RUS has determined that the environmental impacts of the Telecommunications Infrastructure Loan Program, Rural Broadband Access Loan and Loan Guarantee Program, Community Connect

Grant Program, and Distance Learning and Telemedicine Grant Program are adequately addressed in the PEA and that no significant impacts to the quality of the human environment would result from continued implementation of these programs, subject to any necessary "tiered" environmental reviews as identified in the PEA. Any final action by RUS related to these programs will be subject to, and contingent upon, compliance with all relevant federal and state environmental laws and regulations. Because RUS' action will not result in significant impacts to the quality of the human environment, RUS will not prepare an Environmental Impact Statement for its federal action related to the Telecommunications Infrastructure Loan Program, Rural Broadband Access Loan and Loan Guarantee Program, Community Connect Grant Program, and Distance Learning and Telemedicine Grant Program.

## I. RUS LOAN REVIEW AND RIGHT OF ADMINISTRATIVE REVIEW

This FONSI is not a decision on a loan application and therefore not an approval of the expenditure of federal funds. Issuance of the FONSI and its notices concludes RUS' environmental review process at the program level. The ultimate decision on loan or grant approval for specific applications tiered to the PEA depends upon conclusion of a "tiered" environmental review process in addition to financial and engineering reviews.

The decision to provide financial assistance for specific financial requests is subject to the availability of loan and grant funds for the designated purpose in RUS' budget at the time of application consideration. Execution of this FONSI is not a decision on a financial assistance application and therefore not an approval of the expenditure of federal funds.

There are no provisions to appeal this decision (i.e., issuance of a FONSI). Legal challenges to the FONSI may be filed in federal district court under the Administrative Procedures Act.

## J. APPROVAL

This Finding of No Significant Impact is effective upon date of signature.

Dated: Chad Parker 9/5/18

CHAD PARKER
Assistant Administrator
Telecommunications Programs
Rural Utilities Service

**Contact:** For additional information on this FONSI and PEA, please contact Ms. Lauren Rayburn, Phone: (202) 695-2540; Email: lauren.rayburn@wdc.usda.gov

# Attachment 1

**Telecom PEA, Tiering Process**
**Broadband Deployment to Rural America PEA (2016)**

Applicable Programs: Telecommunications Infrastructure Loan Program; Rural Broadband Access Loan and Loan Guarantee Program; Community Connect Grant Program; and Distance Learning and Telemedicine Grant Program

| Scope of Activity that may be included in a financing application | Pre-obligation Requirements to apply FONSI | | Pre- and Post-obligation requirements to apply FONSI |
|---|---|---|---|
| | **No environmental tiered review; No conditions** | **No environmental tiered review with conditions** | **Tiered Environmental Report** |
| Telecommunications Cable (wired infrastructure) | | | |
| 1. Customer drops or wired service connections | Exhibit 4-1, Section I (A&B), II, III | | |
| 2. Main Line Cable: Aerial attachment to existing poles in existing ROW (few or unknown number of pole replacement) | | Exhibit 4-1, Section I (A&C), II, III | |
| 3. Main Line Cable: Underground cable replacement in conduit | Exhibit 4-1, Section I (A&B), II, III | | |
| 4. Main Line Cable: Underground or buried replacement in existing right-of-way or developed areas (in subdivisions, commercial sites, in-town areas) | | Exhibit 4-1, Section I (A&C), II, III | |
| 5. Main Line Cable: New aerial or underground/ buried cable placement outside of existing right-of-way | | | Exhibit 4-1, Section I (A&D), II, III<br>Exhibit 4-2 for lines |
| 6. Replacement of ancillary equipment & huts; includes electrical cabinets, handholes, and small huts | Exhibit 4-1, Section I (A&B), II, III | | |

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|---|---|---|---|
| 7. New ancillary equipment & huts in existing right-of-way or developed areas | | Exhibit 4-1, Section I (A&C with applicable attachment), II, III | Exhibit 4-1, Section I (A&C with applicable attachment), II, III --- *if environmental reviewer determines additional info is needed, a tiered environmental report is required.*<br>Exhibit 4-2 if associated with cable<br>Exhibit 4-3 for huts |
| Towers (wireless infrastructure) | | | |
| 1. Antennas collocated on existing towers | | Exhibit 4-1, Section I (A&C), II, III | |
| 2. New microwave or cell towers, including those sited within the fenced area of an existing substation, switching station, or within the boundaries of an existing electric generating facility, that are 450-feet or less in height | | | Exhibit 4-1, Section I (A&D), II, III<br>Exhibit 4-2 for towers |
| Buildings | | | |
| 1. External building modifications, upgrades, or rebuilding existing facilities that would not affect the environment beyond the previously-developed/graded area or existing right-of-way | | Exhibit 4-1, Section I (A&C with applicable attachment), II, III | Exhibit 4-1, Section I (A&C with applicable attachment), II, III --- *if environmental reviewer determines additional info is needed, a tiered environmental report is required.* |
| 2. New buildings, including headquarters offices | | | Exhibit 4-1, Section I (A&D), II, III<br>Exhibit 4-3 for buildings |

# Attachment 2

## Fristik, Richard - RD, Washington, DC

**From:** Jean Public <jeanpublic1@yahoo.com>
**Sent:** Monday, March 14, 2016 3:23 PM
**To:** Fristik, Richard - RD, Washington, DC; VICEPRESIDENT@WHITEHOUSE.GOV
**Cc:** AMERICANVOICES@MAIL.HOUSE.GOV; INFO@TAXPAYER.NET; MEDIA@CAGW.ORG
**Subject:** Fw: PUBLIC COMMENT ON FEDERAL REGISTER wsteful program telecommunications companies among the richest on earth - they pay their prez millios of dollars - they dont need govt assistance cut it out

I AM TOTALLY AGAINST THE CORRUPT USDA BEING IN CHARGE OF THIS PROGRAM. I BELIEVE ENVIRONMETNAL MATTERS SHOULD BE HANDLED BY THE EPA, NOT THE USDA, WHICH IS SOLELY A FARM AGENCY WORKING ONLY FOR AGRIBUSIENSS PROFITEERS. THIS AGENCY DOESNT HELP THE MAJORITY OF THE US POPULATION.IT IS SOLELY ABOUT RICHES FOR FARMERS. THERE IS ABSOLUTELY NO REASON THIS PROGRAM IS IN THE AGRIBUSINESS USDA AGENCY. TELECOMMUNICATIONS ARE MISPLACED IN THIS CORRUPT AGENCY. STATE AND LOCAL ENVIRONMENTAL AGENCIES ALSO SHOULD H AVE FULL PLAY ON TELECOMMUNICATIONS INSTATLLATIONS. THEY NEED TO BE MADE MORE IMPORTANT IN THIS PROCESS. TAKE USDA OUT OF THIS ENTIRELY. THIS COMMETN IS FOR THE PUBLIC RECORD. THIS DIVISION NEEDS TO HAVE ITS BUDGET CUT BY 100%. POOR AMERICAN TAXPAYERS CANNOT CONTINUE TOI BE GOUGED BY THIS CORRUPT AGENCY. PLEASE RECEIPT. JEAN PBULIEE JEANPUBLIC1@YAHOO.COM THIS AGENCY LEACHES ON EVERY OTHER AGENCY AND ALL TAXPAYERS WHEN IT SHOUDL NOT BE. WE NEED AN INVESTIGATION OF THIS AGENCY.

> [Federal Register Volume 81, Number
> 49 (Monday, March 14, 2016)]
> [Notices]
> [Pages 13317-13318]
> From the Federal Register Online via the Government Publishing Office
> [www.gpo.gov] [FR Doc No: 2016-05584]
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> DEPARTMENT OF AGRICULTURE
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> Rural Utilities Service
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> Telecommunications Program: Notice of Availability of a Programmatic
> Environmental Assessment
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> AGENCY: Rural Utilities Service, USDA.
>
> ACTION: Notice of Availability of a Programmatic Environmental
> Assessment of USDA Rural Utilities Service's Financial Support for
> Deployment of the Telecommunications Programs to Rural America.
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> SUMMARY: The Rural Utilities Service (RUS, Agency), an agency of the
> United States Department of Agriculture, issued a Programmatic
> Environmental Assessment (PEA) for the development of a more efficient
> and effective environmental review process for the RUS
> Telecommunications Program on March 1, 2016. The Notice of
> Availability of a Programmatic Environmental Assessment was published
> on March 2, 2016, in the Federal Register at 81 FR 10575. The PEA
> provides a broad environmental analysis of the Agency's preliminary
> decisions and includes a tiered, site-specific analysis at the project
> level that would be completed before Agency dispersal of funds and/or
> applicant construction. Since publication of the Agency's
> Environmental Policies and Procedures (7 CFR part 1970) in the Federal
> Register (81 FR 11000) on March 2, 2016, RUS has updated the PEA with
> citations to the Agency's new environmental rule. These changes are
> administrative and not substantive, therefore supplementation of the
> PEA is not required.
>
> DATES: Written comments on the PEA must be received on or before March
> 31, 2016.
>
> ADDRESSES: Please submit written comments by physical mail or
> electronic mail to: Mr. Richard Fristik, Senior Environmental
> Protection Specialist, Water and Environmental Programs/Engineering
> and Environmental Staff, Rural Utilities Service, 1400 Independence
> Ave.
> SW., Mail Stop 1571, Room 2240, Washington, DC 20250, fax:
> (202) 690-
> 0649, or email: Richard.Fristik@wdc.usda.gov.
>  To obtain copies of the PEA or for further information, contact:
> Mr. Richard Fristik at the contact information provided in this
> Notice.
> A copy of the PEA is available for downloading through the Rural
> Development homepage at: http://www.rd.usda.gov/publications/environmental-studies/assessments/programmatic-environmental-assessment.
> Additional information about the Agency and its programs is available
> on the Internet at http://www.rd.usda.gov/.
>
> FOR FURTHER INFORMATION CONTACT: For information on the PEA, please
> contact Mr. Richard Fristik, Senior Environmental Protection
>
> Specialist, Water and Environmental Programs/Engineering and
>
> Environmental Staff, Rural Utilities Service, 1400 Independence Ave.
> SW., Mail Stop 1571, Room 2240, Washington, DC 20250,
> telephone: (202)
> 720-5093, fax: (202) 690-0649, or email: Richard.Fristik@wdc.usda.gov.
>
> Parties wishing to be placed on the PEA's mailing list for future
> information and to receive copies of the PEA should also contact Mr.
> Fristik.
>
> SUPPLEMENTARY INFORMATION: RUS issued a PEA for the development of a

> more efficient and effective environmental review process for its
> Telecommunications Program on March 1, 2016. The PEA provides a broad
> environmental analysis of the Agency's preliminary decisions and
> includes a tiered, site-specific analysis at the project level that
> would be completed before Agency dispersal of funds and/or applicant
> construction. Since publication of the Agency's Environmental Policies
> and Procedures (7 CFR part 1970) on March 2, 2016, RUS has updated the
> PEA with citations to the Agency's new environmental rule.
> These
> changes are administrative and not substantive, therefore
> supplementation of the PEA is not required.
>  The RUS Telecommunications Program provides a variety of loans and
> grants to build and expand broadband networks in rural America. Loans
> to build broadband networks and deliver service to households and
> businesses in rural communities provide a necessary source of capital
> for rural telecommunications companies. Grant funding is awarded based
> on a number of factors relating to the benefits to be derived from the
> proposed broadband network project, as specified in applicable program
> regulations.
>  Eligible applicants for RUS loans and grants include for-profit
> and non-profit entities, tribes, municipalities, and cooperatives. The
> Agency particularly encourages investment in tribal and economically
> disadvantaged areas. Through low-cost funding for telecommunications
> infrastructure, rural residents can have access to services that will
> close the digital divide between rural and urban communities. Once
> funds are awarded, RUS monitors the projects to make sure they are
> completed in accordance with program conditions and requirements.
>  The application process for requesting financial assistance for
> the various Telecommunications programs varies slightly from a
> competitive grant program, individual project proposals, or multi-year
> ``loan design'' applications. The Agency seeks to synchronize and
> create environmental review efficiencies for future project-level
> environmental review compliance for the various programs, commensurate
> with the potential environmental impacts. The Agency also seeks to
> establish proper sequencing of certain agency preliminary decisions
> (i.e., obligation of funds and/or approval of interim financing
> requests) with subsequent tiered, site-specific project environmental
> reviews.
>  The PEA is intended to expedite the funding, deployment, and
> expansion of broadband infrastructure in rural America. The PEA
> includes detailed descriptions and analyses of the direct, indirect,
> and cumulative impacts associated with broadband infrastructure
> technologies and construction methods, such as impacts to water
> resources, terrestrial resources, historic and cultural resources, air
> and climate resources, noise, threatened and endangered species,
> electromagnetic radiation, and Environmental Justice issues.
> Use of the
> PEA analyses thereby saves project-level processing time, ensuring
> consistent and accurate environmental evaluations while avoiding
> unnecessary duplication and repetition in project-level planning and
> evaluation. Use of the PEA enables project-level compliance with the
> National Environmental Policy Act (NEPA), the Endangered Species Act

> (ESA), the National Historic Preservation Act (NHPA), and other
> requirements to focus on the remaining relevant site-specific issues,
> expediting planning, analysis, compliance,
>
> [[Page 13318]]
>
> documentation, and ultimately project-level decisions.
>  The PEA is available for public review at the digital and physical
> addresses provided in this Notice. Questions and comments should be
> sent to RUS at the mailing or email addresses provided in this Notice.
> RUS should receive written comments on the PEA on or before March 31,
> 2016 to ensure that they are considered in its environmental impact
> determination.
>  Any final action by RUS related to the broadband portion of the
> RUS Telecommunications Program will be subject to, and contingent
> upon, compliance with all relevant presidential executive orders and
> federal, state, and local environmental laws and regulations in
> addition to the completion of the environmental review requirements as
> prescribed in the Agency's Environmental Policies and Procedures.
>
>  Dated: March 7, 2016.
> Keith B. Adams,
> Assistant Administrator--Telecommunications Program, Rural Utilities
> Service.
> [FR Doc. 2016-05584 Filed 3-11-16; 8:45 am]  BILLING CODE P
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>

PCIA
The Wireless Infrastructure Association

March 31, 2016

**VIA ELECTRONIC FILING**

Mr. Richard Fristik
U.S. Department of Agriculture
Rural Utilities Service
1400 Independence Ave., S.W.
Mail Stop 1571, Room 2240
Washington, D.C. 20250
Richard.Fristik@wdc.usda.gov

**Re:** RUS-16-TELECOM-0015, Notice of Availability of a Programmatic Environmental Assessment of USDA Rural Utilities Service's Financial Support for Deployment of the Telecommunications Programs to Rural America.

Dear Mr. Fristik:

PCIA – The Wireless Infrastructure Association ("PCIA") [1] submits this letter in response to the above-referenced Programmatic Environmental Assessment ("*PEA*").[2] PCIA supports the proactive efforts of the Rural Utilities Service ("RUS") to encourage development of affordable and reliable broadband infrastructure. RUS's continued interest in the deployment of telecommunications programs demonstrates its dedication to improving the quality of life and fostering economic development in rural America.[3]

PCIA commends RUS for proposing policies that reduce barriers to broadband infrastructure deployment, such as burdensome procedures for construction in floodplains. In the absence of practicable alternatives to construction in floodplains, an applicant should be able to proceed if the appropriate measures are taken to minimize potential harm to floodplains. Therefore, RUS should implement the proposed application procedures outlined in the *PEA*[4] to allow construction on floodplains, thereby mitigating any potential adverse impacts. As the *PEA* accurately notes, the proposed procedures make "the potential for adverse impacts to

[1] PCIA – The Wireless Infrastructure Association is the principal organization representing the companies that build, design, own and manage telecommunications facilities throughout the world. Its over 230 members include carriers, infrastructure providers, and professional services firms.

[2] United States Department of Agriculture, 81 Fed. Reg. 10,575 (proposed March 1, 2016) ("*PEA*").

[3] Telecommunications Program: Notice of Availability of a Programmatic Environmental Assessment, Federal Register (Mar. 1, 2016), *available at* https://www.federalregister.gov/articles/2016/03/01/2016-04381/telecommunications-program-notice-of-availability-of-a-programmatic-environmental-assessment.

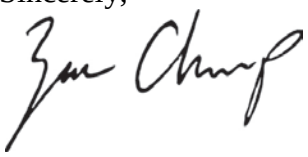
[4] *PEA*, Section 3.2.3.2.

floodplains . . . negligible."[5] PCIA supports the *PEA*'s proposal that if there are no practicable alternatives available to constructing in floodplains, applicants should be required to: provide public notice and opportunity for comment, minimize injurious impacts, implement best management practices, and obtain flood insurance.[6] Requiring applicants and their contractors to adopt these measures would curtail the potential for adverse effects to the floodplains during construction.

In addition to minimizing harm to floodplains, the procedures proposed by RUS should be sufficient for approval of a project if followed by the applicant. Currently, the Federal Communications Commission ("FCC") requires an applicant to file an Environmental Assessment ("EA") for construction of facilities to be located in a floodplain, per Executive Order No. 11,988,[7] as such action "may significantly affect the environment."[8] Because the procedures proposed in the *PEA* make the effect on floodplains negligible,[9] further review by the FCC through an EA would be duplicative. In an effort to streamline broadband deployment, RUS should encourage other agencies to defer to its floodplains construction procedures. Where an applicant follows RUS floodplains application procedures, it should not be required to file an EA at the FCC or a similar environmental review process at any other agency exerting jurisdiction over the project. Additionally, we encourage other agencies to adopt RUS's proposed floodplains construction notice and best practices procedure as it will help expedite the deployment of broadband infrastructure.

RUS should continue to foster the deployment of broadband infrastructure by implementing streamlined procedures, which will promote investment and spur economic growth in rural America.

Sincerely,



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[5] *Id.*

[6] *Id.*

[7] Exec. Order No. 11,998, 42 Fed. Reg. 26851 (May 24, 1977).

[8] 47 C.F.R. § 1.1307(a)(6) (2015).

[9] *PEA*, Section 3.2.3.2.