



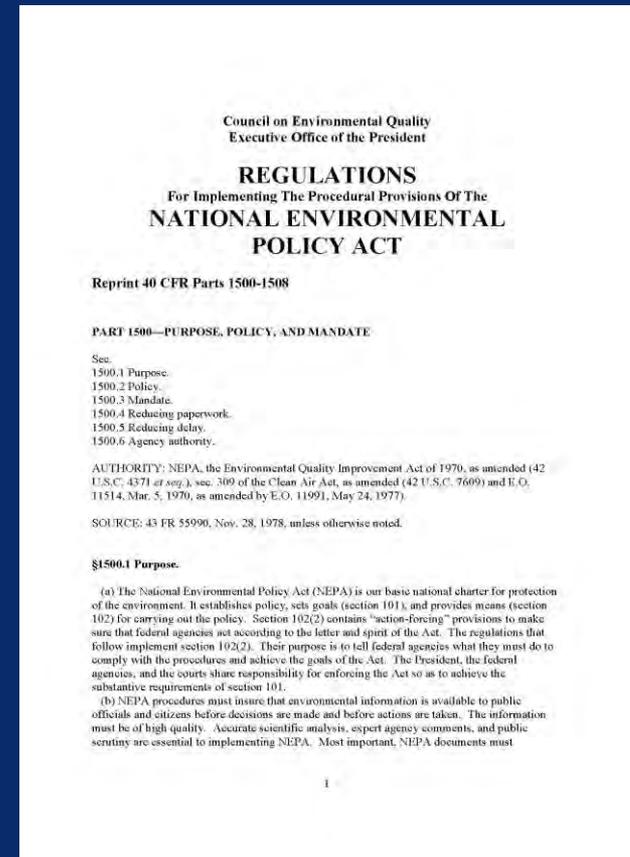
NEPA Compliance

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What is the National Environmental Policy Act (NEPA)?

- NEPA serves as the foundation for this country's environmental policies by establishing a national policy for balancing the needs of present and future generations of Americans with the quality of the natural and physical environment
- All actions that are implemented, funded, permitted, or licensed by a Federal agency are subject to NEPA analysis as the decision to pursue an action is the trigger for NEPA



What is the National Environmental Policy Act (NEPA)? (cont'd)

- NEPA requires Federal agencies to:
 - Incorporate environmental considerations into the planning and decision-making process
 - Examine potential environmental impacts of the proposed action
 - Analyze reasonable alternatives to lessen environmental effects
 - Prepare detailed documentation assessing the environmental impact of the proposed action and its alternatives
 - Coordinate with other agencies having environmental expertise
 - Provide the public with opportunities to comment on the proposed action
- Established the Council on Environmental Quality (CEQ)
 - CEQ coordinates Federal environmental efforts and works closely with agencies and other White House offices in the development of environmental policies and initiatives



CEQ NEPA Regulations (Section 1500.1)

- “Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.”
- “Ultimately, of course, it is not better documents but better decisions that count. NEPA's purpose is not to generate paperwork--even excellent paperwork--but to foster excellent action.”
- “The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.”



NEPA's Role in Federal Decision-Making

- Procedural statute
- Planning statute
- Acts as the “umbrella” that facilitates integration of other environmental requirements that would otherwise proceed independently
 - Ensures consideration of the full spectrum of regulatory requirements during the decision-making process
 - Eliminates delay and duplication of effort
 - Emphasizes cooperative consultation among agencies



Environmental regulatory requirements considered in NEPA's decision-making process

Fish and Wildlife Coordination Act

Endangered Species Act

Clean Water Act

Clean Air Act

National Historic Preservation Act

Resource Conservation and Recovery Act

Executive Orders

- Environmental Justice
- Federal Compliance with Pollution Standards
- Floodplain Management
- Protection of Wetlands
- Protection of Environmental Quality
- Protection of Cultural Environment
- Protection of Children from Environmental Health and Safety Risks

Other environmental laws, treaties, and Executive Orders

Comprehensive Environmental Response, Compensation, and Liability Act

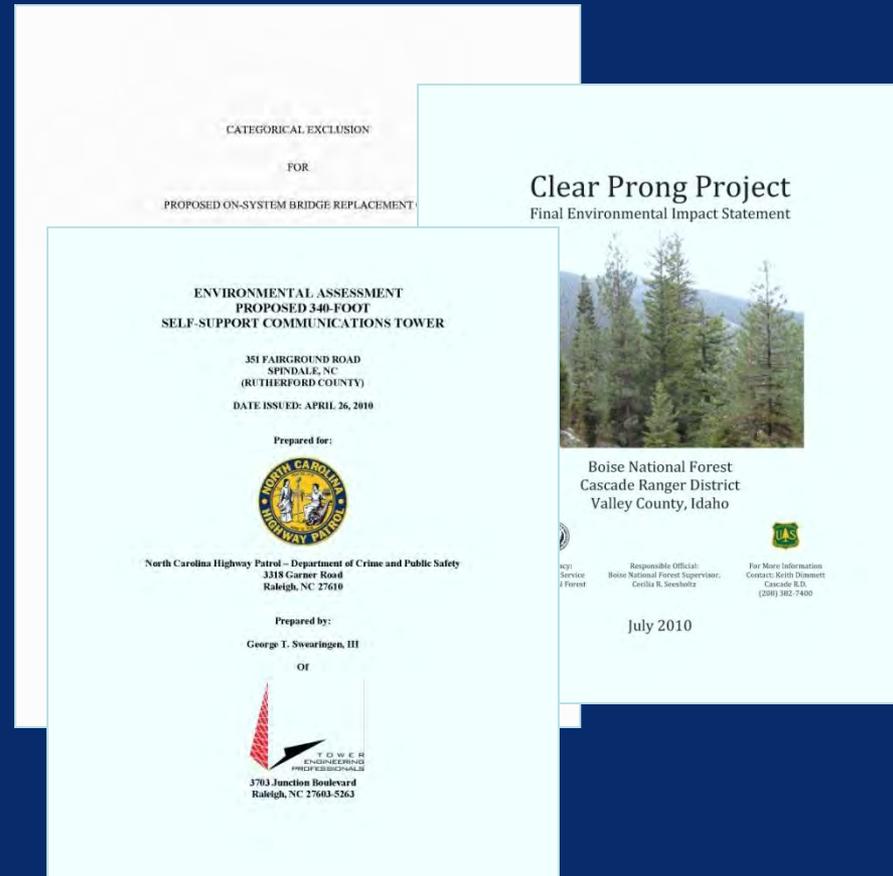
Noise Control Act



The NEPA Process

- Three levels of NEPA analysis
 - Categorical Exclusion (CATEX)
 - Environmental Assessment (EA) – decision document is a Finding of No Significant Impact (FONSI)
 - Environmental Impact Statement (EIS) – decision document is a Record of Decision (ROD)

The proposed action—and its consequences—determines the level of NEPA analysis



Categorical Exclusions

- A Categorical Exclusion (CATEX) is a category of actions which, based on the agency's past experience, do not individually or cumulatively have a significant effect on the human environment
- Federal agencies often have a list of approved CATEXs
 - FEMA CATEXs (44 CFR §10.8)
- Unlike some Federal agencies, NTIA does not have NEPA implementing regulations or CATEXs that would potentially apply to PSIC projects



Environmental Assessment

- An Environmental Assessment (EA) is conducted to determine whether an action is a “major Federal action significantly affecting the quality of the human environment”
 - Reasonable alternatives considered
 - Integrates compliance with other environmental laws and regulations, such as the National Historic Preservation Act (Section 106) and the Endangered Species Act
 - Typically undertakes a 30-day public comment
- Outcome:
 - Finding of No Significant Impact (FONSI) or Notice of Intent to prepare an EIS (NOI)

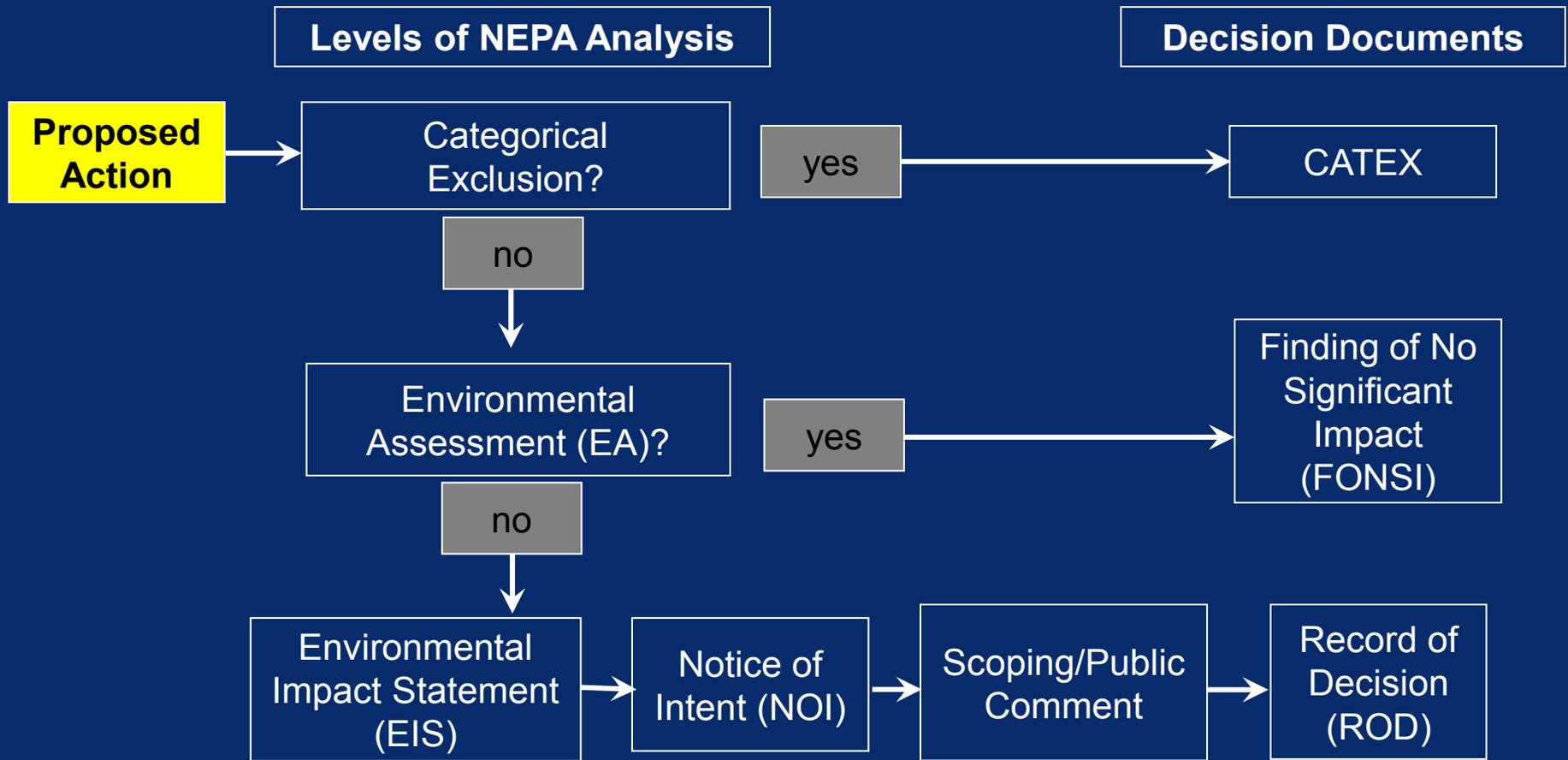


Environmental Impact Statement

- An Environmental Impact Statement (EIS) analyzes and documents the impacts of a “major Federal action significantly affecting the quality of the human environment”
 - CEQ NEPA regulations provide instructions on the content and format of an EIS
- An EIS requires:
 - Full and unbiased discussion of significant environmental impacts
 - More formal public involvement – fixed timeframes for public and agency review
- Does not prevent actions having significant impacts from being implemented
- Outcome:
 - Record of Decision (ROD)



NEPA Analysis and Decision Documents



PSIC NEPA Overview

- As PSIC funds are distributed by Commerce, NTIA is handling the NEPA compliance review for the PSIC Grant Program
- The foundation of NTIA's PSIC NEPA compliance is the PSIC Programmatic Environmental Assessment (PEA) published in February 2009

Public Safety Interoperable Communications Grant Program

Programmatic Environmental Assessment

February 2009



PSIC NEPA Overview (cont'd)

- The PEA found that several PSIC project groups are unlikely to result in any environmental impacts
 - Acquisition of mobile infrastructure
 - Acquisition of mobile and portable equipment
 - Planning activities
 - Classroom-based training
- However, the PEA identified several PSIC project groups that have the potential for environmental impacts and could require development of a site-specific EA
 - Transmitting and receiving sites
 - Operations and response centers
 - Field-based exercises for planning, training, and exercises



PSIC NEPA Overview (cont'd)

- FONSI summarizing the findings of the PEA was issued after a 30-day public comment in April 2009
- To meet NEPA requirements, States and Territories are required to provide descriptions for all PSIC projects
 - PSIC NEPA review verifies that the project is in compliance with the FONSI or may require a site-specific EA

The PSIC PEA and FONSI are available on the PSIC Web site at http://www.ntia.doc.gov/psic/NEPA_main.html

FINDING OF NO SIGNIFICANT IMPACT — PSIC GRANT PROGRAM

Finding of No Significant Impact (FONSI) for the Implementation of the Public Safety Interoperable Communications (PSIC) Grant Program

INTRODUCTION

The Department of Commerce National Telecommunications and Information Administration (NTIA) developed a Programmatic Environmental Assessment (PEA) to evaluate the potential environmental impacts associated with the proposed Public Safety Interoperable Communications (PSIC) Grant Program. The proposed implementation of the PSIC Grant Program would involve a wide variety of projects designed to improve interoperable communications among public safety agencies. The PEA evaluated the impacts of the PSIC Grant Program at the national level. NTIA will require additional environmental analyses for all PSIC-funded projects that cannot be determined at this time to have no significant impact to the human or natural environment.

SCOPE OF THE PEA

The PSIC Grant Program PEA was prepared pursuant to the National Environmental Policy Act (NEPA) of 1969. NTIA has determined that implementation of the proposed PSIC Grant Program is an action with nationwide implications. The programmatic approach created a comprehensive, global analytical framework to support subsequent site-specific environmental analyses that may be required to determine the nature and extent of impacts resulting from individual actions at site-specific locations. It also allowed NTIA to identify those project types that are not expected to have any impact to the environment and to distinguish them from those that may require further analysis.

This PEA examined the five project types associated with PSIC public communication systems and that are eligible for funding under the PSIC Grant Program:

1. **Transmission and Receiving Sites.** These projects involve upgrading existing transmission and receiving sites, constructing new sites, and collocating antennae on existing structures to address all voice, data, video, and interoperability requirements. These projects may include either the upgrade or new construction and installation of communications towers, equipment shelters, generators and backup power systems, repeaters, gateways, voice over internet protocol (VoIP), microwave backhauls, fiber optic cable, antennae, and access roads to sites, and other associated equipment and infrastructure to provide or deliver communications. This type of project may also include equipment and activities that are associated with channel assignments and shared and mutual aid channels. Coordinating antennas interference reviews is also part of this activity. The average site is approximately 0.5 acres. Sites using guy-wired structures may require additional land.

New or retrofitted transmitting and receiving sites would be constructed or retrofitted to do the following:

- Update infrastructure or equipment, using new or existing frequencies, to improve and expand coverage and capacity for the system;
 - Add data and video capabilities; and
 - Facilitate interoperable communications among first responder organizations.
2. **Operations and Response Centers.** This project type involves constructing, remodeling, or retrofitting existing fixed-structure dispatch centers and first-responder



PSIC NEPA Compliance Review

1 Project List

- Work with the SAA and sub-grantees to develop a comprehensive PSIC project list

2 NEPA category

- Each PSIC project is reviewed to assign it to one of the five project groups from the FONSI

3 Project documentation

- Documentation is needed for each project
- More data is needed for Transmission and Receiving sites than for Mobile/Portable Equipment or Mobile Infrastructure

4 Review data/ identify gaps

- Fill project information gaps through data requests to SAA, sub-grantees, site visits, internet research, etc.
- Review projects for NEPA compliance

5 Compliance recommendation

- NTIA prepares NEPA compliance recommendations to document findings for each PSIC project
- NTIA provides signed NEPA recommendation letter to the SAA

Each PSIC-funded project must have an NTIA signed NEPA recommendation letter



PSIC NEPA Compliance Approvals

- The majority of PSIC-funded projects are covered under the PSIC FONSI
- 4,700+ PSIC-funded projects have been identified from the 56 States and territories – 99% are covered by the PSIC FONSI
 - To date, over 3,740 projects have received NTIA recommendation letters (80%)
 - 24 States/territories have received complete NEPA compliance for their PSIC projects
- Most of the remaining States/territories are providing project documentation for NEPA compliance processing



Site-Specific EAs

- Not all of the PSIC-funded projects are covered by the PSIC FONSI
- Some projects require a site-specific EA as these include:
 - New communications structures 200 or more feet above the ground,
 - Structures supported by guy wires
 - Projects involving ground disturbance of 1 acre or more
 - Any project involving unusual risks or impacts to sensitive areas (e.g., wetlands, critical habitat, traditional cultural properties) or that harm a threatened or endangered species



Site-Specific EAs (cont'd)

- Of the 4,700+ identified PSIC projects, only 20 (less than 1%) have been identified as requiring a site-specific EA
 - NTIA reviews each EA to determine if the document sufficiently addresses potential environmental impacts
 - NTIA then adopts the EA and provides a FONSI to serve as the NEPA compliance decision document for the PSIC project
- 12 EAs have been reviewed and adopted by NTIA and issued FONSI to date
 - The triggers for these EAs were the height of the towers (over 200 feet) or the need for guy wires
 - None of these EAs were determined to result in environmental impacts

FONSIs for PSIC projects requiring site-specific EAs (and their EAs) can be found at http://www.ntia.doc.gov/psic/NEPA_sub3.html



NEPA and Federal Grants

- FEMA recently issued Information Bulletin #345 outlining that planning activities, classroom training, desktop exercises, mobile portable equipment, and management projects do not require any documentation to meet GPD's Environmental Planning and Historic Preservation (EHP) requirements
 - As PSIC funds are distributed by Commerce, IB #345 does not apply to the PSIC Grant Program
- For most grant projects, State and territories are already meeting NEPA requirements without knowing it
 - Providing documentation under GPD's EHP has been a component to meet applicable FEMA CATEXs
 - Participation in zoning hearings for a new tower site is part of the NEPA public outreach



NEPA's purpose is to ensure that environmental factors are considered with other factors in the decision-making process undertaken by Federal agencies



Questions

- Questions?
- Visit the PSIC NEPA Information Desk here at the PSIC Grantee Conference for individual assistance

