

# ACHP APPROVES AMENDMENT TO THE PROGRAM COMMENT FOR COMMUNICATIONS PROJECTS ON FEDERAL LANDS AND PROPERTY



On March 13, 2024, the ACHP approved the Amended Program Comment for Communications Projects on Federal Lands and Property (PC). The PC amendment was requested by NTIA to streamline reviews conducted under Section 106 of the National Historic Preservation Act (NHPA) for thousands of wired and wireless communications infrastructure projects to speed deployment of reliable, high-speed Internet to underserved communities, rural areas, and tribal communities, while also protecting historic properties. These critical communications infrastructure projects are fueled by billions in funding administered by NTIA.

## EXPANDED APPLICABILITY

The original broadband PC was approved by the ACHP in 2017, but its use was restricted to federal lands and was limited to a select group of land and property managing federal agencies. The Amended PC applies to “communications deployment undertakings that are carried out, permitted, licensed, funded, assisted, or approved by any federal agency” and applies on and off federal lands. Although each federal agency may elect to utilize the PC, they are under no obligation and may continue to utilize their existing procedures.

## APPLICABILITY LIMITATIONS

The PC may not be applied to projects that would impact nationally significant resources, such as National Monuments, Memorials, Historical Parks, Historic Trails, Historic Sites, Military Parks, or Battlefields without up-front consultation with SHPO, Tribes, the NPS, and other consulting parties. Projects that would occur on or affect National Historic Landmarks must also complete up-front consultation with SHPO, Tribes, the NPS, and other consulting parties to ensure that applying the PC would minimize potential harm. In addition, projects that may occur on or affect historic properties on Tribal lands must have a written agreement between the Tribe and federal agency before the PC is applied. Notification of the agreement must be provided by the federal agency to the ACHP.

## BENEFITS AND EFFICIENCIES

The PC builds upon existing FCC regulations provided in the 2001 and 2005 Nationwide Programmatic Agreements and enables federal agencies other than the FCC access to efficiencies

that have streamlined thousands of FCC NHPA reviews. Notably, the PC provides some NHPA review exemptions for antenna collocations on tower and non-tower structures, tower replacements, and tower construction if specific design and impact restrictions are met.

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The PC also provides exclusions for communications connections, placement of above-ground communication and cable lines on existing poles and structures, installation of buried communications cable, and removal of obsolete communication equipment and towers. These types of projects also require adherence to specific design and impact restrictions to qualify for an NHPA review exemption.

## REQUIREMENTS

Federal agencies are required to notify the SHPO or THPO and potentially impacted Tribes /NHOs of their intent to utilize the PC, and to provide the SHPO/THPO and Tribes/NHOs an opportunity to provide comment on the project’s study area. A Records Check that identifies known NRHP listed or eligible historic properties and resource sensitivity probability analysis is also required. Most importantly, the PC stresses that federal agencies are required to utilize **qualified professionals** for all consultation and analysis. Qualified professionals are defined as those individuals meeting, at a minimum, the Secretary of the Interior’s Professional Qualifications

Standards in their appropriate disciplines (Archaeology, History, and Architectural History). These individuals retain the qualifications and experience to identify historic properties and determine whether those properties would be adversely affected by communications projects.

*ECA has performed/prepared thousands of Section 106 reviews throughout the United States and territories. If you have questions regarding a specific project or Section 106/cultural resources issue, please call or email Dina Bazzill of ECA at (252) 412-7960 or email [dina.bazzill@eca-usa.com](mailto:dina.bazzill@eca-usa.com).*

*ECA is an environmental, cultural resources, and geotechnical consulting and engineering firm with a 35-year track record of excellent service to clients throughout the United States. ECA attributes its success to providing timely and innovative services and solutions with a persistent focus on the objectives of clients.*