



ENVIRONMENTAL AND HISTORIC PRESERVATION (EHP) COMPLIANCE: FEDERAL PROGRAM GUIDANCE

I. COMPLETION OF ENVIRONMENTAL REVIEW

The Grantee must comply with all applicable statutory environmental and historic preservation regulations and identify to the Iowa Department of Management (DOM) and NTIA when a proposed infrastructure project may have potentially significant effects on the environment. The Grantee may not expend any federal BEAD funds other than for the limited permissible activities identified in General Terms and Conditions for NTIA BEAD Program Funds Section 13.E 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 by NTIA and DOM, as required, of a Categorical Exclusion (Cat Ex) determination, Record of Environmental Consideration (REC), Finding of No Significant Impact (FONSI), or 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 (54 U.S.C. 300101, et seq.) (NHPA), including any consultations required by Federal law, to include consultations with the State Historic Preservation Office (SHPO), 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.

Project implementation (site preparation, demolition, construction, ground disturbance, or any other project implementation activities) may not begin prior to the completion of the above activities. The Grantee must comply with all conditions placed on the grant funded activities as the result of environmental reviews and associated consultations as the result of NEPA or NHPA consultation or processes under other applicable laws —e.g., mitigation requirements, best management practices, or other measures necessary to reduce environmental impacts.

The allowable use of funds prior to beginning project implementation includes, but is not limited to, activities necessary for the completion of the following:



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- Pre-construction planning, including collecting information necessary to complete environmental reviews;
- Applications for environmental permits;
- Studies including, but not limited to, Environmental Assessments (EA), wetland delineations, biological assessments, archaeological surveys, and other environmental reviews and analyses;
- Administrative costs;
- Pre-award application costs;
- Activities supporting consultations required under the NHPA, the Endangered Species Act, and the Clean Water Act;
- Limited, preliminary procurement, including the purchase or lease of equipment, or entering into binding contracts to do so; the purchase of applicable or conditional insurance; and/or funds used to secure land or building leases (including right-of-way easements).

Grantees that undertake unauthorized project activities in contravention of this Section proceed at their own risk and may face de-obligation of funding.

II. TIMELY PROVISION OF NEPA DOCUMENTS AND PERMITS

The Grantee is required to timely provide any information requested by DOM or NTIA to support initial and ongoing compliance with environmental and historic preservation laws and regulations. Once consultation activities have been completed, DOM will review all documentation and determine sufficiency. Projects with potentially significant impacts to environmental or historic resources may face de-obligation of funding if impacts cannot be mitigated.

The Grantee must comply with all conditions placed on the grant funded activities as the result of NEPA or NHPA consultation or processes under other applicable laws—e.g., mitigation requirements, best management practices, or other measures necessary to reduce environmental impacts.

The Grantee shall notify DOM within 24 hours upon receipt of any notices of foreclosure; requests for additional consultation received from the SHPO, THPO, Tribal representative, USFWS, or other consulting party; or notices of noncompliance received from consulting authorities or regulatory agencies.

The Grantee must notify DOM of any change to the approved project scope that has the potential for altering the nature or extent of environmental or cultural resources impacts. Projects with such potential will be re-evaluated for compliance with applicable regulatory requirements.



III. MILESTONE SCHEDULE FOR NEPA AND PERMITTING

Within 30 days of entering into a subgrant agreement, the Grantee must provide DOM a draft milestone schedule identifying environmental review and permitting activities, dependencies, and deadlines and describing how the Grantee proposes to meet timing requirements including, as required:

- The completion of any statutorily required reviews and consultations including, but not limited to, Endangered Species Act Section 7 and National Historic Preservation Act Section 106;
- The completion of NEPA, including the submission of Environmental Assessments (EAs) or Environmental Impact Statements (EISs) if anticipated; and
- Anticipated dates for any necessary federal permit applications, including application acceptance and permit decisions.

DOM may stipulate the format of the NEPA and Permitting milestone schedule and, upon review, request revisions to reflect statutorily driven sequencing requirements.

IV. UNANTICIPATED DISCOVERIES

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. Grantees must notify DOM and NTIA of inadvertent discoveries and potential impacts to these resources and identify and follow all applicable laws or protocols. Grantees should have an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards monitor ground disturbance for grant funded activities proposed in the vicinity of National Register eligible archaeological sites and suspected or known burials. If any potential archeological resources or buried human remains are discovered during construction, the Grantee must immediately stop work in that area, secure that area, and keep information about the discovery confidential, except to notify DOM and NTIA and the interested SHPO, THPO, and potentially affected Tribes. Such construction activities may then only continue with the written approval of NTIA.



SAMPLE NEPA/PERMITTING MILESTONE SCHEDULE

Permit Types				
Permit Tracking Name	Submission to Reviewer	Acceptance	Approval or Issue	Notes
Categorical Exclusion Review				
Endangered Species Act (ESA) Section 7				
National Historic Preservation Act (NHPA) Section 106				
Federal Agency Permits				
Bureau of Land Management (BLM) ROW Authorization				
Forest Service (FS) Special Uses				
Clean Water Act Section (CWA) 404/Rivers and Harbors Act (RHA) Section 10 – General Permit				
Less Common Permits				
National Park Service (NPS) ROW				
U.S. Fish & Wildlife Service (USFWS) Special Use Permit/ROW				
Army Corps of Engineers (USACE) Section 408				
Clean Water Act Section 401				
Bureau of Indian Affairs (BIA) ROW				
Bureau of Reclamation (BOR) ROW Authorization				
State Permits				
Local Permits				
Private Authorizations				