14.1 Attachment (Required): Submit a document which includes the following: Description of how the Eligible Entity will comply with applicable environmental and historic preservation (EHP) requirements, including a brief description of the methodology used to evaluate the Eligible Entity's subgrantee projects and project activities against NTIA's National Environmental Policy Act (NEPA) guidance. The methodology must reference how the Eligible Entity will use NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT) to create NEPA project records, evaluate the applicability of categorical exclusions, consider and document the presence (or absence) of Extraordinary Circumstances, and transmit information and draft NEPA documents to NTIA for review and approval.

The South Carolina Broadband Office (SCBBO) will maintain full compliance with applicable Environmental and Historical Preservation (EHP) requirements as part of South Carolina's implementation of the Broadband, Equity, Access, and Deployment (BEAD) program. This includes adherence to the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and all relevant federal, state, and local environmental statutes and regulations.

Pre-Application Assistance

During the pre-application phase, SCBBO provided support and resources to help applicants prepare compliant applications aligned with NEPA and NHPA requirements. The South Carolina Broadband Equity, Access, and Deployment Program (SC BEAD) Main Application Guidelines, which were made available on our website (https://ors.sc.gov/broadband/office/investments/state/bead), included information that sought to educate prospective applicants on permitting and EHP requirements for BEAD projects. The information provided included links to NTIA's Permitting Resources for BEAD webpage and their geographic information system (GIS) Mapping Tools and resources. The guidelines recommended review of NTIA's permitting resources and associated tools to account for the level and duration of effort necessary to comply with all permitting requirements.

Within the application, SCBBO required all applicants to submit certifications confirming their awareness of the requirement to comply with and be responsible for all applicable EHP laws for any awarded project. Applicants were also required to submit an Affidavit of Completion and Accuracy with their applications, further certifying that the applicant shall maintain compliance with all EHP requirements and is responsible for obtaining all necessary federal, state, and local governmental permits and approvals for the proposed work to be conducted.

SCBBO reviewed these certifications and sworn affidavits alongside other application materials to confirm the applicant's capacity to comply with permitting and environmental requirements. This process provided an early opportunity to identify and address potential gaps, ensuring applications are robust and well-prepared for approval.

Technical Reviews

The SCBBO's technical review process is an integral part of the state's efforts to comply with EHP requirements and is designed to identify and mitigate environmental and historical compliance risks early in the project lifecycle. Leveraging GIS software and advanced clash detection techniques, the SCBBO will evaluate subgrantee-submitted GIS linework files to identify necessary federal, state, and local permitting requirements under NEPA and NHPA regulations. The following are key steps in the review and evaluation process:

KEY STEPS:

- **GIS Linework Submission:** Subgrantees were required to submit high-level design GIS linework files as part of their application submission. These files serve as the foundation for permit screening, evaluation, and clash detection analyses. For subgrantee proposed projects that do not require linework, SCBBO will require submission of project information that aligns with forthcoming NTIA guidance surrounding low Earth orbit (LEO) technology.

- **Clash Detection Analysis:** SCBBO utilizes a suite of mapping layers provided by the NTIA and other agencies (including but not limited to the SC Department of Environmental Services (SCDES), the SC Department of Natural Resources (SCDNR), and the SC Department of Transportation (SCDOT)) to perform clash detection, compiled in NTIA's National Broadband Availability Map (NBAM), identifying areas where permitting conflicts or compliance risks may occur. Examples of data layers that will be utilized include, but are not limited to:

  - ☐ **Railroads:** Identifies railroad crossings requiring permits from the responsible agency.
  - ☐ **Federal Lands:** Highlights federal lands managed by agencies such as the Bureau of Land Management, National Park Service, and U.S. Forest Service.
  - ☐ **DOT Ownership:** Details road ownership (state, local, or other), providing insight into permits required from transportation authorities.
  - ☐ **USGS Flowline and Waterbody:** Maps waterbodies and flowlines, helping identify areas regulated by the U.S. Army Corps of Engineers or state environmental agencies.
  - ☐ **Historic Locations:** Pinpoints locations listed on the National Register of Historic Places, managed by the State Historic Preservation Office (SHPO), in addition to data from SC ArchSite (which combines archaeological site file information maintained by the SC Institute of Archaeology and Anthropology (SCIAA) and above-ground historic and architectural properties information maintained by the SC Department of Archives and History (SCDAH)).

- **Spatial Analysis and Outputs:** Subgrantee linework will be buffered (e.g., 50-foot for linework, 250-foot for historical sites) and overlaid with these, and other data layers to detect clashes. The results will be exported into tables summarizing potential permitting conflicts, which serve as actionable guidance to support further investigation by SC BEAD subgrantees.

- **Categorical Exclusion Identification:** SCBBO will work with each subgrantee to obtain detailed project information — including infrastructure type, construction methods, location data and proximity to sensitive environmental or historic resources — needed for complete and accurate data entry into the NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT) and will use the information to complete ESAPPT Questionnaires in order to identify instances of Categorical Exclusions (CatEx) and any potential for an Extraordinary Circumstance designation. SCBBO will validate any CatEx that should be applied and will produce a NEPA Decision Memo for submission to NTIA for review and approval.

This technical review process offers significant benefits to subgrantees by streamlining compliance while minimizing potential for environmental and historical impacts. Findings from GIS-based clash detection provide subgrantees with a clear understanding of the permits and consultations they need to obtain and areas to avoid, allowing them to address compliance requirements proactively. This early guidance will help subgrantees adjust project designs to mitigate risks and avoid unnecessary delays. Additionally, the review process will foster collaboration, enabling SCBBO and subgrantees to work together to address identified risks and developing solutions tailored to project-specific challenges.

Compliance Monitoring

SCBBO will execute grant agreements that include terms and conditions designed to promote compliance with EHP requirements. These agreements will clearly define the responsibilities of subgrantees and establish expectations for permitting throughout the project lifecycle, as well as any special award conditions. Terms and conditions will include specific language regarding compliance with all applicable federal, state, and local environmental and historic preservation regulations, laws, and executive orders, including the NEPA, NHP, and the Endangered Species Act.

Grant agreements also will require applicants to provide any information requested by the SCBBO, NTIA, or other relevant authorities to demonstrate compliance with applicable laws and regulations. Furthermore, subgrantees will be contractually obligated to secure all necessary federal, state, and local permits and approvals before initiating any project activities, including site preparation, demolition, construction, or ground disturbance.

SCBBO will actively monitor subgrantees' compliance with these agreements through regular reporting, permit reviews, and ongoing communication in a manner consistent with the SC BEAD Monitoring Plan submitted as part of the final proposal. This structured approach ensures that all grant-funded projects are implemented successfully while upholding rigorous environmental and historic preservation standards. The framework includes the following key activities:

- **Permit Identification:**
    - o SCBBO will independently compile a list of provisionally required permits for each project, using federal mapping tools (including the NTIA's ArcGIS Pro Permitting and Environmental Information Tool (APPEIT), GIS layering, and clash detection to identify permitting needs.
    - o SCBBO will obtain a detailed list of required permits from each subgrantee.
- **Gap Analysis:**
    - o SCBBO will compare the subgrantee's provided permit list against the permit list derived from the analysis performed during the permit identification phase, potential discrepancies will be shared and resolved working in conjunction with the subgrantee.
- **Permit Validation:**
    - o Subgrantees must provide detailed records for permits, including supporting documents, jurisdictional approvals, inspection results, and evidence of closure, as applicable.
- **Stakeholder Interviews:**
    - o SCBBO will conduct interviews with subgrantees and, when necessary, their contractors or engineers to clarify permitting processes and resolve any outstanding environmental requirements.
- **Monitoring Project Modifications:**
    - o SCBBO will review scope changes, such as route adjustments, to verify they do not introduce new permitting or environmental compliance obligations.
    - o Updated plans will be assessed to ensure alignment with regulatory expectations and to mitigate risks of non-compliance.

- **Reporting:**
  - Subgrantees are required to submit periodic updates on milestones as part of project reporting.
  - SCBBO will review these reports, providing feedback to address errors or omissions.

SCBBO's project monitoring framework will help to ensure that subgrantees remain aligned with permitting and environmental requirements throughout the lifecycle of their projects. By combining detailed analysis, proactive validation, and consistent oversight, SCBBO mitigates compliance risks, addresses potential gaps, and fosters collaboration with stakeholders. This approach not only supports efficient project execution but also upholds the integrity of environmental and historic preservation requirements, reinforcing SCBBO's commitment to responsible broadband infrastructure deployment.

Description of the Eligible Entity's plan to fulfill its obligations as a joint lead agency for NEPA under 42 U.S.C. 4336a, including its obligation to prepare or to supervise the preparation of all required environmental analyses and review documents.

SCBBO acknowledges its statutory obligation to work with the National Telecommunications and Information Administration (NTIA) in implementing the requirements of the National Environmental Policy Act (NEPA) pursuant to 42 U.S.C. § 4336a.

SCBBO further understands that, under BEAD requirements, it shares responsibility with NTIA for ensuring that all broadband infrastructure projects funded under the BEAD program are planned, reviewed, and implemented in a manner that complies with federal environmental laws. SCBBO further understands its role in fulfilling the following obligations:

- Supervise the preparation of an environmental document if, with respect to such proposed agency action, there is more than one participating Federal agency;
- Request the participation of each cooperating agency at the earliest practicable time;
- In preparing an environmental document, give consideration to any analysis or proposal created by a cooperating agency;
- Develop a schedule, in consultation with each cooperating agency, the applicant, and such other entities as the lead agency determines appropriate, for completion of any environmental review, permit, or authorization required to carry out the proposed agency action;
- If the lead agency determines that a review, permit, or authorization will not be completed in accordance with the schedule developed under in the prior bullet point, notify the agency responsible for issuing such review, permit, or authorization of the discrepancy and request that such agency take such measures as such agency determines appropriate to comply with such schedule; and
- Meet with a cooperating agency that requests such a meeting.

As part of their commitment to ensuring compliance with federal environmental requirements under the National Environmental Policy Act (NEPA), SCBBO has completed an evaluation of the 2017 FirstNet Regional Programmatic Environmental Impact Statement (PEIS) for the Southern Region. This process included evaluating changes in environmental conditions, regulatory frameworks, and resource sensitivity within South Carolina.

SCBBO's evaluation affirms that the original PEIS remains valid for use in subsequent environmental reviews for broadband infrastructure projects under the BEAD program. The evaluation and revalidation process identified minor updates related to telecommunications and road networks infrastructure, land use and ownership, wetlands regulations, threatened and endangered species, and other localized environmental considerations. These updates do not alter the overall conclusions of the original PEIS but will inform future project-level assessments and best management practices.

The completion of this evaluation demonstrates SCBBO's proactive approach to environmental stewardship and readiness to support streamlined NEPA compliance for broadband deployment activities. It provides a foundational environmental analysis that can be referenced for projects meeting the criteria outlined in the PEIS, reducing duplication and expediting permitting while ensuring environmental oversight.

Evaluation of whether all deployment related activities anticipated for projects within your state or territory are covered by the actions described in the relevant FirstNet Regional PEIS.

SCBBO conducted a formal evaluation and revalidation of the 2017 FirstNet Regional PEIS for the Southern Region. This effort was carried out in accordance with Section 108 of the National Environmental Policy Act (NEPA), as amended by the Fiscal Responsibility Act of 2023, which requires reevaluation of programmatic environmental documents that are more than five years old.

The South Carolina Broadband Office understands that the FirstNet Regional PEIS considers the following deployment activities for the Proposed Action:

- Wired (new or existing buried fiber, aerial fiber, submarine fiber optic plant, optical transmission, and centralized transmission equipment)

- Wireless (new wireless communication towers and equipment installation on existing wireless towers, structures, or buildings)

- Deployable (cell on wheels, cell on light truck, system on wheels, deployable aerial communications architecture)

- Satellite (satellite-enabled devices and satellite deployment)

The deployment related activities to be implemented within South Carolina as part of the BEAD program fall within the deployment activities covered in the PEIS. Therefore, SCBBO has determined that the

existing PEIS remains a valid and appropriate framework for future environmental compliance efforts related to broadband infrastructure deployment in South Carolina and that the PEIS will sufficiently cover the anticipated deployment-related activities anticipated under the BEAD program.

Description of the Eligible Entity's plan for applying specific award conditions or other strategies to ensure proper procedures and approvals are in place for disbursement of funds while projects await EHP clearances.

SCBBO anticipates attaching EHP-focused specific award conditions (SACs) to all subgrantee awards that involve construction or activities that may result in ground disturbance, visual alterations, or other environmental impacts. These SACs will explicitly prohibit the use of BEAD funds for construction, installation, or other physical site work until all required NEPA approvals and other applicable environmental permits have been obtained. Subgrantees will be permitted to engage in allowable pre-construction activities—such as planning, engineering, environmental assessments, and permitting work—prior to receiving final NEPA clearance, provided those activities are clearly separated from ground-disturbing actions.

SCBBO anticipates attaching EHP-focused SACs to all subgrantee awards stating that:

- The subgrantee will not commence implementation and funds will not be disbursed until any necessary environmental review is complete and NTIA has approved any necessary decision document
- The subgrantee must timely prepare any required NEPA documents and obtain any required permits, and must adhere to any applicable statutory deadlines
- The subgrantee must provide a milestone schedule identifying specific deadlines and describing how the subgrantee proposes to meet these timing requirements including, as required, the completion of consultations, the completion of NEPA and Section 106 reviews, and the submission of Environmental Assessments (EAs) or Environmental Impact Statements (EISs)

To operationalize this strategy, SCBBO will integrate SACs into its grant agreements and grants management system, ensuring that both the subgrantee and program staff are fully aware of the restrictions on fund use and the conditions for release of construction funding. Each SAC will specify the documentation required to demonstrate environmental compliance, including NEPA determinations, Section 106 consultation outcomes (where applicable), and any other federal, state, or local permits required under environmental law.

Additionally, SCBBO is developing internal monitoring and tracking tools to ensure that all SACs are actively managed and enforced throughout the grant lifecycle. Prior to releasing any disbursements for construction-related costs, SCBBO will verify that all NEPA reviews have been completed and that the subgrantee has received written authorization to proceed with NTIA concurrence.