

EXHIBIT H

FINAL DRAFT

ARCONNECT

Environmental and Historic Preservation (EHP)
Documentation

The Arkansas State Broadband Office

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FINAL DRAFT

Section 14 Environmental and Historic Preservation (EHP) Documentation

14.1 Environmental and Historic Preservation Requirements

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.

ARConnect will ensure full compliance with all applicable environmental and historic preservation (EHP) requirements by adhering to the requirements of the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), Section 7 of the Endangered Species Act, and Section 404 of the Clean Water Act, as applicable, and NTIA's programmatic guidance. This compliance is a critical part of the project review process, and all subgrantee projects will undergo a detailed evaluation to ensure minimal environmental and historical impacts.

ARConnect will not allow to be initiated, as enforceable by the Subgrant Agreement, any grant-funded implementation activities prior to the completion of reviews required under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470, et seq.), including any consultations required by federal law, to include consultations with the State Historic Preservation Office and federally recognized Native American Tribes.

ARConnect provided and will continue to provide educational outreach to subgrantees regarding the required NEPA and EHP compliance rules. Throughout the Subgrantee Selection Process, ARConnect encouraged potential subgrantees to pre-screen project areas using the NTIA's Permitting and Environmental Information Application¹ Mapping Tool (APPEIT) to identify permitting requirements and environmental constraints.

After Final Proposal approval, ARConnect's NEPA qualified consultants and Subject Matter Experts (SMEs) will collect appropriate documentation from subgrantees and use NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT)² to screen its awarded projects for environmental impacts, expedite NEPA determinations and approvals, and track projects' requirements and timelines.

ARConnect will work with its subgrantees to support the use of NEPA Best Management Practices³ to create mitigation measures to avoid or minimize potential environmental impacts from the

¹ <https://www.ntia.gov/press-release/2024/ntia-launches-permitting-and-environmental-mapping-tool>

² See, ESAPTT Roadmap, https://broadbandusa.ntia.gov/technical-assistance/Streamlined_Environmental_Review_and_Permitting_Roadmap

³ NTIA Best Management Practice and Mitigation Measures, https://broadbandusa.ntia.gov/technical-assistance/BMP_and_Mitigation_Measures.

project as it works with subgrantees to conduct the required screening and documentation of their projects.

Upon finalization of each subgrantee agreement, ARConnect will require each awarded subgrantee to develop a NEPA milestone schedule that will also include key permit and authorization deadlines and descriptions. This schedule will include deadlines, and descriptions for the completion of consultations, NEPA and Section 106 reviews, and submission of NEPA documentation.

ARConnect and its SMEs will utilize the following process system to identify, confirm, and categorize projects that are likely to qualify for Categorical Exclusions (CATEX) under NTIA's NEPA guidance and those that require further environmental review:

- Initial Review of Project Scope: Perform a screening of proposed subgrantee projects, once submitted, to evaluate their potential environmental impacts. This screening process will rely on the NEPA guidance provided by NTIA. The process involves the following steps: ARConnect's SMEs will review the project scope and details, including project size, location, construction methods, and proximity to sensitive environmental or historical areas. This review helps determine whether the project falls under a CATEX or requires further analysis.
- Cross-Referencing with NTIA's Categorical Exclusions: Each project will be cross-referenced with the list of Categorical Exclusions. Projects that involve activities with minimal or no environmental impact, such as minor upgrades, maintenance, or non-intrusive installations, are more likely to qualify for a CATEX.
- Review for Extraordinary Circumstances: Each project that would normally be considered categorically excluded will be evaluated to determine if extraordinary circumstances (Appendix C of the NTIA NEPA Guidance Document)⁴ are present. If any of the extraordinary circumstances are involved with the proposed project, ARConnect, supervising the subgrantee, will conduct and document the appropriate environmental analysis to determine whether the action warrants a categorical exclusion or if the preparation of an Environmental Assessment (EA) or Environmental Impact Study (EIS) is required.
- After pre-screening, the prepared documentation will be submitted via the ESAPTT.
- Subgrantees will only be allowed to commence construction upon environmental clearance and a notice to proceed (NTP) is issued.

14.2 Joint Lead Agency Responsibility Summary

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.

14.2.1 Understanding

ARConnect understands that it shall serve as a joint lead agency to implement EHP requirements under 42 U.S. Code Section 4336a, particularly the obligations listed in paragraph (2). As such, ARConnect's Subject Matter Experts (SMEs), including qualified vendors, consultants, and/or

⁴ https://broadbandusa.ntia.gov/sites/default/files/2025-06/NTIA_NEPA_Procedures_June_2025.pdf

intergovernmental agency partners, will centrally review and concur with the findings and recommendations of all EHP compliance documentation prior to submittal to NTIA.

Pursuant to the General Terms and Conditions (GT&C) for the NTIA BEAD Program Funds⁵ ARConnect will serve as a joint lead agency for NEPA and will design and implement a program to ensure compliance with Section 13 Environmental and Historic Preservation (EHP) Review of the GT&C document. As a joint lead agency, ARConnect will fulfill the role of lead agency, as defined in 42 U.S. Code Section 4336a, with respect to proposed broadband infrastructure deployment activities undertaken by subgrantees.

ARConnect will disseminate information and provide educational outreach to subgrantees regarding the required EHP compliance rules. Throughout the subgrantee Selection Process, ARConnect encouraged potential subgrantees to pre-screen project areas using the NTIA's Permitting and Environmental Information Application⁶ Mapping Tool to identify permitting requirements and environmental constraints.

ARConnect based their project area footprints (PAFs) by combining CBGs. It is anticipated that the CBG or PAF level will be used for the purpose of environmental review. The expectation is that all subgrantees will engage their qualified environmental consultants to perform the appropriate environmental reviews required under the NTIA BEAD Program. Each subgrantee will prepare the NEPA documentation and submit it to ARConnect.

In all cases, ARConnect's SMEs, including qualified vendors, consultants, and/or intergovernmental agency partners, will centrally review and concur with the findings and recommendations of all EHP compliance documentation prior to submittal to NTIA.

14.2.2 Subgrantee Requirements

To ensure the timely completion of historic preservation review for all BEAD-funded activities, ARConnect will require that subgrantees provide all such information required to:

- At the earliest possible time, provide the NTIA-assigned Environmental Program Officer sufficient information to initiate Tribal notification via the FCC's Tower Construction Notification System (TCNS) when required for grant-funded activities;
- Provide notified Tribes with information regarding grant-funded activities via their preferred communication means, as identified in TCNS;
- Apply the Advisory Council on Historic Preservation (ACHP) Program Comment to Avoid Duplicative Reviews for Wireless Communications Facilities or any other applicable program comment or program alternative developed to address the Section 106 review of communications facilities;
- Notify NTIA of any Tribal request for government-to-government consultation or any identification that a grant-funded activity may impact a historic property of religious or cultural significance to a Tribe; and

⁵ https://broadbandusa.ntia.gov/sites/default/files/2024-05/BEAD_IPFR_GTC_04_2024.pdf

⁶ <https://www.ntia.gov/press-release/2024/ntia-launches-permitting-and-environmental-mapping-tool>

- Provide all consulting parties with the statutorily required time to respond to its determination of a grant-funded activity's effect on historic properties.

14.2.3 Project Monitoring

Throughout the planning and pre-construction phase, ARConnect will monitor the subgrantee activity to ensure that any site ground disturbance work or other prohibited actions do not take place until the receipt of environmental approvals or rulings of no significant effect from all applicable agencies. ARConnect will implement a formal Notice to Proceed (NTP) process to facilitate compliance with all permitting requirements.

14.2.4 Notices

The subgrantee shall notify NTIA within 24 hours upon receipt of any Section 106 notices of foreclosure; notices requesting continuing or supplemental consultation received from the state historic preservation office (SHPO), tribal historic preservation officer (THPO), or other consulting party or the USFWS or NMFS; or notices of noncompliance received from consulting authorities or regulatory agencies.

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. Subgrantees must notify NTIA of inadvertent discoveries and potential impacts to these resources and identify and follow all applicable laws or protocols.

14.2.5 Changes to Scope

Any change to the approved scope of grant-funded activities proposed after the completion of environmental and historic preservation review that has the potential for altering the nature or extent of environmental or historic preservation impacts must be brought to the attention of NTIA and will be reevaluated for compliance with applicable requirements.

14.3 Description of FirstNet Regional PEIS Evaluation

Evaluation of the sufficiency of the environmental analysis for your state or territory that is contained in the relevant FirstNet Regional Programmatic Environmental Impact Statement (PEIS), available at <https://www.firstnet.gov/network/environmental-compliance/projects/regional-programmatic-environmental-impact-statements>.

14.3.1 Summary of FirstNet Regional PEIS Evaluation

In August 2017, the First Responder Network Authority (FirstNet) published the Final Regional Programmatic Environmental Impact Statement (PEIS) for the South Region. The amended Record of Decision was signed on August 8, 2018. The National Telecommunications and Information Administration was a Cooperating Agency on the analysis and is conducting this revalidation of the original analysis in Volume 2 – Chapter 4 performed in accordance with requirements for reevaluation of programmatic documents older than five years in Section 108 of the NEPA, as amended by the Fiscal Responsibility Act of 2023.

ARConnect contracted with Michael Baker International (MBI), an environmental engineering and consulting practice with qualified environmental scientists, to conduct an evaluation of the sufficiency, applicability and accuracy of the analysis in the relevant First Responder Network Authority (FirstNet) Regional Programmatic Environmental Impact Statement (PEIS) chapter as it applies to anticipated implementation activities for the State of Arkansas. Based on a thorough review of the South Regional PEIS (Chapter 4: Arkansas), MBI has determined that the analysis remains valid for use in subsequent environmental documents. The full report is included as Appendix A.

14.3.2 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.

ARConnect has reviewed this report and anticipates that broadband infrastructure deployment-related activities for projects within Arkansas will be covered by the actions described in Volume 2 – Chapter 4 of the PEIS. In all cases, project scopes will be reviewed, once proposed, to evaluate whether the activities are covered by the FirstNet Regional PEIS. If subgrantee proposed projects are not sufficiently covered by the FirstNet Regional PEIS, additional analysis will be conducted by subject matter experts to determine whether a supplemental environmental assessment is required to address identified gaps or deficiencies. Although final project groupings are not yet known, the following activities described in the PEIS may be implemented if necessary:

- **Wired Projects**
 - Use of Existing Conduit – New Buried Fiber Optic Plant: Disturbance associated with the installation of fiber optic cable in existing conduit would be limited to entry and exit points of the existing conduit in previously disturbed areas.
 - Use of Existing Buried or Aerial Fiber Optic Plant or Existing Submarine Cable: Lighting up of dark fiber.
 - Installation of Optical Transmission or Centralized Transmission Equipment requiring no ground disturbance.
 - New Build – Buried Fiber Optic Plant: Plowing (including vibratory plowing), trenching, or directional boring and the construction of points of presence (POPs), huts, or other associated facilities or hand-holes to access fiber.
 - New Build – Submarine Fiber Optic Plant: The installation of cables in limited nearshore and inland bodies of water.
 - New Build – Aerial Fiber Optic Plant: Potential impacts would be similar to a Buried Fiber Optic Plant, especially where ground disturbance is expected when connecting aerial cable to new ground locations or the installation of new or replacement of existing telecommunications poles.
 - Collocation on Existing Aerial Fiber Optic Plant: Any ground disturbance could cause direct and indirect impacts to wetlands from increased suspended solids and runoff from activities, depending on the proximity to wetlands and the type of wetlands that could be affected.
 - Installation of Optical Transmission or Centralized Transmission Equipment: Installation of transmission equipment that would require grading or other ground disturbance to install small boxes or huts, access roads, or similar.
- **Wireless Projects**

- New Wireless Communication Towers: Installation of new wireless towers and associated structures (generators, equipment sheds, fencing, security and aviation lighting, electrical feeds, and concrete foundations and pads) or access roads.
- Collocation on Existing Wireless Tower, Structure, or Building: Collocation would involve mounting or installing equipment (such as antennas or microwave dishes) on an existing tower.
- Satellite and Other Technologies
 - Satellite-Enabled Devices and Equipment: Including permanent equipment on existing structures.

The PEIS was also reviewed with regard to the following:

14.3.3 Regulatory Changes

No known changes to environmental or historic preservation laws and regulations in the State of Arkansas would have a material impact on the analysis presented in the PEIS. Two executive orders discussed in the PEIS have been revoked since the PEIS was published in 2017. Executive Order (EO) 12898 was rescinded by EO 14173 in 2025, and EO 13693 was revoked by EO 13834 in 2018, which was revoked by EO 13990 in 2021, which was revoked by EO 14154 in 2025. EO 12898 required federal agencies to achieve environmental justice by identifying and addressing, as appropriate, any disproportionately high and adverse human health or environmental impacts that their programs, policies, and activities may have on minority populations and low-income populations.⁷ The goal of EO 13693 was to maintain federal leadership in sustainability and greenhouse gas emissions reductions.⁸

14.3.4 Affected Environment

The PEIS adequately described the potentially affected environment in Arkansas, including infrastructure and biological resources.

The following species – known to occur in the states covered by the South Regional PEIS – have been granted protected status under the Endangered Species Act (ESA), and were not included in the PEIS:

- Snuffbox mussel (*Epioblasma triquetra*): Mussell, added 2012; Endangered
- Rufa red knot (*Calidris canutus rufa*): Bird, added 2015; Threatened
- Eastern black rail (*Laterallus jamaicensis ssp. jamaicensis*): Bird, added 2020; Threatened
- Western fanshell (*Cyprogenia aberti*): Mussell, added 2023; Threatened
- Ouachita Fanshell (*Cyprogenia cf. aberti*): Mussell, added 2023; Threatened

(ii) Since 2017, the ESA status of the following species – known to occur in the states covered by the South Region PEIS – has changed:

- American burying beetle (*Nicrophorus americanus*): Endangered to Threatened in 2020
- Interior least tern (*Sterna antillarum*): Endangered to Delisted in 2021
- Running buffalo clover (*Trifolium stoloniferum*): Endangered to Delisted in 2021

⁷ https://www.fedcenter.gov/Bookmarks/index.cfm?id=700&pge_id=1606

⁸ <https://www.fedcenter.gov/programs/eo13693/>

- Northern long-eared bat (*Myotis septentrionalis*): Threatened to Endangered in 2023
- Turgid blossom (*Epioblasma turgidula*): Endangered to Extinct in 2023
- Red-cockaded woodpecker (*Dryobates borealis*): Endangered to Threatened and updated scientific name in 2024

(iii) Since 2017, the following species – known to occur in the states covered by the South Region PEIS – were proposed for listing by the USFWS under the ESA:

- Alligator snapping turtle (*Macrochelys temminckii*) proposed for listing as Threatened in 2021
- Tricolored bat (*Perimyotis subflavus*) proposed for listing as Endangered in 2022
- Louisiana pigtoe (*Pleurobema riddellii*) proposed for listing as Threatened in 2023
- Salamander mussel (*Simpsonaias ambigua*) proposed for listing as Endangered in 2023
- Western regal fritillary (*Argynnis idalia occidentalis*) proposed for listing as Threatened in 2024

(iv) The following species – known to occur in the states covered by the South Region PEIS – is currently listed as a Candidate species and is identified as “imminent” for protected status under the ESA:

- Monarch butterfly (*Danaus plexippus*)

(v) Since 2017, critical habitat in Arkansas has been identified for the following ESA listed and proposed species:

- Louisiana pigtoe (*Pleurobema riddellii*) in 2023
- Western Fanshell (*Cyprogenia aberti*) in 2023
- Ouachita Fanshell (*Cyprogenia cf. aberti*) in 2023
- Snuffbox mussel (*Epioblasma triquetra*) in 2024
- Spectaclecase (*Cumberlandia monodonta*) in 2024

14.3.5 If applicable, a draft supplemental environmental assessment (EA), providing any information or analysis missing from the relevant FirstNet Regional PEIS that is necessary for the programmatic review of BEAD projects within your state or territory.

Not applicable.

14.4 Specific Award Conditions (SACs) Description

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 the disbursement of funds while projects await EHP clearances.

ARConnect will include in the Subgrant Agreement provisions Specific Award Conditions (SACs) prohibiting subgrantees from initiating or allowing any grant-funded implementation activities prior to the following:

- The completion of any review required under the NEPA (42 U.S.C. 4321, et seq.) (NEPA), and issuance, as required, of a CATEX determination, Record of Environmental Consideration

(REC), Finding of No Significant Impact (FONSI), Record of Decision (ROD) (hereinafter “decision documents”) that meets the requirements of NEPA.

- The completion of reviews required under Section 106 of the NHPA (16 U.S.C. 470, et seq.) (NHPA), including any consultations required by federal law, to include consultations with the State Historic Preservation Office and federally recognized Native American Tribes.
- The completion of consultations with the 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.

Additionally, the Subgrant Agreement requires 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, except for the limited permissible activities identified in the Subgrant Agreement.
- Must timely prepare any required NEPA documents and obtain any required permits, and must adhere to any applicable statutory deadlines as described in 42 U.S.C. 4336g(a); and
- Must provide a milestone schedule identifying specific deadlines and describing how 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).

Appendix A

MEMORANDUM FOR: Jill A. Springer
Senior Policy Advisor for Permitting
Chief Environmental Review and Permitting Officer
Office of Internet Connectivity and Growth

Amanda Pereira
Environmental and Historic Preservation Team Lead
Office of Internet Connectivity and Growth

FROM: Glen E. Howie, Jr
State Broadband Director
The Arkansas State Broadband Office
Arkansas Economic Development Commission

PREPARED BY: Brett Galland
Environmental Associate
Michael Baker International

SUBJECT: FirstNet Regional Programmatic Environmental Impact Statement
Revalidation – Arkansas

DATE: 3/14/2025

REVISED: 5/29/2025

In August 2017, the First Responder Network Authority (FirstNet) published the Final Regional Programmatic Environmental Impact Statement (PEIS) for the South Region. The amended Record of Decision was signed on August 8, 2018. The National Telecommunications and Information Administration was a Cooperating Agency on the analysis and is conducting this revalidation of the original analysis in Volume 2 – Chapter 4 performed in accordance with requirements for reevaluation of programmatic documents older than 5 years in Section 108 of the National Environmental Policy Act (NEPA), as amended by the Fiscal Responsibility Act of 2023.

The Arkansas State Broadband Office is a joint lead agency for the Broadband Equity Access and Deployment Program NEPA process. This revalidation will describe any changes to the proposed action, regulatory settings, or areas of concern or sensitivity identified in the original PEIS analysis and determine whether NTIA may still rely on it for purposes of subsequent environmental documents.

Changes in Environmental Setting:

4.1.1.3. Transportation

The PEIS states the Arkansas Highway and Transportation Department has jurisdiction over freeways and major roads, railroads, and mass transit in the state. That department is now known as Arkansas Department of Transportation (ARDOT). The PEIS identifies three National Scenic Byways and seven State Scenic Byways in Arkansas. ARDOT lists two additional State Scenic Byways. The Camden

Expedition Scenic Byway was designated as a State Scenic Byway in 2021. The West-Northwest Scenic Byway was designated as a State Scenic Byway in 2025.

Changes in Environmental Circumstances:

4.1.4.2 Specific Regulatory Considerations

The PEIS notes that discharges to “waters of the U.S.” (WOTUS) are subject to the provisions of Section 401 of the Clean Water Act. This remains an accurate statement. The PEIS does not specifically define WOTUS. Therefore, the May 25, 2023, Supreme Court ruling in *Sackett v. EPA* – which resulted in a change to the definition of WOTUS – does not impact the environmental setting or circumstances as described in the PEIS. Ephemeral streams may no longer be jurisdictional WOTUS if no visible surface connectivity exists.

4.1.6.6 Threatened and Endangered Species

- (i) The following species – known to occur in the states covered by the South Regional PEIS – have been granted protected status under the Endangered Species Act (ESA), and were not included in the PEIS:
 - Snuffbox mussel (*Epioblasma triquetra*): Mussell, added 2012; Endangered
 - Rufa red knot (*Calidris canutus rufa*): Bird, added 2015; Threatened
 - Eastern black rail (*Laterallus jamaicensis ssp. jamaicensis*): Bird, added 2020; Threatened
 - Western fanshell (*Cyprogenia aberti*): Mussell, added 2023; Threatened
 - Ouachita Fanshell (*Cyprogenia cf. aberti*): Mussell, added 2023; Threatened
- (ii) Since 2017, the ESA status of the following species – known to occur in the states covered by the South Region PEIS – has changed:
 - American burying beetle (*Nicrophorus americanus*): Endangered to Threatened in 2020
 - Interior least tern (*Sterna antillarum*): Endangered to Delisted in 2021
 - Running buffalo clover (*Trifolium stoloniferum*): Endangered to Delisted in 2021
 - Northern long-eared bat (*Myotis septentrionalis*): Threatened to Endangered in 2023
 - Turgid blossom (*Epioblasma turgidula*): Endangered to Extinct in 2023
 - Red-cockaded woodpecker (*Dryobates borealis*): Endangered to Threatened and updated scientific name in 2024
- (iii) Since 2017, the following species – known to occur in the states covered by the South Region PEIS – were proposed for listing by the USFWS under the ESA:
 - Alligator snapping turtle (*Macrochelys temminckii*) proposed for listing as Threatened in 2021
 - Tricolored bat (*Perimyotis subflavus*) proposed for listing as Endangered in 2022
 - Louisiana pigtoe (*Pleurobema riddellii*) proposed for listing as Threatened in 2023
 - Salamander mussel (*Simpsonaias ambigua*) proposed for listing as Endangered in 2023
 - Western regal fritillary (*Argynnis idalia occidentalis*) proposed for listing as Threatened in 2024
- (iv) The following species – known to occur in the states covered by the South Region PEIS – is currently listed as a Candidate species and is identified as “imminent” for protected status under the ESA:
 - Monarch butterfly (*Danaus plexippus*)
- (v) Since 2017, critical habitat in Arkansas has been identified for the following ESA listed and proposed species:
 - Louisiana pigtoe (*Pleurobema riddellii*) in 2023

- Western Fanshell (*Cyprogenia aberti*) in 2023
- Ouachita Fanshell (*Cyprogenia cf. aberti*) in 2023
- Snuffbox mussel (*Epioblasma triquetra*) in 2024
- Spectaclecase (*Cumberlandia monodonta*) in 2024

4.1.10.1 Definition of the Resource

The PEIS discusses EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, signed in 1994, in section **4.1.10. Environmental Justice**. EO 12898 was rescinded by EO 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, in 2025. EO 12898 required federal agencies to achieve environmental justice by identifying and addressing, as appropriate, any disproportionately high and adverse human health or environmental impacts that their programs, policies, and activities may have on minority populations and low-income populations.

4.1.14.2. Specific Regulatory Considerations

The PEIS references EO 13693, *Planning for Federal Sustainability in the Next Decade*, signed in 2015, in section **4.1.14. Climate Change**. EO 13693 was revoked by EO 13834 in 2018, which was revoked by EO 13990 in 2021, which was revoked by EO 14154 in 2025. The goal of EO 13693 was to maintain federal leadership in sustainability and greenhouse gas emissions reductions.

Changes to Environmental Impacts of the Project:

4.2.6.4 Wildlife

The PEIS states (Pg. 4-297, Birds, first sentence) that “The direct removal of most bird nests is prohibited under the MBTA.” Consider revising this to “The direct removal of most active bird nests is prohibited under the MBTA.”

Changes to Avoidance, Minimization, Mitigation Measures, or Best Management Practices:

Chapter 16 BMPs and Mitigation Measures

16.6 Biological Resources

16.6.2 Wildlife

16.6.2.2 Project-Type Specific BMPs and Mitigation Measures

On March 1, 2021, the USFWS released an updated “*Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning*.”⁹ The PEIS incorporates the recommended best practices from the 2013 version of this document.

Recommendation:

Based on a thorough review of the South Regional PEIS (Chapter 4 : Arkansas), Michael Baker International has determined that the analysis remains valid for use in subsequent environmental documents.

⁹ <https://www.fws.gov/media/recommended-best-practices-communication-tower-design-siting-construction-operation>