

FEDERAL COMMUNICATIONS COMMISSION
FACT SHEET: Site Testing Involving Ground Disturbance

The National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) are statutes requiring federal agencies to identify environmental resources and consider the potential impact of a proposed federal action prior to any construction that may affect such resources. To evaluate the impact of a project on environmental and historic resources, project proponents may need to undertake preliminary site evaluation before environmental review is complete.

What is the FCC's policy regarding which project activities may take place prior to a NEPA decision?

- a. Applicants may perform limited, preliminary site evaluation activities prior to a NEPA decision.
- b. Applicants must complete the NEPA process, however, before initiating ground disturbing construction activities, such as constructing new access roads, or installing utilities, foundations, or any other parts of a facility.

What activities are considered preliminary site evaluation activities?

- a. Wetland delineation.
- b. Archaeological investigation.
- c. Endangered species assessments.
- d. Geotechnical exploration.

What safeguards should applicants take to ensure site evaluation activities qualify as limited and preliminary?

- a. **Minimize impact.** Applicants should limit any testing conducted prior to the completion of environmental review to the minimum size (volume), depth, and number of soil cores or test pits necessary to adequately assess the project site.
- b. **Limit site access.** Creating a road or trail is not a site evaluation activity. Accordingly, if applicants need to use machinery and vehicles for soil boring or other preliminary site evaluation, they should use existing roads and trails to access the project site.
- c. **Biological review.** Before conducting soil boring, a qualified biologist or the United States Fish and Wildlife Service (USFWS) should review the USFWS online database, *Information for Planning and Consultation* (IPaC) site and IPaC results, to determine if protected species may be present in project areas and to determine the potential for adverse effects to protected species and critical habitats from the scope and manner of the proposed soil boring. *See* 50 C.F.R. § 402.13. Applicants should proceed with soil boring only after an applicant's biologist or the USFWS determines that adverse effects are unlikely.
- d. **Archaeological review.** Applicants should retain a qualified archaeologist, *see* 36 CFR Part 61, to complete a desk review and initial assessment of the archaeological sensitivity of the site prior to any ground disturbing activity. Activities should proceed only in areas that have been reviewed and cleared by the archaeologist as having low or no potential to affect historic properties.