

Exhibit E: Permitting Guidelines and Regulatory Compliance (Including CNMI One-Start Process Details)

CNMI Broadband Equity, Access, and Deployment (BEAD) Program Subgrant Agreement between CNMI BPD and [Subgrantee Name]

Field	Detail
Project Name/Identifier	[Unique Name or Identifier from Exhibit A]
Subgrantee	[Full Legal Name of Subgrantee]
BPD Subgrant Award Identifier	[BPD Assigned ID]

1. Introduction and Purpose

This Exhibit provides guidance to the Subgrantee regarding the necessary permits, regulatory approvals, easements, and rights-of-way (ROW) required for broadband infrastructure deployment projects funded under the CNMI BEAD Program.

Compliance with all applicable **federal, CNMI territorial, and local permitting requirements is the sole responsibility of the Subgrantee**. The Subgrantee is responsible for addressing known or potential obstacles or barriers to successful deployment and ensuring adherence to statutory requirements. The CNMI BPD encourages Subgrantees to initiate the permitting and right-of-way processes as early as possible to minimize construction delays.

2. Mandatory Pre-Construction Clearance (NTPC)

Obtaining all necessary permits and regulatory clearances is a mandatory prerequisite for the CNMI BPD to issue the **Notice to Proceed with Construction (NTPC)**. **Construction and ground-disturbing activities cannot commence** until the Subgrantee receives the NTPC, as all Environmental and Historic Preservation (EHP) requirements must be completed first.

The Subgrantee must provide copies of **all required permits, easements, and rights-of-way** to the BPD *prior* to the NTPC being issued.

3. CNMI Permitting and Barrier Reduction Mechanisms

The CNMI BPD has ongoing plans to reduce costs and barriers to deployment, including promoting streamlined permitting processes.

- A. **CNMI One-Start Permitting Process:** The CNMI already has a **streamlined One-Start Permitting Process** designed to ensure efficiency and timely review.
- B. **Key CNMI Permitting & Access Agencies:** The Subgrantee must coordinate with CNMI entities including:
 - a. Agencies involved in environmental review, such as the Historic Preservation Office (HPO), the Division of Coastal Resources Management (CRM), and the Division of Environmental Quality (DEQ/BECQ).
 - b. Utility owners, such as the **Commonwealth Utilities Corporation (CUC)**, regarding pole attachment access.
 - c. Agencies responsible for Rights-of-Way (ROW) access and land use.
- C. **CNMI EHP Permitting Firm Support:** The CNMI BPD has issued an RFP for a qualified **EHP Permitting Firm**. The Subgrantee is obligated to cooperate with BPD and this firm to:
 - a. Navigate **EHP regulations**.
 - b. Ensure compliance with the **National Historic Preservation Act (NHPA) Section 106** review process, the **Endangered Species Act (ESA) Section 7** consultation process, and compliance related to **Waters of the US (WOTUS)/Wetlands** and the **Coastal Zone Management Act (CZMA)**.
 - c. Assist in obtaining necessary federal, CNMI, and local permits to **expedite approvals**.

4. Alignment with NTIA Oversight and RPN Requirements

The Subgrantee must integrate federal compliance tools into its planning and deployment process:

- A. **Joint Lead Agency Status:** The CNMI BPD is designated as a **joint lead agency** with NTIA for National Environmental Policy Act (NEPA) review. The Subgrantee must cooperate fully with BPD in generating NEPA project records.
- B. **Mandatory Use of ESAPTT:** All Eligible Entities are **required to use the Environmental Screening and Permitting Tracking Tool (ESAPTT)** within the NTIA Grants Portal. The Subgrantee must provide the necessary data to BPD to facilitate the use of ESAPTT to create NEPA project records and document categorical exclusions and extraordinary circumstances.
- C. **Permitting Milestone Tracking:** The Subgrantee must provide a **milestone schedule** identifying specific deadlines and descriptions for the completion of consultations, reviews, and permit acquisition. The CNMI BPD is encouraged to utilize ESAPTT's permitting tracking capacity to evaluate and track the Subgrantee's NEPA milestone schedules and to **escalate Federal right-of-way permitting issues to NTIA** for interagency resolution when needed.

5. Subgrantee Obligations

The Subgrantee must adhere to the following procedural requirements:

- **Network Design:** The network design must incorporate **climate-resilient practices** (e.g., underground construction methods) appropriate for the CNMI environment (typhoons, flooding) to ensure reliability and resilience.
- **Proof of Permits:** The Subgrantee must submit **proof that all necessary permits, easements, and rights-of-way have been obtained** prior to the issuance of the NTPC.
- **Record Maintenance:** The Subgrantee must maintain meticulous records of all permit applications, correspondence, and permits received for auditing purposes.
- **Coordination:** The Subgrantee must ensure direct engagement and coordination with **local political subdivisions, community-based organizations, and other stakeholders** to secure necessary permits, rights-of-way, and easements, and to resolve local concerns affecting deployment.