

# Programmatic NEPA Reviews



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# Programmatic Review

A programmatic NEPA review, like project- or site-specific NEPA reviews, must address the potentially significant environmental impacts of a proposed action.

## PROGRAMMATIC REVIEWS

Programmatic analyses provide a broad view of environmental impacts and benefits for a program with many anticipated actions.

Programmatic NEPA reviews, such as Programmatic Environmental Assessments (PEAs) or Programmatic Environmental Impact Statements (PEISs), can be developed for rulemakings, or establishing a policy, program, or plan. Subsequent NEPA decisions for actions associated with the rulemaking, policy, program, or plan analyzed can build off these completed programmatic analysis.

## PROGRAMMATIC REVIEW USE CASES



**Official Policy:** Decision to adopt in a formal document an official policy that would result in or substantially alter agency programs.



**Formal Plans:** Decision to adopt formal plans, such as documents that guide or constrain alternative uses of Federal resources, upon which future agency actions will be based.



**Multiple Projects or Programs** that are temporally or spatially connected and that will have a series of associated or subsequent decisions.



**Agency Programs:** Decision to proceed with a group of concerted actions to implement a specific policy or plan; e.g., an organized agenda with defined objectives to be achieved during implementation of specified activities.

For more information on Programmatic NEPA reviews, see the CEQ's [Effective Use of Programmatic NEPA Reviews](https://ceq.doe.gov/docs/ceq-regulations-and-guidance/Effective_Use_of_Programmatic_NEPA_Reviews_Final_Dec2014_searchable.pdf).



Source: Council on Environmental Quality (CEQ), "Effective Use of Programmatic NEPA Reviews", NTIA, published on December 18, 2014, [https://ceq.doe.gov/docs/ceq-regulations-and-guidance/Effective\\_Use\\_of\\_Programmatic\\_NEPA\\_Reviews\\_Final\\_Dec2014\\_searchable.pdf](https://ceq.doe.gov/docs/ceq-regulations-and-guidance/Effective_Use_of_Programmatic_NEPA_Reviews_Final_Dec2014_searchable.pdf).

# Benefits of Programmatic Reviews

Programmatic NEPA streamlines environmental reviews, reduces redundancies, and produces a more comprehensive environmental assessment.



## Increased Transparency

Programmatic reviews allow for clearer and more transparent governmental decision making.



## Avoid Duplications

Programmatic reviews reduce the need for repetitive analyses and focus subsequent reviews on specific issues.



## Streamline Regulatory Process

Programmatic reviews create an efficient path to resolve major issues and alternatives at the program level, which can simplify subsequent project-level reviews.



## Improved Environmental Assessment

Programmatic reviews allow for a broader assessment of cumulative effects which provides opportunities to enact comprehensive, program-wide avoidance and mitigation measures or strategies.

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# Tiering of NEPA Reviews

NEPA reviews can be “tiered” to first consider the broad, general impacts of proposed program, plan, policy, or large scope project and then conduct subsequent, narrower, decision-focused reviews.

## Programmatic Level (Tier I)

**Scope:** Assesses general impacts of a proposed major action, policy, or program that spans a wide geographical area or a variety of projects. Key sources include existing national or regional policies and statistical data.

**Purpose:** Evaluates broader impacts and alternatives at a conceptual level without getting into the detailed specifics of individual projects or locations.

**Output:** Results in a PEIS or PEA that addresses large-scale environmental, social, and economic impacts and identifies broad mitigation strategies.

## Project- or Site-Specific Level (Tier II)

**Scope:** Reviews individual projects or components within the broader program assessed in the first tier. Key sources include site-specific data such as field work, sample analysis, statistical data, and local monitoring data.

**Purpose:** Assesses detailed local impacts using the framework and findings from the first tier, thus avoiding the repetition of general issues already covered.

**Output:** Results in a site-specific analysis that provides detailed evaluation of local environmental issues, site-specific mitigation measures, and project-level alternatives.

# Tiered Environmental Review

The Fiscal Responsibility Act of 2023 encourages the use of tiered programmatic NEPA reviews. The first tier of environmental review analyzes the broad program, and subsequent tiers examine individual projects in more detail.

## Categorical Exclusion (CATEX)

CATEXs are a category of actions that the agency has determined **do not individually or cumulatively have a significant effect on the environment**. An analysis of the environmental considerations of the proposed actions, including screening for Extraordinary Circumstances, must be completed to determine whether a CATEX can apply.

TIMING

Analyses and consultations required for CATEX preparation may take **approximately 3-6 months or more**.

## Extraordinary Circumstances

Any action that normally would be classified as a CATEX but **also contains an Extraordinary Circumstances** will require further environmental analysis, such as an EA by the NEPA lead agencies.

To reduce duplicative NEPA reviews, grantees and subgrantees **use the PEIS to “Tier” off a programmatic analysis**.

The preparation of an EA may take **approximately 6-12 months** to complete.

## Tiered NEPA Options

A valid FirstNet PEIS analysis of the broad, general impacts of BEAD deployments will support subsequent, narrower, decision-focused reviews. Tiering off the PEIS may:

- Allow NTIA to issue a **Record of Environmental Consideration (REC)** in lieu of requiring an EA
- When an EA is required, enable incorporation of analyses by reference, reducing time and effort in a “Tiered EA.”

Lead agencies can **expedite NEPA decision making** for actions considered in the PEISs by applying programmatic analyses.

# FirstNet PEIS Highlight

In 2017, First Responder Network Authority prepared five regional PEISs to support NEPA compliance for broadband deployments in all 56 states and territories. In July 2024, NTIA adopted the PEISs to support tiered NEPA reviews for BEAD and other NTIA grant program.

- The First Responder Network Authority is an independent agency within the U.S. Department of Commerce's National Telecommunications and Information Administration.
- FirstNet's mandate includes planning and deploying telecommunication and broadband infrastructure across the United States and its territories to construct the National Public Safety Broadband Network.
- The FirstNet Regional PEISs contain NEPA analyses of the potential impacts of broadband deployment activities in each state and territory that may be applied to support NEPA reviews of BEAD projects.

## FIRSTNET REGIONAL PEIS

- West Region
- Central Region
- South Region
- East Region
- Non-Contiguous Region



Figure ES4-1: FirstNet PEIS Regions of Analysis

# Tiered Environmental Assessments

Analyses from the First Responder Network Authority's PEISs can be incorporated into Environmental Assessments for NTIA-funded projects that cannot be categorically excluded.

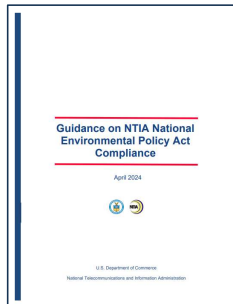
- Tiering has the advantage of not repeating information that has already been sufficiently considered at the programmatic level to focus and expedite the preparation of the tiered NEPA review(s).
- When a PEA or PEIS has been prepared and an action is one anticipated in, consistent with, and sufficiently explored within the programmatic NEPA review, the agency need only summarize the issues discussed in the broader statement and incorporate discussion from the broader statement by reference and concentrate on the issues specific to the subsequent tiered proposal.(40 CFR § 1502.20)
- Certain issues like National Historic Preservation Act Section 106 consultation and Endangered Species Act Section 7 consultation are not generally sufficiently covered by the PEIS and must be considered in the subsequent project specific tiered NEPA analysis.



For additional information and resources, please visit NTIA's [Technical Assistance Hub](#).

# NTIA's Guidance on NEPA & Tiering

NTIA guidance encourages tiering off NEPA reviews for all major federal actions from NTIA, including undertakings by grantees of the Internet For All programs.



[Guidance on NTIA  
National Environmental  
Policy Act Compliance](#)

## *Guidance on Tiering*

*“NTIA shall tier environmental documents to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review, per the CEQ regulations and as appropriate. When a programmatic EIS has been prepared, NTIA or an Applicant need only summarize the issues discussed in the broader environmental document, incorporate discussions from the broader environmental document by reference, and focus the tiered document on issues specific to the subsequent action.”*

*- Guidance on NTIA National Environmental Policy Act Compliance*

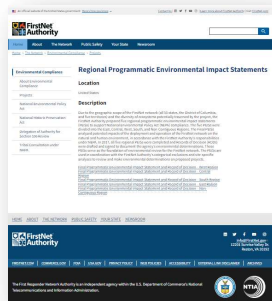


# Key Resources

Consult the FirstNet PEISs for the East, Central, West, South, and Non-Contiguous Regions to find Chapters for each State and Territory. NTIA NEPA Compliance Guidance includes information on tiered reviews.

## FIRSTNET REGIONAL PEIS CHAPTERS

See the First Responder Network Authority Regional PEIS [webpage](#) to access content relevant to your project.



[FirstNet Regional PEIS List](#)

## NEPA Tiered Environmental Assessment Guidance and Template

NTIA's Tiered EA Guidance provides a table-formatted template with pre-populated text and prompts for site-specific narrative.

