



BEAD Guidance on NEPA and NHPA for LEO Satellite Service

October 2025

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 proposed federal actions prior to construction that may affect such resources.

In June 2025, NTIA released new NEPA procedures ([*Guidance on NTIA National Environmental Policy Act Compliance*](#)) that integrate NEPA into agency decision-making and establish how NTIA will typically fulfill its requirements under NEPA. Section III of the procedures require NTIA to determine that NEPA does not apply to proposed agency actions under certain conditions, including “non-Federal actions with no or minimal Federal involvement where a Federal agency cannot control the outcome of the project.”¹

NTIA’s Broadband Equity, Access, and Deployment (BEAD) program will expand the availability of broadband infrastructure to unserved and underserved locations. The program promotes broadband adoption, but subscription to a broadband service is not a mandatory requirement for a residence or business to be considered a “broadband serviceable location” (BSL).

Eligible Entities may award BEAD subgrants to Low Earth Orbit (LEO) Satellite providers to reserve sufficient capacity to deliver broadband service that meets the BEAD performance and technical requirements to BSLs. Because “LEO Capacity Subgrants” do not fund a defined portion of the transmission network in the same way land-based systems are funded, NTIA is not taking a federal interest in this transmission infrastructure. Moreover, NTIA has minimal involvement with the installation of LEO satellite dishes and communications infrastructure on private structures receiving such service.

What is NTIA's policy regarding NEPA applicability for “final connection” infrastructure that creates communications connections to and within private homes or buildings, including LEO Satellite dishes?

- a. NTIA cannot control the outcome of a private owner’s discretionary access to broadband, including how such services are supported on or within private property, so NTIA may determine that NEPA does not apply to the final connection link from the network to these specific locations.
- b. Grantees or sub-grantees receiving NTIA-funding to construct or improve commercial satellite ground stations, earth stations, or teleports to support last mile service are

¹ See Section III(f)i and reference Section **111(10)** of NEPA, 42 U.S.C. § 4336e(10).

subject to NEPA and must complete environmental review before initiating any associated ground disturbing construction activities.

What consumer premise infrastructure and activities are exempt from NEPA as LEO Satellite and Fixed Wireless Access Equipment?

- a. Individual subscriber or independent third-party installation of consumer-owned, over-the-air reception devices (including satellite dishes and parabolic antennas) and routers and modems.
- b. The purchase, storage, installation and/or use by consumers of antennas, receivers, routers, modems, interior and exterior wireless access points, switches, cabling, network equipment, servers, radios, repeaters, and premise equipment, located on the private consumer premises.

What steps must Eligible Entities take to confirm and document that LEO Satellite projects qualify as exempt from NEPA?

- a. Final proposal data on all BEAD Subgrant Projects will be uploaded to ESAPTT to create NEPA Project Records. Eligible Entity NEPA Specialists will identify excluded satellite projects within the system, which will document the determination.

What is NTIA's policy regarding the applicability of Section 106 of the National Historic Preservation Act to LEO Satellite and Fixed Wireless Access to privately owned residences and businesses?

- a. NTIA cannot control the outcome of a private owner's discretionary access to LEO Satellite service, including how such services are supported on or within their property. Because NTIA lacks jurisdiction to approve or take appropriate action as a result of Section 106 compliance, these activities do not meet the Advisory Council on Historic Preservation's definition of an undertaking.²

What is NTIA's policy regarding the applicability of Section 7 of the Endangered Species Act to LEO Satellite and Fixed Wireless Access to privately owned residences and businesses?

- a. NTIA has conducted extensive interagency collaboration with the U.S. Fish and Wildlife Service to develop [a list of activity types that NTIA has determined will have "no effect"](#) on listed species or designated critical habitat, and therefore do not require Section 7 consultation, with conditions where appropriate. Recipients should consult *Appendix A: Broadband Deployment Activities Exempt from Endangered Species Act Section 7 Consultation* to confirm that these activities qualify as exempt from consultation.

² 36 CFR § 800.16(y).