Frequently Asked Questions (FAQ)

NEPA for BEAD Version 2.0

U.S. Department of Commerce

National Telecommunications and Information Administration

Frequently Asked Questions (FAQ)

NEPA for BEAD ESAPTT

June 26, 2025

1. What is the Environmental Screening and Permitting Tracking Tool (ESAPTT)?

The National Telecommunications and Information Administration (NTIA) developed ESAPTT, a Salesforce-based tool, as an IT solution to support paperless environmental reviews and expedite NEPA approvals for the Broadband Equity Access and Deployment (BEAD)* Program. ESAPTT integrates with NTIA's Grants Portal (NGP) and includes two main features:

> (1) Environmental Screening Questionnaires that assist Eligible Entities in identifying projects that can be categorically excluded, uploading supporting documents, and obtaining a final NEPA decision; and
>
> (2) Permitting Tracking Dashboards to help Eligible Entities validate, monitor, and manage resource and right of way permits and supports the escalation of permitting challenges to NTIA.

ESAPTT is not currently available to support other NTIA programs (e.g., Middle Mile).

2. Does NEPA apply to every BEAD funded infrastructure project? Will all projects require screening and submission in ESAPTT?

The BEAD Restructuring Policy Notice requires Eligible Entities to use the Environmental Screening capabilities in ESAPTT to identify applicable categorical exclusions, enable paperless transmission of environmental documents, and generate draft and final NEPA documents for all BEAD deployments subject to NEPA. Use of the Permitting Tracking functionality is optional. Please see the [BEAD Restructuring Program Policy Notice](#) for details.

As a "joint lead agency" for NEPA, Eligible Entities will prepare, supervise, or review project specific environmental documentation for each BEAD deployment prior to uploading information to ESAPTT.

3. Can ESAPTT be utilized by projects that have multiple sources of funding where one source is not NTIA (e.g. CPF/BEAD)?

ESAPTT supports NTIA's environmental review requirements for BEAD. The NTIA permitting team can advise on options where other federal agencies may be providing funding or issuing permits for a project receiving NTIA funding.

4. Does ESAPTT make NEPA expertise irrelevant or unnecessary?

No. Eligible Entities must have qualified professionals certify the sufficiency of NEPA documents prior to completing the Environmental Screening Questionnaire by preparing such documentation or by supervising subgrantees' preparation of draft documents, independently reviewing those drafts, and verifying that draft documents meet the requirements of NEPA prior to transmittal to NTIA. ([BEAD General Terms and Conditions](#) 13.B)

5. **When will NTIA make ESAPTT available? Please clarify the expectation of timing of use of the tool in relation to subgrantee selection and approval of the Final Proposal.**

An Eligible Entity's Authorized Organizational Representative (AOR) can access ESAPTT after submitting a Final Proposal with subgrant projects to NTIA. The AOR will create their NEPA User(s) and NTIA will bulk upload the subgrant information to create NEPA Project records. The NEPA User can then begin screening BEAD projects but will need subgrantee information including a project map file, a detailed project description, and documentation of the site-specific environmental analyses (e.g., Endangered Species Act Section 7, National Historic Preservation Act Section 106) to complete the screening and generate a draft NEPA decision memo for NTIA's review.

The BEAD General Terms and Conditions direct Eligible Entities to condition their subgrant awards on the timely preparation of NEPA documents and completion of permitting. Potential subgrantees can initially identify permit requirements and environmental considerations for the areas they may propose to serve by using NTIA's publicly available [Permitting and Environmental Information Application](.).

6. **How many NEPA Users can an AOR assign? Is it possible to have providers/subrecipients receive login credentials and directly enter relevant information for review by the SBO/TBO NEPA specialist?**

The AOR will determine and authorize up to ten NEPA Users for their organization based on how the state or territory has elected to obtain the expertise necessary to fulfill its responsibility to act as a joint lead agency for NEPA. Salesforce is a licensed environment, and ESAPTT access is limited to the AOR, NEPA Users, and NTIA staff.

7. **How are project IDs assigned?**

NTIA will establish BEAD Project IDs from the Final Proposal. ESAPTT will assign the BEAD Project ID as the NEPA Project ID where these are identical. ESAPTT can also support projects where the BEAD Project ID represents a subgrant project area that includes multiple NEPA project areas (e.g., a subgrant award includes discontiguous project areas with "independent utility"). Eligible Entities anticipating this scenario should contact their NTIA Federal Program Officer for further guidance.

8. **What types of permits does the ESAPTT Permitting Tracking tool allow users to enter, track, and update?**

ESAPTT will import information from [NTIA's Permitting and Environmental Information Application](.) to automatically generate federal permit entries for BEAD projects that overlap federal lands. Users that elect to use the Permitting Tracking tool can enter, track, and update additional federal, state, and local/private permit records.

9. **If a project crosses federal land, does the provider have to go through the NEPA process and receive a permit from the federal land management agency(ies) prior to the state entering the information into ESAPTT?**

No. Once NTIA receives the final proposal and creates NEPA Records for the state or territory, NEPA Users will have access to initiate environmental screening for subgrant projects in ESAPTT. ESAPTT will assist the NEPA User in identifying applicable categorical exclusions, completing NTIA's NEPA review, and receiving NTIA approval.

Federal right of way and resource permits are subject to the environmental and real estate requirements of the permitting agency; these requirements must be fulfilled to receive the permit to begin construction in the area under federal jurisdiction, however it is possible to conclude NTIA's NEPA process before the permit is issued. Once NTIA approves the ESAPTT filing and issues a Final NEPA Decision Memo, construction may begin in areas that are not subject to pending statutory requirements or authorizations.

10. **Where can I find a recording of the ESAPTT Environmental Screening demo?**

State and Territory Broadband Offices and their permitting teams can access the demo recording here: NTIA ESAPTT Demonstration Webinar.

Appendix:

Environmental Screening and Permitting Tracking Tool (ESAPTT)

Environmental Screening Questionnaire

ESAPTT
Environmental Screening Questionnaire

This questionnaire previews information collected in the Environmental Screening and Permitting Tracking Tool (ESAPTT). Once NTIA creates NEPA Projects in ESAPTT from data collected with the final proposal, NEPA Users can access ESAPTT and upload a detailed project description and map to gain access to the Questionnaire. Questions and fields included on the form conditionally render in the online system and apply logic to identify potentially applicable categorical exclusions. Users must provide a response to each required question (denoted with *) and upload required information before transmitting a draft NEPA Decision Memo to NTIA for review and approval. Additional instructions are provided within ESAPTT and in the ESAPTT External User Guide.

Categorical Exclusions

Please answer the following questions to eliminate the Categorical Exclusions that do not apply to this project. You will then have an opportunity to select from the remaining potentially applicable Categorical Exclusion(s).

<u>**Section 1**</u>

* 1. Does the proposed project include the construction of buried and/or aerial telecommunications lines, cables, and related facilities? ⓘ

[▼]

* 1.1. Will fiber be added to transmission structures and/or buried in existing Rights of Way? ⓘ

[▼]

<u>**Section 2**</u>

* 2. Will new or existing communications systems be acquired, installed, operated, or removed for the proposed project? ⓘ

[▼]

* 2.1. Will system instruments be retrofitted, upgraded, repaired, or replaced? ⓘ

[▼]

* 2.2. Will the activities described in this section impact a structure that is eligible for listing in the National Register of Historic Places? ⓘ

[▼]

<u>**Section 3**</u>

* 3. Select all infrastructure elements and related activities that are included in the proposed project scope and answer associated questions:

☐ (3.1) Towers and directly related structures
☐ (3.2) New construction upon or improvement of land and/or non-tower structures
☐ (3.3) Modification of existing fiber optic cable
☐ (3.4) Existing buildings, roads, airfields, grounds, equipment, and other facility modifications

Towers and directly related structures:

* 3.1.1. Select all actions applicable to the proposed project: ⓘ

☐ Siting
☐ Construction/Installation
☐ Operation/Maintenance
☐ Retrofitting

* 3.1.2. Will the proposed tower actions require new ground disturbance? ⓘ

[▼]

* 3.1.2.1. What is the area of the ground disturbance? ⓘ

[▼]

* 3.1.2.2. Will the ground disturbance be located in a previously disturbed area? ⓘ

[▼]

* 3.1.3. Will the total height of any tower structure exceed 199'? ⓘ

[▼]

Categorical Exclusions – Continued

* 3.1.4. Will any tower structure require guy wires? ⓘ

▼

* 3.1.5. Will the actions selected in 3.1.1 impact any National Register of Historic Places eligible structure? ⓘ

▼

* 3.1.6. Will the construction of any tower structure trigger an Environmental Assessment or Environmental Impact Statement by another Federal Agency? ⓘ

▼

New construction upon or improvement of land and/or non-tower structures:

* 3.2.1. Select all actions applicable with the proposed project scope: ⓘ

☐ Construction or modification of aerial or buried utility, or communication systems that use existing Rights of Way, easements, grants of license, distribution systems, facilities, or similar arrangements
☐ New construction in developed area or on previously disturbed site
☐ Land improvement in developed area or on previously disturbed site
☐ Construction or improvement of operations or support facilities, switching stations, maintenance facilities, other non-tower structures on previously disturbed ground
☐ Construction or improvement of new temporary buildings or experimental equipment on previously disturbed ground
☐ Construction, land improvement, or modification of structures in an undeveloped area or on a pristine (undisturbed) site

* 3.2.2. Will any of the actions listed in 3.2.1 require new ground disturbance? ⓘ

▼

* 3.2.2.1. What is the area of ground disturbance for land improvements and non-tower structures? ⓘ

▼

* 3.2.2.2. Will the ground disturbance be located in a previously disturbed area? ⓘ

▼

* 3.2.3. Will any of the actions listed in 3.2.1 require ground disturbance in an undeveloped area or on a pristine (undisturbed) site? ⓘ

▼

* 3.2.4. Will all construction or improvement be compatible with local planning, zoning, and Coastal Zone Management Programs? ⓘ

▼

* 3.2.5. Will the site and scale of construction or improvement be consistent with the scale of existing, adjacent, or nearby buildings? ⓘ

▼

* 3.2.6. Does any construction or improvement require new local infrastructure (e.g., roads)? ⓘ

▼

Modification of existing fiber optic cable:

* 3.3.1. Select all actions applicable with the proposed project scope: ⓘ

☐ Modifications, changes, or upgrades of existing telecommunication lines, transmission lines, or aerial or buried utility or communication systems
☐ Pole replacement
☐ Rebuilding existing power or telecommunication lines

Categorical Exclusions – Continued

Will pole replacements:

* 3.3.2.1. Exceed 20% of the original pole quantity? ⓘ

[▼]

* 3.3.2.2. Be of similar appearance to the original pole structure(s)? ⓘ

[▼]

* 3.3.2.3. Be in or near the original pole location(s)? ⓘ

[▼]

* 3.3.2.4. Occur within the existing Right of Way? ⓘ

[▼]

* 3.3.3. Will any of the actions listed in 3.3.1 take place outside Rights of Way? ⓘ

[▼]

* 3.3.3.1. If outside Rights of Way, will action(s) be adjacent to Right of Way, new road, or easement? ⓘ

[▼]

Existing buildings, roads, airfields, grounds, equipment, and other facility modifications:

* 3.4.1. Select all actions applicable with the proposed project scope: ⓘ

☐ Exterior renovation, addition, repair, alteration, or demolition
☐ Internal renovations or additions
☐ General minor renovations and/or additions
☐ Purchase, lease, or use of existing facilities (or a portion thereof)
☐ Conducting new activities or operations in existing structures
☐ Installing, operating, maintaining, retrofitting, upgrading, repairing, removing, and/or replacing instruments
☐ Collocating equipment on instruments, structures, or buildings
☐ Changes to existing telecommunication facilities (including upgrades, changes, or additions)
☐ Acquisition, installation, operation, and/or removal of communication systems
☐ Close facilities, decommission equipment, or temporarily discontinue use of facilities or equipment
☐ Phase or voltage conversions, reconductoring, or upgrading of existing electric distribution lines or telecommunications facilities.

* 3.4.2. Will the actions listed in 3.4.1 result in a change in the functional use or operations of real property? ⓘ

[▼]

* 3.4.3. Will changes to telecommunications sites and structures require new physical disturbance or fencing of less than an acre? ⓘ

[▼]

* 3.4.4. Will the actions selected above impact any National Register of Historic Places eligible structures? ⓘ

[▼]

* 3.4.5. Will hazardous waste be disposed of at approved sites in accordance with all applicable laws, regulations, and requirements? ⓘ

[▼]

Extraordinary Circumstances & Best Management Practices

'Extraordinary Circumstances' can preclude the application of a Categorical Exclusion and trigger additional NEPA requirements. Please identify whether any of the extraordinary circumstances in NTIA's NEPA rules apply to the project, upload the associated environmental information and analyses, and answer all applicable questions.

* 1. Proposed action occurs within an environmentally sensitive or unique geographic area of notable recreational, ecological, scientific, cultural, scenic, or aesthetic importance.   ⓘ

▼

(1.a) Attach a map identifying the resource(s) and relationship to the project. (Optional)

[Upload a File]

(1.b) Provide any additional information needed to explain or support your answer. (Optional)

* 2. Proposed action may adversely impact species listed or proposed to be listed as Endangered or Threatened Species or have adverse effects on designated Critical Habitat for these species. ⓘ

▼

* (2.a) Will the proposed project have adverse impacts on Endangered or Threatened Species and/or designated Critical Habitat (including Essential Fish Habitat)? ⓘ

▼

* (2.a.1) Attach U.S. Fish & Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) and Section 7 consultation Information and/or Essential Fish Habitat (EFH) Assessment Report and National Marine Fisheries Service (NMFS) EFH data.

[Upload a File]

(2.a.2) Attach USFWS or NMFS Adverse Effect Opinion and related documentation. (Optional)

[Upload a File]

* (2.b) Does the proposed project require the deployment of submarine or underwater cable? ⓘ

Select an option ▼

(2.b.1) Information on underwater deployments: (Optional)

(2.M) Mitigation Commitments (Check all measures that will be implemented to avoid, minimize, or mitigate potential environmental impacts. Upload any supporting documentation.): (Optional)

- [ ] Ensure revegetation of native plants and follow seasonal restrictions on construction activity.
- [ ] Assess locations of roost sites for bats and avoid bridge crossings during breeding and hibernation season.
- [ ] Avoid construction activities or relocate infrastructure in areas with known locations of habitats for threatened and endangered species and/or critical habitats.
- [ ] Consolidate facilities and/ or modify deployment types by using aerial and buried fiber segments to minimize habitat loss for threatened and endangered species.
- [ ] Limit disturbance to the ground surface and vegetation during construction activities, including avoiding activities within 1000 feet of bald eagle nests during the nesting season.
- [ ] Avoid suspected vulnerable plant species and avoid impacts to the road shoulder where they are suspected to occur.
- [ ] Avoid removal/disturbance of vegetation during bird nesting season, surveys for sensitive species.
- [ ] Conduct pre-construction surveys and minimize herbicide/pesticide application to prevent impacts to species.
- [ ] Use manual labor in place of heavy machinery to reduce impacts in sensitive areas.
- [ ] Implement monitoring programs, adaptive management strategies, and conduct worker training that is reviewed and approved periodically.
- [ ] Change the route location, reroute new aerial and/or buried fiber segments or other infrastructure.
- [ ] Avoid permanent disturbance of habitat and/or define seasonal restrictions to ensure construction occurs outside of nesting periods.
- [ ] Conduct pre-construction surveys and minimize herbicide/pesticide application to prevent impacts to species and/or critical habitat.
- [ ] Minimize underwater construction noise in all aquatic habitats by minimizing vessel speed, using quieter equipment or technologies, or deploying bubble curtains or other noise screens during underwater work.

Describe any other measures that will be implemented to mitigate the potential for impact(s). (Optional)

Upload any supporting mitigation documentation. (Optional)

[Upload a File]

Extraordinary Circumstances & Best Management Practices – Continued

* 3. Proposed action may adversely impact protected migratory birds or their habitats. ⓘ ●

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(3.a) Attach any additional relevant documents. (Optional)

[Upload a File]

(3.b) Provide any additional information needed to explain or support your answer. (Optional)

(3.M) Mitigation Commitments (Check all measures that will be implemented to avoid, minimize, or mitigate potential environmental impacts. Upload any supporting documentation.): (Optional)

☐ Remove vegetation outside of the active nesting season for migratory birds.

☐ Avoid permanent disturbance of habitat and/or follow seasonal restrictions to ensure construction occurs outside of nesting periods.

☐ Limit disturbance to the ground surface and vegetation during construction activities, including avoiding activities within 1000 feet of bald eagle nests during the nesting season. Remove vegetation outside of the active nesting season for migratory birds.

☐ Conduct nest surveys for migratory birds prior to construction activities. Avoid permanent disturbance of habitat and/or follow seasonal restrictions to ensure construction occurs outside of nesting periods.

☐ To the extent feasible, avoid Important Bird Areas (IBAs) and other known important bird habitats. Limit disturbance to the ground surface and vegetation during construction activities, including avoiding activities within 1000 feet of bald eagle nests during the nesting season.

☐ Install migratory bird exclusion devices to discourage nest construction on tower sites. Conduct nest surveys for migratory birds prior to construction activities.

☐ Avoid development in areas containing high densities of breeding or wintering birds, in high wildlife use areas, migratory staging areas, and other publicly owned properties. Avoid Important Bird Areas (IBAs) and other known important bird habitats.

Describe any other measures that will be implemented to mitigate the potential for impact(s). (Optional)

Upload any supporting mitigation documentation. (Optional)

[Upload a File]

*
4. Proposed action may adversely affect historic, archeological, or cultural sites, including Native American Traditional Cultural Properties, properties listed or eligible for listing on the National Register of Historic Places. ⓘ

<div style="border:1px solid #ccc">▼</div>

* (4.a) Was a Program Comment for Federal Communications Project used for this project?

<div style="border:1px solid #ccc">▼</div>

* (4.b) Was a Duplicative Wireless Review Program Comment used for towers?

<div style="border:1px solid #ccc">▼</div>

* (4.c) Was a Programmatic Agreement or Memorandum of Agreement executed?

<div style="border:1px solid #ccc">▼</div>

* (4.d) Attach Section 106 Documentation (e.g., Program Comment form, State Historic Preservation Office (SHPO) concurrence, etc.)

[Upload a File]

Provide any additional information needed to explain or support your answer. (Optional)

Extraordinary Circumstances & Best Management Practices – Continued

(4.M) Mitigation Commitments (Check all measures that will be implemented to avoid, minimize, or mitigate potential environmental impacts. Upload any supporting documentation.): (Optional)

- [ ] Contain all work within the disturbed portion of public right of ways and associated ditch back slopes.
- [ ] Implement approved Survey Plan.
- [ ] Implement approved Monitoring Plan.
- [ ] Engage a Tribal monitor in areas of sensitivity for Tribal resources.
- [ ] Implement mitigations formally established in a Programmatic Agreement or Memorandum of Agreement.
- [ ] Select infrastructure locations that are screened by topography and/or vegetation and that do not require noticeable permanent changes in landforms or vegetation.

Describe any other measures that will be implemented to mitigate the potential for impact(s) (Optional)

[   ]

* 5. Proposed action that restricts access to and ceremonial use of Indian sacred sites by Indian practitioners or adversely affects the physical integrity of such religious sacred sites.

[▼]

(5.a) Attach any relevant documents. (Optional)

[Upload a File]

(5.b) Provide any additional information needed to explain or support your answer. (Optional)

[   ]

* 6. Proposed action occurring in floodplains or involving significant changes to or effects on waterbodies, wetlands, floodplains, water quality, sole source aquifers, public water supply systems or state, local, or tribal water quality standards established under the Clean Water Act or the Safe Drinking Water Act.

[▼]

* (6.a) Will any portion or element of the project occur within and involve significant changes to or effects on a floodplain? ⓘ

[▼]

(6.a.1) Attach Federal Emergency Management Agency (FEMA) Flood Map. (Optional)

[Upload a File]

(6.a.2) Attach any relevant documents. (Optional)

[Upload a File]

(6.a.3) Provide any additional information needed to explain or support your answer. (Optional)

[   ]

(6.a.M) Mitigation Commitments (Check all measures that will be implemented to avoid, minimize, or mitigate potential environmental impacts. Upload any supporting documentation.): (Optional)

- [ ] Implement management plan for water quality protection.
- [ ] Implement vegetation management and restoration plan.
- [ ] Implement management plan for erosion and sediment control.
- [ ] Implement Storm Water Pollution Prevention Plan (SWPPP).
- [ ] Implement Spill Prevention, Control, and Countermeasure Plan (SPCC).
- [ ] Restrict construction activities on or near the river or within floodplains (other than modification to existing facilities).
- [ ] Ensure any development proposed in a floodway or floodplain meets or exceeds state or local regulations.
- [ ] Place materials storage and staging areas outside of waterways and floodplains.
- [ ] Utilize directional boring techniques or aerial deployment or attaching to existing bridges to avoid wetlands and floodplains. Avoid construction through waterways.
- [ ] Stay within existing infrastructure footprint and not disturbing surface water or floodplain resources.

Describe any other measures that will be implemented to mitigate the potential for impact(s). (Optional)

[   ]

Upload any supporting mitigation documentation. (Optional)

[Upload a File]

13

Extraordinary Circumstances & Best Management Practices – Continued

* (6.b) Does the project involve significant changes to or effects on waterbodies or wetlands, including the deployment of submarine or underwater cable? ⓘ

[▼]

   * (6.b.1) Attach U.S. Fish & Wildlife Service (USFWS) National Wetlands Inventory map.

   [Upload a File]

   (6.b.2) Attach any relevant documents, including, if applicable, details on the submarine cable deployment. (Optional)

   [Upload a File]

   (6.b.3) Provide any additional information needed to explain or support your answer. (Optional)

   [   ]

   (6.b.M) Mitigation Commitments (Check all measures that will be implemented to avoid, minimize, or mitigate potential environmental impacts. Upload any supporting documentation.): (Optional)

- [ ] Implement management plan for Wetlands.
- [ ] Implement vegetation management and restoration plan.
- [ ] Implement management plan for water quality protection.
- [ ] Implement management plan for erosion and sediment control.
- [ ] Implement Storm Water Pollution Prevention Plan (SWPPP).
- [ ] Implement Spill Prevention, Control, and Countermeasure Plan (SPCC).
- [ ] Avoid above and belowground wetland crossings. When crossing a wetland is unavoidable, take advantage of already disturbed areas such as easements, roads, roadway shoulders, bridges, or old rail-road beds.
- [ ] Incorporate measures to minimize erosion, sedimentation, and turbidity from stormwater discharge during construction.
- [ ] Install perimeter silt fences and locating equipment refueling and staging areas on inactive roads or away from wetland and riparian area.
- [ ] Utilize directional boring techniques or aerial deployment or attaching to existing bridges to avoid wetlands and floodplains. Avoid construction through waterways.
- [ ] Obtain applicable Section 404 and Section 10 permits, Wetland Delineation Study, as well as a Water Quality Certification under Section 401.
- [ ] Stay within existing infrastructure footprint and not disturbing surface water or floodplain resources.
- [ ] Minimize in-stream work to the extent practicable. Route the stream crossing to minimize the number of waterbody crossings where waterbodies meander or have multiple channels.
- [ ] Maintain natural drainage patterns to the extent practicable by installing culverts in sufficient number and size to prevent ponding, diversion, or concentrated runoff.
- [ ] Minimize ground disturbance in or near waterbodies during construction, by minimizing the total area of bare soil, restoring native vegetation, and using erosion control blankets.
- [ ] Prohibit use of herbicides or pesticides within 100 feet of any wetland (unless allowed or required by the appropriate land management, tribal, or federal, state, or local agency).
- [ ] Avoid stockpiling material from directional drilling in a wetland, or where the stockpile could cause sedimentation into a wetland or dam water, causing flooding of a wetland area. Avoid setting up drilling equipment in a wetland.
- [ ] Conduct dewatering in a manner that prevents erosion and prevents heavily silt-laden water from flowing directly into any wetland or waterbody if dewatering during an excavation.
- [ ] Implement a marine observer program during construction and operation to avoid and minimize boat strikes.
- [ ] Do not permit the use of underwater blasting and pile driving activities in any waterbody.

   Describe any other measures that will be implemented to mitigate the potential for impact(s). (Optional)

   [   ]

* (6.c) Does the project involve significant changes to, or effects on water quality, sole source aquifers, or public water supplies? ⓘ

[.   ▼]

   (6.c.1) Attach relevant maps. (Optional)

   [Upload a File]

   (6.c.2) Attach any relevant documents. (Optional)

   [Upload a File]

   (6.c.3) Provide any additional information to help explain your determination. (Optional)

   [   ]

Extraordinary Circumstances & Best Management Practices – Continued

(6.c.M) Mitigation Commitments (Check all measures that will be implemented to avoid, minimize, or mitigate potential environmental impacts. Upload any supporting documentation.): (Optional)

- ☐ Implement management plan for water quality protection.
- ☐ Implement management plan for erosion and sediment control.
- ☐ Implement Storm Water Pollution Prevention Plan (SWPPP).
- ☐ Implement Spill Prevention, Control, and Countermeasure Plan (SPCC).
- ☐ Avoid actions that could potentially impact a sole source aquifer.
- ☐ Maintain natural drainage patterns to the extent practicable by installing culverts in sufficient number and size to prevent ponding, diversion, or concentrated runoff.

Describe any other measures that will be implemented to mitigate the potential for impact(s). (Optional)

[   ]

Upload any supporting mitigation documentation. (Optional)

[Upload a File]

Pursuant to EO 14154, Unleashing American Energy (Jan. 20, 2025), EO 14096 has been revoked.

7. Proposed action may have a disproportionate and adverse human health or environmental effect on low-income populations, minority populations, or other communities with environmental justice concerns, as defined in EO 14096. ⓘ

[▼]

* 8. Proposed action involving construction impacts on or near an active, inactive, or abandoned contaminated or hazardous waste site, or involving non-permitted generation, transportation, treatment, storage, or disposal of substances hazardous to human health or the environment, unless NTIA determines the action is consistent with an approved remediation plan for the site. ⓘ

[▼]

(8.a) Attach any relevant documents, map identifying locations of known soil/water contamination and Site Specific Health and Safety Plans, Standard Operating Procedures for site preparation activities, and Emergency Response Plan, if applicable. (Optional)

[Upload a File]

(8.b) Provide any additional information needed to explain or support your answer. (Optional)

[   ]

* 9. Proposed action would involve human exposure to ionizing or non-ionizing radiation or use of any radiation in excess of the Federal Communications Commission's established Maximum Permissible Exposure limits for human exposure to Radiofrequency Electromagnetic Energy fields. ⓘ

[▼]

(9.a) Attach any relevant documents, including equipment specifications sheet, if applicable. (Optional)

[Upload a File]

(9.b) Provide any additional information needed to explain or support your answer. (Optional)

[   ]

Extraordinary Circumstances & Best Management Practices – Continued

*10. Proposed action is controversial because of the introduction or employment of unproven technology, highly scientifically uncertain or unique environmental effects, substantial disagreement over the possible size, nature, or effect on the environment, or likelihood of degrading already existing poor environmental conditions. ⓘ

[▼]

(10.a) Attach any relevant documents. (Optional)

[Upload a File]

(10.b) Provide any additional information needed to explain or support your answer. (Optional)

[   ]

*11. Proposed action may violate a Federal, Tribal, state, or local law, regulation, policy, or requirement imposed for the protection of the environment. ⓘ

[▼]

(11.a) Attach any relevant documents. (Optional)

[Upload a File]

(11.b) Provide any additional information needed to explain or support your answer. (Optional)

[   ]

*12. Proposed size or scope of action is greater than is normal for an action of its type. ⓘ

[▼]

(12.a) Attach any relevant documents. (Optional)

[Upload a File]

(12.b) Provide any additional information needed to explain or support your answer. (Optional)

[   ]

*13. Proposed action may cause other significant effects on human health or the environment that have not been otherwise addressed. ⓘ

[▼]

(13.a) Attach any relevant documents. (Optional)

[Upload a File]

(13.b) Provide any additional information needed to explain or support your answer. (Optional)

[   ]

Frequently Asked Questions (FAQ)

NEPA for BEAD

April 15, 2025

U.S. Department of Commerce

National Telecommunications and Information Administration

Introduction

This resource addresses Frequently Asked Questions about roles and responsibilities supporting National Environmental Policy Act (NEPA) compliance for Eligible Entities in the BEAD program.

This document is intended solely to assist recipients in better understanding the Broadband Equity Access and Deployment (BEAD) program and the requirements set forth in the Notice of Funding Opportunity (NOFO) for this program. This document does not and is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, or the specific application requirements set forth in the NOFO. In all cases, statutory and regulatory mandates, and the requirements set forth in the NOFO, shall prevail over any inconsistencies contained in this document.

Contents

1. General Questions

1.1   What NTIA programs are included in this guidance?

This guidance only applies to the Broadband Equity Access and Deployment (BEAD) program. It does not apply to NEPA reviews for any other NTIA programs.

2. Understanding the National Environmental Policy Act (NEPA)

2.1   What is the National Environmental Policy Act (NEPA)?

The National Environmental Policy Act (NEPA) was signed into law on January 1, 1970. NEPA requires activities or decisions subject to federal control and responsibility, including federally funded actions, to be assessed for ecological, aesthetic, historic, cultural, economic, social or health effects, whether direct, indirect, or cumulative. Consequently, NTIA requires projects funded under the Broadband Equity Access and Deployment (BEAD) Program to be analyzed for potential environmental impacts before infrastructure deployment can begin. Other federal agencies may have NEPA obligations for BEAD projects that require resource permits, cross or impact federal lands or facilities, or propose construction in road or highway rights of way.

2.2   What are the levels of NEPA review and how are they determined?

NEPA can involve three different levels of analysis based on whether an action has the potential to cause significant environmental effects.

- Categorical Exclusion (CATEX): Actions that do not normally have individually or cumulatively significant effects on the human environment may be "categorically excluded" from a detailed environmental analysis. An analysis of environmental considerations of the proposed actions must be completed to determine whether a CATEX can apply.

- Environmental Assessment (EA): An EA will be prepared for projects that do not qualify for a CATEX, and when the significance of the project's environmental impact is not clearly established. If NTIA determines that a project will not have significant impacts on the quality of the environment based on the environmental analysis, a Finding of No Significant Impact (FONSI) is issued. If environmental analysis finds that actions could have significant impact, an Environmental Impact Statement (EIS) would be required.

- Environmental Impact Statement (EIS): An EIS is prepared for projects when the action is determined to significantly affect the quality of the human environment. The regulatory requirements for an EIS are more detailed and rigorous than an EA. NTIA will document the

final decision in a Record of Decision (ROD) which identifies the considered alternatives, explains the decision, and summarizes any necessary mitigation measures.

3. Joint Lead Agency: Roles & Responsibilities

3.1   What does it mean to be a joint lead agency for NEPA?

As primary administering agencies for the BEAD program, Eligible Entities will serve as joint lead agencies alongside NTIA to meet NEPA obligations. NTIA has developed NEPA tools and efficiencies which it will make available to Eligible Entities to minimize potential NEPA delays in their state/territory while implementing the BEAD program in an environmentally sensitive manner.

For more information, reference 42 U.S.C. 4336a(a)(1)(B) and the duties described in 42 U.S.C. 4336a(a)(2).

3.2   What responsibilities does a joint lead agency have?

States/territories acting as a joint lead agency will assume the following responsibilities:

- Obtain specialized environmental and historic preservation (EHP) expertise to hire, contract, or otherwise retain staff with relevant NEPA qualifications and experience to support the state/territory office.

- Develop a schedule for environmental review and permitting.

- Prepare or supervise the preparation of NEPA documents, reviewing all drafts, and verifying they meet the requirements of NEPA prior to transmittal to NTIA.

- Ensure that project implementation (site preparation, demolition, construction, ground disturbance, fixed installation, or any other project implementation activities) does not begin prior to NEPA completion.

- Monitor subgrantees to ensure they understand and comply with relevant environmental laws, including but not limited to NEPA.

NTIA will provide additional guidance to Eligible Entities in the Initial Proposal Terms & Conditions and through technical assistance after Initial Proposal Volume II is approved.

3.3   What is the role of subgrantees?

Eligible Entities may have subgrantees complete environmental studies and prepare certain NEPA documents for their review. Eligible Entities will communicate NEPA requirements to subgrantees and review all drafts prior to transmittal to NTIA.

3.4   What is NTIA's role?

NTIA will establish NEPA qualifications and standards and ultimately approve decision documents prepared by sub-recipients and reviewed and certified by states/territories.

3.5   What is NTIA's role in notifying potentially affected Tribes of BEAD projects?

NTIA will notify Tribes of projects that may affect Tribal historic properties or other sites of religious and cultural significance to Tribes and conduct government-to-government consultation for projects of Tribal interest or concern. To assist NTIA with notifications, Eligible Entities will provide the NTIA environmental program officer (EPO) for their state or territory with any necessary information to notify Tribes of projects. Once the NTIA EPO has notified relevant Tribes of a project, the EPO will assist Eligible Entities and subrecipients with complying with Tribal outreach requirements.

4. Obtaining EHP and NEPA Expertise

4.1   Why should Eligible Entities recruit, obtain, and/or otherwise add NEPA/EHP expertise to their team?

To fulfill their responsibilities as joint lead agencies under 42 U.S.C. 4336a(a)(2), Eligible Entities will need environmental expertise on their team, including to prepare or supervise the preparation of environmental documents. Eligible Entities may use their BEAD funds to support this capacity without regard to the 2% cap. See question 4.4 for additional information.

To ensure environmental review proceed expeditiously, NTIA recommends Eligible Entities engage qualified EHP experts. Qualified staff will also help Eligible Entities maximize the benefits of the permitting tools and efficiencies established by NTIA with the newly established categorical exclusions, historic preservation review "program comment," and mapping tools. Qualified staff may also help an Eligible Entity find ways to reduce or eliminate duplicative environmental review obligations.

4.2   What qualifications and/or experience is necessary to support the environmental review process?

Various types of expertise are relevant to environmental review. To assist Eligible Entities, NTIA has created a technical assistance guide. For additional information, please see Smart Start: How to Plan and Prepare for National Environmental Policy Act (NEPA) Compliance for BEAD.

Please note that some states and territories may have additional environmental regulations and qualifications for these roles.

4.3 What are some options for building NEPA/EHP capacity in an organization?

Eligible Entities have a variety of options to build necessary NEPA/EHP capacity to efficiently implement the BEAD program. For example, Eligible Entities can consider the following options:

- Eligible Entities can coordinate with other state/territory agencies, such as the state Department of Transportation (DOT), who may have environmental and cultural resources divisions with staff that can assist the Eligible Entity in meeting NEPA obligations.

- Eligible Entities can leverage expertise that exists in other state/territorial governmental agencies by funding subject matter expert (SME) positions, supporting flexible staffing models, or investigating opportunities for temporary detail assignment.

- Eligible Entities can hire EHP experts directly.

- Eligible Entities can contract with qualified consultants. Eligible Entities should consider whether to use traditional contract vehicles like a Blanket Purchase Agreements (BPAs) and Request for Proposal/Quotation (RFP/RFQ) or to use more flexible options such as Indefinite-Deliverables, Indefinite-Quantity (IDIQ) if contracting with consultants.

- Eligible Entities can look to establish public-private partnerships with industry experts, private sector partners, or non-profit entities, or partner with state/territory educational institutions such as community colleges or university systems.

- Eligible Entities can leverage partnerships between academic, nonprofit, and for-profit organizations such as cooperative or university extension services to draw on relevant expertise and understand the implications of NEPA obligations for project applicants.

Eligible Entities should evaluate how the expertise offered, time committed, and funds committed for each option supports the volume and scale of deployments triggering NEPA. For additional information, please see Smart Start: How to Plan and Prepare for National Environmental Policy Act (NEPA) Compliance for BEAD.

4.4 How can I fund NEPA/EHP support?

Eligible Entities may use BEAD awards to fund expertise to fulfill their joint lead agency NEPA obligations. The following budget requirements for the BEAD program apply:

- Funds used to comply with NEPA requirements are **not** subject to the statutory two percent cap for BEAD budgeting purposes.

- Depending on how the EHP support will be added, it is likely these efforts would fall under one of these three budget cost categories:
    1. Administrative other than the administration of the grant
    2. Personnel
    3. Contractual cost categories

If there is a need to modify an Initial Proposal Funding Request (IPFR) to accommodate this change, Eligible Entities should reach out to the respective Federal Program Officer (FPO) for assistance.

5. Next Steps and Additional Resources

5.1   What can Eligible Entities start doing today to streamline permitting and environmental review processes in their state/territory, in accordance with BEAD program requirements of the Final Proposal?

NTIA encourages Eligible Entities to begin expanding internal capacity for EHP review and permitting requirements ahead of the Final Proposal submissions and finalized subgrantee contracts, including planning for key milestones and budget needs.

5.2   Where can I go for more information?

General permitting and EHP information is available now at BroadbandUSA.gov and specific questions can be directed to BEAD FPOs. Additional guidance will be provided to Eligible Entities after Initial Proposal Volume II is approved by NTIA via the Initial Proposal Terms & Conditions and through future technical assistance.