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# Environmental & Historical Preservation Fact Sheet

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December 2022



# Compliance with Environmental and Historic Preservation Requirements

The National Environmental Policy Act (NEPA) and the National Historical Preservation Act (NHPA) require that NTIA analyze the potential environmental impacts of proposals and projects funded under the BEAD Program. NEPA analysis will be **required for every project funded through the BEAD Program** - regardless of who owns the land that must be accessed - and must be completed before any awarded project can begin.

## WHAT IS NEPA?

Passed in 1970, NEPA is considered an “umbrella law” as it provides a framework within which all other environmental, historic, and cultural resources laws can be evaluated. NEPA, along with NHPA, requires that Federal agencies understand the impact of their proposed actions before taking them. As there are many different environmental laws and Executive Orders (EOs) that impact Federal activities, the NEPA process provides a way to address compliance requirements with multiple laws and EOs in one process.

## LEVELS OF NEPA REVIEW

### Categorical Exclusion (CATEX)



CATEXs are issued for defined 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 must be completed by NTIA 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. Should environmental analysis find a project to have no significant impacts on the quality of the environment, a Finding of No Significant Impact (FONSI) is issued. If environmental analysis finds that actions could have significant impact, an EIS would be required.

### Environmental Impact Statement (EIS)



An EIS will be prepared for projects when the action will likely have a significant effect on the environment. This is the most comprehensive form of NEPA analysis. The final decision is documented in a Record of Decision (ROD), which codifies the final decision made, whether to approve the project or not, and the basis for that decision.

## TIMELINE

### Categorical Exclusion

Grant recipient will develop project description and supporting materials, which will undergo environmental analysis and consultation. Approximately **3-6 months or more** to develop and review materials and issue a CATEX, if applicable.

### Environmental Assessment

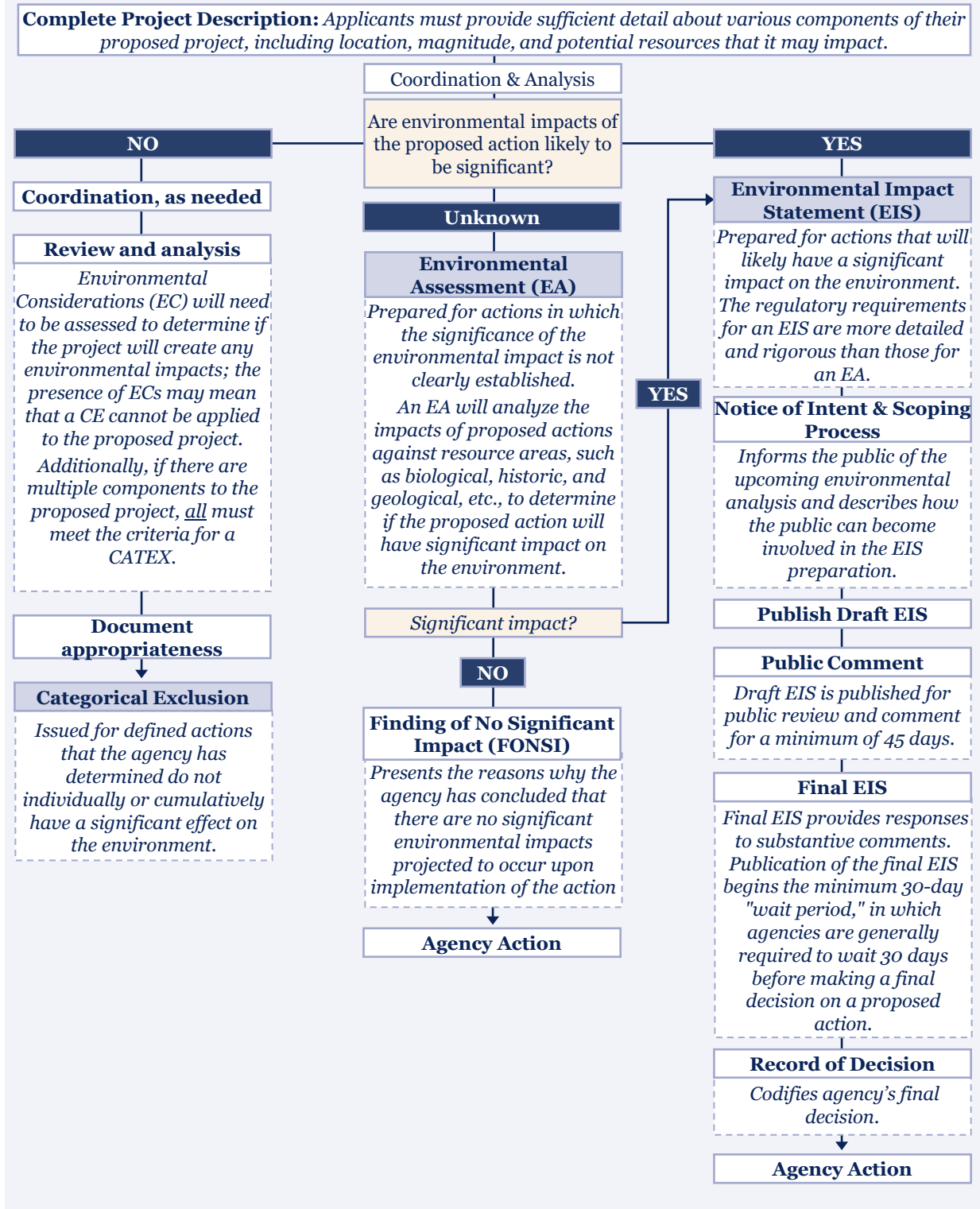
Grant recipient will develop EA in coordination with NTIA, approximately **6-12 months or more** to complete the EA.

### Environmental Impact Statement

Grant recipient will develop EIS in coordination with NTIA, extensive public involvement requirements apply, approximately **12-24 months or more** to complete the EIS.

# NEPA REVIEW PROCESS

The NEPA review process will vary depending on the expected environmental impact of the proposed action. Grant recipients should not materially adjust the scope of their proposed actions to attempt to qualify for a CATEX and should submit applications that are representative of the intended outcome.



## EHP REQUIREMENTS

Subgrantee proposals for the BEAD program must include sufficient information to allow for initial NEPA analysis. Submission of a detailed project description, including applicable supporting documentation, is essential for NTIA to determine the level of NEPA review required. Surveys, studies, and/or consultation with resource-managing agencies may be required to complete the review process. To facilitate initial review, applicants should include within the project description:



**WHAT** – A description of what the project is (e.g., construction of a 150’ monopole communication tower\*).



**WHERE** – A description of **where** the project is proposed (e.g., 123 Main Street, Anytown, USA), **and** a physical description of the site/route and surrounding area (e.g., developed land vs. open space; adjacent natural resources, such as rivers, wetlands, or forests; and any protected lands\*).



**HOW** – A description of **how** the project will be implemented (e.g., requiring 1-acre of ground disturbance at an approximate depth of 5 feet, and the installation of a concrete pad, an equipment shed, and an emergency generator with a 1,000-gallon above-ground fuel storage tank\*).



**MAPS & PHOTOS** – Include ground-level and aerial photographs with project boundaries, sites, routes, and activities highlighted and clearly marked. Floodplain and wetlands maps are available for free online.

*\*Examples provided are not representative of the level of detail expected for project descriptions, which should include more robust and detailed descriptions for what, where, and how*

## ROLES & RESPONSIBILITIES

**Eligible Entities:** States and Territories will be required to gather all information and documentation required for NEPA review from subgrantees and should review the material to ensure it is complete before submitting it to NTIA for NEPA review. States and Territories will also be obligated to ensure that subgrantees intend to comply with environmental laws.

**NTIA:** Ahead of conducting the NEPA review, NTIA will review and provide feedback on draft project descriptions and proposals. While NTIA will lead review and analysis, other federal agencies will likely be involved in the process.



Keep in mind that subgrantees will also be responsible for identifying and obtaining applicable Federal, State and Local permits (such as easements) required to complete their project; however, not all permits must be secured for the NEPA process to conclude.

NTIA will provide additional technical assistance and resources regarding the permitting process and the types of permits that may be required to access various lands and assets.