

NEPA for BEAD: Milestone Schedule & NEPA Timeline



November 2024

Disclaimer

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

Overview | NEPA for the BEAD Program

The Broadband Equity, Access, and Deployment (BEAD) Program requires Eligible Entities (EEs) to serve as joint lead agencies to fulfill National Environmental Policy Act (NEPA) and associated obligations.



To ensure the timely completion of environmental review for all BEAD-funded activities subject to NEPA review, the Grantee must serve as a “joint lead agency” in its capacity as the state (or Territory) agency administering the BEAD program in accordance with 42 U.S.C. 4336a(a)(1)(B) and carry out the duties described in 42 U.S.C. 4336a(a).

[BEAD General Terms and Conditions, Section 13B](#)

SUBGRANTEE AWARD CONDITIONS

As a joint lead agency, the EE must impose award conditions* on subgrantees to ensure the timely completion of environmental review prior to construction, for actions subject to NEPA review:



The Subgrantee must provide a milestone schedule identifying specific deadlines and describing how the Subgrantee proposes to meet timing requirements for:

- the completion of any required consultations
- the completion of applicable reviews for NEPA, National Historic Protection Act (NHPA) Section 106, and Endangered Species Act (ESA) Section 7
- the submission of Environmental Assessments (EAs) or Environmental Impact Statements (EISs) if required

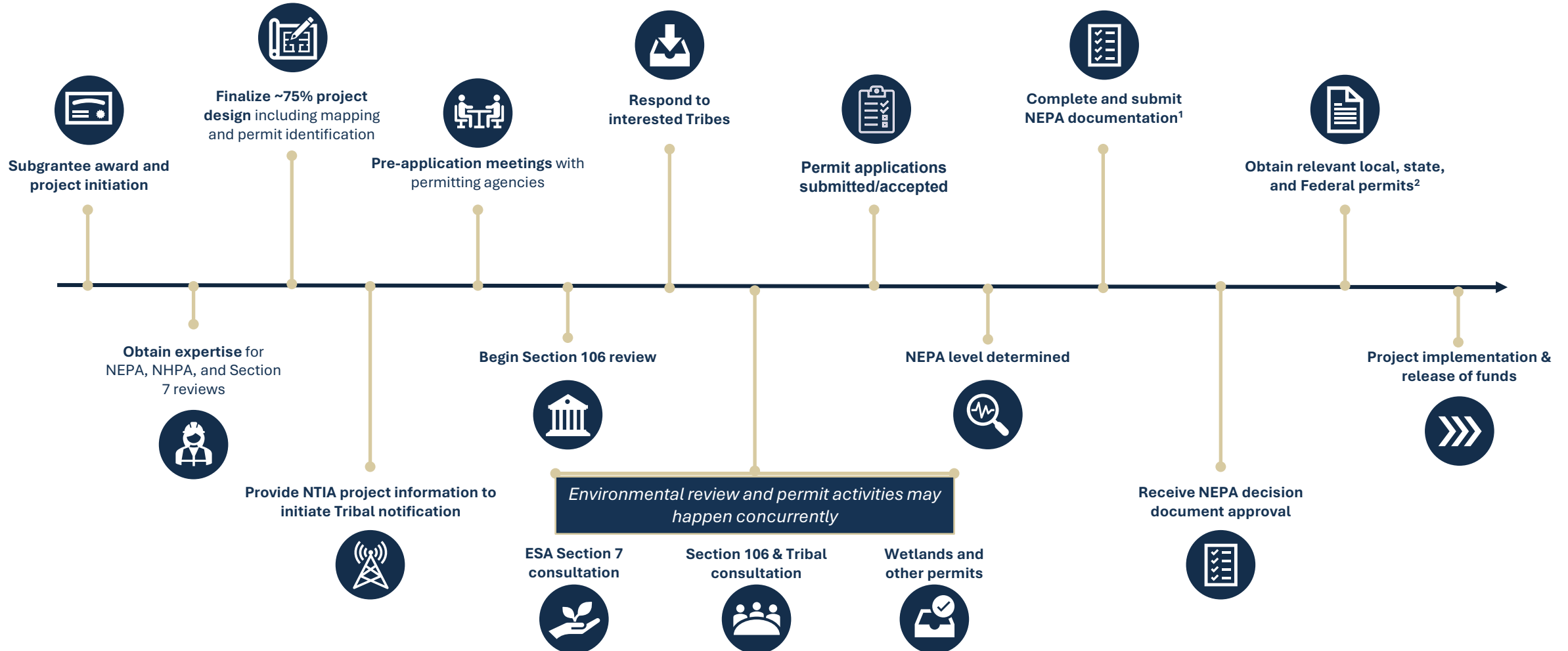


This resource provides guidance on milestone schedule requirements established in Section 13B of the BEAD Terms and Conditions.

*Note: See BEAD General Terms and Conditions, Section 13B for full requirements (https://broadbandusa.ntia.gov/sites/default/files/2024-05/BEAD_IPFR_GTC_04_2024.pdf)

Subgrantee Milestone Schedule Considerations

Milestone schedules will include NEPA & permitting work that qualifies as “limited permissible pre-implementation activity.”



Milestones Schedule Sample

In addition to identifying specific deadlines and durations, the Subgrantee **must also provide a narrative** to describe the completion of consultations, NEPA and Section 106 reviews, and submission of NEPA documentation.

	Sample Subgrantee Activities	Months																	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Project Design	Obtain expertise for NEPA, NHPA, and Section 7																		
	Finalize 75% of project design including mapping and permit identification																		
	Submit project overview to Grantees for inclusion in the Final Proposal																		
Tribal Coordination	Provide NTIA project information to initiate Tribal notification																		
	Respond to interested tribes, in coordination with NTIA																		
	Pre-application meetings with permitting agencies																		
Permits & Authorizations	Conduct ESA Section 7 obligations, including use of the Information for Planning and Consultation (IPaC) tool and other relevant consultations																		
	Conduct Section 106 process, including State Historic Preservation Office (SHPO) consultation as needed																		
	Obtain relevant state, local, and federal permits																		

Schedules should reflect typical durations for anticipated NEPA level:	• Categorical Exclusion (CATEX)	~3 - 6 months																	
	• Environmental Assessment (EA)	~6 - 12 months																	
	• Env. Impact Statement (EIS)*	>12 months																	

A Milestone Schedule for a BEAD program project may include additional activities that are not represented on this sample schedule.

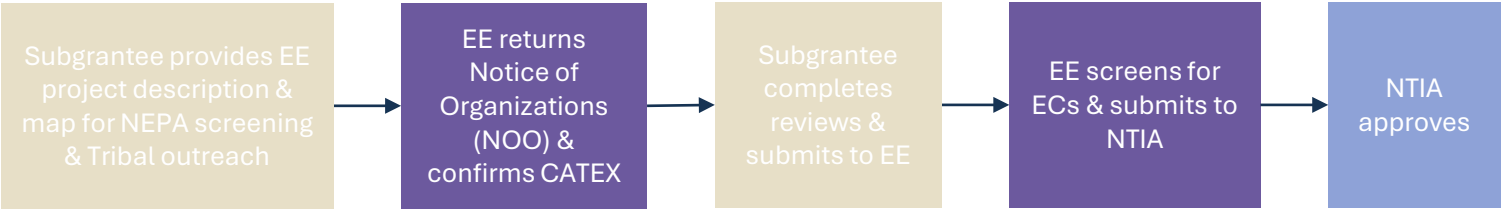
*Note: NTIA will advise on preparation timelines if an EIS is required.

Levels of NEPA Review | Overview

NEPA establishes three levels of environmental review for potential projects: Categorical Exclusion (CATEX), Environmental Assessment (EA), and Environmental Impact Statement (EIS).* The potential significance of impacts informs the level of review, and time and resource requirements vary for each.

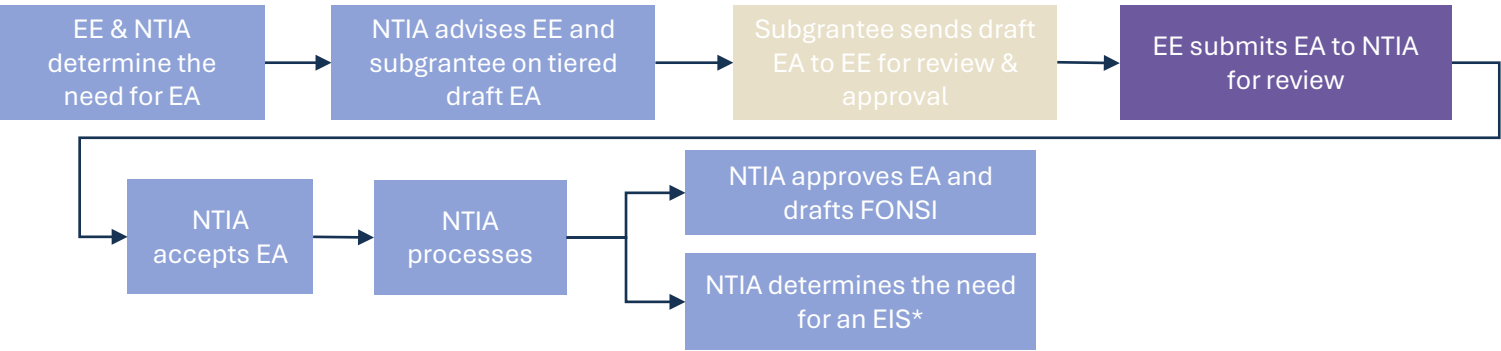
CATEGORICAL EXCLUSIONS

Application of a CATEX requires screening for Extraordinary Circumstances (EC) and takes approximately 3-6 months.



ENVIRONMENTAL ASSESSMENTS

An EA is a more comprehensive environmental review that takes approximately 6-12 months. An EA can “tier” off a programmatic NEPA document.



NTIA will advise on preparation timelines if an EIS is required.

**Note: Broadband deployments do not typically trigger an EIS, which can take 12-24 months to complete.*

Federal Permitting Agency Application Process

Subgrantee schedules should reflect the typical milestones associated with federal broadband deployment permits (i.e., right-of-way permits), including pre-application meeting, draft application review, and resubmission.

AVERAGE FEDERAL PERMITTING PROCESS



For more information on federal permitting processes, view the video recordings from [the NTIA and BLM Federal Interagency Broadband Permitting Summit](#). Applicants should also consider any required state, local, and Tribal permits.

What about State, Local and Other Permits?

Milestone Schedules can identify the other permits, authorizations, easements, and rights-of-way that a project will require from state agencies, Tribes, towns, counties, municipal governments, and private entities.

OTHER PERMIT TYPES



State



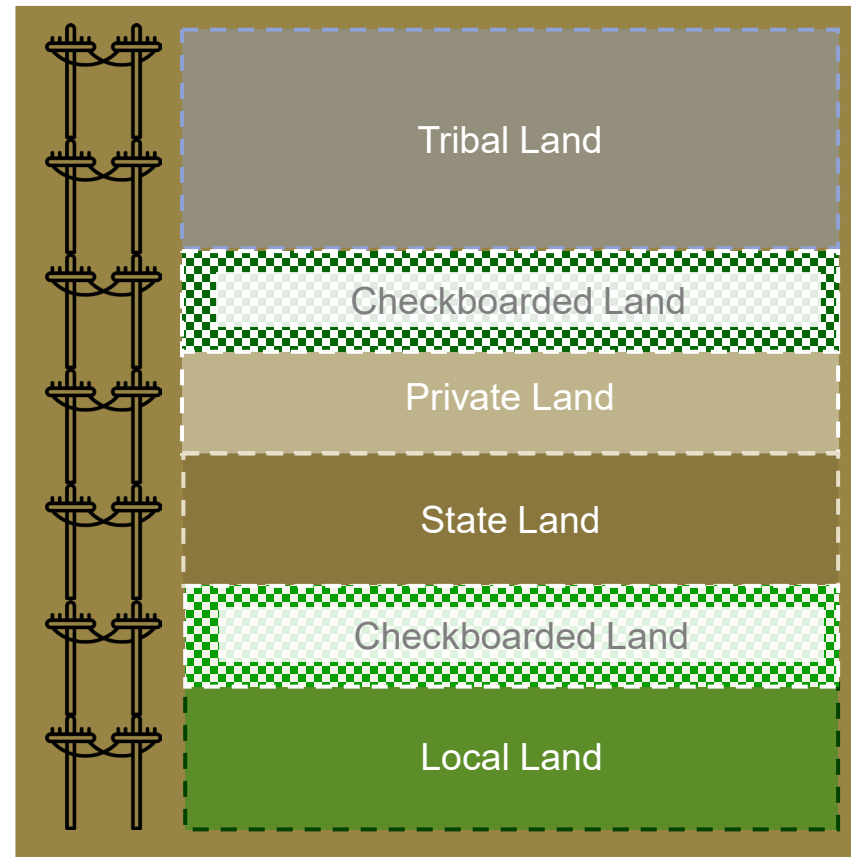
Tribal



Local



Private



Next Steps

EEs can consider taking valuable steps ahead of the subgrantee selection process to enable their role as a joint lead agency and to support subgrantees in effective planning for permitting and environmental requirements.

1 Review Section 13 of the BEAD Program [Terms and Conditions](#) and refer to other NTIA resources posted on the [NEPA for BEAD](#) webpage.

2 **Build environmental screening into the subgrantee selection process:** Encourage subgrantees to provide a draft milestone schedule in their proposals and to consider the scheduling, budgeting, and other timing implications of permitting and environmental requirements.



Encourage subgrantees to consider **the steps, timing, and budget required to meet all NEPA, NHPA, and permitting requirements**, including contracting of environmental consultants where necessary.



Encourage or require subgrantees to **pre-screen projects** (using tools such as [NTIA's Permitting and Environmental Information Application](#)) to identify permitting requirements and environmental constraints. This will inform the **plan and budget for any required environmental consultations, analysis, monitoring, or [mitigation](#) activities**.



Encourage subgrantees to streamline NEPA reviews by **planning projects that qualify for [one of NTIA's 47 CATEXs](#)** to reduce time and resources needed to prepare documentation of environmental analysis.



Encourage subgrantees to **identify and develop an approach to meet all local, state, federal, and Tribal permit requirements and deadlines**. Subgrantees should plan for early pre-application meetings with relevant permitting agency contacts.

3 **Design a comprehensive subgrantee NEPA program and compliance mechanism:** Align all evaluation and monitoring activities with the BEAD program requirements and design a process to manage subgrantees progress against the NEPA milestone schedules.



Consider **how to evaluate NEPA milestone schedules** prior to acceptance.



Determine **how to monitor compliance progress** once milestone schedules are in place to ensure proper reviews and approvals for funds disbursed while projects are awaiting final NEPA approval.