



WEBINAR:

# BEAD-Funded Broadband Projects:

Navigate Environmental Hurdles with Ease

**Tuesday, Jan. 20, 2026**

noon-1 p.m. CT



Emily McMillin, AICP



Kathy Eisele



Woo Smith



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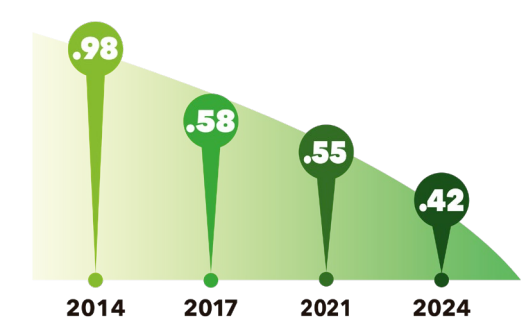
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# What is BEAD and how is it different from other grant programs issued by NTIA?

Broadband Equity, Access, and Deployment (BEAD) Program  
National Telecommunications and Information Administration



# What is NEPA?

Passed in 1970, the National Environmental Policy Act (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 requires all projects funded by NTIA grants to be analyzed for the potential environmental impacts before infrastructure deployment can begin.**

## THE NEPA PROCESS CAN ADDRESS LAWS AND REGULATIONS SUCH AS:

- Resource Conservation and Recovery Act
- Superfund Amendments and Reauthorization Act
- National Historic Preservation Act
- American Indian Religious Freedom Act
- Executive Orders on Floodplains and Wetlands
- Safe Drinking Water Act
- Coastal Zone Management Act
- Clean Water Act
- Clean Air Act
- State and Local land use requirements
- Climate Resiliency
- Endangered Species Act
- Migratory Bird Treaty Act
- Bald and Golden Eagle Protection Act
- Executive Orders on Environmental Justice
- Toxic Substances Control Act
- Comprehensive Environmental Response, Compensation, and Liability Act
- Farmland Protection Policy Act
- Native American Graves Protection and Repatriation Act

# Consultation and Permitting: NHPA Section 106 Reviews

Section 106 of the National Historic Preservation Act (NHPA) specifically requires federal agencies to consider the effects of projects they carry out, approve, or fund (“undertakings”) on historic properties.



Federal agencies are responsible for initiating Section 106 reviews with either the State Historic Preservation Office (SHPO), Tribal Historic Preservation Office (THPO), or Native Hawaiian organization (NHO), as applicable.



NTIA grants may include Specific Award Conditions (SACs) that recipients must fulfill before a proposed project can be implemented. These SACs will often include a requirement to complete NHPA Section 106 review, which involves consultation with the appropriate SHPO, one or more Federally recognized Tribes, THPO or NHOs, as applicable.



In a memorandum effective from January 2024 through December 2030, NTIA has authorized grant award recipients to initiate the Section 106 review process, to identify and evaluate historic properties, and to assess effects. NTIA remains legally responsible for Section 106 determinations and for government-to-government consultation with Tribes.



The Advisory Council on Historic Preservation (ACHP) issued the [\*Program Comment for Communications Projects on Federal Lands and Property\*](#) (Program Comment) to accelerate the Section 106 review of various broadband deployment projects. The Program Comment amends the 2017 *Broadband on Federal Lands Program Comment* and expands the availability of process efficiencies for the Section 106 review of broadband to all federal projects, both on and off federal lands.



# Levels of NEPA Review

NEPA stipulates three levels of review to assess the environmental impacts of potential projects, categorized by the significance of the impact. Time and resource considerations associated with each review level are different.

## Focus of This Session Content

### 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 (EC), 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.**

### Environmental Assessment (EA)

An EA will be prepared when the **significance of the project's environmental impact is not clearly established.** If environmental analysis determines a project to have no significant impacts on the quality of the environment, a Finding of No Significant Impact (FONSI) is issued.

An EIS is required if the analysis determines that an action may have a significant environmental impact.

Development of an EA may take **approximately 6-12 months or more** to complete.

### 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.

Development of an EIS, including public comment period, may take **approximately 12-24 months or more** to complete.

# Definitions

## **State = Grantee**

Joint Lead Agency implementing NEPA. Responsible for reviewing NEPA documents, certifying sufficiency, and submitting NEPA documents to NTIA. May also perform their own NEPA reviews in-house.

## **Individual Applicant = Subgrantee**

Shares NEPA responsibility with the Grantee. Responsible for providing project design, project description, and maps. Process will vary by state but in **most cases will be responsible for performing NEPA analyses and documentation.**

## **B. Grantee Compliance with NEPA as Joint Lead Agency**

NEPA Compliance: To ensure the timely completion of environmental review for all BEAD-funded activities subject to NEPA review, the Grantee must:

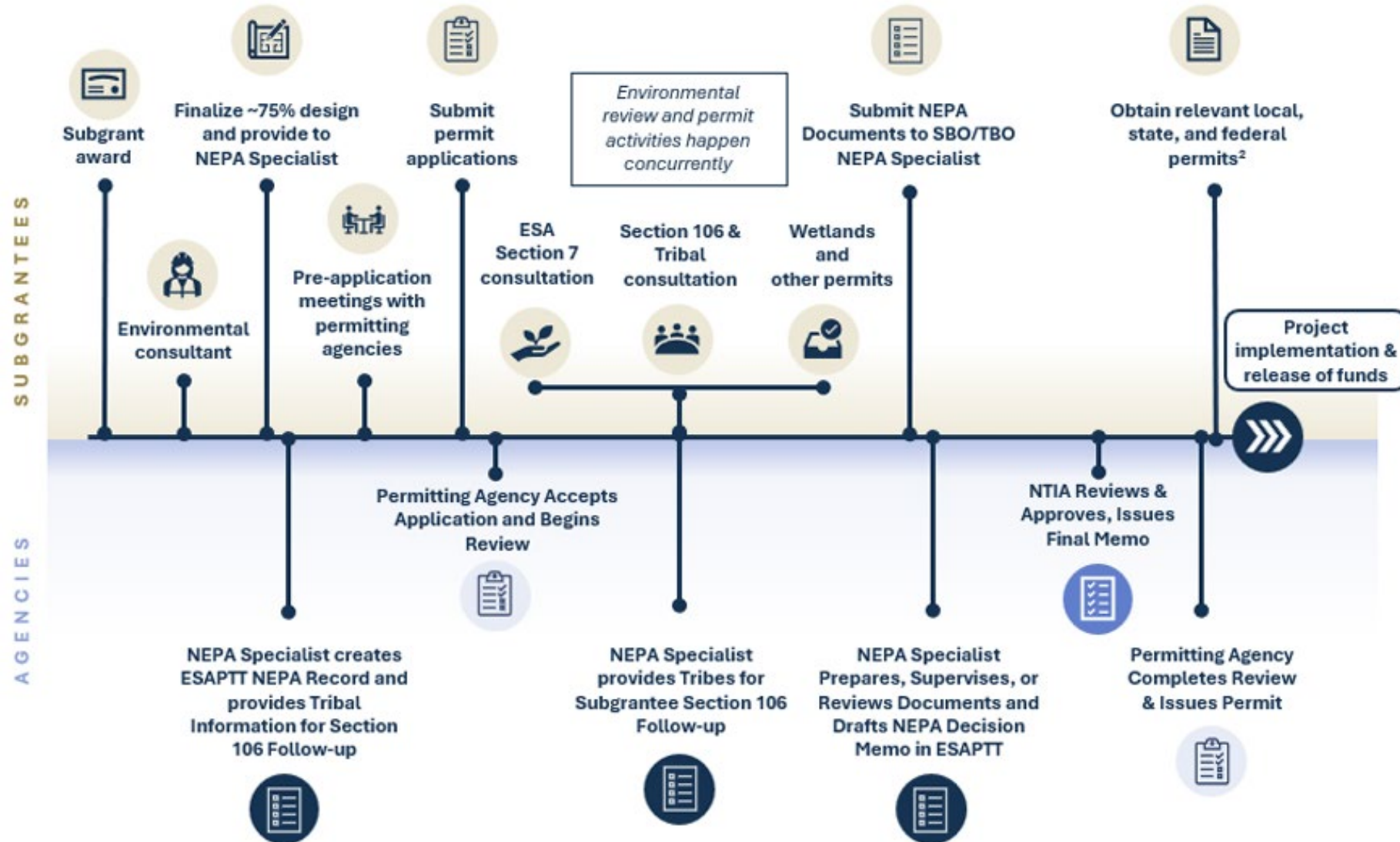
- Serve as a “joint lead agency” in its capacity as the State (or Territory) agency administering the BEAD program in accordance with 42 U.S.C. 4336a(a)(1)(B) and carry out the duties described in 42 U.S.C. 4336a(a)(2);
- Complete an evaluation of the sufficiency, applicability and accuracy of the analysis in the relevant First Responder Network Authority (FirstNet) Regional Programmatic Environmental Impact Statement (PEIS) chapter as it applies to anticipated implementation activities for the Grantee’s State or Territory;
- Include in all awards to Subgrantees conditions stating that:
  1. the Subgrantee will not commence implementation and funds will not be disbursed until any necessary environmental review is complete and NTIA has approved any necessary decision document, except for the limited permissible activities identified in Section 13.E below;
  2. the Subgrantee must timely prepare any required NEPA documents and obtain any required permits, and must adhere to any applicable statutory deadlines as described in 42 U.S.C. 4336a(g); and
  3. the Subgrantee must provide a milestone schedule identifying specific deadlines and describing how the Subgrantee proposes to meet these timing requirements including, as required, the completion of consultations, the completion of NEPA and Section 106 reviews, and the submission of Environmental Assessments (EAs) or Environmental Impact Statements (EISs).
- For grant funded activities carried out by Subgrantees, certify the sufficiency of all Subgrantee NEPA documentation, either 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;
- For grant funded activities carried out by the Grantee, complete all analyses required to prepare all NEPA documentation, draft all NEPA documents, and ensure that such documents meet the requirements of NEPA prior to transmittal to NTIA; and
- Submit all NEPA documentation—including any supporting environmental documentation required or requested by NTIA—to NTIA for review.

**Source:  
NTIA.gov**





## SAMPLE NEPA / PERMITTING MILESTONES



# Environmental Screening and Permitting Tracking Tool (ESAPTT)

## WHAT IS ESAPTT?

ESAPTT is a Salesforce-based tool developed by NTIA to help streamline the NEPA review and permitting processes for BEAD. Eligible Entities will use the tool to screen projects for environmental effects, to transmit and maintain NEPA documents, and to track subgrantee permitting requirements and timelines. NTIA will use ESAPTT to review and quickly approve final NEPA decisions.

ESAPTT will help Eligible Entities obtain and track environmental screening approvals and ensure sub-recipient permitting compliance for the BEAD program.

## ESAPTT HELPS ELIGIBLE ENTITIES



**Accelerate NEPA Processing Timelines:** ESAPTT expedites NEPA approvals for Eligible Entities by automating Categorical Exclusions (CATEX) and Extraordinary Circumstances (EC) reviews.



**Increase Coordination and Efficiency:** ESAPTT provides a centralized platform for Eligible Entities to submit the documentation of each project's potential environmental effects to NTIA for review.



**Organize and Track Permitting Requirements:** ESAPTT helps Eligible Entities identify the relevant permit requirements and monitor milestone schedule progress for federal permits.

## ESAPTT COMPONENTS

ENVIRONMENTAL SCREENING

PERMITTING TRACKING

## Frequently Asked Questions (FAQ)

### NEPA for BEAD Version 2.0

## 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).

### Section 1

\* 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? ⓘ

### Section 2

\* 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? ⓘ

### Section 3

\* 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

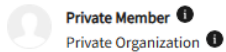
\* 3.1.2. Will the proposed tower actions require new ground disturbance? ⓘ

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



# Early Red Flag Identification

## ArcGIS Pro Permitting and Environmental Information Tool (APPEIT) Project Package



Private Member

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Open Content

Download

### Summary

ArcGIS Pro Permitting and Environmental Information Tool (APPEIT) Project Package

The ArcGIS Pro Permitting and Environmental Information Tool (APPEIT) Project Package includes all of the layers that are in the [NTIA Permitting and Environmental Information Application](#) as well as the APPEIT Tool which will allow users to input a project area and determine what layers from the application overlap with it. An overview of the project package and the APPEIT tool is provided below.

User instructions on how to use the tool are available [here](#). Instructions now include how to customize the tool by adding your own data.

A video explaining how to use the Project Package is also available [here](#).

### Project Package Overview

This map package includes all of the layers from the [NTIA Permitting and Environmental Information Application](#). The layers included are all feature services from various Federal and State agencies. The map package was created with ArcGIS Pro 3.4.0. The map package was created to allow users easy access to all feature services including symbology. The map package will allow users to avoid downloading datasets individually and easily incorporate into their own GIS system. The map package includes three maps.

1. Permitting and Environmental Information Application Layers for GIS Analysis - This map includes all of the map tabs shown in the application, except State Data which is provided in another tab. This map includes feature services that can be used for analysis with other project layers such as a route or project area.

2. Permitting and Environmental Information Application Layers – For Reference Only - This map includes layers that cannot be used for analysis since they are either imagery or tile layers.

### Details

**Content**  
Project Package

**Nov 19, 2025, 2:17:58 PM EST**  
Updated date

**Dec 19, 2024, 12:53:44 PM EST**  
Created date

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# Project Description



A good project description is essential to determine the level of NEPA review required



Describe **what** the project is (e.g., construction of a 150' monopole communication tower).



Describe **where** the project is proposed (e.g., 123 Main Street, Anytown, USA) and/or provide a detailed outline of the route the project will use.



Provide a physical description of the site and surrounding area (e.g., developed land vs. open space; adjacent natural resources, such as rivers, wetlands, or forests; and any protected lands), and provide **maps and photographs**.



Describe **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).



## PROJECT DESCRIPTION SUMMARY

The **ESAPTT Project Description Summary** should describe, in 1,000 characters or less, the infrastructure elements and activities subject to environmental review, including the number of locations being served, the technology type, the deployment method, and relevant contextual information. Data bulk uploaded from BEAD Final Proposals may be manually edited to provide sufficient summary information for the NEPA memo.

## PROJECT MAP OVERVIEW

The project map uploaded to ESAPTT must be:

- ☑ **Complete and sufficiently scaled** to support the environmental analyses
- 📍 **Specific to the subject project** (BEAD Project ID or NEPA Project) **area**
- 📍 **Illustrative of all routes, locations, and footprints of federally-funded project infrastructure** (e.g., *fixed wireless project maps must show the limit and extent of all ground disturbance, not just Broadband Serviceable Locations served.*)
- 📶 **Clearly keyed/labeled by technology types** and **existing versus new infrastructure**

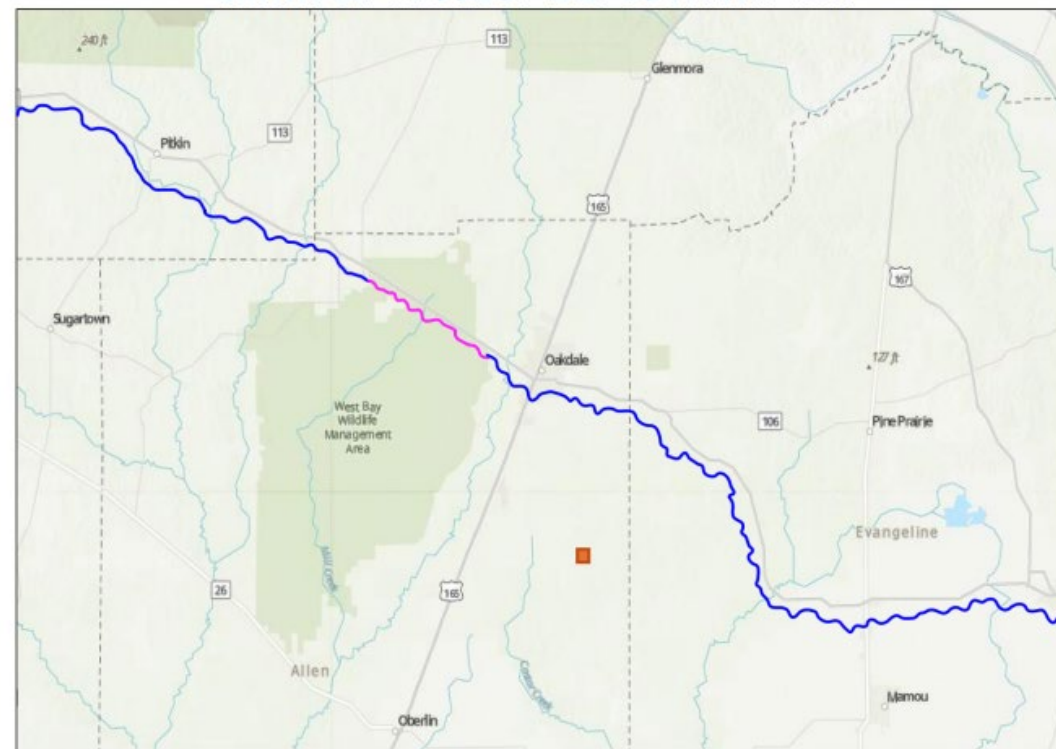
## DETAILED PROJECT DESCRIPTION OVERVIEW

The detailed project description uploaded to ESAPTT must clearly describe:

- 📋 **What will be constructed** (e.g., *a 150' monopole communication tower*)
- 📍 **Where work will occur** by address (e.g., *123 Main Street*) or extent of project limits (e.g., *the route the project will follow with access roads and staging areas used*)
- 🏡 **The site and surrounding area** (e.g., *developed land vs. open space; adjacent natural resources, such as rivers, wetlands, or forests; and any protected lands*), with **maps and photographs** as appropriate
- 🔧 **How the project will be implemented** (e.g., *installation of a concrete pad, an equipment shed, and an emergency generator with a 400-gallon above-ground fuel storage tank requiring 1-acre of disturbance at approximately 5 feet depth*)

## Sample Project Map | Page 1 of 3

### EXAMPLE PROJECT DEPLOYMENT MAP



- |   |                                 |
|---|---------------------------------|
| <b>Alignment (Project Technology Type)</b>  | — Highway                       |
| — Terrestrial Buried Fiber (Vibratory Plow) | 🌳 Parks, Preserves, and Refuges |
| — Aerial Fiber (Existing Poles)             | 📶 Wireless Tower                |

1:330,425  
0 2.25 4.5 9 mi  
0 3.75 7.5 15 km  
ESRI, NASA, NGA, USGS, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community





# Design with Exclusions in Mind: Planning Tips To Stay At CE Level

- Project improvements occur on areas of **prior ground disturbance**
- Project includes **less than one acre of ground disturbance**
- **Compatible with land use** and zoning; construction consistent with existing, adjacent, nearby buildings; maintains property functional use
- **Towers under 199'** tall that are monopole or lattice design (**no guyed towers**)
- **Less than 20% pole replacement** for poles require replacing in existing ROW
- Use of **existing ROWs wherever possible**
- If not in a ROW, **adjacent to ROW, roadway, or easement**
- Pole replacements **similar appearance to existing pole near same location**
- **Avoid Extraordinary Circumstances** (see next slide)



# Extraordinary Circumstances: Avoid To Stay At CE Level

- **Environmentally sensitive or unique** geographic area of notable importance
- **Adverse impacts to T&E Species**, designated Critical Habitat, migratory birds and their habitats
- Deployment of **submarine or underwater cable**
- **Adverse effects to Historic Properties**
- Restricts access/ceremonial use or **adversely effects Indian sacred sites**
- **Significant changes or effects to waterbodies, wetlands, floodplains**, water quality, sole source aquifers, or public water supply
- Active, inactive, or abandoned contaminated or **hazardous waste sites**
- **Human exposure to radiation** or use of radiation more than FCC Maximum Permissible Exposure limits
- **Controversial actions** or violations of existing laws
- Actions that cause **significant effects on human health or the environment** not otherwise addressed

THIS IS A HIGH-LEVEL SUMMARY: READ NTIA EXTRAORDINARY CIRCUMSTANCES IN THEIR ENTIRETY BEFORE APPLYING



# Section 106 – Program Comment

- Used to **streamline the Section 106 process**, other agencies can adopt
- Completed by a **Secretary of Interior (SOI) Qualified Professional**
- **Not intended for excepted resources** (National Monuments, National Historic Trails, National Historic landmarks, etc.) – consult further with NTIA
- **Includes conditional exemptions** using design considerations (prior ground disturbance, use of existing ROW, use of existing poles, replacement structures, etc.) and records check results
- Allows for use of FCC **tower replacement and collocation exclusions**
- Starts with a **records check for properties listed/eligible for the NRHP** within partially established Area of Potential Effects (APE)
- Includes **consultation with SHPO** using newly established **NTIA Form**
- **May result in targeted cultural resource surveys or construction monitoring** implementation for inadvertent discoveries





# Section 7 Consultation

- USFWS Non-Federal Designation Memo summarizes NTIA's Section 7 process and includes list of activities exempt from ESA consultation

Exempt activities (No Effect) include:

- Deployment projects, installations, and renovations that do not have the potential for ground disturbance
- Attaching fiber optic cable to existing utility poles without ground disturbance
- Installing fiber optic cable in existing conduit without ground disturbance
- Conduct a USFWS Information for Planning and Consultation (IPAC) review
- Access and apply determination keys if available within IPAC
- Develop and provide NTIA with Section 7 Documentation/effect findings
- *No Affect* findings can self-certify but *May Affect, Not Likely to Adversely Affect (MANLAA)* or *May Affect* findings require further consultation with USFWS for concurrence



# Other Resource Considerations

- **Indian religious sites** - consultation process has been developed by NTIA
- **Wetlands, waterbodies, and floodplains** - impacts may require permitting or even kick you out of a CE - try to design to avoid or minimize impacts to these features
- **Hazardous waste sites** - environmental regulatory review to support
- **Migratory birds** - can typically be completed concurrent with Section 7
- **Environmentally sensitive or unique areas** - map reviews and research
- **Other Federal Agency Land/Tribal Land** - This may require consultation with outside agencies to coordinate on the NEPA process and trigger permit requirements with those agencies. Both the state/grantee and NTIA can help in those situations and NTIA has also worked with several federal agencies to partner on potentially using BEAD requirements on other agency land.



# BMPs and Mitigation Measures

## Best Management Practices (BMP) and Mitigation Measures

U.S. Department of Commerce

National Telecommunications and Information Administration



### Table of Contents

Introduction .....	4
Approach .....	4
Types of Projects and Proposed Actions.....	4
How to Use this Guide.....	6
1. Applicable to All Project Types .....	8
1.1 Resource Area: Roads, Right-of-Ways, Utilities, and Emergency Services .....	8
1.2 Resource Area: Soils.....	9
1.3 Resource Area: Geology.....	10
1.4 Resource Area: Water Resources .....	11
1.5 Resource Area: Wetlands and Floodplains.....	12
1.6 Resource Area: Biological Resources .....	14
1.7 Resource Area: Land Use, Recreation, and Airspace .....	19
1.8 Resource Area: Cultural Resources .....	20
1.9 Resource Area: Air Quality .....	22
1.10 Resource Area: Noise and Vibrations.....	23
1.11 Resource Area: Human Health and Safety .....	24
2. Project Type: Specific to Wired Projects.....	26
2.1 Resource Area: Wetlands .....	26
2.2 Resource Area: Wildlife .....	26
2.3 Resource Area: Fisheries and Aquatic Habitats .....	27
2.4 Resource Area: Threatened and Endangered Species .....	27
2.5 Resource Area: Noise and Vibrations.....	27
3. Project Type: Specific to Wireless Projects .....	28
3.1 Resource Area: Wildlife .....	28
3.2 Resource Area: Threatened and Endangered Species .....	31
3.3 Resource Area: Land Use, Recreation, and Airspace .....	32
4. Project Type: Specific to Deployable Technologies.....	33
4.1 Resource Area: Wetlands and Floodplains.....	33
4.2 Resource Area: Wildlife .....	33
4.3 Resource Area: Threatened and Endangered Species .....	33
4.4 Resource Area: Land Use, Recreation, and Airspace .....	33
4.5 Resource Area: Cultural Resources .....	34
References .....	35

Source: NTIA.gov



# Key Takeaways

- To shorten schedule: **minimize, mitigate, or avoid resource impacts** and do it as early as possible in the process. NTIA's Exclusions and BMPs are your guide.
- Engage **qualified professionals** to perform all EHP-related work.
- **Early communication between grantees and subgrantees regarding the process**, expectations, and who owns which step will help things flow smoothly.
- Formulate a **clear & concise Project Description** that includes all elements of design and **considers the exclusion categories** to maximize their use.
- Once you have your design in place, immediately **perform a red flag evaluation** to avoid potential extraordinary circumstances and avoid them. This will also help **identify areas other Federal or Tribal land**, which may require further consultation efforts and permitting.
- **Start Section 106/Section 7 as early as possible** and **actively employ NTIA's BMPs** to reduce potential affects.
- **NEPA/106 may result in environmental commitments** that must be adhered throughout the project (such as permits or construction monitoring). **Have a plan** in place to ensure these commitments are followed through.





# Q&A



# Thank You

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