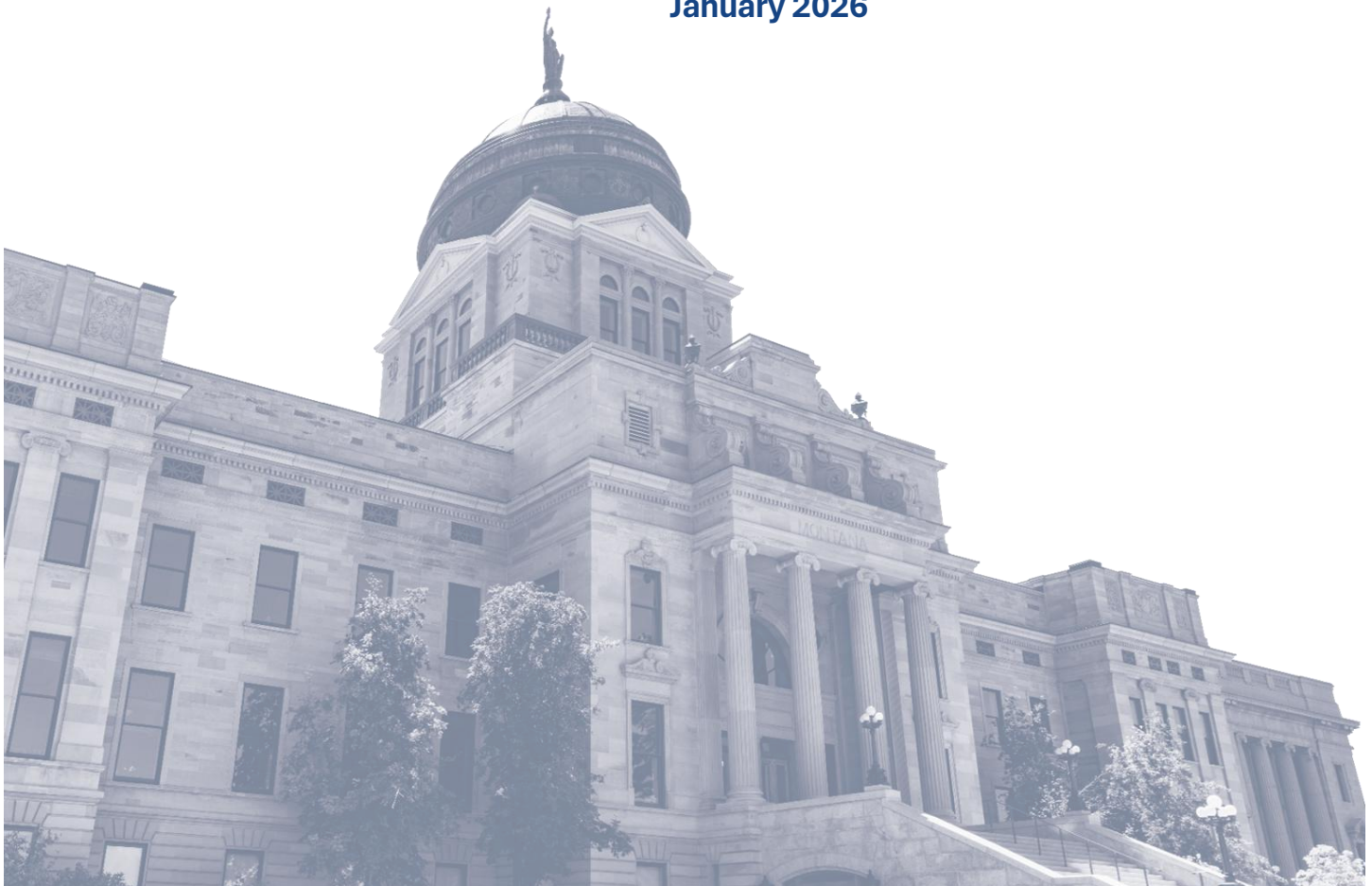


ConnectMT BEAD Program

Broadband Equity, Access, and Deployment (BEAD) Environmental and Historical Preservation Plan



January 2026





14. Environmental and Historic Preservation (EHP) Documentation (Requirement 14)

NOFO Section IV.B.9.b, Page 48: Environmental documentation associated with any construction and/or ground-disturbing activities and a description of how the Eligible Entity will comply with applicable environmental and historic preservation requirements.

14.1 Attachment

Submit a document which includes the following:

- *Description of how the Eligible Entity will comply with applicable environmental and historic preservation (EHP) requirements, including a brief description of the methodology used to evaluate the Eligible Entity's subgrantee projects and project activities against NTIA's National Environmental Policy Act (NEPA) guidance. The methodology must reference how the Eligible Entity will use NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT) to create NEPA project records, evaluate the applicability of categorical exclusions, consider and document the presence (or absence) of Extraordinary Circumstances, and transmit information and draft NEPA documents to NTIA for review and approval.*
- *Description of the Eligible Entity's plan to fulfill its obligations as a joint lead agency for NEPA under 42 U.S.C. 4336a, including its obligation to prepare or to supervise the preparation of all required environmental analyses and review documents.*
- *Evaluation of the sufficiency of the environmental analysis for your state or territory that is contained in the relevant FirstNet Regional Programmatic Environmental Impact Statement (PEIS), available at <https://www.firstnet.gov/network/environmental-compliance/projects/regional-programmatic-environmental-impact-statements>.*
- *Evaluation of whether all deployment related activities anticipated for projects within your state or territory are covered by the actions described in the relevant FirstNet Regional PEIS.*
- *Description of the Eligible Entity's plan for applying specific award conditions or other strategies to ensure proper procedures and approvals are in place for disbursement of funds while projects await EHP clearances*

Within a document (file type to be decided by Eligible Entity) the Eligible Entity must provide the following:

Environmental and Historic Preservation Requirements: *A description of how the Eligible Entity will comply with applicable environmental and historic preservation (EHP) requirements, including a brief description of the methodology used to evaluate the Eligible Entity's subgrantee projects and project activities against NTIA's National Environmental Policy Act (NEPA) guidance. The methodology must reference how the Eligible Entity will use NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT) to create NEPA project records, evaluate the applicability of categorical exclusions, consider and document the presence (or absence) of Extraordinary Circumstances, and transmit information and draft NEPA documents to NTIA for review and approval.*



Joint Lead Agency Responsibility Summary: *A statement of the Eligible Entity’s understanding of its obligations as a joint lead agency to implement NEPA requirements under 42 U.S.C. 4336a and a description of the Eligible Entity’s plan to prepare and/or supervise the preparation of all required environmental analyses and review documents.*

Description of FirstNet Regional PEIS Evaluation: *Identification of the relevant First Responder Network Authority (FirstNet) PEIS chapter pertinent to the Eligible Entity, and a concise evaluation of the sufficiency of the environmental analysis contained in the relevant FirstNet Regional PEIS (see [Sample evaluation memo](#)), updating any information necessary for the NEPA analysis contained in the FirstNet Regional PEIS to apply to the Eligible Entity’s subgrant broadband deployment projects.*

Specific Award Conditions (SACs) Description: *A description of the Eligible Entity’s current or planned use of SACs and/or other strategies to ensure proper procedures and approvals are in place for disbursement of funds while projects are awaiting final NEPA approval. For example, this may include utilizing an EHP-focused SAC attached to subgrantee awards that are anticipated to require ground-disturbing activities.*

Environmental and Historic Preservation Requirements

The Montana Broadband Office (MBO) will ensure full compliance with all applicable environmental and historic preservation (EHP) requirements, adhering to the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), Section 7 of the Endangered Species Act, and Section 404 of the Clean Water Act, as applicable, and NTIA’s programmatic guidance. This compliance is a critical part of the project review process, and all subgrantee projects will undergo a thorough evaluation to ensure minimal environmental and historic impacts.

Environmental documentation: MBO will work with its BEAD subgrantees with the goal of ensuring the subgrantees submit the required environmental documentation associated with any construction and/or ground-disturbing activities for BEAD projects included in this Final Proposal.

Compliance: MBO will serve as joint lead agency for the State to ensure compliance with NEPA and the timely completion of environmental review for all BEAD-funded activities subject to NEPA review. MBO recognizes its responsibility as joint lead and has funding and a plan in place to secure the requisite NEPA expertise via the third-party contractors supporting programmatic implementation and monitoring. MBO’s contractors devised a multi-phase roadmap (Project Assessment, Subgrant Pre-Implementation, Subgrant Implementation, Subgrant Closeout) to implement BEAD EHP oversight and compliance in a manner that will successfully implement the states’ joint lead agency obligations while streamlining subgrantee activities. Since MBO is required to submit subgrantee analysis, consultation documents, and concurrences to NTIA for evaluation by their EHP experts via NTIA’s Environmental Screening and Permitting Tracking Tool (ESAPTT), MBO’s contractors will use the ESAPTT to screen projects for environmental effects, to transmit and maintain NEPA documents, and to track subgrantee permitting requirements and timelines to support NTIA review and approval of final NEPA decisions. Our goal is to reduce the time from subgrant award to deployment—and therefore speed the time to public benefit—while complying with NTIA’s BEAD guidelines and relevant regulations. These four phases contemplate all



applicable requirements and current NTIA guidance¹ and are based on the third-party contractor's staff experience supporting billions of dollars in federal broadband infrastructure investments under programs such as the NTIA Broadband Technology Opportunities Program (BTOP), NTIA Broadband Infrastructure Program (BIP), NTIA Middle Mile Grant (MMG) program, USDA ReConnect, and Treasury American Rescue Plan Act (ARPA) Capital Projects Fund (CPF) and State and Local Fiscal Recovery Funds (SLFRF).

MBO plans to use NTIA NEPA tools, including categorical exclusions (CE) and available mapping tools, and follow NTIA guidance on EHP as such guidance is made available. MBO has reviewed the sufficiency, applicability, and accuracy of the FirstNet Programmatic Environmental Impact Statement (PEIS) for the State. MBO will also confirm the sufficiency of all subgrantee NEPA documentation before the disbursement of funding.

MBO has evaluated its BEAD applications and assigned its project areas to provisional subgrantees. Provisional subgrantees' proposed projects include actions within NTIA's approved list of categorical exclusions. Upon approval of its Final Proposal and finalization of its subgrant agreements, MBO will require subgrantees to provide further details that will support MBO's evaluation, as well as its determination of the level of review required based on NTIA's programmatic and general NEPA guidance.

Description of Methodology Used to Evaluate Subgrantee Projects and Project Activities Against NTIA's Programmatic and NEPA Guidance

MBO will comply with applicable EHP requirements to evaluate subgrantee projects and project activities against NTIA's programmatic and NEPA guidance through a multi-phased process.

Initial phase: NTIA established MBO as the joint lead agency for Montana alongside NTIA to meet NEPA obligations and to minimize potential NEPA delays in the State while implementing the BEAD program.

¹ The plan described herein is based on MBO's understanding of the National Historic Preservation Act (NHPA, 1966) and the National Environmental Policy Act (NEPA, 1970) and a rigorous review of BEAD requirements, governing regulations, and guidance from NTIA, the Council on Environmental Quality (CEQ), and the American Council on Historic Preservation (ACHP). That understanding was informed by practical experience supporting billions of dollars in NTIA-funded broadband infrastructure projects as they navigated similar requirements, and relies on more than 50 years of precedent where federal programs have been implemented in a manner compliant with NEPA/NHPA and the regulations and procedures established by CEQ and ACHP.

Note that the Trump Administration's January 20, 2025, Executive Order (EO) entitled Unleashing American Energy has directed CEQ to provide guidance on how to implement NEPA, while "rescinding NEPA regulations." That EO may lead to changes in NEPA or NHPA requirements, which could drive changes to MBO's proposed approach and anticipated level of effort.



MBO has advised applicants to review [NTIA's Permitting and Environmental Information Application Tool](#) to understand environmental, historic preservation, and permitting requirements and then to consider NTIA best practices for mitigation in engineering and route designs if they are awarded.

MBO has followed NTIA's step-by-step guidance, made available in August 2024, to evaluate the sufficiency of the analysis in the FirstNet Regional PEIS as it applies to anticipated implementation activities in Montana. Based on its evaluation, MBO has found that the NEPA analysis contained in the FirstNet Regional PEIS is sufficient, pending completion of an addendum documenting updates to affected areas.

Project application phase: During the project application review, MBO reviewed each application's project narrative, geographic information, and logical network design (which included all Broadband Serviceable Locations (BSL) to be served, all proposed broadband infrastructure routes to be constructed, and project area boundary polygons encompassing all infrastructure routes and BSLs).

After Final Proposal: After submission of its Final Proposal, MBO will screen projects for compliance with NEPA using NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT) within the NTIA Grants Portal and State tools based on each project's BSLs and preliminary route maps and facility locations. MBO will provide provisional recommendations.

MBO will work with provisional subgrantees to help them prepare for NEPA and NHPA Section 106.

After grants are awarded, MBO plans to conduct an initial NHPA Section 106 review of project areas to flag any potential impact on sensitive historical and cultural structures and artifacts that would need further analysis and subgrantee actions.

Based on its project screening using FirstNet's implementing procedures, MBO will determine whether specific projects may qualify for a categorical exclusion (CE) or warrant additional evaluation due to extraordinary circumstances.

MBO plans to conduct final project reviews leveraging the NTIA permitting and environmental screening tool and/or other EHP data from federal and state sources.

Ongoing subgrantee monitoring: As part of its ongoing subgrantee monitoring, MBO will:

- Ensure that project implementation (site preparation, demolition, construction, ground disturbance, fixed installation, or any other field-based project implementation activities) does not begin prior to completion of NEPA documentation and approvals per Special Award Conditions.
- Provide training and monitor subgrantees so they understand and comply with EHP requirements, including but not limited to NEPA.



Joint Lead Agency Responsibility Summary

As the primary administering agency for the BEAD program in Montana, MBO serves as joint lead agency alongside NTIA to meet NEPA obligations and to minimize potential NEPA delays in the State while implementing the BEAD program in an environmentally sensitive manner.² MBO conducts these activities in accordance with 42 U.S.C. 4336a(a)(1)(B) and carries out the duties described in 42 U.S.C. 4336a(a)(2).

In its role as joint lead agency, MBO complies with EHP requirements including but not limited to the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*) (NEPA), Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.*) (NHPA), Section 7 of the Endangered Species Act (16 U.S.C. 1521, *et seq.*), Section 404 of the Clean Water Act (33 U.S.C. 1251, *et seq.*), and all other applicable federal, State, and local environmental laws and regulations.³

As joint lead agency, MBO has been given the following responsibilities by NTIA:

- Administer 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 Montana
- Include in all awards to subgrantees conditions stating that:
 1. The subgrantee will not commence construction 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 the BEAD NOFO (see “Permissible Pre-implementation ” 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).

² General Terms and Conditions for the NTIA Broadband Equity, Access, and Deployment Program (BEAD) Program Funds, pg. 7: https://broadbandusa.ntia.doc.gov/sites/default/files/2024-05/BEAD_IPFR_GTC_04_2024.pdf.

³ Per NTIA NEPA for the BEAD Program presentation delivered at the SBLN Virtual Monthly Meeting: Permitting Update on June 25, 2024, these include: Resource Conservation and Recovery Act, Superfund Authorization and Recovery Act, Archaeological and Historic Preservation Act, American Indian Religious Freedom Act, Floodplains and Wetlands laws and requirements, Safe Drinking Water Act, Coastal Zone Management, 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, and Native American Graves Protection and Repatriation Act.



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 (EA) or Environmental Impact Statements (EIS).
 - For grant-funded activities carried out by subgrantees, certify the sufficiency of 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. This includes conditioning the subgrant agreement to prohibit project implementation (site preparation, demolition, construction, ground disturbance, fixed installation, or any other project implementation activities) from beginning prior to completion of NEPA review.
 - For grant-funded activities carried out by MBO, 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.
 - Submit NEPA documentation—including any supporting environmental documentation required or requested by NTIA—to NTIA for review.

Description of FirstNet Regional PEIS Evaluation

The State has followed NTIA's step-by-step guidance⁴ to complete an evaluation of the sufficiency, applicability, and accuracy of the analysis in the FirstNet Regional PEIS chapter, issued in 2017, as it applies to anticipated BEAD implementation activities for Montana (Chapter 11).⁵

While the detailed route review of subgrantee projects is yet to be completed, MBO found that the broadband technologies analyzed in the FirstNet PEIS are aligned with BEAD requirements and MBO anticipates that BEAD deployment-related project activities in Montana are covered by the actions described in Chapter 11. All project scopes will be reviewed to evaluate whether activities specific to the project are covered by the FirstNet Regional PEIS. If a proposed project is not sufficiently covered by the FirstNet Regional PEIS, additional analysis will be conducted to determine whether supplemental environmental assessment is required to address identified gaps or deficiencies. Although final project details are not yet known, the following activities described in the FirstNet PEIS Chapter 11 may be implemented in Montana:⁶

⁴ https://broadbandusa.ntia.gov/sites/default/files/2024-12/DOC_NTIA_BEAD_Evaluating_FirstNet_PEIS.pdf.

⁵ FirstNet PEIS for Montana: [https://archive.firstnet.gov/2014-2018/sites/default/files/central-region/FINAL_Ch%2011%20Montana_Central%20FPEIS%20\(June%202017\).pdf?_gl=1*jh1t6c*_ga*MTI3Njl4NDYlLjE3NTM5NzlwNDg.*_ga_RMMG6T0VWC*cze3NTM5NzlwNDckbzEkZzEkdDE3NTM5NzlwNDkajYwJGw](https://archive.firstnet.gov/2014-2018/sites/default/files/central-region/FINAL_Ch%2011%20Montana_Central%20FPEIS%20(June%202017).pdf?_gl=1*jh1t6c*_ga*MTI3Njl4NDYlLjE3NTM5NzlwNDg.*_ga_RMMG6T0VWC*cze3NTM5NzlwNDckbzEkZzEkdDE3NTM5NzlwNDkajYwJGw).

⁶ Final Programmatic Environmental Impact Statement – Central Region, Chapter 11:

[https://archive.firstnet.gov/2014-2018/sites/default/files/central-region/FINAL_Ch%2011%20Montana_Central%20FPEIS%20\(June%202017\).pdf?_gl=1*jh1t6c*_ga*MTI3Njl4](https://archive.firstnet.gov/2014-2018/sites/default/files/central-region/FINAL_Ch%2011%20Montana_Central%20FPEIS%20(June%202017).pdf?_gl=1*jh1t6c*_ga*MTI3Njl4)



- Wired projects (no anticipated impact)
 - Use of Existing Conduit – New Buried Fiber Optic Plant – Disturbance associated with the installation of fiber optic cable in existing conduit would be limited to entry and exit points of the existing conduit in previously disturbed areas
 - Use of Existing Buried or Aerial Fiber Optic Plant or Existing Submarine Cable – Lighting up of dark fiber
- Satellite projects (no anticipated impact)
 - Satellite-Enabled Devices and Equipment – including permanent equipment on existing structures
 - Deployment of Satellites
- Wired projects (potential impacts less than significant at the programmatic level)
 - New Build – Buried Fiber Optic Plant – Trenching, plowing (including vibratory plowing), trenching, or directional boring and the construction of points of presence (POPs), huts, or other associated facilities or hand-holes to access fiber, requiring ground disturbance
 - New Build – Aerial Fiber Optic Plant – Potential impacts, similar to Buried Fiber Optic Plant, especially where ground disturbance is expected when connecting aerial cable to new ground locations or installation of new or replacement of existing telecommunications poles
 - New Build – Submarine Fiber Optic Plant – Installation of cables in or near bodies of water
 - Colocation on Existing Aerial Fiber Optic Plant – Ground disturbance could cause impacts to water quality and direct and indirect impacts to wetlands from increased suspended solids and runoff from activities, depending on the proximity to wetlands and type of wetlands that could be affected
 - Installation of Optical Transmission or Centralized Transmission Equipment – Installation of transmission equipment that would require grading or other ground disturbance to install small boxes or huts, access roads, or similar
- Wireless projects (potential impacts less than significant at the programmatic level)
 - New Wireless Communication Towers – Installation of new wireless towers and associated structures, such as generators, equipment sheds, fencing, security and aviation lighting, electrical feeds, and concrete foundations and pads, or access roads
 - Colocation on Existing Wireless Towers, Structure, or Building – Mounting or installing equipment (such as antennas or microwave dishes) on an existing tower

MBO also reviewed the State PEIS Chapter for regulatory changes and affected environment:

[NDaYLjE3NTM5NzlwNDg.*_ga_RMMG6T0VWC*czE3NTM5NzlwNDckbzEkZzEkdDE3NTM5NzI0NjUkajYwJGwWJGgw.](#)



- Regulatory Changes: MBO identified the State law database for completed legislative sessions from 2017 to the present and will be engaging the State’s legal counsel to evaluate potential regulatory impacts. ⁷ After the Final Proposal, MBO's EHP experts will work with provisional subgrantees to help them prepare for NEPA and NHPA Section 106, ensuring that any relevant regulatory changes since the 2017 PEIS are factored in
- Affected Environment: The PEIS adequately described the potentially affected environment in Montana, including infrastructure and biological resources. It should be noted that the following updates apply.
 - The following species have been added to the U.S. Fish and Wildlife Service’s Endangered and Threatened Species List ⁸ since the FirstNet PEIS:
 - Whitebark pine (*Pinus albicaulis*) – conifers and cycads
 - Meltwater lednian stonefly (*Lednia tumana*) – insects
 - Western glacier stonefly (*Zapada glacier*) – insects
 - North American wolverine (*Gulo gulo luscus*) – mammals
 - The following species have been removed from the U.S. Fish and Wildlife Service’s Endangered and Threatened Species List since the FirstNet PEIS:
 - Least Tern (*Sterna antillarum*) – birds
 - Water Howellia (*Howellia aquatilis*) – flowering plants
 - 107 new locations in Montana were added to the National Registry of Historical Places from 2017 to the present. ⁹
 - 1 new State parks and recreation area was added since 2017:
 - Somers Beach – 106-acre Somers Beach property on the northwest shore of Flathead Lake ¹⁰

Based on its assessment, MBO determined that the FirstNet Regional PEIS Chapter, with an addendum addressing the above-mentioned updates from its 2017 publication date, will sufficiently cover all anticipated BEAD deployment-related activities and projects. There is no need for a supplemental Environmental Assessment (EA) or supplemental Environmental Impact Study (EIS) to address gaps or deficiencies.

NTIA Categorical Exclusion Screening Description

MBO will conduct a NEPA review to assess the environmental impacts of potential projects, categorized by the significance of the impact.

⁷ <https://deq.mt.gov/about/lawsandregs>.

⁸ US Fish and Wildlife Service Environmental Conservation Online System: <https://ecos.fws.gov/ecp/report/species-listings-by-state?stateAbbrev=MT&stateName=Montana&statusCategory=Listed>.

⁹ National Park Service National Register of Historic Places: [National Register Database and Research - National Register of Historic Places \(U.S. National Park Service\)](#).

¹⁰ Montana Fish, Wildlife & Parks: [Somers Beach State Park | Montana FWP](#)



1. **Categorical Exclusion (CE)** – 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),¹¹ must be completed to determine whether a CE can apply. For all projects considered for provisional award, MBO will conduct a preliminary CE review and screening of EC and will certify that if there is no finding of EC for the project then a CE is provisionally approved, pending NTIA’s review and approval. This screening process will rely on NEPA guidance provided by NTIA, particularly Appendix B, which outlines activities that typically qualify for CE.
 - a. MBO will conduct a preliminary screening to determine whether any ECs apply to the project. MBO will review the project scope and details, including project size, location, construction methods, and proximity to sensitive environmental or historical areas and will solicit additional route and engineering details as needed from the subgrantees for this screening.
 - b. MBO will cross-reference each project with the list of CEs provided in Appendix B of NTIA’s NEPA guidance. Projects that involve activities with minimal or no environmental impact, such as minor upgrades, maintenance, or non-intrusive installations, are more likely to qualify for a CE.
 - c. MBO will review for ECs using Appendix C of the NTIA NEPA Guidance Document. If no ECs are present, MBO will apply a provisional CE¹² to the project, subject to NTIA’s review and approval.
 - d. If ECs are present, MBO, supervising the subgrantee, will conduct and document the appropriate environmental analysis to determine if the action warrants a CE or if the preparation of an EA or EIS is required.
 - i. A CE may still apply if MBO finds that there are circumstances that lessen the impacts of other conditions sufficient to avoid significant effects.
 - ii. If a CE does not apply, MBO or the subgrantee prepares an EA or EIS.
2. **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 impact 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.
3. **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

¹¹ For a list of events that may rise to extraordinary circumstances, see Appendix C, “Guidance on NTIA National Environmental Policy Act Compliance”: https://broadbandusa.ntia.gov/sites/default/files/2025-06/NTIA_NEPA_Procedures_June_2025.pdf.

¹² For a list of NTIA categorical exclusions (CE), CEs adopted from FirstNet, and Department of Commerce CEs, see pp. 11-14: https://broadbandusa.ntia.doc.gov/sites/default/files/2024-08/NTIA_NEPA_Categorical_Exclusion_Extraordinary_Circumstances_NTIA-BLM_Permitting_Summit_Slides.pdf.



Decision (ROD), which codifies the final decision made, whether to approve the project or not, and the basis for that decision.

MBO will identify, confirm, and categorize projects likely qualifying for NTIA categorical exclusions¹³ and those requiring further environmental review (and, if further review is required, will determine how that review will be conducted).

Specific Award Conditions (SAC) Description

To certify the sufficiency of all subgrantee NEPA documentation, MBO will, per NTIA guidance, include the following required conditions in all awards to subgrantees:

- 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 listed in the following section. This review includes:
 - The completion of any review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) (NEPA), and issuance by NTIA and MBO, as required, of a Categorical Exclusion (CE) determination, Record of Environmental Consideration (REC), Finding of No Significant Impact (FONSI), or Record of Decision (ROD) (“decision documents”) that meets the requirements of NEPA;
 - The completion of reviews required under Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 300101, et seq.) (NHPA), including any consultations required by federal law, to include consultations with the State Historic Preservation Office (SHPO), and federally recognized Native American tribes;
 - The completion of consultations with the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS), as applicable, under Section 7 of the Endangered Species Act (16 U.S.C. 1531, et seq.), and/or consultations with the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (33 U.S.C. 1251, et seq.), as applicable; and
 - Demonstration of compliance with all other applicable federal, State, and local environmental laws and regulations.
- 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).
- 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

¹³ See Appendix B, “Guidance on NTIA National Environmental Policy Act Compliance”:
https://broadbandusa.ntia.gov/sites/default/files/2025-06/NTIA_NEPA_Procedures_June_2025.pdf.



reviews, and the submission of Environmental Assessments or Environmental Impact Statements.

- The subgrantee must immediately inform MBO if, during construction, it inadvertently encounters culturally and historically sensitive sites or artifacts such as burial sites and stop all project construction until the subgrantee and MBO can determine potential impacts and mitigations.
- Additional Special Awards Conditions may be added if Environmental Assessments or Environmental Impact Statements are determined to be required, and specific mitigation activities are deemed to be required.

Permissible Pre-implementation Activities

Aligned with the BEAD NOFO¹⁴ and NTIA guidance, MBO will allow the following limited permissible pre-implementation activities under NEPA to proceed using award funds prior to the completion of the EHP review process, noting that subgrantees that undertake unauthorized project activities in contravention of these activities proceed at their own risk and may face de-obligation of funding:

- Pre-construction planning, including collecting information necessary to complete environmental reviews
- Applications for environmental permits
- Studies, including, but not limited to:
 - Environmental Assessments
 - Wetland delineations
 - Biological assessments
 - Archaeological surveys
 - Other environmental reviews and analyses
- Administrative and pre-award application activities
- Activities supporting consultations required under the NHPA, the Endangered Species Act, and the Clean Water Act
- Limited, preliminary procurement, including the purchase or lease of equipment, or entering into binding contracts to do so; the purchase of applicable or conditional insurance; and/or funds used to secure land or building leases (including right-of-way easements)

Other Relevant Information

Archaeological Resources: MBO's Subgrant Agreement also provides for the protection of archaeological resources. Burial sites, human remains, and funerary objects are subject to the requirements of all applicable Federal, Tribal, state, and local laws and protocols, such as the Native American Graves Protection and Repatriation Act (NAGPRA), in addition to Section 106 of

¹⁴ BEAD NOFO, Section IV.B.7.a.ii, p. 39.



the NHPA. Subgrantees must notify MBO of inadvertent discoveries and potential impacts to these resources and identify and follow all applicable laws or protocols. Subgrantees should have an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards monitor ground disturbance for grant funded activities proposed in the vicinity of National Register eligible archaeological sites and suspected or known burials.

The Subgrant Agreement also requires that if any potential archeological resources or buried human remains are discovered during construction, the subgrantee must immediately stop work in that area, secure that area, and keep information about the discovery confidential, except to notify MBO, NTIA and the interested SHPO, THPO, and potentially affected Tribes. Such construction activities may then only continue with the written approval of MBO and NTIA.