

**INTERNET  
FOR ALL**

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# Smart Start:

## How to Plan and Prepare for National Environmental Policy Act (NEPA) Compliance for BEAD

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April 2024



As primary administering agencies for the BEAD program, Eligible Entities will serve as joint lead agencies alongside NTIA to meet NEPA obligations.



The National Environmental Policy Act (NEPA) requires all projects funded under the BEAD Program to be analyzed for the potential environmental impacts before infrastructure deployment can begin.

## WHAT DOES IT MEAN TO BE A JOINT LEAD AGENCY?

Joint lead agency status will **allow states/territories to design a compliance program and plan for NEPA requirements** as they select and begin to collaborate with subgrantees, including the following responsibilities:



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



Developing a schedule for environmental review and permitting



Supervising or preparing NEPA documents, reviewing all drafts, and verifying they meet the requirements of NEPA prior to transmittal to NTIA



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



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

NTIA will provide additional NEPA guidance to Eligible Entities in the Initial Proposal Terms & Conditions after approving Initial Proposal Volume II, and through future Technical Assistance.

*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.*

Eligible Entities (EEs) have a variety of options to build the expertise needed to prepare for NEPA responsibilities, and budget flexibility to fund NEPA obligations.

## HOW CAN ELIGIBLE ENTITIES OBTAIN EXPERTISE?

To fulfill joint lead agency NEPA obligations, **Eligible Entities can use BEAD funds to hire, contract, or otherwise retain staff with NEPA qualifications and experience.** Eligible Entities can consider the following options:



**Coordinate with State/Territory Agencies:** EEs can **coordinate with other State/Territory agencies**, such as NEPA coordinators within the **State DOT**, whose environmental and cultural resources staff may be able to assist the EE in meeting NEPA obligations. EEs can consider a range of strategies such as funding subject matter expert (SME) positions and supporting flexible staffing models to leverage expertise that exists in other state/territorial governmental agencies.



**Hire Additional Staff:** EEs can **hire Environmental and Historic Preservation (EHP) experts directly** or **contract with qualified consultants**. Eligible Entities should consider whether to use traditional contract vehicles like a **Blanket Purchase Agreement (BPA)** or **Request for Proposal/Quotation (RFP/RFQ)** or to use more flexible options such as **Indefinite-Deliverables, Indefinite-Quantity (IDIQ)** if contracting with consultants.



**Partner with Existing Resources:** EEs can look to **establish public-private partnerships** with industry experts, private sector partners, or non-profit entities, **partner with state/territory educational institutions** such as community colleges or university systems, or **leverage extension services** to draw on relevant expertise and understand the implications of NEPA obligations for project applicants.

Considerations for weighing the expertise offered, time committed, and funds committed are outlined on the next page for each option highlighted above.

*Eligible Entities for BEAD should start now to identify their expertise gaps and consider options to meet NEPA obligations ahead of planned BEAD deployment timelines, which may start as early as Q1 2025.*

# EHP Expertise | Considerations



Eligible Entities can consider the level of expertise offered, time commitment, and amount of funds committed across options to obtain NEPA expertise.



**Expertise Offered**



**Time Committed**



**Funds Committed**

Option	Expertise Offered	Time Committed	Funds Committed
<b>Coordinate with State/Territory Agencies</b>	State/Territory Broadband Offices can collaborate with other state/territory agencies that can offer expertise on environmental and historic preservation requirements.	Medium	Low - Medium
<b>Cooperate with State DOT</b>	State DOTs often have extensive EHP experience, and DOT ROWs and data may factor heavily into future NEPA approvals.	Low	Low - Medium
<b>Hire EHP experts</b>	EEs can plan and budget to hire EHP experts directly from the public and private sectors.	Medium	High
<b>Contract with Consultants</b>	Contract vehicles (such as a BPA or RFP/Q) can allow EE to obtain consistent EHP support from consulting firms with EHP expertise.	Medium	High
<b>Use IDIQ- style Contracts</b>	Indefinite-Deliverable, Indefinite-Quantity-style contracts are another option for consistent support that affords more flexible funding options.	Medium	Medium
<b>Establish Public-Private Partnerships</b>	EEs can create beneficial partnerships with industry experts, private sector personnel, and nonprofits to better understand NEPA obligations for project applicants.	High	Medium
<b>Leverage Extension Services</b>	Many states/territories already have extension service programs in a range of EHP-related fields that might close current gaps in knowledge.	Medium	Low
<b>Partner with Educational Institutions</b>	Universities and community college systems can offer robust resources and expertise to EEs on a range of EHP-related topics.	Low	Low



NTIA will make available federal job descriptions and qualifications for Eligible Entities to consider using to support their EHP recruitment efforts.

## EHP EXPERT JOB PROFILE: FEDERAL SAMPLE<sup>1</sup>



### Duties:

- Coordinate and lead a team in reviewing environmental impact statements, environmental assessments and other NEPA required documents;
- Serve as a technical advisor on the identification and disclosure of environmental impacts on public health, and the natural and built environment;
- Review, analyze, and recommend policy or program modifications to implement provisions of federal environmental standards and ensure compliance.

### Qualifications:

To qualify for the GS-13 level (*insert state equivalent*), you need to have at least one year of full-time experience equivalent to the GS-12 level defined as reviewing program compliance with the National Environmental Policy Act (NEPA); advising on environmental impacts on wetland, air, or land cleanup; and developing environmental protection policies, plans, or programs.

### Evaluation Criteria:

Applicants will be evaluated based on competencies in the following areas:

1. Knowledge of environmental laws, regulations and practices
2. Familiarity with the NEPA environmental review process and ability to advise on associated environmental issues
3. Skill in environmental impact analysis
4. Skill in written communication
5. Skill in oral communication
6. Skill in program management
7. Skill in conflict resolution.

*Disclaimer: Individual states may have different qualification considerations for applicants.*

Eligible Entities should consider the requirements of the BEAD program and their role as a joint lead agency while considering options for EHP experts.

## BUDGETING CONSIDERATIONS FOR BEAD PROGRAM

Eligible Entities for the BEAD program are **strongly encouraged to proactively hire EHP experts and/or contract with qualified consultants** with relevant, preferably local, experience.

As Eligible Entities consider how to fund expertise to fulfil 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 your Initial Proposal Funding Request (IPFR) to accommodate this change, please reach out to your respective Federal Program Officer (FPO) for assistance.

For further guidance, please see the [BEAD FAQs on Funding and Allocation Process](#) (Section 7) and the [BEAD Initial Proposal Funding Request Guidance](#).

NTIA is adopting five regional First Responder Network Authority **Programmatic Environmental Impact Statements (PEISs)** to help streamline NEPA compliance. Evaluating and updating the chapter analyzing broadband deployments in your state now can reduce the burden of future NEPA review for your BEAD projects.

## EVALUATING YOUR STATE'S PEIS CHAPTERS

**EEs can maximize the benefits of NTIA's programmatic NEPA approach by reviewing and updating the content for their state or territory** in the applicable FirstNet PEIS in preparation for the Final Proposal. Programmatic NEPA review evaluates routine action types that are likely to have similar impacts at a broad scale. This can create efficiency by reducing the need for repetitive analysis for individual projects.

### Where to Start

1. Visit the FirstNet Authority [Regional PEIS Page](#)
2. Identify your PEIS Region by state/territory
3. Review your chapter and assess the sufficiency of the analysis, using the questions below
4. Contact your NTIA FPO for guidance if a Supplemental Environmental Assessment may be needed to address deficiencies



### Aspects to Consider in Evaluation

- **Regulatory changes:** E.g., Have there been any changes to environmental and historic preservation laws and regulations in your state or territory?
- **Affected Environment:** E.g., Does the chapter adequately identify and describe the affected environment for your state or territory? Pay special attention to specific relevant resource areas.
- **Infrastructure:** E.g., Does the chapter include all types of facilities and infrastructure deployment scenarios anticipated in your state or territory?
- **Biological Resources:** E.g., Are there newly listed threatened or endangered species in your state or territory? Do these listings have the potential to impact broadband deployment activities?
- **Environmental Consequences:** E.g., Does the chapter fully describe and analyze potential environmental consequences?

Eligible Entities can 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.

## WHERE CAN YOU START TODAY?

- 1** Explore [NTIA's suite of tools](#) to assist in streamlining permitting and EHP review processes and requirements here, including;
  - Learn how recently amended [Advisory Council on Historic Preservation's Program Comment for Federal Communications Projects](#) streamlines Section 106 Reviews for broadband
  - Identify permits and avoid sensitive resources with the [publicly available NTIA Permitting/Environmental Information Application](#)
  - Identify the NTIA [Categorical Exclusions](#) that may apply to projects
  - Begin evaluating the applicable PEIS chapter and updating or supplementing the analysis as needed (**see page 7**)
- 2** Learn about the state/territory role as a joint lead agency and explore options for expanding EHP expertise and capacity in your agency
  - Compare options for expanding EHP capacity and expertise (**see pages 4-5**).
- 3** Plan for any necessary expertise or capacity needs in your budget (**see page 6**)

**State and Territory Broadband Offices are encouraged to reach out to their respective BEAD Federal Program Officer with any questions.**