

14. Environmental (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.

BEAD Restructuring Policy Notice Section 6, Page 15:

To support NTIA's goal of issuing National Environmental Policy Act (NEPA) approvals within two weeks for an estimated 90 percent of BEAD projects and eliminate approximately 3–6 months of environmental processing per project, all Eligible Entities are hereby required to use the Environmental Screening and Permitting Tracking Tool (ESAPTT) within the NTIA Grants Portal. ESAPTT will help Eligible Entities serve as joint lead agencies for NEPA reviews by identifying applicable categorical exclusions and enabling paperless transmission of environmental documents and generation of draft and final NEPA documents. NTIA will generate ESAPTT project records from BEAD subgrant award data, which must identify any awards containing multiple NEPA project areas. Eligible Entities are further encouraged to use ESAPTT's permitting tracking capacity to evaluate and track subrecipient NEPA milestone schedules and escalate Federal right-of-way permitting issues to NTIA for interagency resolution.

The purpose of this section is to ensure that the Eligible Entity provides information on how it will ensure subgrantees will comply with environmental and historic preservation 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.

14.1 Attachment (Required)

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 chapter of the 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 Arizona Commerce Authority (ACA) and subgrantees will adhere to all applicable environmental and historic preservation (EHP) requirements, including, but not limited to, the National Environmental Policy Act of 1969 (42 U.S. Code [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.) (ESA); Section 404 of the Clean Water Act (33 U.S.C. 1251, et seq.) (CWA); all other applicable federal, state, and local environmental laws and regulations;¹ and the National Telecommunications and Information Administration's (NTIA's) Broadband Equity, Access, and Deployment (BEAD) Program guidance.

Methodology:

ACA, which is the Eligible Entity for Arizona and the joint lead agency with NTIA for the BEAD Program, will provide several documents to the subgrantees to assist them in meeting the EHP requirements for their projects, as described below:

- **NEPA Guidebook** – A summary of resources available to assist subgrantees as they prepare the environmental documentation for their projects. The Guidebook will provide links to NTIA guidance and to state and local agency guidance, as applicable.
- **FirstNet Final PEIS for the Western United States²** – A programmatic environmental impact statement (PEIS) previously prepared for the Nationwide Public Safety Broadband Network, which involves projects similar to those that would occur under the BEAD Program. The PEIS will be used for tiering environmental documents for the BEAD Program. Note that in a tiered approach, an agency prepares an environmental impact statement (EIS) that analyzes a program or projects on a broad scale, and subsequent “tiered” environmental documents reference the original EIS and examine individual projects in more detail.
- **FirstNet Final PEIS Arizona Chapter Review Memo and Addendum** – A memo documenting a review of the PEIS Arizona Chapter, noting information that needs to be updated or added and changed regulatory conditions. The addendum provides additional information to address identified data gaps.

¹ In accordance with NTIA Guidance on NEPA Compliance for the BEAD Program, these include: Resource Conservation and Recovery Act; Superfund Authorization and Recovery Act; NHPA; American Indian Religious Freedom Act; federal, state, and local floodplain and wetland laws and requirements; Safe Drinking Water Act; CWA; Clean Air Act; state and local land use requirements; ESA; Migratory Bird Treaty Act; Bald and Golden Eagle Protection Act; Toxic Substances Control Act; Comprehensive Environmental Response, Compensation, and Liability Act; Farmland Protection Policy Act; Native American Graves Protection and Repatriation Act; Fiscal Responsibility Act; Rivers and Harbors Act; Wild and Scenic Rivers Act; Fish and Wildlife Coordination Act; and all other pertinent executive orders. Note that executive orders on environmental justice and climate change have been rescinded, and the Marine Mammal Protection Act and Coastal Act do not apply to Arizona.

² <https://www.firstnet.gov/network/environmental-compliance/projects/regional-programmatic-environmental-impact-statements>

ACA will also require applicants to review information located at NTIA's Permitting Resources³ website to understand environmental, historic preservation, and permitting requirements, and then to implement NTIA best practices for mitigation⁴ and engineering in route designs.

ACA will ensure subgrantees submit the required documentation and will review each application's project narrative, geographic information, and supporting documentation including photographs, aerials, 30% project plans, aquatic resources delineations, and State Historic Preservation Office (SHPO) and U.S. Fish and Wildlife Service (USFWS) consultation information. The subgrantee will provide a milestone schedule identifying specific deadlines and the approach to meeting the timing requirements including, as required, the completion of consultations, the completion of NEPA and Section 106 reviews, and the submission of environmental documents.

ACA will flag areas with any potential impact on sensitive historical and cultural structures and artifacts, endangered or threatened species, and jurisdictional waters of the U.S. that would need further analysis and subgrantee action (potential fieldwork and additional agency consultation). ACA has retained subject matter experts and geographic information system (GIS) specialists to assist in project review activities and in the evaluation and documentation of extraordinary circumstances⁵ (ECs).

An analysis of the environmental considerations of the proposed actions, including screening for ECs, must be completed to determine whether a categorical exclusion⁶ (CE) will apply. Projects that involve activities with minimal or no environmental impact, such as minor upgrades, maintenance, or non-intrusive installations that do not involve ground disturbance, are more likely to qualify for a CE.

If ECs are present, ACA will determine whether specific projects may qualify for a CE, an environmental assessment (EA), or an environmental impact statement (EIS) based on NTIA's implementing procedures and NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT) categories. ACA's NEPA Specialist will enter documents and project information into the NTIA ESAPTT platform, as required. Decisions will be documented in ESAPTT and transmitted to NTIA for approval.

If projects do not qualify for a CE, ACA and the subgrantee will follow NTIA guidance and determine whether an EA or EIS is required.

The subgrantee would then prepare an EA according to the NTIA preferred template⁷ for ACA review, approval, and submittal to NTIA. If the environmental analysis determines a project

³ <https://broadbandusa.ntia.gov/assistance/permitting>

⁴ https://broadbandusa.ntia.gov/sites/default/files/2025-06/EHP_NTIA_BMPs_and_Mitigation_Measures.pdf

⁵ For a list of events that may rise to ECs, visit: <https://www.federalregister.gov/documents/2024/04/02/2024-06751/national-environmental-policy-act-procedures-and-categorical-exclusions#h-30>

⁶ For a list of NTIA CEs, visit: <https://www.federalregister.gov/documents/2024/04/02/2024-06751/national-environmental-policy-act-procedures-and-categorical-exclusions#h-25>

⁷ https://broadbandusa.ntia.gov/sites/default/files/2025-06/EHP_Tiered_EA_Guidance_and_Template.pdf

would have no significant impact on the quality of the environment, a finding of no significant impact (FONSI) would be issued.

An EIS will be prepared for projects when the action would have a significant effect on the environment. This is the most comprehensive form of NEPA analysis. The final decision would be 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.

ACA will identify, confirm, and categorize projects qualifying for NTIA CEs⁸ and those requiring further environmental review. If further review is required, NTIA will determine how that review will be conducted.

Joint Lead Agency Responsibility Summary

As the primary administering agency for the BEAD Program in Arizona, ACA will serve 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.⁹

ACA will comply with all EHP requirements, laws, and regulations, as stated in the first paragraph of this document. As joint lead agency, some of ACA's responsibilities and obligations related to preparation and review of all required environmental analyses and review documents are summarized as follows:

- 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).¹⁰
- For grant-funded activities, certify the sufficiency of subgrantee NEPA documentation (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 review of all analyses required to prepare NEPA documentation (studies, consultations, maps, photographs, aerials, draft NEPA documents, etc.).
- Submit NEPA documentation—including any additional supporting environmental documentation required or requested by NTIA—to NTIA for review.

⁸ See Appendix B and Appendix C, NTIA NEPA Guidance: https://broadbandusa.ntia.gov/sites/default/files/2025-06/NTIA_NEPA_Procedures_June_2025.pdf

⁹ 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

¹⁰ <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section4336a&num=0&edition=prelim>

Description of FirstNet Final PEIS for the Western United States Evaluation

ACA has followed NTIA's step-by-step guidance¹¹ to complete an evaluation of the sufficiency, applicability, and accuracy of the analysis in the FirstNet Final PEIS for the Western United States, issued in 2017, as it applies to anticipated BEAD implementation activities for Arizona (Chapter 3).¹² The following deployment activities¹³ may be implemented in Arizona:

- Wired projects:
 - use of existing conduit – new buried fiber optic plant
 - use of existing buried or aerial fiber optic plant or existing submarine cable
 - new build – buried fiber optic plant
 - new build – aerial fiber optic plant
 - new build – submarine fiber optic plant
 - colocation on existing aerial fiber optic plant
 - installation of optical transmission or centralized transmission equipment
- Wireless projects:
 - new wireless communication towers
 - colocation on existing wireless towers, structure, or building
- Deployable, satellites, and other technologies:
 - satellite-enabled devices and equipment
 - deployment of satellites

While the detailed route review of subgrantee projects is yet to be completed, ACA found that the broadband deployment technologies analyzed in the Final PEIS for the West are fully aligned with BEAD requirements and are sufficiently covered in Chapter 2. All final project scopes will be fully reviewed prior to final approval and implementation. If a proposed project is not sufficiently covered by the Final PEIS for the West, additional analysis will be conducted to determine whether any supplemental environmental analysis is required to address identified gaps or deficiencies.

Additionally, ACA's expert reviewers identified the following areas in the PEIS document in need of revisions or updates for NEPA analysis to implement individual BEAD projects in Arizona:

- Regulatory changes (note that additional NEPA and other regulatory changes are currently pending and would need to be assessed once available):
 - Council on Environmental Quality (CEQ) regulations implementing NEPA removed from the Code of Federal Regulations

¹¹ https://broadbandusa.ntia.gov/technical-assistance/DOC_NTIA_BEAD_Evaluating_FirstNet_PEIS

¹² Final PEIS for the Western United States, Chapter 3, Arizona: <https://www.firstnet.gov/network/environmental-compliance/projects/regional-programmatic-environmental-impact-statements>

¹³ Final PEIS for the Western United States, Chapter 2, <https://www.firstnet.gov/network/environmental-compliance/projects/regional-programmatic-environmental-impact-statements>

- Potential NHPA Section 106 changes at the Bureau of Land Management (BLM) and Advisory Council on Historic preservation (ACHP)
- Executive Order (EO) 12898 and EO 14008 were rescinded
- Ensure interpretation of the ESA is still current, regarding “harm” vs. “take”
- Consider using the Federal Highway Administration (FHWA) *Guidelines for Visual Impact Assessment of Highway Projects* (2015) as guidance
- Review and edit definition of Waters of the U.S. based on current definition:
 - Sackett II Decision (2023)
 - Change U.S. Army Corps of Engineers (USACE) District to USACE Los Angeles District
 - Change applicable Nationwide permit (NWP) from NWP 12 to NWP 57
- Arizona Department of Environmental Quality operates the National Pollutant Discharge Elimination System (NPDES) program, issues 401 Water Quality Certifications, and handles the 402 program
- Relevant Arizona infrastructure laws and regulations include Arizona Revised Statutes Title 49 Chapter 1 and Title 28 Chapters 19 and 20
- Include Arizona Surface Water Protection Program and Arizona Administrative Code Rules, AAC Title 18, Chapter 9 – Water Pollution Control
- Include Paleontological Resources Preservation Act and Federal Land Policy and Management Act of 1976
- Include relevant federal and state laws: Fish and Wildlife Conservation Act of 1980, Fish and Wildlife Coordination Act of 1934, Plant Protection Act of 2000, EO 13112 – Invasive Species, Arizona Native Plant Law, AZ Revised Statutes Title 9 Chapter 5 Article 8, Title 11 Chapter 6, and Title 28 Chapter 25
- Check applicability of Arizona State Occupational Safety and Health Administration (OSHA) Plan to NEPA
- Affected environment changes and data gaps:
 - Geology: fossil localities, volcanic fields and activity, minor faults, and fault zones, exposed geologic beds – more updated, detailed maps are available
 - Water resources: watersheds, washes, and arroyos; rivers and alluvial deposits need to be added
 - Biological resources: Arizona native plants, Arizona Native Plant Law, habitat connectivity, reptile and amphibian species that do not rely on aquatic habitats, potential spread of invasive species and noxious plants related to construction, wildlife linkages, ESA species and designated critical habitat updates
 - Visual resources: county and municipal scenic route designations, parks, natural areas, state, or national landmarks
 - Air quality: permits and rules of state and local entities
 - Noise and vibration: county and municipal noise ordinances or regulations and specifics of equipment types to be used
 - Update information on public roads and bridges with newer FHWA data from 2023 and 2024

- Cultural resources and Tribes: Pueblo of Zuni, counts of sites and historic properties
- Environmental consequences changes and data gaps:
 - Radiofrequency emissions information may be better suited for inclusion in *Biological Resources* and *Human Health and Safety* sections of the document
 - Bird mortality and towers
 - Light pollution and dark sky regulations analysis
- Need to reevaluate/update resource analysis:
 - Update 303(d) list of impaired waters to most recent source
 - Use Arizona Wetland Types data from 2014 to update wetland acreage
 - Use Arizona Wildlife Conservation Strategy data from 2022
 - Correct Superstition Mountain vegetation descriptions
 - Incorporate National Register of Historic Places in Arizona updates
 - Air quality standards tables need to be revised and updated
 - Update Resource Conservation and Recovery Act (RCRA) and Superfund site data
- Steps needed to update the resource analysis:
 - Locate more recent maps and data sources; update tables, figures, and data; and include additional discussion and research as needed
 - Update weblinks that are no longer functioning
 - Revise all maps, tables, figures, citations, and references as necessary
- Applicability of best management practices (BMPs):
 - Additional BMPs may be included in environmental documents for specific projects as needed

Based on its assessment, ACA determined that the Final PEIS for the Western Region, Chapter 3 (Arizona), 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 EA or EIS to address gaps or deficiencies. The detailed *FirstNet Programmatic Environmental Impact Statement (PEIS) Review Memorandum and Addendum* is included in this package.

Specific Awards Conditions (SACs) Description

To certify the sufficiency of all subgrantee NEPA documentation, ACA will, in accordance with NTIA guidance, include the following required conditions in all awards to subgrantees¹⁴:

- The subgrantee will not commence implementation, and funds will not be disbursed, until all necessary environmental review is complete and NTIA has approved any necessary

¹⁴ See NTIA's 2024 BEAD General Terms and Conditions.

decision document, except for the limited permissible activities listed in the following section. This review includes:

- The completion of any review required under NEPA, and issuance, as required, of a CE determination, Record of Environmental Consideration (REC), FONSI, or ROD (hereafter referred to as “decision documents”) that meets the requirements of NEPA;
 - The completion of reviews required under Section 106 of the NHPA, including any consultations required by federal law, to include consultations with the SHPO, any federally recognized Tribes, and/or Tribal Historic Preservation Office (THPO);
 - The completion of consultations with USFWS under Section 7 of the ESA (16 U.S.C. 1531, et seq.), and/or consultations with USACE under Section 404 of the CWA (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 prepare any required NEPA documents and obtain any required permits in a timely manner 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 describe 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 EAs or EISs.
 - The subgrantee must immediately inform ACA if, during construction, it inadvertently encounters any archeological resources, culturally and/or historically sensitive sites or artifacts such as burial sites, and immediately stop all project construction in that area, secure that area, and keep information about the discovery confidential, except to notify ACA, NTIA, and the interested SHPO, THPO, and potentially affected Tribes. Such construction activities may then only continue with the written approval of ACA and NTIA.
 - Additional SACs may be added if EAs or EISs are required, and specific mitigation activities are required.

Permissible Pre-implementation Activities

Aligned with the BEAD NOFO¹⁵ and NTIA guidance, ACA will allow the following limited permissible pre-implementation activities to proceed using award funds prior to the completion of the EHP review process, noting that subgrantees who 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

¹⁵ BEAD NOFO, Section IV.B.7.a.ii, p. 39.

- Studies, including, but not limited to:
 - Wetland delineations
 - Biological assessments
 - Archaeological surveys
 - Other environmental reviews and analyses
- Administrative and pre-award application activities
- Activities supporting consultations required under the NHPA, ESA, and CWA
- Limited, preliminary procurement, including the purchase or lease of equipment, or entering 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: ACA'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 the NHPA. 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 any National Register of Historic Places-eligible archaeological sites and suspected or known burials. The potential need for programmatic agreements or historic property treatment plans would be considered.