



# KANSAS

OFFICE OF BROADBAND  
DEVELOPMENT

## BEAD Environmental & Historic Preservation and Permitting Process

Why EHP and Permitting Matter

*Remember: no shovel in the ground until EHP and permitting clearances obtained*

# Introduction & Agenda

Overview of BEAD and relevant legal framework

Understanding federal, state, and local environmental and historic preservation and permitting processes

Stakeholders' roles in EHP and permitting compliance

Subrecipients' obligations

Questions?

# The BEAD Program

## *What is BEAD?*



\$42.5 billion federal grant program that aims to expand high-speed internet access to unserved and underserved location.

## *How is Kansas involved?*



NTIA has allocated Kansas \$166.6 million to fund 81 projects involving fiber, fixed wireless, and satellite service.

## *How are subrecipients and agencies involved?*

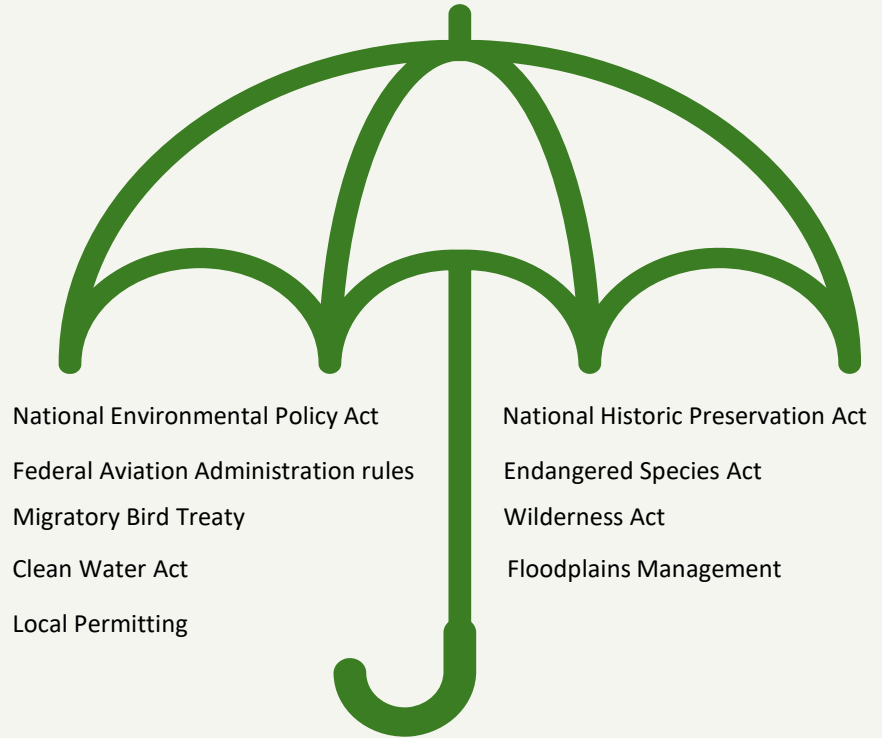


KOBD aims to work cooperatively and efficiently with subrecipients and agencies to complete the required environmental, historic, and permitting in a timely manner.

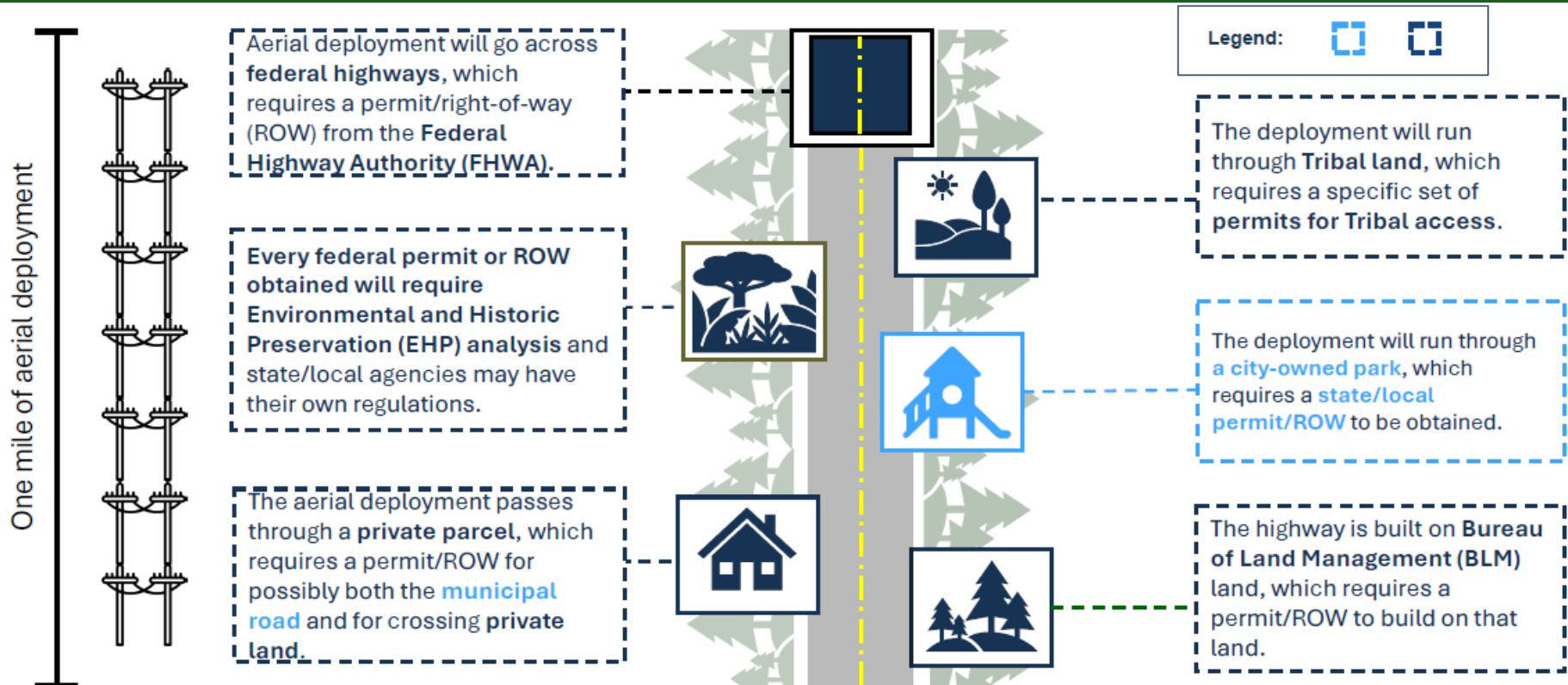
# Why EHP and Permitting Review?

Federal laws, including the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA), require federally funded actions to be assessed for ecological, aesthetic, historic, cultural, economic, social, or health effects.

EHP is an “umbrella” concept—it provides a framework within which all required environmental, historic, and cultural resources reviews can be evaluated.



# What Do EHP Review and Permitting Entail?



# NEPA Basics: Review Levels

## Categorical Exclusion (CatEx)

Lowest level. Action fits an established category with no significant impact. Still requires documentation (does not mean “no paperwork”).

## Environmental Assessment (EA)

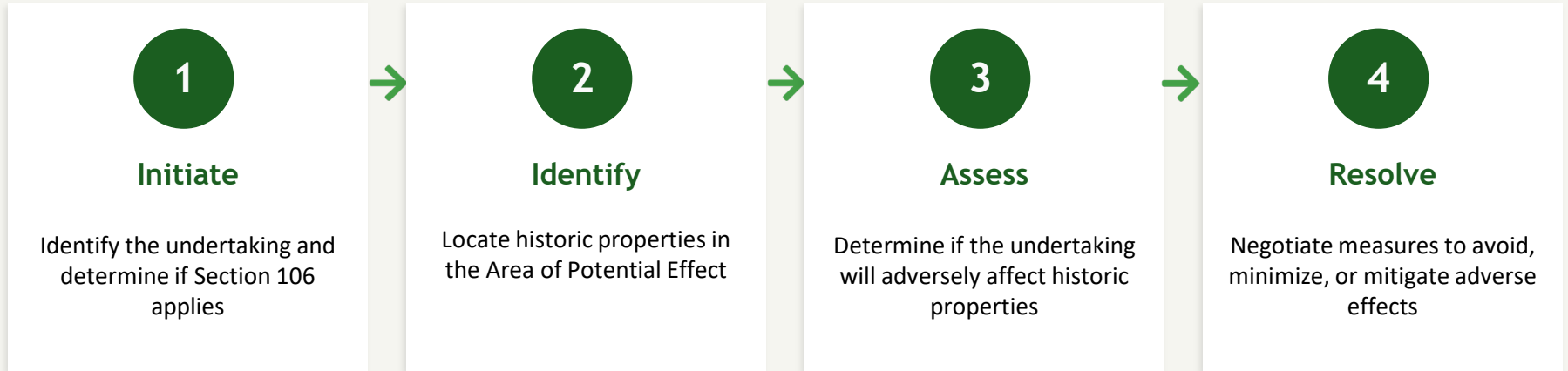
Mid-level. Needed when impacts are uncertain. Review of the EA will result in a Finding of No Significant Impact (FONSI) or escalation to EIS.

## Environmental Impact Statement (EIS)

Highest level. Required when the action may significantly affect the environment. Most BEAD projects should not reach this level.

**Remember:** NTIA adopted new CatExs for BEAD projects. Your submission must clearly explain what, where, and how, so that reviewers can quickly confirm that a CatEx is appropriate.

# NHPA Basics: Section 106



## Consulting Parties

SHPO/THPO, Tribes, and other consulting parties. May be reflected in award conditions.

## Timing Requirement

Section 106 must be completed before federal funds are expended on the undertaking.

# Other Key Requirements: ESA, CWA, Federal Lands



## ESA Section 7

*Endangered Species Act*

Federal agencies must ensure funded actions do not jeopardize listed species or critical habitat. Consultation with USFWS/NMFS may be needed.



## CWA Section 404

*Clean Water Act*

Dredge/fill discharges to waters of the U.S. (including wetlands) require USACE permits (general or individual).



## Federal/State ROW

*Right-of-Way & Land Managers*

Federal and state land managers can drive sequencing. Build ROW requirements into your milestone schedule early.

# Local Permitting

Permits vary by deployment type:

- Right-of-Way (ROW), street cut, excavation & trenching permits
- Traffic control and lane/sidewalk closure approvals
- Pole attachment agreements (often involving local utility, municipalities, and private entities)
- Zoning and building permits for cabinets, huts, generators, and tower sites (if applicable)

Local permitting approvals must be coordinated alongside federal review so to avoid design changes mid-review.

Electrical, structural, and utility crossing permits must be secured before construction; factor permit timelines into project schedule.

## Avoid:

- **Beginning construction without required local approvals**
- **Assuming EHP clearance satisfies local permitting**
- **Missing permit renewal deadlines mid-construction**

# Roles & Responsibilities



## *Federal Decision Authority*

- Sets NEPA procedures
- Issues decision memos
- Adopted Categorical Exclusions to facilitate deployment



## *Joint Lead Agency*

- Designs compliance program
- Supervises & reviews documents
- Ensures no premature work
- Convenes Permitting Roundtables

## Subrecipients

### *Primary Source for Data and Updates*

- Provides scope, methods, locations
- Submits maps, photos, details
- Maintains milestone schedule
- Complies with EHP obligations

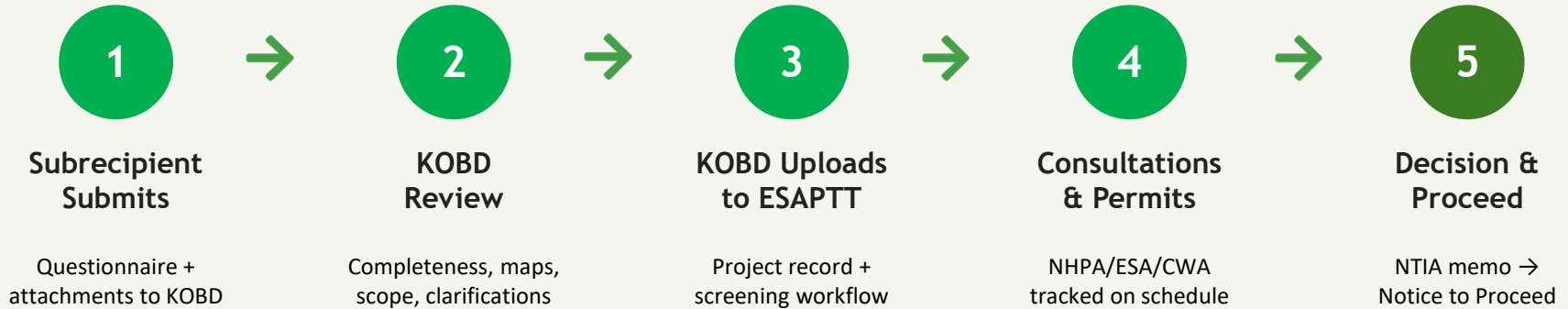
# Permitting Agencies

Permitting agencies can help speed BEAD deployment throughout Kansas by:

- Participating in Permitting Roundtables
- Looking for ways to consolidate permit applications
- Considering e-permitting and/or other automated processes

*Goal is to expand connectivity to as many Kansans as possible while ensuring that all federal and local rules are satisfied.*

# KOBD's EHP and Permitting Workflow



**Key Takeaway:** The questionnaire creates a consistent dataset, KOBD catches problems before and during ESAPTT submission, and KOBD and subrecipient work together to resolve them. *No construction until NTIA decision memo and State Notice to Proceed are issued.*

# ESAPTT in a Nutshell



## What It Is

NTIA's Salesforce-based platform that streamlines NEPA screening, transmits NEPA documents, and tracks permitting milestones.



## What It Does

Helps apply Categorical Exclusions (CatEx) and identify extraordinary circumstances that may require deeper environmental review.



## Subrecipient Role

Subrecipients do not enter ESAPTT directly. They submit a package and KOBD assists in controlling quality and eventually uploading.



*ESAPTT speeds things up only when the underlying data (e.g., maps, methods, footprints) is complete and solid.*

# What Subrecipients Must Submit



## Standard EHP Questionnaire

ESAPTT form covering scope, methods, locations, resource hits, permits, and consultation triggers



## Maps

Scaled, labeled routes/footprints showing existing vs. new infrastructure; wireless must show full disturbance footprint



## Project Descriptions

Summary ( $\leq 1,000$  chars) + detailed description: what, where, how, plus disturbance dimensions



## Photos + Milestone Schedule

Site and surroundings photos, plus permit matrix and milestone schedule for NEPA/NHPA/ESA

# Subrecipient Obligations



Do not begin construction or ground disturbance until NTIA decision memo and State Notice to Proceed are issued



Provide a milestone schedule for consultations, reviews, and any EA/EIS tasks; KOBD uses this for monitoring



Respond quickly to requests for clarifications, redesigns, avoidance measures, and mitigation conditions



***Fastest approvals come from stable scope and "EHP-ready" design detail: depth, width, boring, pole counts, tower pad size, and staging***

# How to Avoid Delays

Submit close to complete design maturity (avoid “TBD” segments in routes and footprints)

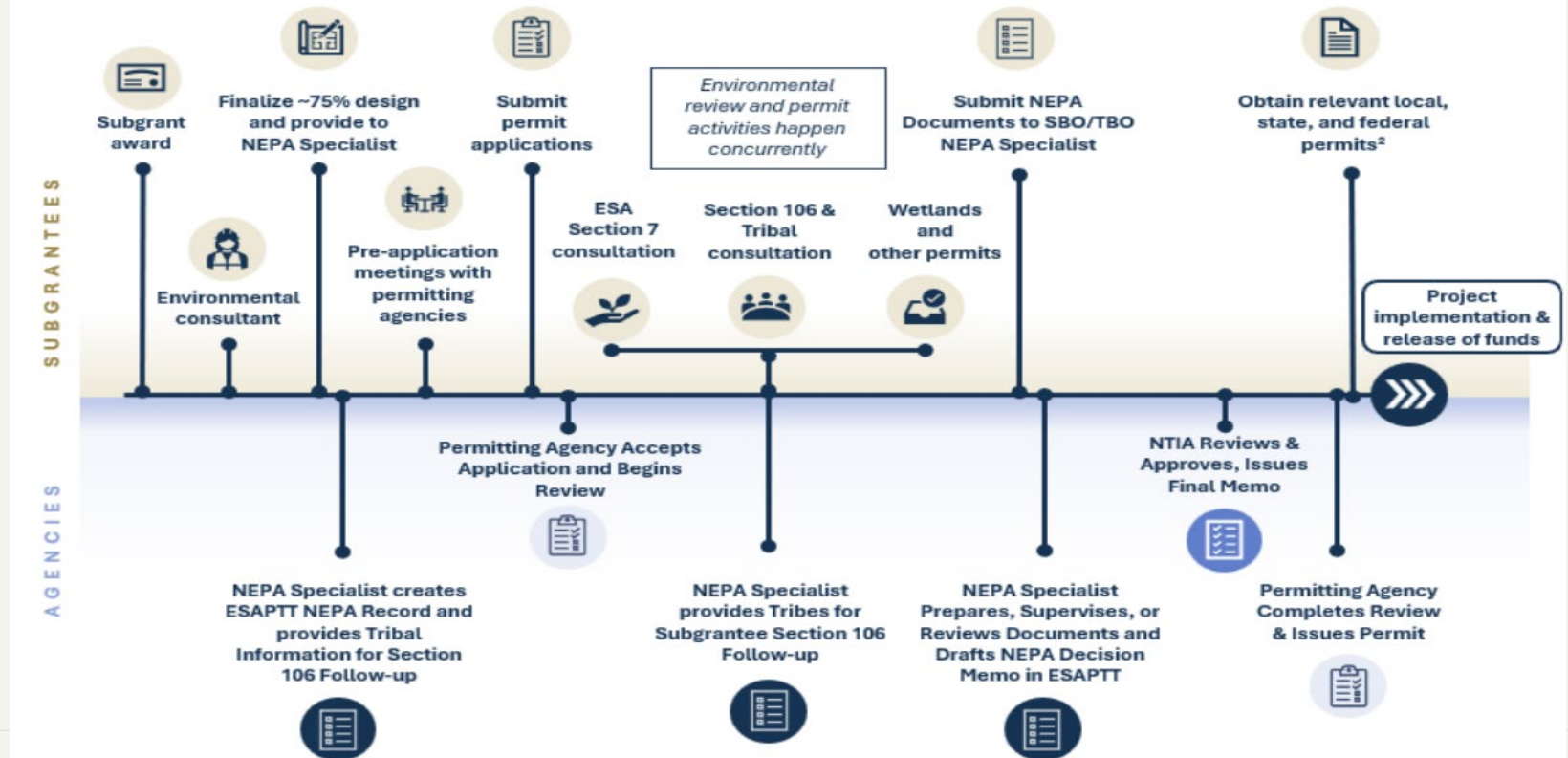
Plan deployments using existing disturbed ROW; minimize new access roads and tower pads

Flag wetlands and historic resources early in your planning

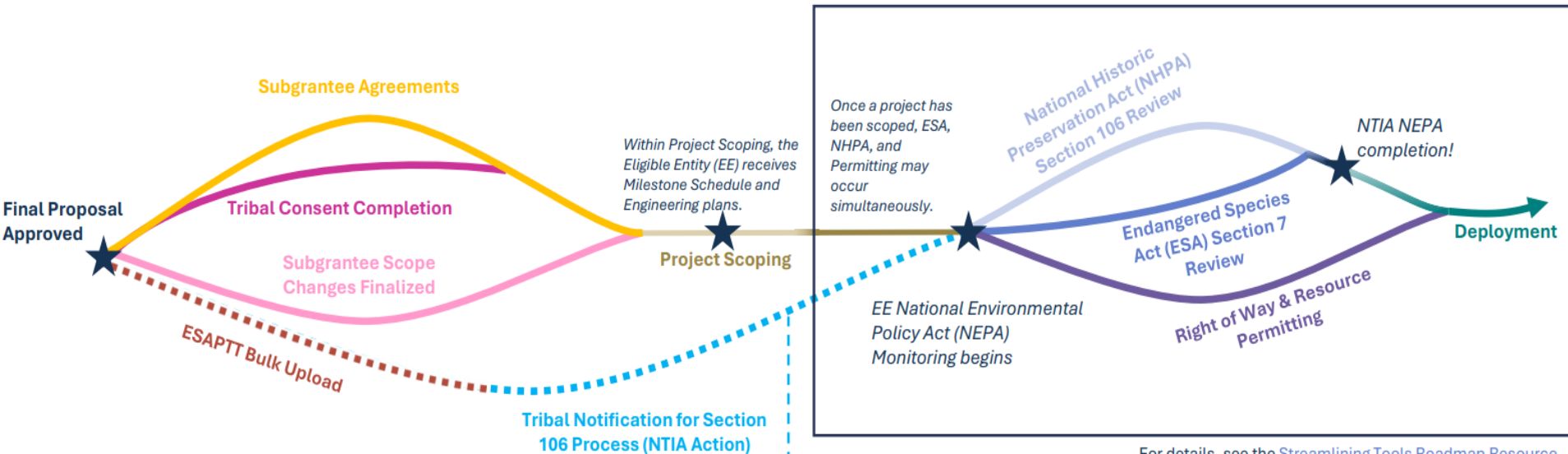
Consider splitting into multiple NEPA project areas for incremental clearance

*Your goal: a package that lets reviewers say “yes” without guessing or questioning.*

# Sample Milestones



# Sample Timeline



1. NTIA will initiate the Tribal Notification process for applicable project areas.
2. Tribes have 30 days to respond.
3. State Broadband Offices (SBOs) can begin environmental screening in ESAPTT by uploading Project Descriptions and maps. NTIA will notify SBOs via email when the Tribal Notification period concludes, project "Section 106" tabs are populated in ESAPTT, and the full Environmental Questionnaire is accessible.

For details, see the [Streamlining Tools Roadmap Resource](#).

Source: NTIA, BEAD Process Map, Apr. 2026



# Conclusion

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