KANSAS
OFFICE OF BROADBAND DEVELOPMENT

BEAD Environmental and Historic Preservation (EHP) Guidance

A Step-by-Step Guide to EHP Compliance for Kansas BEAD Subrecipients

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Table of Contents

Disclaimer 1
Introduction 1
Who Does What: Roles and Responsibilities 2
Part 1: The Kansas BEAD EHP Compliance Workflow 3
STEP 1 Draft the Detailed Project Description and Maps 3
STEP 2 Draft a Milestone Schedule 4
STEP 3 Screen for Extraordinary Circumstances and Confirm a Categorical Exclusion Applies 5
STEP 4 Endangered Species Act (ESA) Section 7 Screening 9
STEP 5 National Historic Preservation Act (NHPA) Section 106 Review 11
STEP 6 Water Resources: Wetlands, Streams, and Water Quality 15
STEP 7 Identify Other Federal, State, and Local Permits 17
STEP 8 Identify and Begin State and Local Permit Applications 18
STEP 9 Submit the Complete EHP Package to KOBD 19
STEP 10 Await NTIA's Final NEPA Decision and KOBD's Notice to Proceed 20
STEP 11 Finalize Remaining Permits and Private Authorizations 21
STEP 12 Pre-Construction Checklist and Recordkeeping 21
Process Map: Kansas BEAD EHP Compliance Workflow 23
Part 2: Kansas Agency Directory 25
Kansas State Historic Preservation Office (Kansas SHPO) 25
USFWS Kansas Ecological Services Field Office 25
Kansas Department of Wildlife and Parks (KDWP): Ecological Services Division 27
Kansas Department of Transportation (KDOT): Utility Accommodation 27
Water Resources and Water Quality 28
U.S. Army Corps of Engineers (USACE) 28
Kansas Underground Utility Damage Prevention (Kansas One-Call / 811) 29
Local (County and Municipal) Permits 29
Appendix A: KOBD Subrecipient Milestone Schedule 30
Appendix B: Sample "No Permit Required" Letter 31
Appendix C: Definitions and Acronyms 32
Appendix D: Additional References 33
Appendix E: KOBD ESAPTT Screening Questionnaire Overview 34

Disclaimer

This document is intended to help Kansas Broadband and Equity Access Deployment (BEAD) Program subrecipients understand and plan for the typical environmental, historic preservation, and permitting steps (collectively, EHP) associated with broadband deployment under the BEAD Program in the state of Kansas. It is informational only, does not constitute legal or regulatory advice, and is not a comprehensive statement of every requirement that may apply to a BEAD project.

The Kansas Office of Broadband Development (KOBD) reserves the right to amend or update this guide at any time to remain aligned with state, federal, and National Telecommunications and Information Administration (NTIA) requirements. Subrecipients are responsible for routinely reviewing official NTIA, state, Tribal, and local agency resources for the most current information, and are responsible for identifying and obtaining the necessary permits and authorizations required for completion of their BEAD Program awards, and for providing KOBD and NTIA all information necessary for that completion.

Introduction

Purpose. This guide walks Kansas BEAD subrecipients through the complete, start-to-finish process for meeting National Environmental Policy Act (NEPA) and Environmental and Historic Preservation (EHP) requirements for a BEAD-funded project, from drafting a project description through receiving a Notice to Proceed and beginning construction. It assumes that your NEPA Project Area(s) have already been reviewed and approved by KOBD, consistent with NTIA's guidance on *Dividing BEAD Subgrant Awards into Multiple ESAPTT NEPA Project Areas*. This guide begins at the point where a subrecipient is ready to start the EHP compliance process for an approved NEPA Project Area.

Why this matters. Because BEAD is federally funded, every BEAD-funded project is a federal undertaking subject to NEPA, the Endangered Species Act (ESA) Section 7, and the National Historic Preservation Act (NHPA) Section 106, regardless of who owns the land the project crosses. ***Construction and other ground-disturbing activity may not begin until NTIA has issued a final NEPA decision document (a Categorical Exclusion determination, Environmental Assessment/Finding of No Significant Impact, or Environmental Impact Statement/Record of Decision) and KOBD has issued a Notice to Proceed for that NEPA Project Area.*** This rule applies with no exceptions. Throughout this guide, the point where your EHP package is ready for KOBD/NTIA review is called Gate 1, and the point where every required decision, permit, and authorization is fully finalized and construction may begin is called Gate 2 (see Step 10 and Step 12 for what happens before and after each).

How to use this guide. Part 1 walks through the review process step by step; the steps are numbered for reference and organized in the order a subrecipient will typically work through them, though several can be worked on in parallel rather than sequentially. Part 2 is a Kansas-specific agency directory with contacts and submission portals for the state and federal agencies most commonly involved in BEAD EHP review in Kansas. The Appendices include templates, checklists, and reference lists you can adapt for your own project files.

KOBD's Role as Joint Lead Agency. Under 42 U.S.C. § 4336a, KOBD acts as a joint lead agency with NTIA for EHP compliance on Kansas BEAD projects. This means KOBD is responsible for certifying the sufficiency of subrecipient EHP documentation (by supervising or independently reviewing and verifying draft EHP materials) before transmitting them to NTIA through the Environmental Screening and Permitting Tracking Tool (ESAPTT). Subrecipients remain responsible for preparing complete, accurate project descriptions and supporting documentation and for identifying and obtaining all applicable permits.

Who Does What: Roles and Responsibilities

Party	Primary EHP Responsibilities
Subrecipient	• Prepares Summary and Detailed Project Descriptions, maps (PDF and KMZ files), and Photos for each Project Area. • Drafts and maintains a Milestone Schedule. • Screens the project against NTIA's Categorical Exclusions and Extraordinary Circumstances. • Completes the ESA Section 7 and NHPA Section 106 screening steps. • Identifies, applies for, and obtains all other applicable federal, state, local, and private permits/authorizations. • Submits complete EHP packages to KOBD and keeps project records. • Engages with credentialed consultants to complete the above as needed.
KOBD (Joint Lead Agency)	• Reviews subrecipient submissions for completeness and adequacy. • Creates and manages NEPA Project records in ESAPTT and generates the draft final NEPA decision memo for NTIA's review. • Coordinates with Kansas SHPO, USFWS-Kansas Ecological Services, and other agencies as needed. • Transmits the draft decision memo and supporting package to NTIA and tracks the review. • Issues its own Notice to Proceed for that NEPA Project Area once NTIA approves and issues its Final NEPA Decision Memo.
NTIA	• Serves as lead federal agency for NEPA, ESA Section 7, and NHPA Section 106 compliance. • Reviews and approves the draft decision memo prepared and certified by KOBD and issues the Final NEPA Decision Memo (Categorical Exclusion determination, EA/FONSI, or EIS/ROD). This is NTIA's document, not KOBD's. • Leads formal consultation with USFWS and the Advisory Council on Historic Preservation (ACHP) as needed.

Part 1: The Kansas BEAD EHP Compliance Workflow

This Part walks through the full EHP compliance process, start to finish, for a single approved Project Area. The Steps are numbered for reference and generally build on one another, but the numbering is not a strict chronological checklist: several (Steps 3–7) can be worked on in parallel once your project description and maps are finalized.

STEP 1 Draft the Detailed Project Description and Maps

Before any environmental screening can begin, KOBD and NTIA need a clear, accurate picture of exactly what will be built, where, and how. This is the single most important input to the entire EHP process; a vague or overly broad project description is the most common cause of delay.

Use the KOBD ESAPTT Screening Questionnaire

KOBD collects your detailed project description and supporting maps through the **KOBD ESAPTT Screening Questionnaire**, a workbook provided to every subrecipient by KOBD 'for each awarded project. Start the Questionnaire as soon as your project design is far enough along to describe it (you do not need every detail finalized to begin) and revise your answers as your design firms up or changes. NTIA has issued relevant guidance, which you should consult. The Questionnaire's **"Project Description"** tab walks you through exactly what to prepare, in three parts:

- **Part 1: Project Summary** (entered directly into the Questionnaire): a single paragraph, 1,000 characters or less, written to stand on its own, describing the infrastructure elements and activities subject to environmental review: the number of broadband serviceable locations (BSLs) served, technology type, deployment method, geographic location/route, and any other relevant context. NTIA uses this summary to notify potentially interested Tribes and incorporates it into the Final NEPA Decision Memo, so it must work as a standalone summary.
- **Part 2: Detailed Project Description** (separate PDF document): prepare a single document, using the information below. Guidance for the type of information required is in the Project Description tab of the ESAPTT Questionnaire.
    - **The full narrative detail:** what will be constructed (infrastructure type and specifications, tower structural details, ancillary structures); where work will take place (address/route description, GPS coordinates, access roads and staging areas); the site and surrounding area (land character, adjacent natural resources, protected lands); and other construction elements (construction method, ground disturbance area, previously disturbed vs. undisturbed ground, water crossing methods, fuel storage details).
    - **Every physical element of the project's footprint:** not just the main route or cable path. Describe and quantify, with dimensions where known: equipment and material staging/laydown areas; handholes and vaults; poles; entire tower sites (compound, access road, utilities, and staging, not just the tower pad); regeneration/refresh station footprints; and the width and depth of ground disturbance from trenching, boring, and equipment operation (for example, "12 inches wide and up to 36 inches deep every 35–40 feet" for

missile boring). The more specific and quantified this section is, the less likely NTIA is to request revisions.

- **Part 3: Project Maps** (separate map files): a complete, appropriately scaled set of maps specific to the project area and identified by BEAD Project ID or NEPA Project Area (a topographic map, an aerial/satellite imagery map, and a street/road map) illustrating all routes, locations, and footprints of federally funded infrastructure, including equipment and material staging areas, handholes, poles, and tower sites (for fixed wireless, showing the full extent of ground disturbance, not just BSLs served), clearly keyed by technology type, distinguishing existing from new infrastructure, and including a scale bar, north arrow, legend, and any parks, preserves, refuges, or protected areas. Provide PDF files of the maps (NTIA requirement) and KMZ files (for ease of review by KOBD's credentialed consultants).

Tip: Describe and map your actual, finalized route, not your broader project funding area unless necessary. An overly broad project boundary can pull in resources, species, or historic-property concerns that don't actually apply to your work and can trigger review obligations you don't otherwise have.

Your responses must reflect what you and KOBD agreed upon in the Benefit of the Bargain process with NTIA; do not introduce new or different project data at this stage. Refer to NTIA's *Sample ESAPTT Project Descriptions and Maps for BEAD Environmental and Historic Preservation (EHP) Review* for examples of acceptable descriptions and map formatting.

STEP 2 Draft a Milestone Schedule

KOBD requires each subrecipient to submit a Milestone Schedule for every Project Area (or subcomponent Project, where a subgrant award has been divided into multiple ESAPTT Projects), using the KOBD Subrecipient Milestone Schedule workbook. Submit your initial schedule to KOBD no later than 30 days after your subgrant agreement is executed. This schedule is a living document: expect to revise activity dates as your NEPA review progresses and actual timelines become clearer. At minimum, your schedule must identify:

- The months (relative to your project award date) during which each required milestone activity will be active (see Appendix A for the standard activity list and a Word-format preview of the schedule).
- A brief narrative describing your approach to meeting each milestone: for example, how you will complete Section 7 and Section 106 consultations, or how you will pursue permits in parallel with EHP review.
- The anticipated NEPA level (Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement) and its associated timeline: roughly 3–6 months for a Categorical Exclusion, 6–12 months for an Environmental Assessment, and more than 12 months for an Environmental Impact Statement (NTIA will advise on preparation timelines if an EIS is required).

Appendix A previews the standard milestone activities used in the KOBD Subrecipient Milestone Schedule workbook (KS_BEAD_NEPA_Milestone_Schedule.xlsx), tracking timeframes in months relative to your project award date, rather than calendar dates. The workbook includes a Milestone Schedule tab (the template you complete) and an NTIA Process Overview tab (a reference excerpt from NTIA's *NEPA for BEAD: Milestone Schedule & NEPA Timeline*, May 2026, reproduced for convenience). Complete the actual Excel workbook (entering your BEAD Project ID and NEPA Project ID, adding a brief narrative for each activity, and shading the month cells during which each activity will be active) and submit it as part of your EHP package (Step 9).

> *Early, integrated planning speeds deployment. Milestone schedules should reflect that environmental review and permitting activities often happen concurrently: for example, ESA and NHPA screening can proceed while you are also identifying KDOT and local ROW permit requirements.*

STEP 3 Screen for Extraordinary Circumstances and Confirm a Categorical Exclusion Applies

Categorical Exclusions in plain language

Most BEAD broadband deployment projects should qualify for a Categorical Exclusion (CE, sometimes called a CatEx), a category of actions that NTIA and the Council on Environmental Quality (CEQ) have determined does not, individually or cumulatively, have a significant effect on the human environment. A CE is a type of NEPA review, not an exemption from NEPA; every BEAD project must still go through this screening step and receive a written NTIA decision before construction begins.

NTIA may rely on its own categorical exclusions, Department of Commerce-wide categorical exclusions, and specifically adopted First Responder Network Authority (FirstNet) categorical exclusions. The table below lists the handful most relevant to Kansas BEAD projects:

CE	Source	Covers
B-3	FirstNet	Construction of buried and aerial telecommunications lines, cables, and related facilities.
B-4	FirstNet	Changes to existing transmission lines involving less than 20% pole replacement, or complete rebuilding of existing distribution lines within the same right-of-way (20% or greater pole replacement is treated as new construction).
C-4	NTIA	New construction or improvement of land, operations, or support facilities, switching stations, maintenance facilities, and other non-tower structures supporting wired or wireless communications systems in a developed area and/or on previously disturbed ground with no more than 1 acre of ground disturbance, where the use is generally compatible with surrounding land use/zoning and requires no additional support infrastructure.
C-5	NTIA	Installing, operating, maintaining, retrofitting, upgrading, repairing, removing, or replacing existing microwave/radio communication towers, instruments, structures, or buildings with no ground disturbance outside the original footprint,

CE	Source	Covers
		including collocating equipment (antennas, dishes, power units). For towers at or below 199 feet, renovations must not push the tower above 199 feet, and the existing structure must not be NRHP-eligible.
C-7	NTIA	New construction of a self-supporting (monopole or lattice) wireless communication tower at or below 199 feet with no guy wires, requiring less than 1 acre of ground disturbance, and where no other federal agency would require its own EA/EIS for the tower.
C-8	NTIA	Acquisition, installation, reconstruction, repair by replacement, and operation of aerial or buried utility and communication systems that use existing rights-of-way, easements, grants of license, distribution systems, facilities, or similar arrangements.

For the current, authoritative list, see NTIA's *National Environmental Policy Act Procedures and Categorical Exclusions*, the FirstNet CE adoption notice, and NTIA's *Guidance on NTIA National Environmental Policy Act Compliance* (see that guidance's Appendix B: Categorical Exclusions). The **KOBD ESAPTT Screening Questionnaire's "Categorical Exclusions" tab** walks through a structured set of questions (organized by deployment type, tower actions, land improvements, fiber modifications, and existing-facility changes) that map directly to these CEs and flags which one(s) may apply to your project; complete that tab as part of your submission (see Step 9).

Use APPEIT to help screen your route

NTIA's **ArcGIS Pro Permitting and Environmental Information Tool (APPEIT)** is a free, downloadable mapping tool that overlays your proposed route or project area against federal, state, and Tribal land layers, wetlands, floodplains, protected/sensitive areas, and species habitat data. Running your route through APPEIT early is one of the fastest ways to spot potential Extraordinary Circumstances before you invest time in detailed screening, and it generates a report that can support your KOBD submission.

- Download APPEIT and the NTIA user guide from NTIA's permitting resources page.
- Load your finalized route/project boundary (the same route you prepared in Step 1). Remember that linear projects typically have width beyond the centerline and may include other areas such as staging, material/equipment storage, potholing, trenching, and regeneration/refresh stations; run the entire project footprint, not just the centerline, through APPEIT.
- Review the generated report for intersections with wetlands, floodplains, federal/Tribal/state land, historic districts, and other sensitive layers.
- Use the APPEIT output to help answer the Extraordinary Circumstances questions below and to help identify which permits in Step 7 may apply, but treat it as a preliminary screening aid, not a substitute for the agency-specific consultations in Steps 4 and 5.
- Use the report's flagged resource areas to inform the Best Management Practices and Anticipated Mitigation discussion in the Extraordinary Circumstances section below: APPEIT's report identifies potential sensitive resource intersections and links to NTIA-generated general BMP documents for each resource area, which you can use as a starting point for the BMPs and mitigation measures you commit to for your project.

Extraordinary Circumstances: NTIA's 13 questions

Before a CE can be applied, NTIA (with KOBD's assistance) must confirm that none of NTIA's 13 Extraordinary Circumstances are present. Extraordinary Circumstances are conditions that could indicate a potentially significant environmental impact and would require a higher level of review (an Environmental Assessment or Environmental Impact Statement) instead of a CE. The KOBD ESAPTT Screening Questionnaire's "Extraordinary Circumstances" tab walks through all 13 in detail, including mitigation-commitment checklists for several. The full list is:

1. Environmentally sensitive or unique geographic area. Reasonable likelihood that the proposed action occurs within an environmentally sensitive or unique geographic area of notable recreational, ecological, scientific, cultural, scenic, or aesthetic importance.

2. Endangered or threatened species / critical habitat. The proposed action may adversely impact species listed or proposed to be listed as Endangered or Threatened or have adverse effects on designated Critical Habitat for these species.

3. Protected migratory birds. The proposed action may adversely impact protected migratory birds or their habitats.

4. Historic, archaeological, or cultural sites. The proposed action may adversely affect historic, archaeological, or cultural sites, including Native American Traditional Cultural Properties and properties listed or eligible for listing on the National Register of Historic Places.

5. Indian sacred sites. The proposed action restricts access to and ceremonial use of Indian sacred sites by Indian practitioners or adversely affects the physical integrity of such religious sacred sites.

6. Floodplains, wetlands, waterbodies, water quality. The proposed action occurs in floodplains or involves significant changes to or effects on waterbodies, wetlands, floodplains, water quality, sole-source aquifers, public water supply systems, or state/local/Tribal water quality standards.

7. Environmental justice. The proposed action may have a disproportionate and adverse human health or environmental effect on low-income populations, minority populations, or other communities with environmental justice concerns.

8. Contaminated / hazardous waste sites. The proposed action involves construction impacts on or near an active, inactive, or abandoned contaminated or hazardous waste site, or non-permitted generation, transportation, treatment, storage, or disposal of hazardous substances, unless NTIA determines the action is consistent with an approved remediation plan.

9. Ionizing / non-ionizing radiation. The proposed action would involve human exposure to ionizing or non-ionizing radiation, or use of radiation in excess of the FCC's Maximum Permissible Exposure limits for Radiofrequency Electromagnetic Energy fields.

10. Controversial / unproven technology. The proposed action is controversial due to unproven technology, highly uncertain or unique environmental effects, substantial disagreement over its size, nature, or effect on the environment, or the likelihood of degrading already-poor environmental conditions.

11. Potential violation of environmental law. The proposed action may violate a Federal, Tribal, state, or local law, regulation, policy, or requirement imposed for the protection of the environment.

12. Scale or scope greater than normal. The proposed size or scope of the action is greater than is normal for an action of its type.

13. Other significant effects on human health or the environment. The proposed action may cause other significant effects on human health or the environment not otherwise addressed above.

> **Don't overlook farmland.** Extraordinary Circumstance #1 (environmentally sensitive or unique geographic areas) is the category NTIA and KOBD use to capture impacts to prime, unique, or locally/statewide-important farmland, consistent with the Farmland Protection Policy Act. If your route crosses agricultural land in Kansas, consider whether it touches designated prime or unique farmland when answering Question 1 on the ESAPTT Questionnaire; this is easy to overlook because farmland isn't listed by name in the question text. Where the project crosses agricultural land with a designated prime or unique farmland rating, a Farmland Conversion Impact Rating form may need to be submitted to USDA for review and comment.

Best Management Practices and Anticipated Mitigation. For any resource area where your APPEIT screening or the Extraordinary Circumstances review above identifies a potential impact, plan to use Best Management Practices (BMPs) and mitigation measures to avoid or minimize that impact, organized by resource area (water resources; wetlands and floodplains; biological resources; roads, rights-of-way, and utilities; cultural resources; and air quality, noise, and human health and safety; see NTIA's BMPs and Mitigation Measures guidance for the complete list of resource categories). APPEIT's screening report links to NTIA-generated general BMP documents for each resource area it flags, which you can use as a starting point for the specific BMPs you commit to for your project. Document these commitments in the Extraordinary Circumstances tab of the ESAPTT Questionnaire.

If you can answer "no" to all 13, and your activity fits within an applicable NTIA CE, your project is a strong candidate for a Categorical Exclusion. If any answer is "yes" or uncertain, that doesn't necessarily disqualify the project, but it does mean the underlying resource area needs a closer, documented look (Steps 4 and 5 walk through the two most common triggers, species/habitat and historic properties, in detail). Complete the Extraordinary Circumstances tab of the ESAPTT Questionnaire either way; KOBD uploads your responses into ESAPTT for NTIA's determination.

> **If NTIA determines a CE cannot be applied,** your project will instead require an Environmental Assessment (EA), which can take roughly 6–12 months, or in rarer cases an Environmental Impact Statement (EIS), which can take more than a year. Contact your KOBD project manager as soon as you suspect this may apply so KOBD can begin coordinating with NTIA early.

STEP 4 Endangered Species Act (ESA) Section 7 Screening

ESA Section 7 requires consultation with the U.S. Fish & Wildlife Service (USFWS) to ensure a federally funded project will not jeopardize listed species or adversely affect designated critical habitat. Every BEAD-funded project must resolve its Section 7 obligations before ground disturbance begins. NTIA has built a streamlined, four-step process that can reduce this to well under an hour for most routine broadband projects.

Who leads consultation? In Kansas, the subrecipient is responsible for conducting informal consultation directly with USFWS-Kansas and, where applicable, the Kansas Department of Wildlife and Parks (KDWP). Formal consultation, triggered only when a project is likely to adversely affect a listed species, requires NTIA's direct involvement (Step 4C). KOBD recommends engaging a qualified biologist or environmental professional with ESA Section 7 experience to assist with effects determinations and this consultation, particularly for any project that requires a Biological Assessment. Before any consultation materials, biological assessment, or correspondence are sent to USFWS or KDWP, submit them to KOBD for a completeness/quality screening. KOBD will review your materials and either clear them for submission or flag issues to resolve first; this pre-screening step helps avoid delays caused by incomplete agency submissions.

Step 4A: Check NTIA's "No Effect" list first

NTIA has published a list of broadband activity types that it has determined will have no effect on listed species or designated critical habitat and therefore require no further ESA Section 7 consultation. This list is the fastest path to closing out your ESA obligation, so consult it before doing anything else.

Representative activities on NTIA's "No Effect" list (see the current USFWS Section 7 "No Effect" List and Consultation Memo for the authoritative, complete list and all conditions):

- Use and adoption activities with no potential for ground disturbance or environmental impact (e.g., outreach, digital literacy, subscriber sign-up).
- Deployment projects, installations, and renovations with no 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.

If your entire project fits within the "No Effect" list and meets all stated conditions, **document that determination and retain it in your project file**; no further Section 7 consultation is required. Save a short note identifying which "No Effect" list item applies; this becomes part of your submission to KOBD (see the ESA/species questions in Section 2 of the ESAPTT Questionnaire's "Extraordinary Circumstances" tab).

Step 4B: If the project doesn't fit the "No Effect" list, run an IPaC review

If any part of your project involves ground disturbance outside the "No Effect" list (new trenching, new poles, vegetation clearing, access-road construction, etc.), use USFWS's Information for Planning and Consultation (IPaC) tool, available at ipac.ecosphere.fws.gov:

- Create an IPaC account (if you don't already have one) and start a new project.
- Draw or upload your finalized route (aerial and/or buried, as applicable), not a broad service-area boundary, and include buffers for huts, handholes, and any other ground-disturbing infrastructure.
- Request an official species list. IPaC will identify listed species, designated critical habitat, and whether your route crosses National Wildlife Refuge lands or other USFWS-administered lands.
- If no listed species or critical habitat are identified, save the IPaC output (PDF/maps); this documents that your Section 7 obligation is complete.
- If species are identified, complete any available Determination Key (DKey) in IPaC. DKeys are structured yes/no question sets that can produce an automatic "no effect" or "not likely to adversely affect" concurrence without needing individual USFWS biologist review.

Step 4C: Prepare a brief Biological Assessment and consult with USFWS-Kansas and KDWP

If a DKey is not available, or returns an incomplete or a "may affect" result, prepare a brief Biological Assessment documenting your findings, then submit it to KOBD for pre-screening before sending it, along with your IPaC project code, to the Kansas Ecological Services Field Office (and to KDWP for the parallel state-level Ecological Review described in Part 2). Keep the Biological Assessment concise and focused; at minimum, it should document:

- The federally listed or proposed species and designated critical habitat identified by IPaC for your project area, and your effect determination for each (no effect / not likely to adversely affect / likely to adversely affect).
- Migratory birds potentially present in the project area and any avoidance/minimization measures you will implement (there is no incidental-take permit for migratory birds, but USFWS publishes recommended best management practices).
- Bald or golden eagles: whether any known active or inactive nest is in the vicinity of ground-disturbing work. USFWS's National Bald Eagle Management Guidelines use roughly 660 feet as an initial screening distance for typical construction activity, but this is not a yes/no regulatory threshold; the appropriate buffer varies by activity type, duration, noise level, and the breeding season, and louder or more sustained activity (for example, blasting) can warrant a buffer of up to half a mile. If screening identifies a nest in the vicinity of your project, consult USFWS's current eagle disturbance guidance (or your USFWS-Kansas Ecological Services contact, Part 2) to determine whether a Bald and Golden Eagle Protection Act disturbance permit is needed; an inactive nest can still trigger separate protections. There is no statewide nest database, so screening for eagle activity is the subrecipient's responsibility.

Informal consultation (leading to a "not likely to adversely affect" finding) typically resolves in a matter of weeks; formal consultation, triggered only when a project is likely to adversely affect a listed species, requires NTIA's direct involvement and can take significantly longer, so flag any "may affect" finding to your KOBD project manager immediately.

Documentation to retain and submit to KOBD

- Your "No Effect" list citation, OR
- Your IPaC output showing no species/critical habitat identified, OR
- Your completed DKey determination letter, OR
- Your Biological Assessment and any written concurrence from USFWS-Kansas and/or KDWP, OR
- Documentation that formal consultation with NTIA is underway or complete.

Migratory birds and eagles: document regardless of path. The ESA screening paths above resolve federal Endangered Species Act obligations only. Migratory birds and eagles are protected under separate statutes (the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act), so document your migratory-birds and eagle-nest screening findings (the same items listed above under the Biological Assessment bullets) even if your species review closes out via the No Effect list, a clean IPaC result, or a DKey determination and no Biological Assessment is required. Enter these findings in Section 3 (Migratory Birds) of the Extraordinary Circumstances tab regardless of which path you used.

Enter your findings and upload supporting files in Section 2 (Endangered/Threatened Species) and Section 3 (Migratory Birds) of the ESAPTT Questionnaire's "Extraordinary Circumstances" tab; these sections also let you select applicable mitigation commitments (e.g., seasonal construction restrictions, pre-construction surveys, route changes) that KOBD and NTIA will consider in the CE determination.

STEP 5 National Historic Preservation Act (NHPA) Section 106 Review

Applicable Regulations

Prior to construction or other ground-disturbing activities, BEAD-funded projects must comply with applicable local, state, and federal consultation and review requirements.

Section 106 of the National Historic Preservation Act (NHPA)

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider the potential effects of federally funded, licensed, or permitted projects on historic and cultural resources. The process includes consultation with the State Historic Preservation Office (SHPO), Tribal Nations, and other interested parties to identify historic properties, assess potential adverse effects, and develop measures to avoid, minimize, or mitigate those effects before a project proceeds. A historic property is any district, site, building, structure or object that is included in, or eligible for inclusion in, the National Register of Historic Places (NRHP). Because BEAD is federally funded, every BEAD infrastructure project is subject to Section 106, and NTIA and KOBD, as joint lead agencies, are responsible for ensuring compliance before construction begins. For additional information, review Kansas Historical Society Section 106 Consultation FAQ.

Kansas State Historic Preservation Law and Antiquities Commission Act

Kansas' historic preservation and antiquities laws provide protection for the state's historic and archaeological resources. The Kansas State Preservation Law, codified at K.S.A. 75-2724, requires the state, its political subdivisions, and their instrumentalities to have a project they directly undertake reviewed by the SHPO when it may affect a property listed in the National Register of Historic Places or the Register of Historic Kansas Places, and generally bars proceeding with a project that would damage or destroy such a property unless the responsible government entity determines that no feasible and prudent alternative exists and that measures will be taken to minimize harm. Because BEAD-funded projects are typically undertaken by private ISPs rather than a state or local government entity, this state law generally does not independently apply merely because a project receives government funding or a government permit; Section 106 of the NHPA, above, already provides the federal review requirement for BEAD projects. (If a project is undertaken by, or crosses land owned by, a state or local government entity, confirm separately whether K.S.A. 75-2724 review also applies.) The Kansas Antiquities Commission Act protects significant archaeological resources located on state, county, and municipal lands by prohibiting unauthorized excavation, removal, or vandalism and requiring permits for archaeological investigations. Together, these laws establish a framework for reviewing potential impacts to recognized historic properties and regulating the disturbance of archaeological resources on public lands.

The Advisory Council on Historic Preservation's Program Comment for Streamlined Review

The Advisory Council on Historic Preservation (ACHP) issued the Amended Program Comment for Communications Projects on Federal Lands and Property (APC) as a tool to streamline the Section 106 review process for communications and broadband projects that occur in previously disturbed or developed environments and have a low likelihood of affecting historic properties. For BEAD projects, undertakings such as replacements/modifications/additions to existing facilities, activities occurring in existing rights-of-way (ROW), and the placement of buried communications cable within previously disturbed corridors are the most commonly applicable scenarios for utilizing the APC.

APC Steps:

1. **Engage a qualified Professional.** Section 106 documentation must be prepared by someone who meets the Secretary of the Interior's Professional Qualification Standards (for history, architectural history, or archaeology, as applicable).
2. **Define the Area of Potential Effects (APE).** The APE is the geographic area within which the project has the potential to directly or indirectly affect historic properties. The APE must consider the finalized route and include all ground disturbance, new poles/facilities, work outside existing right-of-way, and any new structures with visual-effect potential.
3. **Conduct a records check.** Compare the APE against the Kansas Historical Society's site and survey records and the National Register of Historic Places to identify known or potentially eligible historic properties. More information on how to conduct a records check is provided below. NTIA's APPEIT tool can also help flag historic districts and known sites near the route.
4. **Prepare and submit the APC form to Kansas SHPO.** A Secretary of Interior (SOI)-qualified professional should review the specifications of the undertaking in conjunction with the records check results and the requirements outlined within the APC. If the project meets all of the requirements, the SOI-qualified professional must complete the NTIA APC documentation form. If the undertaking does not meet the APC's eligibility requirements, it must instead proceed

through the standard NHPA Section 106 consultation process. More information on submitting documentation to Kansas SHPO and following the standard NHPA Section 106 consultation process is below.

5. **Respond to SHPO findings.** If Kansas SHPO concurs with a finding of no historic properties affected (or no adverse effect), SHPO consultation obligations are complete. If SHPO requests a cultural resource survey or identifies potential effects, any additional work will need to be completed and then resubmitted for concurrence. If the undertaking will cause unavoidable adverse effects to historic properties, a Memorandum of Agreement will be required.
6. **Record findings in the ESAPTT Questionnaire.** Section 4 (Historic, Archeological, or Cultural Sites) of the "Extraordinary Circumstances" tab asks whether Section 106 applies, which efficiency tools were used, and requires you to attach your Section 106 documentation (Program Comment form, SHPO concurrence, etc.) and select any mitigation commitments implemented.

Additional Amended Program Comment Resources:

- APC Form Instructions
- ACHP APC Applicability Flowchart Presentation
- NTIA APC Applicability Presentation
- NTIA NHPA Consultation Fact Sheet
- APC for Federal Communications Projects NTIA Section 106 Documentation Form FAQ

Standard NHPA Section 106 Consultation Process

If the undertaking does not meet the requirements set forth in the APC, full Section 106 Review must be completed. A full Section 106 Report must be completed by an SOI-qualified professional and submitted to Kansas SHPO and any additional required consulting parties.

FCC Licensed Undertakings

Construction or modifications to commercial telecommunication facilities are regulated by the Federal Communications Commission (FCC). Many BEAD projects include activities that are subject to FCC licensing. NTIA has elected to utilize the Program Comment to Avoid Duplicative Reviews so that projects requiring an FCC license will follow the Section 106 procedures set forth in the 2005 Nationwide Programmatic Agreement for Review Under the National Historic Preservation Act (NPA) and the 2020 Second Amendment to the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas.

NTIA retains ultimate legal responsibility for Section 106 findings and determinations, as well as government-to-government consultation with Tribes and Native Hawaiian Organizations; however, NTIA has issued a Delegation Notice, which is effective from January 2024 through December 2030. The Delegation Notice allows eligible NTIA infrastructure grant recipients and their authorized representatives to initiate and assist with the Section 106 review process for NTIA-funded projects. A copy of the Delegation Notice must be included with each submission.

Full Section 106 Review Steps:

1. **Engage a qualified Professional.** Section 106 documentation must be prepared by an SOI-qualified professional.
2. **Define the Area of Potential Effects (APE).** The FCC's 2005 NPA outlines specific requirements regarding the APE for FCC licensed telecommunications projects.
3. **Conduct a records check** to identify potentially affected historic properties.
4. **Assess Effects.** Determine if the undertaking will affect historic properties.
5. **Prepare and submit Section 106 Documentation to Kansas SHPO.** An SOI-qualified professional should prepare Section 106 documentation with the determination of effects. Section 106 regulations give SHPO 30 days to provide comments on a project's effects on historic properties.
6. **Resolve.** Negotiate measures to avoid, minimize, or mitigate adverse effects if applicable.
7. **Record findings in the ESAPTT Questionnaire.**

Records Check

Once the APE has been defined, an SOI-qualified professional should complete a records check to assess if historic properties may be affected by the proposed undertaking. Kansas SHPO has two separate databases for Historic Properties.

1. Kansas Historic Resources Inventory is a free, open access database containing records of historic resources across the state. The interactive map can be used to zoom into the APE to check for any resources that are eligible for listing or listed in the NRHP.
2. Kansas Archaeological Site and Survey GIS is a fee-based database containing records of previously recorded archaeological sites and previously completed archaeological survey reports. Only SOI-qualified professionals can access the archaeological GIS. The individual must first register for an online account. Once the application has been approved, the user will receive payment instructions, and once the fee has been paid, they will be able to access the GIS. The user may pay $80 for one week of GIS access or may pay $900 for a full year of access.

SHPO review submittal process

Once the APC form or Section 106 documentation has been completed, the subrecipient leads consultation directly with Kansas SHPO. The subrecipient should first submit the Section 106 materials to KOBD for a review and comment prior to SHPO submittal.

For projects that are not subject to the FCC's NPA, the Kansas SHPO accepts requests for review under Section 106 only via the Kansas Review & Compliance online submission system. The user must first make an account for the review portal and log in. Once logged in, the user will follow the steps in the project dashboard to fill out the applicable fields and upload the project documents.

For communications tower projects and collocations that are subject to the FCC's NPAs, the subrecipient should instead submit the project via the FCC's E-106 system. The applicant must have an FCC Registration Number (FRN) and password to log into the system.

Tribal Consultation

The lead federal agency must consult with federally recognized tribes for BEAD projects. Although consultation responsibility lies with the lead federal agency, subrecipients are responsible for preparing documentation that will be submitted to Tribes. Subrecipients may also need to respond to requests for additional information, implement mitigation measures as needed, and/or revise engineering plans to address tribal concerns. The subrecipients should prepare a comprehensive and detailed project description, including maps as early as possible and provide them to the NTIA EPO for the state to begin tribal consultation. NTIA will utilize HUD's Tribal Directory Assessment Tool (TDAT), and the Department of Interior's Native Hawaiian Notification List Directory to notify federally recognized Tribes of BEAD projects that may affect Tribal historic properties or other sites of religious and cultural significance within Tribal areas of interest.

Tribal Section 106 consultation is a federal government-to-government responsibility: it belongs to NTIA and the affected Tribe, not to KOBD or the subrecipient, and cannot normally be delegated without the Tribe's agreement. The streamlined Program Comment described above generally does not apply on Tribal lands unless the Tribe has given its prior written agreement to its use, so most projects on Tribal lands will need to go through the standard Section 106 consultation process instead. If a project is located within or crosses Tribal lands, the subrecipients must notify the NTIA Environmental Program Officer (EPO) immediately. The EPO will inform the subrecipients whether a THPO will act in lieu of the SHPO or if the Tribe will participate in the Section 106 review on the same basis as the SHPO and advise how to proceed.

Unanticipated discoveries. If potential archaeological resources, burial sites, or human remains are discovered during construction, immediately stop work in that area, secure the site, keep the discovery confidential except to notify KOBD and NTIA, and do not resume work in that area until NTIA provides written approval. Burial sites and funerary objects are also subject to the Native American Graves Protection and Repatriation Act (NAGPRA) and applicable state law.

Other federal permits

If a project area intersects with federal lands or requires a permit from another federal agency, the subrecipients should consult with the agency prior to completing any Section 106 documentation. The agency may elect to use the Broadband Program Comment, or they may have agency-specific procedure requirements. Additionally, a **Permit for Archaeological Investigations** (ARPA) may be required prior to completing any archaeological testing.

STEP 6 Water Resources: Wetlands, Streams, and Water Quality

Screen your route early for wetlands, streams, and other waters of the United States using APPEIT (Step 3) along with other online and remote-sensing resources: the USFWS National Wetlands Inventory (NWI) Mapper, FEMA's National Flood Hazard Layer, the National Hydrography Dataset, and NRCS's Web Soil Survey (for hydric soils) are all useful desktop screening layers. Treat these desktop results as preliminary: if your route is close to a mapped resource, or the desktop data is inconclusive, a qualified professional should conduct a field delineation to confirm the location and

boundaries of aquatic resources. Where federal jurisdiction is uncertain and a formal determination is needed, consider requesting a USACE jurisdictional determination.

Where a wetland, stream, or other water of the United States cannot reasonably be avoided by route adjustment, choose construction methods that avoid direct impacts, such as aerial fiber attachment or directional boring/horizontal directional drilling (HDD) under the resource, before considering open-cut trenching or fill placement.

Section 404 (Clean Water Act). Discharging dredged or fill material into a wetland, stream, or other water of the United States requires authorization under Section 404 of the Clean Water Act; placing a structure or otherwise working in a navigable water is separately regulated under Section 10 of the Rivers and Harbors Act. Most routine broadband work qualifies for Nationwide Permit 57 (Electric Utility Line and Telecommunications Activities), which authorizes up to a half-acre of permanent loss of waters of the United States per single and complete project, subject to conditions such as backfilling/restoration requirements. You must submit a Pre-Construction Notification (PCN) to USACE before starting work if a Section 10 permit is required, if the activity will cause a loss of greater than 0.1 acre of waters of the United States, or where the Nationwide Permit general conditions require a PCN. Kansas has regional conditions on its Nationwide Permits, including preconstruction notification requirements for activity in Threatened & Endangered Species waters, Exceptional State Waters, and Indian Country, so review the applicable district's current regional conditions before relying on an NWP. Engage USACE directly where impacts cannot be avoided, where jurisdictional status is unclear, or to request a jurisdictional determination, see Step 7 and Part 2 for the district covering your project.

Section 401 Water Quality Certification. Any project requiring a Section 404 permit also needs Section 401 Water Quality Certification. Confirm which certification applies to your specific USACE authorization and comply with its conditions. The Kansas City District maintains a programmatic Water Quality Certification covering many of its Nationwide Permits, so a project using an NWP may already be covered without a separate individual application. A separate individual KDHE certification may still be necessary depending on your USACE authorization and project circumstances; KDHE coordinates with USACE and KDA-DWR to avoid duplicative review (see Part 2).

If your route crosses or is located within a USACE civil works project (such as a federal levee, dam, floodwall, navigation channel, or other flood risk reduction project), you may also need USACE's permission under Section 408 (33 U.S.C. § 408) to alter, occupy, or use that project, in addition to any Section 404/Section 10 permit. Section 408 review confirms your work will not impair the project's operation, integrity, or the government's ability to maintain it, and it requires separate engineering documentation and coordination with the project's non-federal sponsor (e.g., a levee district) before USACE will act on it; start this discussion with your USACE district (see Part 2) as early as possible if your route is anywhere near a federal flood-control or navigation project.

Documentation to retain and submit to KOBD. Your desktop screening results (APPEIT, NWI, and other sources used); a field delineation report, if one was completed; a narrative describing proposed avoidance/minimization measures; and the status of any Section 404 authorization and Section 401 Water Quality Certification.

STEP 7 Identify Other Federal, State, and Local Permits

Kansas has relatively little federally managed land compared to many other BEAD states, but federal permits can still apply depending on your route. Screen your project against the categories below; Part 2 contains agency-specific details and contacts.

If your route…	You may need
Crosses a wetland, stream, or other water of the United States, or involves work in/over a navigable water	USACE Section 404 (Clean Water Act) and/or Section 10 (Rivers and Harbors Act) permit; most routine broadband work qualifies for Nationwide Permit 57 (Electric Utility Line and Telecommunications Activities)
Crosses land managed by a federal agency (USFS, BLM, USACE Civil Works/military land, USFWS refuge, NPS unit) or Tribal land	The applicable agency's right-of-way grant, easement, special use permit, or real estate outgrant, plus that agency's own NEPA/NHPA review; for Tribal land, coordinate through KOBD rather than contacting the Tribe directly (see below)
Includes a new communications tower	FCC environmental review (47 CFR Part 1, Subpart I) in addition to NTIA's BEAD NEPA review (see below)
Crosses a state highway right-of-way	A KDOT Utility Permit / Use of Highway Right-of-Way approval (see Part 2)
Crosses a stream, floodplain, or requires a water obstruction/levee change	A Kansas Division of Water Resources (KDA-DWR) stream/floodplain permit; if the stream, levee, or floodplain is part of a USACE civil works project, USACE Section 408 permission may also apply (see Step 6)
Disturbs one acre or more (including smaller sites that are part of a larger common plan of development or sale totaling one acre or more) of soil	An NPDES/KDHE construction stormwater permit (Notice of Intent) and a Stormwater Pollution Prevention Plan (SWPPP)
May affect a state-listed species, critical habitat, or KDWP-managed land	A KDWP Ecological Review (see Part 2)
Crosses a railroad right-of-way	A private license/encroachment agreement and right-of-entry from the railroad; start this early, as it can take 6–18+ months
Uses aerial attachment on poles you don't own	A pole attachment agreement and make-ready authorization from the pole owner
Crosses private land outside existing public right-of-way	A recorded utility and access easement from the landowner

Not every project will trigger every item above; most Kansas BEAD projects using existing highway, county, or municipal rights-of-way and existing utility poles will have a fairly short list. Your APPEIT report from Step 3 is a good starting point for spotting federal/Tribal land intersections and sensitive-area overlaps. Document your screening (including a simple "not applicable" note where relevant) so KOBD and NTIA can see that each category was considered.

Federal Land, Tribal Land, and FCC Considerations

If a project is located on land managed by a federal agency (for example, USFS, BLM, USACE, USFWS, or NPS), that agency may run its own NEPA process with its own consultation requirements, separate from, and in addition to, NTIA's BEAD NEPA review. Engage the land-managing agency directly as early as possible, ideally during initial project design: contact its regional or district office to ask about right-of-way, special use permit, and NEPA/NHPA requirements.

If a project is located on Tribal land, do not independently initiate government-to-government Section 106 consultation with a Tribe. That consultation is a federal responsibility that NTIA and KOBD carry out directly with the Tribe (see Tribal Consultation, Step 5) and cannot normally be delegated to a subrecipient without the Tribe's agreement. Separate coordination on Tribal or Bureau of Indian Affairs (BIA) land (for example, right-of-way, easement, or other land-use permitting, which may trigger its own federal NEPA review by BIA or another federal agency) may also be required; KOBD and NTIA will direct how that coordination should proceed.

For new communications towers specifically, note that the FCC has its own environmental review rules (47 CFR Part 1, Subpart I) that are a separate compliance track and are not automatically satisfied by NTIA's BEAD NEPA review. A tower that requires FAA notification typically also requires Antenna Structure Registration and a pre-construction environmental notification under 47 CFR § 17.4(c); a tower that doesn't require ASR still must be evaluated against the FCC's categorical exclusion criteria under 47 CFR § 1.1307 before construction begins. If your project includes a new tower, flag it to KOBD early; the studies you've already done for BEAD NEPA (biological, cultural, floodplain, etc.) can generally support the FCC determination too, but the FCC step itself still needs to happen on its own.

STEP 8 Identify and Begin State and Local Permit Applications

In parallel with your federal EHP screening, identify every county and municipal jurisdiction your route crosses and begin outreach early; local permitting is frequently the long pole in the tent for linear infrastructure projects that cross many jurisdictions.

- Map every county, city/town, state highway segment, and water crossing along your route.
- Contact each Authority Having Jurisdiction (AHJ) to confirm what permit(s) it requires for buried and/or aerial utility installation, road cuts or bores, and any floodplain or drainage crossings.
- Where a jurisdiction confirms no permit is required, request written confirmation (a "No Permit Required" letter; see Appendix B) for your project file.
- Track every application, submission date, and approval in a permitting communications log (date, contact, method, topic, outcome, and action items) so KOBD can see status at a glance.

See Part 2 for Kansas-specific state agency contacts (KDOT, KDWP, KDHE, KDA-DWR) and typical local permit types.

STEP 9 Submit the Complete EHP Package to KOBD

Once your screening and documentation work under Steps 1–8 is far enough along to support KOBD's and NTIA's review (even if some permits are still in progress), submit your full EHP package to KOBD. For Kansas BEAD projects, the primary submission vehicle is the completed KOBD ESAPTT Screening Questionnaire, the same workbook referenced throughout this guide.

> Two gates, not one. Submitting your EHP package (Step 9) is Gate 1, ready for KOBD/NTIA NEPA review. Section 106 documentation may still show as pending with Kansas SHPO, and your permit list may show some items still in process (see "A complete package typically includes" below). Gate 2, ready for construction, is different and comes later: NTIA's Final NEPA Decision Memo, KOBD's Notice to Proceed, and every other applicable permit and authorization (Step 11) must all be fully finalized, not merely applied for, before construction may begin (Step 10).

How to submit

- KOBD provides each subrecipient's named BEAD point of contact with a secure link to a folder for each awarded project. Work out of the folder(s) provided for your organization; if you need another team member added, contact KOBD.
- Complete all three tabs of the ESAPTT Screening Questionnaire (Project Description, Categorical Exclusions, and Extraordinary Circumstances) to the greatest extent possible for each project. Editable cells are shaded yellow.
- You do not need to complete the Questionnaire in a single sitting; save your progress and revisit it as your project design and EHP screening progress, and update earlier answers if project details change before you submit this package.
- If a question is not relevant to your project, say so directly in the response cell rather than leaving it blank.
- Upload your Detailed Project Description document and Project Maps referenced in Step 1 (Parts 2 and 3 of the Questionnaire; Part 1's project summary is entered directly into the Questionnaire, not uploaded), and any Biological Assessment, IPaC output, SHPO documentation, or other supporting files referenced throughout the Extraordinary Circumstances tab.
- Submit your completed KOBD Subrecipient Milestone Schedule workbook (Step 2) alongside the Questionnaire, revised so it is as accurate as possible as of the date of your EHP package submission.

A complete package typically includes:

- The completed ESAPTT Screening Questionnaire (all three tabs).
- Detailed Project Description and Map files (PDF and KMZ) (Step 1).

- The KOBD Subrecipient Milestone Schedule (Step 2).
- Supporting ESA Section 7 documentation, including any Biological Assessment (Step 4).
- Supporting NHPA Section 106 documentation, or confirmation that it is pending with Kansas SHPO (Step 5).
- A list of other identified permits/authorizations and their status (Steps 7–8).
- Supporting water resources documentation, including your desktop and/or field wetland/waters screening results, proposed avoidance/minimization measures, and the status of any Section 404/401 authorizations (Step 6).

KOBD reviews your responses and may reach out to you individually to discuss them before uploading your information into ESAPTT. This is also when KOBD performs the pre-screening described in Steps 4 and 5 for any USFWS, KDWP, or SHPO consultation materials. Questions about the Questionnaire or the EHP review process generally can be directed to kdc_BEAD@ks.gov.

Once your package is complete, KOBD will conduct an initial completeness review, create (or update) the corresponding NEPA Project record in NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT), and route the package to NTIA, which reviews the ESA Section 7 and NHPA Section 106 documentation as part of finalizing its NEPA decision (Step 10).

STEP 10 Await NTIA's Final NEPA Decision and KOBD's Notice to Proceed

NTIA reviews the draft decision memo and package and issues one of the following outcomes:

Outcome	What happens next
Categorical Exclusion approved	NTIA approves and issues its Final NEPA Decision Memo (the Cat Ex determination); KOBD then issues its own separate Notice to Proceed for that NEPA Project Area.
Revisions requested	KOBD will relay NTIA's questions or requested changes; revise and resubmit the affected portion of the package.
Additional review required (EA/EIS)	If NTIA determines a Categorical Exclusion cannot be applied, an Environmental Assessment (roughly 6–12 months) or, rarely, an Environmental Impact Statement (12+ months) will be required before construction can begin. KOBD will work with you and NTIA throughout this process.

Who issues what: NTIA, as the federal agency responsible for NEPA compliance, is the one that ultimately approves the decision documentation and issues the Final NEPA Decision Memo. KOBD, as joint lead agency, prepares/certifies the draft and issues its own, separate Notice to Proceed once NTIA's decision is in hand. Both are required before construction may begin.

Construction (site preparation, demolition, ground disturbance, or any other project implementation activity) may not begin until NTIA has issued its Final NEPA Decision Memo and KOBD has issued the Notice to Proceed for that specific NEPA Project Area. KOBD will not issue a Notice to Proceed, and construction may not begin, until every other applicable permit and authorization identified in Steps 7–8 and finalized in Step 11 is also in hand; this is Gate 2. Allowable pre-clearance activities are limited to items such as pre-construction planning, environmental studies, permit applications, administrative costs, and limited preliminary procurement; see your subgrant agreement's Specific Award Conditions for the full list. Proceeding with unauthorized project activities is done at the subrecipient's own risk and may result in de-obligation of funding.

STEP 11 Finalize Remaining Permits and Private Authorizations

While NEPA review is underway (or once it clears, depending on the permit type), continue working toward Gate 2 (ready for construction) by obtaining any remaining permits and private authorizations identified in Steps 7–8, such as:

- KDOT Utility Permit / Use of Highway Right-of-Way approval.
- County and municipal right-of-way, excavation/bore, and floodplain permits.
- KDA-DWR stream/floodplain permits and/or USACE Section 404/Section 10 authorization.
- KDHE NPDES construction stormwater Notice of Intent and SWPPP, if disturbing one acre or more (including smaller sites that are part of a larger common plan of development or sale totaling one acre or more).
- Pole attachment agreements and make-ready authorizations.
- Private landowner easements and railroad crossing/encroachment agreements.

Submit proof of each final permit, license, or authorization to KOBD as it is received so your project record stays current in ESAPTT.

STEP 12 Pre-Construction Checklist and Recordkeeping

Before mobilizing crews, confirm:

- NTIA's Final NEPA Decision Memo and KOBD's Notice to Proceed for this NEPA Project Area have both been received.
- All permit originals (or copies) and private authorizations are available on site, as required by the issuing agency.
- A Stormwater Pollution Prevention Plan (SWPPP) is on site if one acre or more (including smaller sites that are part of a larger common plan of development or sale totaling one acre or more) of soil will be disturbed.
- Kansas 811 locate tickets are active for the work area (see Part 2).

- Any agency-required advance notice (e.g., KDOT's 3-business-day notice before work begins) has been given.

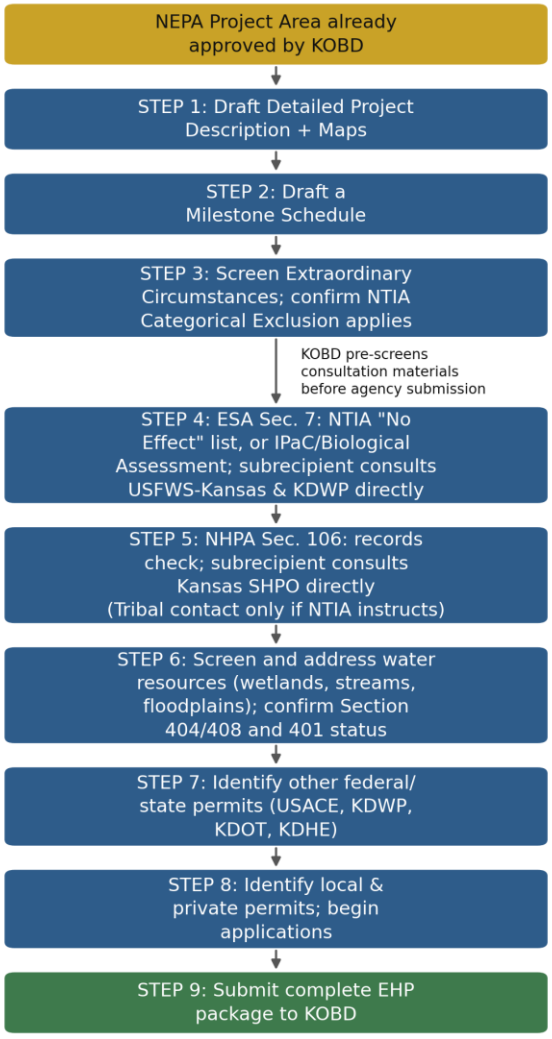
Recordkeeping

Maintain a centralized project file for each NEPA Project Area, including: permit applications and completeness confirmations; permit and agreement approvals; "No Permit Required" letters/emails; environmental determinations (Cat Ex, EA, EIS); the permitting communications log; an easement matrix tied to your route map; and any KDOT or local permit numbers for crossings. KOBD may request this documentation at any time to support monitoring, audits, and legal defensibility. Subrecipients are responsible for monitoring their own vendors and contractors throughout the project lifecycle, not only at milestone disbursement or permit issuance.

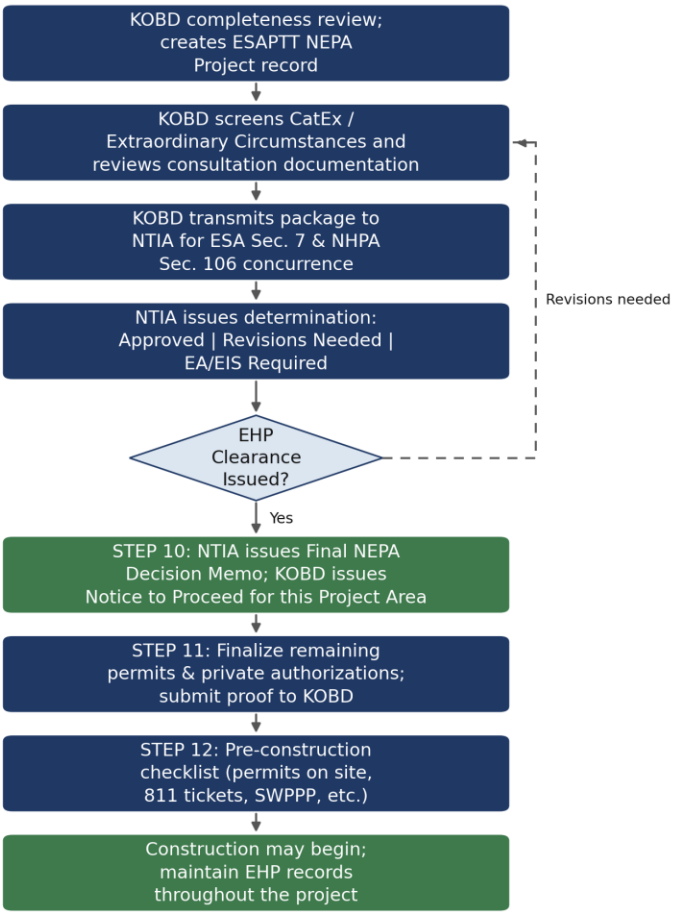
Process Map: Kansas BEAD EHP Compliance Workflow

The two diagrams below summarize the step-by-step process described in Part 1. Part A covers subrecipient preparation and submission; Part B covers KOBD/NTIA review, the final NEPA decision, and construction.

Part A, Subrecipient: Prepare and Submit the EHP Package



Part B, KOBD/NTIA Review, Decision, and Construction



Part 2: Kansas Agency Directory

This directory lists the state and federal agencies most commonly involved in BEAD EHP review in Kansas, with contacts, submission portals, and what to expect from each. Confirm current contacts and portal URLs periodically, as agency staff and systems can change.

Kansas State Historic Preservation Office (Kansas SHPO)

The Kansas SHPO is housed within the Cultural Resources Division of the Kansas Historical Society (KSHS) and fulfills Section 106 review for federally funded undertakings in Kansas, including BEAD projects.

Item	Detail
Submission portal	Kansas Review & Compliance system: review.kansashistory.gov
General SHPO contact	785-272-8681 ext. 240 | kshs.shpo@ks.gov
Cultural Resources Division Director	Katrina Ringler, 785-272-8681 ext. 217, katrina.ringler@ks.gov
Mailing address	Kansas Historical Society, 6425 SW 6th Avenue, Topeka, KS 66615-1099
When to contact	As early as possible with SOI-qualified consultant assistance: SHPO staff can help you avoid known archaeological sites or areas likely to contain them, and can confirm whether a structure in your APE is listed or eligible for the National Register.

USFWS Kansas Ecological Services Field Office

This is the USFWS field office responsible for ESA Section 7 consultation, migratory bird guidance, and Bald and Golden Eagle Protection Act questions for projects throughout Kansas.

Item	Detail
Address	2609 Anderson Avenue, Manhattan, KS 66502-2801
Phone	(785) 539-3474
Project review / consultation requests	kansases@fws.gov
Required tool	IPaC (Information for Planning and Consultation): https://ipac.ecosphere.fws.gov/. The Kansas field office requires IPaC for all project reviews; include your IPaC-generated Project Code in the subject line and body of any correspondence.
Who leads consultation	The subrecipient contacts this office directly (Step 4), after routing consultation materials and any Biological Assessment through KOBD for a completeness screening first.

Note: IPaC covers species under USFWS jurisdiction only. Projects that may affect anadromous fish or other species under National Marine Fisheries Service (NMFS) jurisdiction are uncommon in landlocked Kansas but should be confirmed on a project-specific basis.

Kansas Department of Wildlife and Parks (KDWP): Ecological Services Division

Under the Kansas Nongame and Endangered Species Conservation Act, an Ecological Review is required for any project that is partially or entirely funded with public monies or receives governmental technical or financial assistance, which includes BEAD subgrant projects. This is a state-level review, separate from (and in addition to) the federal ESA Section 7 process in Step 4.

Item	Detail
Online tool	Kansas Ecological Review Tool (ERT). Define your area of interest (the full activity impact area, not just the footprint) and submit for automated or biologist review.
Ecological Services Division contact	KDWP.ess@ks.gov | 620-672-5911
Typical outcome	"Project Clearance Granted" (with recommended Best Management Practices) for projects unlikely to affect Kansas-listed species, Designated Critical Habitat, or KDWP-managed lands; or "Further Review Required" if a potential conflict is flagged.
Review validity	Results remain valid for one year from issuance.
Turnaround	Typically within 30 days of a complete submission.
Who leads consultation	The subrecipient submits directly to KDWP (Step 4), after routing materials through KOBD for a completeness screening first.

KDWP also provides comments to KDA-DWR on stream/floodplain permit applications and to USACE on Section 404 public notices, so a completed KDWP Ecological Review can support those other reviews as well.

Kansas Department of Transportation (KDOT): Utility Accommodation

A KDOT permit is required for any utility installation, relocation, or maintenance within a state highway right-of-way.

Item	Detail
Governing policy	KDOT Utility Accommodation Policy (K.S.A. §§ 68-404, 68-415)
Standard permit	Kansas Highway Permit: Use of Right-of-Way Application, submitted to the local KDOT Area/District Office
Controlled-access highways	A separate Utility Permit Agreement is required for installations along fully controlled-access highways (e.g., interstates); KDOT generally prohibits such installations except where the Secretary of Transportation finds the prohibition would cause severe hardship or be contrary to the public interest.
Required with application	Certificate of liability insurance; plans showing location by route/county/reference marker/section-township-range; construction details (depth, materials, clearances).
Portal	KDOT online utility permitting portal: see ksdot.gov permit resources

Item	Detail
Advance notice	Notify the District Engineer at least 3 business days before work begins.

Water Resources and Water Quality

Kansas Department of Agriculture, Division of Water Resources (KDA-DWR)

KDA-DWR issues stream obstruction and floodplain permits for work affecting Kansas streams and floodplains.

Item	Detail
Resource	*Water Structures and Stream Obstructions* permitting guide (available via the KOBD permitting resources page)
Contact	Janelle Phillips, P.E., Water Structures Team Lead, Division of Water Resources, Kansas Department of Agriculture, 785-564-6656 (office) / 785-307-8292 (cell)

Kansas Department of Health and Environment (KDHE)

KDHE administers NPDES construction stormwater permitting and Section 401 Water Quality Certification for projects requiring a USACE Section 404 permit.

Item	Detail
NPDES construction stormwater	Required for any site disturbing one acre or more (including smaller sites that are part of a larger common plan of development or sale totaling one acre or more) of soil; requires a Notice of Intent and a Stormwater Pollution Prevention Plan (SWPPP).
Section 401 Water Quality Certification	Required when a project needs a USACE Section 404 permit; KDHE coordinates with USACE and KDA-DWR to avoid duplicative review.
More information	kdhe.ks.gov: Section 401 Water Quality Certification and NPDES program pages

U.S. Army Corps of Engineers (USACE)

Kansas is split between two USACE regulatory districts. Confirm which district covers your project location before applying.

District	Coverage	Contact
Kansas City District (NWK)	Most of Kansas	regulatory.ops.usace.army.mil: Kansas City District office locator
Tulsa District (SWT)	Parts of southern Kansas (along with Oklahoma and northern Texas)	swt.usace.army.mil

Kansas Underground Utility Damage Prevention (Kansas One-Call / 811)

Kansas law (the Kansas Underground Utility Damage Prevention Act, K.S.A. 66-1801 et seq., and K.A.R. Agency 82, Article 14) requires excavators to notify the statewide one-call center before digging.

- Dial 811 or submit an online locate request before any excavation.
- Kansas law generally requires at least two full working days' advance notice (confirm current timing requirements with Kansas One-Call, as some local practice recommends 3 business days for larger utility projects).
- For large-scale or multi-crew broadband builds, consider requesting a pre-construction meeting with affected utility owners through Kansas One-Call to coordinate locates across the full project timeline.
- Respect and maintain locate marks for the duration of work; request a re-mark if marks fade or the ticket expires before work is complete.

Local (County and Municipal) Permits

In addition to state and federal approvals, BEAD projects need local permits for work within county and municipal rights-of-way. Kansas has 105 counties and numerous incorporated cities, each with its own permitting process: some offer online portals, others require in-person or paper applications, and some rural jurisdictions have limited office hours.

Typical local permit types

Permit type	What it covers
County or municipal right-of-way permit	Work within county road or city street right-of-way
Excavation / trenching / bore permit	Ground-disturbing activity in public right-of-way (often issued as a condition of, or alongside, the ROW permit)
Pavement / sidewalk cut permit	Cutting into paved surfaces or sidewalks
Traffic control plan approval	Lane closures, flagging, or work in high-traffic corridors
Floodplain development permit	Work within a locally administered Special Flood Hazard Area
Franchise agreement (if applicable)	Some municipalities require a franchise or license agreement for use of public ROW by a telecommunications provider; confirm on a jurisdiction-by-jurisdiction basis

Where a jurisdiction confirms it requires no permit for your specific activity, request written confirmation (see the No Permit Required letter template in Appendix B) for your project file.

Appendix A: KOBD Subrecipient Milestone Schedule

KOBD provides subrecipients with a Subrecipient Milestone Schedule workbook (KS_BEAD_NEPA_Milestone_Schedule.xlsx) as a companion Excel file to this guide. That workbook is the official deliverable; the table below previews its standard activity list in Word format so you can see the full picture in one place.

> *Reference: NTIA guidance, "NEPA for BEAD: Milestone Schedule and NEPA Timeline" (May 2026). Typical NEPA document durations: Categorical Exclusion (CATEX) ~3–6 months; Environmental Assessment (EA) ~6–12 months; Environmental Impact Statement (EIS) >12 months (NTIA will advise on preparation timelines if an EIS is required).*

In the actual workbook, enter your BEAD Project ID and NEPA Project ID, add a brief narrative describing your approach to each activity, and shade the month cells (1 through 18, relative to your project award date) during which each activity will be active. The template tracks relative months rather than Start/End calendar dates or an auto-calculated duration. You may add rows for project-specific activities not listed below; do not delete the header or reference rows. Use the activity list below and the guidance in Step 1 to inform the narrative you write for each entry.

#	Subrecipient Activities
1	Subrecipient award and project initiation
2	Subrecipient obtains expertise for NEPA, NHPA, and Section 7 reviews
3	NEPA Project Area Approval
4	Subrecipient provides project information to KOBD to initiate Tribal notification through the Project Description tab of the KOBD ESAPTT Screening Questionnaire
5	Pre-application meetings with permitting agencies
6	Conduct resource screening to support completion of the Extraordinary Circumstances tab of the ESAPTT Screening Questionnaire
7	Conduct ESA Section 7 obligations (NTIA "No Effect" list, IPaC, Biological Assessment, USFWS-Kansas / KDWP consultation)
8	Conduct Section 106 process, including Kansas SHPO consultation
9	Screen and address water resources (wetlands, streams, floodplains); pursue USACE Section 404/408 and KDHE Section 401 authorizations as applicable
10	NEPA level determined
11	Complete and submit EHP package (ESAPTT Screening Questionnaire) to KOBD
12	Receive Final NEPA Decision document / Notice to Proceed
13	Identify required local, state, and federal permits
14	Begin state and local permit applications
15	Finalize remaining permits and private authorizations

Appendix B: Sample "No Permit Required" Letter

Adapt and send this template to a local Authority Having Jurisdiction to obtain written confirmation that no local permit is required for your project.

Dear _____,

Our company, _____, has received federal funding under the NTIA Broadband, Equity, Access, and Deployment (BEAD) Program to build out high-speed internet using [fiber/cable/hybrid/fixed wireless] in your area. We are requesting written confirmation that the described broadband project does not require local permits within your jurisdiction. This determination will be used for grant compliance and audit documentation purposes.

Please reply to this email/letter with your determination on official letterhead if possible.

Project Number: _____

Project Name: _____

Applicant / Provider: _____

County / Municipality: _____

General Location (street(s) or area): _____

Project Scope (including any ground disturbance): _____

Thank you for your time.

Regards,

Name / Title / Phone / Email: _____

Appendix C: Definitions and Acronyms

Term	Definition
AHJ	Authority Having Jurisdiction: the entity with legal or regulatory power over a given permit.
APE	Area of Potential Effects: the geographic area within which a project may directly or indirectly affect historic properties.
BEAD	Broadband Equity, Access, and Deployment Program, administered by NTIA.
Cat Ex / CE	Categorical Exclusion: a type of NEPA review for actions determined not to have significant individual or cumulative environmental effects.
EA / EIS	Environmental Assessment / Environmental Impact Statement: higher levels of NEPA review used when a CE cannot be applied.
EHP	Environmental and Historic Preservation.
ESA	Endangered Species Act.
ESAPTT	NTIA's Environmental Screening and Permitting Tracking Tool.
Extraordinary Circumstances	Conditions that could indicate a potentially significant environmental impact, requiring a higher level of NEPA review than a CE.
IPaC	USFWS's Information for Planning and Consultation online tool.
KDA-DWR	Kansas Department of Agriculture, Division of Water Resources.
KDHE	Kansas Department of Health and Environment.
KDOT	Kansas Department of Transportation.
KDWP	Kansas Department of Wildlife and Parks.
KOBD	Kansas Office of Broadband Development.
NEPA	National Environmental Policy Act.
NHPA	National Historic Preservation Act.
NTIA	National Telecommunications and Information Administration.
NWP	Nationwide Permit (USACE).
SHPO	State Historic Preservation Office.
SWPPP	Stormwater Pollution Prevention Plan.
THPO	Tribal Historic Preservation Office.
USACE	U.S. Army Corps of Engineers.
USFWS	U.S. Fish and Wildlife Service.

Appendix D: Additional References

Resource	Link
NTIA Permitting Resources	https://broadbandusa.ntia.gov/assistance/permitting
NTIA Smart Start: NEPA Compliance for BEAD	https://broadbandusa.ntia.gov/nepa-resources-nepa-bead
Guidance on NTIA NEPA Compliance	https://broadbandusa.ntia.gov/technical-assistance/Guidance_on_NTIA_NEPA_Compliance
NTIA Guide to Streamlined ESA Compliance for Broadband Deployments	https://broadbandusa.ntia.gov/technical-assistance/Guide_to_Streamlined_ESA_Compliance_for_Broadband_Deployments
USFWS Section 7 “No Effect” List and Consultation Memo	https://broadbandusa.ntia.gov/funding-programs/policies-waivers/NTIA_FWS_Non-Federal_Designation_Memo
USFWS IPaC	https://ipac.ecosphere.fws.gov/
NTIA APPEIT (ArcGIS Pro Permitting and Environmental Information Tool) User Guide	https://broadbandusa.ntia.gov/technical-assistance/NBAM_APPEIT_User_Guide_Training_Video
Kansas SHPO / Review & Compliance Portal	https://www.kansashistory.gov/shpo https://review.kansashistory.gov/Account/Lo
Kansas Ecological Review Tool (KDWP)	https://ert.ksoutdoors.gov/
KDOT Permits	https://www.ksdot.gov/doing-business/permits
KDHE Section 401 / NPDES	https://www.kdhe.ks.gov/
USACE Kansas City District	https://www.nwk.usace.army.mil/
USACE Tulsa District	https://www.swt.usace.army.mil/
KOBD Kansas Broadband Permitting Resources	https://www.kansascommerce.gov/officeofbroadbanddevelopment/kansas-broadband-permitting-resources/
KOBD BEAD Program Contact	kdc_BEAD@ks.gov | (785) 296-3481 | https://www.kansascommerce.gov/officeofbroadbanddevelopment/broadband-equity-access-and-deployment/

Appendix E: KOBD ESAPTT Screening Questionnaire Overview

The KOBD ESAPTT Screening Questionnaire is the primary workbook subrecipients use to give KOBD the information NTIA requires in ESAPTT. KOBD emails each named BEAD point of contact a secure link to a project folder containing the Questionnaire (along with any additional KOBD-provided resources for that project); work directly out of that folder. This appendix summarizes its three tabs (referenced throughout this guide) for quick orientation.

Tab	What it covers	Referenced in
1. Project Description	Part 1 project summary (entered directly into the Questionnaire), Part 2 detailed project description (separate PDF document), and Part 3 project maps requirements: the core inputs NTIA uses to write the NEPA decision memo.	Step 1
2. Categorical Exclusions	A structured set of yes/no questions (buried/aerial deployment, new vs. existing systems, towers and related structures, land improvements, fiber modifications, existing-facility changes) that map your project to the applicable NTIA CE(s).	Step 3
3. Extraordinary Circumstances	All 13 Extraordinary Circumstances, with sub-questions, file-upload fields for supporting documentation (IPaC output, FEMA flood maps, Section 106 documentation, etc.), and checklists of mitigation commitments you can select for many resource categories.	Steps 3, 4, 5, and 6

- **Required questions** are marked with an asterisk (*); editable response cells are shaded yellow.
- Your responses must reflect what you and KOBD agreed upon in the Benefit of the Bargain process with NTIA; do not introduce new or different project data through the Questionnaire.
- If a question doesn't apply to your project, say so directly in the response cell rather than leaving it blank.
- KOBD reviews completed Questionnaires and may follow up individually before uploading your information into ESAPTT.
- Questions about the Questionnaire, or the EHP review process generally, can be directed to kdc_BEAD@ks.gov or discussed at KOBD's periodic permitting workshops and office hours.