

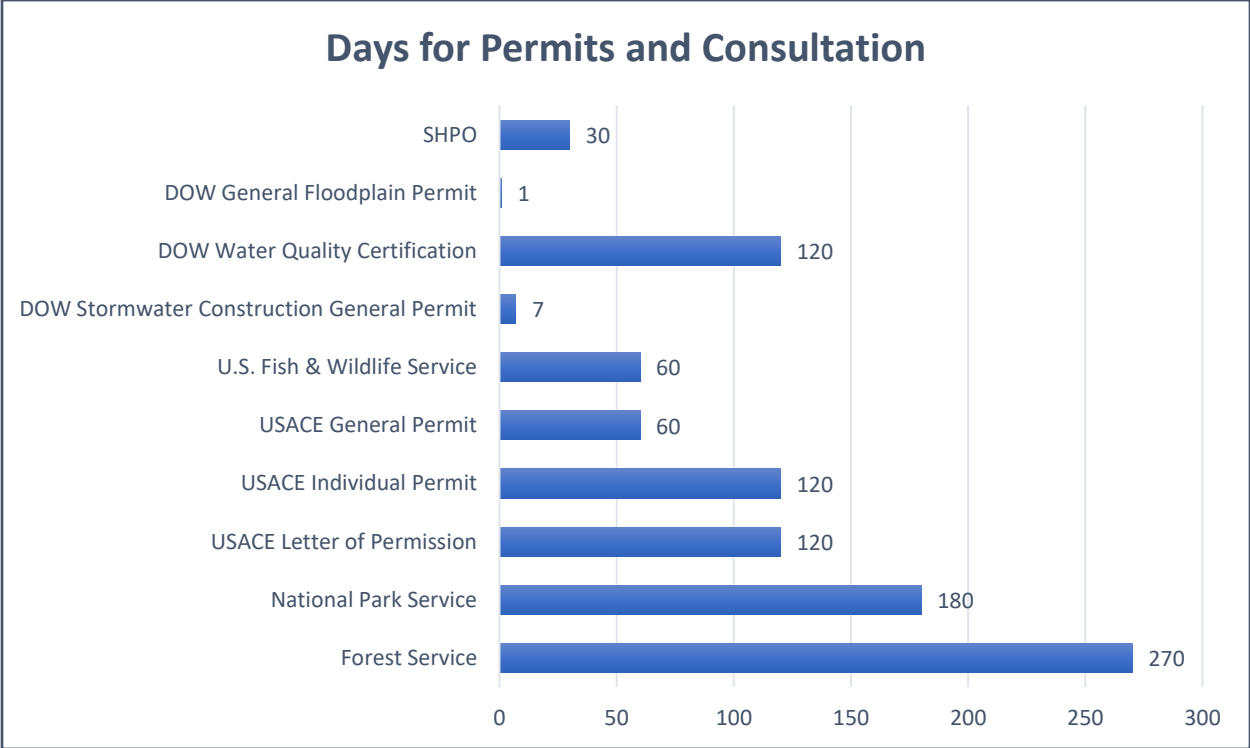
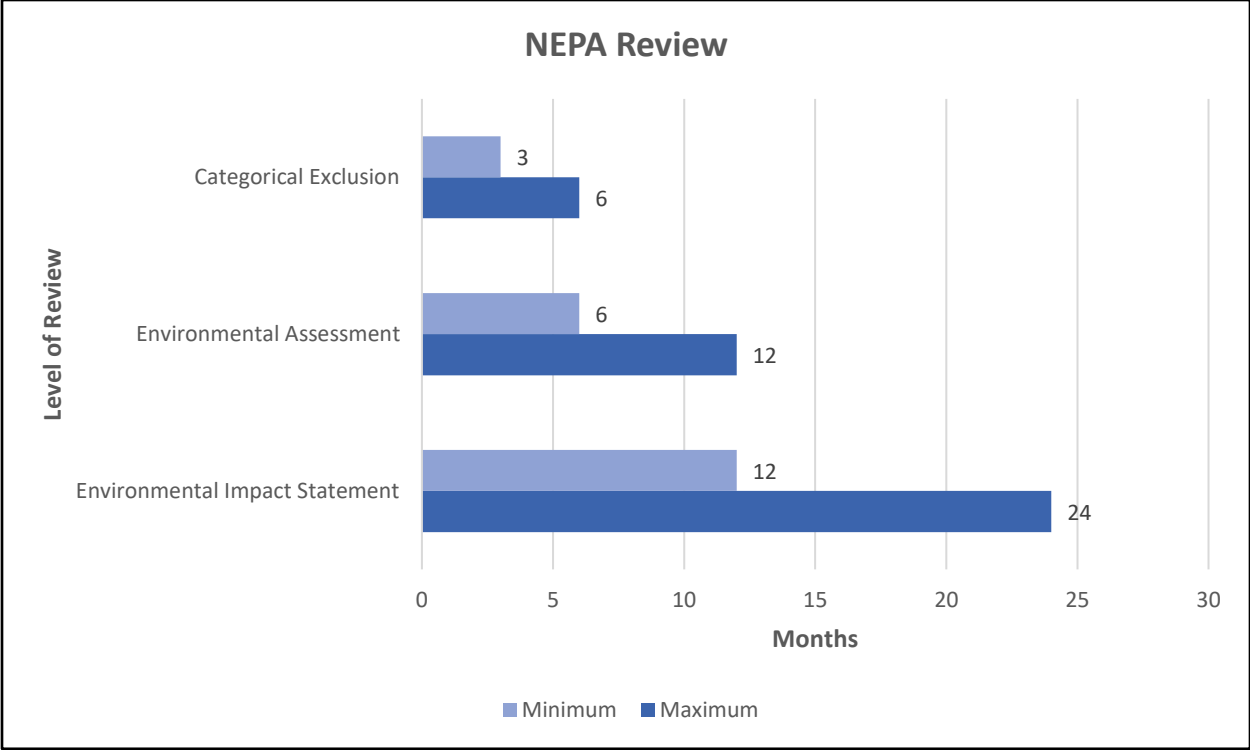


OFFICE OF
BROADBAND DEVELOPMENT

**NEPA Permitting and Consultation Timeline
Information**

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NEPA Review

NEPA stipulates three levels of review to assess the environmental impacts of potential projects categorized by the significance of the impact. Time and resource considerations associated with each review level are different.

Categorical Exclusion: CATEXs are actions that NTIA has determined do not individually or cumulatively have a significant effect on the environment. An analysis of the environmental considerations of the proposed actions, including screening for Extraordinary Circumstances (EC), must be completed to determine whether a CATEX can apply. Analyses and consultations required for CATEX preparation may take approximately 3-6 months or more. CATEX list can be found in appendix B and EC list can be found in appendix C of the [Guidance on NTIA National Environmental Policy Act Compliance \(June 2025\)](#).

CATEX DOES NOT WAIVE OTHER REVIEW REQUIREMENTS (including but not limited to National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act, Section 7 of the Endangered Species Act, and Section 404 of the Clean Water Act), but it does avoid the need for an Environmental Assessment or Environmental Impact Statement.

Environmental Assessment: An EA will be prepared when the significance of the project's environmental impact is not clearly established. If environmental analysis determines a project to have no significant impacts on the quality of the environment, a Finding of No Significant Impact (FONSI) is issued. An EIS is required if the analysis determines that an action may have a significant environmental impact. Creation of an EA may take 6-12 months or more.

Environmental Impact Statement: An EIS will be prepared when the action will likely have a significant effect on the environment. This is the most comprehensive form of NEPA analysis. The final decision is documented in a Record of Decision (ROD), which codifies the final decision made, whether to approve the project or not, and the basis for that decision. Development of an EIS, including public comment period, may take 12-24 months or more to complete.

A good place to begin as you determine the level of review your project requires is the [ArcGIS Pro Permitting and Environmental Information Tool \(APPEIT\)](#). This project package includes maps from publicly available sources, including federal review, permitting, and resource agencies. The tool should be used for informational purposes only and is intended solely to assist users with preliminary identification of areas that may require permits or planning to avoid potentially significant impacts to environmental resources subject to NEPA and other statutory requirements.

Kentucky Office of Broadband Development (the Office) will have a required environmental questionnaire in the grant portal available after contracts are signed. The questionnaire will assist in identifying projects that can be categorically excluded and in obtaining a final NEPA decision. Additional instructions will be provided in the OBD Environmental Questionnaire User Guide.

Permits and Consultations

SHPO (State Historic Preservation Office): The Office has partnered with Chronicle Heritage to conduct Section 106 consultations for all BEAD projects at no additional expense to subgrantees. Section 106 consultation with Kentucky SHPO is required for every project regardless of CATEX status. Provide CAD and SHP files to khigelmire@chronicleheritage.com and taylor.burchett@ky.gov for review. SHP files alone will suffice if you are unable to produce CAD files. Separate each project into underground and aboveground categories as applicable and note box, tower, hut, etc. locations. The more details you provide, the faster and easier the review will be. Please be sure to clearly include ISP name and any project identification numbers. Once Chronicle Heritage completes a literature and records review, SHPO has 30 days to review. If SHPO requests additional information, 30 days restart once they receive the information.

Relevant Section 106 documents:

Kentucky SHPO [Notice of Policy](#)

[Advisory Council on Historic Preservation Program Comment for Federal Communications Projects](#)

NTIA memorandum [Authorization of NTIA Grant Recipients to Initiate Section 106 Consultation for NTIA Funded Projects](#)

[Program Comment for Federal Communications Projects NTIA Section 106 Documentation Form](#) with [instructions](#) and [FAQs](#)

THPO (Tribal Historic Preservation Office): Tribal consultation is required for every project. **DO NOT** initiate Tribal consultation for BEAD projects. NTIA will coordinate all communication with relevant Tribes through the FCC's Tower Construction Notification System even if projects do not involve towers.

DOW Floodplain General Permit: Required for work across, along, or adjacent to a stream. The PDF printout is your permit. Local permits are also required when using a General Permit in any NFIP community. Timeline for local permits varies. Find a list of local floodplain coordinators on the DOW Flood Hazards page linked previously.

DOW 401 Water Quality Certification: Required for activities that may result in discharge (fill material or sediment) and work below the ordinary high-water mark of the stream or in a connected wetland. USACE permit required in conjunction. Individual Water Quality Certification has a minimum 120-day review timeline with a 30-day public notice required.

DOW Stormwater Construction General Permit: [Permit KYR10](#) is required to discharge stormwater from construction activities if earth disturbance is greater than or equal to 1 acre,

including clearing, grading, and excavation; storage, borrow, and fuel areas; and truck wash out and maintenance areas. DOW has 7 days to issue permit.

U.S. Fish and Wildlife: Section 7 consultation is required. Check “Appendix A: Broadband Deployment Activities Exempt from Endangered Species Act Consultation Section 7 Consultation” in the [Authorization of IFA Grant Recipients to Serve as Non-Federal Representatives for Section 7 Consultation](#) (August 2025).

If your project does not fit one of the listed exempt activities, you must consult with USFWS using the [IPaC](#) system. If “may affect, not likely to adversely affect” determinations are made through IPaC determination keys (Dkeys) for all species and designated critical habitat (DCH) included on the official species list, no further coordination or submittal to the Kentucky Field Office (KFO) is required. Species list and determination keys can be completed in 1 day. If a “may affect” determination is reached for a species or DCH using a Dkey, then additional coordination with the KFO is required. The KFO has up to 60 days from the submittal date to provide concurrence or technical assistance but strives to complete consultations or request additional information within 30 days of submittal.

USACE permit type depends on the work and location of each project. One permit is required in conjunction with DOW 401 Water Quality Certification. Required for work in, under, or over a traditionally navigable waterway and for discharge of dredged or fill materials into waters of the U.S. (WOUS).

USACE General Permit: Verifications of General/Nationwide Permits are issued within 45 to 60 days of receipt of a complete application.

USACE Letter of Permission: Issuance for this permit takes less than 120 days.

USACE Individual Permit: Issuance of this permit can take at least 120 days.

National Park Service: A [right-of-way permit](#) is required to allow a utility to pass over, under, or through NPS lands. A pre-application meeting is required. Early consultation with park management is recommended. Contact the relevant park superintendent for a meeting to discuss the project before submitting your written application. [SF-299](#) is required for your application. Approval takes a minimum of 180 days/6 months.

Forest Service: Special Use Permits are required if your project occupies or uses National Forest Service (NFS) lands. This requirement applies not only to projects that directly cross NFS-administered lands, but also to county and state roads that traverse NFS lands. Even if a project is confined to an existing roadway corridor, a permit is still required when that road passes through NFS-managed areas. A pre-application meeting is required. All broadband-related special use permit applications must be submitted to the National Broadband Action Team through the [Forest Service Broadband Communications Use Submission Portal](#). You must use [SF-299](#) in your submittal. The [Plan of Development for Fiber Optic/Broadband Use](#) can help in your use of the SF-299. This permit takes up to 270 days/9 months for approval.

KYTC: Required if working in roadway right-of-way. Consult with relevant [District Office\(s\)](#). See [Permits Guidance Manual](#) and [Utilities & Rails Guidance Manual](#). Varying timeline.

Railroads: Required if working in railroad right-of-way. Consult with relevant railroad. Unknown timeline.

Other Utilities: Required if project involves co-locating or working alongside other utilities. Unknown timeline.

Other local permits and consultation may be required. Please take some time to be aware of local city and county requirements in project areas.