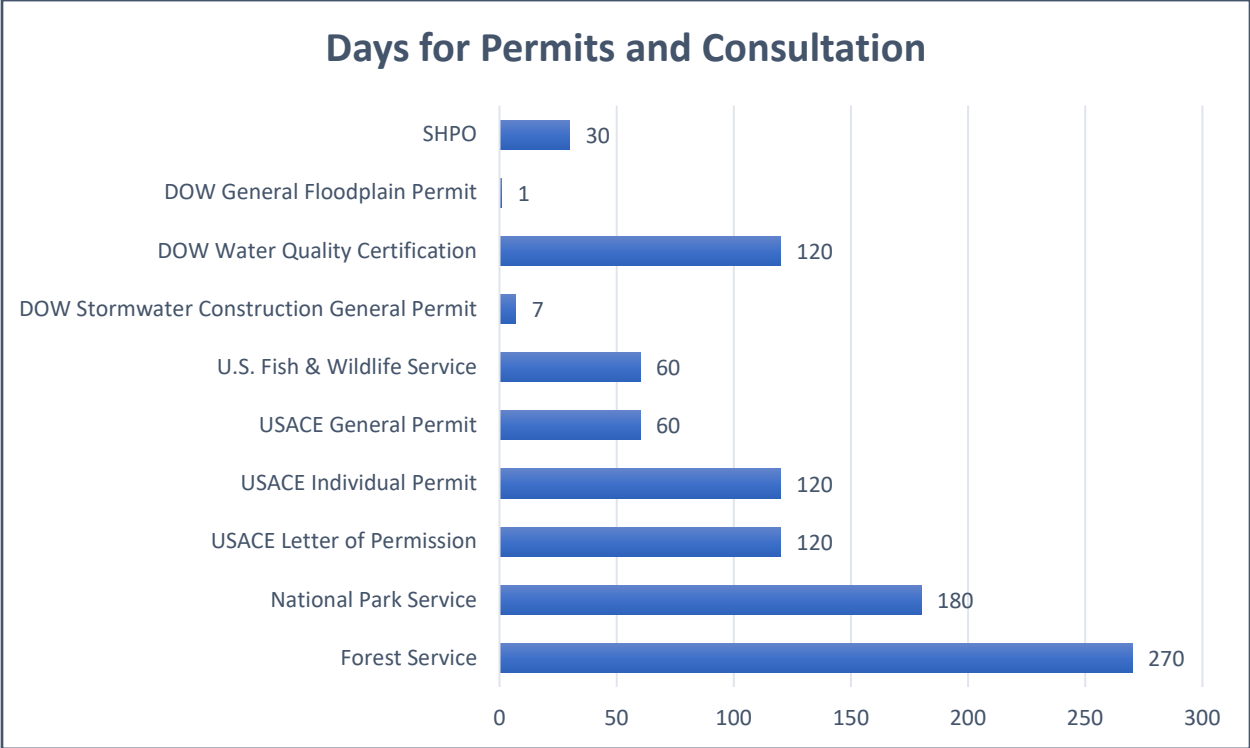
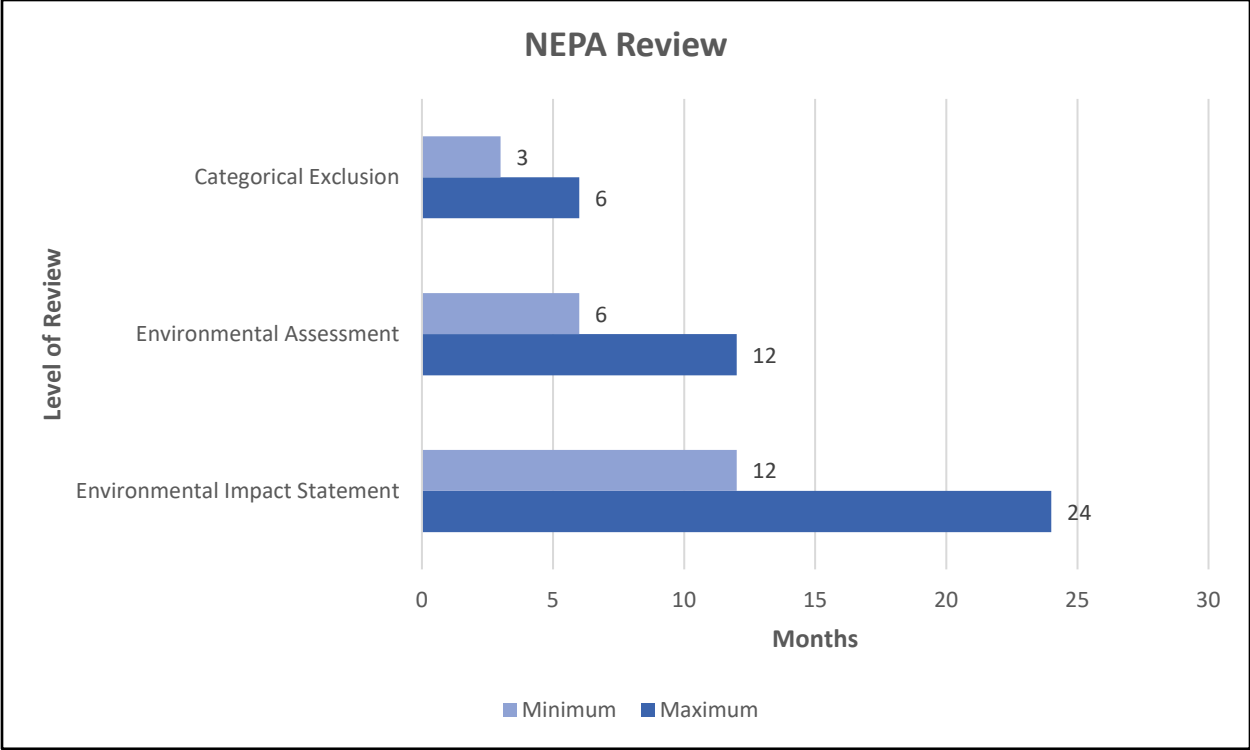




OFFICE OF  
BROADBAND DEVELOPMENT

**NEPA Permitting and Consultation Timeline Information**



## THE DETAILS

### **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 a category of 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 of the [Guidance on NTIA National Environmental Policy Act Compliance](#). CATEX does not waive other review requirements (like 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 approximately 6-12 months or more.

**Environmental Impact Statement:** An EIS will be prepared for projects 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 approximately 12-24 months or more to complete.

A good place to begin as you determine the level of review your project requires is the [Permitting and Environmental Information Application tool](#) on the [BroadbandUSA Permitting page](#). You can get an idea of what state and federal agencies you might need to consult with, even if your project is CATEX.

## **Permits and Consultations**

**SHPO (State Historic Preservation Office)**: Section 106 consultation is required for every project. SHPO created a [Notice of Policy](#) for broadband projects. A literature and records review must be completed for the entirety of each project. The “lit and rec” must be completed by a qualified [cultural resource management consultant](#). SHPO then has 30 days to review the literature and records review for each project. If SHPO requests additional information, 30 days restarts once they receive the information.

**THPO (Tribal Historic Preservation Office)**: Tribal consultation is also 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 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 for some projects. 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](#).

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

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

**National Park Service:** A [right-of-way permit](#) is required to allow a utility to pass over, under, or through NPS property. Approval takes a minimum of 180 days/6 months.

**Forest Service:** Required if your project needs access to National Forest Service land. This permit takes up to 9 months/270 days for approval.

**KYTC:** Required if working in roadway right-of-way. Consult with relevant [District Office\(s\)](#). See [Permits Guidance Manual](#). Unknown 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.