



NEPA for BEAD: Overview and FAQ

Public Service Commission of Wisconsin
Wisconsin Department of Natural Resources
Wisconsin State Historic Preservation Office
Wisconsin Department of Transportation

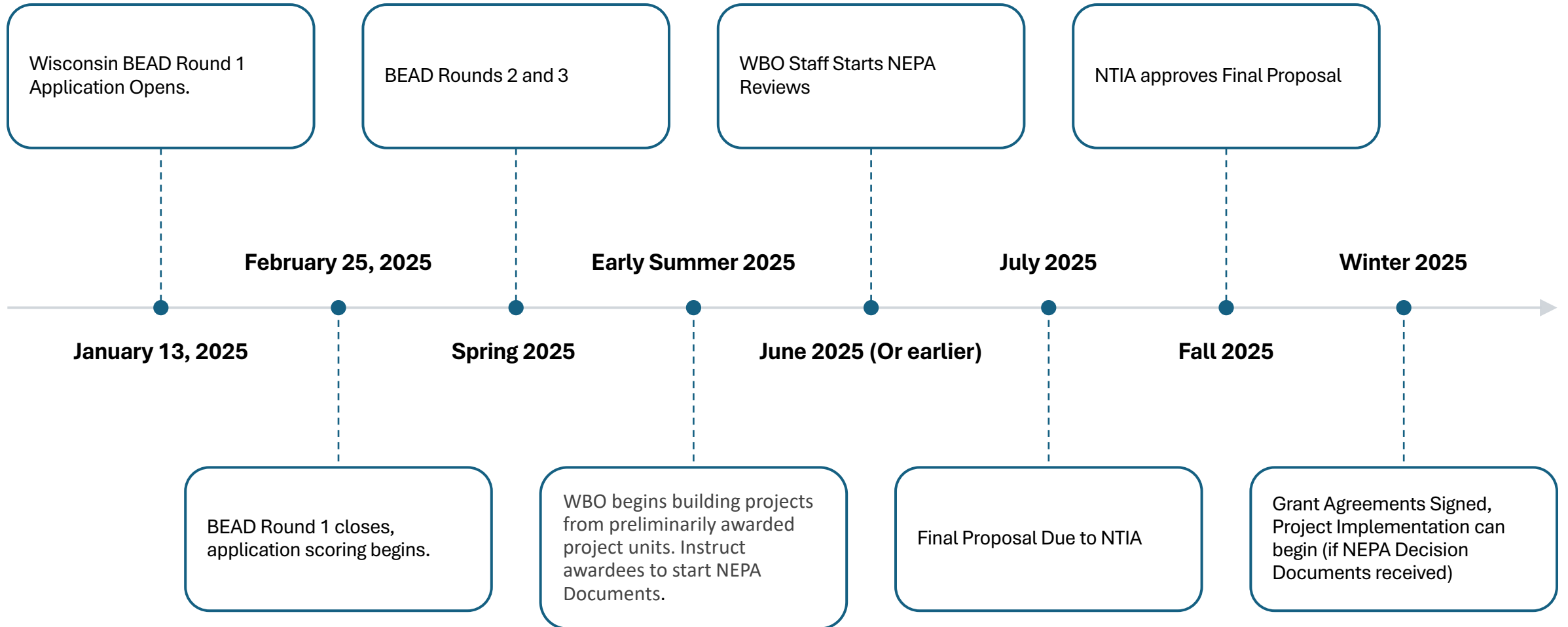
- NEPA Overview
 - BEAD NEPA 101
 - Consultations
 - Categorical Exclusions and Extraordinary Circumstances
- Consultations and Permitting from State-Level Agencies
 - Wisconsin State Historic Preservation Office (Section 106)
 - Wisconsin Department of Natural Resources (Wetland and Waterway, Stormwater, Erosion Control, Endangered Resources)
 - Wisconsin Department of Transportation (Rights of Way)
- BEAD NEPA FAQ

The National Environmental Policy Act (NEPA) IS...

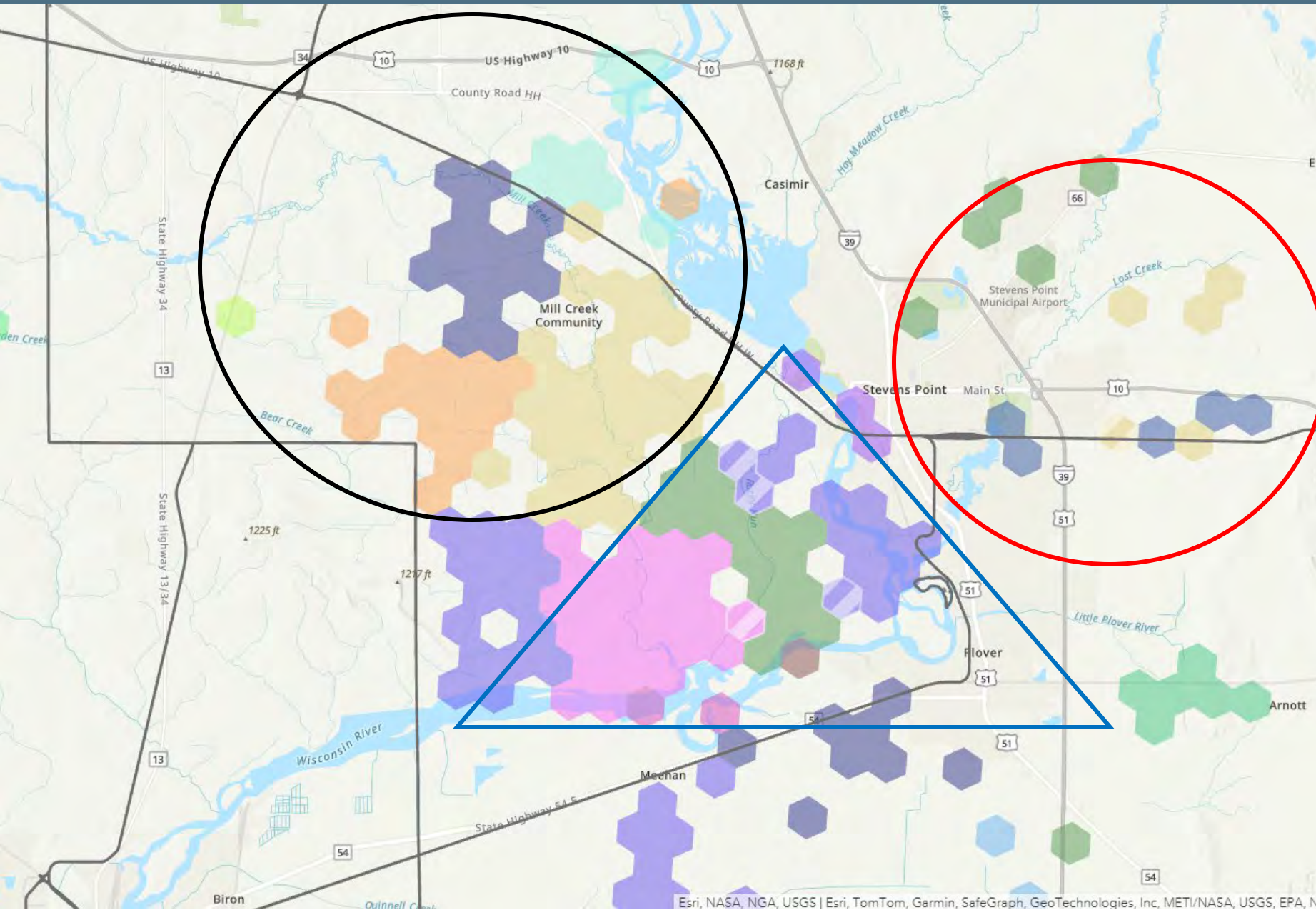
- A Federal law that analyzes potential environmental impacts
- Required per the [BEAD General Terms & Conditions](#) and the [BEAD Notice of Funding Opportunity](#)
- A Review process that ties together many federal requirements into a single step thanks to NTIA efficiencies. These laws include:
 - National Historic Preservation Act (NHPA)
 - Endangered Species Act (ESA)
 - Clean Water Act (CWA)
 - Other Applicable Federal, State, and Local Environmental laws and regulations

NEPA is NOT...

- A permit from federal, state, or local agencies; it is a separate process. **NEPA Compliance ≠ Permit Approval**
- A state-level process. NEPA Compliant BEAD Projects are still subject to state laws and requirements.
- Optional. Awardees must receive NEPA Decision Documents and adhere to any additional Specific Award Conditions that come from a completed NEPA Review. NEPA Decision Documents include:
 - **Categorical Exclusion Determination (CatEx)**
 - Record of Environmental Consideration (REC)
 - Finding of No Significant Impact (FONSI)
 - Record of Decision (ROD)



Project Definition Process and Project Areas



Legend

Hexagons: BEAD Eligible Locations/Project Units

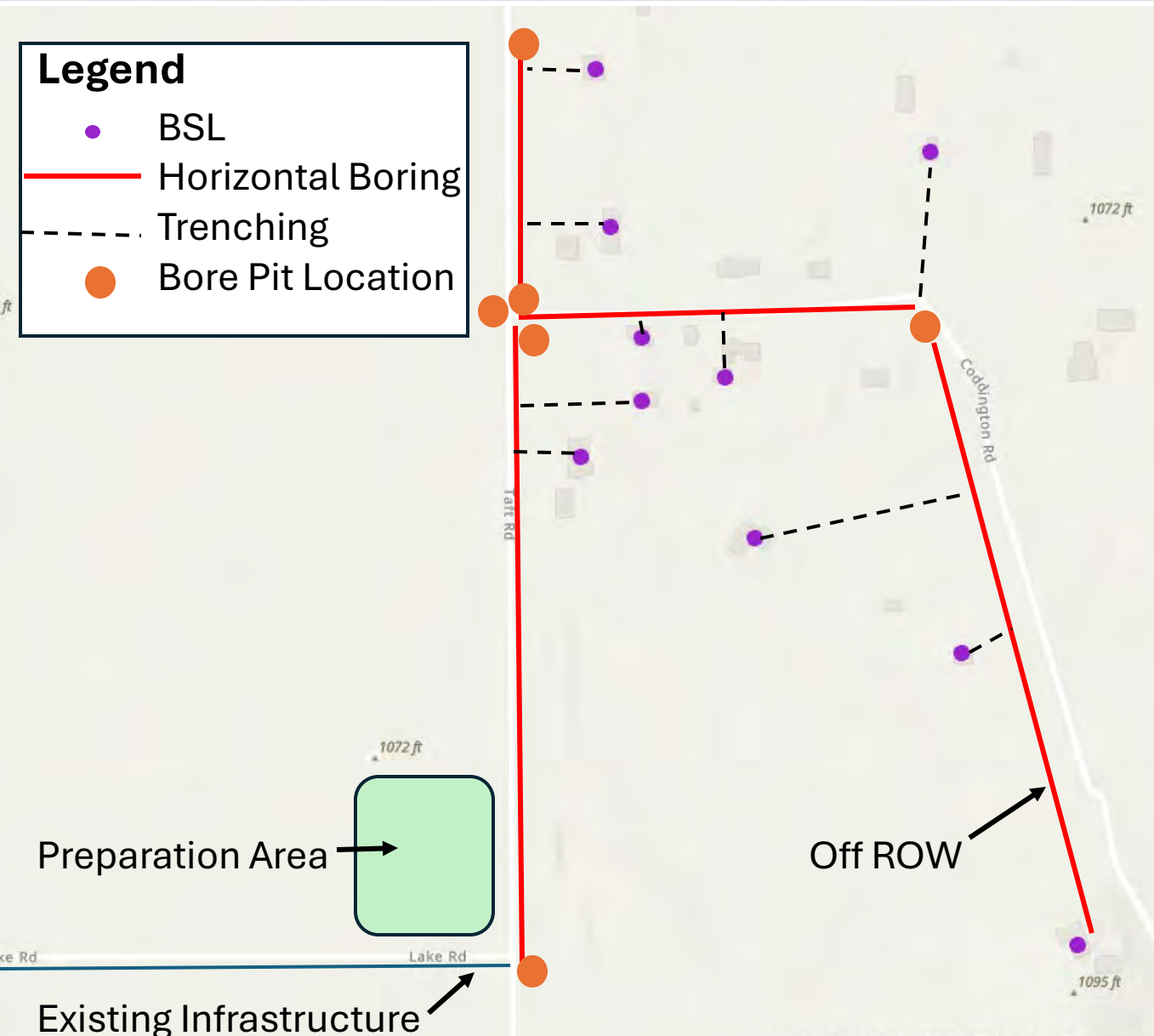
Shapes: Example defined projects

A project is a collection of awarded project units that are within proximity to each other (same county, region, etc.) to the same BEAD Subgrantee

Applications \neq BEAD Projects

Every project will undergo NEPA Review

Project Definition Process and Project Areas



What is a Project Area?

- The construction space needed to complete the awarded project.
- **Includes:** total construction footprint, groundbreaking, the proposed route/facilities, associated existing facilities and connections, temporary and permanent access roads outside of ROWs, and laydown/preparation areas.
- NEPA Review must consider **all** construction actions necessary to complete the awarded projects. Defining the Project Area assists Commission staff with evaluating the total environmental impact possible from the project.

According to NTIA, Every Project Will Need...



- **Project Description**
- Ground-Level & Aerial photos of proposed project areas
- Plan Drawings/Map
- Federal Emergency Mgmt. Agency (FEMA) [Floodplain Map](#) with overlain Project
- [Wetlands Map](#) from U.S. Fish & Wildlife Service (USFWS) National Wetlands Inventory (NWI) with overlain project
 - The Commission will also ask for a [Wisconsin Dept. of Natural Resources \(WDNR\) Surface Water Data Viewer \(SWDV\) Wetland Map](#) with overlain project
- Section 106 State Historic Preservation Office (SHPO) Consultation
 - [Not part of Submission] Contact NTIA with Project Description and Map for Tribal Historic Preservation Officer (THPO) Consultation
- Section 7 Information for Planning and Consultation (IPaC) Review

Project Description

The Commission asks for the following to be included in a **Project Description**...



What is
being constructed



A description of **where** the project is proposed, and a physical description of the site/route and surrounding area



Project metrics
as applicable



A detailed description of **how** the project will be implemented, including any **mitigation actions** or a **decommissioning/maintenance plan** [If Applicable].



Acknowledgement of any known **permits** the Subgrantee will need to acquire prior to beginning project implementation

As separate documents, the **Project Description** also includes...

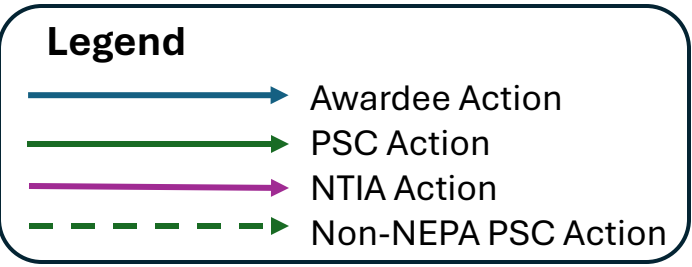


A **project map** showing project boundaries, sites, routes, and activities highlighted and clearly marked



Ground-level photos summarizing the site or route of implementation, key areas of interest, and the topography of the project area.

Who does what for NEPA Review after I am awarded my project?



Tribes with interest in Wisconsin



Awardee

- NEPA Screening Tool
- Items from Slide 8
- Necessary permits

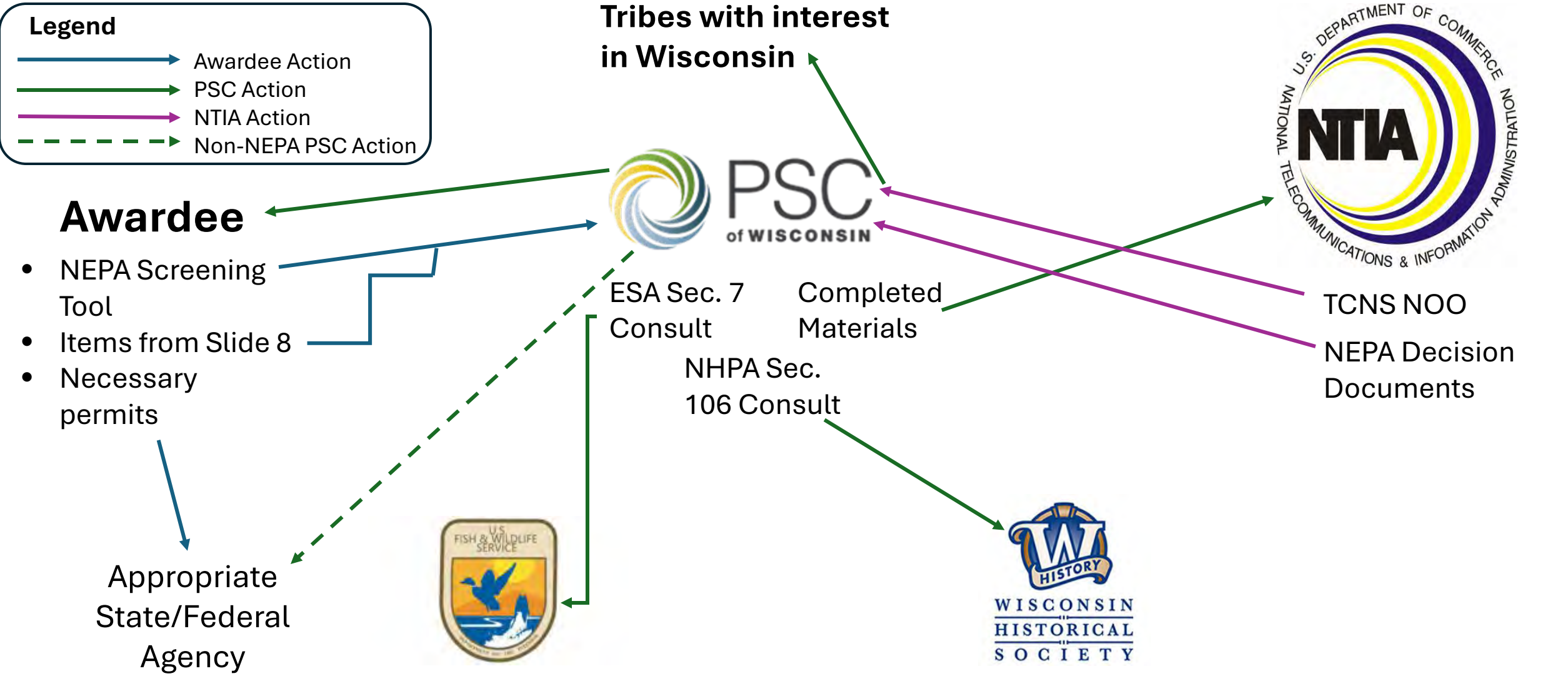
Appropriate State/Federal Agency

ESA Sec. 7 Consult

Completed Materials

NHPA Sec. 106 Consult

TCNS NOO
NEPA Decision Documents



Endangered Species Act Section 7 Consultation



1. Awardee submits their project materials (GIS Data, map, project description)



2. PSC Staff goes to Information for Planning and Consultation (IPaC) and completes the Determination Key for each project



3. After submitting the D-Key, a letter from USFWS is generated. USFWS has 30 days to review and make any letter edits.



4. If there are no species that are given "May Effect" or "Not Likely to Adversely Affect (NLAA)" designations, the Section 7 Consultation is complete. USFWS may change a May Effect or a NLAA to "No Effect" in the 30-day waiting period.



5. After the 30-day waiting period, PSC Staff uploads the Section 7 consultation letter to Salesforce as part of the NEPA Compliance documents per NTIA



6. If a project has a May Effect Determination upon submittal, a formal consultation is required. PSC will lead the consultation per our Non-Federal Designation. The consultation may take 135 days to complete.

The **Non-Federal Designation (NFD)** states that some BEAD-related actions will have no effect on Endangered Species. This document will be used throughout Consultation.

All Section 106 Historic Property Reviews begin the same way:

1. PSC Staff completes initial historic property screening
2. PSC staff completes a **Historic Property Checklist** and sends reviewed projects to the PSC's Historic Preservation Officer
3. PSC staff states one of the following for each project:
 - a) The project is not anticipated to encounter historic properties
 - b) The project will encounter historic properties
 - c) The project requires further determination from the Historic Preservation Officer

The PSC works with Wisconsin State Historic Preservation Office using the [Advisory Council on Historic Preservation Program Comment For Communication Projects](#) as a guide. Consultation takes 30 Days to complete.



- Most BEAD Project NEPA Reviews will result in a **Categorical Exclusion Determination**
- There are **47** different [Categorical Exclusions](#) that may be applied to BEAD Projects
- **Extraordinary Circumstances:** Factors or circumstances that indicate a normally categorically excluded action may have a significant effect. There are **13** [Extraordinary Circumstances](#) applicable to BEAD Projects.
 - "3. Proposed action may adversely impact protected migratory birds or their habitats."
 - "5. 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."
- If a BEAD Project fits into **at least one Categorical Exclusion AND no Extraordinary Circumstances are applicable**, the project is likely to receive a Categorical Exclusion Determination from NTIA.

Most Likely Permitting Agencies for BEAD Projects

Federal-Level



Federally Endangered
Species Impacted
Project takes place on
USFWS Land



Project work occurs in a
U.S. Navigable Water or
Wetland (Sec. 10/404)

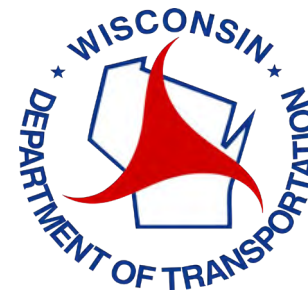


Project takes place
on USFS Land

State-Level



State Endangered Resource
Impacted
Project work occurs in
Wetland/Waterway
Stormwater/Erosion Control
Mitigation Actions Identified
Project takes place on DNR
Land



Projects takes place in a
State Highway Right-of-Way