

BEAD: EHP determination and ESAPTT intake

Guidance for ISPs

June 2026

Definitions

- **BEAD:** Broadband Equity, Access, and Deployment
- **BABA:** Build America, Buy America Act
- **EHP:** Environmental and Historic Preservation
- **ESAPTT:** Environmental Screening and Permitting Tracking Tool
- **NEPA:** National Environmental Policy Act
- **NIST:** National Institute of Standards and Technology
- **SGA:** Subgrantee Agreement

Subgrantees will complete the ESAPTT intake form to submit key information on EHP processes



PRELIMINARY NON-EXHAUSTIVE

☐ Focus of this document

Why it’s needed

Status and due date

NEPA Project ID confirmation

Collect project information to suggest potential NEPA Project Areas for NTIA approval



Complete

Project IDs submitted and approved by NTIA

ESAPTT Intake Form

Collect ESAPTT questionnaires and other EHP information required for federal permitting approval



In progress

~June – July

Source: [Environmental Screening & Permitting Tracking Tool \(ESAPTT\) User Guide](#); [NEPA for BEAD Frequently Asked Questions](#)

Definitions for ESAPTT intake form

- **APPEIT:** ArcGIS Pro Permitting and Environmental Information Tool
 - **BMP:** Best Management Practices
 - **CATEX:** Categorical Exclusion
 - **CWA:** Clean Water Act
 - **ESA:** Endangered Species Act
 - **EA:** Environmental Assessment
 - **EIS:** Environmental Impact Statement
 - **ESA:** Endangered Species Act
 - **IPAC:** Information for Planning and Consultation (tool)
- **MBTA:** Migratory Bird Treaty Act
 - **NHPA:** National Historic Preservation Act
 - **NRHR:** National Register of Historic Places
 - **NWP:** Nationwide Permit
 - **SHPO:** State Historic Preservation Office
 - **T&E:** Threatened and Endangered (species)
 - **USFWS:** U.S. Fish and Wildlife Service

Overview: EHP Process & ESAPTT Tool

X Detailed next

Context	Topic	Description	ESAPTT tool
I Role of the state and provisional subgrantee in the EHP process II Environmental Screening and Permitting Tracking Tool (ESAPTT)	1 General EHP Requirements	NEPA Milestone Schedule and Narrative	-
	2 Categorical Exclusion	Set of questions used to eliminate the Categorical Exclusions that do not apply to a NEPA Project Area	Sections 1 - 3
	3 Extraordinary Circumstances and Best Management Practices	Set of questions to help describe Extraordinary Circumstances that may disqualify certain CATEXs and trigger additional NEPA requirements - USFWS Endangered and Threatened Species Section 7 - Migratory Bird Treaty Act - National Historic Preservation Act (NHPA) Section 106 - Clean Water Act - Additional considerations	Sections 1 -13

State's Role in Environmental and Historic Preservation

The State's responsibilities

- Serve as a joint lead agency with NTIA for EHP
- Monitor and support subgrantee compliance with NEPA, NHPA and other applicable EHP laws and regulations
- Prevent construction activities from starting until NEPA processes are complete for each project area

How NJ BPU will support subgrantees

- Submit and coordinate approval of NEPA Project Areas to NTIA
- Obtain and provide specialized EHP expertise
- Support subgrantees in the preparation of EHP documentation, verifying they meet NEPA and other EHP requirements prior to ESAPTT submission

Subgrantee's Role in the EHP Process

EHP process timeline and activities

- **Collaborate with NJ BPU** to provide NEPA information towards NTIA approval
- **Work with State and State's NEPA experts to respond** to questions in **EHP intake form** and **finalize inputs to the ESAPTT**
- **Collaborate with State** and State's NEPA experts to **review EHP decisions** and understand the impact to project schedule and funding; update project schedules accordingly
- **Conduct** requisite **consultations** and develop/acquire **sufficient documentation** for each EHP area
- **Comply with EHP decisions** and conditions throughout construction

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Environmental screening and permitting tracking tool (ESAPTT)

A tool developed by NTIA to support and streamline environmental review by:

- Enabling states to exchange digital NEPA documentation with NTIA
- Providing targeted questions and documentation requirements to determine “extraordinary circumstances”
- Applying NTIA’s 47 categorical exclusions to project assessment
- Suggesting potential CATEX(s) after screening
- Generating draft NEPA decision memos for BPU and NTIA review; and then a final memo

- **Subgrantee’s responsibility:** collect and submit information for the ESAPTT Intake Form
- **BPU’s responsibility:** submit project(s) in ESAPTT for NEPA screening and decisions, based on the information provided in the ESAPTT Intake Forms

EHP Approval: Context and Requirements

- To receive EHP approval, all reported NEPA Project Areas must demonstrate:
 - Completion of reviews under the NEPA Policy Act
 - Completion of any reviews under Section 106 of the NHPA of 1966
 - Completion of consultations with USFWS or NMFS
 - Demonstration of compliance with all federal, state and local environmental laws and regulations
 - Demonstration of compliance with all EHP requirements under NTIA's Terms and Conditions

Source: [NTIA Environmental Screening and Permitting Tracking Tool \(ESAPTT\) External User Guide](#); [NTIA General Terms and Conditions for the BEAD Program](#); [NTIA Smart Start Part II: BEAD Subgrant Permitting Conditions Guidance](#)

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1a. EHP Requirement: NEPA Milestone Schedule (1/2)

PRELIMINARY

NON-EXHAUSTIVE

Key information

Review and complete a milestone schedule identifying specific deadlines which is subject to NEPA Review

Milestone schedule requirements and compliance

3 Elements required

- 1 Expected date to begin process
- 2 Expected date to complete and submit report/event
- 3 Expected date of approval/issuance from relevant agency

Milestone Categories

A. NEPA Compliance

- Section 106 National Historic Preservation Act (NHPA)
- Clean Water Act
- Endangered Species Act

B. State and Local Environmental Compliance

C. Federal Agency Permits/Authorizations/Consents

1b. EHP Requirement: NEPA Milestone Narrative

Key information

Review and complete a milestone schedule narrative describing how the subgrantee proposes to meet timing requirements which is subject to NEPA review

Explanation of narrative

Describes how provisional subgrantee will meet timing requirements of milestone:

1. Consultations:

NEPA reviews, Section 106 reviews, Submission of NEPA documentation

2. The narrative must also describe:

- Staffing and roles responsible for completing the milestone schedule
- Sequencing of consultations and reviews under NEPA
- Section 106 approach, including use of SHPO processes
- How NEPA documentation will be prepared, reviewed, and submitted
- How agency comments, resubmittals, and revisions will be addressed
- How risks, delays, dependencies, conflicts will be identified and mitigated
- ESA coordination plan

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CATEX: Sections 1 and 2

Key information

Set of questions to eliminate Categorical Exclusions that don't apply to a NEPA Project Area

Section	Question's objective
1	To determine whether the project involves new physical construction of telecommunications infrastructure, either buried or installed above ground (e.g., poles, aerial). Projects inclusive of new ground disturbance or above-ground infrastructure typically require additional review and should be documented accordingly
2	To determine whether the project involves active use (e.g., new systems, acquired, installed) or modification of telecommunications systems (e.g., retrofitting, upgrading, replacing) and impacts a structure in a National Register of Historic Places

Source: [NEPA for BEAD Frequently Asked Questions - Categorical Exclusions \(NTIA Guidance Document - Pages 8-10\)](#)

CATEX: 3.1 Towers and directly related structures

Section	Question
3.1.2	Will it require new ground disturbance and/or areas of disturbance in previously disturbed areas?
3.1.3	Will the height of any tower structure > 199'?
3.1.4	Will it require use of guy wires?
3.1.5	Will it impact any National Register of Historic Places eligible structure?
3.1.6	Will it trigger EA or EIS by another federal agency?

This section evaluates projects that involve **telecommunications towers or tower-like structures** to determine whether the activities are minor enough to qualify for a CATEX or could cause significant environmental, visual, or historic impacts

CATEX: 3.2 New construction upon or improvement of land and /or non-tower structures

Section	Question
3.2.2 – 3.2.3	Will it require new ground disturbance and/or areas of disturbance in previously disturbed areas or pristine areas?
3.2.4	Will all be compatible with local planning, zoning, and Coastal Zone Management Programs?
3.2.5	Will the site and scale of construction be consistent with the scale of adjacent / surrounding development?
3.2.6	Does any construction / improvement require new local infrastructure?

This section assesses **ground-based construction activities that are not towers**, such as aerial or buried cable installations, ground equipment, or facility improvements, to determine the **scale and location of land disturbance**

CATEX: 3.3 Modifications of existing fiber optic cable

Section	Question
3.3.2	Will pole replacements have any of the following (e.g., exceed 20% of original pole quantity, be of similar appearance, be or near the original pole location, occur within the existing Right of Way)?
3.3.3	Will any of the pole replacements / actions take place outside of (or adjacent to) Right of Way?

This section focuses on projects that **modify existing telecommunications lines** rather than building entirely new ones, to confirm that changes are minor and confined to existing infrastructure corridors.

CATEX: 3.4 Existing buildings, roads, airfields, grounds equipment, and other facility modifications



Section	Question
3.4.2	Will actions result in change of property use or operations?
3.4.3	Will actions result in new disturbances?
3.4.4	Will it impact any National Register of Historic Places eligible structure?
3.4.5	Will hazardous waste be handled and disposed of properly?

This section evaluates projects involving **work inside or on existing facilities**, ensuring that modifications do not significantly alter land use, historic properties, or environmental conditions and takes into account equipment installation, upgrades etc. and facility closures, decommissions, etc.

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Extraordinary Circumstances & Best Management Practices

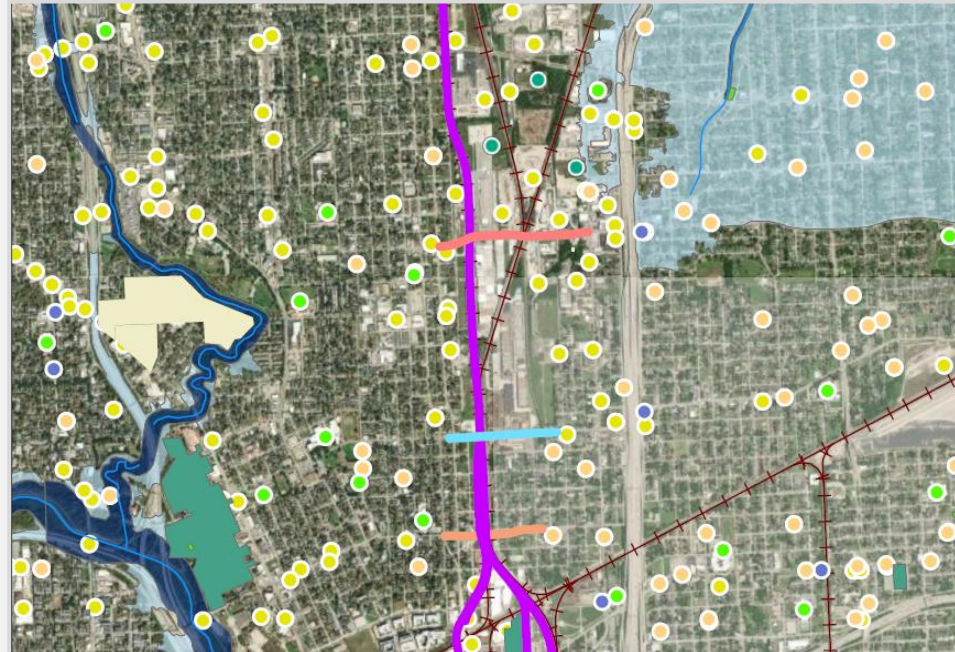
Context: Under NEPA, certain actions that would normally qualify for a CATEX may still require **additional environmental review** if “extraordinary circumstances” are present and trigger additional NEPA requirements



If extraordinary circumstances are triggered, projects may need to:

- Provide sets of mitigations for each area
- Require associated environmental information and analyses such as approval letters, consultation evidence, etc.

Sample Environmental Constraints Map



Q2: USFWS Endangered and Threatened Species (1/2)

Context

Question's objective:

Determine whether a proposed BEAD-funded project may **adversely affect species listed as Endangered or Threatened under the Endangered Species Act (ESA)**, or their designated critical habitats

Deep dive on Question 2.a.1: Will the proposed project adversely impact T&E species and require coordination under Section 7?

Relevant considerations

Steps for provisional subgrantees

- Identify project location within Information for Planning and Consultation (IPaC)
- Generate an Official Species List and Critical Habitat
- Use IPaC tools to evaluate species-specific conservation measures

Determining Potential Impacts

- Assess if suitable habitat is present
- Evaluate project activities
- Determine effects: No Effect, Not Likely to Adversely Affect (NLAA), Likely to Adversely Affect (LAA)
- Document avoidance and minimization measure

Q2: USFWS Endangered and Threatened Species (2/2)

Context

Question's objective:

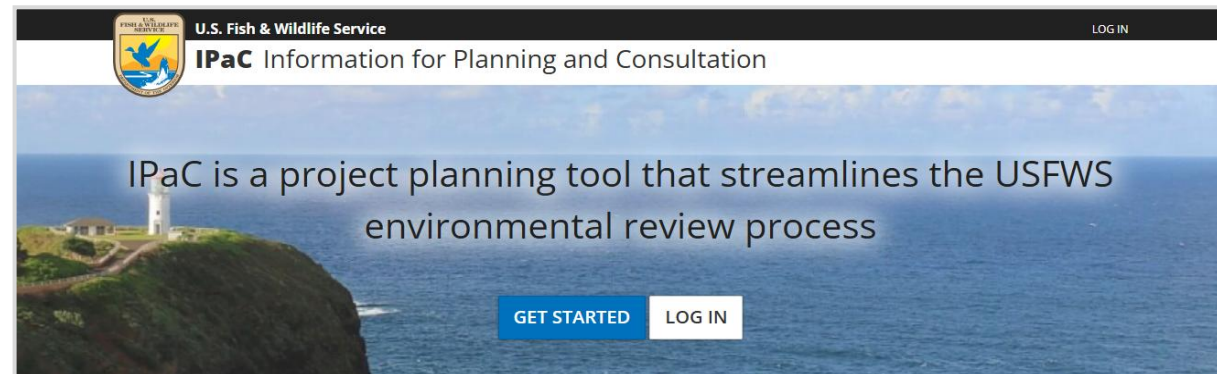
Determine whether a proposed BEAD-funded project may **adversely affect species listed as Endangered or Threatened under the Endangered Species Act (ESA)**, or their designated critical habitats

Deep dive on Question 2.a.1: Will the proposed project adversely impact T&E species and require coordination under Section 7?

Relevant considerations

Potential consequences after determination

- **No Effect:** No USFWS coordination required
- **NLAA:** Submit documentation to USFWS for informal consultation
- **LAA:** Initiate formal consultation and prepare a Biological Assessment



Q3: Migratory Bird Treaty Act (MBTA)

Context

Question's objective:

Determine whether a proposed BEAD-funded project may **result in the take of migratory birds protected under the Migratory Bird Treaty Act (MBTA)**

Question:

Will the proposed action adversely impact protected migratory birds or their habitats?

Relevant considerations

Additional details

- MBTA applies to all project types
- “Take” includes actions that kill, injure, or destroy active nests, even if unintentional
- Project impacts most often occur during: land clearing and grubbing, tree removal, structure demolition, work near known nesting habitat

Best Management Practices to potentially mitigate impacts

- Schedule vegetation removal outside nesting season when possible
- Conduct nest surveys and implement avoidance buffers if projects occur during nesting season
 - Nesting season varies by species is typically March – August but may begin in Jan. and end as late as Sept.
- Focus compliance on avoiding active nests and minimizing disturbance to breeding birds

Q4: National Historic Preservation Act, Section 106

Context

Question’s objective:

Determine whether a proposed BEAD-funded project may **impact historic properties, archaeological resources, or cultural sites**, including those of significance to Tribal Nations

Deep dive on Question 4.d:

Attach Section 106 documentation if proposed action may adversely impact historic, archaeological, or cultural sites



Relevant considerations

Additional details

- “Historic properties” include archaeological sites, buildings, structures, objects, and districts eligible for or listed on the National Register
- State law requires any groundbreaking activities to coordinate

Why Section 106 Compliance matters

- Does not prohibit impacts but ensures impacts on historic properties are considered and resolved through consultation
- Requires consultation with State Historic Preservation Office and other consulting parties (e.g., local governments, stakeholders)
- Automatically (ESAPTT) begins consultation with Tribal Historic Preservation Office if found to impact tribal grounds
- Requires development of avoidance, minimization, or mitigation measures if adverse effects are found

Q6: Clean Water Act¹ (1/2)

Questions

- Will the project impact floodplains?
- Will the project impact wetlands, waterbodies, or streams?
- Will the project impact water quality, sole source aquifers, or public water supplies?



Relevant considerations

Broadband projects may trigger review when involving

- Trenching or plowing fiber lines through wetlands or streams
- Directional drilling beneath waterbodies if entry/exit pits or frac-outs affect jurisdictional areas
- Installing poles, anchors, or cabinets in floodplains that may alter hydrology
- Temporary access routes, mats, staging areas, or dewatering near water features

Impacts are evaluated based on

- Amount and location of ground disturbance or fill
- Changes to flow patterns, flood storage, or drainage
- Effects on aquatic habitat from construction methods or equipment
- Potential water quality impacts (sediment, turbidity, drilling fluids, pollutants)

1. Floodplain & Wetland/Waterbody Impact Summary (Broadband Projects).
Source: [Summary of the Clean Water Act | US EPA](#)

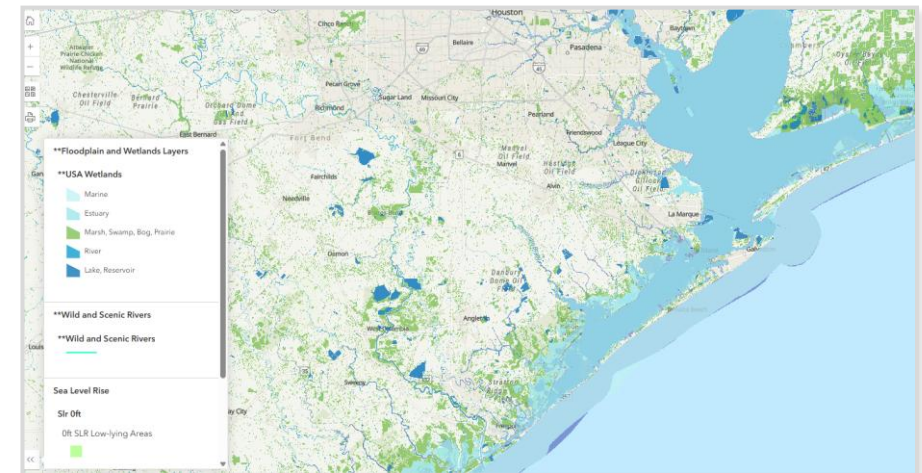
Q6: Clean Water Act¹ (2/2)

Questions

- Will the project impact floodplains?
- Will the project impact wetlands, waterbodies, or streams?
- Will the project impact water quality, sole source aquifers, or public water supplies?

Relevant considerations

- Broadband projects must **first demonstrate efforts to avoid and minimize impacts** before considering mitigation measures
- **Projects with impacts** may need a **Nationwide Permit** (e.g., NWP 57 or NWP 33) or an **Individual Permit**
- Projects that completely avoid jurisdictional waters might not need permits but must document this avoidance in the project records



1. Floodplain & Wetland/Waterbody Impact Summary (Broadband Projects).

Q 8-9: Additional Considerations

Hazardous Materials – Construction Impact Screening Process (Question 8)

- Identify proximity to regulated sites
- Review environmental records
- Evaluate construction activities
- Determine potential for hazardous materials generation
- Assess risk of accidental release
- Confirm regulatory requirements
- Plan mitigation and compliance measures

Radiation Exposure – Project Impact Screening (Question 9)

- Identify radiation sources
- Evaluate proximity to the public and workers
- Review FCC compliance requirements
- Determine if exposure could exceed limits
- Check for ionizing radiation handling or licensing
- Assess need for access controls or signage
- Verify compliance documentation

For more information and guidance, we highly encourage reviewing the following documents



- [Sample Project Descriptions and Maps for BEAD Environmental and Historic Preservation \(EHP\) Review](#)
- [Dividing BEAD Subgrant Awards into Multiple ESAPTT NEPA Project Areas](#)
- [Streamlined Environmental Review & Permitting for Broadband: A Roadmap](#)
- [NEPA for BEAD: Programmatic Environmental Impact Statement Evaluation Sample Memo & Recommendations](#)
- [Frequently Asked Questions \(FAQ\) NEPA for BEAD Addendum](#)
- [Smart Start - How to Plan and Prepare for National Environmental Policy Act \(NEPA\) Compliance for BEAD](#)
- [Smart Start Part II: How to Approach and Implement BEAD Subgrant Permitting Conditions](#)
- [Environmental Screening and Permitting Tracking Tool \(ESAPTT\) Overview](#)
- [Floodplain map from the Federal Emergency Management Agency \(FEMA\) Map Service Center](#)
- [Wetlands map from the US Fish and Wildlife Service's \(USFWS\) National Wetlands Inventory](#)
- [Guidance on NTIA National Environmental Policy Act Compliance](#)
- [Best Management Practices \(BMP\) and Mitigation Measures](#)
- [Tiered Environmental Assessment \(EA\) Template and Resources](#)
- [NTIA's Guide to Streamlined Endangered Species Act \(ESA\) Compliance for Broadband Deployments](#)
- [USFWS Section 7 "No Effect" List and Consultation Memo](#)
- [National Historic Preservation Act \(NHPA\) Consultation Process Fact Sheet](#)
- [The Advisory Council on Historic Preservation Program Comment for Federal Communications Projects](#)
- [Section 106 of the National Historic Preservation Act \(NHPA\) Delegation Memo](#)