

# Environmental and Historic Preservation (EHP) Documentation (Requirement 14)

## 14.1 Attachment (Required): Submit a document which includes the following:

- **Description of how the Eligible Entity will comply with applicable environmental and historic preservation (EHP) requirements, including a brief description of the methodology used to evaluate the Eligible Entity's subgrantee projects and project activities against NTIA's National Environmental Policy Act (NEPA) guidance. The methodology must reference how the Eligible Entity will use NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT) to create NEPA project records, evaluate the applicability of categorical exclusions, consider and document the presence (or absence) of Extraordinary Circumstances, and transmit information and draft NEPA documents to NTIA for review and approval.**

The IOB will leverage its internal processes and resources, as well as the tools developed by the NTIA, to streamline the NEPA review process to support a timely and comprehensive environmental and historical preservation review and approval processes for BEAD Program-awarded grants.

The NTIA environmental review tools – the ArcGIS Pro Permitting and Environmental Information Tool (APPEIT)<sup>1</sup> and the Environmental Screening and Permitting Tracking Tool (ESAPTT)<sup>2</sup> – will reduce potential delays to deployment and support subgrantee efforts to complete the awarded projects within committed timeframes. The IOB will retain subject matter experts with NEPA training and expertise to coordinate and review documentation.

The IOB will rely on these NEPA professionals and the NTIA's tools to develop the processes described below. These processes will support compliance with the IOB's

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<sup>1</sup> ArcGIS Pro Permitting and Environmental Information Tool (APPEIT) Project Package (June 2025), <https://nbam.ntia.gov/content/37fa42c6313e4bdb9d8a9c05d2624891/about>

<sup>2</sup> Environmental Screening and Permitting Tracking Tool (ESAPTT), [https://broadbandusa.ntia.gov/technical-assistance/Streamlined\\_Environmental\\_Review\\_and\\_Permitting\\_Roadmap](https://broadbandusa.ntia.gov/technical-assistance/Streamlined_Environmental_Review_and_Permitting_Roadmap)

duty and obligation as a joint lead agency as well as compliance with BEAD Program EHP requirements more generally, as described within the:

- National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) (NEPA),
- Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) (NHPA),
- Section 7 of the Endangered Species Act (16 U.S.C. 1521, et seq.) (ESA),
- Section 404 of the Clean Water Act (33 U.S.C. 1251, et seq.) (CWA), and
- Other applicable federal, state, and local environmental laws and regulations.

## **Subgrantee Selection Process**

The IOB's Subgrantee Selection Process required applicants to provide information that allowed the IOB third-party review team to evaluate proposed projects and project activities against NEPA and the NTIA guidance. The application materials also required each applicant to certify their understanding of the requirements for NEPA/NHPA and to demonstrate how the applicant intends to comply with these requirements. The IPV2 stated applicant obligations to obtain permits, to obtain any required federal, state, or local government authorizations prior to starting the planned work, and to design the proposed project in a way that "minimize[s] potential environmental impact."<sup>3</sup> The IPV2 informs applicants that failure to meet its EHP obligations will make the applicant ineligible for BEAD funding.<sup>4</sup>

In the Funding Application,<sup>5</sup> applicants were required to describe any ground-disturbing activities and their compliance plans for the NEPA and NHPA obligations. Applicants were further encouraged to consult the NTIA NEPA planning tools and to provide sufficient information in the application to facilitate a timely and comprehensive initial screening and NEPA review.

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<sup>3</sup> IPV2 Section 2.4.5

<sup>4</sup> IPV2 Section 2.4.5

<sup>5</sup> IOB Funding Application Questions Preview, Q. 104-107, [https://commerce.idaho.gov/content/uploads/2025/07/ID\\_BEAD-Funding-Application-Questions\\_07.11.25\\_FINAL.pdf](https://commerce.idaho.gov/content/uploads/2025/07/ID_BEAD-Funding-Application-Questions_07.11.25_FINAL.pdf)

## **Preliminary Reviews**

After submitting its Final Proposal, the IOB plans to use the information gathered during the Subgrantee Selection Process for evaluation of its provisionally awarded projects against NEPA guidance and to create its NEPA Project Areas with the help of provisionally awarded subgrantees.

During this stage, the IOB will use the publicly available APPEIT,<sup>6</sup> as well as the layers from the NTIA Permitting and Environmental Information Application<sup>7</sup> that are incorporated into APPEIT, to identify areas of potential significant environmental impacts and legal, regulatory, and jurisdictional overlaps for any of its provisionally awarded projects and plan potential mitigation and compliance measures for projects in those areas. The IOB will also rely on the expertise of its specialists and consultants and work with the provisional awardees to begin the document collection process and to develop NEPA Project Areas. The IOB expects this early-stage work and its NEPA Project Areas to expedite the NEPA review process for its awarded projects upon the NTIA's approval of its Final Proposal.

The IOB's Draft Subgrantee Agreement further supports the timely review of environmental impacts of each awarded project and facilitates cooperation by provisional awardees with its provisions that allow for work related to environmental, historical, and cultural review of a proposed project to be an eligible pre-award expense. However, subgrantees will be reimbursed only for properly documented expenses associated with these activities upon completion of the NEPA review process for their projects.

## **Award Approval and ESAPTT**

Upon receipt of NITA's approval of its Final Proposal and awarded projects, the IOB will require each awarded subgrantee to develop a NEPA milestone schedule.<sup>8</sup> These schedules will include key permit and authorization deadlines and a timeline for the completion of consultations, NEPA and Section 106 reviews, and submission of NEPA documentation.

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<sup>6</sup> ArcGIS Pro Permitting and Environmental Information Tool (APPEIT) Project Package (June 2025)  
<https://nbam.ntia.gov/content/37fa42c6313e4bdb9d8a9c05d2624891/about>

<sup>7</sup> NTIA Permitting and Environment Information Application (2025)  
<https://nbam.maps.arcgis.com/apps/instant/portfolio/index.html?appid=c7906b72e14045bf9fa6fe9add469a0>

<sup>8</sup> BEAD General Terms and Conditions, Chapter 13(b); NEPA Milestone Schedule and Timeline Guidance  
[https://broadbandusa.ntia.gov/technical-assistance/NEPA\\_for\\_BEAD\\_Milestones\\_Schedule\\_and\\_Timeline\\_Guidance](https://broadbandusa.ntia.gov/technical-assistance/NEPA_for_BEAD_Milestones_Schedule_and_Timeline_Guidance)

The IOB will also begin to use NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT)<sup>9</sup> to screen its awarded projects for environmental impact, facilitate document exchange, expedite NEPA determinations and approvals, and track project requirements and timelines. The IOB's NEPA-qualified staff and consultants will input a project description and map of each of its awarded projects into the ESAPTT to receive initial guidance regarding the required documentation and analysis that will be necessary for the NEPA review of each awarded project.

After receiving the preliminary requirements from the ESAPTT, the IOB will request the necessary data and planning information to create the required NEPA review documentation. The IOB will work with its subgrantees to employ NEPA Best Management Practices<sup>10</sup> to avoid or minimize potential environmental impacts from each project as it works with subgrantees to conduct the required screening and documentation.

Throughout this process, the IOB will consult its NEPA-qualified and trained personnel and work with its Federal Program Officer and the appropriate NTIA representatives to ask questions and receive guidance.

## **ESAPTT Categorical Exclusions**

As part of the ESAPTT documentation process, the IOB will consult the NTIA list of Categorical Exclusions (CATEX). Using this list, the IOB can identify projects that should not raise extraordinary circumstances and will not require any further NEPA review.<sup>11</sup> Projects that involve activities with minimal or no environmental impact, such as minor upgrades, maintenance, or non-intrusive installations, are more likely to qualify for a CATEX.

Using documentation gathered from subgrantees, the IOB will complete the NTIA CATEX questionnaire as part of the ESAPTT process to provide documentation that identifies the scope of the awarded projects and to identify and select potentially applicable CATEX justifications. The IOB will also complete an additional ESAPTT questionnaire to identify any extraordinary circumstances in environmentally sensitive areas that may be present in an awarded project and to propose mitigation commitments to avoid significant environmental impacts.

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<sup>9</sup> ESAPTT Demonstration (May 2025), <https://www.youtube.com/watch?v=voi4wk-AEMs>

<sup>10</sup> NTIA Best Management Practice and Mitigation Measures, [https://broadbandusa.ntia.gov/technical-assistance/BMP\\_and\\_Mitigation\\_Measures](https://broadbandusa.ntia.gov/technical-assistance/BMP_and_Mitigation_Measures)

<sup>11</sup> Guidance on NTIA National Environmental Policy Act Compliance, Appendix B, (June 2025) [https://broadbandusa.ntia.gov/sites/default/files/2025-06/NTIA\\_NEPA\\_Procedures\\_June\\_2025.pdf](https://broadbandusa.ntia.gov/sites/default/files/2025-06/NTIA_NEPA_Procedures_June_2025.pdf)

For each project with a CATEX determination, the IOB will certify and transmit a Draft NEPA Decision Memo to the NTIA through the ESAPTT. The ESAPTT will review the Draft NEPA Decision Memo and submit a Final NEPA Decision Memo. The IOB will cooperate with NTIA to expedite and process automated NEPA approvals from the ESAPTT so that a subgrantee may begin construction.

## **ESAPTT Environmental Assessments**

The IOB acknowledges that some of its awarded projects may require further analysis through an Environmental Assessment (EA) or, although unlikely, an Environmental Impact Statement (EIS) where the ESAPTT determines there are extraordinary circumstances. The NTIA NEPA Guidance Document, at Appendix C,<sup>12</sup> provides examples of the types of extraordinary circumstances that may be present in a project and may require that project to undergo an EA.

When an EA is required, the IOB will use the Tiered Environmental Assessment Template,<sup>13</sup> provided by the NTIA, to support and streamline the necessary environmental review process. The IOB's write-up in the Tiered Template will also take into consideration the programmatic NEPA review using the FirstNet Programmatic Environmental Impact Statement (PEIS). The review will specifically call out those areas where the Idaho Validation Memo recommended updates or changes of the FirstNet PEIS necessary to address new, unique, or state-specific environmental review requirements and any additional requirements to address special conditions or mitigations.

Where these EAs are required, the IOB will also work with the subgrantee and the NTIA to try to restructure the project or conduct the necessary review. The IOB will then conduct monitoring and compliance activities to support the subgrantee's compliance with the NTIA's final determination.

## **National Historic Preservation Act**

The IOB will also apply the requirements of the Advisory Council on Historic Preservation (ACHP) to each awarded project to comply with the National Historic Preservation Act (NHPA) Section 106, in consultation with the Idaho State Historic Preservation Office (SHPO).<sup>14</sup> The Section 106 consultation process requires that

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<sup>12</sup> Guidance on NTIA National Environmental Policy Act Compliance (June 2025), Appendix C, [https://broadbandusa.ntia.gov/sites/default/files/2025-06/NTIA\\_NEPA\\_Procedures\\_June\\_2025.pdf](https://broadbandusa.ntia.gov/sites/default/files/2025-06/NTIA_NEPA_Procedures_June_2025.pdf)

<sup>13</sup> NTIA NEPA Tiered Environmental Assessment Guidance and Template (April 2025), [https://broadbandusa.ntia.gov/sites/default/files/2025-06/EHP\\_Tiered\\_EA\\_Guidance\\_and\\_Template.pdf](https://broadbandusa.ntia.gov/sites/default/files/2025-06/EHP_Tiered_EA_Guidance_and_Template.pdf)

<sup>14</sup> Idaho State Historical Society, State Historic Preservation Office, <https://history.idaho.gov/shpo/>

documentation be included as part of the environmental project file and adequately summarized in the NEPA document. Subgrantees will be responsible for preparing Section 106 documentation for submittal to the IOB.

The IOB will supervise the preparation of these documents using individuals who meet the Secretary of the Interior's Professional Qualifications Standards, either through the subgrantee's resources, the State's own qualified employees, or a retained consulting firm.

The IOB will coordinate with the subgrantee and the NTIA when it seems likely that there may be ACHP involvement on a project (e.g., potential adverse effect or likely need for an agreement document pursuant to Section 106). The subgrantee will initiate a Section 106 Process through standard processes that begin with defining a project, working with the Idaho SHPO, and the Idaho Cultural Resource Information System<sup>15</sup> and stakeholders to identify and resolve any adverse effects of the project on historic and culturally sensitive properties.

If Tribal or federal agencies are involved, the IOB will notify the NTIA so that it may initiate government-to-government or agency-to-agency consultations to provide necessary information and mitigation plans.

The IOB will ensure that the Section 106 process proceeds diligently and concludes well before construction begins. Documentation may include a cultural resources survey, determination of effect, and, if any adverse effects are found, a memorandum of agreement with consulting parties.

## **Endangered Species Act**

Where necessary, the IOB will also work with the U.S. Fish and Wildlife Service (FWS) as a non-federal representative to determine if it will be necessary for the IOB to conduct a review of any awarded project under the Endangered Species Act (ESA). The IOB will use the online Information for Planning and Consultation (IPaC) tool to identify areas within awarded projects that have listed species and protected critical habitat boundaries. The IOB will also review the NTIA's and FWS's list of broadband activities

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<sup>15</sup> Idaho Cultural Resources Information System (ICRIS), a GIS enabled application and portal through which subgrantees will submit Section 106 reviews, surveys, and resources.  
<https://history.idaho.gov/shpo/icris/>

that are expected to have “no effect” on listed species or designated critical habitats and are therefore exempt from the ESA Section 7 consultation.<sup>16</sup>

The IOB will document the results from the IPaC tool and the “no effect” list. If a specific IOB project will require an ESA review, it will use the Determination Keys (DKeys) process to conduct a streamlined and efficient review that will provide a determination of whether a project will have “no effect” or “may effect” or “not likely to effect”. Only in extreme cases, that the IOB expects to work with its subgrantees to avoid, will the IOB require an in-person consultation with FWS. Through its compliance and monitoring process, the IOB will enforce any resulting mitigation measures or changes required by the FWS and the ESA.

## **Monitoring and Compliance**

The IOB will prepare a standard operating procedure (SOP) specifically to monitor and track subgrantee compliance efforts with NEPA- and NHPA-related requirements and commitments to mitigation measures. This SOP will provide a structured and transparent operational framework for the IOB to ensure compliance by its subgrantees, as well as to support its own obligations as a joint lead agency, throughout the period of performance. The IOB’s subgrantee agreement requires the IOB to approve subgrantee requests for any changes to an awarded project’s scope, technology, deployment methods, route, and infrastructure. As part of this approval process, the IOB will decide if the requested changes trigger the need for additional environmental reviews of the revised project.

- **Description of the Eligible Entity’s plan to fulfill its obligations as a joint lead agency for NEPA under 42 U.S.C. 4336a, including its obligation to prepare or to supervise the preparation of all required environmental analyses and review documents.**

The IOB will serve as a “joint lead agency” in its capacity as the state agency administering the BEAD Program in accordance with 42 U.S.C. 4336a(a)(1)(B) and carry out the duties described in 42 U.S.C. 4336a(a)(2). The IOB will fulfill its role and obligations as it collectively implements the BEAD NEPA review process with NTIA and enforces NEPA requirements for its awarded projects.<sup>17</sup> To successfully serve as a joint

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<sup>16</sup> NTIA’s Guide to Streamlined Endangered Species Act Compliance for Broadband Deployments (April 2025), [https://www.ntia.gov/sites/default/files/2025-](https://www.ntia.gov/sites/default/files/2025-04/doc_ntia_guide_to_streamlined_esa_compliance_for_broadband_deployments.pdf)

[04/doc\\_ntia\\_guide\\_to\\_streamlined\\_esa\\_compliance\\_for\\_broadband\\_deployments.pdf](https://www.ntia.gov/sites/default/files/2025-04/doc_ntia_guide_to_streamlined_esa_compliance_for_broadband_deployments.pdf)

<sup>17</sup> General Terms and Conditions for the NTIA Broadband Equity, Access, and Deployment Program (BEAD) Program Funds, Section 13.B, pg. 8: [https://broadbandusa.ntia.doc.gov/sites/default/files/2024-05/BEAD\\_IPFR\\_GTC\\_04\\_2024.pdf](https://broadbandusa.ntia.doc.gov/sites/default/files/2024-05/BEAD_IPFR_GTC_04_2024.pdf)

lead agency with the NTIA, the IOB will build its knowledge and capacity to support the NEPA review and enforcement processes through internal training and external resources with NEPA training and experience.

The IOB will use qualified NEPA professionals to certify the sufficiency of subgrantee NEPA documentation, either by preparing such documentation or by supervising the subgrantee's preparation of draft documents, independently reviewing those drafts, and verifying that draft documents meet the requirements of the NEPA and other environmental regulations. The IOB will then submit this documentation to NTIA through the ESAPTT. Once the IOB receives the NTIA decision documents, it will advise subgrantees about commencing construction.

The IOB will also complete an evaluation of the sufficiency, applicability, and accuracy of the analysis in the relevant FirstNet PEIS chapter as it applies to anticipated implementation activities for the state.

The IOB will further design an EHP-specific monitoring and compliance process to support the enforcement of the NTIA EHP determinations and approvals. The IOB will monitor the work by subgrantees to implement any required conditions or mitigation measures for its BEAD-awarded projects and monitor ongoing compliance.

The IOB will require subgrantees to report any proposed change to the scope of grant-funded activities after the completion of environmental and historic preservation review. Any proposed change that has the potential to alter the nature or extent of environmental or historic preservation impacts must be brought to the attention of the NTIA through the IOB, and the environmental review process will be reevaluated and updated for compliance with applicable requirements.

As described in the IPV2, the IOB compiled information and reference materials on EHP obligations and best practices as a resource for applicants.<sup>18</sup> The IOB, using its NEPA-qualified staff and consultant resources, expects to develop NEPA Project Areas and additional BEAD EHP information and reference materials to assist subgrantees with their obligations to gather the necessary EHP documentation and prepare the necessary requirements for the IOB review. This information will include a description of the ESAPTT requirements and will support the IOB's work to receive proper documentation for that tool from subgrantees in a timely manner.

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<sup>18</sup> IPV2 Section 2.4.5; See also, NTIA Subgrantee Selection Process Resources, Link Up Idaho BEAD Subgrantee Selection Page, <https://linkup.idaho.gov/beadsubgrantee/>



The IOB and its team will also develop webinar materials that highlight the information and materials required by the ESAPTT. The webinar materials will provide information about EHP requirements, the process for collecting information, and their relationship to other permitting requirements; materials will also consider the NTIA best practices for mitigation in engineering and route designs.

The IOB may also offer office hours and one-on-one consultations to subgrantees to support the development of required documentation.

- **Evaluation of the sufficiency of the environmental analysis for your state or territory that is contained in the relevant chapter of the FirstNet Regional Programmatic Environmental Impact Statement (PEIS), available at <https://www.firstnet.gov/network/environmental-compliance/projects/regionalprogrammatic-environmental-impact-statements>.**

The IOB's team of qualified NEPA professionals, including an outside consulting firm with deep expertise in federal and state environmental review processes and requirements, has assessed the FirstNet Regional Programmatic Environmental Impact Statement (FirstNet PEIS) for the West Region according to NTIA guidance<sup>19</sup> and prepared its Idaho PEIS Validation Memo. The IOB's team reviewed the FirstNet PEIS and Record of Decision for Volume 3, Chapter 5 of the FirstNet PEIS.

The IOB PEIS Validation Memo, below as Appendix A, includes the IOB's NEPA-qualified consultant's evaluation of whether the FirstNet analysis remains valid to support decision-making for BEAD-funded infrastructure projects in Idaho. This analysis considers factors such as environmental setting, environmental circumstances, environmental impacts, and best management practices for a variety of potential environmental impacts. These areas include water resources, wetlands, biological resources, threatened wildlife, land use, geology, air quality, and infrastructure.

The IOB's Validation Memo describes a series of suggested changes to the proposed actions, regulatory setting, and areas of concern or sensitivity identified in the original PEIS. These changes include clarifying language, updates in laws and regulations, suggested updates to the environmental setting, changes in identified infrastructure,

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<sup>19</sup> NTIA, NEPA for BEAD: Programmatic Environmental Impact Statement Evaluation Sample Memo and Recommendations (December 2024) [https://broadbandusa.ntia.doc.gov/sites/default/files/2024-12/Programmatic\\_Environmental\\_Impact\\_Statement\\_Evaluation\\_Sample\\_Memo\\_and\\_Recommendations.pdf](https://broadbandusa.ntia.doc.gov/sites/default/files/2024-12/Programmatic_Environmental_Impact_Statement_Evaluation_Sample_Memo_and_Recommendations.pdf).

and the classification of places under certain environmental regulations, and updates for new best management practices and mitigation measures.

The Validation Memo also acknowledges the impact that recent federal Executive Orders<sup>20</sup> have had on federal environmental review regulations, processes, and policies as they relate to sections of the FirstNet PEIS regarding environmental justice, climate change, and socioeconomic diversity. The IOB will work with the NTIA to correctly apply the FirstNet PEIS analysis, within the ESAPTT, regarding these specific issues for its awarded projects.

- **Evaluation of whether all deployment related activities anticipated for projects within your state or territory are covered by the actions described in the relevant FirstNet Regional PEIS.**

With the proposed changes described above and further described in the Validation Memo at Appendix A, and based on a thorough review of the West Regional PEIS (Chapter 5: Idaho), the IOB determines that the FirstNet PEIS remains valid to cover the deployment-related activities anticipated in Idaho under the BEAD Program.

The IOB anticipates that broadband infrastructure deployment-related activities for projects within Idaho will be covered by the actions described in the FirstNet PEIS. In all cases, project scopes will be reviewed as part of the NEPA review process. If the documentation submitted to the ESAPTT, at any time, determines that any subgrantee's proposed project is not sufficiently covered by the FirstNet Regional PEIS, additional analysis will be conducted by subject matter experts working with the NTIA staff to determine whether a supplemental environmental assessment is required to address identified gaps or deficiencies, as described above.

- **Description of the Eligible Entity's plan for applying specific award conditions or other strategies to ensure proper procedures and approvals are in place for disbursement of funds while projects await EHP clearances**

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<sup>20</sup> Executive Order 14162 of January 20, 2025, Putting America First in International Environmental Agreements, <https://www.whitehouse.gov/presidential-actions/2025/01/putting-america-first-in-international-environmental-agreements/>; Executive Order 14151 of January 20, 2025, Ending Radical and Wasteful Government DEI Programs and Preferencing, <https://www.whitehouse.gov/presidential-actions/2025/01/ending-radical-and-wasteful-government-dei-programs-and-preferencing/>; Executive Order 14154 of January 20, 2025, Unleashing American Energy, <https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-american-energy/>.

The IOB BEAD grant agreement will include specific award conditions outlining a subgrantee's EHP obligations and supporting the timely completion of environmental reviews. The BEAD grant agreement will include the required elements for its subgrantees, as specified in the NTIA's BEAD General Terms and Conditions Section 13.

The draft Subgrantee Agreement, posted for review at the same time as this Final Proposal, prohibits subgrantees from beginning the implementation of the grant until all necessary environmental reviews are complete and the NTIA has approved any necessary decision documents. To further support the NEPA review process, the IOB Sample Grant Agreement allows for reimbursement of properly documented EHP-related pre-award expenses as part of the disbursement of pre-implementation grant funds upon signing of the Subgrantee Agreement. No other funding will be disbursed under the grant agreement until a subgrantee has submitted, the IOB has approved all required documentation and permits, and the NTIA has issued its approved EHP determinations and decisions.

The draft Subgrantee Agreement further requires subgrantees to maintain records throughout the grant performance period that are sufficient to demonstrate compliance with EHP requirements and to provide these records to the IOB upon request. As further enforcement of the EHP obligations, subgrantees that fail to comply with these provisions may be subject to withholding of funds, repayment obligations, or other remedies.

## MEMORANDUM FOR THE RECORD

**MEMORANDUM FOR:** Jill A. Springer  
Senior Policy Advisor for Permitting  
Chief Environmental Review and Permitting Officer  
Office of Internet Connectivity and Growth

Amanda Pereira  
Environmental and Historic Preservation Team Lead  
Office of Internet Connectivity and Growth

**FROM:** Ramón S. Hobdey-Sánchez  
Director, Idaho Office of Broadband

Idaho Department of Commerce

**PREPARED BY:** Vicky Rosen  
Environmental Planner  
Michael Baker International

**SUBJECT:** FirstNet Regional Programmatic Environmental Impact Statement  
Revalidation – Idaho

**DATE:** 9/01/2025

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In April 2017, the First Responder Network Authority (FirstNet) published the Final Regional Programmatic Environmental Impact Statement (PEIS) for the West Region. The amended Record of Decision was signed on October 28, 2024. The National Telecommunications and Information Administration was a Cooperating Agency on the analysis and is conducting this revalidation of the original analysis in Volume 3 – Chapter 5, performed in accordance with requirements for reevaluation of programmatic documents older than five years in Section 108 of the National Environmental Policy Act (NEPA), as amended by the Fiscal Responsibility Act of 2023.

The Idaho Department of Commerce, through the Idaho Office of Broadband, is a joint lead agency for the Broadband, Equity, Access and Deployment Program’s NEPA process. This revalidation will describe any changes to the proposed action, regulatory settings, or areas of concern or sensitivity identified in the original PEIS analysis and determine whether NTIA may still rely on it for purposes of subsequent environmental documents.

### Changes in Environmental Setting:

#### 5.1.1 Infrastructure

##### *5.1.1.3. Transportation*

The PEIS identifies the metropolitan areas in the state as Coeur d’Alene, Lewiston, City of Boise, Pocatello, and Idaho Falls. Twin Falls is also a metropolitan area in the state and is recommended to be added to the list. The PEIS identifies 25 State Scenic Byways in Idaho. The Pioneer Historic Byway, Pend Oreille Scenic

Byway, Northwest Passage Scenic Byway, Western Heritage Historic Byway, International Selkirk Loop – Idaho Portion, Lower Payette River Heritage Byway, and Payette River Scenic Byway are additional State Scenic Byways that are recommended to be listed.

### **5.1.3 Geology**

#### *5.1.3.8 Geologic Hazards*

The PEIS states that three federal disasters have been declared, which included landslides in central and northern Idaho: 1996, 1997, and 2011. The PEIS should be updated to include additional federal disasters from severe storms, flooding, landslides, and mudslides in Idaho in 2010, 2017, 2019, and 2024.

### **5.1.4 Water Resources**

#### *5.1.4.5. Impaired Waterbodies*

Information within the PEIS pertaining to the Section 303(d) list needs to be updated to the 2024 list (or the latest available). Additionally, information in Table 5.1.4-2 and Figure 5.1.4-2 pertaining to 303(d) information should be updated to the 2024 list (or the latest available).

#### *5.1.4.6. Floodplains*

The PEIS cites that there were 21 communities in Idaho participating in the National Flood Insurance Program (NFIP) Community Rating System (CRS) as of May 2014. The number of participating communities in Idaho was 23 as of April 2025.<sup>1</sup>

#### *5.1.4.7. Groundwater*

The PEIS states there are 11 Ground Water Management Areas in the State. It is recommended that the PEIS be updated to include the Eastern Snake Plain Aquifer (ESPA), which was designated in November 2021.

### **5.1.5 Wetlands**

#### *5.1.5.4. Wetlands of Special Concern or Value*

The PEIS states there is a network of Wildlife Management Areas across the State, stated as 34 on page 5-90 of the PEIS and as 32 on pages 5-123 and 5-151 of the PEIS. Idaho Fish and Game now has 31 Wildlife Management Areas.<sup>2</sup>

### **5.1.6 Biological Resources**

#### *5.1.6.3. Terrestrial Vegetation*

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<sup>1</sup> <https://www.fema.gov/floodplain-management/community-rating-system#participating>

<sup>2</sup> <https://idfg.idaho.gov/visit/wma>

The PEIS lists the number (67) and type of noxious weed species regulated in the State per a 2015 reference. This list is recommended to be updated, as it appears to now include 74 weed species and four genera.<sup>3</sup>

#### ***5.1.6.4. Terrestrial Wildlife***

The PEIS includes a discussion of the non-native/invasive mammals, birds, reptiles and amphibians, invertebrates, and invasive wildlife species in the State. The number and types of non-native/invasive species is recommended to be verified or updated and can be found here: <https://invasivespecies.idaho.gov/pests>.

#### ***5.1.6.6. Threatened and Endangered Species and Species of Conservation Concern***

The PEIS includes a discussion of the five federally endangered and ten federally threatened species known to occur in Idaho. This list and discussion is recommended to be verified or updated and can be found here: <https://www.fws.gov/office/idaho-fish-and-wildlife/species>.

### **15.1.7 Land Use, Recreation, and Airspace**

#### ***15.1.7.3 Land Use and Ownership***

The PEIS contains National Land Cover (NLC)<sup>4</sup> land use data and acreage information that is anticipated to have changed since 2016. This data including NLC, land use, metropolitan areas population estimates, land ownership acreages, federal and state-owned land, recreation areas, and associated acreage information need to be updated to currently available data.

### **15.1.8 Visual Resources**

#### ***15.1.8.3 Visually Important Historic Properties and Cultural Resources***

The PEIS cites the number and types of properties listed on the National Register of Historic Places (NRHP) and Idaho Historical Society state historic sites<sup>5</sup> in text and map formats and notes that these resources may be considered visually sensitive. The NRHP evolves frequently, so the PEIS text and map are out of date. However, visual impacts to cultural resources will be evaluated on a project-specific/site-specific basis through consultation with the State Historic Preservation Office using the latest available data at that time.

#### ***15.1.8.5 Parks and Recreation Areas***

The PEIS cites the number of federal and state recreational areas, parks, wildlife refuges, and wildlife management areas<sup>11</sup> in text and map formats and notes that these resources may be considered sensitive. These areas change over time, so the PEIS text and maps are out of date. However, visual impacts to parks and recreation areas will be evaluated on a project-specific/site-specific basis using the latest available data at that time.

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<sup>3</sup> <https://invasivespecies.idaho.gov/plants>

<sup>4</sup> <https://www.usgs.gov/centers/eros/science/national-land-cover-database>

<sup>5</sup> <https://history.idaho.gov/nrhp/>

### **5.1.9 Socioeconomics and 5.1.10 Environmental Justice**

The PEIS includes information pertaining to socioeconomics and environmental justice within these sections. Based on Executive Order 14151 of January 20, 2025, Ending Radical and Wasteful Government DEI Programs and Preferencing and Executive Order 14154 of January 20, 2025, Unleashing American Energy, discussions of socioeconomics and environmental justice are no longer required for NEPA.<sup>6</sup>

### **5.1.12 Air Quality**

Some air quality standards have changed since the PEIS was prepared. For example, the PM2.5 National Ambient Air Quality Standards (NAAQS) were recently revised, and some new pollutants were added to the list of Hazardous Air Pollutants (HAPS). Additionally, some counties (such as Franklin County for PM2.5) have been designated as attainment since the PEIS was prepared.

### **5.1.14 Climate Change**

The PEIS includes information pertaining to climate change within this section. Based on Executive Order 14162 of January 20, 2025, Putting America First in International Environmental Agreements and Executive Order 14154 of January 20, 2025, Unleashing American Energy,<sup>7</sup> discussion of climate change is no longer required for NEPA.

### **5.1.15 Human Health and Safety**

The PEIS states Idaho had 11 RCRA Corrective Action sites, 177 brownfields, and 9 proposed or final Superfund/NPL sites as of September 2015. This list has been updated since the PEIS was prepared and Idaho has 10 RCRA Corrective Action sites. The number of Superfund sites did not change, and the number and location of brownfields is recommended to be checked on a project-by-project basis. Information can be found here: <https://www.deq.idaho.gov/waste-management-and-remediation/sampling-investigation-and-cleanup/brownfields-in-idaho/>.

## **Changes in Environmental Circumstances:**

### **5.1.5 Wetlands**

The PEIS notes that discharges to “waters of the U.S.” (WOTUS) are subject to the provisions of Section 401 of the Clean Water Act (CWA). This remains an accurate statement. The PEIS does not specifically define WOTUS. Therefore, the May 25, 2023, Supreme Court ruling in Sackett v. EPA – which resulted in a change to the definition of WOTUS – does not impact the environmental setting or circumstances as described in the PEIS.

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<sup>6</sup> <https://www.whitehouse.gov/presidential-actions/2025/01/ending-radical-and-wasteful-government-dei-programs-and-preferencing/>; <https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-american-energy/>.

<sup>7</sup> <https://www.whitehouse.gov/presidential-actions/2025/01/putting-america-first-in-international-environmental-agreements/>; <https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-american-energy/>.

The PEIS provides information about permitting requirements. In 2021, the U.S. Army Corps of Engineers added four new Nationwide Permits (NWP), including: NWP 57: Electric Utility Line and Telecommunication Activities.<sup>8</sup> It is recommended that these new NWPs be added to the PEIS.

## Changes to Environmental Impacts of the Project:

There have been no advances in infrastructure or installation methods that were not covered in the PEIS that may have new or different environmental impacts.

### 5.2.6 Biological Resources

#### 5.2.6.4 Wildlife

The PEIS cites the Migratory Bird Treaty Act (MBTA) and states that “The direct removal of migratory bird nests is prohibited under the MBTA.” Consider revising this to “The direct removal of most active migratory bird nests is prohibited under the MBTA,” where an “active nest” is defined as one with eggs or young birds.

#### 5.2.6.6 Threatened and Endangered Species and Species of Conservation Concern

The PEIS analysis of endangered species is recommended to be verified or updated based on the latest list of federally threatened or endangered species. This list can be found here: <https://www.fws.gov/office/idaho-fish-and-wildlife/species>.

### 5.2.9 Socioeconomics and 5.2.10 Environmental Justice

The PEIS includes information pertaining to socioeconomics and environmental justice within these sections. Based on Executive Order 14151 of January 20, 2025, Ending Radical and Wasteful Government DEI Programs and Preferencing and Executive Order 14154 of January 20, 2025, Unleashing American Energy, discussions of socioeconomics and environmental justice are no longer required for NEPA.

### 5.2.14 Climate Change

The PEIS includes information pertaining to climate change within this section. Based on Executive Order 14162 of January 20, 2025, Putting America First in International Environmental Agreements and Executive Order 14154 of January 20, 2025, Unleashing American Energy, discussion of climate change is no longer required for NEPA.

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<sup>8</sup> [https://www.swt.usace.army.mil/Portals/41/docs/missions/regulatory/2021%20NWP/2021%20nwp-57.pdf?ver=\\_p-IvURCJkClGRKGWbL6zA%3D%3D](https://www.swt.usace.army.mil/Portals/41/docs/missions/regulatory/2021%20NWP/2021%20nwp-57.pdf?ver=_p-IvURCJkClGRKGWbL6zA%3D%3D)



## Changes to Avoidance, Minimization, Mitigation Measures, or Best Management Practices:

### Chapter 9 Best Management Practices and Mitigation Measures

#### 9.6.2 Wildlife

##### 9.6.2.2 Project-Type Specific BMPs and Mitigation Measures

In 2024, the Avian Power Line Interaction Committee (APLIC) released an updated “*Suggested Practices For Avian Protection on Power Lines: State of the Art in 2024.*” The PEIS incorporates the recommended best practices from the 2006 version of this document, and it is recommended that the PEIS incorporate updated best practices from the 2024 version. Additionally, in 2021, the U.S. Fish & Wildlife Service released an updated “*Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning.*” The PEIS incorporates the recommended best practices from the 2013 version of this document, and it is recommended that the PEIS incorporate updated best practices from the 2021 version.

##### Recommendation:

Based on a thorough review of the West Regional PEIS (Chapter 5: Idaho), Michael Baker International has determined that the analysis remains valid, with the updates as noted above, for use in subsequent environmental documents.