

First Responder Network Authority

Procedures for Implementing the National Environmental Policy Act

Revised June 2025

Table of Contents

Purpose	1
Scope.....	1
Definitions	1
Policies	3
NEPA Program Goals.....	5
Roles and Responsibilities.....	5
General Environmental Review Process	8
Determining When NEPA Applies	8
Determine the Appropriate Level of NEPA Review	10
Determining Significance	10
Developing the Purpose and Need	11
Applying NEPA Early in the Process	11
Scoping.....	12
Public Involvement	12
Applicant-Prepared and Contractor-Prepared NEPA Documents	13
General Requirements for Categorical Exclusions.....	14
Establishing and Revising Categorical Exclusions.....	15
Removing Categorical Exclusions.....	16
Adopting Another Agency’s Categorical Exclusions.....	16
Relying on Another Agency’s Categorical Exclusion Determination.....	16
General Requirements for Environmental Assessments	17
Actions Requiring an Environmental Assessment	17
Page Limits	17
Certification Related to Page Limits.....	18
Deadlines.....	18
Certification Related to Deadline.....	18
Environmental Assessment Development Process.....	18
Scope of Analysis.....	19
General Requirements for an Environmental Impact Statement.....	20

Actions Requiring an Environmental Impact Statement	20
Page Limits	20
Certification Related to Page Limits	20
Deadlines.....	20
Certification Related to Deadline.....	21
Environmental Impact Statement Development Process.....	21
Scope of Analysis.....	21
Analysis Within the Environmental Impact Statement.....	22
Environmental Review and Consultation Requirements for NEPA Review	22
Environmental Determinations and Final Decisions.....	23
Mitigation.....	24
Efficient Environmental Reviews	25
Integrating NEPA with Other Environmental Requirements	25
Programmatic NEPA Documents and Tiering	25
Reliance on Existing NEPA Documents and Determination of NEPA Adequacy	26
Incorporation	26
Supplements to NEPA Documents.....	27
Integrity and Completeness of Information	27
Unique Identification Numbers	27
Emergencies.....	27
List of Authorities.....	A-1
Categorical Exclusions.....	B-1
Extraordinary Circumstances	C-1

Purpose

The purpose of this policy is to establish the First Responder Network Authority's ("FirstNet Authority") implementing procedures ("procedures") for complying with the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 *et seq.* ("NEPA").

Scope

The provisions of this policy apply to major federal actions significantly affecting the quality of the human environment undertaken by the FirstNet Authority, consistent with Section 102(2)(B) of NEPA, 42 U.S.C. § 4332(2)(B).

Definitions

As used in this policy, terms have the meanings provided in Section 111 of NEPA, 42 U.S.C. § 4336e, and those applicable to the FirstNet Authority under the Communications Act of 1934 ("Communications Act") (47 U.S.C. § 151 *et seq.*) and regulations promulgated by the Federal Communications Commission ("FCC"), including as referenced in the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (*See* 47 C.F.R. Appendix B § 1) and the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (*See* 47 C.F.R. Appendix C § 1). However, to ensure full compliance, applicable Communications Act provisions and FCC regulations should be consulted for comprehensive explanations of terms. In addition, a glossary of specific applicable definitions used in this policy is found below.

- (a) **Applicant.** Any person, entity, or federal, state, tribal, or territorial government body that seeks to take an action related to the Nationwide Public Safety Broadband Network ("NPSBN") or an action that is otherwise under the direct control and responsibility of the FirstNet Authority, including, but not limited to, actions that occur under any type of agreement related to the use of the spectrum licensed to the FirstNet Authority under station license call sign WQQE234, or actions requiring the approval of or funding provided by the FirstNet Authority.
- (b) **Chair of the Board ("FirstNet Authority Chair").** Member of the FirstNet Authority Board selected by the Secretary of Commerce to serve as Chair of the FirstNet Authority Board.
- (c) **Chief Executive Officer/Executive Director ("FirstNet Authority Executive Director").** Individual responsible for implementing the policies and strategies approved by the FirstNet Authority Board and overseeing all day-to-day operations of the FirstNet Authority.
- (d) **Council on Environmental Quality ("CEQ").** Organization within the Executive Office of the President charged with monitoring progress toward achieving the national environmental goals set forth in NEPA.

- (e) **Determination of NEPA Adequacy (“DNA”).** A written document (e.g., approved checklist, memorandum to file, Record of Environmental Consideration [REC]) prepared, as appropriate, by the Director of Environmental Compliance or NEPA Coordinator detailing the rationale for adopting another agency’s environmental analysis or documentation when that analysis or documentation is used to address the FirstNet Authority’s NEPA requirements.
- (f) **Director of Environmental Compliance (“Environmental Director”).** Individual responsible for managing the FirstNet Authority’s environmental program, including the NEPA program.
- (g) **Effects or Impacts.** Changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives. Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic (such as the effects on employment), social, or health effects. Effects appropriate for analysis under NEPA may be either beneficial or adverse, or both, with respect to these values. A “but for” causal relationship is insufficient to make an agency responsible for a particular effect under NEPA. Effects should generally not be considered if they are remote in time, geographically remote, or the product of a lengthy causal chain. Effects do not include those effects that the agency has no ability to prevent due to the limits of its regulatory authority, or that would occur regardless of the proposed action, or that would need to be initiated by a third party.
- (h) **Environmental Review.** NEPA process that includes: 1) identifying and/or scoping issues related to the proposed action; 2) determining the necessary steps for NEPA compliance and preparing review documents (i.e., categorical exclusion [“CE”], environmental assessment [“EA”], environmental impact statement [“EIS”], or DNA); and 3) making decisions that are based on understanding the environmental consequences of the proposed action.
- (i) **Mitigation.** Measures taken to allow the proposed action to: avoid environmental impacts altogether; minimize impacts by limiting the degree or magnitude of the action; rectify the impact by repairing, rehabilitating, or restoring the affected environment; reduce or eliminate the impact over time by preservation; and/or compensate for the impact.
- (j) **NEPA Coordinator.** Individual responsible for coordinating and overseeing the FirstNet Authority’s compliance with NEPA.
- (k) **NEPA Document.** An EA, finding of no significant impact (“FONSI”), draft, supplemental draft, or final EIS, Record of Decision (“ROD”), DNA, or other memorandum documenting compliance with NEPA.
- (l) **Record of Decision.** A public document signed by the agency decision maker following the completion of an EIS. The ROD states the decision, alternatives considered, environmentally

preferable alternative(s), factors considered in the agency decision, mitigation measures that will be implemented, and whether all practicable means to avoid or minimize environmental harm have been adopted.

- (m) **Scoping.** A public process to determine the scope of issues for analysis in a NEPA document, including identifying substantive issues that meaningfully inform the consideration of environmental effects and the resulting decision on how to proceed, and eliminating from further study non-substantive issues.
- (n) **Supplemental NEPA Documents.** A document prepared to amend an original NEPA document when there is a substantial change in the action proposed beyond the scope of the original environmental review or when substantial new circumstances or information arise that could affect the proposed action and its environmental impacts.
- (o) **Tiering.** The coverage of general matters in broader EAs or EISs (such as national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basin-wide program statements or ultimately site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared.

Policies

The FirstNet Authority activities shall be planned, developed, and implemented to achieve the purposes and to follow the procedures outlined by NEPA to help ensure responsible stewardship of the environment for present and future generations. Accordingly, the FirstNet Authority shall adhere to the following actions to ensure compliance with NEPA:

- (a) The FirstNet Authority shall:
 - 1. Comply with NEPA;
 - 2. Report and coordinate its policies and procedures with the Department of Commerce (“DOC”) Office of the General Counsel, as appropriate;
 - 3. Ensure activities and planning regarding major federal actions the FirstNet Authority undertakes consider the environmental consequences of the proposed actions in conjunction with mission requirements and objectives;
 - 4. Consult, coordinate, cooperate, and partner with other federal agencies and state, territorial, local, and tribal governments, as appropriate, in the development and implementation of the FirstNet Authority’s plans and programs affecting environmental

quality and, in turn, consider those activities that succeed in best addressing federal, state, territorial, local, and tribal concerns;

5. Identify and invite, as appropriate, federal, state, territorial, local, and tribal governments to participate as cooperating agencies;
 6. Participate as a lead or cooperating agency, as appropriate, with other federal agencies where the FirstNet Authority is involved in the same action as other agencies, or is involved in an action related to another agency's action because of the functional interdependence or geographical proximity of the agency; and
 7. As requested, and where resources allow, review and provide comments on environmental documents submitted by other federal agencies where the action relates to the FirstNet Authority's mission or operations.
- (b) The FirstNet Authority shall ensure appropriate action is taken to comply with NEPA, in accordance with this policy, when actions are planned by applicants by ensuring that:
1. The FirstNet Authority environmental policies are accessible on the FirstNet Authority website and designated staff are available to advise potential applicants of environmental studies or other information;
 2. The FirstNet Authority initiates consultation early with appropriate state, territorial, local, and tribal governments and with interested private persons and organizations when its own involvement is reasonably foreseeable; and
 3. The FirstNet Authority begins the NEPA process at the earliest possible time.
- (c) While it is the policy of the FirstNet Authority to evaluate its actions in accordance with the requirements of NEPA, certain actions may result from statutory requirements or an applicant's actions that are beyond the FirstNet Authority's control or outside its jurisdiction. In such cases, the FirstNet Authority Executive Director or designated representative, based on recommendations from the FirstNet Authority Chief Counsel and the Environmental Director and/or the NEPA Coordinator, shall make a determination regarding NEPA applicability.
- (d) FirstNet will consult with CEQ while developing or revising its proposed NEPA implementing procedures, in accord with NEPA § 102(2)(B), 42 U.S.C. § 4332(B).

NEPA Program Goals

The FirstNet Authority shall follow a systematic, interdisciplinary approach to planning to minimize the use of and impact to environmental resources. The FirstNet Authority NEPA program is designed to ensure that:

- (a) Proposed actions to be undertaken by the FirstNet Authority are identified early in the planning process and brought to the attention of the Environmental Director and/or NEPA Coordinator;
- (b) Actions are evaluated to determine the appropriate applicable NEPA review (i.e., CE, EA, or EIS) when tiering from or adopting another agency's environmental documentation;
- (c) An interdisciplinary approach is taken to proactively consider environmental impacts and identify and consider the range of reasonable alternatives at the earliest planning stages of an action and prior to rendering any decision;
- (d) The planning process integrates environmental review and consultation requirements;
- (e) The impacts of proposed activities, programs, and projects (NEPA actions) on the quality of the human environment are considered before making an irretrievable and irreversible commitment of resources; and
- (f) The public is engaged and involved in the planning process and evaluation of environmental impacts, as appropriate.

Roles and Responsibilities

The FirstNet Authority roles and responsibilities relating to the implementation of and compliance with NEPA are as follows:

- (a) **FirstNet Authority Chair.** The Assistant Secretary for Communications and Information of the National Telecommunications and Information Administration ("NTIA") has the ultimate responsibility to ensure FirstNet's compliance with NEPA. The Assistant Secretary has discretion to delegate NEPA responsibility for FirstNet programs. The FirstNet Authority Chair will also work with the Chief Counsel of NTIA to ensure the FirstNet Authority's compliance with NEPA. Through the Chief Counsel of NTIA, the FirstNet Authority Chair has been delegated authority to ensure the FirstNet Authority's compliance with NEPA. In consultation with the Assistant Secretary for Communications and Information and the Chief Counsel of NTIA, the FirstNet Authority Chair shall direct the FirstNet Authority Executive Director to (1) ensure that environmental planning is incorporated into the FirstNet Authority decision-making processes, and (2) coordinate with the FirstNet Authority Office of the Chief Counsel and the designated Environmental Director and/or

NEPA Coordinator for advice and guidance on proper and adequate compliance with NEPA requirements.

(b) **FirstNet Authority Executive Director.** The FirstNet Authority Executive Director shall:

1. Establish and oversee the proper implementation of a FirstNet Authority NEPA compliance program in accordance with the requirements of this policy;
2. Advise the FirstNet Authority Chair and the Assistant Secretary for Communications and Information on activities that are highly controversial, are nationally significant, or require the establishment of a new FirstNet Authority NEPA-related policy;
3. Inform the FirstNet Authority Chair and the Assistant Secretary for Communications and Information of current developments in NEPA policy and implementing procedures;
4. Support early, proactive, and comprehensive coordination and outreach processes across the FirstNet Authority;
5. Designate an Environmental Director and/or NEPA Coordinator to carry out the responsibilities delineated below in paragraph c; and
6. Sign applicable environmental determinations, primarily RODs, or re-delegate this authority in writing to other FirstNet Authority personnel, as appropriate.

(c) **Environmental Director and/or NEPA Coordinator.** Responsible for coordinating and overseeing the FirstNet Authority's compliance with NEPA in accordance with this policy. The Environmental Director and/or NEPA Coordinator shall:

1. Assist the Executive Director in implementing the FirstNet Authority's compliance with NEPA;
2. Review and provide recommendations on all NEPA actions covered by this policy;
3. Transmit, with written recommendations, environmental documents for action to the FirstNet Authority Executive Director or authorized designee for signature or other appropriate agency action;
4. Develop and recommend policies, procedures, technical and administrative advice, and training to facilitate and improve the FirstNet Authority's effective and efficient implementation of NEPA;

5. Provide technical and administrative advice and training to FirstNet Authority personnel and applicants so that they are aware of, and comply with, the applicable NEPA requirements and consider the environmental impacts of their programs, projects, and policies (NEPA actions);
6. Act as a liaison with the DOC, CEQ, and U.S. Environmental Protection Agency ("USEPA") on NEPA-related matters or issues, coordinate with other federal agencies with respect to significant NEPA matters, and provide regular updates on communications with the parties listed above to the FirstNet Authority Executive Director or authorized designee;
7. Prepare or review, as appropriate, all inter- or intra-agency reports, surveys, and comments on NEPA-related matters, including other agency environmental documentation and legislative proposals; and
 - i. Determine the applicability of NEPA and, if applicable, the appropriate NEPA review procedure for proposed undertakings.
 - ii. Review and comment upon environmental documents to ensure that a high-quality analysis is completed.
 - iii. Consult with other federal, state, territorial, and local regulatory and/or resource agencies, tribal governments, and the public on proposed undertakings, as appropriate.
 - iv. Prepare or review, as appropriate, all inter- or intra-agency reports, surveys, and comments on NEPA-related matters.
 - v. Act as a liaison with the DOC, CEQ, Advisory Council on Historic Preservation ("ACHP"), and USEPA on NEPA-related matters or issues.
8. Consult with relevant stakeholders, including applicants, as applicable, to identify how the requirements of this policy shall be met and, at a minimum:
 - i. Determine the applicability of NEPA and, if applicable, the appropriate NEPA review procedure (i.e., CE, EA, or EIS) and public involvement, in consultation with the FirstNet Authority Chief Counsel, as necessary;
 - ii. Review and comment upon environmental documents to ensure that a high-quality analysis is completed; reasonable or appropriate alternatives are identified and discussed; and all applicable scheduling, scoping, consultation, circulation, and public involvement requirements are met;

- iii. Consult with other federal, state, territorial, and local regulatory and/or resource agencies and tribal governments on environmental documents to specifically include agencies that have jurisdiction, by law, over a resource or geographic area; and
 - iv. Otherwise act as a resource to relevant stakeholders to ensure that NEPA documents identify reasonably foreseeable significant impacts of the action, sufficiently analyze those impacts, clearly present the findings, and fairly consider reasonable or appropriate alternatives to the action.
9. Sign environmental determinations, including Memorandums of Agreements (“MOA”), DNAs, CE decision memos, FONSI, and RODs, through delegated authority from the FirstNet Authority Executive Director.
- (d) **FirstNet Authority Chief Counsel.** The Chief Counsel of the FirstNet Authority, or an authorized designee within the FirstNet Authority Office of the Chief Counsel, shall provide all legal services regarding NEPA compliance to include:
- 1. Providing legal sufficiency reviews of environmental documents, as appropriate;
 - 2. Assisting the FirstNet Authority Executive Director, Environmental Director, and/or NEPA Coordinator in determining the applicability of NEPA and the level of review for a proposed action, as appropriate; and
 - 3. Assisting the FirstNet Authority Executive Director, Environmental Director, and/or NEPA Coordinator in establishing or revising this policy and the FirstNet Authority NEPA program, as necessary.

General Environmental Review Process

The environmental review process describes the applicable CE, EA, or EIS process for a proposed FirstNet Authority action and includes measures for compliance with NEPA. The process involves the following actions accomplished under the authority of the FirstNet Authority Chair or authorized designee and by FirstNet Authority personnel with specific roles and responsibilities described in this policy.

Determining When NEPA Applies

The FirstNet Authority will determine that NEPA does not apply to a proposed agency action when:

- (a) The activities or decision do not result in final agency action under the Administrative Procedure Act, *see* 5 U.S.C. § 704, or other relevant statute that also includes a finality requirement;
- (b) The proposed activity or decision is exempted from NEPA by law;

- (c) Compliance with NEPA would clearly and fundamentally conflict with the requirements of another provision of law;
- (d) In circumstances where Congress by statute has prescribed decisional criteria with sufficient completeness and precision such that the FirstNet Authority retains no residual discretion to alter its action based on the consideration of environmental factors, then that function of the FirstNet Authority is nondiscretionary within the meaning of NEPA § 106(a)(4) and/or § 111(10)(B)(vii) (42 U.S.C. § 4336(a)(4) and § 4336e(10)(B)(vii), respectively), and NEPA does not apply to the action in question;
- (e) The proposed action is an action for which another statute's requirements serve the function of agency compliance with NEPA; or
- (f) The proposed action is not a "major federal action."
 - 1. A decision maker may determine—on a case-by-case or program-specific basis—that a non-federal action receives "no or minimal federal funding" and is thus not a "major federal action," as outlined in Section 111(10) of NEPA, 42 U.S.C. § 4336e(10)(B)(i)(I). "Minimal," under this section, can be determined in two ways: (1) A percent threshold of the overall costs of the project; or (2) A specific dollar amount. A determination of "no or minimal federal funding" will be a fact-specific inquiry.
 - 2. There are several other general categories of exemptions set forth in Section 111(10) of NEPA, 42 U.S.C. § 4336e(10), including:
 - i. Non-federal actions with no or minimal federal involvement where a federal agency cannot control the outcome of the project;
 - ii. Loans, loan guarantees, or other forms of financial assistance where the federal agency does not exercise sufficient control and responsibility over the effects of such assistance;
 - iii. Judicial or administrative civil or criminal enforcement actions;
 - iv. Extraterritorial activities or decisions, which means agency activities or decisions with effects located entirely outside of the jurisdiction of the United States; and
 - v. Activities or decisions that are non-discretionary and made in accordance with the agency's statutory authority.

The issuance or update of the FirstNet Authority's NEPA procedures is not subject to NEPA review. In determining whether NEPA applies to a proposed action, the FirstNet Authority will consider only the action at hand.

For questions on applicability of NEPA to an action, applicants and staff should consult with the Environmental Director and/or NEPA Coordinator.

Determine the Appropriate Level of NEPA Review

If the FirstNet Authority determines that NEPA applies to a proposed activity or decision, the FirstNet Authority will then determine the appropriate level of NEPA review in the following sequence and manner. At all steps in the following process, FirstNet Authority will consider the proposed action or project at hand and its effects.

- (a) If the FirstNet Authority has established, or adopted pursuant to NEPA § 109, 42 U.S.C. § 4336c, a categorical exclusion that covers the proposed action, the FirstNet Authority will analyze whether to apply the categorical exclusion to the proposed action and apply the categorical exclusion, if appropriate, pursuant to the procedures below.
- (b) If the FirstNet Authority does not have categorical exclusion(s) available to cover the proposed action and another agency has already established a categorical exclusion that covers the proposed action, the FirstNet Authority will consider whether to adopt that exclusion so that it can be applied to the proposed action at issue, and to future activities or decisions of that type.
- (c) If the proposed action warrants the establishment of a new categorical exclusion, or the revision of an existing categorical exclusion, the FirstNet Authority will consider whether to establish or revise and then apply the categorical exclusion to the proposed action.
- (d) If the FirstNet Authority cannot apply a categorical exclusion to the proposed action consistent with paragraphs (a)-(c), the FirstNet Authority will consider the proposed action's reasonably foreseeable effects and develop an EA or an EIS, as appropriate, tiering reviews off applicable programmatic NEPA reviews to eliminate duplicative analysis to the greatest extent possible.

Determining Significance

When considering whether the reasonably foreseeable effects of the proposed action are significant, the FirstNet Authority will analyze the potentially affected environment and degree of the effects of the action. FirstNet Authority may use any reliable data source and will not undertake new research unless it is essential to evaluating alternatives and the cost and time of obtaining it are not unreasonable.

In considering the potentially affected environment, the FirstNet Authority may consider, as appropriate to the specific action, the affected area (national, regional, or local) and its resources.

In considering the degree of the effects, the FirstNet Authority may consider, but not limited to, the following, as appropriate to the specific action:

- (a) Both short- and long-term effects;
- (b) Both beneficial and adverse effects;
- (c) Effects on public health and safety;
- (d) Economic effects; and
- (e) Effects on the quality of life of the American people.

Developing the Purpose and Need

The FirstNet Authority shall ensure the purpose and need of a proposed action considers the FirstNet Authority mission while also being informed by the goals of the applicant and not unduly limiting the range of alternatives to be considered in accomplishing its statutory mission. The FirstNet Authority is authorized and directed by statute to take all actions necessary to ensure the design, construction, and operation of an interoperable NPSBN based on a single, nationwide network architecture. The establishment of the NPSBN meets a long-standing and critical national infrastructure need that allows public safety entities to effectively communicate with each other across agencies and jurisdictions.

Applying NEPA Early in the Process

The FirstNet Authority shall integrate the NEPA process with other NPSBN planning at the earliest possible time to ensure that decisions reflect environmental considerations to avoid delays or potential conflicts. Accordingly, the FirstNet Authority shall:

- (a) Identify environmental impacts and resources in adequate detail so they can be considered and evaluated along with economic and technical considerations. Wherever practicable, NEPA documents with appropriate analyses should be circulated and reviewed at the same time as other planning documents;
- (b) Study, develop, and analyze reasonable alternatives to recommended courses of action; and
- (c) Consider mitigation measures that could avoid, ameliorate, lessen, or provide compensation for identified impacts of the proposed action.

Where the action requiring FirstNet Authority review will be undertaken by an applicant:

- (a) The Environmental Director and/or the NEPA Coordinator or other assigned FirstNet Authority personnel shall advise the applicant of the FirstNet Authority's policies and procedures for NEPA compliance and make available or direct the applicant to resources within the FirstNet Authority, DOC, or elsewhere in the federal government to facilitate the applicant's consideration of, and explanation of, environmental impacts and alternatives;

- (b) The FirstNet Authority shall consult with appropriate state, territorial, local, and tribal governments and other relevant organizations on environmental impacts of, and alternatives to, a proposed action when necessary; and
- (c) The FirstNet Authority shall initiate its NEPA review process at the earliest practicable time.

Scoping

The FirstNet Authority will determine the applicability and need for scoping on a case-by-case basis for EAs, EISs, or both. When evaluating the type and extent of the NEPA document and review, the FirstNet Authority shall:

- (a) Define the purpose and need of a proposed action;
- (b) Identify reasonably foreseeable impacts of the action to determine if consultation with other federal, state, territorial, local, or tribal entities is needed;
- (c) Determine if other federal agency actions are part of a proposed action and establish lead and cooperating agencies for the action, as appropriate;
- (d) Identify or develop reasonable alternatives to a proposed action; and
- (e) Consider mitigation measures or strategies to minimize, reduce, or eliminate the environmental impacts of a proposed action(s), as necessary.

Scoping should begin as soon as practicable after the proposal for action is sufficiently developed for consideration. Scoping may include appropriate pre-application procedures or work conducted prior to publication of the notice of intent.

Public Involvement

In carrying out its responsibilities under NEPA, the FirstNet Authority should make diligent efforts to involve the public in the environmental review process, including:

- (a) Ensuring that all public notices relating to environmental matters shall describe the nature, location, and extent of the proposed action and indicate the availability and location of additional information relating to the matter;
- (b) Determining the appropriate medium(s) for publishing notices relating to environmental matters on a project-by-project basis;
- (c) Assessing and considering public comments both individually and collectively and ensure that responses to public comments are appended to the applicable NEPA document, as appropriate;

- (d) Making available to the public those project-related environmental documents that the FirstNet Authority determines will enhance public participation in the NEPA process. These materials shall be placed in locations convenient for the public as determined by the FirstNet Authority; and
- (e) Holding public hearings or meetings at reasonable times and locations concerning environmental aspects of a proposed action in all cases where, in the opinion of the FirstNet Authority, hearings or meetings are needed to develop adequate information on the environmental implications of the proposed action. Public hearings or meetings conducted by the FirstNet Authority shall be coordinated to the extent practicable with other meetings, hearings, and environmental reviews that may be held or required by other federal, state, territorial, and local agencies.

Applicant-Prepared and Contractor-Prepared NEPA Documents

In accordance with NEPA § 107(f), 42 U.S.C. § 4336a(f), the FirstNet Authority has established procedures allowing applicants or contractors, hired by applicants, to prepare NEPA documents, including CE documents, EAs, and EISs, under FirstNet Authority's supervision.

- (a) The FirstNet Authority will independently evaluate the NEPA document and will take responsibility for its contents.
- (b) The FirstNet Authority will assist applicants and applicant-hired contractors by providing guidance and outlining the types of information required for the preparation of the NEPA document. The FirstNet Authority may also provide appropriate guidance and assist in NEPA document preparation, to the extent that FirstNet Authority's resources and policy priorities admit. The FirstNet Authority will work with the applicant to define the purpose and need and, when appropriate, to develop a reasonable range of alternatives to meet that purpose and need.
- (c) The FirstNet Authority will develop and modify, as appropriate, a schedule for preparation of the NEPA document. Major changes to the schedule or related matters will be documented through written correspondence.
- (d) The FirstNet Authority may request from an applicant environmental information for use by the FirstNet Authority in preparing or evaluating a NEPA document. This may include a decision file consisting of any factual, scientific, or technical information used, developed, or considered by the applicant or applicant-hired contractor in the course of preparing the NEPA document, including any correspondence with the FirstNet Authority or with third parties.

For proposed actions that are initially developed by applicants or other non-federal entities, the Environmental Director and/or the NEPA Coordinator shall:

- (a) Advise the applicant of the FirstNet Authority's policies and procedures for NEPA compliance and make available or direct the applicant to resources within the FirstNet Authority, DOC, or elsewhere in the federal government to facilitate the applicant's consideration of, and explanation of, environmental impacts and alternatives; and

- (b) Begin the NEPA process at the earliest practicable time by determining whether NEPA applies, and if it does, determine the appropriate level of NEPA review as soon as practicable after the applicant accepts the terms and conditions of a grant award; and
- (c) Coordinate with the applicant at the earliest reasonable time in the planning process to inform the entity what information the FirstNet Authority might need to comply with NEPA and establish a schedule for completing steps in the NEPA review process, consistent with NEPA's statutory deadlines and any internal agency NEPA schedule requirements;
- (d) Consult with appropriate state, local, and tribal governments, and other relevant organizations on environmental impacts of, and alternatives to, a proposed action as appropriate; and
- (e) May appoint a state or local agency or tribe as joint lead agency.

If the FirstNet Authority is considering an application from an applicant and becomes aware that the applicant is about to take an action within the FirstNet Authority's jurisdiction that would either have an adverse environmental effect or limit the choice of reasonable alternatives, the FirstNet Authority will promptly notify the applicant that they must satisfy the FirstNet Authority's ability to take appropriate action to ensure that the objectives and procedures of NEPA are achieved. This section does not preclude development by applicants of plans or designs or performance of other activities necessary to support an application for federal, state, tribal, or local permits or assistance. When considering a proposed action for federal funding, the FirstNet Authority may authorize such activities, including, but not limited to, acquisition of interests in land (e.g., fee simple, rights-of-way, and conservation easements), purchase of long lead-time equipment, and purchase options made by applicants.

General Requirements for Categorical Exclusions

CEs are categories of actions that the FirstNet Authority has found, based on experience with similar actions, do not normally have significant environmental impacts and do not require any further NEPA review in an EA or EIS. If the FirstNet Authority determines that a categorical exclusion covers a proposed action, the FirstNet Authority will evaluate the action for extraordinary circumstances that indicate a normally excluded agency action is likely to have a reasonably foreseeable significant effect on the environment and may require further environmental review and the preparation of an EA or EIS. FirstNet Authority actions, including those of applicants, that fit the description of actions in Appendix B, Categorical Exclusions, and where no extraordinary circumstances exist, are categorically excluded from further NEPA review. The approved list of FirstNet Authority actions that normally qualify for a CE are only those listed in Appendix B, Categorical Exclusions. A CE may be applied to a proposed action in accordance with the following requirements.

- (a) The FirstNet Authority shall not be required to, but may at its discretion, document its determination that a CE applies to a proposed action. For example, the FirstNet Authority typically

documents the use of CEs for most routine actions; however, these may be done as a group or on a batch-level as opposed to providing individual documentation.

- (b) Documentation prepared by an applicant to demonstrate that an action qualifies for a CE shall be provided for the FirstNet Authority's independent review and evaluation.
- (c) Any action that normally would be classified as a CE but would involve any of the extraordinary circumstances identified in Appendix C shall require the FirstNet Authority, in cooperation with the applicant, to conduct and document the appropriate environmental analysis to determine if the action warrants a CE or if the preparation of an EA or EIS is required.
 - 1. If FirstNet Authority determines that a categorical exclusion covers a proposed agency action, FirstNet Authority will evaluate the action for extraordinary circumstances that indicate a normally excluded agency action is likely to have a reasonably foreseeable significant adverse effect.
 - 2. If an extraordinary circumstance is not present, FirstNet Authority will determine that the categorical exclusion applies to the proposed agency action and conclude review.
 - 3. FirstNet Authority will determine that the categorical exclusion applies to the proposed agency action and conclude review if FirstNet Authority either:
 - i. Determines that, notwithstanding the extraordinary circumstance, the proposed agency action is not likely to result in reasonably foreseeable adverse significant effects; or
 - ii. Modifies the proposed agency action to avoid those effects.
- (d) Extraordinary circumstances that, if present, may result in a potentially significant environmental effect are listed in Appendix C.
- (e) The use of a CE does not relieve the FirstNet Authority or an applicant of obligations to comply with other statutes or required consultations, such as, but not limited to, under Section 404 of the Clean Water Act (33 U.S.C. § 1344), the Endangered Species Act of 1973 (16 U.S.C. §§ 1531 *et seq.*), or the National Historic Preservation Act of 1966 (54 U.S.C. §§ 300101 *et seq.*).

Establishing and Revising Categorical Exclusions

The list of approved FirstNet Authority CEs is subject to continual review and can be modified by amending, revising, or removing these procedures. To establish or revise a CE, the FirstNet Authority will determine that the action is of a type that normally does not significantly affect the quality of the human environment. In making this determination and identifying and describing such a category, the FirstNet Authority will:

- (a) Develop an administrative record containing information to substantiate the determination;
- (b) Consult with CEQ on the proposed CE, including the administrative written record, for a period not to exceed 30 days prior to providing public notice; and
- (c) Provide public notice in the *Federal Register* of establishment of the CE and the location of availability of the administrative written record.

Removing Categorical Exclusions

Similar to a revised CE, the FirstNet Authority will:

- (a) Develop an administrative record containing information to substantiate the determination;
- (b) Consult with CEQ on the proposed CE, including the administrative record; and
- (c) Provide public notice in the *Federal Register* of establishment of the CE and the location of availability of the administrative written record.

Adopting Another Agency's Categorical Exclusions

The FirstNet Authority may also adopt CEs from other federal agencies, consistent with NEPA § 109, 42 U.S.C. § 4336c. When adopting a CE, the FirstNet Authority will:

- (a) Identify the CE listed in another agency's NEPA procedures that covers the relevant category of proposed or related actions;
- (b) Consult with the agency that established the CE to ensure that the proposed adoption of the CE is appropriate;
- (c) Provide public notification of the CE that the FirstNet Authority is adopting, including a brief description of the proposed action or category of proposed actions to which the FirstNet Authority intends to apply the adopted CE; and
- (d) Document the adoption of the CE in Appendix B of these procedures.

Relying on Another Agency's Categorical Exclusion Determination

The FirstNet Authority may rely on another agency's determination that a CE applies to a proposed action. The FirstNet Authority may rely on the other agency's CE determination even if the FirstNet Authority has not adopted the CE and included it in the FirstNet Authority list of CEs. However, the FirstNet Authority must ensure that its proposed action is the same project or activity (not simply the same type of project or activity) and the FirstNet Authority's proposed action and the other agency's proposed action would result in similar non-significant environmental effects, after reviewing the FirstNet Authority's extraordinary circumstances.

As much as possible, the FirstNet Authority should coordinate early in the NEPA process on development of a joint CE determination that addresses both agencies' requirements and is documented by both agencies. However, if this is not feasible, agency determination reliance may occur through additional documentation that shows determination of the proposed action as the same as the action covered by the original CE.

General Requirements for Environmental Assessments

Actions Requiring an Environmental Assessment

The FirstNet Authority or an applicant shall prepare an EA for a proposed action that the FirstNet Authority determines is not likely to have a reasonably foreseeable significant effect on the environment or if the significance of such effect is unknown. An EA briefly provides sufficient evidence and analysis to support its determination of whether to prepare an EIS or a FONSI. Actions normally requiring an EA include those:

- (a) That fall within the scope of actions described in 47 C.F.R. § 1.1307(a);
- (b) Where a particular facility, operation, or transmitter would cause human exposure to levels of radiofrequency radiation in excess of applicable health and safety guidelines found in 47 C.F.R. § 1.1307(b);
- (c) That involve the construction or modification of certain antenna structures over 450 feet in height that are subject to the FCC's antenna structure registration rules in 47 C.F.R. § 17;
- (d) That have an adverse effect on a historic property so as to require an EA under 47 C.F.R. § 1.1307(a)(4); and
- (e) That meet categorical exclusion criteria, but for which extraordinary circumstances are present, requiring further environmental analysis and potentially the preparation of an EA to determine if there are significant impacts associated with the action.

Page Limits

The text of an EA is strictly prohibited from exceeding 75 pages, not including citations or appendices. EAs shall be formatted for an 8.5"x11" page with one-inch margins using a word processor with 12-point proportionally spaced font, single spaced. Footnotes may be in 10- point font. Such size restrictions do not apply to explanatory maps, diagrams, graphs, tables, and other means of graphically displaying quantitative or geospatial information, although pages containing such material do count towards the page limit.

Appendices are to be used for voluminous materials, such as scientific tables, collections of data, statistical calculations, and the like, which substantiate the analysis provided in the EA. Appendices are not to be used to provide additional substantive analysis, because that would circumvent the congressionally mandated page limits.

Certification Related to Page Limits

The breadth and depth of analysis in an EA will be tailored to ensure that the environmental analysis does not exceed this page limit. In this regard, as part of the finalization of the EA, the FirstNet Authority Executive Director or delegate will certify (and the certification will be incorporated into the EA) that the FirstNet Authority has considered the factors mandated by NEPA; that the EA represents the FirstNet Authority's good-faith effort to prioritize documentation of the most important considerations required by the statute within the congressionally mandated page limits; that this prioritization reflects the FirstNet Authority's expert judgment; and that any considerations addressed briefly or left unaddressed were, in the FirstNet Authority's judgment, comparatively not of a substantive nature that meaningfully informed the consideration of environmental effects and the resulting decision on how to proceed.

Deadlines

The FirstNet Authority will complete EAs no later than the date that is 1 year after the FirstNet Authority receives a complete project description/plan of development from the applicant and the FirstNet Authority notifies the applicant that the action will require an EA. If the FirstNet Authority determines it is not able to meet the deadline prescribed by NEPA § 107(g)(1)(B), 42 U.S.C. § 4336a(g)(1)(B), it must consult with the applicant, if any, pursuant to NEPA § 107(g)(2), 42 U.S.C. § 4336a(g)(2). After such consultation, if needed, and for cause stated, the FirstNet Authority may establish a new deadline. Cause for establishing a new deadline is only established if the EA is so incomplete at the time at which FirstNet Authority determines it is not able to meet the statutory deadline, that issuance would, in FirstNet Authority's view, result in inadequate analysis. Such new deadline must provide only so much additional time as is necessary to complete the EA. The announcement of the new deadline will specify the reason why the EA was not able to be completed under the statutory deadline and whether the applicant consented to the new deadline.

Certification Related to Deadline

When the EA is published, the FirstNet Authority Executive Director or delegate will certify (and the certification will be incorporated into the EA) that the resulting EA represents the FirstNet Authority's good-faith effort to fulfill NEPA's requirements within the Congressional timeline; that such effort is substantially complete; that, in the FirstNet Authority's expert opinion, it has thoroughly considered the factors mandated by NEPA; and that, in the FirstNet Authority's judgment, the analysis contained therein is adequate to inform and reasonably explain FirstNet Authority's final decision regarding the proposed federal action.

Environmental Assessment Development Process

The FirstNet Authority or an applicant shall develop an EA in accordance with the following process and requirements.

- (a) The FirstNet Authority Executive Director or delegate can decide to prepare an EA as a planning tool to inform decision makers of the environmental impacts of a proposed action.

- (b) The FirstNet Authority or an applicant, in preparing an EA, shall ensure, at minimum, the contents of the EA: (1) comply with the requirements of NEPA; (2) include the information specified in 47 C.F.R. § 1.1311; (3) explain the environmental consequences of the proposed action; and (4) set forth sufficient analysis for the FirstNet Authority to determine the potential impacts associated with the proposed action.
- (c) If the FirstNet Authority determines, based on an independent review, that the proposed action will not have a significant impact, the FirstNet Authority may issue a FONSI as described in NEPA.
- (d) If, after review of the EA, the FirstNet Authority determines that the proposed action may have a significant adverse environmental impact, the FirstNet Authority, in coordination with the applicant, may amend the action described in the EA to avoid, minimize, or mitigate the potential environmental impacts.
- (e) If actions cannot be taken to avoid, minimize, or mitigate the potential environmental impacts and the FirstNet Authority determines that the proposed action will have a significant adverse environmental impact, the FirstNet Authority, in coordination with the applicant, shall proceed with the preparation of an EIS.
- (f) Rather than preparing a single EA or EIS as a basis for approving an entire action, the FirstNet Authority, as necessary, may conduct one or more rounds or “tiers” of environmental reviews. These tiered reviews may cover general matters in a broader EA or EIS (e.g., contracts or policy statements) with subsequent narrower statements or environmental analyses (e.g., site-specific analyses), incorporating by reference the general discussion and concentrating solely on the issues specific to the statement subsequently prepared.

Scope of Analysis

- (a) In preparing the EA, FirstNet Authority will focus its analysis on whether the environmental effects of the action or project at hand are significant.
- (b) Similarly, FirstNet Authority will document in the EA where and how it drew a reasonable and manageable line relating to its consideration of any environmental effects from the action or project at hand that extend outside the geographical territory of the project or might materialize later in time.
- (c) To the extent it assists in reasoned decision-making, FirstNet Authority may, but is not required to by NEPA, analyze environmental effects from other projects separate in time, or separate in place, or that fall outside of FirstNet Authority’s regulatory authority, or that would have to be initiated by a third party. If the FirstNet Authority determines that such analysis would assist it in reasoned decisionmaking, it will document this determination in EA and explain where it drew a reasonable and manageable line relating to the consideration of such effects from such separate projects.

General Requirements for an Environmental Impact Statement

Actions Requiring an Environmental Impact Statement

The FirstNet Authority, in coordination with an applicant, shall prepare an EIS when it determines that a proposed action may have a reasonably foreseeable significant impact on the quality of the human environment or when the results of an EA indicate the proposed action will have significant impacts. Whether an impact rises to the level of “significant” is a matter of FirstNet Authority’s expert judgment.

Page Limits

The text of an EIS will not exceed 150 pages, not including citations or appendices; although, an EIS of extraordinary complexity may exceed 150 pages but will not exceed 300 pages, not including any citations or appendices. The FirstNet Authority will determine at the earliest possible stage of preparation of an EIS whether an EIS is of “extraordinary complexity.”. EISs shall be formatted for an 8.5”x11” page with one-inch margins using a word processor with 12-point proportionally spaced font, single spaced. Footnotes may be in 10- point font. Such size restrictions do not apply to explanatory maps, diagrams, graphs, tables, and other means of graphically displaying quantitative or geospatial information, although pages containing such material do count towards the page limit.

Appendices are to be used for voluminous materials, such as scientific tables, collections of data, statistical calculations, and the like, which substantiate the analysis provided in the EA. Appendices are not to be used to provide additional substantive analysis, because that would circumvent the congressionally mandated page limits.

Certification Related to Page Limits

The breadth and depth of analysis in an EIS will be tailored to ensure that the environmental analysis does not exceed this page limit. In this regard, as part of the finalization of the EIS, the FirstNet Authority Executive Director or delegate will certify (and the certification will be incorporated into the EIS) that the FirstNet Authority has considered the factors mandated by NEPA; that the EA represents the FirstNet Authority’s good-faith effort to prioritize documentation of the most important considerations required by the statute within the congressionally mandated page limits; that this prioritization reflects the FirstNet Authority’s expert judgment; and that any considerations addressed briefly or left unaddressed were, in the FirstNet Authority’s judgment, comparatively unimportant or frivolous.

Deadlines

The FirstNet Authority will complete EISs no later than the date that is 2 years after the FirstNet Authority receives a complete project description/plan of development from the applicant, determines that the issuance of an EIS is required, and the FirstNet Authority issues a notice of intent to prepare the EIS. If the FirstNet Authority determines it is not able to meet the deadline prescribed by NEPA § 107(g)(1)(B), 42 U.S.C. § 4336a(g)(1)(B), it must consult with the applicant, if any, pursuant to NEPA § 107(g)(2), 42 U.S.C. § 4336a(g)(2). After such consultation, if needed, and for cause stated, the FirstNet Authority may establish a new deadline. Cause for establishing a new deadline is only established if the EIS is so incomplete, at the time at which FirstNet Authority determines it is not able to meet the statutory

deadline, that issuance would, in FirstNet Authority's view, result in an inadequate analysis. Such new deadline must provide only so much additional time as is necessary to complete the EIS. The announcement of the new deadline will specify the reason why the EIS was not able to be completed under the statutory deadline and whether the applicant consented to the new deadline.

Certification Related to Deadline

When the EIS is published, the FirstNet Authority Executive Director or delegate will certify (and the certification will be incorporated into the EA) that the resulting EIS represents the FirstNet Authority's good-faith effort to fulfill NEPA's requirements within the Congressional timeline; that such effort is substantially complete; that, in the FirstNet Authority's expert opinion, it has thoroughly considered the factors mandated by NEPA; and that, in the FirstNet Authority's judgment, the analysis contained therein is adequate to inform and reasonably explain FirstNet Authority's final decision regarding the proposed federal action.

Environmental Impact Statement Development Process

In preparing an EIS, the FirstNet Authority should solicit public involvement throughout the preparation of an EIS. At a minimum, when preparing a notice of intent for an EIS, the FirstNet Authority shall include a request for public comment on alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed action.

The USEPA has specific authority and responsibility under Section 309 of the Clean Air Act to review and publicly comment on major federal actions affecting the quality of the human environment. The FirstNet Authority shall submit any EIS to USEPA prior to publication, allowing no less than 30 days for USEPA to perform its statutory duties under Section 309 of the CAA.

Unless the FirstNet Authority determines that there is a compelling reason to do otherwise, the FirstNet Authority shall follow a standard EIS format, including the following content elements:

1. Cover Sheet
2. Summary
3. Table of Contents
4. Purpose of and Need for Action
5. Discussion of Proposed Action and Alternatives
6. Description of the Affected Environment
7. Discussion of the Environmental Consequences of the Proposed Action
8. List of Preparers
9. List of Agencies, Organizations, and Persons Consulted
10. Index and Appendices, as appropriate

Scope of Analysis

- (a) In preparing the EIS, FirstNet Authority will focus its analysis on whether the environmental effects of the action or project at hand are significant.

- (b) Similarly, FirstNet Authority will document in the EIS where and how it drew a reasonable and manageable line relating to its consideration of any environmental effects from the action or project at hand that extend outside the geographical territory of the project or might materialize later in time.
- (c) To the extent it assists in reasoned decision-making, FirstNet Authority may, but is not required to by NEPA, analyze environmental effects from other projects separate in time, or separate in place, or that fall outside of FirstNet Authority's regulatory authority, or that would have to be initiated by a third party. If the FirstNet Authority determines that such analysis would assist it in reasoned decisionmaking, it will document this determination in the EIS and explain where it drew a reasonable and manageable line relating to the consideration of such effects from such separate projects.

Analysis Within the Environmental Impact Statement

The EIS will include a detailed statement on:

- (a) reasonably foreseeable environmental effects of the proposed agency action;
- (b) any reasonably foreseeable adverse environmental effects which cannot be avoided should the proposal be implemented;
- (c) a reasonable range of alternatives to the proposed agency action, including an analysis of any adverse environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are, in FirstNet Authority's expert judgment, technically and economically feasible, and meet the purpose and need of the proposal;
- (d) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and
- (e) any irreversible and irretrievable commitments of federal resources which would be involved in the proposed agency action should it be implemented; and
- (f) any means identified to mitigate adverse environmental effects of the proposed action. FirstNet Authority is mindful in this respect that NEPA itself does not require or authorize the FirstNet Authority to impose any mitigation measures.

Environmental Review and Consultation Requirements for NEPA Review

To the fullest extent possible, the FirstNet Authority, in coordination with an applicant, shall prepare NEPA documents concurrently and integrated with environmental analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 U.S.C. §§ 661 *et seq.*); National Historic Preservation Act of 1966 (54 U.S.C. §§ 300101 *et seq.*); Endangered Species Act of 1973 (16 U.S.C. §§ 1531 *et seq.*); Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703 *et seq.*); Bald and Golden Eagle Protection Act of 1940

(16 U.S.C. §§ 668 *et seq.*); Executive Order (“E.O.”) No. 11990, Protection of Wetlands; E.O. No. 11988, as amended by E.O. 13690, Floodplain Management; and other applicable environmental laws and executive orders.

Environmental Determinations and Final Decisions

The conclusion of the NEPA review process shall result in one of the following environmental determinations or final decisions.

(a) Categorical Exclusion

1. FirstNet Authority actions that fall within a CE and where no extraordinary circumstances exist do not require any further NEPA review.
2. If a proposed action is determined to fall within a CE, the FirstNet Authority shall not be required to, but may at its discretion, document its determination that a CE applies to a proposed action, unless extraordinary circumstances exist. Documentation may include, but is not limited to, an approved checklist, memorandum to file, or REC.

(b) Finding of No Significant Impact

1. An EA results in either the issuance of a FONSI or a determination to prepare an EIS. A FONSI is a document that briefly states why an action (not otherwise excluded) will not significantly affect the environment.
2. If the FirstNet Authority Executive Director or an authorized delegate determines, based on an independent review of the EA, that the proposed action will not have a significant impact, the FirstNet Authority may issue a FONSI and, after all other relevant requirements are met, proceed with the proposed action. However, if, after an independent review of the EA, it is determined by the FirstNet Authority Executive Director or an authorized delegate that the proposed action will have a significant environmental impact, the FirstNet Authority shall proceed with the preparation of an EIS.
3. The FONSI must incorporate the EA by reference; document the reasons why FirstNet Authority has determined the selected alternative will not have a significant impact; identify any other documents related to the FONSI; and state that an EIS will not be prepared, concluding the NEPA process for that action.
4. No later than at the issuance of the FONSI, the FirstNet Authority will make the entire EA and FONSI available by publishing it on the agency’s public website.

(c) Record of Decision

1. When it is determined that an EIS is required, the FirstNet Authority's final decision relating to the proposed action shall consider the environmental information provided in the EIS and require the preparation of a ROD. The ROD documents the final decision made and the basis for that decision. A ROD shall be prepared for the final decision maker, whether the FirstNet Authority Executive Director or a delegate, for approval and signature.
2. If all other requirements have been met, the FirstNet Authority or an applicant may implement the proposed action immediately after the ROD is signed.
3. No later than at the issuance of the ROD, the FirstNet Authority will make the entire EIS and ROD available by publishing it on the agency's public website.

Mitigation

The FirstNet Authority, throughout the environmental review process, shall consider mitigation measures to avoid or minimize environmental harm, where possible. In addition, the following actions shall be taken to ensure proper implementation of mitigation measures:

- (a) The FirstNet Authority shall ensure a discussion of site-specific mitigation measures that are essential to rendering the impacts of the proposed action not significant is included or referenced in the FONSI and/or the ROD prior to making a final environmental determination or decision;
- (b) The FirstNet Authority shall ensure that for any site-specific mitigation measures committed to in a FONSI and/or ROD, there are sufficient legal authorities and it is reasonably foreseeable that sufficient resources will be available to perform and help monitor the mitigation;
- (c) Prior to and during the implementation of a site-specific action, the FirstNet Authority shall monitor project activities to ensure the proper execution of any mitigation measures or other conditions established and committed to in environmental documentation, as appropriate; and
- (d) If mitigation commitments made in NEPA and decision documents fail to achieve projected environmental outcomes and the federal action has not been completed, the FirstNet Authority may utilize an adaptive management approach and take corrective actions to identify alternatives that could take the place of original mitigation commitments and produce the intended environmental result.

Efficient Environmental Reviews

Integrating NEPA with Other Environmental Requirements

To the fullest extent possible, the FirstNet Authority will prepare environmental documents concurrently with and integrated with analyses and related surveys and studies required by other federal statutes, including but not limited to: the Fish and Wildlife Coordination Act, 16 U.S.C. § 661 *et seq.*; the National Historic Preservation Act, 54 U.S.C. § 300101 *et seq.*; the Endangered Species Act, 16 U.S.C. § 1531 *et seq.*; the Migratory Bird Treaty Act, 16 U.S.C. § 703 *et seq.*; the Bald and Golden Eagle Protection Act, 16 U.S.C. § 668 *et seq.*; EO 11990, Protection of Wetlands; and other applicable environmental laws and EOs.

- (a) The FirstNet Authority will combine an environmental document prepared in compliance with NEPA with any other federal agency document to reduce duplication and paperwork.
- (b) The FirstNet Authority will cooperate with state, tribal, and local agencies to the fullest extent practicable to reduce duplication between NEPA and state, tribal, and local requirements.
- (c) If comments on a notice of intent or other aspects of a scoping process identify consultations, permits, or licenses necessary under other environmental laws, the NEPA document may contain a section briefly listing the applicable requirements and how the FirstNet Authority has or will meet them (e.g., permits applied for or received, consultations initiated or concluded).

Programmatic NEPA Documents and Tiering

The FirstNet Authority may prepare NEPA documents for programmatic federal actions, such as the adoption or initiation of new agency programs. The FirstNet Authority may evaluate the proposal(s) in one of the following ways:

- (a) Geographically, including actions occurring in the same general location, such as body of water, region, or metropolitan area;
- (a) Generically, including actions that have relevant similarities, such as common timing, effects, alternatives, methods of implementation, media, or subject matter; or
- (b) By stage of technological development.

Consistent with NEPA § 108, 42 U.S.C. § 4336b, after completing a programmatic EA or EIS, the FirstNet Authority may rely on that document for 5 years if there are not substantial new circumstances or information about the significance of adverse effects that bear on the analysis. After 5 years, as long as the FirstNet Authority reevaluates the analysis in the programmatic NEPA document and any underlying assumption to ensure reliance on the analysis remains valid and briefly documents its reevaluation and explains why the analysis remains valid considering any new and substantial information or circumstances, the FirstNet Authority may continue to rely on the document.

The FirstNet Authority shall tier NEPA documents to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of NEPA review. When a programmatic

EIS has been prepared, the FirstNet Authority or an applicant need only summarize the issues discussed in the broader NEPA document, incorporate discussions from the broader NEPA document by reference, and focus the tiered document on issues specific to the subsequent action.

Reliance on Existing NEPA Documents and Determination of NEPA Adequacy

The FirstNet Authority may rely on another agency's existing environmental analyses to avoid redundancy while providing a record of the analytical and decision-making process. As such, the FirstNet Authority would make a DNA (e.g., approved checklist, memorandum to file, REC) to rely on existing analyses as the basis for decision-making for a similar or identical action. Before relying on an existing NEPA document, the FirstNet Authority must review the existing NEPA document to determine whether it adequately covers its proposed action. The FirstNet Authority must consider whether:

- (a) the proposed action is a feature of, or essentially like an alternative analyzed in the existing NEPA document;
- (b) the proposed action within the same analysis area;
- (c) the range of alternatives analyzed in the existing NEPA document appropriate with respect to the proposed action, given current environmental concerns and resource values;
- (d) any new information or circumstances relevant to the proposed action; and
- (e) the validity and similarity of the environmental analyses and environmental effects considered in relation to the proposed action.

The FirstNet Authority must document how the agency's existing environmental analyses and NEPA documentation does or does not address the FirstNet Authority's proposed action. If the proposed action is the same action or substantially similar, additional analysis will not be necessary and the FirstNet Authority may adopt existing analysis and agency determination. If the proposed action is not the same action or substantially similar, the FirstNet Authority must, at a minimum, supplement the analyses and/or prepare a new EA or EIS. It may still be appropriate, however, to tier or incorporate by reference material from the existing EA or EIS, in a new EA or EIS.

In addition, the FirstNet Authority must evaluate whether any public involvement, interagency review, or tribal consultation associated with existing EAs or EISs are adequate for use of the new proposed action. The determination of whether public involvement, interagency review, or tribal consultation is adequate is based on consistency with internal FirstNet Authority.

Incorporation

The FirstNet Authority may incorporate material, such as planning studies, analyses, or other relevant information, into NEPA documents by reference when the effect will be to cut down on bulk without impeding the FirstNet Authority and public review of the action. When incorporating material by reference, the FirstNet Authority will cite, briefly describe the content and relevance to the environmental

document, and make the materials reasonably available for review by potentially interested parties. The FirstNet Authority will not use incorporation as a means to evade the statutory page limits.

Supplements to NEPA Documents

The FirstNet Authority may prepare or require an applicant to prepare supplements to environmental documents for which a major federal action remains to occur, and:

- (a) The FirstNet Authority or an applicant makes substantial changes to the proposed action that are relevant to environmental concerns;
- (b) The FirstNet Authority decides, in its discretion, that there are substantial new circumstances or information about the significance of the adverse effects that bear on the proposed action or its effects; and/or
- (c) The FirstNet Authority determines the need to provide more detailed analysis or to address specific aspects of a tiered action that were not fully addressed in the programmatic review.

Integrity and Completeness of Information

The FirstNet Authority will make use of reliable existing data and resources in NEPA analyses to the greatest extent possible and limit new scientific and technical research in the NEPA analysis to actions where it is essential to inform a reasoned choice among alternatives and the overall costs and timeframe for such studies are not unreasonable.

Unique Identification Numbers

For all NEPA documents, the FirstNet Authority will provide a unique identification number for tracking purposes, which the FirstNet Authority will reference on all associated environmental review documents prepared for the proposed agency action and in any database or tracking system for such documents. The FirstNet Authority will coordinate with the CEQ and other federal agencies to ensure uniformity of such identification numbers across federal agencies.

Emergencies

The FirstNet Authority may implement an emergency NEPA process after determining there is a need for taking action that does not allow for time for the regular NEPA process. This section applies only if the Environmental Director or the NEPA Coordinator, in consultation with the FirstNet Authority Chief Counsel, determines in accordance with the provisions outlined below that an emergency exists that makes it necessary to take urgently needed actions before preparing a NEPA analysis and documentation.

- (a) The FirstNet Authority may take those actions necessary to control the immediate impacts of the emergency that are urgently needed to mitigate imminent harm to life; property; or important natural, cultural, or historic resources. When taking such actions, the FirstNet Authority shall consider the probable environmental consequences of these actions and mitigate foreseeable adverse environmental effects to the extent practical.

- (b) The Environmental Director, NEPA Coordinator, or authorized designee shall document in writing the determination that an emergency exists and describe the responsive action(s) taken at the time the emergency exists. The form of that documentation is within the discretion of the FirstNet Authority.
- (c) If the Environmental Director, NEPA Coordinator, or authorized designee determines that proposed actions taken in response to an emergency, beyond actions noted in paragraph (a) of this section, are not likely to have significant environmental impacts, the Environmental Director, NEPA Coordinator, or an authorized designee shall document that determination in an EA and a FONSI in accordance with this policy, unless the proposed action is categorically excluded. If the Environmental Director or NEPA Coordinator finds that the nature and scope of the subsequent actions related to the emergency require taking actions prior to completing an EA and a FONSI, the Environmental Director or NEPA Coordinator shall consult with the FirstNet Authority Chief Counsel about alternative arrangements for compliance with these procedures. The Environmental Director, the NEPA Coordinator, or an authorized designee may grant an alternative arrangement for actions without significant impacts.
- (d) The Environmental Director or NEPA Coordinator shall consult with CEQ about alternative arrangements as soon as possible if the FirstNet Authority determines that proposed actions taken in response to an emergency are likely to have significant environmental impacts. Such alternative arrangements will apply only to the proposed actions necessary to control the immediate impacts of the emergency. Other proposed actions remain subject to NEPA analysis and documentation in accordance with this policy.

Appendix A – List of Authorities

List of Authorities

Statutes and Regulations

Statutes and regulations that should be considered during the development of a National Environmental Policy Act (“NEPA”) review include:

1. National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 *et seq.*
2. Endangered Species Act of 1973, 16 U.S.C. §§ 1531 *et seq.*
3. Fish and Wildlife Coordination Act, 16 U.S.C. §§ 661 *et seq.*
4. National Historic Preservation Act of 1966, 54 U.S.C. §§ 300101 *et seq.*
5. Migratory Bird Treaty Act of 1918, 16 U.S.C. §§ 703 *et seq.*
6. Bald and Golden Eagle Protection Act of 1940, 16 U.S.C. §§ 668 *et seq.*
7. Clean Air Act of 1970, 42 U.S.C. §§ 7401 *et seq.*
8. Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*
9. Coastal Zone Management Act of 1972, 16 U.S.C. §§ 1451 *et seq.*
10. Wild and Scenic Rivers Act of 1968, 16 U.S.C. §§ 1271 *et seq.*
11. Marine Mammal Protection Act of 1972, 16 U.S.C. §§ 31 *et seq.*
12. River and Harbors Act of 1899, 33 U.S.C. §§ 401 and 403.

Executive Orders

Executive Orders (“E.O.”) that should be considered during the development of a NEPA review include:

1. E.O. 11988, as amended by E.O. 13690, Floodplain Management
2. E.O. 12114, Environmental Effects Abroad of Major Federal Actions
3. E.O. 11990, Protection of Wetlands
4. E.O. 13112, Invasive Species
5. E.O. 13175, Consultation and Coordination with Indian Tribal Governments

6. E.O. 13186, Responsibilities of Federal Agencies to Protect Migratory Birds

Appendix B – Categorical Exclusions

Categorical Exclusions

This document lists approved categorical exclusions that may be applied to First Responder Network Authority (“FirstNet Authority”) actions to which the National Environmental Policy Act (“NEPA”) applies:

Administrative Actions

- [A.1.]** The issuance of bulletins and information publications that do not concern environmental matters or substantial facility design, construction, or maintenance practices.
- [A.2.]** Procurement activities related to the day-to-day operation of the FirstNet Authority, including routine procurement of goods or services.
- [A.3.]** Personnel and Administrative Actions.
- [A.4.]** Purchase or lease of existing facilities or a portion thereof where use or operation will remain unchanged.

Network Deployment Activities

- [B.1.]** Actions related to network deployment that are subject to and satisfy the environmental requirements established under 47 C.F.R § 1.1306 as described below:
 - (a) Except as provided in 47 C.F.R. § 1.1307 (c) and (d), the FirstNet Authority’s actions not covered by 47 C.F.R. § 1.1307 (a) and (b) are deemed individually and cumulatively to have no significant effect on the quality of the human environment and are categorically excluded from environmental processing.
 - (b) Specifically, any FirstNet Authority action with respect to any new application, or minor or major modifications of existing or authorized facilities or equipment, will be categorically excluded, provided such proposals do not:
 - (1) Involve a site location specified under 47 C.F.R. § 1.1307(a)(1) – (7)
 - (2) Involve high intensity lighting under 47 C.F.R. § 1.1307(a)(8).
 - (3) Result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. § 1.1307(b).
 - (c) Any FirstNet Authority action with respect to any new application, or minor or major modifications of existing or authorized facilities or equipment, will be categorically excluded, subject to the following:
 - (1) Unless 47 C.F.R. § 1.1307(a)(4) is applicable, the provisions of 47 C.F.R. § 1.1307(a) requiring the preparation of Environmental Assessments (“EA”) do not encompass the



construction of wireless facilities, including deployments on new or replacement poles, if:

- (i) The facilities will be located in a right-of-way that is designated by a federal, state, local, or tribal government for communications towers, above-ground utility transmission or distribution lines, or any associated structures and equipment;
 - (ii) The right-of-way is in active use for such designated purposes; and
 - (iii) The facilities would not:
 - (A) Increase the height of the tower or non-tower structure by more than 10 percent or 20 feet, whichever is greater, over existing support structures that are located in the right-of-way within the vicinity of the proposed construction;
 - (B) Involve the installation of more than four new equipment cabinets or more than one new equipment shelter;
 - (C) Add an appurtenance to the body of the structure that would protrude from the edge of the structure more than 20 feet, or more than the width of the structure at the level of the appurtenance, whichever is greater (except that the deployment may exceed this size limit if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable); or
 - (D) Involve excavation outside the current site, defined as the area that is within the boundaries of the leased or owned property surrounding the deployment or that is in proximity to the structure and within the boundaries of the utility easement on which the facility is to be deployed, whichever is more restrictive.
- (2) Such wireless facilities are subject to 47 C.F.R. § 1.1307(b) and require EAs if their construction would result in human exposure to radiofrequency radiation in excess of the applicable health and safety guidelines cited in 47 C.F.R. § 1.1307(b).
- (d) The provisions of 47 C.F.R. § 1.1307(a) requiring the preparation of EAs do not encompass the mounting of antenna(s) and associated equipment (such as wiring, cabling, cabinets, or backup-power), on or in an existing building, or on an antenna tower or other man-made structure, unless 47 C.F.R. § 1.1307(a)(4) is applicable. Such antennas are subject to 47 C.F.R. § 1.1307(b) of this part and require EAs if their construction would result in human exposure to radiofrequency radiation in excess of the applicable health and safety guidelines cited in 47 § 1.1307(b). The provisions of 47 C.F.R. § 1.1307 (a) and (b) of do not encompass the installation of aerial wire or



cable over existing aerial corridors of prior or permitted use or the underground installation of wire or cable along existing underground corridors of prior or permitted use, established by the applicant or others. The use of existing buildings, towers, or corridors is an environmentally desirable alternative to the construction of new facilities and is encouraged. The provisions of 47 C.F.R. § 1.1307(a) and (b) do not encompass the construction of new submarine cable systems.

- (e) The specific height of an antenna tower or supporting structure, as well as the specific diameter of a satellite Earth station, in and of itself, will not be deemed sufficient to warrant environmental processing, *see* 47 C.F.R. § 1.1307 and § 1.1308, except as required by the FirstNet Authority or the FCC pursuant to the note to 47 C.F.R. § 1.1307(d).
 - (f) The construction of an antenna tower or supporting structure in an established “antenna farm” (i.e., an area in which similar antenna towers are clustered, whether or not such area has been officially designated as an antenna farm) will be categorically excluded unless one or more of the antennas to be mounted on the tower or structure are subject to the provisions of 47 § C.F.R. 1.1307(b) and the additional radiofrequency radiation from the antenna(s) on the new tower or structure would cause human exposure in excess of the applicable health and safety guidelines cited in 47 C.F.R. § 1.1307(b).
- [B.2.]** Internal modifications or equipment additions (e.g., computer facilities, relocating interior walls) to structures or buildings.
 - [B.3.]** Construction of buried and aerial telecommunications lines, cables, and related facilities.
 - [B.4.]** Changes to existing transmission lines that involve less than 20 percent pole replacement, or the complete rebuilding of existing distribution lines within the same right-of-way. Changes to existing transmission lines that require 20 percent or greater pole replacement will be considered the same as new construction.
 - [B.5.]** Changes or additions to existing substations, switching stations, or telecommunications switching or multiplexing centers, or external changes to buildings or small structures requiring one acre (0.4 hectare) or more but no more than five acres (2 hectares) of new physically disturbed land or fenced property.
 - [B.6.]** Construction of substations, switching stations, or telecommunications switching or multiplexing centers requiring no more than five acres (2 hectares) of new physically disturbed land or fenced property.
 - [B.7.]** Changes or additions to telecommunication sites, substations, switching stations, telecommunications switching or multiplexing centers, buildings, or small structures requiring new physical disturbance or fencing of less than one acre (0.4 hectare).
 - [B.8.]** Ordinary maintenance or replacement of equipment or small structures (e.g., line support structures, line transformers, microwave facilities, telecommunications remote switching and multiplexing sites).



- [B.9.]** The construction of telecommunications facilities within the fenced area of an existing substation or switching station, or within the boundaries of an existing electric-generating facility site.
- [B.10.]** Testing or monitoring work (e.g., soil or rock core sampling, monitoring wells, air monitoring).
- [B.11.]** Studies and engineering undertaken to define proposed actions or alternatives sufficiently so that environmental effects can be assessed.
- [B.12.]** Rebuilding of power lines or telecommunications cables where road or highway reconstruction requires the applicant to relocate the lines either within or adjacent to the new road or highway easement or right-of-way.
- [B.13.]** Phase or voltage conversions, reconductoring, or upgrading of existing electric distribution lines or telecommunications facilities.
- [B.14.]** Construction of standby diesel electric generators (one megawatt or less total capacity) and associated facilities, for the primary purpose of providing emergency power, at an existing applicant headquarters or district office, telecommunications switching or multiplexing site, or at an industrial, commercial, or agricultural facility served by the applicant.
- [B.15.]** Deployment of Cells on Wheels, Systems on Wheels, or another deployable architecture intended for temporary placement (no more than two years) on an impervious surface.

Appendix C – Extraordinary Circumstances

Extraordinary Circumstances

If the First Responder Network Authority (“FirstNet Authority”) determines that a categorical exclusion covers a proposed action, the FirstNet Authority will evaluate the action for the following extraordinary circumstances that indicate a normally excluded agency action is likely to have a reasonably foreseeable significant effect on the environment and may require further environmental review and the preparation of an environmental assessment (“EA”) or an environmental impact statement (“EIS”):

1. Facilities that are to be located in an officially designated wilderness area.
2. Facilities that are to be located in an officially designated wildlife preserve.
3. Facilities that: (i) may affect listed threatened or endangered species or designated critical habitats; or (ii) are likely to jeopardize the continued existence of any proposed endangered or threatened species or likely to result in the destruction or adverse modification of proposed critical habitats, as determined by the Secretary of the Interior pursuant to the Endangered Species Act of 1973 (16 U.S.C. §§ 1531).
4. Facilities that may affect prehistoric or historic districts, sites, buildings, structures, or objects that are significant in American history, architecture, archeology, engineering, or culture and that are listed, or are eligible for listing, in the National Register of Historic Places (*See* 54 U.S.C. § 300308 [36 C.F.R. §§ 60 and 800]).¹ Unless § 1.1307(a)(4) is applicable, the provisions of § 1.1307(a) requiring the preparation of EAs do not encompass the construction of wireless facilities, including deployments on new or replacement poles, if:
 - a. The facilities will be located in a right-of-way that is designated by a federal, state, local, or tribal government for communications towers, aboveground utility transmission or distribution lines, or any associated structures and equipment;
 - b. The right-of-way is in active use for such designated purposes;
 - c. The facilities would not:
 - i. Increase the height of the tower or non-tower structure by more the 10% or twenty feet over existing support structures located in the ROW;

¹ To ascertain whether a proposed action may affect properties that are listed, or are eligible for listing, in the National Register of Historic Places, an applicant shall follow the procedures set forth in the rules of the ACHP, 36 C.F.R. § 800, as modified and supplemented by the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (*See* 47 § C.F.R. Appendix B § 1) and the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (*See* 47 § C.F.R. Appendix C § 1).



- ii. Involve the installation of more than four new equipment cabinets or more than one new equipment shelter;
 - iii. Add an appurtenance to the body of the structure that would protrude from the edge of the structure more than twenty feet, or more than the width of the structure at the level of the appurtenance, whichever is greater (except that the deployment may exceed this size limit if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable); or
 - iv. Involve excavation outside the current site, defined as the area that is within the boundaries of the leased or owned property surrounding the deployment or that is in proximity to the structure and within the boundaries of the utility easement on which the facility is to be deployed, whichever is more restrictive.
- 5. Facilities that may affect tribal religious sites.
- 6. Facilities to be located in a floodplain (*See* Executive Order [E.O.] 11988, Floodplain Management, as amended).
- 7. Facilities whose construction will involve significant change in surface features (e.g., wetland fill, deforestation, water diversion). In the case of wetlands on federal property, *see* E.O. 11990, Protection of Wetlands.
- 8. Antenna towers and/or supporting structures that are to be equipped with high intensity white lights and located in residential neighborhoods, as defined by the applicable zoning law.
- 9. FirstNet Authority actions granting permits or leases, or renewals thereof, or equipment authorizations or modifications in existing facilities require the preparation of an EA, subject to the specific conditions specified in 47 C.F.R. § 1.1307(b), if the particular facility, operation, or transmitter would cause human exposure levels of radio frequency radiation in excess of the limits described in 47 C.F.R. §§ 1.1310 and 2.1093.
- 10. If an interested person alleges that a particular action, otherwise categorically excluded, may have a significant environmental effect, the person shall submit to the FirstNet Authority a written petition setting forth in detail the reasons justifying or circumstances necessitating environmental consideration in the decision-making process. The FirstNet Authority shall review the petition and consider the environmental concerns that have been raised. If the FirstNet Authority determines that the action may have a significant environmental impact, the FirstNet Authority will require the applicant to prepare an EA, which will serve as the basis for the determination to proceed with or terminate environmental processing.



11. The FirstNet Authority shall require an EA for an otherwise categorically excluded action involving a new or existing antenna structure, for which an antenna structure registration application (Federal Communications Commission [“FCC”] Form 854) is required under 47 C.F.R. § 17, if the proposed antenna structure will be over 450 feet in height above ground level and involves either:
 - a. Construction of a new antenna structure;
 - b. Modification or replacement of an existing antenna structure involving a substantial increase in size as defined in 47 C.F.R. § (C)(1)(3) Appendix B § 1, Nationwide Programmatic Agreement for Collocations of Wireless Antennas; or
 - c. Addition of lighting or adoption of a less preferred lighting style as defined in 47 C.F.R. §17.4(c)(1)(iii) of this chapter.
 - d. The FirstNet Authority shall consider whether to require an EA for other antenna structures subject to 47 C.F.R. §17.4(c) of this chapter in accordance with 47 C.F.R. § 17.4(c)(8). An EA required pursuant to this note will be subject to the same procedures that apply to any EA required for a proposed tower or modification of an existing tower for which an antenna structure registration application (FCC Form 854) is required, as set forth in 47 C.F.R. § 17.4(c).
12. If the FirstNet Authority is responsible for processing a particular action otherwise categorically excluded, and determines that the proposal may have a significant environmental impact, the FirstNet Authority on its own motion, shall require the applicant to submit an EA.