



First Responder Network Authority

Procedures for Implementing the National Environmental Policy Act

Revised January 2018



Table of Contents

Purpose 1
Scope..... 1
Definitions..... 1
Policies 3
NEPA Program Goals..... 5
Roles and Responsibilities..... 5
General Environmental Review Process 8
Developing the Purpose and Need 8
Applying NEPA Early in the Process 8
Scoping..... 9
Involving the Public..... 9
General Requirements for Categorical Exclusions..... 10
General Requirements for Environmental Assessments 11
General Requirements for an Environmental Impact Statement..... 12
Environmental Impact Statement Development Process..... 12
Environmental Review and Consultation Requirements for NEPA Review 13
Cumulative Impacts 13
Environmental Justice 13
Environmental Determinations and Final Decisions..... 13
Mitigation..... 14
Tiering 15
Emergencies..... 15
List of Authorities..... A-1
Statutes and Regulations A-1
Executive Orders A-1
Council on Environmental Quality Guidance A-2
Categorical Exclusions..... B-1
Administrative Actions..... B-1
Network Deployment Activities..... B-1



Extraordinary CircumstancesC-1



Purpose

The purpose of this policy is to establish the First Responder Network Authority's (FirstNet) procedures for complying with the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 *et seq.* (NEPA), and the implementing regulations issued by the Council on Environmental Quality ("CEQ Regulations") as codified in Parts 1500 through 1508 of Title 40 of the Code of Federal Regulations (40 C.F.R. Parts 1500-1508).

Scope

The provisions of this policy apply to major federal actions, as described in 40 C.F.R. § 1508.18, undertaken by FirstNet that may or will have a significant impact on the quality of the human environment.

Definitions

This policy incorporates all terminology and definitions contained in 40 C.F.R. Part 1500 and those applicable to FirstNet 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 Part 1) and the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (*See* 47 C.F.R. Appendix C Part 1). However, to ensure full compliance, the CEQ Regulations and applicable Communications Act provisions and FCC regulations, should be consulted for comprehensive explanations of terms. A glossary of definitions used in this policy, as well as certain terms defined in the CEQ Regulations, 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 FirstNet, including, but not limited to, actions that occur under any type of agreement related to the use of the spectrum licensed to FirstNet under station license call sign WQQE234, or actions requiring the approval of or funding provided by FirstNet.
- (b) **Chair of the Board ("FirstNet Chair").** Member of the FirstNet Board selected by the Secretary of Commerce to serve as Chair of the FirstNet Board.
- (c) **Chief Executive Officer ("FirstNet CEO").** Individual responsible for implementing the policies and strategies approved by the FirstNet Board and overseeing all day-to-day operations of FirstNet.



- (d) **Council on Environmental Quality.** Organization within the Executive Office of the President charged with monitoring progress toward achieving the national environmental goals set forth in NEPA. The CEQ promulgates regulations governing the NEPA process for all federal agencies.
- (e) **Determination of NEPA Adequacy.** A written document (e.g., Memorandum to File, approved checklist) 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 FirstNet's NEPA requirements.
- (f) **Director of Environmental Compliance ("Environmental Director").** Individual responsible for managing FirstNet's environmental program for including the NEPA program.
- (g) **Environmental Impact Statement (EIS).** A detailed written statement prepared by an agency if a proposed action significantly impacts the quality of the human environment. The decision to prepare an EIS is based on the agency's determination that the potential impact of a proposed action is significant or the results of an Environmental Assessment (EA) indicate significant impacts. An EIS should include discussions of the purpose of and need for the action, alternatives, the affected environment, the environmental consequences of the proposed action, lists of preparers, list of agencies involved, response to any public comments received, list of organizations and persons to whom the statement is sent, an index, and an appendix (if any). An EIS is prepared in two stages: a draft and a final. Either stage of an EIS may be supplemented.
- (h) **Environmental Review.** NEPA process that includes: 1) identifying and scoping issues related to the proposed action; 2) determining the necessary steps for NEPA compliance and preparing review documents (i.e., Categorical Exclusion [CE], EA, EIS, or Determination of NEPA Adequacy); and 3) making decisions that are based on understanding the environmental consequences of the proposed action.
- (i) **Finding of No Significant Impact (FONSI).** A document briefly presenting the reasons why an action, not otherwise excluded (40 C.F.R. § 1508.4), will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (40 C.F.R. § 1501.7(a)(5))." See 40 C.F.R. § 1508.13.
- (j) **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.



- (k) **NEPA Coordinator.** Individual responsible for coordinating and overseeing FirstNet's compliance with NEPA.
- (l) **NEPA Document.** An EA, FONSI, draft, supplemental draft, or final EIS, Record of Decision (ROD), Determination of NEPA Adequacy, or other memorandum documenting compliance with NEPA.
- (m) **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. *See* 40 C.F.R. § 1505.2.
- (n) **Supplemental Environmental Documents.** A document prepared to amend an original NEPA document when there is a significant change in the action proposed beyond the scope of the original environmental review or when circumstances or information arise that could affect the proposed action and its environmental impacts. *See* 40 C.F.R. § 1502.9(c).

Policies

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

- (a) FirstNet shall:
 1. Comply with the CEQ Regulations;
 2. Report and coordinate its policies and procedures with the Department of Commerce Office of the General Counsel, as appropriate;
 3. Ensure activities and planning regarding major federal actions FirstNet undertakes consider the environmental consequences of the proposed actions in conjunction with mission requirements and objectives;
 4. Consider and give weight to environmental factors in making decisions in order to achieve a proper balance between the development and utilization of natural, cultural, and human resources and the protection and conservation of environmental quality for succeeding generations;



5. Consult, coordinate, cooperate, and partner with other federal agencies and state, territorial, local, and tribal governments, as appropriate, in the development and implementation of FirstNet's plans and programs affecting environmental quality and, in turn, give consideration to those activities that succeed in best addressing federal, state, territorial, local, and tribal concerns;
 6. Identify and invite, as appropriate, federal, state, territorial, local, and tribal governments to participate as cooperating agencies during the NEPA scoping process described in 40 C.F.R. § 1501.7;
 7. Participate as a lead or cooperating agency, as appropriate, with other federal agencies where FirstNet 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
 8. As requested, and where resources allow, review and provide comments on draft NEPA documents submitted by other federal agencies where the action relates to FirstNet's mission or operations.
- (b) FirstNet 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. FirstNet environmental policies are accessible on the FirstNet website and designated staff are available to advise potential Applicants of environmental studies or other information;
 2. FirstNet 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. FirstNet begins the NEPA process at the earliest possible time.
- (c) While it is the policy of FirstNet to evaluate its actions in accordance with the requirements of NEPA and the CEQ Regulations, certain actions may result from statutory requirements or an Applicant's actions, which are beyond FirstNet's control or outside its jurisdiction. In such cases, the FirstNet CEO or designated representative, based on recommendations from the FirstNet Chief Counsel and the Environmental Director and/or the NEPA Coordinator, shall make a determination regarding NEPA applicability.



NEPA Program Goals

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

- (a) Proposed actions to be undertaken by FirstNet 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, 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 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

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

- (a) **FirstNet Chair.** The FirstNet Chair has the ultimate responsibility to ensure FirstNet's compliance with NEPA. The FirstNet Chair shall direct the FirstNet CEO to (1) ensure that environmental planning is incorporated into FirstNet decision-making processes, and (2) coordinate with the FirstNet 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 CEO.** The FirstNet CEO shall:
 - 1. Establish and oversee the proper implementation of a FirstNet NEPA compliance program in accordance with the requirements of this policy;



2. Advise the FirstNet Chair on activities that are highly controversial, are nationally significant, or require the establishment of a new FirstNet NEPA-related policy;
 3. Inform the FirstNet Chair of current developments in NEPA policy and implementation procedures;
 4. Support early, proactive, and comprehensive coordination and outreach processes across FirstNet;
 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, including RODs or FONSI, or re-delegate this authority in writing to other FirstNet personnel, as appropriate.
- (c) **Environmental Director and/or NEPA Coordinator.** Responsible for coordinating and overseeing FirstNet's compliance with NEPA in accordance with this policy. The Environmental Director and/or NEPA Coordinator shall:
1. Assist the CEO in implementing FirstNet's compliance with NEPA;
 2. Review and provide recommendations on all NEPA actions covered by this policy;
 3. Transmit, with written recommendations, NEPA documents for action to the FirstNet CEO 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 FirstNet's effective and efficient implementation of NEPA;
 5. Provide technical and administrative advice and training to FirstNet 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;
 6. Act as a liaison with the Department of Commerce, CEQ, and U.S. Environmental Protection Agency 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 CEO 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 NEPA documentation and legislative proposals; and
 8. Consult with relevant stakeholders, including Applicants, as applicable, to identify how the requirements of this policy shall be met and at a minimum:
 - A. 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 Chief Counsel, as necessary;
 - B. Review and comment upon draft NEPA 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;
 - C. Consult with other federal, state, territorial, and local regulatory and/or resource agencies and tribal governments on draft NEPA documents to specifically include agencies that have jurisdiction, by law, over a resource or geographic area; and
 - D. 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.
- (d) **FirstNet Chief Counsel.** The Chief Counsel of FirstNet, or an authorized designee within the FirstNet Office of the Chief Counsel, shall provide all legal services regarding NEPA compliance to include:
1. Providing legal sufficiency reviews of NEPA documents, as appropriate;
 2. Assisting the FirstNet CEO, Environmental Director, and NEPA Coordinator in determining the applicability of NEPA and the level of review for a proposed action, as appropriate; and
 3. Assisting the FirstNet CEO, Environmental Director, and NEPA Coordinator in establishing or revising this policy and the FirstNet NEPA program, as necessary.

General Environmental Review Process

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

Developing the Purpose and Need

FirstNet shall ensure the purpose and need of a proposed action considers the FirstNet mission while not unduly limiting the range of alternatives to be considered in accomplishing its statutory mission. FirstNet 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 will, for the first time, allow public safety entities to effectively communicate with each other across agencies and jurisdictions.

Applying NEPA Early in the Process

FirstNet shall integrate the NEPA process with other NPSBN planning at the earliest possible time to ensure that decisions reflect environmental considerations in order to avoid delays or potential conflicts. Accordingly, FirstNet 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, environmental 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 review will be undertaken by an Applicant:

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



- (b) FirstNet 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) FirstNet shall initiate its NEPA review process at the earliest practicable time.

Scoping

FirstNet shall comply with scoping procedures described in 40 § 1501.7 that are required for proposed actions normally requiring an EIS. In some, but not all, circumstances, and at the discretion of the Environmental Director and/or the NEPA Coordinator, scoping shall also be conducted on an EA. Additionally, FirstNet may also require scoping procedures to be followed for other proposed actions, where appropriate, to achieve the purposes of NEPA. When evaluating the type and extent of the NEPA document and review, FirstNet 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 coordinating agencies for the action, as appropriate;
- (d) Identify or develop reasonable alternatives to a proposed action;
- (e) Consider the context and intensity of the potential direct, indirect, and cumulative environmental effects of a proposed action(s) and any reasonable or appropriate alternatives; and
- (f) Consider mitigation measures or strategies to minimize, reduce, or eliminate the environmental impacts of a proposed action(s), as necessary.

Public Involvement

In carrying out its responsibilities under NEPA, FirstNet shall comply with the public involvement requirements described in 40 C.F.R. § 1506.6 and make diligent efforts to involve the public in the environmental review process. In addition, FirstNet shall:

- (a) Ensure 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) Determine the appropriate medium(s) for publishing notices relating to environmental matters on a project-by-project basis;



- (c) Assess and consider public comments both individually and collectively and ensure that responses to public comments are appended to the applicable environmental document, as appropriate;
- (d) Make available to the public those project-related environmental documents that FirstNet determines will enhance public participation in the environmental process. These materials shall be placed in locations convenient for the public as determined by FirstNet; and
- (e) Hold public hearings or meetings at reasonable times and locations concerning environmental aspects of a proposed action in all cases where, in the opinion of FirstNet, hearings or meetings are needed in order to develop adequate information on the environmental implications of the proposed action. Public hearings or meetings conducted by FirstNet 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.

General Requirements for Categorical Exclusions

CEs are categories of actions that FirstNet has found, based on past experience with similar actions, do not individually or cumulatively have significant environmental impacts and normally do not require any further NEPA review. FirstNet 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 environmental review. The approved list of FirstNet 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) FirstNet shall not be required to, but may at its discretion, document its determination that a CE applies to a proposed action.
- (b) Documentation prepared by an Applicant to demonstrate that an action qualifies for a CE shall be provided for FirstNet'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 FirstNet, 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.
- (d) Extraordinary circumstances that, if present, may result in a potentially significant environmental effect are listed in Appendix C.
- (e) The list of approved FirstNet CEs is subject to continual review and can be modified by amending/revising this policy, in consultation with CEQ.



- (f) The use of a CE does not relieve FirstNet or an Applicant of obligations to comply with other statutes or required consultations, such as under the Endangered Species Act of 1973 (16 U.S.C. §§ 1531 *et seq.*) or the National Historic Preservation Act of 1966 (16 U.S.C. §§ 470 *et seq.*).

General Requirements for Environmental Assessments

FirstNet or an Applicant shall prepare an EA, as defined in 40 C.F.R. § 1508.9, for a proposed action that FirstNet determines may have significant environmental impacts. 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. Part. 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.

Environmental Assessment Development Process

FirstNet or an Applicant shall develop an EA in accordance with the following process and requirements.

- (a) The FirstNet CEO 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) FirstNet or an Applicant, in preparing an EA, shall ensure, at minimum, the contents of the EA: (1) comply with the requirements of 40 C.F.R. § 1508.9; (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 FirstNet to determine the potential impacts associated with the proposed action.
- (c) If FirstNet determines, based on an independent review, that the proposed action will not have a significant impact, FirstNet may issue a FONSI as described in 40 C.F.R. § 1508.13.



- (d) If, after review of the EA, FirstNet determines that the proposed action may have a significant environmental impact, FirstNet, 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 FirstNet determines that the proposed action will have a significant environmental impact, FirstNet, 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 project, FirstNet, 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.

General Requirements for an Environmental Impact Statement

FirstNet, in coordination with an Applicant, shall prepare an EIS when it determines that a proposed action may significantly impact the quality of the human environment or when the results of an EA indicate the proposed action will have significant impacts. Actions normally requiring the preparation of an EIS include:

- (a) Major federal actions found to cause significant effects on the human environment that cannot be mitigated to a level of insignificance (identifiable at the start of the NEPA process or through the preparation of an EA);
- (b) Major federal actions occurring in the United States that are known to cause significant environmental effects on the global commons, such as the oceans or Antarctica, as described in Executive Order (E.O.) 12114, Environmental Effects Abroad of Major Federal Actions; and
- (c) Actions for which FirstNet is required by statute to develop an EIS.

Environmental Impact Statement Development Process

In preparing an EIS, FirstNet shall solicit public involvement and comment as described in 40 C.F.R. §§ 1503.1 – 1503.4 after preparing a draft EIS and before preparing a final EIS. FirstNet shall also ensure the contents of an EIS contain the elements described in 40 C.F.R. §§ 1502.10 – 1502.18. Unless FirstNet determines that there is a compelling reason to do otherwise, FirstNet shall follow the standard EIS format and include 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

Finally, FirstNet shall prepare a concise public ROD in accordance with 40 C.F.R. § 1505.2.

Environmental Review and Consultation Requirements for NEPA Review

To the fullest extent possible, FirstNet, 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 (16 U.S.C. §§ 470 *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.*); 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.

Cumulative Impacts

FirstNet NEPA analyses shall assess cumulative impacts, which are impacts on the environment resulting from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions. *See* 40 C.F.R. § 1508.7.

Environmental Justice

FirstNet shall comply with E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

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 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, FirstNet 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.

(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 (40 C.F.R. § 1508.13) that briefly states why an action (not otherwise excluded) will not significantly affect the environment.
2. If the FirstNet FirstNet CEO or an authorized delegate determines, based on an independent review of the EA, that the proposed action will not have a significant impact, FirstNet 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 CEO or an authorized delegate that the proposed action will have a significant environmental impact, FirstNet shall proceed with the preparation of an EIS.

(c) Record of Decision

1. When it is determined that an EIS is required, FirstNet'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 in accordance with 40 C.F.R. § 1505.2 for the final decision maker, whether the FirstNet CEO or a delegate, for approval and signature.
2. If all other requirements have been met, FirstNet or an Applicant may implement of the proposed action may begin immediately after the ROD is signed.

Mitigation

FirstNet, throughout the environmental review process, shall consider mitigation measures, as defined in 40 C.F.R. § 1508.20, to avoid or minimize environmental harm, where possible. In addition, the following actions shall be taken to ensure proper implementation of mitigation measures:

- (a) FirstNet 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) FirstNet 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 the sufficient resources will be available to perform and help monitor the mitigation;
- (c) Prior to and during the implementation of a site-specific action, FirstNet 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, FirstNet 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.

Tiering

FirstNet shall tier environmental documents to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review, as appropriate (See 40 C.F.R. § 1508.28). When a programmatic EIS has been prepared, FirstNet need only summarize the issues discussed in the broader environmental document, incorporate discussions from the broader environmental document by reference, and focus the tiered document on issues specific to the subsequent action.

Emergencies

FirstNet 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 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) FirstNet 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, FirstNet shall take into account 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 FirstNet.



- (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 environmental assessment 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 Chief Counsel about alternative arrangements for NEPA compliance. The Environmental Director, the NEPA Coordinator, or an authorized designee may grant an alternative arrangement. Any alternative arrangement shall be documented and notice of its use provided to CEQ.

The Environmental Director or NEPA Coordinator shall consult with CEQ about alternative arrangements as soon as possible if FirstNet 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. Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, as codified in Parts 1500 through 1508 of Title 40 of the Code of Federal Regulations (40 C.F.R. Parts 1500-1508).
3. Endangered Species Act of 1973, 16 U.S.C. §§ 1531 *et seq.*
4. Fish and Wildlife Coordination Act, 16 U.S.C. §§ 661 *et seq.*
5. National Historic Preservation Act of 1966, 16 U.S.C. §§ 470 *et seq.*
6. Migratory Bird Treaty Act of 1918, 16 U.S.C. §§ 703 *et seq.*
7. Bald and Golden Eagle Protection Act of 1940, 16 U.S.C. §§ 668 *et seq.*
8. Clean Air Act of 1970, 42 U.S.C. §§ 7401 *et seq.*
9. Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*
10. Coastal Zone Management Act of 1972, 16 U.S.C. §§ 1451 *et seq.*
11. Wild and Scenic Rivers Act of 1968, 16 U.S.C. §§ 1271 *et seq.*
12. Marine Mammal Protection Act of 1972, 16 U.S.C. §§ 31 *et seq.*
13. 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. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
5. E.O. 13112, Invasive Species
6. E.O. 13175, Consultation and Coordination with Indian Tribal Governments
7. E.O. 13186, Responsibilities of Federal Agencies to Protect Migratory Birds

Council on Environmental Quality Guidance

CEQ Guidance Documents that should be considered during the development of a NEPA review include:

1. “Memorandum for Heads of Federal Departments and Agencies: Improving the Process for Preparing Efficient and Timely Environmental Reviews Under the National Environmental Policy Act” (CEQ, 2012).
2. “Memorandum for Heads of Federal Departments and Agencies: Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact” (CEQ, 2011).
3. “Memorandum for Heads of Federal Departments and Agencies: Establishing, Applying, and Revising Categorical Exclusions Under the National Environmental Policy Act” (CEQ, 2010).
4. “Memorandum for Heads of Federal Departments and Agencies: Emergencies and the National Environmental Policy Act” (CEQ, 2010).
5. “Aligning National Environmental Policy Act Processes with Environmental Management Systems” (CEQ/NEPA Task Force, 2007).
6. “Collaboration in NEPA: A Handbook for NEPA Practitioners” (CEQ/NEPA Task Force, 2007).
7. “Memorandum for Federal NEPA Contacts: Emergency Actions and NEPA” (CEQ, 2005).
8. “Memorandum for Federal NEPA Contacts: Emergency Actions and NEPA, Appendix 2: Preparing Focused, Concise and Timely Environmental Assessments” (CEQ, 2005).
9. “Guidance on the Consideration of Past Actions in Cumulative Effects Analysis” (CEQ, 2005).
10. CEQ Memorandum for Deputy/Assistant Heads of Federal Agencies: Identifying Non-Federal Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act” (CEQ, 2000).



11. "CEQ Memorandum for Heads of Federal Agencies: Designation of Non-Federal Agencies to be Cooperating Agencies in Implementing the Procedural Requirements of NEPA" (CEQ, 1999).
12. "Considering Cumulative Effects Under the National Environmental Policy Act" (CEQ, 1997).
13. "Environmental Justice: Guidance Under the National Environmental Policy Act" (CEQ, 1997).
14. "CEQ Guidance on NEPA Analyses for Transboundary Impacts" (CEQ, 1997).
15. "Memorandum to Heads of Federal Departments and Agencies Regarding Pollution Prevention and the National Environmental Policy Act" (CEQ, 1993).
16. "Incorporating Biodiversity Considerations into Environmental Impact Analysis Under the National Environmental Policy Act" (CEQ, 1993).
17. "CEQ Guidance Regarding NEPA Regulations" (CEQ, 1983).
18. "Forty Most Asked Questions Concerning CEQ's NEPA Regulations" (CEQ, 1981).
19. "Guidance on Applying Section 404(r) of the Clean Water Act to Federal Projects Which Involve the Discharge of Dredged or Fill Materials into Waters of the U.S., Including Wetlands" (CEQ, 1980).
20. "Environmental Effects Abroad of Major Federal Actions, Executive Order 12114; Implementing and Explanatory Documents" (CEQ, 1979).
21. "CEQ Memorandum for Heads of Agencies: Implementation of Executive Order 11988 on Floodplain Management and Executive Order 11990 on Protection of Wetlands" (CEQ, 1978).
22. "Environmental Review Pursuant to Section 1424(e) of the Safe Drinking Water Act of 1974 and its Relationship to NEPA" (CEQ, 1976).



Appendix B – Categorical Exclusions



Categorical Exclusions

This document lists approved categorical exclusions that may be applied to First Responder Network Authority (FirstNet) 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 FirstNet, 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), FirstNet’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 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 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 (EAs) 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) 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 FirstNet 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

The following extraordinary circumstances or First Responder Network Authority (FirstNet) actions with respect to the following types of facilities may significantly affect the environment and may require further environmental review and the preparation of an Environmental Assessment (EA):

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* 16 U.S.C. § 470w(5); Parts 60 through 800 of Title 36 of the Code of Federal Regulations [36 C.F.R. Parts 60 and 800]).¹ However, these requirements do not apply to:
 - a. The mounting of antennas² (including associated equipment such as wiring, cabling, cabinets, or backup-power) on existing utility structures (including utility poles and electric transmission towers in active use by a "utility" as defined in Section 224 of the Communications Act of 1934, 47 § U.S.C. 224, but not including light poles, lamp posts, and other structures whose primary purpose is to provide public lighting) where the deployment meets the following conditions:
 - i. All antennas that are part of the deployment fit within enclosures (or if the antennas are exposed, within imaginary enclosures) that are individually no

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 Advisory Council on Historic Preservation, 36 C.F.R. Part 800, as modified and supplemented by the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (*See* 47 § C.F.R. Appendix B Part 1) and the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (*See* 47 § C.F.R. Appendix C Part 1).

² A non-visible new antenna is in the "same vicinity" as a pre-existing antenna if it will be collocated on the same rooftop, facade, or other surface. A visible new antenna is in the "same vicinity" as a pre-existing antenna if it is on the same rooftop, facade, or other surface and the centerpoint of the new antenna is within ten feet of the centerpoint of the pre-existing antenna. A deployment causes no new ground disturbance when the depth and width of previous disturbance exceeds the proposed construction depth and width by at least two feet.



more than three (3) cubic feet in volume, and all antennas on the structure, including any pre-existing antennas on the structure, fit within enclosures (or if the antennas are exposed, within imaginary enclosures) that total no more than six (6) cubic feet in volume;

- ii. All other wireless equipment associated with the structure, including pre-existing enclosures and including equipment on the ground associated with antennas on the structure, are cumulatively no more than 17 cubic feet in volume, exclusive of:
 - 1. Vertical cable runs for the connection of power and other services;
 - 2. Ancillary equipment installed by other entities that is outside of the Applicant's ownership or control, and
 - 3. Comparable equipment from pre-existing wireless deployments on the structure;
 - iii. The deployment will involve no new ground disturbance; and
 - iv. The deployment would otherwise require the preparation of an EA under 47 C.F.R. § 1.1307(a)(4) solely because of the age of the structure.
- b. The mounting of antennas (including associated equipment such as wiring, cabling, cabinets, or backup-power) on buildings or other non-tower structures where the deployment meets the following conditions:
- i. There is an existing antenna on the building or structure;
 - ii. One of the following criteria is met:
 - 1. Non-Visible Antennas. The new antenna is not visible from any adjacent streets or surrounding public spaces and is added in the same vicinity as a pre-existing antenna;
 - 2. Visible Replacement Antennas. The new antenna is visible from adjacent streets or surrounding public spaces, provided that:
 - a. It is a replacement for a pre-existing antenna;
 - b. The new antenna will be located in the same vicinity as the pre-existing antenna,



- c. The new antenna will be visible only from adjacent streets and surrounding public spaces that also afford views of the pre-existing antenna,
 - d. The new antenna is not more than three (3) feet larger in height or width (including all protuberances) than the pre-existing antenna; and
 - e. No new equipment cabinets are visible from the adjacent streets or surrounding public spaces; or
3. Other Visible Antennas. The new antenna is visible from adjacent streets or surrounding public spaces, provided that:
- a. It is located in the same vicinity as a pre-existing antenna;
 - b. The new antenna is visible only from adjacent streets and surrounding public spaces that also afford views of the pre-existing antenna;
 - c. The pre-existing antenna was not deployed pursuant to the exclusion in this subsection (47 C.F.R. § 1.1307(a)(4)(ii)(B)(2)(iii));
 - d. The new antenna is not more than three (3) feet larger in height or width (including all protuberances) than the pre-existing antenna; and
 - e. No new equipment cabinets are visible from the adjacent streets or surrounding public spaces;
- c. The new antenna complies with all zoning conditions and historic preservation conditions applicable to existing antennas in the same vicinity that directly mitigate or prevent effects, such as camouflage or concealment requirements;
 - d. The deployment of the new antenna involves no new ground disturbance; and
 - e. The deployment would otherwise require the preparation of an EA under 47 C.F.R. § 1.1307(a)(4) solely because of the age of the structure.
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 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 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 FirstNet a written petition setting forth in detail the reasons justifying or circumstances necessitating environmental consideration in the decision-making process. FirstNet shall review the petition and consider the environmental concerns that have been raised. If FirstNet determines that the action may have a significant environmental impact, FirstNet 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. FirstNet 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. Part 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) of Appendix B to Part 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. FirstNet 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 FirstNet is responsible for processing a particular action otherwise categorically excluded, and determines that the proposal may have a significant environmental impact, FirstNet on its own motion, shall require the Applicant to submit an EA.