



Minnesota Broadband Environmental Permitting Overview

Office of Broadband Development | January 22, 2025

Minnesota Broadband Charter Group

The Broadband Charter Group was created to **coordinate with other Minnesota state government agencies and continue review of the adequacy, effectiveness and expedience of the permitting process for broadband deployment projects.**

From the Charter, recognized additional capacity needed on the OBD team to meet the needs of infrastructure projects out of the state programs and federal programs.

OBD created a new position, Broadband Environmental and Land Use Coordinator, and filled this role in April 2025.

Charter Group members include:

- Governor's Office
- Minnesota Department of Employment and Economic Development (Deputy Commissioner of Economic Development, Office of Broadband
- Development Executive Director
- MN Business First Stop Coordinator
- MN Department of Transportation
- MN Department of Labor and Industry
- MN Department of Natural Resources
- MN State Historic Preservation Office
- MN Office of the State Archaeologist
- MN Indian Affairs Council
- MN Office of Pipeline Safety
- Gopher State One Call

New position added to the Office of Broadband Team

- Megan Messerole
- Broadband Environmental and Land Use Coordinator
- Started in April 2025
- Background in Archaeology and Cultural Resources Management
- Will assist ISPs with navigating the permitting process.



Broadband installation requires a lot of permitting and environmental navigation

Permitting Landscape

Construction of a simple one-mile broadband deployment can require various local, state, and/or federal permits. Deployment that runs through local land will require coordination with state/local governments to obtain permits.

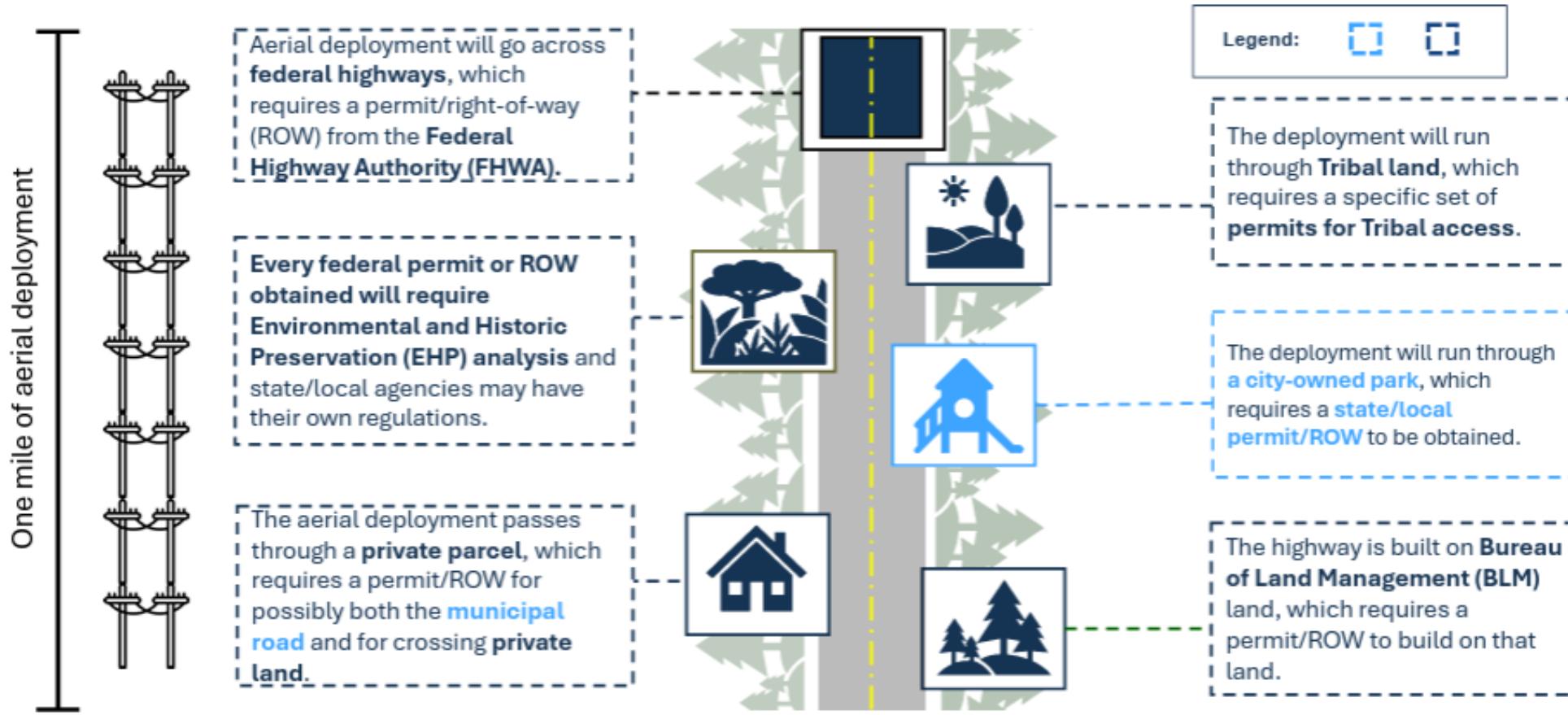
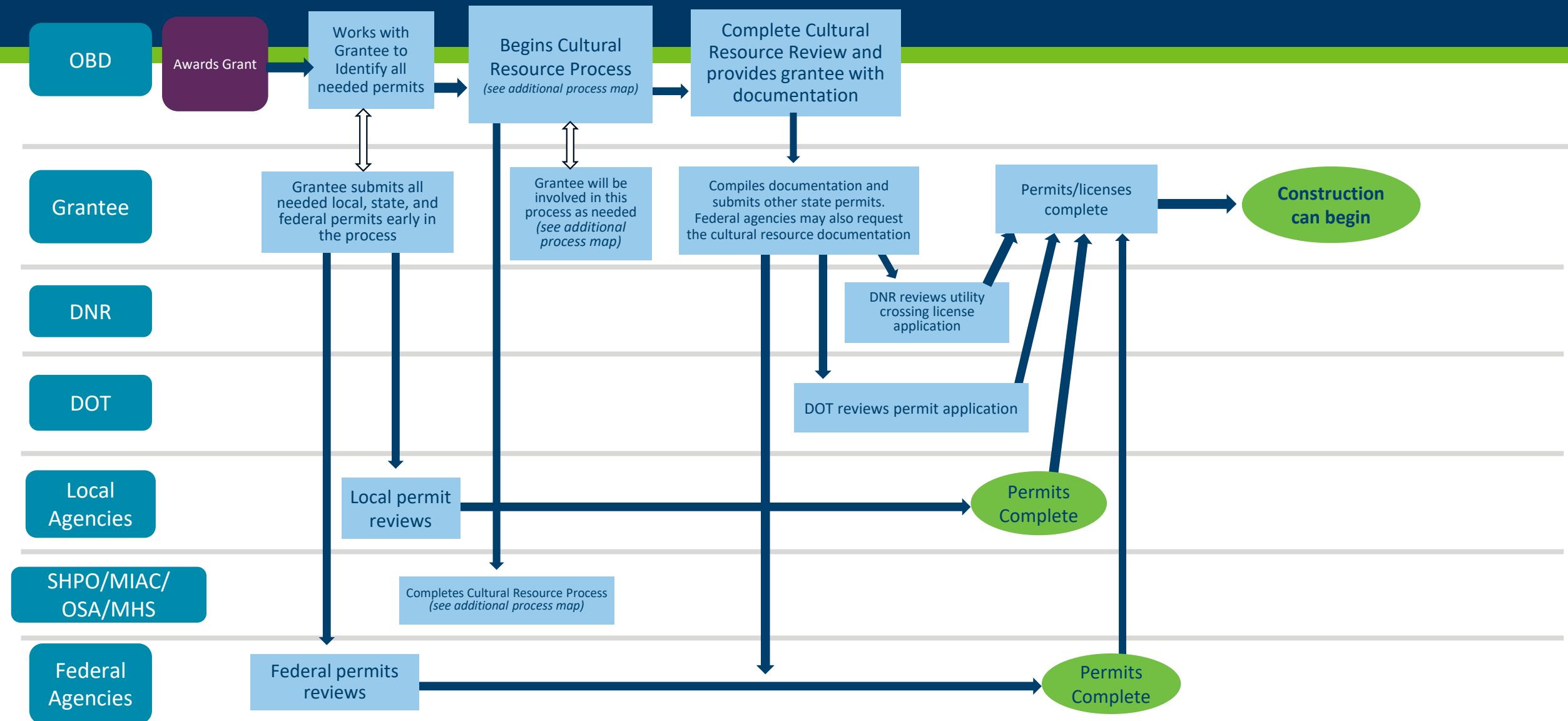


Image Source: NTIA

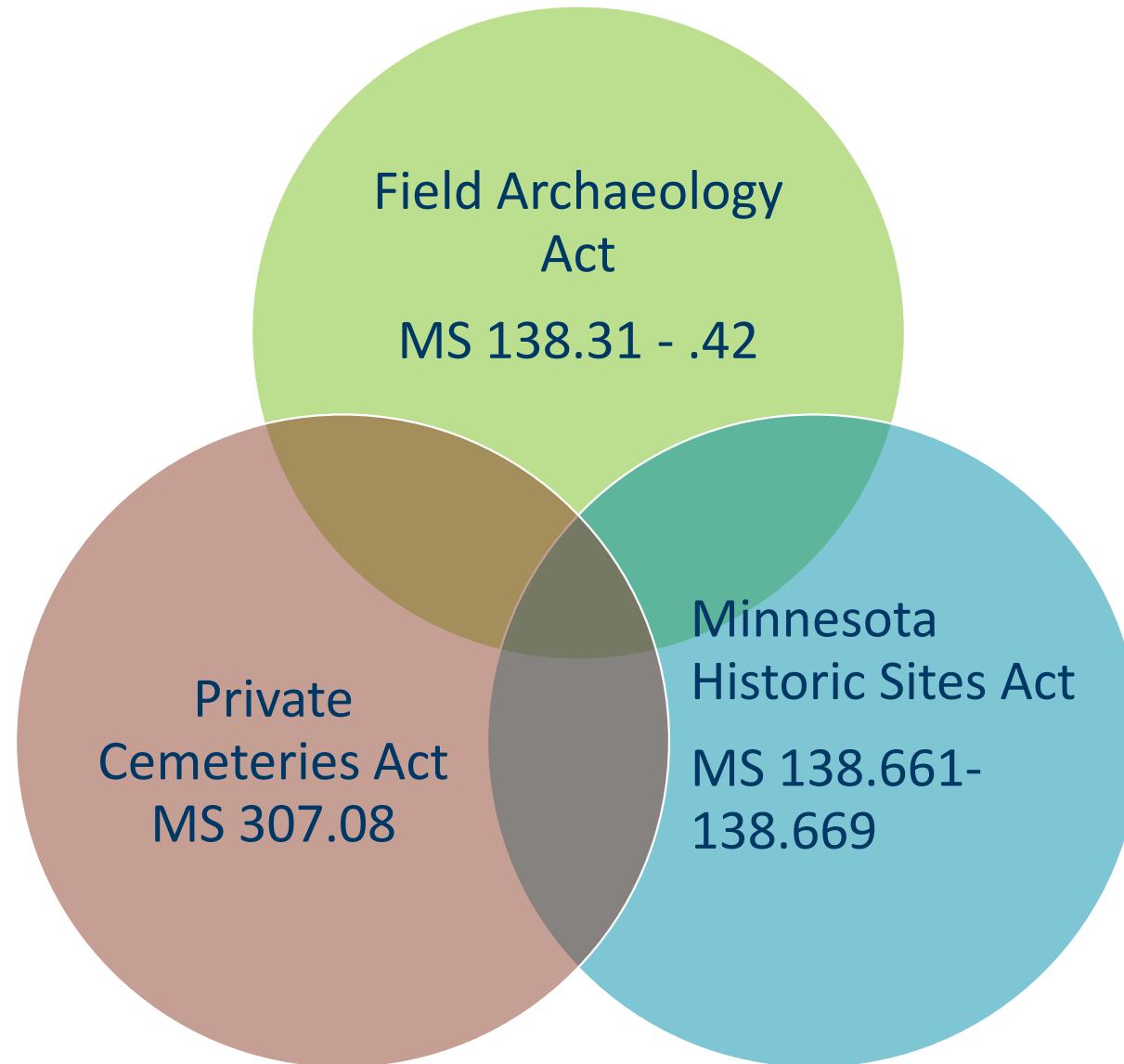
Common MN State Broadband Requirements

- Minnesota DOT utility ROW permits ([23 USC § 109\(I\)\(1\)\(A\)](#))
- Minnesota DNR utility crossing licenses – public water crossings and state land ([Minnesota Statutes 84.415](#))
- Gopher State One Call ([Minnesota Statutes 216D](#))
- Safety-Qualified Underground Telecommunications Installer Certification Program ([Minnesota Statutes 326B.198](#))
- Construction stormwater permit – Minnesota Pollution Control Agency
- Minnesota Cultural Resource laws (Field Archaeology Act MS 138.31 - .42, Minnesota Historic Sites Act , MS 138.661-138.669, and Private Cemeteries Act MS 307.08)
- And others (local, federal, tribal)

Process Map for MN Broadband State-Funded Projects



MN Cultural Resource State laws



Roles in state Cultural Resource Compliance



SHPO – reviews projects



OSA – reviews projects and issues field archeology licenses and authenticates private cemeteries



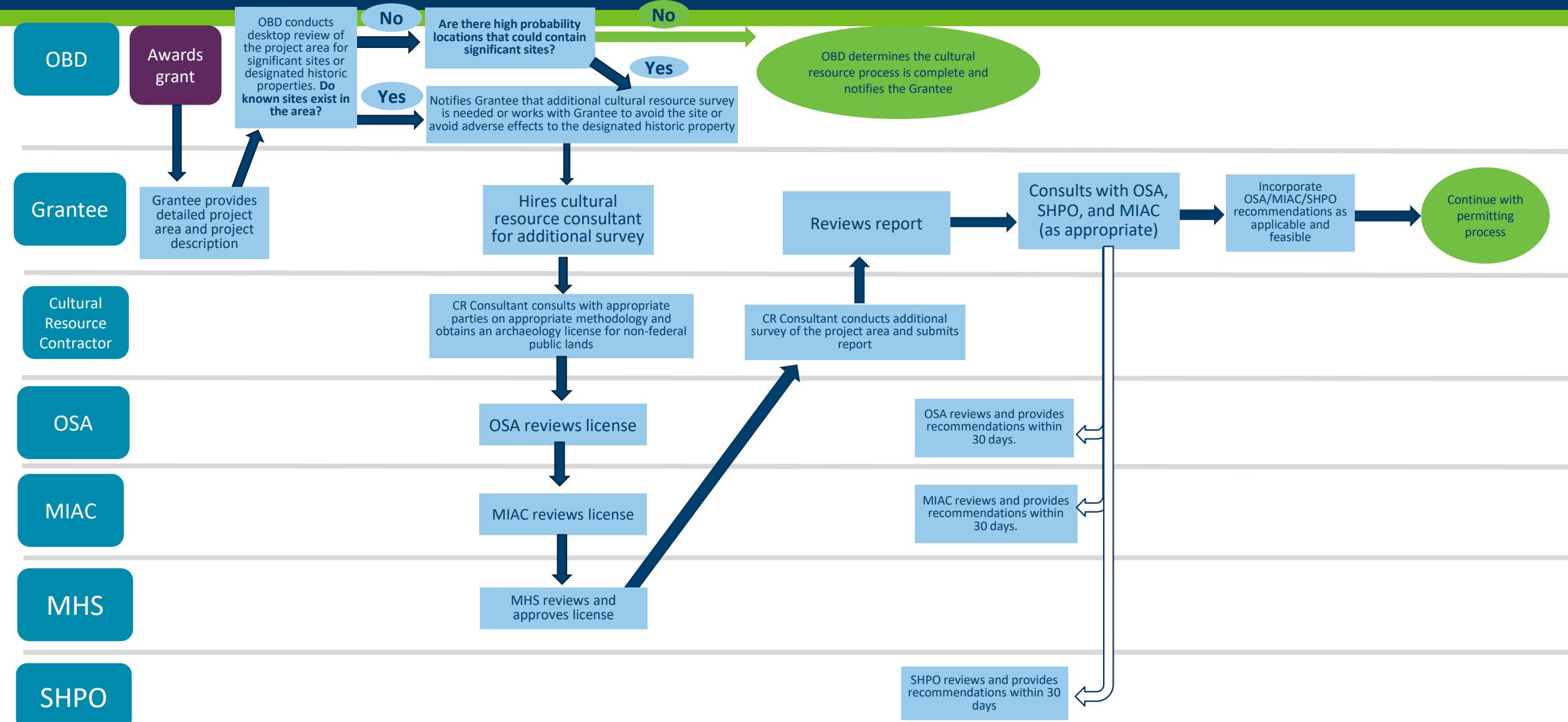
MIAC - reviews projects and issues field archeology licenses and authenticates private Native American cemeteries



MHS - issues field archaeology licenses

Cultural Resource Process for State-Funded Broadband Grants

This workflow applies to nonfederal and nontribal public lands, when no burials are known or expected to exist in the project area



But these are small utility lines,
what damage could they cause?

Broadband Impacts on Natural and Cultural Resources

- The obvious stuff: trenching or boring into an archaeological site
- Brush management/tree clearing so that construction vehicles can reach the fiber burial location or poles
- Ruts or compaction caused by the construction vehicles
- Placing a wireless tower or a pedestal in the middle of a historic district or sacred place.



Bored Gas line on an Anglo-Saxon burial, UK







Early environmental coordination and kick-off meetings

- Early environmental/permitting coordination on broadband projects can help:
 - Identify time-consuming permits that could be either avoided or proactively approached
 - Identify agencies that might be involved
 - Work together to determine creative solutions
 - Identify gaps in information or maps that may be needed for the permit applications later
 - Save time and money and hopefully - headaches down the road

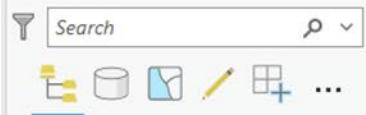


GIS is critical for early identification

- ArcGIS Pro
- Providers submit maps with proposed builds in their grant applications
- Comparing provider maps with existing GIS layers
 - Land and infrastructure ownership: DNR, federal lands, tribal, DOT, railroad
 - Environmental considerations: soils, lidar, sites of biological significance, DNR Public Waters
 - Cultural resources: MnSHIP and OSAPortal, GLO plat maps, aerial imagery
 - Cemeteries, National Register of Historic Properties, archaeological sites, ghost towns, etc.



Contents



Drawing Order

MN DNR Natural Heritage...

calcareous_fens

Rare Natural Communities

rare_natural_commu...
status

Candidate

Designated

Nominated

<all other values>

potential_rare_natural...

lakes_of_biological_signifi...



mcbs_sites_of_biodiversit...



Minnesota - State Admi...

UNIT TYPE

Aquatic Management...

Fish Management Area

Other Forest Land

Public Water Access

Scientific and Natural...

State Forest

State Park

State Recreation Area

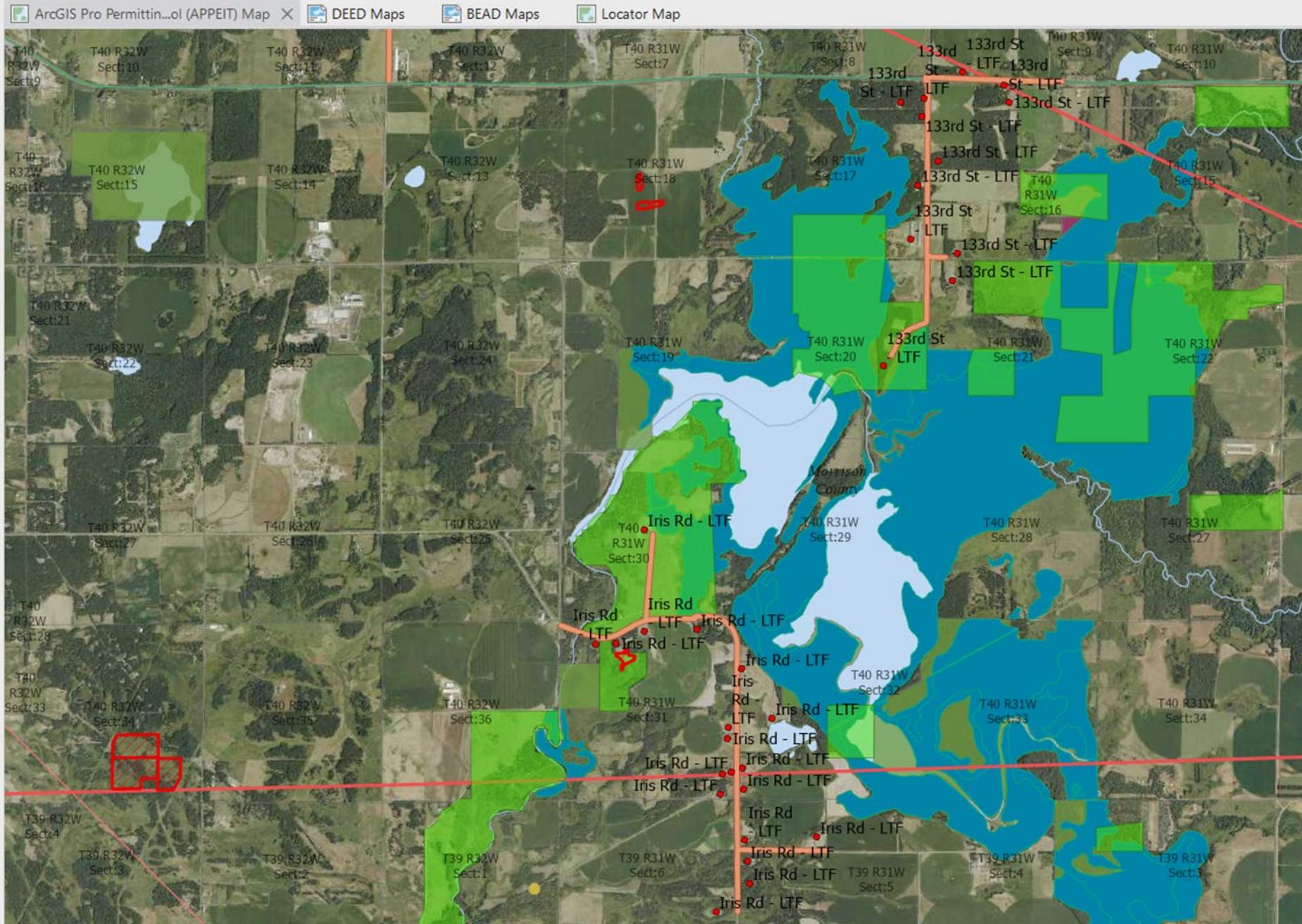
State Trail

State Wayside

Water Trail Camping Site

Wildlife Management...

DNR MN public_waters...



Importance of Lidar in Environmental and Permitting Review



Importance of Lidar in Environmental and Permitting Review



- Lidar
Light detection and ranging
- 1st generation: 2008-2012
 - Lidar Hill shade derived from 1 meter resolution is available statewide
- 2nd generation: 2021-2024
 - 0.5 meter resolution

How BEAD permitting is different than MN State Funded Projects

- Federal funding triggers federal laws including the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) and the Endangered Species Act (ESA), among others.
- OBD will act as the Joint Lead Agency, but NTIA is still the lead federal agency.
- OBD will work with ISPs to take a more hands-on approach with Environmental and Historic Preservation permits and submit that information to NTIA
- Time frames for Environmental and Historic Preservation will likely take longer than state funded projects
- Depending on impacts, an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be needed.



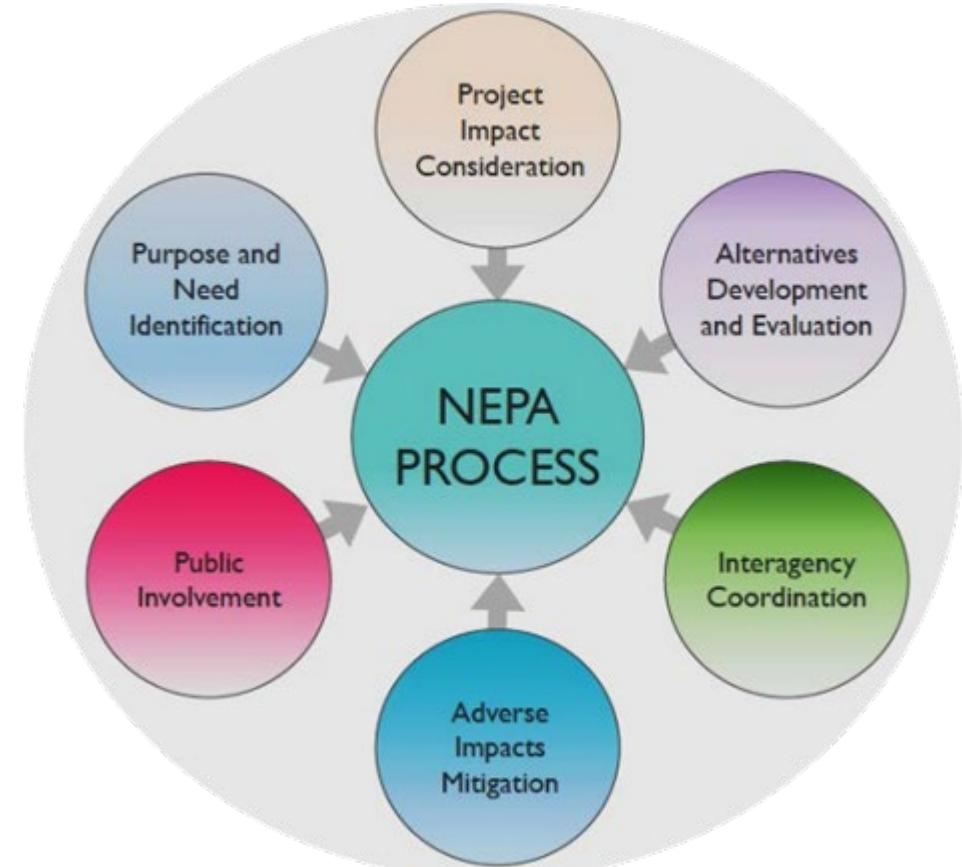
How BEAD permitting is different than MN State Funded Projects

- The contract BEAD ISPs sign will have language related to the Federal Environmental and Historic Preservation requirements
- Examples:
 - Construction can NOT begin in any part of the project area until federal requirements are complete
 - Grantee must provide a milestone schedule identifying specific deadlines and describing how Grantee proposes to meet these timing requirements
 - If project plans change after NEPA is complete, the grantee will need to notify OBD.
 - If any potential archeological resources or buried human remains are discovered during construction, Grantee must immediately stop work in that area, secure that area, and keep information about the discovery confidential, except to notify OBD.

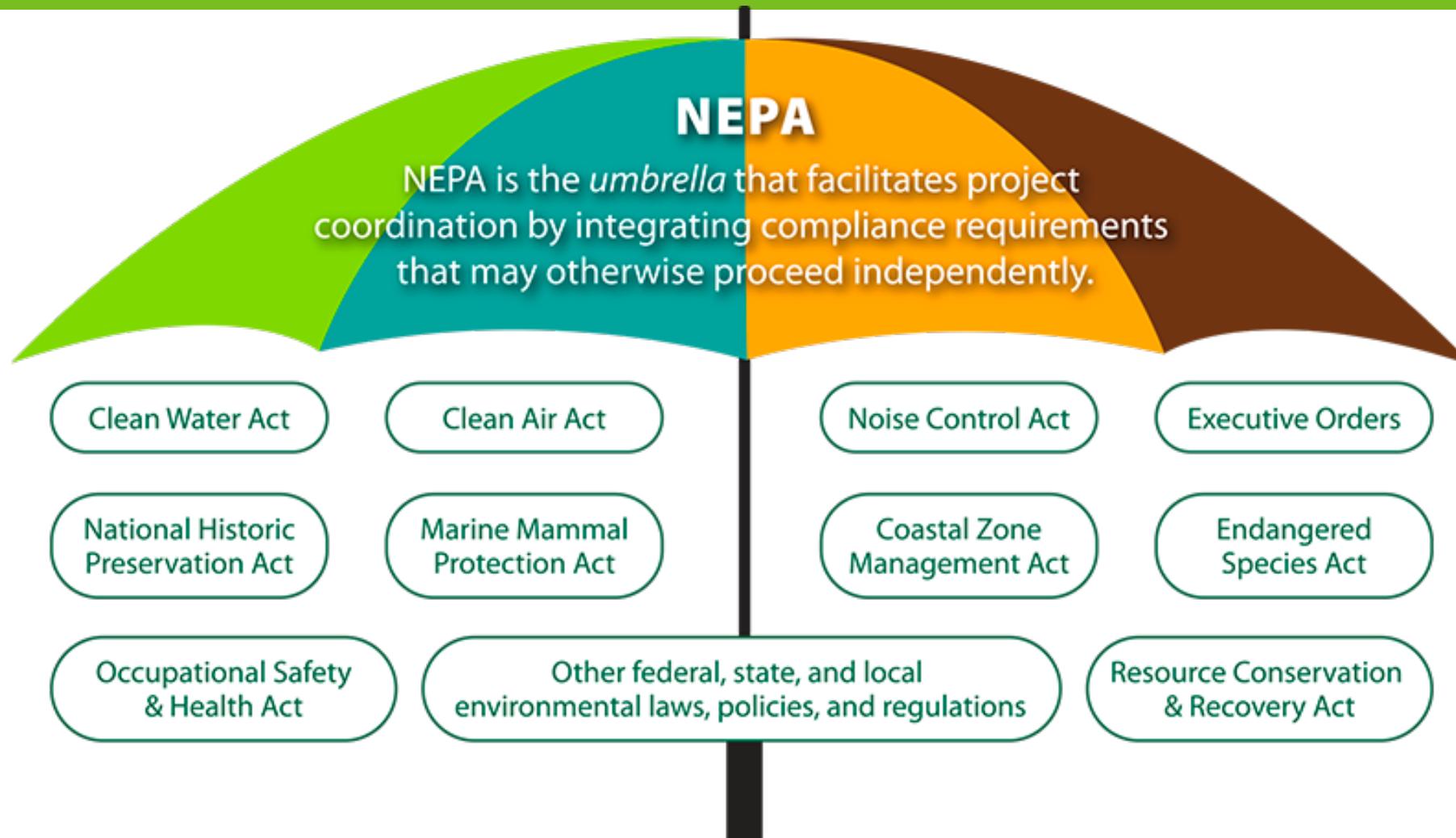


National Environmental Policy Act (NEPA)

- Evaluation of federal project or action's effect on the environment
- Agencies should:
 - Be trustees of the environment for succeeding generations;
 - Assure safe, healthful, productive, and esthetically and culturally pleasing surroundings;
 - Attain beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
 - Preserve important historic, cultural, and natural aspects of our national heritage



National Environmental Policy Act (NEPA)



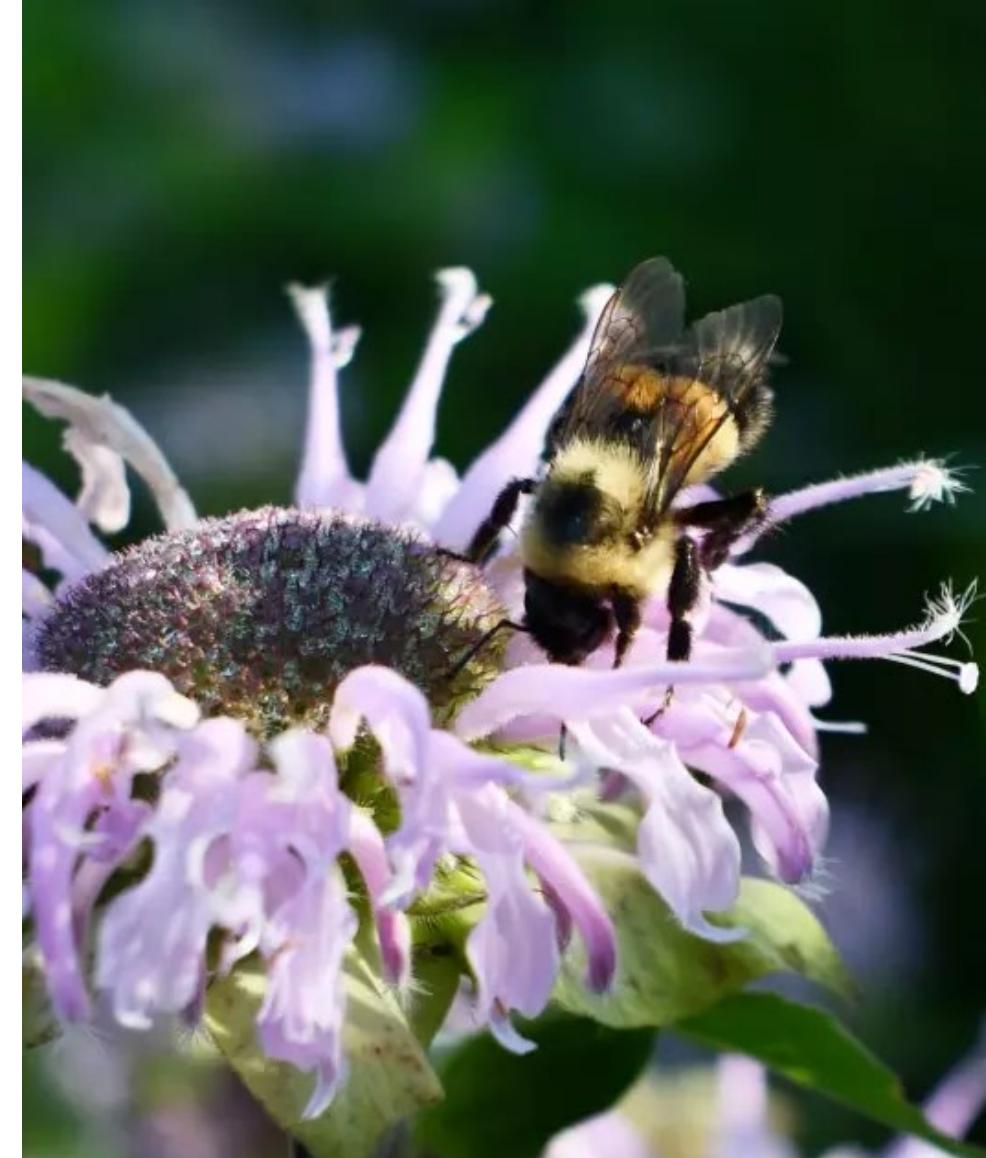


NHPA: Section 106

- Requires federal agencies to consider effects of federal projects on historic properties.
- Includes projects they carry out, assist, fund, permit, license, or approve throughout the country.
 - Doesn't matter if it is private or publicly owned land, it will still apply
- Section 106 process
 - Identify historic properties
 - Assess adverse effects
 - Resolve adverse effects
 - Consultation throughout

Endangered Species Act

- Establishes protections for fish, wildlife, and plants that are listed as threatened or endangered
- Section 7 of ESA:
 - Each Federal agency shall, ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species
- U.S. Fish and Wildlife Service Information for Planning and Consultation (IPAC) tool.
 - Streamlines the environmental review process



How I can help our grantees:

- Get ISPs in contact with the right agencies and contacts
- Facilitate permitting round tables for complex projects
- Navigate federal requirements
- Identify bottlenecks and help create efficiencies
- Initial screening of a project area to identify potential challenges
- Assist with formal consultation
- Conduct a Section 106 desktop review for grantees
- Conduct Endangered Species act review for grantees



Things to think about:

- Permitting and environmental compliance may seem like they're just red tape
- But:
 - They help protect our MN cultural heritage
 - They help protect sensitive or endangered species
 - Maintain clean air and water
 - Help keep us safe



BEAD NEPA resources for grantees on our website

Environmental Permitting Resources

Minnesota National Environmental Policy Act (NEPA) and Permitting Resources

- Planning for MN BEAD Grant Environmental, Historic Preservation, and Permitting Success (PDF) – *Coming soon*
- MN BEAD EHP Grantee Questionnaire (PDF) – *Coming soon*
- MN BEAD EHP Grantee Questionnaire Instructions (PDF) – *Coming soon*
- [Minnesota Broadband and Railroad Rights-of-Way](#) (PDF)
- [Environmental Historic Preservation \(EHP\) Requirements](#) (PDF) BEAD final proposal requirement documenting MN Environmental and Historic Preservation responsibilities.

NTIA NEPA and Permitting Resources

- [NTIA Permitting Needs Checklist](#) (PDF): Details how to structure a permitting needs assessment and access considerations
- [NTIA's ArcGIS Pro Permitting and Environmental Information Tool \(APPEIT\)](#): Tool for federal broadband grant recipients and subgrantees to identify permits and environmental factors in planning routes for deployments.
- [NTIA Best Management Practices and Mitigation Measures](#) (PDF): Best management practices (BMPs) and mitigation measures to minimize impacts during construction, deployment, and operation of NTIA funded broadband projects.
- [NTIA NEPA for BEAD NEPA Milestone Schedule and Timeline](#) (PDF): Guidance on requirements established in Section 13B of the BEAD Terms and Conditions.
- [NTIA Local Permitting Importance and Challenges and Strategies](#) (PDF): Guidance explaining local permitting, providing strategies and examples addressing challenges and increasing processing efficiency. environmental factors in planning routes for deployments.
- [Sample Project Descriptions and Maps for BEAD Environmental and Historic Preservation \(EHP\) Review](#): Provides guidance to assist Eligible Entities in preparing ESAPTT project descriptions and maps.

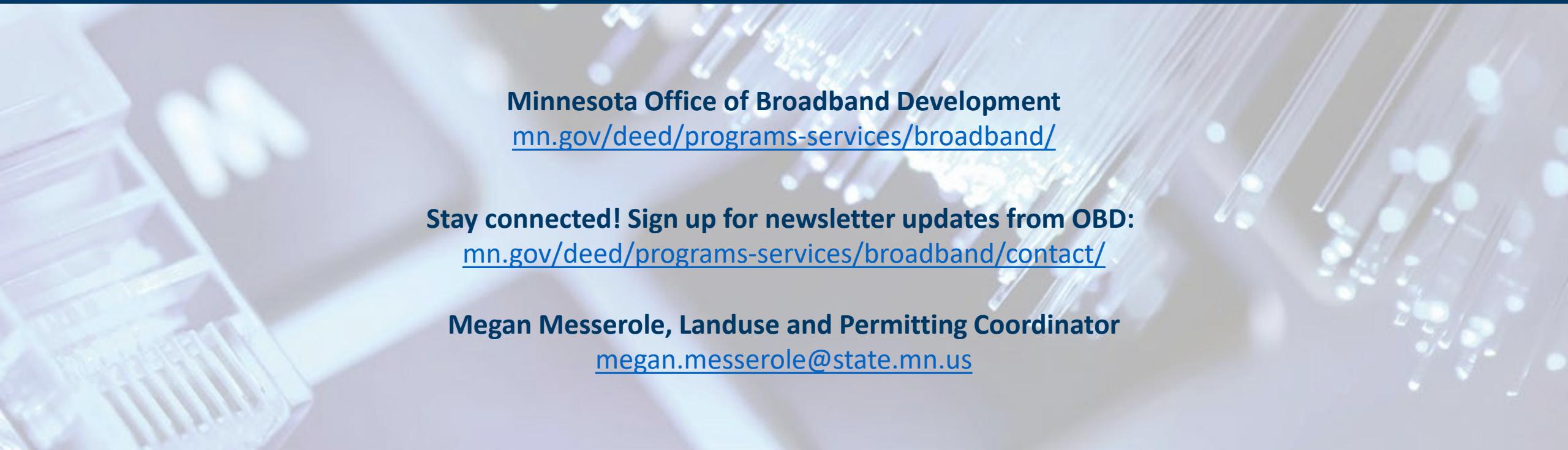
Other NEPA and Permitting Resources

- [EHP Programmatic Environmental Impact Statement \(PEIS\) Memo Minnesota](#) (PDF)

Upcoming environmental/permitting activities

- Hosting a late winter/spring environmental webinar series for ISPs
 - Expanding on the 2024 Permitting, Land Use, and State Systems webinars
 - New series will likely include some updates from the 2024 folks
 - Also include new agency presentations – hopefully the Army Corps, MN Office of Pipeline Safety, and MN Department of Labor and Industry
 - Stay tuned for more info
- April 29th, Broadband Conference
 - Include breakout sessions with permitting/environmental partner agencies

Feedback and Questions



Minnesota Office of Broadband Development
mn.gov/deed/programs-services/broadband/

Stay connected! Sign up for newsletter updates from OBD:
mn.gov/deed/programs-services/broadband/contact/

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