

MN OBD NEPA Project Area Guidance for Grantees

Background:

As a part of the Broadband Equity, Access and Deployment (BEAD) Program contract requirements, Grantees will not be able to commence implementation and implementation funds will not be disbursed until all necessary environmental review is complete for the BEAD project area, and National Telecommunications and Information Administration (NTIA) has approved any necessary National Environmental Policy Act (NEPA) decision document for that project area.

Some BEAD awards have multiple successful proposals to deploy services in different geographic areas within the state. This geographic diversity can unnecessarily expand the scope of the NEPA review, complicating and potentially delaying approvals for projects that have independent functionality. Dividing projects into smaller [NEPA project areas](#) allows construction to start incrementally, potentially preventing delays across the entire project due to a holdup in one section. These smaller NEPA project areas must have "independent utility," meaning they can function on their own without the other areas of the BEAD award. Construction and ground-disturbing activities can begin in a specific NEPA project area once it has received its final NEPA decision memo from NTIA. This is possible even if the entire, larger BEAD award has not yet obtained final NEPA clearance for all its areas.

MN OBD NEPA Project Areas:

The Minnesota Office of Broadband Development (OBD) is allowing, but not requiring, BEAD grantees to submit proposals to OBD to split their awarded project into multiple NEPA project areas. **Grantees may not split project areas into smaller NEPA project areas if they do not have independent utility.** Once submitted, OBD will review the proposed NEPA project areas and approve the proposed NEPA project areas or work with the grantee to revise the proposed areas. NEPA project areas will need to be finalized before BEAD contract signature.

Once the NEPA project areas are finalized, they will be reflected in the OBD grantor portal and you will need to upload required documentation and data separately for each NEPA project area. After NEPA has been completed for a NEPA project area, you will receive a NTIA NEPA decision document and an OBD "Notice to Proceed" for the locations within that NEPA project area. Once you receive those two documents, you may begin construction and implementation in that NEPA project area. **You must not begin construction or implementation in any other NEPA project area that has not received an NTIA NEPA decision document and a OBD "Notice to Proceed" document.**

You may not want to or be able to split NEPA project areas if:

- If your project has less than 50 BSLs.
- If your project award does not have areas that can function independently.
- If you are concerned about additional workload for grant tracking and NEPA document submission requirements.
- If the project will not cross federal lands and there are no known complexities for cultural or natural resources (if you're not sure if this applies to your project, we recommend using [NTIA's ArcGIS Pro Permitting and Environmental Information Tool \(APPEIT\)](#) to screen your project).

You may want to consider splitting your project area into separate NEPA project areas if:

- If your project has more than 50 BSLs (however, some larger BSL project areas that are geographically similar and connected would be simplest to keep them as one NEPA project area).
- If your project has multiple large areas that are geographically distinct and independent of one another.
- If you have the workload capacity to track multiple NEPA areas within the grant and complete multiple NEPA submission requirements.
- If portions of your project area cross federal lands or have complex cultural or natural resource concerns that could delay construction of the entire project.

Additional considerations:

Upon an initial review, OBD recommends that most BEAD project areas over 50 BSLs could be effectively split into 2-4 NEPA project areas. We do not recommend splitting any of the awarded MN BEAD projects into more than 10 NEPA project areas.

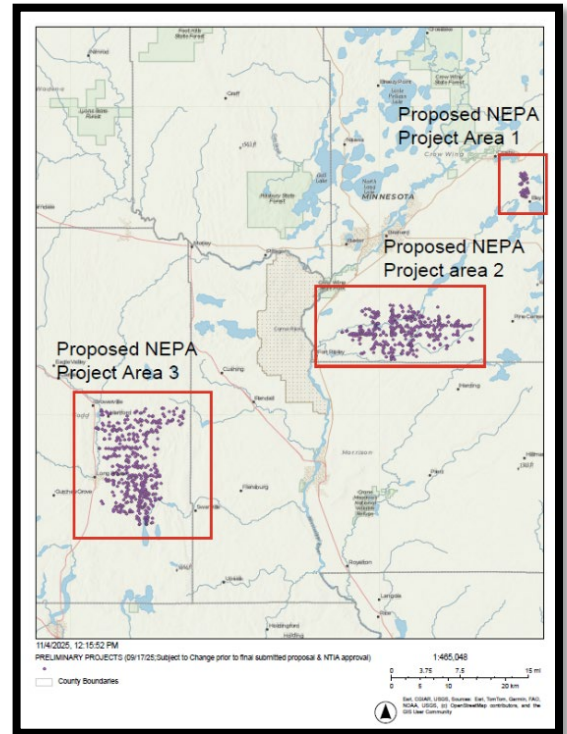
For additional question visit our [BEAD website](#) or reach out to Environmental and Land Use Coordinator, Megan Messerole at megan.messerole@state.mn.us or 651-259-7387.

For Wireless providers and Low Earth Orbit satellite providers:

If your BEAD awarded project will not involve ground disturbing activities, you would not need to divide the project into smaller NEPA project areas. If the project will involve multiple ground disturbing locations that have independent utility, you may want to consider dividing it into smaller NEPA project areas.

How to submit BEAD NEPA project area proposals to OBD:

- Within the OBD Grantor Portal:
 - Identify which awarded project area(s) you wish to split into smaller NEPA project areas, and how many for each.
 - a PDF map or GIS zipped file of each awarded BEAD project area you are proposing changes to with the proposed NEPA project areas distinguished and labeled. See *example map on the right*, and
 - A detailed rationale for splitting the project area as you have proposed.
- Once submitted, OBD will review the NEPA project area proposals and respond with approval of the proposed areas or with requested revisions.
- After approval, OBD will request that you fill out and submit a csv file template, grouping the awarded locations into the approved NEPA project areas.



Example map of one BEAD awarded project area that could be split into distinct NEPA project areas.