

# ENVIRONMENTAL AND HISTORIC PRESERVATION (EHP) DOCUMENTATION (REQUIREMENT 14)

## Relevant Instructions from BEAD NOFO Section IV.B.9.b, Page 48:

The Final Proposal must include...:

14. Environmental documentation associated with any construction and/or ground-disturbing activities, and a description of how the Eligible Entity will comply with applicable environmental and historic preservation requirements.

## Relevant Instructions from BEAD Restructuring Policy Notice Section 6, Page 15:

To support NTIA's goal of issuing National Environmental Policy Act (NEPA) approvals within two weeks for an estimated 90 percent of BEAD projects and eliminate approximately 3-6 months of environmental processing per project, all Eligible Entities are hereby required to use the Environmental Screening and Permitting Tracking Tool (ESAPTT) within the NTIA Grants Portal. ESAPTT will help Eligible Entities serve as joint lead agencies for NEPA reviews by identifying applicable categorical exclusions and enabling paperless transmission of environmental documents and generation of draft and final NEPA documents. NTIA will generate ESAPTT project records from BEAD subgrant award data, which must identify any awards containing multiple NEPA project areas. Eligible Entities are further encouraged to use ESAPTT's permitting tracking capacity to evaluate and track subrecipient NEPA milestone schedules and escalate Federal right-of-way permitting issues to NTIA for interagency resolution.

The purpose of this section is to ensure that the Eligible Entity provides information on how it will ensure subgrantees will comply with environmental and historic preservation requirements including but not limited to the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*) (NEPA), Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.*) (NHPA), Section 7 of the Endangered Species Act (16 U.S.C. 1521, *et seq.*), Section 404 of the Clean Water Act (33 U.S.C. 1251, *et seq.*), and all other applicable Federal, state, and local environmental laws and regulations.

It is a BEAD program imperative to ensure that projects are in environmental compliance and a condition of the award that each Eligible Entity is a joint lead agency for NEPA.

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

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

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

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

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

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

Within a document (file type to be decided by Eligible Entity) the Eligible Entity must provide the following:

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

**Joint Lead Agency Responsibility Summary:** A statement of the Eligible Entity's understanding of its obligations as a joint lead agency to implement NEPA requirements under 42 U.S.C. 4336a and a description of the Eligible

Entity's plan to prepare and/or supervise the preparation of all required environmental analyses and review documents.

**Description of FirstNet Regional PEIS Evaluation:**

Identification of the relevant First Responder Network Authority (FirstNet) PEIS chapter pertinent to the Eligible Entity, and a concise evaluation of the sufficiency of the environmental analysis contained in the relevant FirstNet Regional PEIS (see [Sample evaluation memo](#)), updating any information necessary for the NEPA analysis contained in the FirstNet Regional PEIS to apply to the Eligible Entity's subgrant broadband deployment projects.

**Specific Award Conditions (SACs) Description:** A description of the Eligible Entity's current or planned use of SACs and/or other strategies to ensure proper procedures and approvals are in place for disbursement of funds while projects are awaiting final NEPA approval. For example, this may include utilizing an EHP focused SAC attached to subgrantee awards that are anticipated to require ground-disturbing activities.

**Environmental and Historic Preservation Requirements:**

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

**The OBO's Response re: Environmental and Historic Preservation Requirements**

The Oklahoma Broadband Office (OBO) is fully committed to continuing to comply with all applicable environmental and historic preservation (EHP) requirements for the BEAD Program. The OBO estimates that the vast majority of projects will fall under the Categorical Exclusions provided by the NTIA and importantly for the State of Oklahoma, adopted by the Bureau of Indian Affairs. However, the State of Oklahoma also has a history of diligence and experience applying National Environment Policy Act guidance. The Oklahoma Department of Transportation has consultants on contract that regularly provide NEPA reviews for all infrastructure projects in the State. The OBO will partner with the Oklahoma Department of Transportation (ODOT) to ensure that all environmental reviews and National Historic Preservation Reviews are overseen by individuals who are experienced subject matter experts in Oklahoma.

**Methodology for Environmental Review and NEPA Compliance**

The OBO in conjunction with ODOT will continue working with these expert consultants to develop a methodology for evaluating all subgrantee projects, to ensure that all Environmental and NEPA reviews are conducted for every project where necessary and to ensure compliance with NEPA and related statutes.

The OBO will make initial determinations for environmental and NEPA reviews by entering the projects into NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT) as required by BEAD Restructuring Policy Notice Section 6. This will provide a list of all of the issues identified that will need to be addressed by additional reviews. For each subgrant award, the OBO will create a project record using ESAPTT, and identify what projects would trigger NEPA other environmental issues. The OBO will then evaluate whether these projects fall under any of the Categorical Exclusions adopted in NTIA's permitting guidance. The OBO will utilize ODOT and their NEPA consultants to determine if there are extraordinary circumstances that would preclude Categorical Exclusions from being applied. ESAPTT will continue to be used by the OBO during the monitoring process to ensure that appropriate schedules are followed to complete NEPA milestones. Finally, where needed the OBO will escalate federal right-of-way and other permitting issues to the NTIA to streamline interagency resolution.

All applicants completed the OBO's Environmental Screening Checklist as part of their preregistration process. The checklist required a description of project activities, including anticipated ground disturbances, as well as location data with mapping overlays of sensitive environmental, historic and cultural resources, as well as identification of any Tribal lands and potential impacts on tribes. Applicants were also required to submit their network design information to the Tribes in a form available on the OBO website, to receive a Tribal Consent of Resolution. This provided maximum notice to the Tribes to ensure that they are aware of project locations and can conduct further research to ensure that all Tribal impact can be addressed. The OBO will use this information to flag projects and ensure early coordination with appropriate agencies, localities and pole owners, and identify projects that will require further Tribal coordination.

This information will all be compiled by the OBO, ODOT and our NEPA consultants to transmit information to the NTIA, as well as to prepare NEPA documentation to submit to NTIA.

**Joint Lead Agency Responsibility Summary:**

A statement of the Eligible Entity's understanding of its obligations as a joint lead agency to implement NEPA requirements under 42 U.S.C. 4336a and a description of the Eligible Entity's plan to prepare and/or supervise the preparation of all required environmental analyses and review documents.

**The OBO's Response re: Joint Lead Agency Responsibility Summary**

The OBO recognizes that as a condition of receiving BEAD funding, it must serve as a joint lead agency under NEPA (42 U.S.C. § 4336a) and ensure all projects are executed in an environmentally responsible manner. The OBO will further ensure all environmentally responsible manners. The OBO will further ensure all environmental and historical preservation compliance, including but not limited to compliance with National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act of 1966 (NHPA), Section 106, the Endangered Species Act (ESA), Section 7, the Clean Water Act (CWA), Section 404, the Farmland Protection Policy Act (FPPA), the Migratory Bird Treaty Act, all Executive Orders related to floodplains and wetlands, Tribal consultation and consent requirements as well as all other applicable federal, state, and local environmental laws and regulations.

The OBO further acknowledges and accepts its responsibilities as a joint lead agency under NEPA pursuant to 42 U.S.C. § 4336a, including: the responsibility of preparing or supervising the preparation of all required environmental analyses and review documents, the responsibility of ensuring public participation where required under NEPA, the responsibility of coordinating with NTIA and other federal, state, tribal, and local agencies as necessary, the responsibility of maintaining comprehensive records of the NEPA process for each project. In furtherance of this responsibility, the OBO will maintain all environmental compliance documentation within the NTIA Grants Portal and OBO's internal grant management systems, including environmental checklists, NEPA documentation (CATEX determinations, EAs, EISs), records of tribal consultations, permits, rights-of-way and easements, as well as schedules for same and mitigation plans.

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**Description of FirstNet Regional PEIS Evaluation:**

Identification of the relevant First Responder Network Authority (FirstNet) PEIS chapter pertinent to the Eligible Entity, and a concise evaluation of the sufficiency of the environmental analysis contained in the relevant FirstNet Regional PEIS (see [Sample evaluation memo](#)), updating any information necessary for the NEPA analysis contained in the FirstNet Regional PEIS to apply to the Eligible Entity's subgrant broadband deployment projects.

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**The OBO's Response re: Description of FirstNet Regional PEIS Evaluation**

Please see the Memo following from Olsson Consulting.

**Specific Award Conditions (SACs) Description:**

A description of the Eligible Entity's current or planned use of SACs and/or other strategies to ensure proper procedures and approvals are in place for disbursement of funds while projects are awaiting final NEPA approval. For example, this may include utilizing an EHP focused SAC attached to subgrantee awards that are anticipated to require ground-disturbing activities.

**The OBO's Response re: Specific Award Conditions Description**

The OBO will ensure that all procedures and approvals are in place prior to disbursement of funds, by following the special award conditions and additional guidance found in the grant agreement. Additionally, the grant agreement outlines that subrecipients are prohibited from initiating any grant funded implementation activities until:

1. The completion of any review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) (NEPA), and issuance, as required, of a Categorical Exclusion (Cat Ex) determination, Record of Environmental Consideration (REC), Finding of No Significant Impact (FONSI), Record of Decision (ROD) (hereinafter "decision documents") that meets the requirements of NEPA.
2. The completion of reviews required under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470, et seq.) (NHPA), including any consultations required by Federal law, to include consultations with the State Historic Preservation Office and Federally recognized Native American tribes.
3. The completion of consultations with the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS), as applicable, under Section 7 of the Endangered Species Act (16 U.S.C. 1531, et seq.), and/or consultations with the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (33 U.S.C. 1251, et seq.), as applicable; and
4. Demonstration of compliance with all other applicable Federal, State, and local environmental laws and regulations.

Not only must these items be completed for subrecipients to initiate grant funding, the OBO is barred from providing any distributions until completion of all permitting, environmental and historical preservation clearances have been approved.

DRAFT

## MEMORANDUM FOR THE RECORD

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

**FROM:** Derick Millican, PE, PTOE  
Project Manager, CI-2527B On-Demand ITS and Fiber Optic Design  
Olsson

**PREPARED BY:** Julianne Whitaker  
Senior Scientist  
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**SUBJECT:** FirstNet Regional Programmatic Environmental Impact  
Statement  
Revalidation – Oklahoma

**DATE:** August 24, 2025

In November 2017, the First Responder Network Authority published the Final Regional Programmatic Environmental Impact Statement (PEIS) and Record of Decisions (ROD) for the FirstNet Southeast Region. An Amended ROD was published in August 2018. The National Telecommunications and Information Administration (NTIA) was a Cooperating Agency on this analysis and is conducting this revalidation of the original analysis performed in accordance with requirements for reevaluation of programmatic documents older than 5 years in Section 108 of the National Environmental Policy Act, as amended by the Fiscal Responsibility Act of 2023. This revalidation will describe any changes to the proposed action, regulatory setting, or areas of concern or sensitivity identified in the original Final PEIS analysis and determine whether NTIA may still rely on it for purposes of subsequent environmental documents.

The purpose of this review is to determine if the Oklahoma Public Safety Broadband Network is consistent with the environmental setting, consequences and impact significance ratings identified in Final PEIS and ROD.

### PROPOSED ACTION

FirstNet developed a series of five Final Programmatic Environmental Impact Statement (PEIS) documents, one for each of five geographic regions across the United States. The

Final PEIS for the South Region is composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. The Oklahoma Public Safety Broadband Network includes more than 500 projects at 47,000 locations across the state of Oklahoma. Implementation of the Oklahoma Public Safety Broadband Network is consistent with the Preferred Alternative in the Final PEIS and ROD for the FirstNet South Region and could result in the deployment and operations of various types of facilities or infrastructure including, but is not limited to, the following methods: collocation of the network equipment on existing towers, poles, and structures; construction of new communication towers, poles, and associated structures to include generators, equipment sheds, fencing, and concrete pads; use of existing fiber facilities, including lighting up dark fiber and installation of new fiber on existing poles and in existing conduit; installation of new conduit and fiber using trenching (including vibratory plowing) or directional boring (including horizontal directional drilling); deployment of satellite phones and other portable satellite technology; deployment of equipment on new satellites being launched for other purposes; installation of microwave facilities for cell-site backhaul communication; and the utilization of deployable technologies. These activities have the potential to range from no impact to having both negative and positive impacts.

The Oklahoma Public Safety Broadband Network was reviewed at a statewide level for all projects. Given the nature of this programmatic evaluation, and because the Proposed Action could potentially cover a wide variety of actions that would take place in various landscapes, the potential impacts to human and natural environmental resources are presented as a range of possible impacts. Individual projects are likely to be small-scale, cover a wide variety of actions and take place in various landscapes. Potential impacts associated with the Oklahoma Public Safety Broadband Network would range from no impact to less than significant impacts with best management practices (BMPs) and mitigation measures incorporated. The Oklahoma Public Safety Broadband Network is consistent with the Nationwide Public Safety Broadband Network Final Programmatic Environmental Impact Statement for the Southern United States Volume 10, Chapter 12 Oklahoma.

## **CHANGES IN ENVIRONMENTAL SETTING**

Executive Order (EO) 14154 – Unleashing American Energy, issued January 20, 2025, revoked EO 11991, issued in 1977, which authorized the Council on Environmental Quality (CEQ) to issue NEPA regulations. EO 14154 directed CEQ to rescind all NEPA regulations (40 CFR 1500–1508) and replace them with non-binding guidance. Federal agencies, however, may voluntarily rely on those regulations in completing ongoing NEPA reviews. CEQ encourages agencies to use the final 2020 rule “Update to the Regulations Implementing the Procedural

Provisions of the National Environmental Policy Act” as an initial framework for the development of revisions to their NEPA implementing procedures, consistent with this guidance, EO 14154, and to the extent permitted by applicable law.

#### **12.1.4 Water resources**

##### *12.1.4.4 Wild and Scenic Rivers*

The Oklahoma Scenic Rivers Act was updated in 2025 to designate the Glover River in McCurtain County and the Kiamichi River in LeFlore, Choctaw, and Pushmataha counties as scenic rivers. The addition of these river segments to the environmental setting, however, does not alter the environmental consequences as described in the Final PEIS. Individual projects will be evaluated as they progress to ensure the potential environmental impacts, summarized in the ‘Environmental Consequences’ section of the Final PEIS, and best management practices (BMPs) for avoidance, minimization and/or mitigation are sufficient for project deployment.

##### *12.1.4.5 Impaired Waterbodies*

The list of Section 303(d) impaired waters for the state of Oklahoma was updated in 2022. As stated in the Final PEIS, nearly all surface waterbodies in Oklahoma are impaired, therefore these changes will not impact the environmental setting, or circumstances described in the Final PEIS.

##### *12.1.4.6 Floodplains*

Executive Order 14030, signed in May 2021, which reinstated the implementing instructions set forth in EO 13690, was revoked on January 25, 2025. Since the Final PEIS does not specifically refer to EO 14030, the Environmental Settings and Impact sections in the Final PEIS remain valid. However, the associated BMPs and mitigation measures (Chapter 16) may warrant some revisions, such as, by adding more specific flood mitigation requirements such as minimum elevation of broadband infrastructure that is placed within the 100-year flood zone.

#### **12.1.5. Wetlands**

##### *12.1.5.2. Specific Regulatory Considerations*

The 2020 Navigable Waters Protection Rule narrowed federal jurisdiction of protected wetlands but was vacated by two district courts and replaced by the January 2023 final Revised Definition of Waters of the United States rule. The 2023 Sackett v. Environmental Protection Agency (EPA) decision further restricted protection for wetlands. No new EOs directly targeting the Clean Water Act (CWA) have been issued, but broader deregulation

efforts may affect wetlands protections and waters of the U.S. (WOTUS) interpretations. The Final PEIS, however, does not specifically define WOTUS, therefore these changes do not impact the environmental setting or circumstances described in the Final PEIS.

### **12.1.6 Biological Resources**

#### *12.1.6.2. Specific Regulatory Considerations*

In 2019, significant changes were made to how the Endangered Species Act (ESA) was implemented, addressing the species listing process, critical habitat designations, and protections for threatened species. Between 2022 to 2024, these changes were reversed and included additional revisions aimed at strengthening the ESA's effectiveness in conserving and recovering endangered and threatened species and their habitats. Legislative changes to the ESA have been proposed in 2025 which could lead to profound implications for conservation efforts, as they may reduce protection for critical habitats and allow for increased development in sensitive areas. The Final PEIS, however, does not specifically define this level of detail in how the ESA is implemented, therefore these changes will not impact the environmental setting or circumstances described in the Final PEIS.

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

Since 2017, the following species known to occur in Oklahoma covered by the Final PEIS have been granted protected status under the Endangered Species Act (ESA) and were not included in the Final PEIS:

- Listing the peppered chub (*Macrhybopsis tetranema*) as endangered in 2022 with designated critical habitat.
- Listing the western fanshell (*Cyprogenia aberti*) as threatened in 2022.

Since 2017, the ESA status of the following species known to occur in Oklahoma covered by the Final PEIS has changed:

- Change in lesser prairie chicken (*Tympanuchus pallidicinctus*) status in March 2023 to threatened for the northern population and to endangered for the southern population
- Reclassification of the northern long-eared bat (*Myotis septentrionalis*) from threatened to endangered in March 2023
- Downlisting of the American burying beetle (*Nicrophorus americanus*) from endangered to threatened in 2020.
- Delisting of the interior least tern (*Sterna antillarum athalassos*) in 2021

- Delisting of the black-capped vireo (*Vireo atricapilla*) in 2018.

Since 2017, the following species known to occur in Oklahoma covered by the Final PEIS were proposed for listing by the USFWS and were not included in the Final PEIS:

- Proposed for listing as endangered the tricolored bat (*Perimyotis subflavus*) in September 2022,
- Proposed for listing as threatened the alligator snapping turtle (*Macrochelys temminckii*) in November 2021,
- Proposed for listing as threatened the monarch butterfly (*Danaus Plexippus*) in December 2024
- Proposed for listing as threatened the western regal fritillary (*Argynnis idalia occidentalis*) in August 2024.

Since 2017, the following species known to occur in Oklahoma covered by the Final PEIS have had critical habitat designated under the ESA or proposed for designation by the USFWS and were not included in the Final PEIS:

- peppered chub (*Macrhybopsis tetranema*) designated critical habitat in 2022.
- Louisiana Pigtoe (*Pleurobema riddellii*) critical habitat proposed in March 2023.

On March 1, 2021, the USFWS released an updated “Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance and Decommissioning. The Final PEIS incorporates the recommended BMPs from the 2013 version of this document, but not those from the 2021 update. On October 15, 2024, the USFWS released the first version of Northern Long-eared Bat and Tricolored Bat Voluntary Environmental Review Process for Development Projects. This consultation guidance is intended primarily for development projects, including but not limited to infrastructure projects that result in the conversion or permanent removal of suitable northern long-eared bat and/or tricolored bat habitat.

These changes to the environmental setting do not alter the environmental consequences as described in the Final PEIS. Individual projects will be evaluated as they progress to ensure the potential environmental impacts, summarized in the ‘Environmental Consequences’ section of the Final PEIS are sufficient for project deployment. The associated BMPs and mitigation measures (Chapter 16) may warrant changes to avoidance, minimization, mitigation measures, or best management practices based on updated and new guidance and BMPs from the USFWS.

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

## *Tribal Land*

The Supreme Court case, *McGirt v. Oklahoma*, 591 U.S. 894 (2020), held that the domain reserved for the Muscogee Nation by Congress in the 19th century has never been disestablished and constitutes Indian country for the purposes of the Major Crimes Act. The Oklahoma Court of Criminal Appeals applied the *McGirt* rationale to rule nine other Indigenous nations had not been disestablished. As a result, almost the entirety of the eastern half of what is now the State of Oklahoma remains Indian country, meaning that criminal prosecutions of Tribal Nation members for offenses therein falls outside the jurisdiction of Oklahoma's court system. This court decision, however, left open other potential impacts between territorial rights and the state that may arise, including taxation, adoption, and environment regulation rights.

The potential change to the environmental setting from this decision would likely not alter the environmental consequences as described in the Final PEIS. Individual projects will be evaluated as they progress to ensure the potential environmental impacts, summarized in the 'Environmental Consequences' section of the Final PEIS are sufficient for project deployment.

### **12.1.8 Visual Resources**

#### *12.1.8.4. Visually Important Historic Properties and Cultural Resources*

Since 2017, Oklahoma has added 167 National Register of Historic Places (NRHP) listed properties (buildings and districts) from 38 counties. One archeological site, the Young Cemetery in Carter County near the city of Ardmore was added in 2018. An updated list and map of NRHP sites can be found at <https://www.nps.gov/subjects/nationalregister/data-downloads.htm>.

The Butterfield Overland National Historic Trail was established in 2023. The trail follows the route of the Butterfield Overland mail route which operated from 1858-1861. The trail originates in Tipton, Missouri and Madison, Arkansas, converging at Fort Smith, Arkansas. The trail continues through southeastern Oklahoma to Texas, New Mexico, Arizona, and terminating in San Francisco, California.

The addition of these properties to the environmental setting, however, does not alter the environmental consequences as described in the Final PEIS. Individual projects will be evaluated as they progress to ensure the potential environmental impacts, summarized in the 'Environmental Consequences' section of the Final PEIS, and best management practices (BMPs) (in Chapter 16) for avoidance, minimization and/or mitigation are sufficient for project deployment.

#### *12.1.8.5. Parks and Recreation Areas*

Since 2017, the number of state parks in Oklahoma has decreased to 38 State Parks, down from 52 in the Final PEIS. This change in the environmental setting will not impact the environmental circumstances described in the Final PEIS.

#### *12.1.8.6. Natural Areas*

Since 2017, The Nature Conservancy (TNC) has added 4 more preserves; Pearl Jackson Crosstimbers Preserve, Ozark Cave Preserve, Hottonia Bottoms Preserve and Sand Creek Ranch Preserve. This change to the environmental setting does not alter the environmental consequences as described in the Final PEIS. Individual projects will be evaluated as they progress to ensure the potential environmental impacts, summarized in the 'Environmental Consequences' section of the Final PEIS are sufficient for project deployment.

### **12.1.9 Socioeconomics**

#### *12.1.9.3 Communities and Populations*

Since 2017, Oklahoma's annual population growth rate has declined from the 2010 to 2014 period (0.83 percent) to approximately 0.78 percent. The growth rate of Oklahoma continues to be lower than the growth rate of the South Region, at 1.14 percent, and is now lower than that of the nation at 0.98 percent. There has been relatively no change, however, in population distribution and communities. This change to the environmental setting does not alter the environmental consequences as described in the Final PEIS. Individual projects will be evaluated as they progress to ensure the potential environmental impacts, summarized in the 'Environmental Consequences' section of the Final PEIS are sufficient for project deployment.

#### *12.1.9.4. Economic Activity, Housing, Property Values, and Government Revenues*

Since 2014, Oklahoma's statewide unemployment rate has fallen from 4.5 percent to 3.1 percent and is similar to the South Region (3.7 percent) but continues to be slightly lower than the rate for the nation (4.1 percent). This change to the environmental setting does not alter the environmental consequences as described in the Final PEIS. Individual projects will be evaluated as they progress to ensure the potential environmental impacts, summarized in the 'Environmental Consequences' section of the Final PEIS are sufficient for project deployment.

### **12.1.10. Environmental Justice**

#### *12.1.10.2. Specific Regulatory Considerations*

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, issued in 1994, was rescinded on January 20, 2025. Executive Order 14096, Revitalizing our Nations Commitment to Environmental Justice for All, issued in 2023, was also revoked January 20, 2025. With the revocation of EO 14096 and EO 12898, NEPA documents should not include an environmental justice analysis, to the extent that this approach is consistent with other applicable laws. The environmental setting and circumstances described in the Final PEIS related to environmental justice no longer need to be considered.

### **12.1.11 Cultural Resources**

#### *12.1.11.6 Significant Archeological Sites of Oklahoma*

Since 2017, Oklahoma has added 167 NRHP listed properties (buildings and districts) from 38 counties since the Final PEIS was published. One archeological site, the Young Cemetery in Carter County near the city of Ardmore was added in 2018. An updated list and map of NRHP sites can be found at <https://www.nps.gov/subjects/nationalregister/data-downloads.htm>.

The Butterfield Overland National Historic Trail was established in 2023. The trail follows the route of the Butterfield Overland mail route which operated from 1858-1861. The trail originates in Tipton, Missouri and Madison, Arkansas, converging at Fort Smith, Arkansas. The trail continues through southeastern Oklahoma to Texas, New Mexico, Arizona, and terminating in San Francisco, California.

The addition of these properties to the environmental setting, however, does not alter the environmental consequences as described in the Final PEIS. Individual projects will be evaluated as they progress to ensure the potential environmental impacts, summarized in the 'Environmental Consequences' section of the Final PEIS, and best management practices (BMPs) for avoidance, minimization and/or mitigation are sufficient for project deployment.

### **12.1.12.2 Air Quality**

#### *12.1.12.2. Specific Regulatory Considerations*

Between 2022 and 2024, the Environmental Protection Agency (EPA) made significant changes to the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). The primary annual standard for PM<sub>2.5</sub> was tightened from 12 micrograms per cubic meter to 9 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ). The EPA has also outlined a timetable for states and the agency to implement these new standards, with compliance deadlines beginning in 2032.

In April 2023, the EPA finalized its "Good Neighbor Plan", which phases tighter standards for NO<sub>x</sub>, using a cap-and-trade system during the summer "ozone season". This is intended to reduce ground-level ozone in non-attainment areas downwind of industrial sources like power plants, incinerators, and industrial furnaces, often in other states.

In conjunction with the federal NAAQS, Oklahoma maintains its own air quality standards, the Oklahoma Ambient Air Quality Standards (OKAAQS). All areas in Oklahoma are currently designated in attainment of all criteria pollutants therefore, these changes do not impact the environmental setting or circumstances described in the Final PEIS.

On July 30, 2025, the EPA announced a proposal to rescind the "endangerment finding" established in 2009, which allowed the regulation of greenhouse gases as pollutants under the Clean Air Act. If finalized, this would represent a significant rollback of climate regulations that have been in place for over a decade.

#### *12.1.12.2. Environmental Setting: Ambient Air Quality*

According to the Oklahoma Department of Environmental Quality (ODEQ) Air Data Report 2023, ozone (O<sub>3</sub>) is monitored by the Air Quality Division with data reported hourly at 13 sites across the state. While 4 of the 13 sites exceeded the standard 8-hour average of the federal standard, all are currently designated in attainment. The 2023 Report also indicates that the state did not exceed standards and is in attainment for CO, NO<sub>2</sub>, Pb, SO<sub>2</sub>, and particulate matter (PM<sub>10</sub>). While some Oklahoma sites measured exceedances of the annual primary standard for fine particulate matter (PM<sub>2.5</sub>), all sites are currently designated in attainment.

These changes to the environmental setting, however, do not alter the environmental consequences as described in the Final PEIS. Individual projects will be evaluated as they progress to ensure the potential environmental impacts, summarized in the 'Environmental Consequences' section of the Final PEIS are sufficient for project deployment.

### **12.1.14 Climate Change**

#### *2.1.14.2. Applicable Statutes and Regulations*

Executive Order 13990 Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, issued on January 20, 2021, aimed to protect public health and the environment while addressing the climate crisis. Consistent with EO 13990, CEQ issued interim NEPA Guidance on Consideration of Greenhouse Gas Emissions and Climate Change on January 9, 2023. It is unclear at this time how EO 14154, issued on January 20, 2025, will impact the interim guidance. The EPA proposal from July 30, 2025, to rescind the 2009 "endangerment finding" would represent a significant rollback of climate regulations, if enacted, that have been in place for over a decade.

## **12.1.15 Human Health and Safety**

### *12.1.15.4 Contaminated Properties at or near Telecommunication Sites*

Based on 2023 information from the Oklahoma Corporation Commission, there are currently 99 brownfield sites, and 18 proposed or final Superfund/NPL sites. Oklahoma DEQ lists the following superfund sites: Tar Creek, Wilcox Oil Company in Creek County, Eagle Industries in Midwest City, Oklahoma Refining Company in Cyril, Henryetta Iron and Metal in Henryetta, Fansteel Metals/FMRI in Muskogee County, Tulsa Fuel and Manufacturing in Tulsa County, Hudson Refinery in Cushing, Hardage Criner in McClain County, Imperial Refining Company in Carter County, Tinker Air Force Base in Midwest City, National Zinc Deferral Site, Mosely Road Sanitary Landfill in Oklahoma County, Compass Industries Landfill, Tulsa County, Sand Springs Petrochemical Complex in Tulsa County, Fourth Street Refinery and Double Eagle Refinery in Oklahoma County, and Tenth Street Site in Oklahoma County. EPA lists 12 active RCRA Corrective Action sites in Oklahoma and 401 TRI reporting facilities.

These changes to the environmental setting, however, do not alter the environmental consequences as described in the Final PEIS. Individual projects will be evaluated as they progress to ensure the potential environmental impacts, summarized in the 'Environmental Consequences' section of the Final PEIS, and best management practices (BMPs) for avoidance, minimization and/or mitigation are sufficient for project deployment.

### **CHANGES IN ENVIRONMENTAL IMPACTS**

Because this Validation Memo addresses the entire Oklahoma Public Safety Broadband Network, site- and project-specific issues are not assessed. The specific deployment activity and where the deployment will take place will be determined based on location-specific conditions and the results of site-specific analysis, which may be required depending on the site conditions, the type of deployment, or any other permits or permissions necessary to perform the work. The BMPs and mitigation measures, that could help avoid or minimize potential impacts, described in the Final PEIS are still appropriate on the scale of Oklahoma Public Safety Broadband Network. It is possible that other or additional project and site-specific BMPs and mitigation measures not included in the Final PEIS may be recommended or required to be implemented as a result of consultation with resource agencies and tribes, permits, and/or additional environmental reviews.

Since the Final PEIS supports subsequent site-specific environmental analyses that may be required for individual actions for specific projects at specific locations, the Oklahoma Public Safety Broadband Network is consistent with the Preferred Alternative as described in the Final PEIS. The changes in the environmental setting since 2017 do not alter the impact significance ratings developed and explained in the Final PEIS. The Oklahoma Public Safety

Broadband Network would not have any potentially significant impact on the human or natural environment and would range from no impact to less than significant with best management practices (BMPs) and mitigation measures incorporated.

## **RECOMMENDATIONS**

Based on a thorough review of the Southern Regional Final PEIS, Olsson has determined that the analysis remains valid for use in subsequent environmental documents.

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