Permitting Landscape

Construction of a simple one-mile broadband deployment can require various local, state, and/or federal permits.

One mile of aerial deployment

Aerial deployment will go across **federal highways**, requiring a permit and/or right-of-way (ROW) from the **Federal Highway Authority (FHWA)**.

The deployment will run through **Tribal land**, requiring a specific set of **permits for Tribal access.**

Every federal permit or ROW obtained will require EHP analysis and state/local agencies will have their own environmental/historic preservation regulations.

The deployment will run through **a city-owned park**, requiring a **state/local permit/ROW** to be obtained.

The aerial deployment passes through a **private household**, requiring a permit/ROW for possibly both the **municipal road** and for crossing **private land**.

The highway is built on **Bureau of Land Management (BLM)** land, requiring a permit/ROW to build on that land.

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NTIA

Conceptual Timeline for Broadband Permit Applications

The highest volume of permitting activity is anticipated for projects funded by the BEAD program. BEAD projects are expected to begin execution in 2024, with permitting activity expected to reach its peak in late 2026 to 2028.
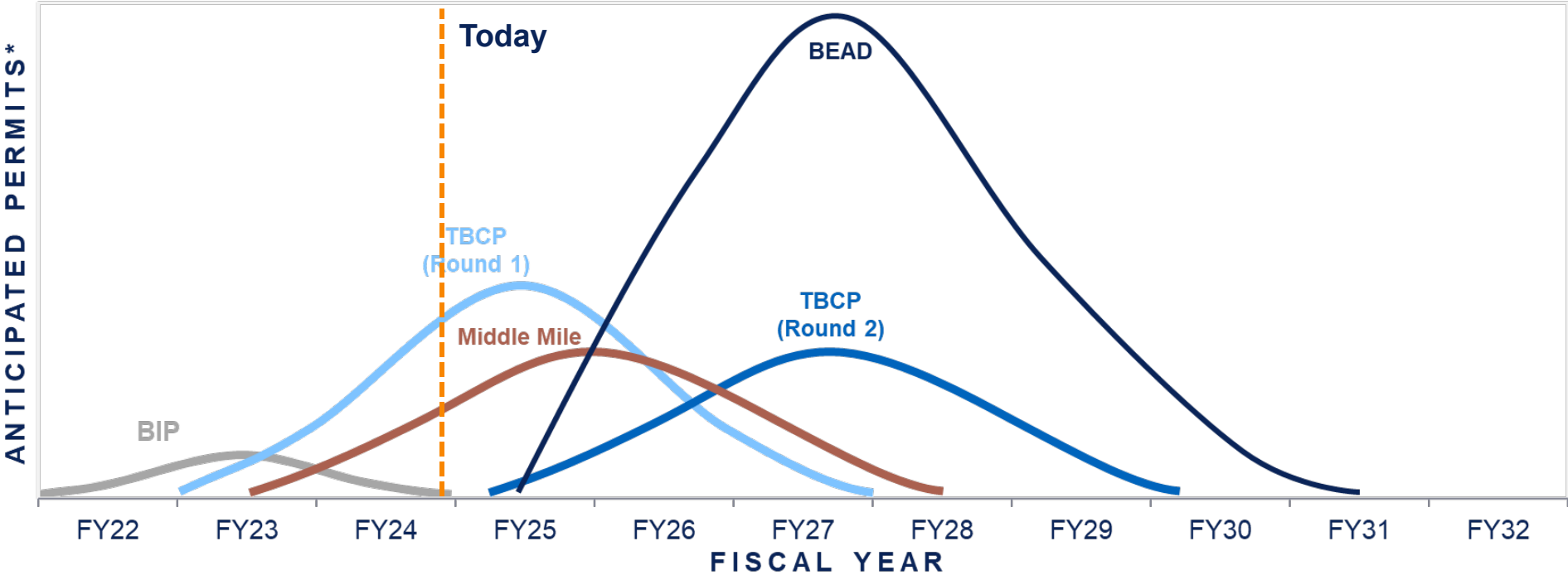
Permitting requests and processes across infrastructure programs, including broadband, will have compounding effects on federal resource management agencies, requiring greater resources to meet permitting needs.

Note: This timeline is conceptual in nature and not intended to depict accurate permitting magnitude.

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NTIA Broadband Permitting Work Streams

1. NTIA NEPA APPROVALS

Adapt and streamline NTIA's environmental and historic preservation reviews

2. OTHER FEDERAL APPROVALS

Unify Federal message and action, address agency needs, provide planning tools, prepare applicants

3. STATE, LOCAL, AND PRIVATE APPROVALS

Identify actions with greatest potential universal benefit

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NTIA Support for BEAD Environmental Compliance

During the Initial Proposal phase, NTIA has provided tools, training and guidance to support Eligible Entities with Environmental and Historic Preservation review requirements.

NEPA TOOLS AND INITIATIVES

STATUS

New and Expanded Categorical Exclusions → In April, NTIA established 30 new categorical exclusions and adopted six additional categorical exclusions from FirstNet.

Adoption of Programmatic Environmental Impact Statements (PEIS) Applicable in Each State and Territory → NTIA adopted the FirstNet PEISs and will work with Eligible Entities to apply programmatic NEPA efficiencies in each state and territory.

Web-based GIS Permitting and Environmental Screening Templates → In March, NTIA released the Permitting and Environmental Information Application to help proponents identify permit requirements and avoid potential environmental impacts.

NHPA Section 106 Streamlining Measures → In March, the Advisory Council on Historic Preservation's Program Comment for Federal Communications Projects was expanded to streamline Section 106 Review for NTIA projects.

Technical Assistance and Support → NTIA has released Best Management Practices and other resources such as Guidance on NTIA NEPA Compliance

Interagency Collaboration → NTIA has met with federal permitting partners in each BEAD region to establish Permitting Roundtables, and co-hosted a Federal Interagency Broadband Permitting Summit.

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Joint Lead Agencies for NEPA

NEPA Compliance: To ensure the timely completion of environmental review for all BEAD-funded activities subject to NEPA review, Eligible Entities will fulfill the role of joint lead agency.

RESPONSIBILITIES OF ELIGIBLE ENTITIES AS JOINT LEAD AGENCIES UNDER NEPA

- Serve as a "joint lead agency" in its capacity as the state (or territory) agency administering the BEAD program in accordance with 42 U.S.C. 4336a(a)(1)(B) and carry out the duties described in 42 U.S.C. 4336a(a)(2)

- Complete an evaluation of the sufficiency, applicability and accuracy of the analysis in the relevant FirstNet PEIS chapter as it applies to anticipated implementation activities for the Grantee's state or territory

- For grant funded activities carried out by Subgrantees, certify the sufficiency of all Subgrantee NEPA documentation, either by preparing such documentation or by supervising Subgrantees' preparation of draft documents, independently reviewing those drafts, and verifying that draft documents meet the requirements of NEPA prior to transmittal to NTIA

- For grant funded activities carried out by the Grantee, complete all analyses required to prepare all NEPA documentation, draft all NEPA documents, and ensure that such documents meet the requirements of NEPA prior to transmittal to NTIA

The Grantee must submit all NEPA documentation—including any supporting environmental documentation required or requested by NTIA—to NTIA for review.

Preparing for NEPA & NHPA

Environmental and Historic Preservation Coordination

Environmental and historic preservation issues are addressed throughout the grant lifecycle

Pre-Award	Specific Award Conditions (SAC)	Post-Award
Project applications are reviewed to determine the expected level of NEPA analysis that will be required, and whether it constitutes an undertaking under NHPA. For the BEAD program, this will take place at the subgrant level. Some proposed projects may be able to receive clearance during pre-award review, but most will complete NEPA/NHPA requirements post-award. NTIA encourages grantees and Eligible Entities to reach out to federal land- and resource-managing agencies in **early project planning** to understand potential limitations for crossing or locating on federal lands.	For those projects that cannot receive a pre-award clearance, a Specific Award Condition will be applied to the award that allows the disbursement of funds to complete planning and analysis, including NEPA/NHPA analysis, upon award. The remainder of funds are withheld until compliance requirements are met. For the BEAD program, Eligible Entities will determine how to implement this for their subgrantees.	NTIA will work with grantees and Eligible Entities to provide support in meeting their compliance requirements. Support activities can include detailing additional information needed to determine the level of analysis required, to providing guidance and templates that will facilitate Section 106 consultation and EA/EIS development, as needed. *It is strongly recommended that grantees and subgrantees engage a qualified consulting firm if an EA/EIS is required.*

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What is NEPA?

Passed in 1970, the National Environmental Policy Act (NEPA) is considered an "umbrella law" as it provides a framework within which all other environmental, historic, and cultural resources laws can be evaluated.

NEPA requires all Internet for All projects funded by NTIA to be analyzed for the potential environmental impacts before infrastructure deployment can begin.

THE NEPA PROCESS CAN ADDRESS LAWS AND REGULATIONS SUCH AS:

- Resource Conservation and Recovery Act
- Superfund Amendments and Reauthorization Act
- National Historic Preservation Act
- American Indian Religious Freedom Act
- Executive Orders on Floodplains and Wetlands
- Safe Drinking Water Act
- Coastal Zone Management Act
- Clean Water Act
- Clean Air Act
- State and Local land use requirements

- Climate Resiliency
- Endangered Species Act
- Migratory Bird Treaty Act
- Bald and Golden Eagle Protection Act
- Executive Orders on Environmental Justice
- Toxic Substances Control Act
- Comprehensive Environmental Response, Compensation, and Liability Act
- Farmland Protection Policy Act
- Native American Graves Protection and Repatriation Act

Levels of NEPA Review

INTERNET FOR ALL

NEPA stipulates three levels of review to assess the environmental impacts of potential projects, categorized by the significance of the impact. Time and resource considerations associated with each review level are different.

Categorical Exclusion (CATEX)

CATEXs are a category of actions that the agency has determined **do not individually or cumulatively have a significant effect on the environment**. An analysis of the environmental considerations of the proposed actions, including screening for Extraordinary Circumstances (EC), must be completed to determine whether a CATEX can apply.

TIMING

Analyses and consultations required for CATEX preparation may take **approximately 3-6 months or more**.

Environmental Assessment (EA)

An EA will be prepared when the **significance of the project's environmental impact is not clearly established**. If environmental analysis determines a project to have no significant impacts on the quality of the environment, a Finding of No Significant Impact (FONSI) is issued. An EIS is required if the analysis determines that an action may have a significant environmental impact.

Development of an EA may take **approximately 6-12 months or more** to complete.

Environmental Impact Statement (EIS)

An EIS will be prepared for projects when the **action will likely have a significant effect on the environment**. This is the most comprehensive form of NEPA analysis. The final decision is documented in a Record of Decision (ROD), which codifies the final decision made, whether to approve the project or not, and the basis for that decision.

Development of an EIS, including public comment period, may take **approximately 12-24 months or more** to complete.

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Categorical Exclusions (CATEX)

INTERNET FOR ALL

NTIA recently established 30 new categorical exclusions and adopted six additional categorical exclusions from the FirstNet Authority to expedite the NEPA review of projects with minimal potential for environmental effects.

Categorical exclusions are categories of actions that a federal agency has determined, after review by the Council on Environmental Quality (CEQ), **do not individually or cumulatively have a significant effect on the human environment** and therefore typically require neither an environmental assessment nor an environmental impact statement.

Categorical Exclusions can reduce paperwork and save time and resources. Broadband deployment projects generally have limited potential for significant environmental impacts, and NTIA's substantial record of related NEPA reviews supports expanding the list of actions categorically excluded from detailed environmental review.

NTIA will continue to work with grantees to provide resources to better understand how to use Categorical Exclusions. Detailed lists can be found on the Guidance on NTIA National Environmental Policy Act Guidance, National Environmental Policy Act Procedures and Categorical Exclusions and Adoption of FirstNet Categorical Exclusions under the National Environmental Policy Act pages.

Overview of National Historic Preservation Act (NHPA)

The National Historic Preservation Act of 1966 (NHPA) establishes a national preservation program and a system of review for federal undertakings that supports both the identification and protection of historic properties.

SECTION 106 CONSULTATION

Section 106 of the NHPA requires Federal agencies to consider the effects of their undertakings[1] on historic properties by completing a review process, including:

- The identification of potentially affected historic properties

- An assessment of the proposed project's potential for adverse effects

- A consultation to avoid, minimize, or mitigate adverse effects, where identified

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)

The NHPA established the Advisory Council on Historic Preservation (ACHP) as an independent federal agency to promotes the preservation, enhancement, and sustainable use of the nation's diverse historic resources.

ACHP can issue program comments for a category of undertakings, such as broadband deployment, to streamline Section 106 review requirements.

All NTIA projects must comply with NHPA Section 106 regulations prior to beginning deployment.

Note: All NTIA projects funded by the Internet for All Program are considered an undertaking, as defined in 36 CFR 800.16(y)

Program Comment for Federal Communications Projects

INTERNET FOR ALL

The ACHP can issue program comments to improve the effectiveness and efficiency of Section 106 reviews and streamline routine interactions while focusing review effort on the more complex projects or historic properties most important to communities.

HISTORY OF THE PROGRAM COMMENT

2017
In May 2017, the ACHP issued the Program Comment on Federal Lands and Property to accelerate the Section 106 review of broadband deployment projects crossing federal lands.

2024
In March 2024, ACHP amended the program comment at the request of NTIA to expand its availability to all federal agencies with communications undertakings on or off federal lands and updated the name to the 'Program Comment for Federal Communications Projects'.

WHAT DOES THE 2024 AMENDMENT ACCOMPLISH?

- Establishes presumed Areas of Potential Effect and initial historic property identification via Records Check

- Identifies certain undertakings that may require no further Section 106 review (under specified conditions)

- Survey and monitoring provisions to avoid adverse effects

- Expanded exclusions for pole replacements

- Options to apply on Tribal lands upon agreement of the Tribe

- Clarifies when compensation for consulting parties is appropriate, consistent with past ACHP guidance

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What is the Program Comment Process?

1. **Begin the Process –** *the Program Comment enhances predictability by establishing standardized Areas of Potential Effect for typical broadband infrastructure*

2. **Identify Historic Properties –** *the Program Comment establishes desk review as sufficient to identify historic properties except in areas of Tribal or archaeological sensitivity, where survey or monitoring may be required*

3. **Assess Effects –** *the Program Comment establishes conditional exemptions from further review and activities where "no adverse effects" are presumed*

4. **Resolve Adverse Effects –** *the Program Comment provides streamlined alternatives to standard MOAs or PAs, including survey and monitoring programs and mitigation agreements*

Consultation and Permitting: Section 7 of the ESA

Section 7 of the Endangered Species Act (ESA) requires Federal agencies to consult with the USFWS and/or the National Marine Fisheries Service (NMFS) to ensure that actions will not jeopardize the continued existence of any Federally-listed species or adversely modify designated critical habitats.

Informal Consultation
Informal consultation can help the action agency determine whether formal consultation is needed.

Review
The Grant recipient **may initiate informal consultation** by **contacting the appropriate local Service office** to determine if listed species are present within the action area. Grant recipients may also use the Service's Information for Planning and Consultation (IPaC) digital tool.

Determination
If listed species are present, the grant recipient and NTIA must determine if the Proposed Action may affect them through a biological assessment or other biological review provided to USFWS for concurrence.

Formal Consultation (If applicable)
Formal consultation is required for proposed projects that may adversely affect listed species. It has specific timelines and responsibilities for both FWS/NMFS and the proponents and concludes with the issuance of a biological opinion by the Services.

Biological Opinion (if applicable)
The conclusion of the biological opinion will determine if the Proposed Action is likely or not likely to jeopardize the continued existence of listed species and/or result in the destruction or adverse modification of critical habitat.

Grantees/subgrantees must contact their NTIA Environmental Program Officer to initiate formal consultation with the USFWS when required.

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NEPA and Subgrantees

Eligible Entities must condition subgrantee awards on completion of environmental review, timely preparation of NEPA documents, obtaining required permits, and providing a milestone schedule for completing NEPA and Section 106 NHPA reviews.

CONSIDERATIONS FOR DEVELOPING SUBRECIPIENT GRANT APPLICATION PROCESS

Eligible Entities can consider how to set up subrecipient projects for NEPA success while designing their subgrantee application, review, and monitoring systems.

NTIA has **established new categorical exclusions that will expedite NEPA reviews** for funded projects.	**Encourage subrecipients to plan projects that qualify for categorical exclusions.**
NTIA's Permitting and Environmental Information application is a **publicly available tool that allows anyone to screen a project to identify permit requirements and environmentally sensitive areas** that may trigger an environmental assessment.	**Encouraging or requiring subrecipients to pre-screen projects can help identify NEPA issues.** **NTIA's Best Management Practices guide can assist subrecipients in avoiding, minimizing or mitigating environmental impacts**
Clearly **communicate the environmental and historic preservation responsibilities that the EE expects a subrecipient to assume** and ensure they have planned and budgeted for them.	**This may include:** • **Any review required under NEPA** • **Section 106 of the NHPA** • **Section 7 consultation with the USFWS or NOAA** • **All required ROW and resource permits**

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Fictional Case Study: NEPA & Subgrantee Proposals

Eligible Entities can incorporate NTIA's Permitting Tools into the subrecipient proposal process to prepare for NEPA and permitting for BEAD.

1. Permitting & Environmental Information Screening	Summarizing the permits and environmental considerations identified through screening the proposed project location using the publicly available mapping tool ensures that the applicant has considered these requirements and is aware of the obligations.
2. Best Management Practices	Applicants can show how they plan to address the environmentally sensitive resources and areas identified through screening by applying NTIA's Best Management Practices Measures to avoid, minimize or mitigate potential environmental impacts.
3. Permit Identification and Planning	Applicants can begin to build the NEPA milestone schedule required in the BEAD General T&C by providing Eligible Entities with a list of permit requirements identified during project screening and development.
4. Initial Categorical Exclusion Review	Applicants can review NTIA's 47 Categorical Exclusions and identify to the Eligible Entity whether the proposed project may qualify for streamlined NEPA review.
5. Obtain Consultant Support	Applicants who have identified and interviewed environmental consultants and have a plan to support environmental and historic preservation requirements will have a head start in meeting NEPA obligations.
6. Draft Milestone Schedule	Applicants may provide a draft NEPA milestone schedule showing Eligible Entities how they will fulfill subgrantee award conditions.

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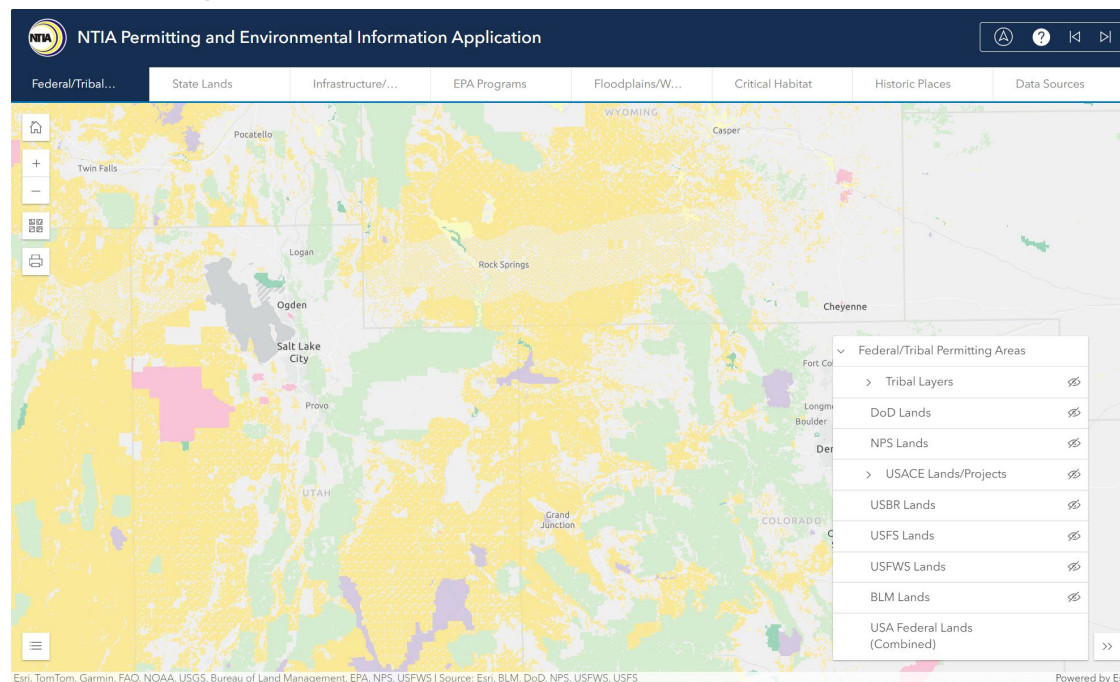# Permitting and Environmental Information Application

Permitting and Environmental Information Application

The NTIA Permitting and Environmental Information Application can help identify permit requirements and screen for potential environmental impacts when deploying broadband infrastructure.

WHAT IS THE PERMITTING AND ENVIRONMENTAL INFORMATION APPLICATION?

The **Permitting and Environmental Information Application** was created to help with planning for permitting and environmental review by providing access to multiple maps from publicly available sources, including state and federal review, permitting, and resource agencies.

Sample of the USA Federal Lands (Combined) Layer taken from NBAM on 4/8/2024.

Uses of the tool may include:

- Identify and understand the types of permits that may be required for deployment

- Plan routes to use existing rights of ways or avoid sensitive resources

- Print route maps to pdf or export data to existing GIS systems

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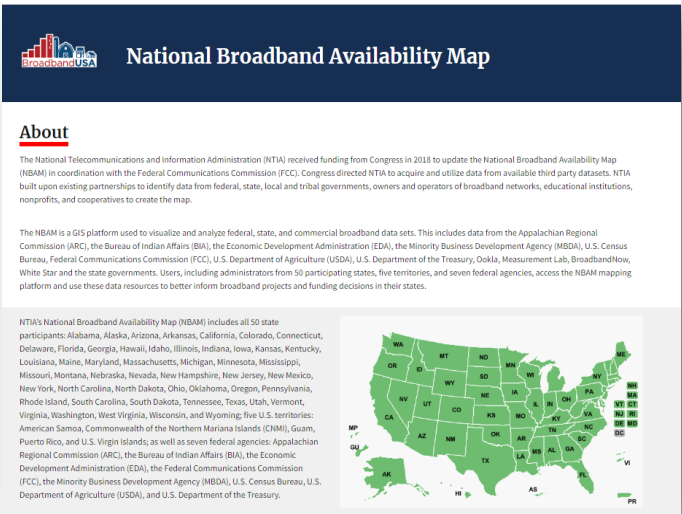# Permitting and Environmental Information Application

Permitting Page

https://broadbandusa.ntia.doc.gov/assistance/permitting
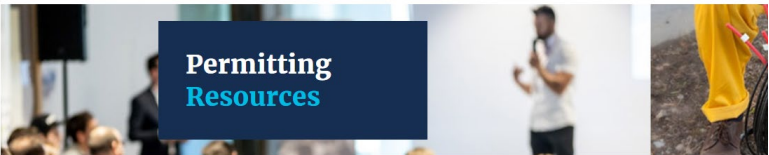
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
nbam.ntia.gov
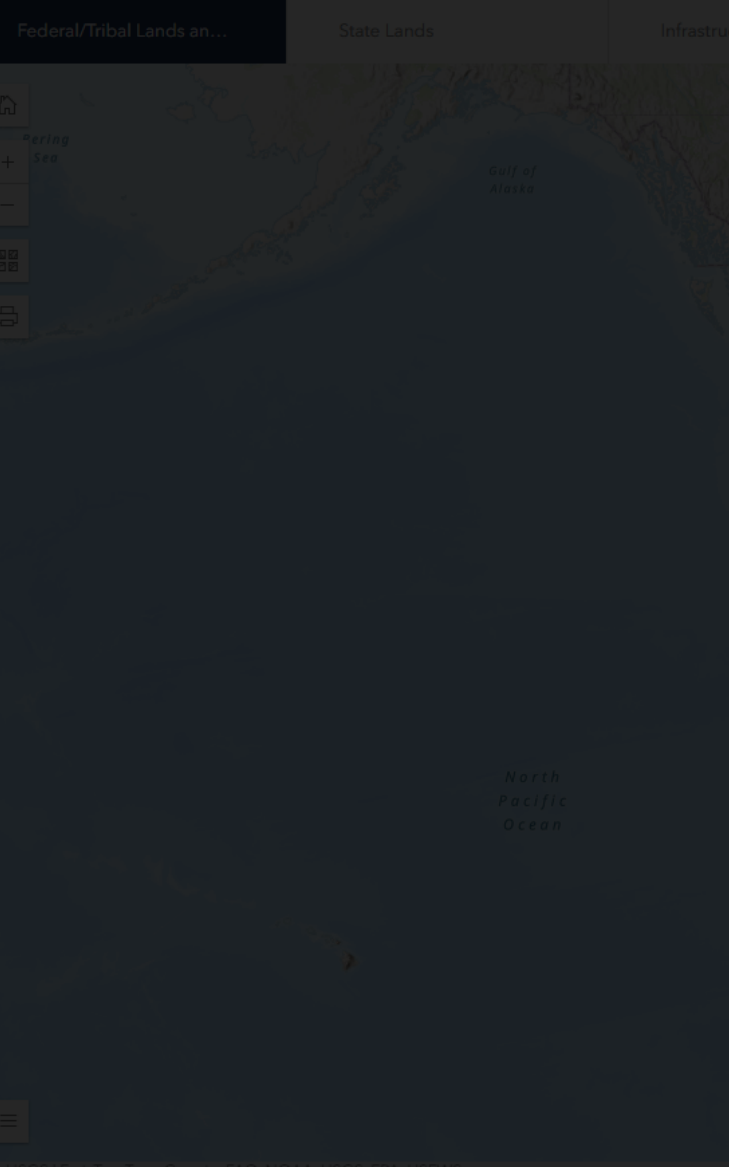
NTIA Permitting and Environmental Information Appli...

Federal/Tribal Lands an...   State Lands   Infrastru...   Historic Places   Data Sources

Welcome to the NTIA Permitting and Environmental Information Application

✕

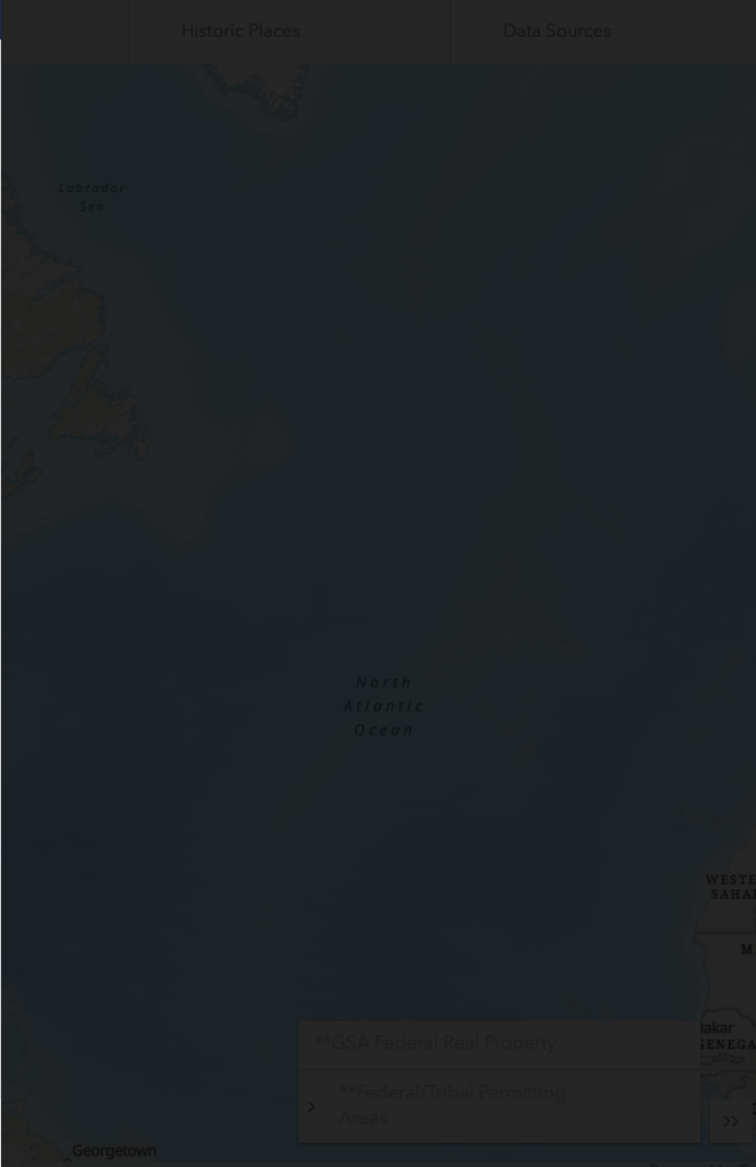Welcome to the NTIA Permitting and Environmental Information Application

This Application was created to help with permitting planning and environmental review preparation efforts by providing access to multiple maps from publicly available sources, including federal review, permitting, and resource agencies. Layers identified with a double asterisk include information relevant to determining if an "extraordinary circumstance" may warrant more detailed environmental review when a categorical exclusion may otherwise apply. A full list of the extraordinary circumstances applicable to NTIA actions can be found in https://broadbandusa.ntia.doc.gov/technical-assistance/Guidance_on_NTIA_NEPA_Compliance_April_2024, Appendix C.

Follow the steps below to use the application.

1. Enter a location by clicking on the arrow within the circle icon located in the top right-hand corner of the application (as shown in the graphic below). Users can search by city, specific address, place name, or latitude/longitude.

2. To zoom in and out on the map or return to the home extent, click the + and – buttons or home icon located on the left-hand side of the application (as shown in the graphic below).

3. Expand the layer list by clicking the arrow icon in the bottom right-hand corner of the application (as shown in the graphic below). Users can turn on/off each layer of interest by clicking the eye icon located next to each layer. Please note group layers contain multiple layers and must be expanded to turn on and off each layer within that group. To expand a group layer, click the arrow icon next to the title of the group layer. Many layers also have scale dependencies, so if a user zooms in or out too far they will disappear from the map.

4. Expand the legend by clicking the list icon in the bottom left-hand corner of the application (as shown in the graphic below). The legend will display the symbology of the layers currently shown on the man.

☐ Don't show this again

Start

Somerset, KY Federal/Tribal Lands Tab, USFWS & USACOE

NTIA Permitting and Environmental Information Application

Federal/Tribal... | State Lands | Infrastructure/RO... | EPA Programs | Floodplains/Wetl... | Critical Habitat | Historic Places | Data Sources

Navigable Waterway Network

- ——— Harbor, Bay
- ——— Intracoastal Waterway
- ——— Sealane
- ——— Sealane with separation zone
- ——— Open water
- ——— River, creek, thoroughfare, lake
- ——— Estruary
- ——— Channel
- ——— Canal
- ——— Great Lakes direct link
- ——— Great Lakes indirect link
- ——— USACE Lock

**GSA Federal Real Property

Navigable Waterway Network

**GSA Federal Real Property

**Federal/Tribal Permitting Areas

> ****Tribal Layers**

**DoD Land

> ****NPS Land**

> ****USACE Land/Projects**

**USFS Land

**USBR Land

**USFWS Land

**BLM Land

Esri, NASA, NGA, USGS | Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS | U.S. Fish and Wildlife Service, National Wildlife Refuge System, Division of Realty | U.S. Geological Survey (USGS) Gap Analysis Project... | Powered by Esri

Somerset, KY Federal/Tribal Lands Tab, USFWS & USACOE

NTIA Permitting and Environmental Information Application

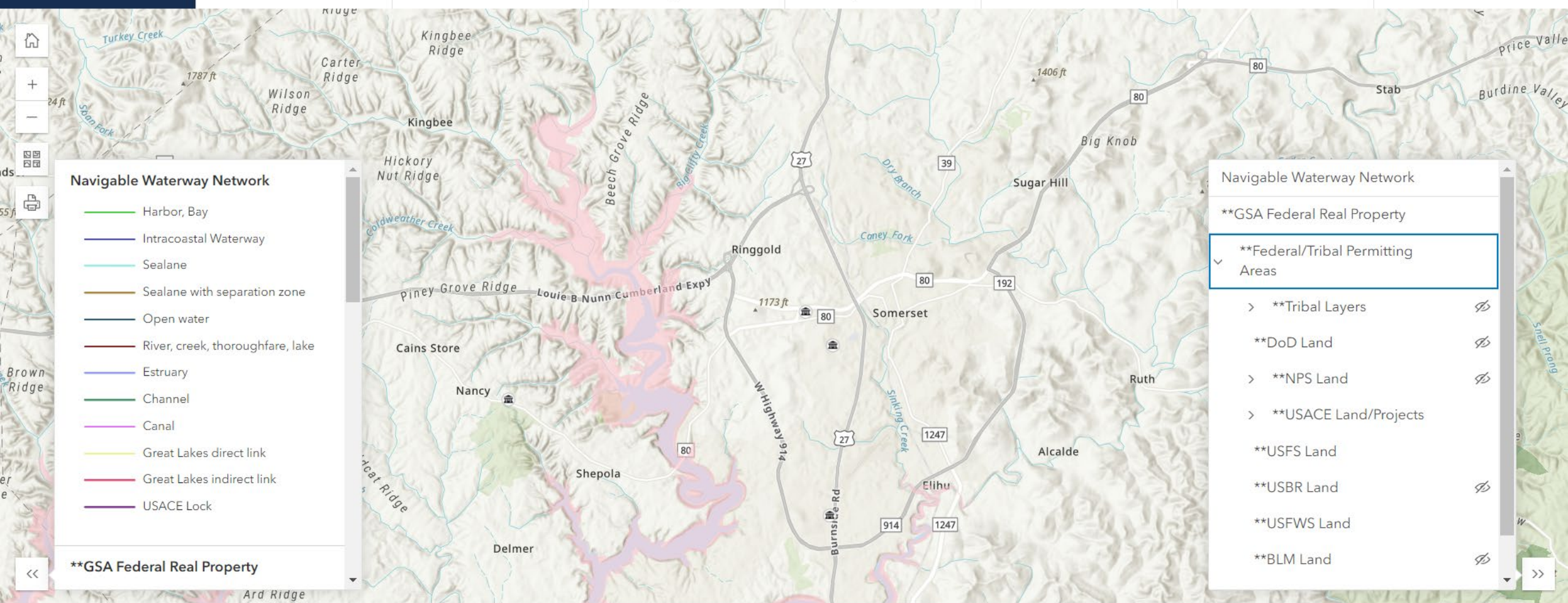Federal/Tribal... | State Lands | Infrastructure/RO... | EPA Programs | Floodplains/Wetl... | Critical Habitat | Historic Places | Data Sources
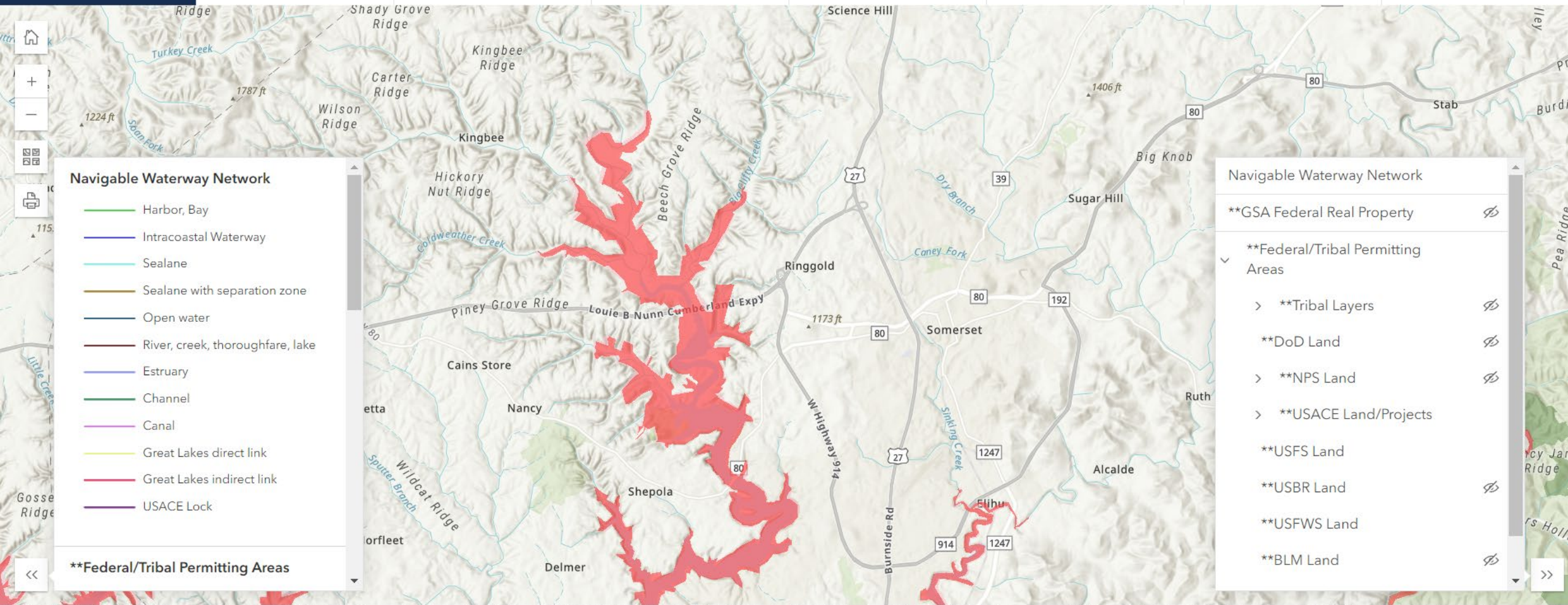
Navigable Waterway Network

— Harbor, Bay
— Intracoastal Waterway
— Sealane
— Sealane with separation zone
— Open water
— River, creek, thoroughfare, lake
— Estuary
— Channel
— Canal
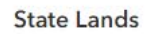— Great Lakes direct link
— Great Lakes indirect link
— USACE Lock

**Federal/Tribal Permitting Areas

Navigable Waterway Network

**GSA Federal Real Property

**Federal/Tribal Permitting Areas

> **Tribal Layers

**DoD Land

> **NPS Land

> **USACE Land/Projects

**USFS Land

**USBR Land

**USFWS Land

**BLM Land

Esri, NASA, NGA, USGS | Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS | U.S. Fish and Wildlife Service, National Wildlife Refuge System, Division of Realty | U.S. Geological Survey (USGS) Gap Analysis Project... Powered by Es

Somerset, KY Federal/Tribal Lands Tab, USFWS & USACOE

Federal/Tribal... **State Lands** Infrastructure/RO... EPA Programs Floodplains/Wetl... Critical Habitat Historic Places Data Sources

State Lands

Alabama State Lands

Kentucky

State Natural Areas

State Park Boundaries
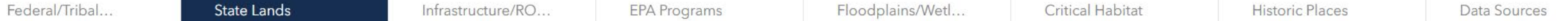
Public Hunting Areas

Public Hunting Areas

Kentucky Public Hunting Area: Lake Cumberland WMA

Zoom to

Area Open	Yes (True)
Link	View
MANAGER	KDFWR

NTIA Best Management Practices and Mitigation Measures Document - https://broadbandusa.ntia.gov/sites/default/files/2024-07/DOC_NTIA_BMPs_and_Mitigation_Measures.pdf
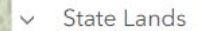
State Lands

Alabama State Lands

> Alaska

Arizona - State Trust Parcels

Arkansas - Public Lands

California - Land Ownership

> Colorado

Connecticut -Dept. of Energy and Environmental Protection Property

> Delaware

District of Columbia - Government Land

Esri, NASA, NGA, USGS | Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA, USFWS | This spatial dataset was created by the Kentucky Department of Parks within the Tourism, Arts, and Heritage Cabinet. | Office of Kentucky Nature Preserves | Powered by Esri

Somerset, KY State Lands Tab, IL Public Lands

Somerset, KY Infrastructure/ROW Tab, Roads & Energy

Somerset, KY Floodplains/Wetlands Tab

Critical Habitat for Threatened and Endangered Species

Critical Habitat - Polygon Features - Final

| | Endangered |
| | Threatened |

Critical Habitat - Linear Features - Final

| —— | Endangered |
| —— | Threatened |

Critical Habitat - Polygon Features - Proposed

| | Endangered |

Areas of Unprotected Biodiversity Importance

🔍 Zoom to

NTIA Best Management Practices and Mitigation Measures Document -
https://broadbandusa.ntia.gov/sites/default/files/2024-07/DOC_NTIA_BMPs_and_Mitigation_Measures.pdf
For Critical Habitat reference Resource Area 1.5: Wetlands and Floodplains, Resource Area 1.6: Biological Resources, and Resource Area 1.11: Noise and Vibrations

Critical Habitat for Threatened and Endangered Species

Critical Habitat - Polygon Features - Final

Critical Habitat - Linear Features - Final

Critical Habitat - Polygon Features - Proposed

Critical Habitat - Linear Features - Proposed

Areas of Unprotected Biodiversity Importance

Somerset, KY Critical Habitat Tab, Species Information

Somerset, KY Historic Places Tab, National Register of Historic Places Sites

Federal/Tribal Lands an… | State Lands | Infrastructure/ROW's | EPA Programs | Floodplains/Wetlands | Critical Habitat | Historic Places | **Data Sources**

NTIA Permitting and Environmental Information Application

Data Sources

June 6, 2024

Below are the data sources for each web map provided on the NTIA Permitting and Environmental Information Application. The links provided below may be for the specific dataset or for the larger data portal. Data provided on the NTIA application may be filtered from the original data source.

Federal/Tribal Lands and Property Map

GSA Federal Real Property - FY 2022 Federal Real Property Profile (FRPP) Public Dataset - Catalog

USGS Protected Areas Database - https://www.usgs.gov/programs/gap-analysis-project/science/pad-

Preparing for Federal, State &
Local Permitting

Post-Award Consultations and Permitting

Post-award, grantees must identify and secure any necessary Federal, State, and Regional/Local permits to carry out their projects. Not all permits must be obtained for the NEPA process to be completed. NTIA will be responsible for initiating Tribal consultations.

Some examples of typical permits and consultations that typically initiate after a project is funded include the following:

Federal

Depending upon the impact to resources, required federal permits and approvals may include the following:
- USACE Section 10/404 – Impacts to wetlands and waterways of the US
- SHPO and/or THPO - Section 106 consultation
- US Coastal Zone Management - Projects located within a Coastal Zone requires a Consistency Review
- USFWS – Section 7 Consultation
- Hazardous Materials storage and transport (federal requirements for storage, marking, labeling under Occupational Safety and Health Administration [OSHA], and transportation under the Department of Transportation [DOT])
- Hazardous Waste – compliance with Environmental Protection Agency (EPA) requirements for generation, transport and disposal

State

States have varying permitting requirements including:
- State Environmental Quality or Protection Programs
- Stormwater permits
- Wetlands and Land Disturbing Permits
- Spill Prevention Control and Countermeasure (SPCC) (federal requirement but must apply to a state level)
- Hazardous Materials storage and transport (federal and state requirements may apply)

Regional & Local

Regional and Local Entities have permitting and approval processes including:
- Regional Planning organizations
- Local Noise and Idling ordinance
- Local stormwater discharge permits
- Special Flood Hazard Area (SFHA) permits
- Easements, authorizations, and inspection requirements

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How To Apply For A Right-Of-Way or Other Easement

Due to the varying rules and regulations for gaining access to land and other assets, be sure to coordinate with the correct agencies and take the appropriate actions and steps to ensure a streamlined process.

STEPS:

1 Identify the **owner** of the infrastructure or property to be used in deployment.

2 If government owned, identify the **federal, state, or local agency**.

3 Identify the **type of permit to be obtained** and understand its process.

4 **Engage early** and schedule pre-meetings to obtain all your **documentation** and ensure application **completeness**.

5 **Submit** required documentation.

6 **Follow up** and **track** your application.

OWNERS:

If *government-owned land*, coordinate with your relevant *federal, state, or local agencies*.

If *privately-owned land*, coordinate with the appropriate *individual or corporation*.

If access to **poles** or **towers** are needed (aerial deployment), coordinate with the *relevant pole/tower owners* to obtain a **Right of Way**.

If access to **ducts** or **conduit access** is needed (burial deployment), coordinate with the *relevant duct/conduit owners* to obtain a **Right of Way**.

If **railway** access is necessary, coordinate with your *relevant railroad owner* to obtain a **Right of Way**.

If **bridge/overpass** access is necessary, coordinate with your *relevant state, or local office* to obtain a **Right of Way**.

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SF-299 for Federal Easements

When beginning the permitting process, be sure to use the correct application form. The SF-299 is a common form that is used by most federal agencies today.

What is the SF-299 form?

The **SF-299** form is the **Common Application Form** suitable for telecommunication purposes. ***Most* major federal property-managing agencies use the SF-299** as the common application form to authorize permits for wireline or wireless communications uses or facilities. Access the SF-299 form at *https://www.gsa.gov/forms-library/application-transportation-utility-systems-telecommunications-and-facilities-federal*.

All state and local agencies will have their **own specific forms** as well, so be sure to check the permitting websites of all applicable agencies. Follow all **relevant timelines** and be sure to appropriately fill out and submit all necessary forms and documentation.

Permitting agencies that use the SF-299 include:

- Bureau of Land Management (BLM)

- Department of Interior (DOI)

- Department of Transportation (DoT)

- General Services Administration (GSA)

- National Park Service (NPS)

- U.S. Fish and Wildlife Service (FWS)

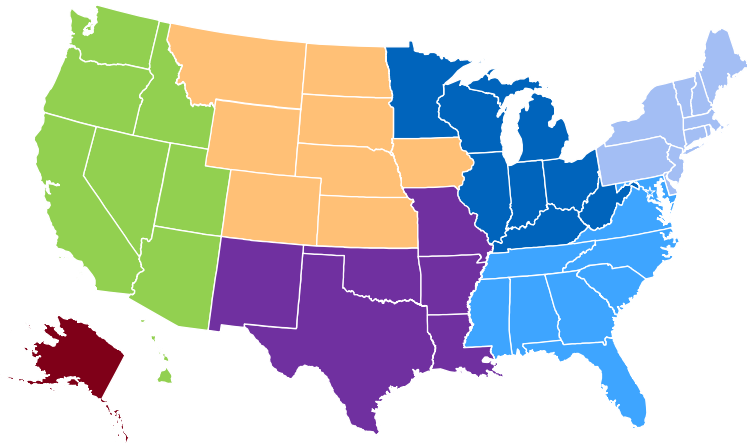- U.S. Department of Agriculture (USDA)

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Regional Interagency Broadband Permitting Meetings

INTERNET FOR ALL

NTIA has held regional interagency broadband permitting meetings between September 2023 and March 2024 to share permitting information and establish relationships.

REGIONAL INTERAGENCY MEETINGS

Purpose: Share permitting information, key program deadlines, and foster a bi-lateral dialogue between NTIA and other federal agencies across the permitting landscape.

Regions:

- September 2023: **Northern Plains**
- October 2023: **Midwest**
- November 2023: **West**
- December 2023: **Northeast**
- January 2024: **Southeast**
- February 2024: **Southwest**
- March 2024: **Alaska/Territories**

8 agencies represented:

- Army Corps of Engineers
- Bureau of Indian Affairs
- Bureau of Land Management
- Forest Service
- Fish and Wildlife Service
- National Parks Service
- Federal Highway Administration
- NOAA

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Local Permitting Responsibilities

Local governments such as county governments, municipal governments, and regional planning agencies hold responsibility to ensure safety, consistency, and fair access of resources to local constituents.

LOCAL PERMITTING RESPONSIBILITIES

> **Oversee Land, Infrastructure, and Utilities**: Local governments review applications, assess compliance with regulations, and grant or deny permits related to locally owned land, utilities, and infrastructure (such as roads, bridges, etc.) to coordinate deployment efforts with community access to resources.

> **Inspect and Check Compliance**: Local governments complete compliance checks to confirm consistent observance of local safety and environmental regulations such as materials dumping, drainage, and noise ordinances.

> **Manage Community Expectations**: Local governments integrate community voice into planning efforts, manage interruptions to day-to-day economic and residential operations, and coordinate with local organizations to promote community safety and encourage buy-in for infrastructure deployment.

Some local permitting processes may overlap with state/territory, Tribal, private, and federal approvals.
Grantees must obtain **all necessary permits, easements, authorizations, and inspections** before deployment.

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Streamlining Strategies | Project Teams

Project teams can incorporate proven permitting strategies and practices to effectively prepare for local permitting.

RECOMMENDED PRACTICES

Consult with Experts
Choosing a site that minimizes impacts may reduce the number of permits required. Project teams may hire, contract, or otherwise retain staff with relevant NEPA qualifications to provide environmental impact expertise and improve the efficiency of the permitting process.

Plan Application Ahead
Work with the local planning department or state permitting agency to gain project and site feedback before applying. Project teams should stay on top of deadlines, consistently review application statuses, and schedule meetings with relevant agencies before submitting the application to confirm completeness and expedite the application review process.

Standardize Service Agreement Process
Project teams should adopt master or franchise service agreements with municipalities to obtain permissions to build on existing infrastructure. MSAs help businesses that require multiple agreements with a single client negotiate terms once, which can expedite the contract negotiation process, provide increased transparency, and potentially lower contracting costs.

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Importance of Utility Coordination

INTERNET FOR ALL

Early engagement with utility owners can help project teams identify possible issues early, increase deployment efficiency, and save time and money.

OVERVIEW OF UTILITY COORDINATION

Project teams should coordinate plans for broadband deployment with utility owners. Early and regular communication with utility owners can help project teams obtain information and resources that will help them avoid impacts on existing utilities, encourage information sharing among multiple stakeholders, and save time and money in the process.

UTILITY COORDINATION GUIDANCE

- ✓ Engage utility owners early so they can coordinate utility work with broadband projects and comply with the dig once policy
- ✓ Request a no-conflict letter or e-mail from utility owners as part of the permitting process
- ✓ Use State DOT offices for assistance with utility coordination and to facilitate communication with utility owners

BENEFITS OF UTILITY COORDINATION

Protect Existing Infrastructure: Project teams should work with utility owners, utility service mapping groups, and public utility locating (811) services to obtain utility data and confirm that their broadband deployment plans will not cause negative impacts to existing infrastructure.

Reduce Deployment Time and Costs: Proper planning and coordination with utility owners will help project teams build more efficiently, which can save time and money associated with site relocations and damaged utilities.

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Additional Considerations for Deploying in ROW

Assessing access, utility, and easement needs and gaining zoning approvals are critical to successful deployment.

| Utility Easements	❑ Review the new survey to ensure the utility easements are drawn and labeled correctly. Proof the metes and bounds description, ensure that the survey and written description are recorded.
	❑ Draft an easement that allows the owner to regrant or convey the right to use the utility easement to others, including the provider and subtenants.
	❑ Address additional future utility easements that may be requested by the tenant, provider, or subtenant.
	❑ Address the potential for future technological advances and the need to accommodate additional providers.
	❑ Ensure that the subleasing language also permits subtenants the right to use the utility easements.
	❑ Verify if an encroachment permit in the public right of way will be required.
	❑ Obtain a separate utility easement from the access point to the beginning of the access easement.
Access Easements	❑ Obtain a survey showing the location of the access easement, including proper nomenclature, widths, ownership, and metes and bounds.
	❑ Review the survey to ensure the access easement is shown and labeled correctly.
	❑ Ensure the access easement is bounded by a public ROW, and not a private road.
	❑ Ensure the width of the access easement meets zoning and local regulatory requirements.
	❑ Ensure there are no limitations or restrictions on accessing the easement and emergency access is addressed.
Zoning Approval	❑ Obtain a digital copy of the applicable zoning ordinance and determine all associated requirements.
	❑ Prepare a zoning letter that includes all project information, application timelines, application forms and requirements, and identifies a point of contact.
	❑ Submit a complete zoning application, including a cover letter, index, and narrative, that should address every application provision of the ordinance.

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Additional Resources

NTIA provides resources on the Internet For All program, BEAD, and permitting guidance to support successful broadband deployment.

Internet For All Website

For detailed program information about the Internet For All Grants, use InternetForAll.gov to search by program.
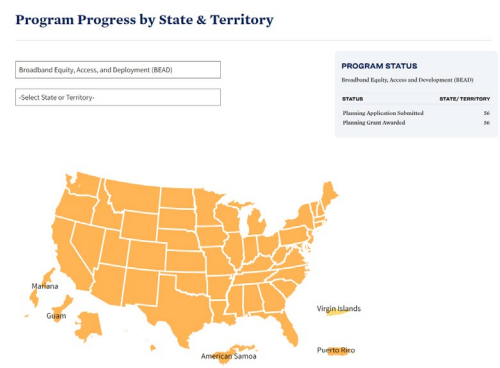
Interactive Funding Map
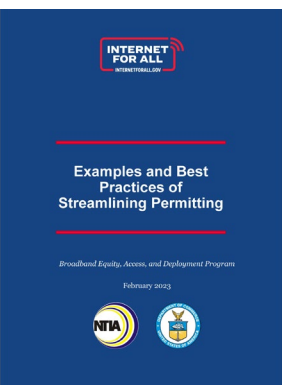
BEAD Program Resources

NTIA offers BEAD Program Resources including policy guidance and technical assistance.

BEAD Initial Proposal Progress Dashboard

NTIA Permitting Guidance

NTIA has compiled a Permitting Technical Assistance page on available permitting and EHP resources.

Permitting Best Practices: Case Studies

For more information, visit the BroadbandUSA Permitting webpage.

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Explore Available NTIA Resources

NTIA has developed resources on Environmental and Historic Preservation (EHP) and Permitting to assist NTIA grantees to provide common-sense permitting relief to as several funded projects prepare for the deployment.
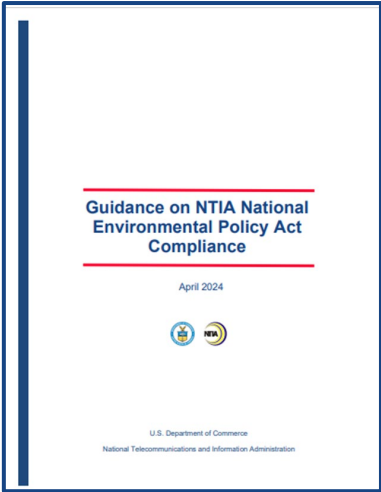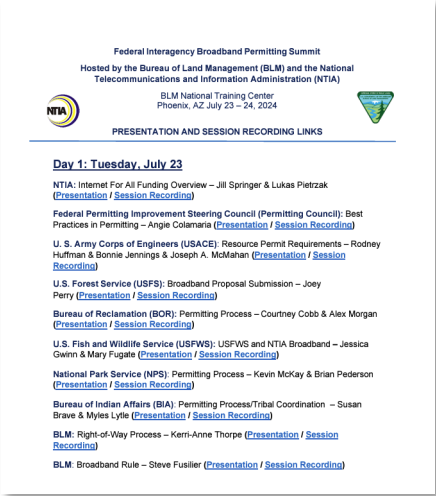
Permitting Needs Assessment

Local Permitting Importance, Challenges, and Strategies

Guidance on NTIA's NEPA Compliance

Federal Interagency Broadband Permitting Summit Resources

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Thank you!