



National Park Service Right-of-Way Permitting Process



The National Park Service Mission

The mission of the National Park Service is to "...conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

National Park Service Organic Act, 54 U.S.C. 100101

National Park Service (NPS) Right-of-Way (ROW) Program:

**Washington Area Servicing Office (WASO) - Park Planning,
Facilities, and Lands Directorate, Land Resources Division,
Realty Management Branch**

NPS WASO ROW Program

- Realty Officer, ROW Program Manager, and ROW Specialists

Regional Land Resources Program Centers

- Regional ROW Coordinator

Park

- ROW Coordinator

NPS RIGHT-OF-WAY (ROW) PERMIT

Director's Order #53:

“A permit issued by the NPS to a third party to pass over, under, or through a NPS owned or controlled area, is discretionary and revocable, and does not convey or imply any interest in the land.”

- NPS General ROW Permitting Authority found at 54 U.S.C. 100902
- Regulations at 36 CFR Part 14
 - Proposed Rule to update regulations published June 10, 2024. Accepting public comment through August 9, 2024.
- Reference Manual 53B – most up to date resource and guidance

Why are NPS ROW Permits Important?

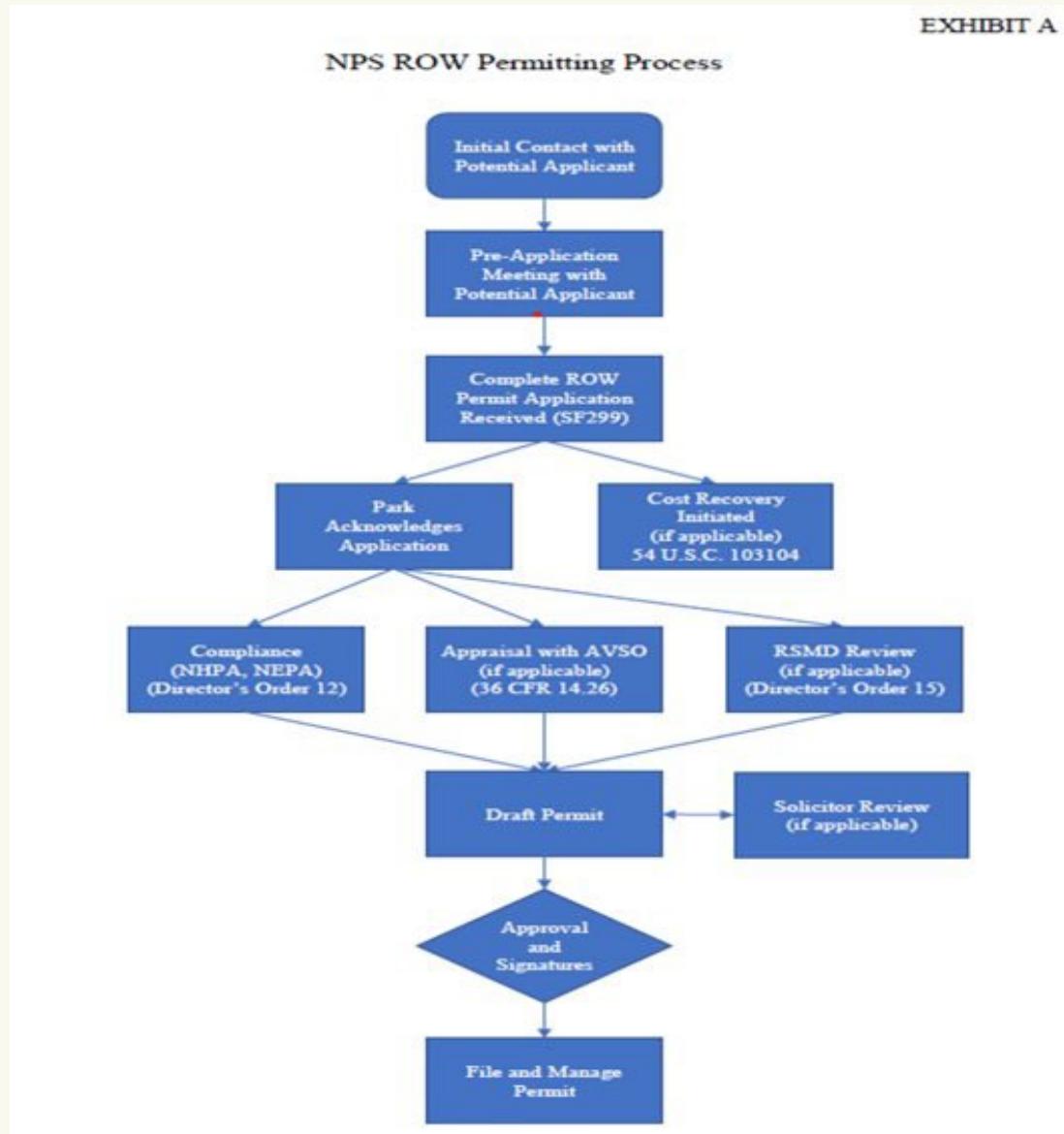
The permitting process ensures there is authority to authorize the use, that the use is not against the public interest, and that the use will not cause impairment or unacceptable impacts to park resources, values, and purposes

A ROW permit:

- Authorizes a use and documents the agreement for that use
- Contains agreed upon terms and conditions
- Establishes communications protocols

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NPS ROW Permitting Flow Chart



ROW Permitting Process

GENERAL SUMMARY (See RM-53B Exhibit A Flowchart):

- Initial Contact
- Pre-application Meeting
- Initial Application
- Map(s) and legal description
- Application materials
- Cost Recovery
- Compliance
- Appraisal – Use & Occupancy Fee
- Radio & Spectrum Management Branch Review (when applicable)
- Draft ROW Permit
- Execute ROW Permit
- Special Use Permit for Construction



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Pre-Application Meeting

An opportunity to:

- Exchange information about the proposed project
- Discuss applicable laws, regulations, policies, and park planning documents
- Discuss:
 - What is required for a complete application
 - Compliance requirements
 - Constraints unique to the park
 - Use and occupancy fee requirements and appraisal procedures
 - Cost Recovery
 - Co-location
 - A NPS ROW Permit is for Use of the Federal Land and Operation and Maintenance
 - Construction – Special Use Permit Requirement

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The ROW Permit Application

- Standard Form (SF)-299 APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS AND FACILITIES ON FEDERAL LANDS (completed, signed, & dated)
- Include
 - a survey, or
 - map and legal description that meets the current NPS Mapping Standard, and
 - application materials as discussed with the park and listed in RM 53B (Exhibits B or K)
- Applications are sent to the Park Superintendent

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The ROW Permit Application (continued)

Common materials needed in an application include, in part:

- Equipment lists
- Revegetation plans
- Maintenance plans
- Archaeological surveys, vegetation surveys, steep slope surveys, etc.
- Information needed to complete compliance - NEPA, NHPA, ...
- Relevant authorizations from other agencies as appropriate
- Designs and plans, construction drawings, etc.
- Requested areas for construction

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Resources

- NPS Public ROW Permit Information Site:
 - [Right-of-Way Permit \(U.S. National Park Service\) \(nps.gov\)](https://www.nps.gov/subjects/rights-of-way/permits/index.html)
- Reference Manual 53B
 - [REFERENCE MANUAL 53B RIGHTS-OF-WAY \(nps.gov\)](https://www.nps.gov/subjects/rights-of-way/permits/reference-manuals/index.html)

Thank you

