

NTIA/BLM Federal Interagency Broadband Right-of-Way Permitting Virtual Summit



01.29.26

Agenda

- **4:00 – 4:15 – NTIA Introduction, BEAD Overview**
- **4:15 – 5:15 – Permitting Agency Information and Updates**
 - *Federal Highway Administration, Bureau of Land Management, Forest Service, Bureau of Indian Affairs, Bureau of Reclamation, National Park Service, Fish and Wildlife Service*
- **5:15 – 5:45 – Panel Discussion on Key Telecommunications Industry Concerns About Federal Broadband Permitting**
- **5:45 – 6 pm – Agency Closing Remarks, NTIA Next Steps for BEAD**

Overview of BEAD

BEAD Program Overview

BEAD will fund broadband deployment in every state and territory which will lead to a significant influx of Environmental and Historic Preservation (EHP) and permitting activities for federal and state permitting agencies.



BEAD represents the largest amount of funding of NTIA's Programs, distributing \$42.45 billion among states, territories, and D.C. by relative number of unserved locations.



BEAD will target households currently unserved or underserved by high-speed Internet access, which include many in rural and hard-to-reach areas geographically.



NTIA has started to provide technical assistance to states and territories on permitting and EHP, but some project teams may be less familiar with state-level requirements.

NTIA Support for BEAD Environmental Compliance

NTIA has provided tools, training, and guidance to support Eligible Entities with environmental compliance.

NEPA TOOLS AND INITIATIVES

STATUS



New and Expanded Categorical Exclusions



In April 2024, NTIA [established 30 new categorical exclusions](#) and adopted six additional categorical exclusions from FirstNet.



Adoption of Programmatic Environmental Impact Statements (PEIS) and Tiered Environmental Assessment Template



NTIA adopted the FirstNet PEISs and has [released guidance](#) to support Eligible Entities to apply programmatic NEPA efficiencies in each state and territory.



Web-based GIS Permitting and Environmental Screening Templates



NTIA's [Permitting and Environmental Information Application](#) and [downloadable Map Package](#) help proponents identify permit requirements and avoid potential environmental impacts.



Streamlining National Historic Preservation Act & Endangered Species Act Reviews



[Advisory Council on Historic Preservation's](#) Program Comment for Federal Communications Projects was expanded to streamline Section 106 Review for NTIA projects.



NTIA expanded access to [complete ESA review online](#) using the FWS's IPaC system and applicable "Determination Keys" (DKeys)



IT Permitting Solutions: Web-based Publicly Available GIS Map Packages and Salesforce-based Environmental Screening Tool with Permitting Dashboard



NTIA's [ESAPTT](#) expedites categorical exclusion screening and approvals; the [Permitting and Environmental Information Application](#) supports permitting efficiency and tracking.

NEPA for BEAD Environmental Screening

Eligible Entities will fulfill their responsibilities as joint lead agencies for NEPA review via the Environmental Screening and Permitting Tracking Tool (ESAPTT).



NTIA has partnered with States and Territories as joint lead agencies to maximize NEPA review efficiency.



States and Territories are building NEPA capacity within their organizations to support environmental compliance and permitting oversight for BEAD projects.



NTIA has developed ESAPTT to support Eligible Entities in applying categorical exclusions, considering extraordinary circumstances, and generating NEPA decision documents for BEAD.

The screenshot displays a grid of nine resource cards under the heading 'NEPA Resources: NEPA for BEAD'. The cards are arranged in three rows of three. Each card includes a small icon, a title, and a 'Download Now' button.

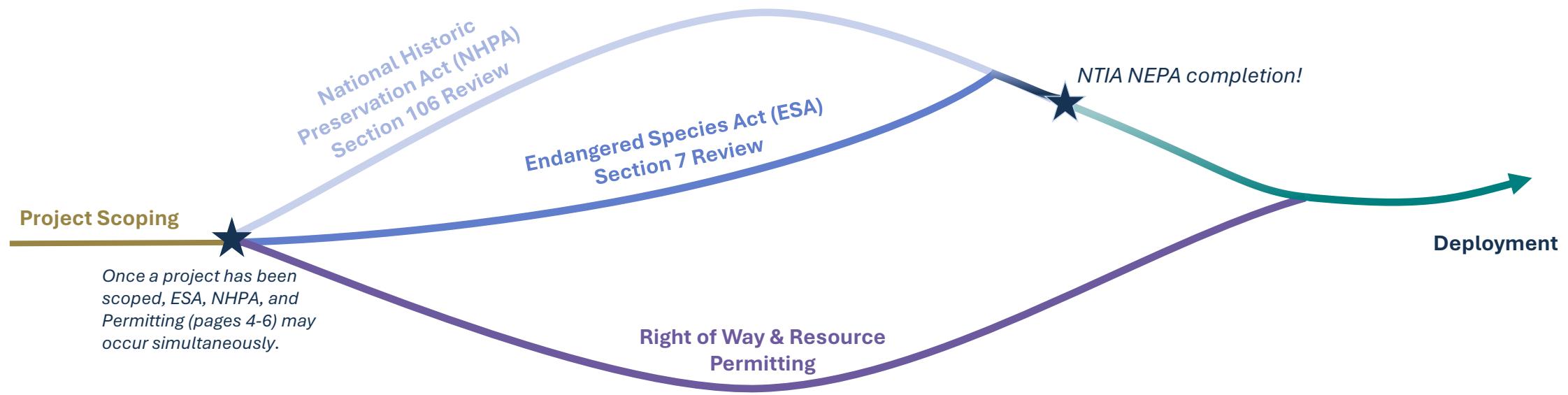
- Top Row:**
 - Icon:** Pencil icon. **Title:** BEAD NEPA OBLIGATIONS are detailed in Section 13 Environmental and Historic Preservation (EHP) Review on page 7. **Link:** 2026 BEAD Program General Terms and Conditions (GTCs)
 - Icon:** Document icon. **Title:** Frequently Asked Questions (FAQ) NEPA for BEAD Addendum. **Link:** Frequently Asked Questions (FAQ) NEPA for BEAD Addendum
 - Icon:** Document icon. **Title:** Smart Start: How to Plan and Prepare for National Environmental Policy Act (NEPA) Compliance for BEAD. **Link:** Smart Start - How to Plan and Prepare for National Environmental Policy Act (NEPA) Compliance for BEAD
- Middle Row:**
 - Icon:** Document icon. **Title:** Smart Start Part II: How to Approach and Implement BEAD Subgrant Permitting Conditions. **Link:** Smart Start Part II: How to Approach and Implement BEAD Subgrant Permitting Conditions
 - Icon:** Document icon. **Title:** Environmental Screening and Permitting Tracking Tool (ESAPTT) Overview. **Link:** Environmental Screening and Permitting Tracking Tool (ESAPTT) Overview
 - Icon:** Document icon. **Title:** ESAPTT External User Guide. **Link:** Download User Guide
- Bottom Row:**
 - Icon:** Document icon. **Title:** Sample Project Descriptions and Maps for BEAD Environmental and Historic Preservation (EHP) Review. **Link:** Download Now
 - Icon:** Document icon. **Title:** Sample Project Descriptions and Maps for BEAD Environmental and Historic Preservation (EHP) Review. **Link:** Download Now
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NTIA's Streamlining Tools Roadmap

BEAD subgrant recipients can leverage NTIA's streamlining tools to navigate National Environmental Policy Act (NEPA) and permitting review and approval processes for broadband projects.

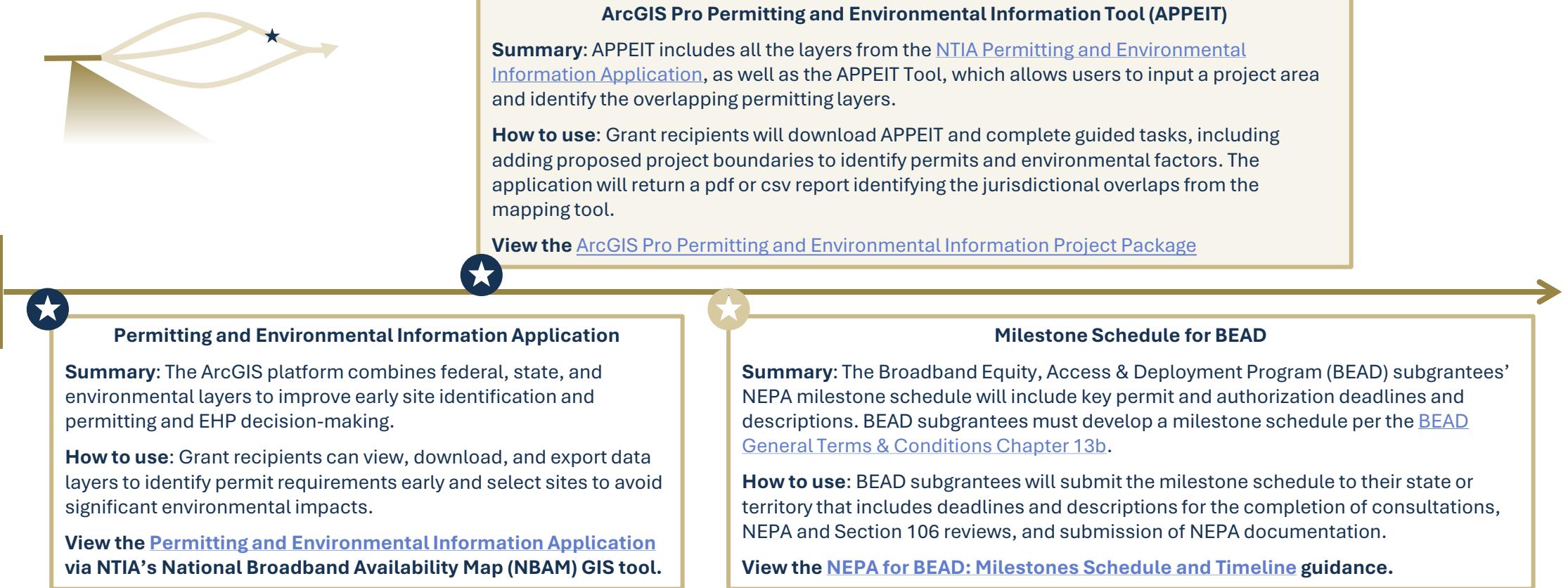
RESOURCE OVERVIEW

This resource highlights key programmatic tools, efficiencies, and technical assistance (TA) documents provided across NTIA programs.



Project Scoping | Tools and Efficiencies

NTIA has developed tools and materials to support NTIA grant recipients in early project planning and permit identification to reduce potential delays to deployment.

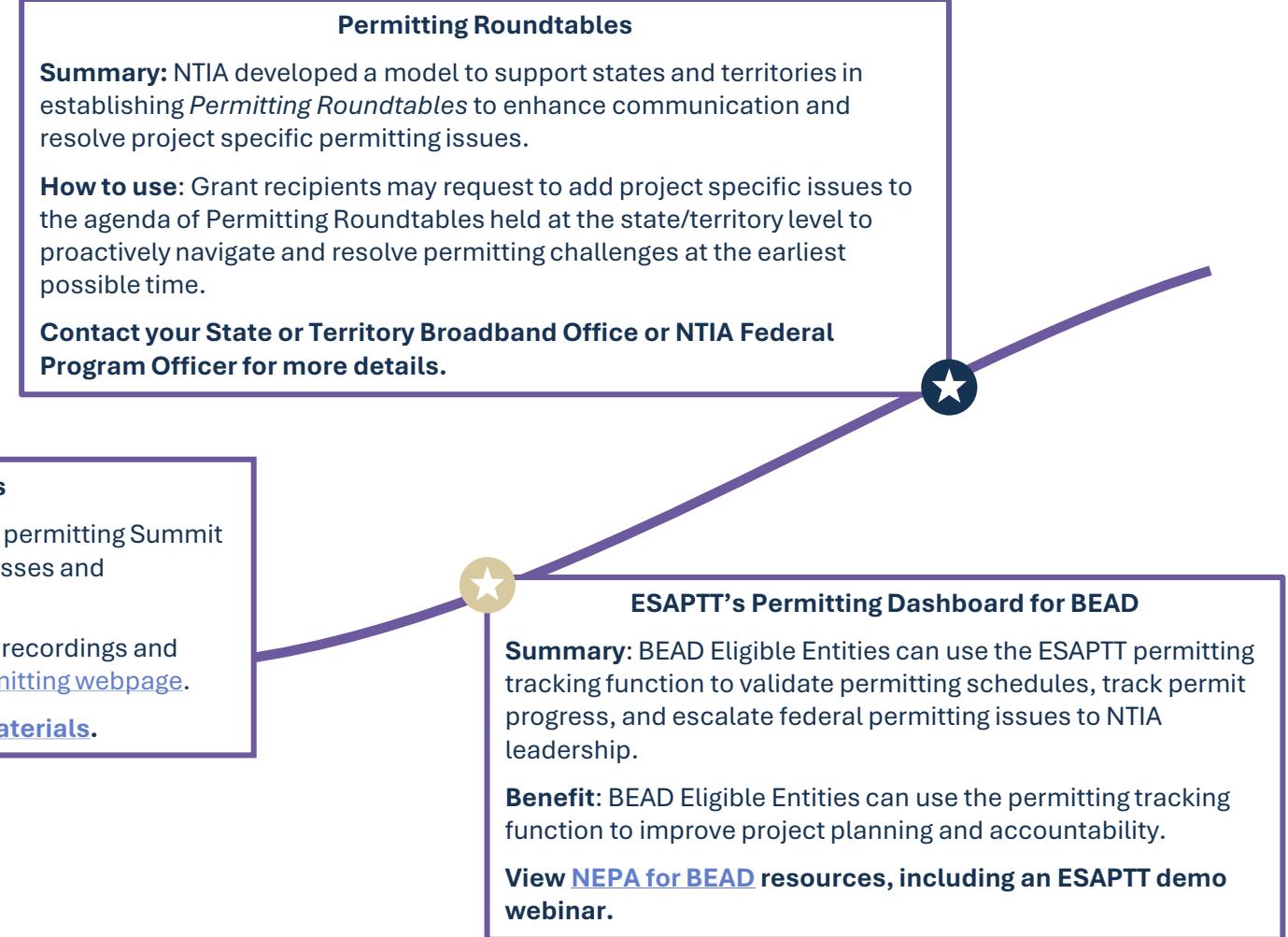
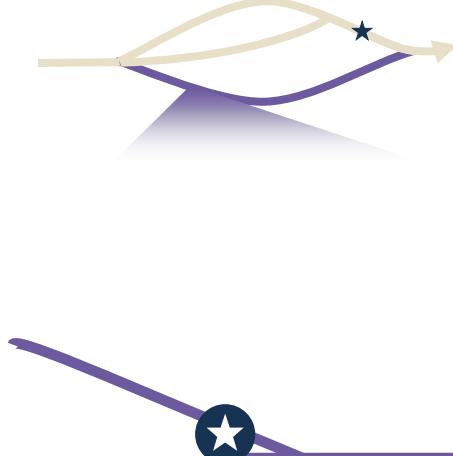


Key: Cross-Program Tool

BEAD Program Tool Only

Permitting | Tools and Efficiencies

NTIA provides resources for grant recipients to learn more about right of way and resource permitting processes, identify best practices to reduce delays, and track permitting progress across projects.



Department of Transportation Federal Highway Administration

FHWA Utility Webpage: [Utilities Program - Utility Program - Design - Federal Highway Administration](#)

Presenter: Julie Johnston

Utility, Railroad and Value Engineering Program Manager
Julie.Johnston@dot.gov

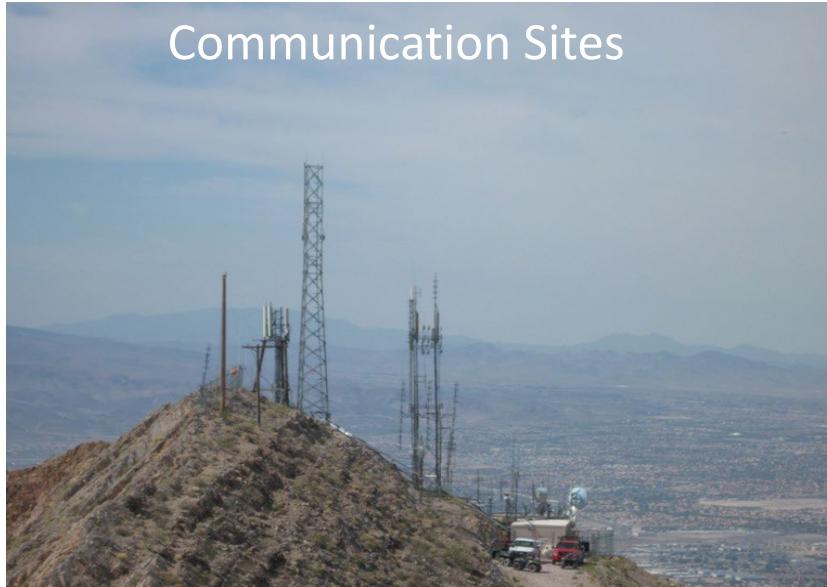


Bureau of Land Management

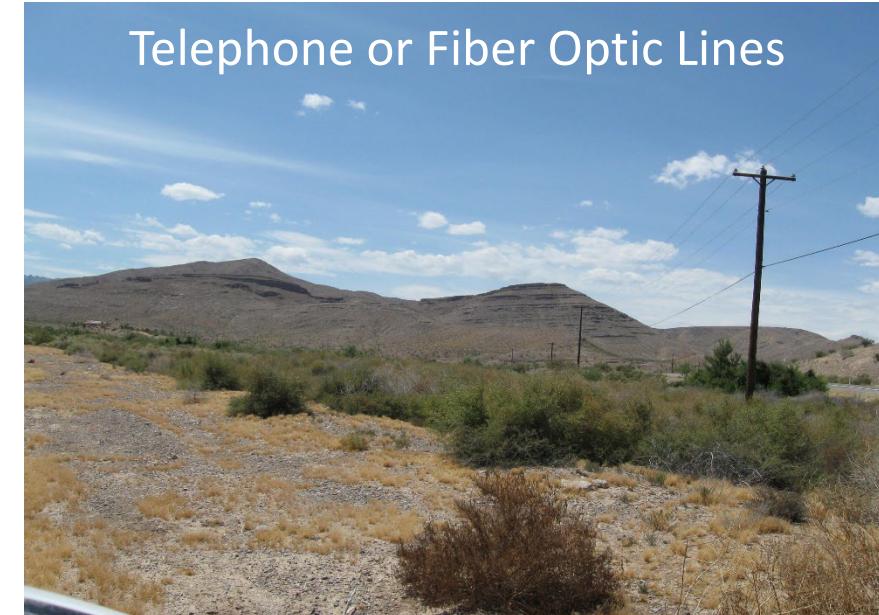
Right-of-Way Overview and Updates (as of January 2026)

Broadband

Communication Sites



Telephone or Fiber Optic Lines



Contact Information:

Kerri-Anne Thorpe, Communications Uses and Hydropower Program Lead, kthorpe@blm.gov

Katie White Bull, Broadband Coordinator, kwhitebull@blm.gov



What is a Right-of-Way (ROW)?

- A ROW is the Authorization (under a particular grant or lease) for systems or facilities over, under, on or through public lands.

When do I need a ROW?

- **Anytime you plan to use public lands for systems or facilities over, under, on, or through public lands.”**





ROW Authorities

Federal Land Policy Management Act of 1976 (FLPMA):

October 21, 1976 – Public Law 94-579, Title V of the
Federal Land Policy and Management Act, as amended
(43 U.S.C. 1761 et seq., 90 Stat. 2776)

Regulations:

43 Code of Federal Regulations (CFR) 2800
43 CFR 2860 “Communications Uses”



National Environmental Policy Act (NEPA)

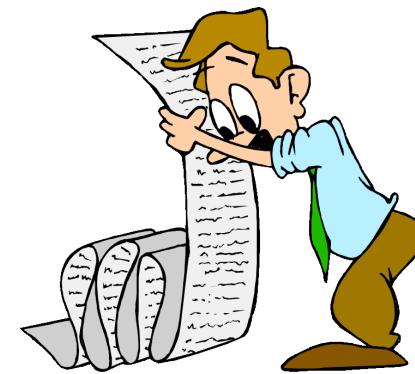
Most of the actions the BLM takes to implement its land-use plans are reviewed under the requirements of the National Environmental Policy Act (NEPA), through various documentation of the potential environmental effects, including:

- Environmental Impact Statement
- Environmental Analysis
- Categorical Exclusion
- Determination of NEPA Adequacy

To date, the BLM has adopted 102 Categorical Exclusions from other agencies.

- Approximately 9 are specific to communications uses.

You can stay up-to-date on changes by visiting the Department of Interior's NEPA website here:
<https://www.doi.gov/oepc/national-environmental-policy-act-nepa>





Helpful Information

AUTHORITY:

- [Federal Land Policy and Management Act \(FLPMA\)](#)

REGULATIONS:

- [Title 43 Code of Federal Regulations Part 2800](#)
- [Title 43 Code of Federal Regulations Part 2860](#)

INFORMATION:

- [ROW Processing Flowchart](#) (What is the BLM's ROW process)
- [Obtaining a Right-of-Way](#) (How do I apply for a ROW)
- [ROW Pre-Application Checklist](#) (What should I do before I apply)
- [Specifications for Descriptions of Land](#) (How to write a legal land description)
- [Land Use Planning Maps](#) (Is the land open to ROWs?)
- [Application for Transportation, Utility Systems, Telecommunications and Facilities on Federal Lands and Property](#) (Where can I find the SF-299 application)
- [BLM Mineral & Lands Records System \(MLRS\)](#) (Where can I file my SF-299 electronically)
- [Communications Sites](#) (Information related to communications sites/uses)
- [Rights-of-Way](#) (Information related to right-of-way uses)
- [Right-of-Way Fees \(Costs\)](#) (Fees related to processing, monitoring, and rents)
- [National Environmental Policy Act \(NEPA\)](#) (information related to NEPA, including adopted Categorical Exclusions)



Forest Service

Broadband for All and

Permit Process for Fiber Optic Cable



Forest Service Broadband Initiative

- Created National Broadband Action Team (BAT)
- BAT Primary Goals
 - Increase understanding
 - Improve documentation submittal
 - Increase efficiency
 - Shorten timeline to final issuance



Proposal Submission

- **All proposals** must be submitted to the National Broadband Action Team. Proposal submissions to individual forests could result in delays in processing.
- [Broadband Communications Uses Submission](#)
- **The following documents** are recommended to process a proposal. Incomplete or insufficient documents will be returned to the proponent and will not be processed.
- [SF-299](#)
 - The Plan of Development for Fiber Optic/Broadband Use has been developed to assist you in submitting a complete SF-299. This document will describe the information the Forest Service requires to screen and process your proposal. [Plan Of Development Template](#).
- Maps and GIS data
 - The Forest Service requires clear, understandable maps and GIS data. Maps must show national forests and grasslands ownership.
 - Forest Service mapping standards can be found [here](#).





Tips on Proposal Submission

- Co-location on existing infrastructure is preferred and has the quickest processing time.
 - Utility or fiber optic companies do not have the authority to grant other entities the ability to occupy or use National Forest System (NFS) lands. Approval and authorization from the Forest Service is still required when co-locating on existing infrastructure.
 - If co-location is being requested, a letter of consent from the facility owner is required.
- Public road entities (state or county) do not have the authority to grant approval of the use or occupancy of NFS lands. The Forest Service alone must approve and authorize uses on NFS lands.
 - If the proposed use is being placed within the road right-of-way managed by a public road entity (state or county), a letter of consent is required from that public road entity to ensure there are no conflicts with their existing use.
 - Installation of infrastructure within public road rights-of-way on NFS lands require Forest Service approval and authorization.



Timeline for Broadband Proposal/Application

PROPOSAL SUBMISSION	WITHIN 60 CALENDAR DAYS	APPLICATION PROCESSING BEGINS	(CATEGORY 1-4)	(MAJOR CAT)	270 DAYS
<p>Proposal received in the Online Portal.</p> <p>Proposal reviewed for completeness by the Broadband Action Team (BAT).</p> <p>If sufficient, the BAT will refer the proposal to the Region and Forest.</p> <p>If insufficient the BAT will contact proponent for additional information</p>	<p>Proposal received at the Forest for initial and second-level screening</p> <p>Forest will contact proponent to notify of suitability</p>	<p>Initial & second-level screening met</p> <p>Cost Recovery fee determination initiated</p> <p>270-day timeline begins to process application</p>	<p>Minor Cost Recovery, Forest Service to process the applications within 60 days from receipt of Cost Recovery payment</p> <p>Minor Category, notify applicant prior to 30 calendar days of reasons for delay and projected date for processing the application</p>	<p>Notify applicant within 60 days from acceptance of an application with the anticipated steps and processing schedule</p>	<p>Includes:</p> <ul style="list-style-type: none">*Resource surveys, environmental review, heritage consultation, tribal notification, and authorized officer review*Accessibility to complete resource surveys could increase the timeline



Expediting NEPA Through Adopted Categorical Exclusions

- **Leveraging Other Federal Agencies' CEs:** Forest Service adopted CEs from agencies like NTIA, Department of Commerce, Bureau of Indian Affairs, and Bureau of Land Management.
- **Purpose:** Streamline environmental review for broadband projects on NFS lands.
- **Impact:** Reduces need for Environmental Assessments for qualifying projects, accelerating permitting timelines.
- **Examples of Adopted CEs:**
 - Fiber optic installation in existing rights-of-way.
 - Construction of communication towers under 199 ft on previously disturbed ground.
 - Utility installations within roadway rights-of-way.



National Broadband Team

- Email: sm.fs.broadband@usda.gov
- Website: [Communication Uses – Fiber Optic Cable | US Forest Service \(usda.gov\)](https://www.fs.usda.gov/communication-uses-fiber-optic-cable)



Contacts and Helpful Links

Wired (Fiber)

Jennifer Whyte – National Broadband Team Project Manager
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Callie Ackerman-Jasper – Regional Project Manager (lead for Regions 1, 5 (portion of), and 9)
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Janell Corey – Regional Project Manager (lead for Regions 2, 5 (portion of), 6, and 10)
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Thom Craig – Regional Project Manager (lead for Regions 3, 4, and 8)
(304) 538-4446 or Thomas.Craig@usda.gov

External Website: [Special Uses – Communications Uses | US Forest Service](#)



Forest Service
U.S. DEPARTMENT OF AGRICULTURE

USDA is an equal opportunity provider, employer, and lender.

BIA NEPA Compliance

Justine Vaivai, Environmental Protection Specialist

Alyssa Morris, Environmental Protection Specialist

Bureau of Indian Affairs
Office of Trust Services
Division of Environmental Services and Cultural Resources
Management



BIA NEPA Compliance

- CEQ Regulations were rescinded last year in February 2025 and was made final in January 2026.
 - <https://www.federalregister.gov/documents/2026/01/08/2026-00178/removal-of-national-environmental-policy-act-implementing-regulations>
- DOI NEPA Handbook replaces rescinded CEQ Regulations and BIA NEPA Guidebook
 - <https://www.doi.gov/oepc/national-environmental-policy-act-nepa>
 - The handbook and associated regulations will be finalized mid-February.
 - BIA specific NEPA guidance will be rescinded after this.

BIA NEPA Compliance

- Since BIA doesn't have a Handbook, we are focusing on training
 - Series of NEPA Practitioner "Advanced"/In Depth Topics
 - Annual Tribal NEPA Training "General"/Overview of NEPA Changes and Implications
- NEPA Tracker Changes (in process)
 - Categorical Exclusion updates to distinguish those that do/do not require applicability documentation and review of extraordinary circumstances
 - Added "tags" to help categorize and filter the data by project type
 - Working on creating a public facing version that will pull a small subset of the data for public searching and mapping projects by Tribe

BIA Office of Trust Services Division of Real Estate Services (DRES) Central Office

Presenters:

Liz Berndt and Lonny Anderson

Rights-of-Way (ROWs) Across Indian Trust and Restricted Land for Broadband and Infrastructure Projects

Regulations

25 CFR Part 169 establishes the procedures and conditions under which the Bureau of Indian Affairs (BIA) considers requests to approve rights-of-way over and across tribal lands, individually owned Indian lands, and BIA lands.

Its purpose is to:

- Streamline approval processes for ROWs.
- Support tribal self-determination by incorporating tribal laws and policies.
- Ensure compliance with federal statutes while deferring to Indian landowner decisions wherever possible.

Policy

On September 3, 2025, the Office of Trust Services (OTS), Division of Real Estate Services (DRES), issued National Policy Memorandum (NPM) NPM-TRUS-48 titled "*Streamlining the Rights-of-Way Application Processes for Broadband Infrastructure Projects Across Indian Trust and Restricted Land.*"

- A series of training webinars on this NPM were held Sept. 12th, 15th, and 18th, 2025 for BIA staff, Tribal Contract/Compact Realty Staff, Federally Recognized Tribes, Tribal Entities, Alaska Native Corporations, Federal Partners, and Industry.
- [VIDEO: NPM-TRUS-48 Overview](#)
- [TRANSCRIPT: NPM-TRUS-48 Overview](#)
- [POWERPOINT: NPM-TRUS-48 Overview](#)

Rights-of-Way (ROWs) Across Indian Trust and Restricted Land for Broadband and Infrastructure Projects

Handbook

ROWS on Indian Lands Handbook, 52 IAM 9-H was issued on January 10, 2022. This handbook was issued to provide guidance to Bureau of Indian Affairs (BIA) realty staff in preparing, reviewing, and processing a grant of ROW across land(s) held in trust or restricted status by the United States of America for the beneficial use of an individual Indian trust landowner(s) and/or a federally recognized Tribe(s). OTS, DRES is currently working with Regional ROW User Group members to implement necessary updates this handbook.

- [52 IAM 9-H: Rights-of-Way on Indian Lands Handbook](#)

Reporting, Tracking and Monitoring

OTS, DRES continuously facilitate, develop, vet, and test change requests to update the Trust Asset Accounting Management System (TAAMS), our official system of record. These updates are designed to enhance the tracking of all ROW projects and their status throughout the project lifecycle.

In addition, OTS, DRES maintain ongoing collaboration with the Division of Resources Integration Services (DRIS) to implement and improve dashboards that support comprehensive tracking, monitoring, and reporting of ROW projects. These efforts include initiatives related to Broadband and Infrastructure, ensuring greater transparency and efficiency.



— BUREAU OF —
RECLAMATION

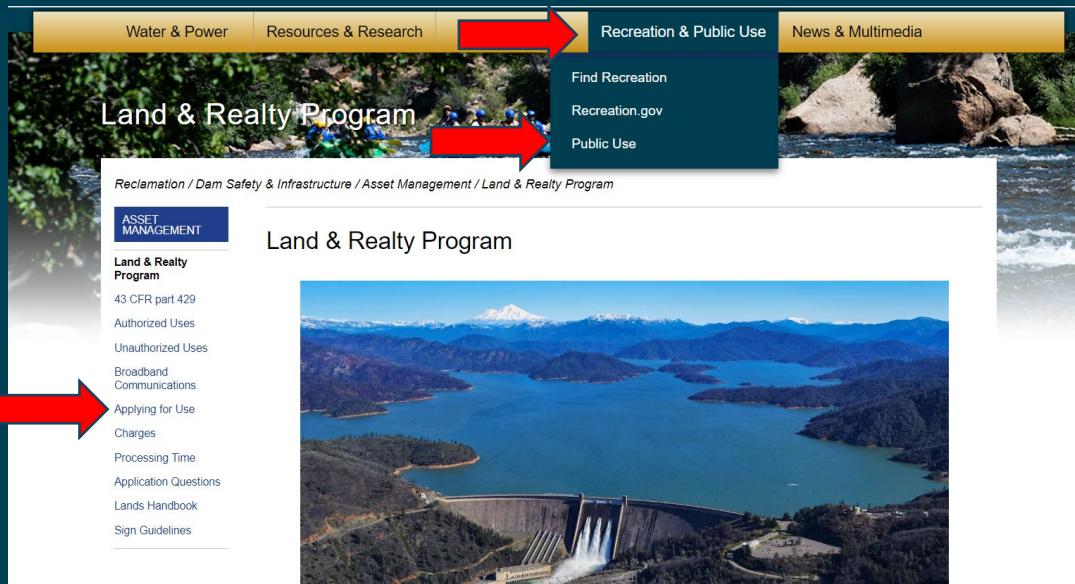
Federal Interagency Broadband Permitting Summit

January 29, 2026

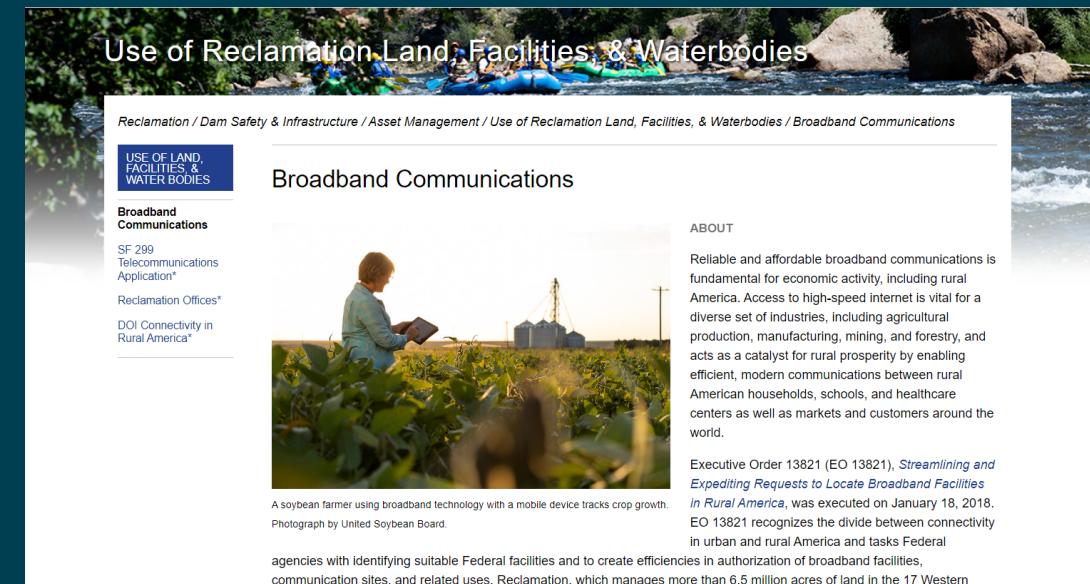


Online Resources for Use Authorizations

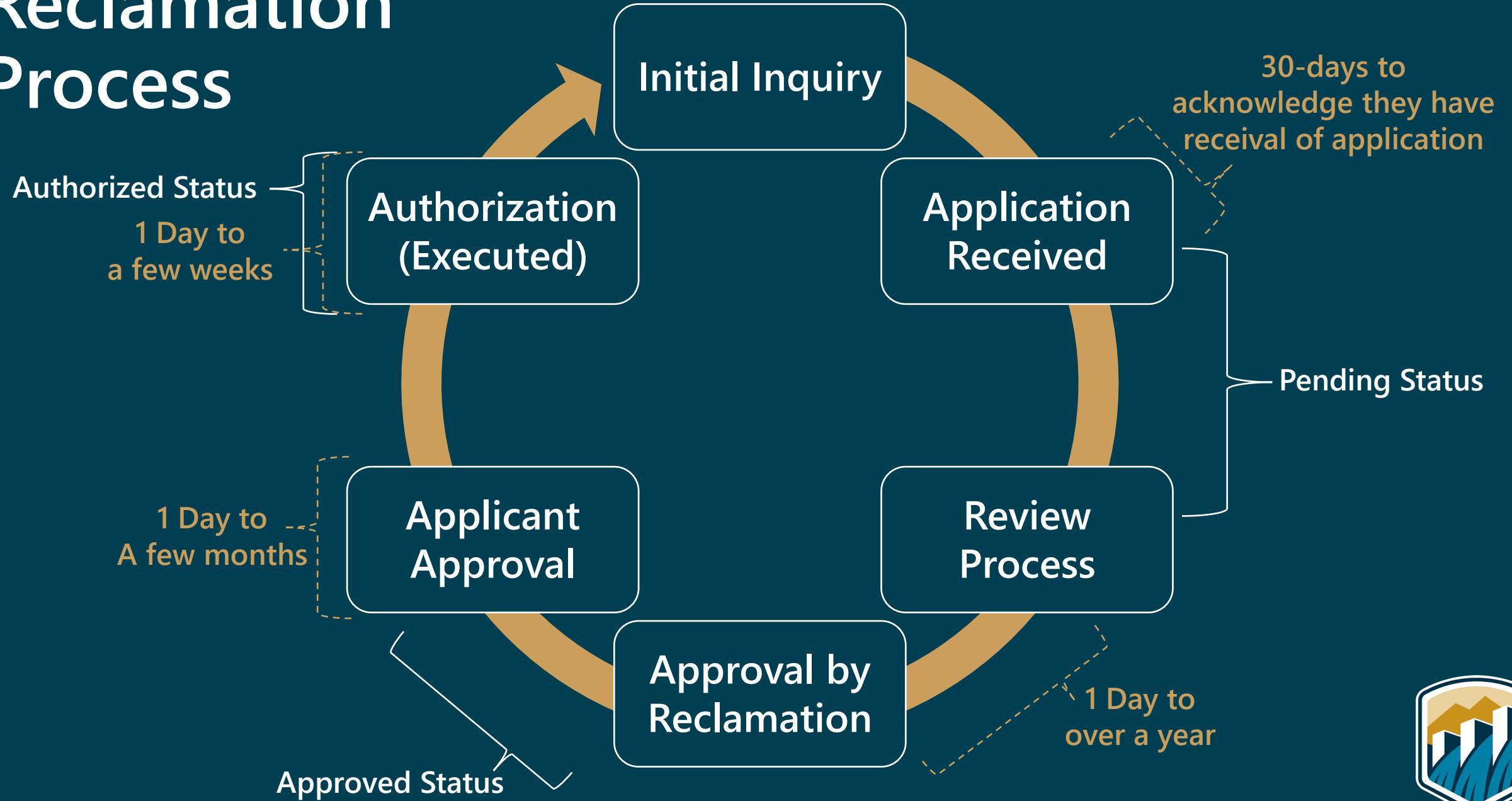
- <https://www.usbr.gov/lands/>



- <https://www.usbr.gov/lands/broadband/index.html>



Reclamation Process



Main Authorities

- Reclamation Act of 1902
- Reclamation Project Act of 1939
- 43 CFR 429 - USE OF BUREAU OF RECLAMATION LAND, FACILITIES, AND WATERBODIES
- RM LND P06 – Land Program Management
- RM LND 08-01 – Use Authorizations
- MOBILE NOW Act of 2018 47 USC 1501 P.L. 115-141 Title VI
- Executive Order 13821 (2018) (Streamlining and Expediting Requests To Locate Broadband Facilities in Rural America)



Speaking on Applications

- Make sure application is completely filled out.
 - Include supplemental information including routes, drawings business documents, resolutions and signing authority.
 - Feel free to send drafts or have a draft at the pre-application meeting.
- Contact the local office overseeing the project lands early.
 - An initial discussion helps address questions and is more effective when detailed information is proved.



Changes

- Flexibility to adopt other bureau's fee schedules per 43 CFR 429.
- New fee schedules will be adopted for communication sites and uses.
- Reduced staffing capacity may impact processing timelines.
- Conforming to new NEPA standards



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— BUREAU OF —
RECLAMATION

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National Park Service Land Resources Division



Right of Way Program



NPS • PPFL

Updates - the NPS Right-of-Way (ROW) Program

A **NPS ROW permit** is a discretionary and revocable special use permit issued by the NPS to authorize the use of lands and waters, and operation and maintenance of utility infrastructure. A right-of-way permit does not grant, convey, or imply transfer of title to any interest in, including a leasehold or easement interest in, the lands or waters authorized for use.

The NPS **right-of-way (ROW)** regulations at **36 CFR Part 14** have been updated through rulemaking. The updates add clarity about the NPS ROW Permitting process.

The NPS has been working with the **DOI Appraisal and Valuation Services Office (AVSO)** to identify approved valuation methods that the NPS can utilize as an alternative to appraisal for determination of use and occupancy fees.

NPS ROW Program Organization:

- **WASO** - Park Planning, Facilities and Lands (PPFL), Land Resources Division, Realty Management Branch – ROW Program
- **NPS Regions** - Regional Land Resources Program Centers, Regional ROW Coordinators
- **System Units** Park Superintendents and Park ROW Coordinators. ROW permits are issued by parks.

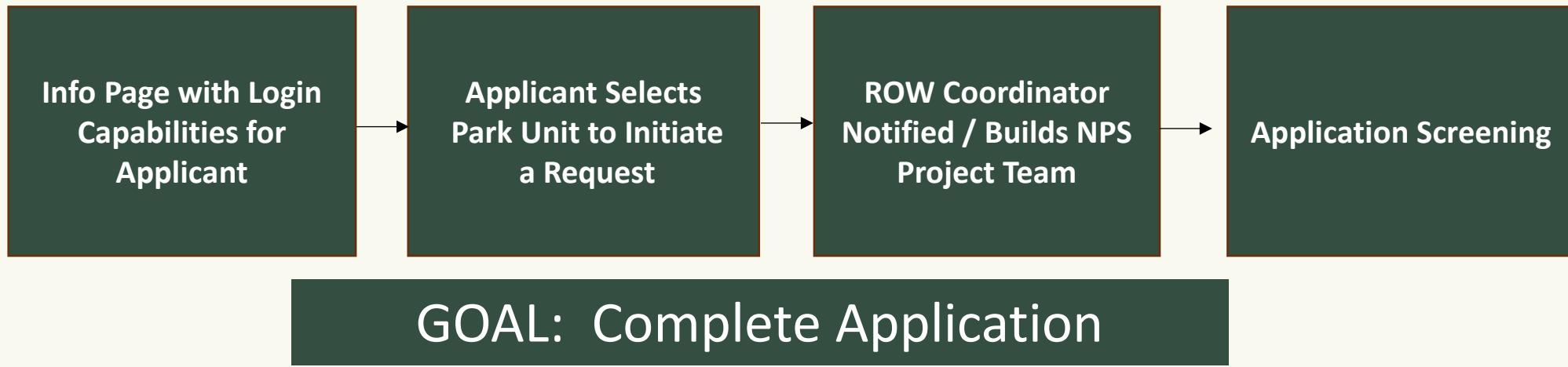


NPS ROW Permit Application Portal

An **online ROW Permit Application Portal (Application Portal)** has been developed to streamline the NPS ROW permit application process. The Application Portal enables:

- Direct Communication and Connection to NPS ROW staff through the portal
- Scheduling of pre-application meetings and Submittal of ROW Permit Application Materials
- Tracking of ROW Permit Application status

Pilot projects are being entered into the Application Portal for assessing initial performance



Thank you

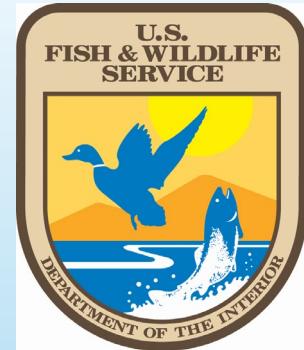


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NPS • PPFL

Department of Interior U.S. Fish and Wildlife Service



Related Topics

Endangered Species Act (IPaC)

Sections 7 and 10

Listed Species

Critical Habitat

IPaC website

Right-of-Way Permits (Refuges)



ENDANGERED SPECIES ACT OF 1973

AN ACT To provide for the conservation of endangered and threatened species of fish, wildlife, and plants, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Endangered Species Act of 1973."

Section 3(C)(A) The term "critical habitat" for a threatened or endangered species means—

(i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and

(ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species...

U.S. Fish and Wildlife Service Resources

- Endangered Species Act
 - Start with IPaC (automated documents)
 - <https://ipac.ecosphere.fws.gov/>
 - Section 7 (Federal funding)
 - <https://www.fws.gov/service/esa-section-7-consultation>
 - Section 10 (non-federal funding)
 - <https://www.fws.gov/laws/endangered-species-act/section-10>
- Right-of Way Permits for Refuges
(<https://www.fws.gov/policy-library/340fw3>)
 - Start with IPaC (automated FWS land mapper)
 - <https://ipac.ecosphere.fws.gov/>

Staff Contacts

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Thank you

