

**Statement of
Timothy R. Spisak
Acting Assistant Director
Energy, Minerals, and Realty Management
Bureau of Land Management
U.S. Department of the Interior**

**House Committee on Natural Resources
Subcommittee on Federal Lands
H.R. 4824, Rural Broadband Permitting Efficiency Act
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Thank you for the opportunity to present the views of the Department of the Interior (Department) on H.R. 4824, the Rural Broadband Permitting Efficiency Act. H.R. 4824 requires the establishment of a program jointly with the Department of Agriculture (USDA) that would allow States to assume responsibility for environmental review and approval of broadband projects in existing road rights-of-way on public lands managed by the Bureau of Land Management (BLM) and the USDA Forest Service (USFS).

The Department supports the goals of H.R. 4824 to streamline the permitting of broadband facilities on public lands, and looks forward to working with the sponsor and the subcommittee on some modifications to enhance the effectiveness of the bill.

Background

It is the policy of the Administration to accelerate the deployment of modern high-speed broadband connectivity, which has the potential to connect underserved rural communities and promote economic opportunities throughout the Nation. According to the Federal Communications Commission, nearly 23 million Americans in rural parts of the country lack access to broadband. In modern society, this cuts them off from many services and potential jobs.

Lands managed by the BLM and other agencies within the Department are crucial to facilitating the deployment of wired and wireless broadband communications infrastructure. Already the BLM supports a wide range of communication facilities and related technologies (e.g. radio, television, cellular, and microwave) on public lands by issuing right-of-way grants, permits, or leases. The BLM has issued over 3,800 communication use rights-of-way involving approximately 1,500 sites on public lands. Currently, the BLM and the USFS use a common application form, SF-299, to evaluate such projects on Federal lands. The BLM and USFS assess cost recovery fees for processing applications and monitoring compliance.

Executive Order 13821, *Streamlining and Expediting Requests to Locate Broadband Facilities in Rural America*, and the “Presidential Memorandum on Supporting Broadband Tower Facilities in Rural America on Federal Properties Managed by the Department of the Interior,” reiterate the importance of the Department’s role in the establishment of broadband access for rural communities.

Secretary Zinke is committed to reducing barriers, removing obstacles, and more efficiently employing government resources, as demonstrated by Secretarial Order 3355, *Streamlining NEPA Reviews and Implementation of Executive Order 13807*, among other Secretarial actions. By improving processes and making Federal assets more available for broadband infrastructure, the BLM and other agencies within the Department can ensure that all Americans benefit from Federal management of the public lands for multiple uses.

H.R. 4824

H.R. 4824 requires the Department to establish a program jointly with the USDA that would allow States to assume responsibility for environmental review and approval of broadband projects in existing highway rights-of-way on public lands. Under the auspices of the program, States would enter into a memorandum of understanding (MOU) with either the Department for projects on BLM-managed public lands or USDA for projects on National Forest System lands. Per the MOU, the State would then assume full or partial responsibility, varying for each memorandum, for any environmental review required by Federal law for the permitting of the broadband projects contemplated.

Legislation like H.R. 4824 could provide an opportunity for the BLM to strengthen its partnership with States in the management of the public lands. Under Title V of the Federal Land Policy and Management Act (FLPMA), the BLM and the USFS is given the authority by Congress for permitting and administration of all rights-of-way on public lands and National Forest System lands. The BLM and the USFS also has authority under FLPMA to enter into agreements with third parties for the preparation of environmental documents, and often do so to make this important process more efficient and effective. H.R. 4824 would transfer the BLM's authority under FLPMA for permitting broadband projects in highway rights-of-way to the States. Working with states to share responsibility for ensuring compliance with Federally-required environmental reviews for these types of projects could help expedite the permitting process. However, we would like to work with the sponsor to ensure alignment between state and Federal environmental review standards, and develop a model format for MOUs for use across all BLM jurisdictional areas. Use of a MOU with familiar terms would ensure consistency and provide certainty to proponents undertaking projects in multiple states.

This approach also presents a few practical considerations related to program administration. For instance, FLPMA, and in some cases title 23 rules, require the BLM and the USFS, or the State Department of Transportation, receive fair market value for the use of public lands and National Forest System lands. It is unclear whether the agencies would receive fair market rental from the project proponent, or if the State would receive it on their behalf. H.R. 4824 does not address certain other aspects of program administration, such as tracking use authorizations on the public lands and verifying consistency with Federal legal requirements. The BLM would like to work with the sponsor on amendments to ensure that these and other responsibilities are accounted for consistently in any MOUs drafted as a result of this legislation.

Section 5 of H.R. 4824 directs the BLM and the USFS to create a categorical exclusion that designates any project within a highway right-of-way as an action categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement. The

BLM supports efforts to streamline the environmental review process, and believes categorical exclusions can be an effective tool for reducing delay and cost in permitting.

Conclusion

Thank you again for the opportunity to testify on H.R. 4824, the Rural Broadband Permitting Efficiency Act. The Department supports efforts to streamline the permitting of broadband facilities. We look forward to working with the sponsor and the Subcommittee to ensure that H.R. 4824 accomplishes its purpose most effectively.