

Statement for the Record
U.S. Department of the Interior

House Committee on Natural Resources
Subcommittee on National Parks, Forests, and Public Lands

H.R. 2611, Public Lands Telecommunications Act
June 18, 2020

Thank you for the opportunity to provide a Statement for the Record on H.R. 2611, the Public Lands Telecommunications Act, which would establish a special account for the deposit of rental fees received by the Bureau of Land Management (BLM), National Park Service (NPS), U.S. Fish and Wildlife Service (FWS), and the Bureau of Reclamation (BOR) for communications use authorizations on the lands each agency manages. Under the bill, these funds would be used to facilitate permitting and improving communications sites.

Lands managed by the BLM and other agencies within the Department of the Interior (Department) are critically important to facilitating wired and wireless broadband communications infrastructure deployment, which has the potential to connect underserved rural communities and promote economic opportunity throughout the Nation. The Department supports the goal of facilitating the establishment and maintenance of new and existing communications sites.

Background

The Administration has made it a priority to expand access to local broadband services including digital technologies and high-speed internet. The President issued Executive Order (EO) 13821, *Streamlining and Expediting Requests to locate Broadband Facilities in Rural America*, and a Presidential Memorandum to the Secretary of the Interior entitled *Supporting Broadband Tower Facilities in Rural America on Federal Properties Managed by the Department of the Interior*. Both promote better access to broadband internet service in rural America and require agencies to reduce barriers to capital investment, remove obstacles to broadband services, and more efficiently employ Government resources. Further, the EO directs the Secretary of the Interior to develop a plan to support rural broadband development and adoption by increasing access to tower facilities and other infrastructure assets managed by the Department.

On July 6, 2018, the Department submitted a report on rural broadband titled “Connectivity in Rural America, Leveraging Public Lands for Broadband Infrastructure” to the White House. In the report, the Department outlines a plan and potential solutions to improve and streamline the broadband permitting process. Furthermore, in 2019, the Department launched a new mapping tool, the Joint Overview-Established Locations (JOEL) map, that tracks existing broadband infrastructures.

The BLM manages over 245 million acres of surface land and 700 million acres of subsurface mineral estate on behalf of the American people. The BLM’s multiple-use public lands are well positioned for communication site infrastructure throughout the 11 western states and Alaska,

and the agency manages many of the high value mountain top lands that provide extensive coverage for wireless telecommunications. 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. As of 2019, the BLM has issued over 3,800 communication use rights-of-way involving approximately 1,500 sites on public lands. In order to compensate the public for these commercial uses, BLM collects rental fees which are partially retained by the collecting agency, while over 75 percent of the fees return to the U.S. Treasury. In Fiscal Year 2019, the BLM collected over \$10 million in rental fees for communications use.

The NPS manages over 85 million acres of land nationwide and treats telecommunications infrastructure as a utility. Telecommunications facilities on NPS lands are permitted as rights of way under what the bureau terms “Special Park Uses.” Charges established for a Special Park Use are intended to recover actual costs associated with managing that activity. The NPS collects and retains all costs of providing necessary services associated with Special Use Permits and has the authority to spend this revenue without further appropriation. The NPS issues a limited number of right-of-way permits and the total cost recovery charges and land use fees collected for communications use typically amount to less than \$1 million per year.

H.R. 2611, Public Lands Telecommunications Act

H.R. 2611 establishes a special account for the deposit of rental fees received by the BLM, National Park Service, U.S. Fish and Wildlife Service, and the Bureau of Reclamation for communications use authorizations on the lands each agency manages. The bill requires that these funds be used to facilitate permitting and administer communications sites, including support for the preparation of needs assessments or other programmatic analyses to designate communications sites and authorize communications uses; development of communication sites management plans; training for management of communications sites; and obtaining or improving access to communication sites. In addition, the bill authorizes the use of cooperative agreements to assist in carrying out these activities.

The bill contains language that it does not affect fee retention by a Federal land management agency under any other authority, and we would like to work with the sponsor and the committee to ensure the NPS may continue to use its existing Special Park Use authority for telecommunication purposes.

The Department believes that the retention and efficient use of collected rental fees could lead to a more robust and effective communications right-of-way program that promotes better access to broadband internet service in rural America. Retaining rental fees for program administration enhances capacity in support of industry and job creation, while also benefitting citizens who rely on access to wireless and cellular communications for their livelihoods, enjoyment, and access to global information. The Department is committed to maintaining an efficient review of rental schedules, and to ensuring that rents accurately reflect fair market values for these uses of public lands.

Finally, it is important to note that many rural public lands lack any form of mobile connectivity, and this in turn can burden the ability for search and rescue operators to respond quickly to

public emergencies, such as natural disasters, wildland fires, or missing persons. The bill's goal of improving connectivity on rural public lands will benefit search and rescue teams by improving communications and interoperability in response situations and allowing public safety officers to locate individuals in need of help or rescue more easily.

Conclusion

The Department plays a critical role in America's infrastructure, economic vitality, and quality of life. We support the goal of facilitating the establishment and maintenance of new and existing communications sites, and we note that the Department of the Interior and Department of Agriculture are actively working toward the goal of fee consistency. As drafted, H.R. 2611 could create misalignment between DOI and USDA fee structures, and we would welcome the opportunity to work with the congress to provide consistent fee and fee retention authorities across various Department of the Interior and Department of Agriculture land managing agencies.