



U.S. Department of the Interior
Bureau of Land Management

Broadband Rights-of-Way on BLM-Managed Lands in Alaska

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BLM - Alaska State Office - Anchorage

Presentation for the AK Broadband Showcase
Permitting Workshop

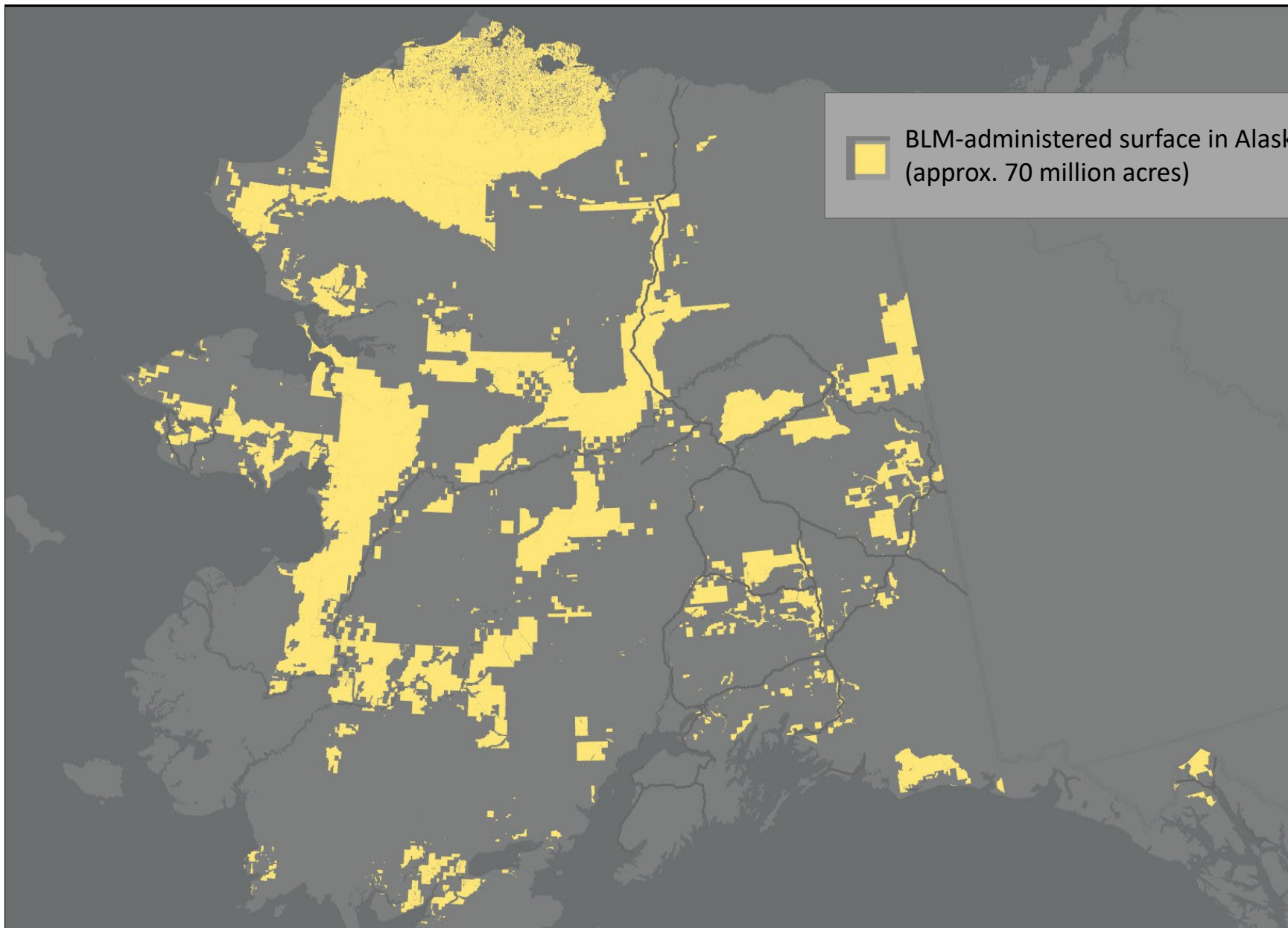
November 2, 2023




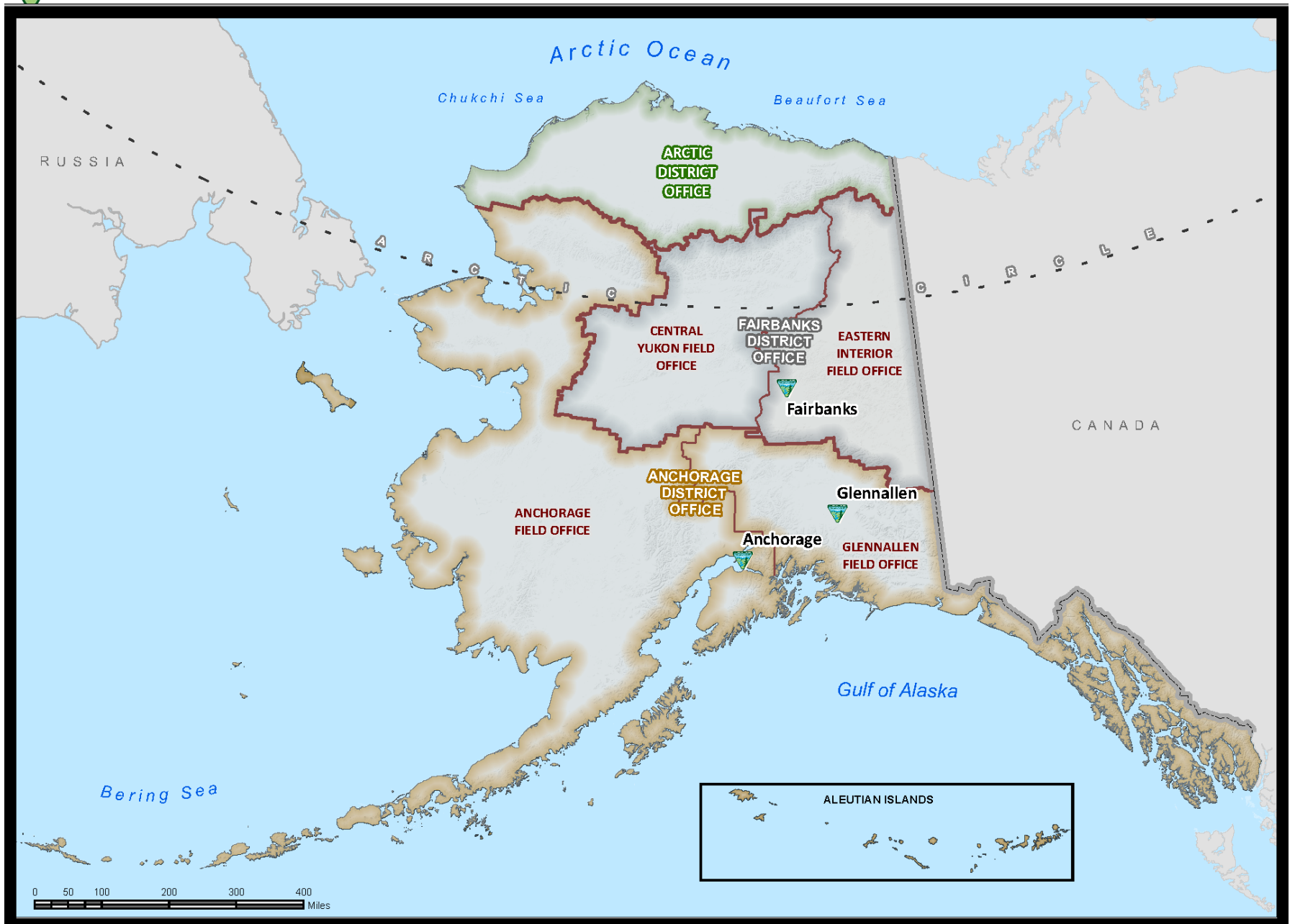
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The Bureau of Land Management (BLM)

- The BLM manages more surface public lands and subsurface minerals than any other government agency in the United States.
- Pursuant to the Federal Land Policy and Management Act (FLPMA), mandated to manage public lands for multiple-use and sustained-yield.



 BLM-administered surface in Alaska
(approx. 70 million acres)





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BLM Right-of-Way Grant Application Process

Thinking about applying for a BLM Land Use Authorization
for a Right-of-Way Grant for Broadband use?

How can we help you in this process?

Let's Discuss it!

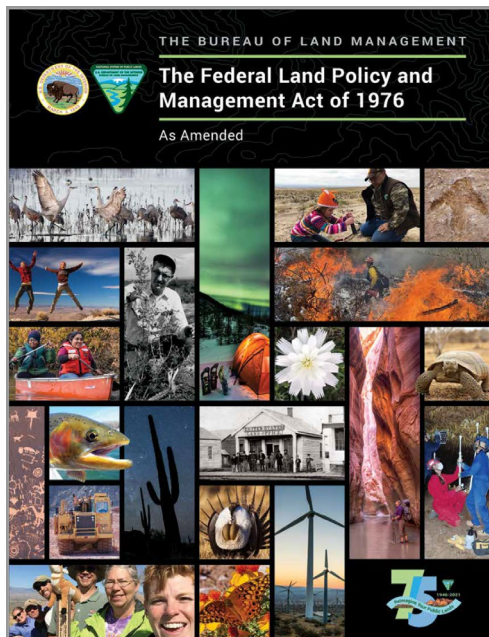


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Federal Land Policy and Management Act of 1976, as amended, also known as FLPMA

Title V Section 501 of FLPMA

[43 United States Code (U.S.C.) 1761]



Authorizes the BLM
to issue rights-of-way
over, upon, under, or through
BLM-managed public lands.



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

A BLM ROW Grant is a contracting document that legally binds and authorizes a holder for a facility or use across or on BLM-managed public lands for a specified term.

You would need a ROW grant whenever you wish to use or build a project on BLM-managed public lands or conduct any activity that would involve disturbance or any type of damage to the public lands.

*The private sector sometimes refer to their version of ROW grants as **easements or permits.***



What types of uses or facilities can be authorized under a ROW Grant?

A ROW grant can be a site or linear facility. It may be for short-term or long-term use, up to 30 years. The BLM has discretion to *grant* a ROW, when it is in the public interest.

For projects or facilities such as:

- roads or trails,
- staging areas, construction site, research sites,
- canals, pipelines, or reservoirs,
- wind or solar energy generation,
- electric power and distribution lines,
- telecommunication, fiber optic lines, communication towers, and

BROADBAND



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Applying for Rights-of-Way for Broadband on BLM-Managed Lands

Please go to our Website for more information on

Obtaining a Right-of-Way Grant

Individuals, businesses, state or local governments,
or federal agencies may apply
to obtain a right-of-way grant
to use public lands managed by the BLM.



Where to Start?

- Come up with a Proposed Project Plan
- Schedule the Pre-Application Meeting with the BLM
- Fill out the Application Form SF-299 for ROW
- Gather Business/Corporate Papers
- Create a Detailed Plan of Development (POD)
- Gather maps and/or shapefiles of the GPS'ed location of all areas that would be affected by the proposed project.



BLM ROW Application SF-299

STANDARD FORM 299 (REV. 3/2020)		FORM APPROVED OMB Control Number: 0596-0249 Expiration Date: 2/28/2023
APPLICATION FOR TRANSPORTATION, UTILITY SYSTEMS, TELECOMMUNICATIONS AND FACILITIES ON FEDERAL LANDS AND PROPERTY		FOR AGENCY USE ONLY
NOTE: Before completing and filing the application for an authorization (easement, right-of-way, lease, license or permit), the applicant should completely review this package, including instructions, and schedule a pre-application meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the pre-application meeting.		Application Number
		Date Filed
1. Name and address of applicant	2. Name and address of authorized agent if different from item 1	3. Applicant telephone number and email:
		Authorized agent telephone number and email:

The application form is considered **complete** when information has been provided for the following items:

Required: Items 1, 3, 4, 5, 7, 8, 12, 13, 19, signature, and date.

Required if applicable: Items 2, 6, 11, 20 and "Supplemental" page 4, if a business entity.

Optional: Items 9 and 14 through 18.

8. Attach a map covering area and show location of project proposal.	
9. State or Local government approval: <input type="checkbox"/> Attached <input type="checkbox"/> Applied for <input type="checkbox"/> Not Required	
10. Nonrefundable application fee: <input type="checkbox"/> Attached <input type="checkbox"/> Not required <input type="checkbox"/> To be determined by agency	
11. Does project cross international boundary or affect international waterways? <input type="checkbox"/> Yes <input type="checkbox"/> No (if "yes," indicate on map)	
12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.	



Pre-Application Meeting

- A. Scope of the Proposed Project**
- B. Compliance with Land Use Planning**
- C. Potential Controversy/Possible Public Meetings**
- D. Level of Environmental Analysis**
- E. Application**
- F. Financial Considerations**
- G. Requirements of Grant**
- H. Timeframe Considerations**
- I. Points of Contact**



Financial Considerations

A. Application Processing Fees

B. Monitoring Fees

C. Land Use Rental

D. Potential Bonding



Completing the SF-299 Application

- **Directions are on page 3 of the form**
- **Incomplete information is often the reason for delayed processing**
- **Required Items: 1, 3, 4, 5, 7, 8, 12, 13, 19, wet signature and date**
- **Required if applicable Items: 2, 6, 11, 20, and “Supplemental” for corporations or business entities**
- **Optional Items: 9 and 14 - 18**



Submit your Completed SF-299

**When you have all the required information,
bring in or mail the signed and dated application
to the appropriate BLM office.**



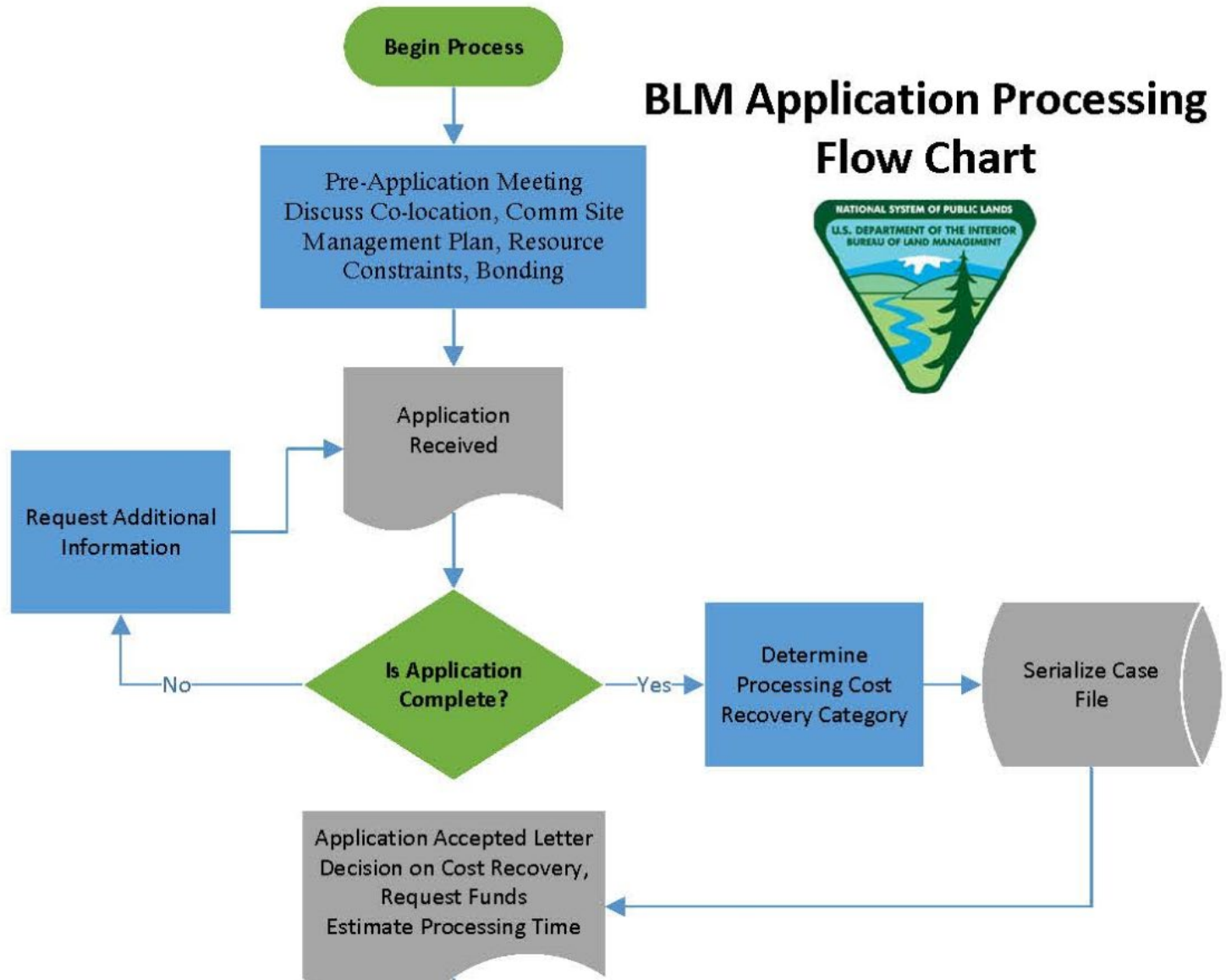
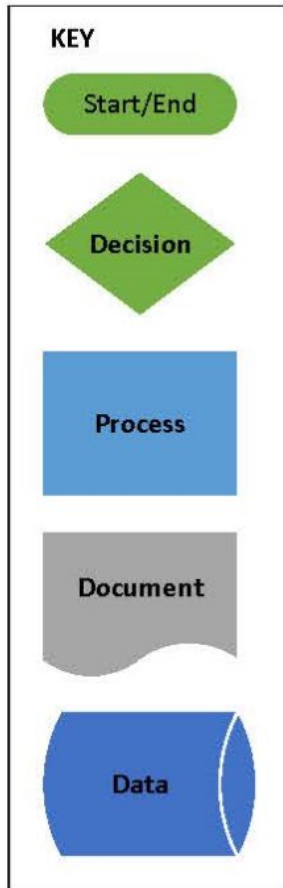
Pre-Adjudication Process

Once we receive your completed SF-299

- The BLM would serialize a hard copy case file to maintain all records during the decision-making process.
- The BLM would also input all actions taken on the project from start to finish within the [Mineral & Land Records System \(MLRS\) database](#), so you can monitor your project online at any time.
- The BLM would determine the possible application processing fees associated with your application.
- The BLM would notify you in writing with the estimated timeline that it will take to complete the application adjudication process to give you an idea of when you could be able to start your project on the ground.



BLM Application Processing Flow Chart





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What are the Application Processing Fees?

Processing Fee

Applicants are required to reimburse the United States in advance for the cost of processing an application. The fees are based on the amount of time or hours the BLM estimates that it will take, broken down into six Processing Fee Categories, to process your application and issue a decision to grant or deny the application.

During the Pre-Adjudication process, the BLM would determine the appropriate processing determination category.

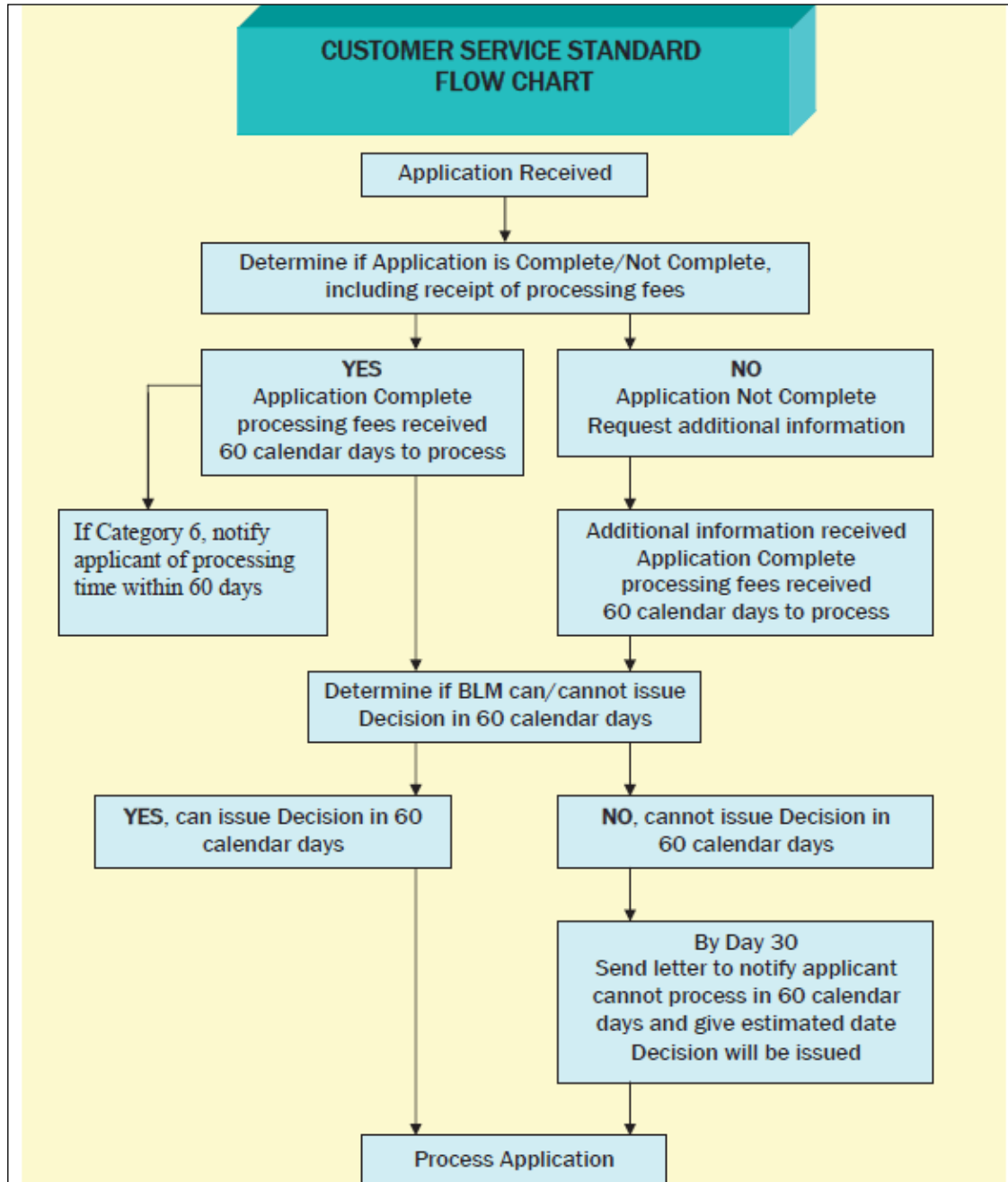
You must submit the appropriate application processing fee payment before we can begin processing your application.



The BLM would determine if your Application is Complete once processing fees have been collected and all required documentation has been submitted.

At this time, the BLM would start the Application Adjudication Process,

And our Customer Service Standard Time Clock would begin.



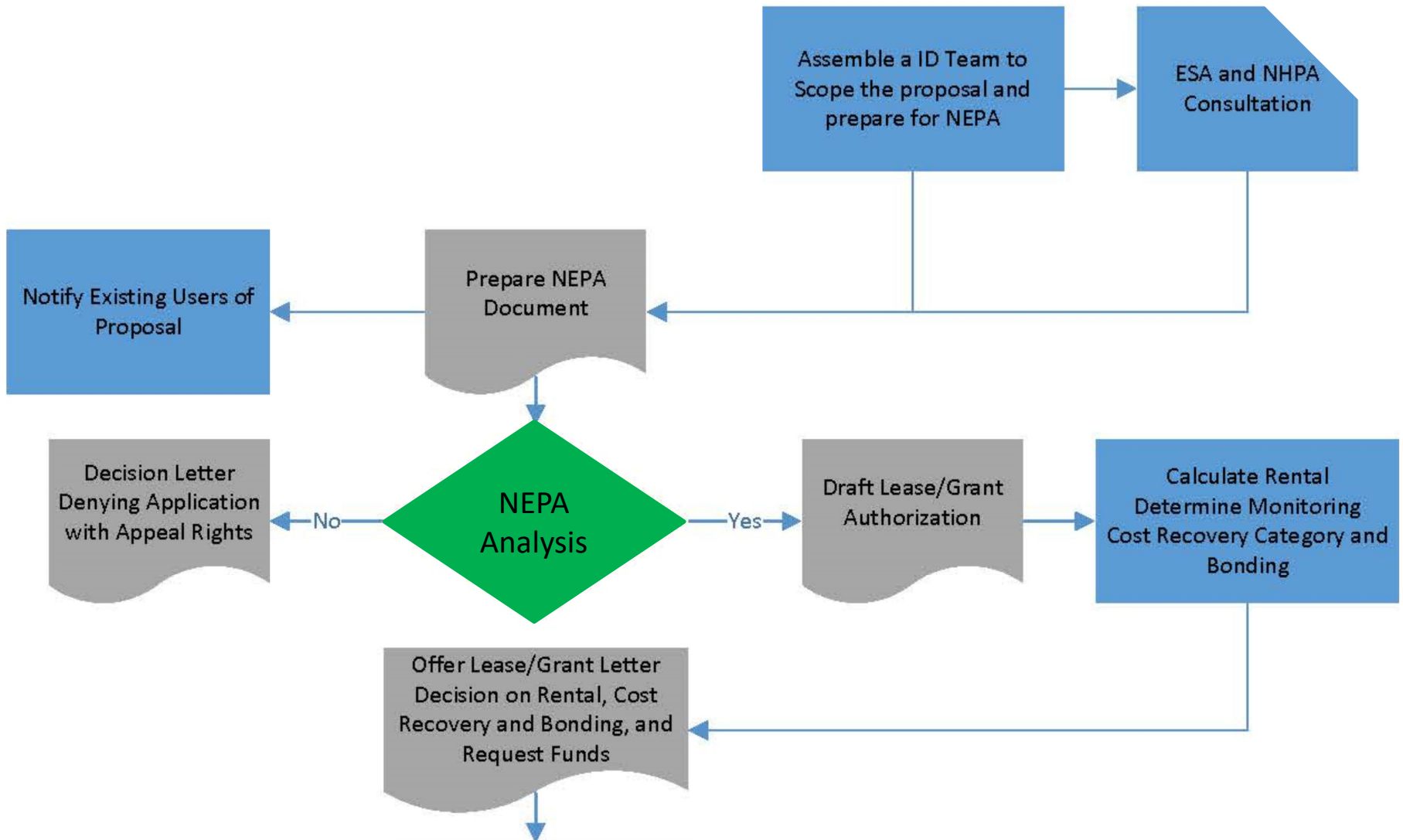


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Project Compliance

All proposed projects on BLM-administered lands are subject to appropriate environmental review and compliance **BEFORE** any application may be approved.

And **BEFORE** any possible project related work on the ground begins.



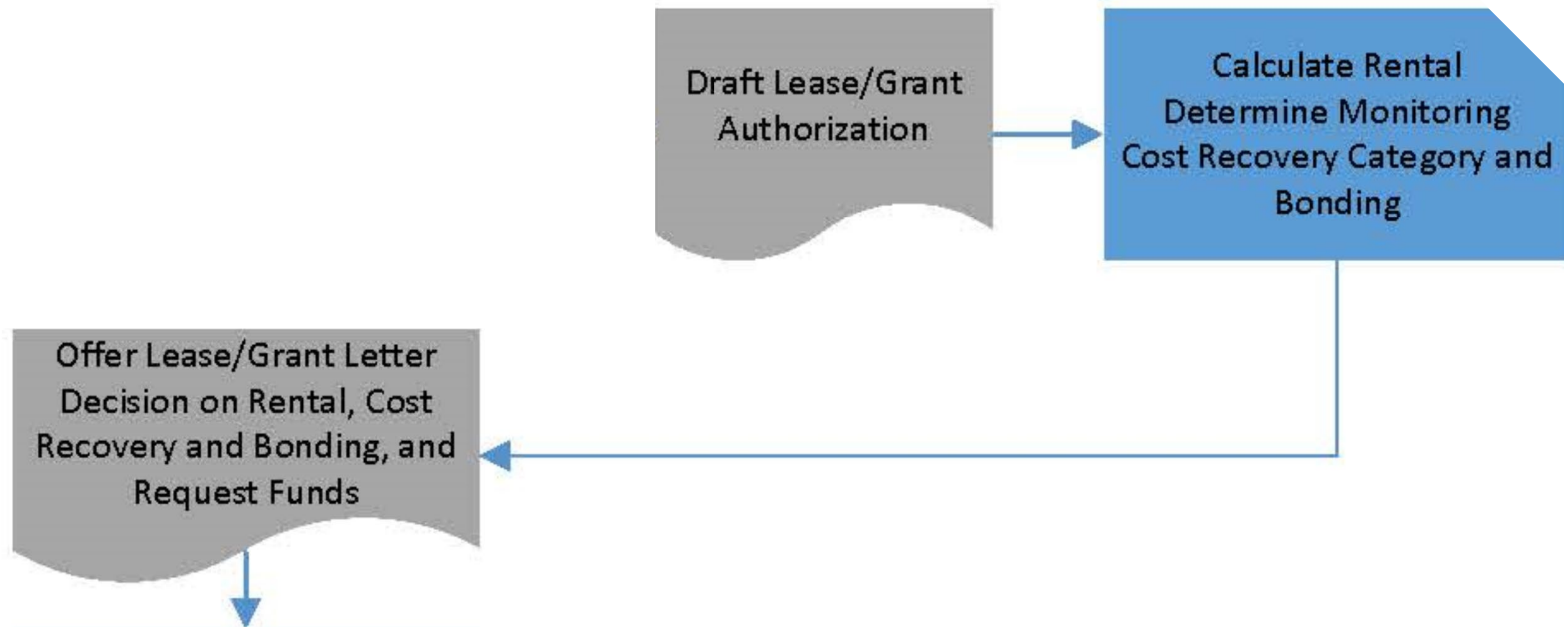


Application Adjudication Process

Once all the Analysis has been completed and the BLM determines that the application has been approved or denied, you would receive a written notification.

A ROW application may be denied for any one of the following reasons:

- The proposal is not in conformance with the applicable land use plan(s), i.e., purpose(s) for which the public lands are managed.
- The proposal would not be in the public interest.
- The applicant is not qualified.
- The proposal is inconsistent with Federal, state or local laws.
- The applicant is not technically or financially capable of accomplishing the project.
- Serious environmental consequences that cannot be mitigated may occur from the proposed project.



If your proposed project application has been determined to be approved, you would receive an Offer Letter package with the opportunity to review the draft ROW grant and stipulations, any terms and conditions.



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Draft ROW Grant Offer Package

If the application for your proposed project gets approved you would receive two copies of the draft ROW grant, and if you agree to the stipulations, and all terms and conditions, pay the associated fees, if applicable, then you would submit them along with the signed grants back to the BLM as the grant package.

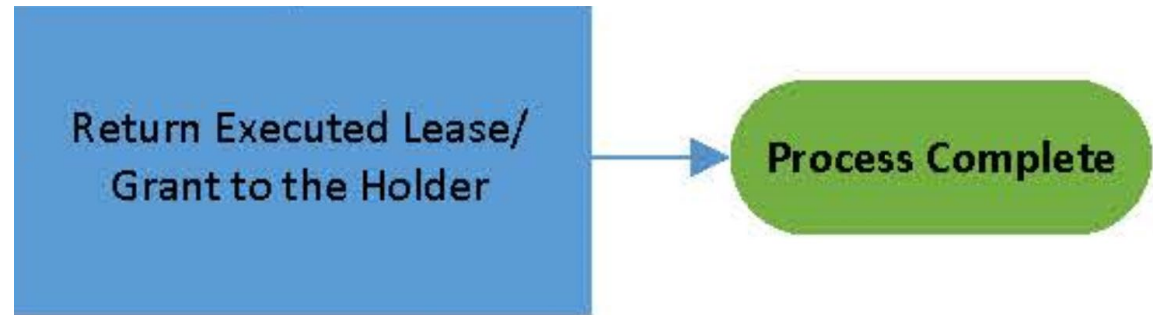
Once the BLM received your grant package, as proof of your acceptance, the BLM Officer would sign both copies of the final ROW grant.

The BLM would keep one copy of the ROW grant, of the final decision and contracting document for the official record of the BLM's decision to grant your ROW for use of public lands, as described in the plan of development, stipulations, and all associated terms and conditions.

You would receive the other copy of the signed ROW grant for your records.



Full Force in Effect



Once you receive your approved and signed ROW grant in hand,
and you don't have to wait for a Notice to Proceed,
your project can hit the ground running,

or as we call it Full Force in Effect.



Post Authorization

Once the project has been authorized BLM staff will monitor construction, operation, termination and reclamation of your project.

Rent would be due annually by January 1 of the authorized year for the term of the authorization unless an alternate multi-year rent had been agreed to previously.

Amendments, Renewal or Assignment of the authorization are required to go through the full process as detailed so far in this presentation.



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Navigating the BLM's Environmental Compliance Processes



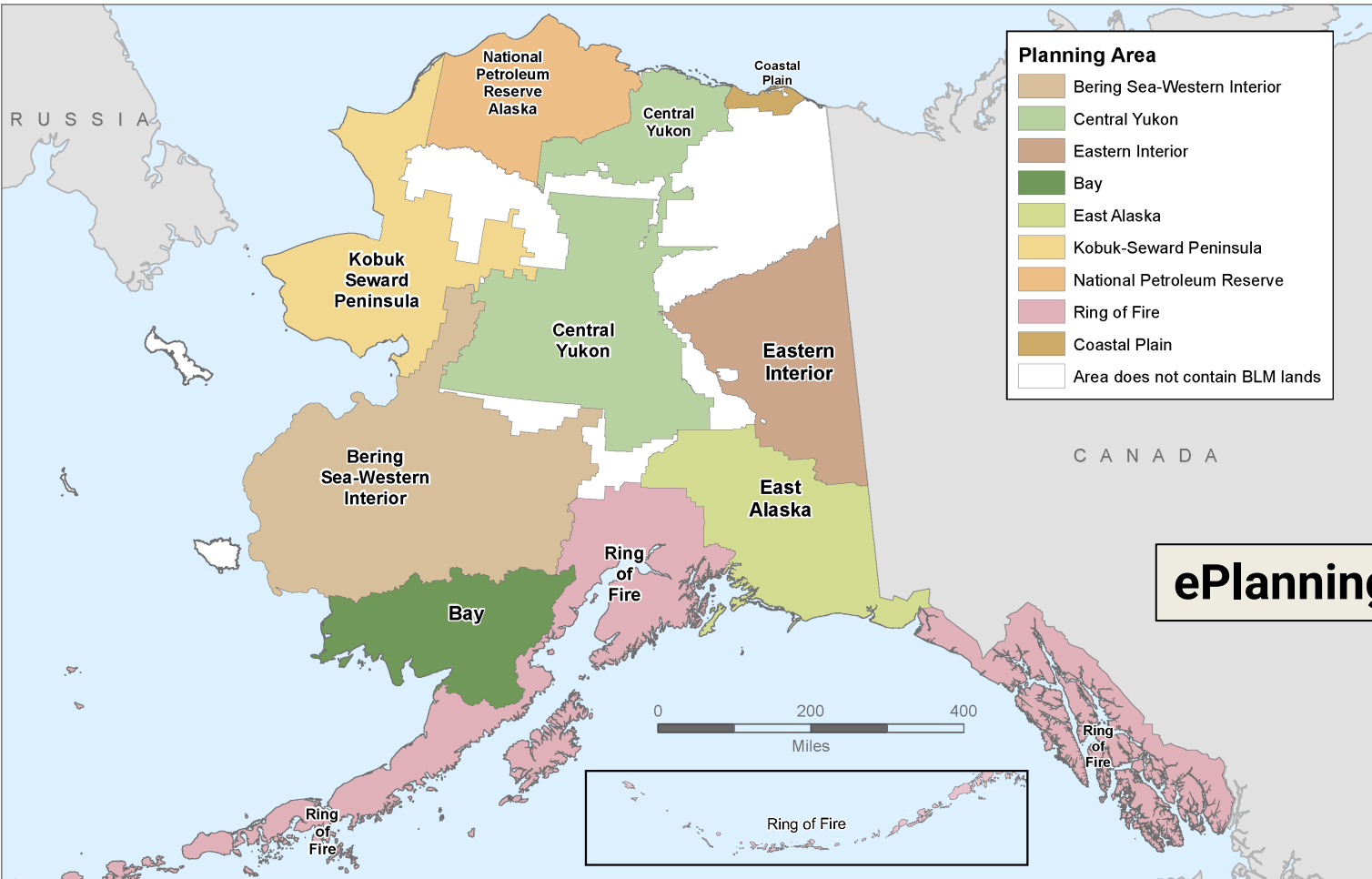
What is Environmental Compliance?

- NEPA - National Environmental Policy Act
- NHPA - National Historic Preservation Act
- ESA - Endangered Species Act
- MSA - Magnuson-Stevens Fisheries Conservation and Management Act
- Section 810 of the Alaska National Interest Lands Conservation Act (ANILCA)
- Others....



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Land Use Plan Conformance



ePlanning.blm.gov

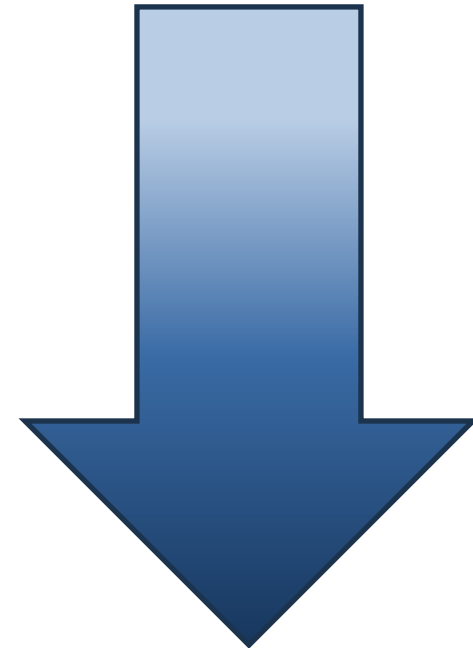


NEPA Review and Analysis: Levels of Complexity

Products of NEPA process could include:

- Categorical Exclusion (CX)
- Environmental Assessment (EA)
 - Finding of No Significant Impact (FONSI)
- Environmental Impact Statement (EIS)

Less Complex



More Complex



How the applicant can support more efficient environmental compliance processes

1. Communication
 - Make use of pre-application meetings
2. Clear and Detailed Project Information
 - The who, what, where, when, why, and how of your proposed project
3. GIS Shapefiles
 - Include all relevant project areas and activities



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Questions?

A scenic landscape photograph showing a range of mountains. The foreground consists of rolling hills with sparse vegetation, transitioning into a dense forest of evergreen trees. In the background, several mountain peaks are visible, with the highest ones covered in snow and partially shrouded in mist or low clouds. The sky is a clear, pale blue.

For More Information on Obtaining a ROW Grant:

<https://www.blm.gov/obtaining-right-way>



**If you think you will be or are interested in the possibility of a ROW grant
for Broadband use, please contact us
at the Alaska Bureau of Land Management!**

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