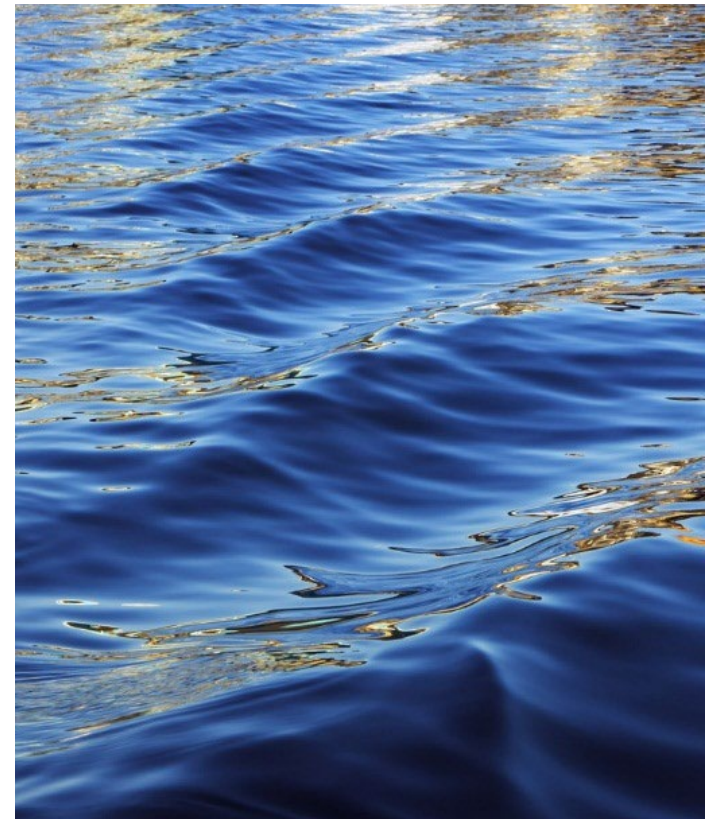




United States Fish and Wildlife Service ROW Permitting

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National Wildlife Refuge System Act Rights-of-Way

A National Wildlife Refuge System right-of-way is a legal right to use National Wildlife Refuge System lands for specifically permitted purposes. These uses are generally long term (10 years and over) and include the construction, maintenance and operation of the use. All uses are subject to specific terms and conditions and must be found to be compatible with the purposes of the area or unit and the Mission of the National Wildlife Refuge System.



ROW Permitting Regulations and Direction

National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 United States Code Title 16; Chapter 5A; Subchapter III; Sec. 668dd

Rights-of-Way General Regulations Code of Federal Regulations 50 C.F.R. Sec. 29; Land Use Management; Subpart B

Rights-of-Way and Road Closing Fish and Wildlife Service Manual, 340 FW 3

Alaska National Interests Lands Conservation Act United States Code Title 16; Chapter 51, Subchapter IV; Transportation and Utility Systems in and Across, and Access into, Conservation System Units

Transportation and Utility Systems in and Across, and Access Into, Conservation System Units in Alaska Code of Federal Regulations Title 43; Subtitle A, Part 36

How to Apply for a National Wildlife Refuge System Right-of-Way Permit

Pre-application meeting

- Identify any other agencies that might be involved
- Discuss the proposal, obtain information, ask questions.
- Explain the application evaluation process, costs, fees, and required environmental review and analysis.
- Opportunity to identify any problems/issues early in the process, and to identify and discuss potential alternatives.
- Introduction of Service staff members assigned to the project.

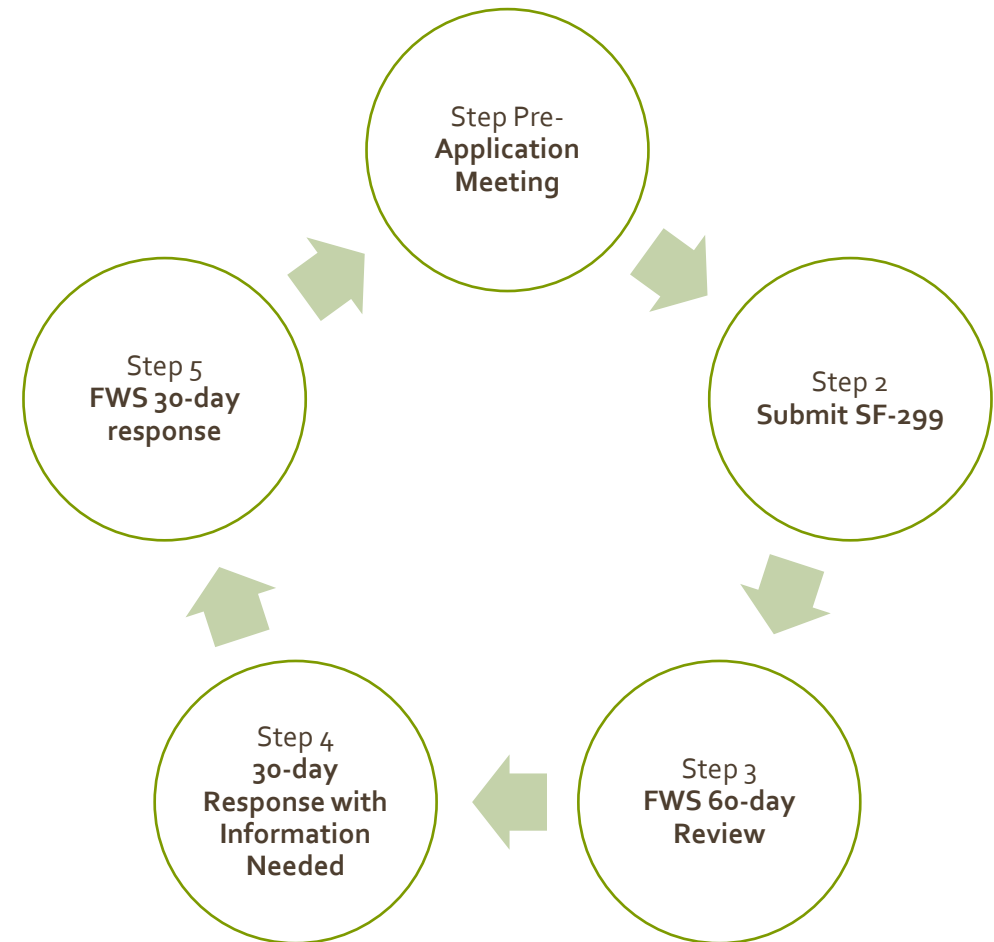


Application Timeline

The required application form is the Standard Form 299 (SF-299), which can be found at: <https://www.gsa.gov/forms-library/application-transportation-utility-systems-telecommunications-and-facilities-federal>.

After a pre-application meeting has been conducted, the completed form may be submitted electronically to the team leader assigned to the project. While an electronic form is the preferred format, a completed SF-299 application form may also be mailed to:

U.S. Fish and Wildlife Service
Division of Realty
1011 E Tudor Rd, MS-211
Anchorage, Alaska 99503



Application Processing

Application Requirements

- Information required per the SF299, which includes, but is not limited to:
- Length, width, and estimated acreage of the proposed use
- Purpose for which the ROW is being requested
- **Maps or diagrams** sufficient to determine the location of the ROW on the ground
- Additional information that will be provided during the pre-application meeting
- Processing costs (an estimate of these costs will be provided after the application has been reviewed by the Division of Realty)



Non-Refundable Application Fees

Nonlinear Facilities (Examples: research sites, towers, buildings) \$250 for each 40 acres or fraction of an acre
Combination of Linear and Nonlinear Facilities

Application Processing (continued)

Application Review / Cost Recovery

After reviewing the application, the Regional Director, acting through the Division of Realty, will estimate the costs to process the application.



Additional Review Requirements

(All completed at the applicant's expense) (Applicant will need to contract out NEPA)

- **Refuge Compatibility Determination** – completed by the applicable Refuge Manager. A determination is made to see if the use proposed is Compatible for which the Refuge was established.
- **National Environmental Policy Act (NEPA)** The NEPA work will include either an Environmental Assessment or Environmental Impact Statement. In most cases, this will be contracted to a qualified contractor at the applicant's expense. The contractor will prepare the NEPA documents on behalf of the Service, pursuant to Service guidance and review. The Service will sign and issue the resulting document. The NEPA contractor would also be responsible for the following:
- Endangered Species Act, Section 7 Consultation; Coastal Barrier Resources Act, Section 6; Subsistence Evaluation and Finding, Section 810, ANILCA; National Historic Preservation Act, Section 106; Executive Order 11988 – Floodplain Management; Executive Order 11990 – Protection of Wetlands; Executive Order 12372 – Inter-governmental Review of Federal Programs-

Rent Payments

Fee Schedules and Appraisals

Generally, a fee schedule, based on fair market value is utilized to determine the annual rent. In some instances, an appraisal will be obtained to determine the annual rent amount based on fair market value. Further information about the appraisal process will be provided to the applicant/permittee upon request.





Bonding Requirements

When appropriate, the Regional Director may require that the permittee furnish a surety bond to secure obligations imposed by the terms and conditions of the right-of-way permit or other rules and regulations. The bond period is for the life of the project and the bond amount is calculated to cover the cost for restoration of the site once the authorized use is no longer needed or the permit has been terminated.

ANILCA Timelines

Title XI of ANILCA - Transportation and Utility Systems in and Across, and Access into, Conservation System Units

Transportation and utility systems (TUS) include systems for the transmission or transportation of water and other liquids (i.e., oil, fuels, natural gas, synthetics, etc.), electric energy, communications, improved rights-of-way for off-road vehicles, and general transportation.

Application for TUS right-of-way

1. Applicant must file a standard application (SF 299) with all appropriate federal agencies on the same day (date of filing).
2. Application handling requirements:
 - 60 days for agency to determine completeness of application, and notify applicant.
 - 30 days for applicant to respond with additional information, or application is returned.
 - 30 days for agency to confirm completeness (establishes new date of filing).

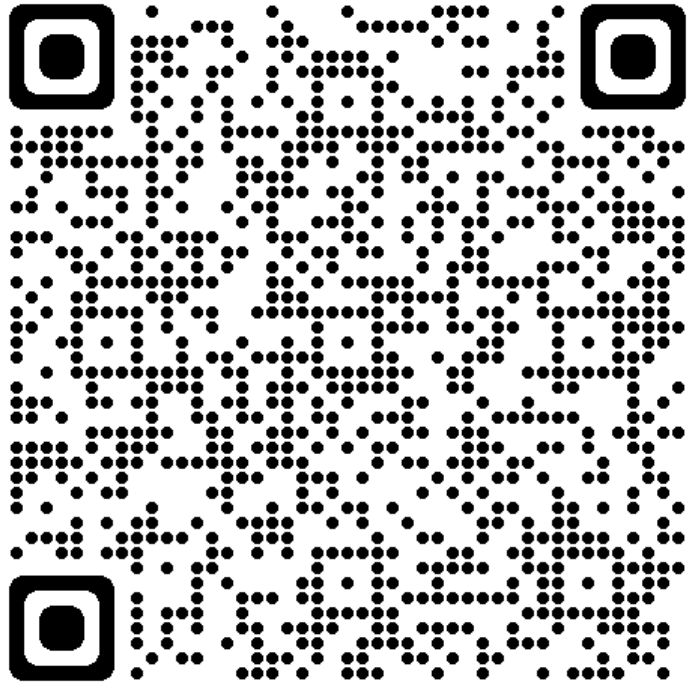
ANILCA Timelines (Continued)

NEPA compliance [Sect. 1104 (e), 43 CFR 36.6].

- 1. **Lead federal agency** determined to be agency with authority over longest lineal portion of TUS, or by other agreement.
- 2. Cumulative time requirements from date of filing (extendable for cause):
 - - 9 months for EA or DEIS (public hearings required in Washington D.C. and Alaska –for EIS, not EA).
 - - 12 months for FEIS.
 - - 16 months for agency decision to approve or disapprove.
- 3. Applicant responsible for the full costs of application processing and EIS preparation.



FWS Lands Mapper- Robin (Puck) Van Dommelen



<https://fws.maps.arcgis.com/apps/webappviewer/index.html?id=3eed8d6b30ea443dafe4380d70dofa5e>