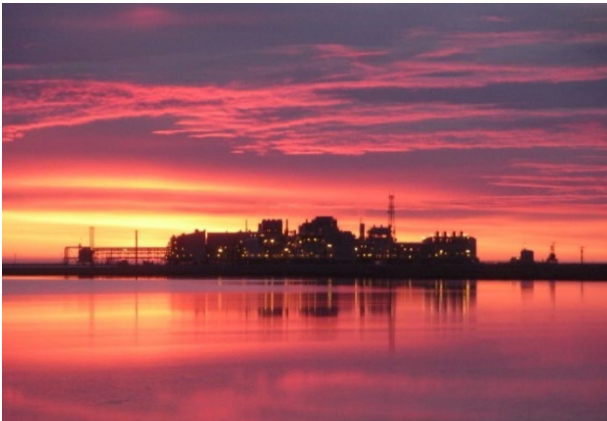# Permitting Workshop
ATA 2023 Broadband Showcase

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November 1, 2023

Welcome!

- <u>Who we are</u>: OPMP and State and Federal agencies
- <u>Goal of this Permitting Workshop</u>: Provide insights to assist in
  - Keeping permitting on schedule
  - Preventing delays
  - Avoiding increased costs
- <u>Booth 156</u>: Handouts (from State and Federal presenters, and others)
- <u>Thank you</u>: To you all for attending, and to State and Federal presenters for bringing their expertise

Agenda

- ## <u>OPMP</u>: <u>Framing the opportunity</u>, <u>what we are doing</u>, and <u>how to benefit</u>

- ## <u>State presenters</u>:

  - Alaska Department of Natural Resources (<u>DNR</u>): Division of Mining, Land and Water (<u>DMLW</u>, <u>Land and Water Sections</u>), Office of History and Archaeology (<u>OHA</u>), Alaska State Historic Preservation Office (<u>SHPO</u>), Alaska Mental Health Trust Land Office (<u>TLO</u>); Alaska Department of Transportation (<u>DOT</u>), Alaska Department of Environmental Conservation (<u>DEC</u>), Alaska Department of Fish and Game (<u>DFG</u>), and University of Alaska Land Management (<u>UALM</u>)

- ## <u>Federal presenters</u>:

  - U.S. Department of the Interior (<u>DOI</u>): Bureau of Land Management (<u>BLM</u>), Fish and Wildlife Service (<u>FWS</u>), Bureau of Indian Affairs (<u>BIA</u>), and National Park Service (<u>NPS</u>); U.S. Department of the Army: Corps of Engineers (<u>USACE</u>), U.S. Department of Homeland Security: Coast Guard (<u>USCG</u>), and U.S. Department of Commerce: National Telecommunications and Information Administration (<u>NTIA</u>)

Framing the Opportunity (Service)

- "Affordable, <u>reliable broadband</u> internet service is <u>fundamental to modern American life</u>. It ensures rural <u>schoolchildren</u> have equal access to comprehensive <u>educational opportunities</u> and allows rural communities to provide the <u>best health outcomes</u> – at reasonable cost – to their residents. High-speed internet service <u>stimulates job creation</u> and sparks innovation that <u>enhances rural economic development</u>." (U.S. Department of Agriculture (USDA) Rural Development, Broadband Resources for Rural America, https://www.rd.usda.gov/sites/default/files/508_rd_broadband_usda_guide_2021_102621.pdf#:~:text=Affordable%2C%20reliable%20broadband%20internet%20service%20is%20fundamental%20to,%E2%80%93%20at%20reasonable%20cost%20%E2%80%93%20to%20their%20residents (emphasis added))

Framing the Opportunity (Permitting)

- ## <u>Substantial increase in upcoming infrastructure</u>

  - <u>Recent, extensive federal funding</u>, the Bipartisan Infrastructure Law (<u>BIL</u>), for example, <u>and incentive</u>, the Inflation Reduction Act (<u>IRA</u>), for example, for infrastructure

    - $5.4 billion for infrastructure in Alaska so far; $1.9 billion for broadband (The White House, Investing in America, https://www.whitehouse.gov/invest/?utm_source=invest.gov)

- ## <u>Resulting in substantial increase in upcoming authorizing (permitting) needs</u>

  - **From many State, Federal, and local agencies, and private entities** that have management authority (landowners), regulatory oversight, or both

  - <u>In short, set times</u>

    - Federal funding is lost if permitting and construction is not complete in short, set times (3-5 years for broadband; depends on the funding Program; e.g., Broadband Equity, Access, and Deployment (BEAD) Program, USDA and National Telecommunications and Information Administration (NTIA) Programs)

Challenge

- Permitting <u>many projects</u> in <u>short</u>, <u>set times</u>

- <u>Must fit in status quo</u> (including additional permitting needs)

  - "Major infrastructure projects in the United States must clear a permitting gauntlet that can take 7-10-plus years before ground can be broken" (National Governor's Association (NGA), Infrastructure Project Permitting Workshop (July 2023), https://www.nga.org/news/commentary/infrastructure-project-permitting-workshop/ (NGA Workshop))

  - "Achieving net-zero emissions by 2050 is…<u>procedurally impossible</u>" (because of the delay, uncertainty, and cost of our current environmental review and permitting system; The Aspen Institute, Energy and Environment Program, Building Cleaner, Faster Final Report (Spring 2021), https://www.aspeninstitute.org/wp-content/uploads/2021/06/Building-Cleaner-Faster-Final-Report.pdf (The Aspen Institute Report, emphasis added))

  - "Strong funding and the best intentions to invest infrastructure will…be met with <u>years of delay and uncertainty</u> that will hinder progress and threaten the viability of projects…." (NGA Workshop (emphasis added))

Opportunity

- "With the…rollout of high-speed internet connections to millions of homes and repairing decades-old water and sewer lines, there will be an <u>opportunity for states and the private sector to coordinate far more closely than in the past</u>" (NGA Workshop (emphasis added))

- "There is need for a <u>predictable and efficient environment</u>, which can be <u>fostered through de-siloing and close communication and cooperation</u>" (NGA Workshop (emphasis added))

- "<u>Forum at the state level to coordinate efforts across stakeholders</u> to ensure satisfactory outcomes for all involved would be a welcome addition to the process in many locales" (NGA Workshop (emphasis added))

What We are Doing

- **Permit coordination framework** in anticipation of incoming ABO projects (BEAD Program)

- Being proactive generally

  - The National Governor's Association Energy and Infrastructure Working Group recommendations:

    - "Incentivize states and territories to grow capacity and <u>improve their own permitting processes</u> and assist local communities" (NGA Workshop (emphasis added))

    - "Support state and territorial <u>efforts to innovate with new permitting processes</u> and integrating technologies" (NGA, Governors Announce Bipartisan Permitting Vision to Accelerate Project Delivery (May 2023), https://www.nga.org/news/press-releases/governors-announce-bipartisan-permitting-vision-to-accelerate-project-delivery/ (emphasis added))

- State and Federal agencies:

  - <u>Looking at their own permitting processes for ways to promote efficiencies</u> and still strike an appropriate balance with statutory, regulatory, policy, and agency requirements

Permitting from Many

- <u>Broadband infrastructure projects</u> could require authorizing (permitting) from many State, Federal, and local agencies, and private entities (including for access). This section covers:

  - <u>How it is determined</u> what authorizations (e.g., permits, leases, easements) projects will require
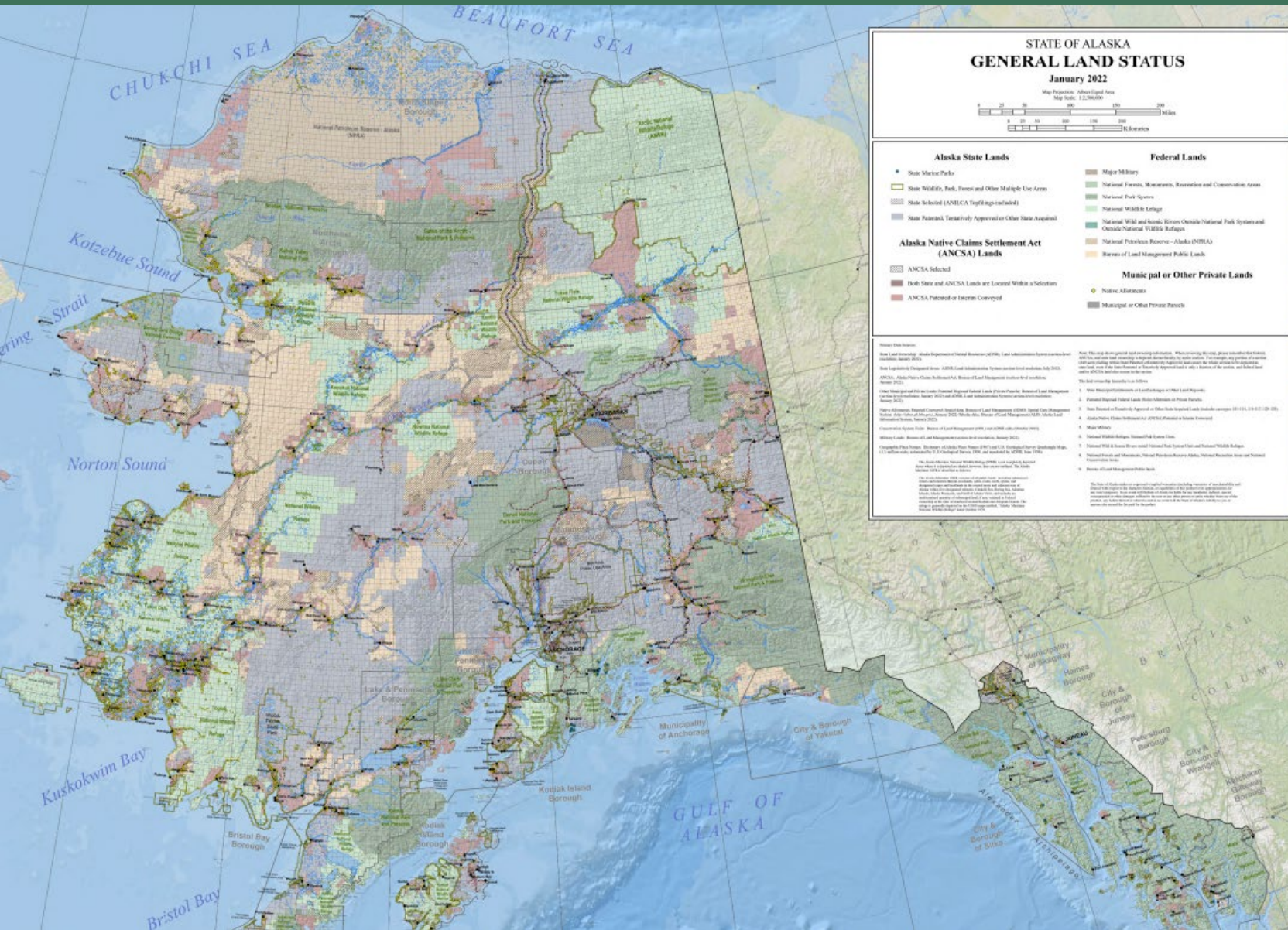
  - <u>Major agencies potentials</u>

How it is Determined what Authorizations Projects will Require

- Authorizations (which include project-specific terms and conditions) are required from the agencies who have management authority (landowners), regulatory oversight, or both.

- These can include authorizations from State, Federal, and local agencies, and private entities

- This section walks through who has management authority in Alaska, who has regulatory oversight in Alaska, and a summary of major agency potentials

Who has <u>Management Authority</u> in Alaska?

- State

- Federal

- Local

- Private

Photo: Department of Natural Resources Map Library, January 20, 2022,
https://dnr.alaska.gov/pic/maplibrary/images/y2022/gls/GLS_statewide.pdf.

Who has <u>Management Authority</u> in Alaska (e.g.)?

State	Federal	Local	Private
Alaska Department of Natural Resources (<u>DNR</u>)	Bureau of Land Management (<u>BLM</u>)	North Slope Borough (<u>NSB</u>)	<u>Village Corporations</u>
Alaska Department of Transportation (<u>DOT</u>)	Fish and Wildlife Service (<u>FWS</u>)	Matanuska Susitna Borough (<u>MSB</u>)	<u>Native Corporations</u>
<u>University of Alaska Land Management (UALM)</u>	Bureau of Indian Affairs (BIA)	City and Borough of Juneau (<u>CBJ</u>)	<u>Private landowners</u>
<u>Alaska Railroad Corporation (ARC)</u>	National Park Service (<u>NPS</u>)		

Who has <u>Regulatory Oversight</u> in Alaska (e.g.)?

State	Federal
<u>Alaska Department of Environmental Conservation (DEC)</u>: <u>Waste</u>, and <u>discharges to air and water</u> (exceptions include Metlakatla Indian Community and National Parks)	U.S. Department of the Army Corps of Engineers (<u>USACE</u>)
<u>Alaska Department of Fish and Game (DFG)</u>: Activities that <u>may impact anadromous fish or their habitat</u>, <u>passage for any fish species</u>, and in State legislatively designated special area	Fish and Wildlife Service (<u>FWS</u>)
<u>DNR</u>: Temporary use and appropriation of <u>water</u>	
<u>Office of History and Archaeology (OHA) and State Historic Preservation Office (SHPO)</u>: Impacts to cultural and historic resources	

Summary of Some <u>Major Agency</u> Potentials (e.g.)

State	Federal and Local
• DNR DMLW, Land and Water	• BLM
• OHA	• FWS
• SHPO	• BIA
• TLO	• NPS
• DOT	• USACE
• DEC Division of Water	• U.S. Department of Agriculture Forest Service (USFS)
• DEC Division of Air Quality	• U.S. Department of Homeland Security Coast Guard (USCG)
• DEC Division of Environmental Health	• NSB
• DEC Division of Spill Prevention and Response	• MSB
• DFG Division of Habitat	• CBJ
• UALM	• Village Corporations
• Alaska Railroad Corporation	• Native Corporations
	• Private landowners

Potential Required Authorizations

- Recall that authorizations are required from the <u>agencies who have management authority</u> (landowners), <u>regulatory oversight</u>, or both, and these can include authorizations from <u>State</u>, <u>Federal</u>, and <u>local</u> agencies, and <u>private</u> entities.

- This section provides a (very simple) <u>broadband</u> hypothetical, for a sense of volume and then touches on <u>what project proponents (applicants) must do</u> with this general information.

Broadband example: Hypothetical 1-mile project

- ## State

  - Could cross <u>DNR land</u> (DMLW, TLO), <u>other state land</u> (DOT, UALM, ARC); could require <u>DEC</u>, <u>DFG</u>, <u>OHA</u>, <u>SHPO</u> (<u>regulatory oversight</u>)

- ## Federal

  - Could cross BLM, FWS, BIA, NPS <u>land</u>; could require USACE, FWS (<u>regulatory oversight</u>)

- ## Local

  - Could cross City and Borough of Juneau (CBJ) <u>land</u>

- ## Private

  - Could cross Village Corporation, Village Corporation <u>land</u>

- Each authorization is unique. It is imperative that the agency process, timelines, fees, and public notice and other requirements, are understood.

- Project proponents (applicants) must walk through the following basic steps for each authorization

  - Identify the agencies who have management authority or regulatory oversight

  - Identify the authorizations required and the commensurate processes, timelines, fees, and public notice and other requirements

  - Submit applications

    - Pre-application meetings, complete applications, and responsiveness to requests for more information help keep projects on track

    - Change in location or adding elements can necessitate starting processes over

OPMP

- Mission: Coordinate multi-agency regulatory reviews and authorizations, while collaboratively engage federal agencies on land use planning and policy initiatives to maintain and enhance the state's economy, quality of life, and maximize the value of Alaska's vast natural resources.

- OPMP supports private industry, regulators, and the public by leading and implementing multi-agency coordination, review, and authorization of large infrastructure projects.

- OPMP assists in navigating the processes and securing consistent, defensible, transparent, and timely authorization decisions.

- OPMP model is optional, unique to Alaska, based on a cost recovery model, and has over 20 years experience working with industry and stakeholders.

Permit Coordination Framework

- OPMP works with agencies and applicants to <u>set goals and targets</u>, <u>define deliverables</u>, ensure <u>clear roles and responsibilities</u>, <u>monitor progress</u> (including status and outstanding items), and provide continuous support.

- OPMP establishes <u>open and regular communication</u> frameworks, including <u>ongoing project-specific check-ins</u>.

- Potential permit <u>challenges and opportunities are identified and addressed quickly</u>, <u>deconflicting</u> occurs, <u>possible overlaps</u> (and opportunities to conduct concurrent steps) are identified to <u>avoid duplication</u> (confidence is built and individuals remain accountable for their part of the process).

Steps

- Getting Started: Once an applicant has a <u>project description</u> and location, the applicant provides it to OPMP, and OPMP provides it to the project team (single, clear points-of-contact for each agency).

- Project Timelines: OPMP, the agencies, and the applicant (together) develop project timelines that prioritize accountability and efficiency and that <u>synchronize, to the greatest extent possible, the agencies' permits and needs</u> (including statutory, regulatory, policy, and other requirements), <u>timing restrictions</u> (such as under federal grants), and <u>project needs</u> and <u>goals</u>.

- Permit Kick-Off Meeting: OPMP and the agencies <u>present the project timeline</u> to the applicant, and OPMP sets up and facilitates <u>pre-application meetings</u>, as needed. The goal is that <u>complete applications</u> are submitted, potential permit <u>challenges and opportunities</u> are <u>identified and addressed</u> quickly, agencies and applicants are <u>on the same page</u> when the applications are submitted, and <u>trust relationships</u> are built early.

Steps

- Regular Coordination Meetings: OPMP organizes and hosts <u>regular coordination meetings</u> between the agencies and the applicant. The purpose of these meetings is to ensure <u>open, regular communication</u>, and the <u>exchange of factual, actionable information</u>; <u>questions and feedback</u> for the agencies and the applicant are <u>consolidated</u>.

- <u>Additional Meetings and Follow-Ups</u>: OPMP organizes and hosts additional meetings to <u>address specific issues</u> and tasks, as needed, for the <u>advancement of the project</u>. OPMP <u>regularly follows up</u> with the applicant and the agencies.

- <u>Monitoring Progress (Including Status and Outstanding Items)</u>: OPMP tracks status and outstanding items <u>keeps balls rolling</u>, ensures there is <u>responsiveness</u> to agencies' requests, and <u>tracks issues to quick resolve</u> at the lowest possible levels (elevations occur, as needed, and the goal is that elevations are minimal or nonexistent).

Early Assistance

- In anticipation of incoming ABO projects (BEAD Program)

- To assist in

  - <u>Identifying the agencies</u> who have management authority or regulatory oversight

  - <u>Identifying the authorizations required</u> and the commensurate <u>processes</u>, <u>timelines</u>, <u>fees</u>, and public notice and other <u>requirements</u>

- Developing (with State and Federal agencies)

  - Pre-application checklist

  - Dashboard

How to Benefit

- ## Applicants for ABO awards (through the BEAD Program), please note:

  - In recognition of the immense (service and permitting) opportunities and need for streamlining, the ABO is proposing incentives for signing in with OPMP

  - Additionally, for signing in with OPMP, the ABO is proposing there would be no cost to awardees (the ABO would cover the cost)

  - Additionally, signing in with OPMP provides resources to OPMP and State agencies for permitting

Take aways

- Broadband brings immense (service and permitting) <u>opportunities</u> to Alaska.

- There are <u>many pieces</u> and <u>many agencies</u> involved, including State, Federal, and local agencies, and private entities (including for access)

- There is <u>no single authorization</u> to build a broadband project (there are <u>many</u>, and <u>each project is unique)</u>

- OPMP can assist in navigating the processes and securing consistent, defensible, transparent, and timely authorization decisions

Thank you!

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