Broadband Interagency Working Group: Data Call Review

August 2, 2018

Responding Departments & Agencies

Respondent	Issues Permits for use of Federal Assets?
Department of Homeland Security (DHS)	No
Department of Transportation	No
Department of Commerce (DOC)/National Telecommunications and Information Administration (NTIA)	No
Department of the Interior (DOI)/ Bureau of Land Management (BLM)	Yes
DOI/ Fish and Wildlife Service (FWS)	Yes
DOI/ Bureau of Reclamation (USBR)	Yes
DOI/ National Park Service (NPS)	Yes
DOI/ Bureau of Indian Affairs (BIA)	Yes
Department of Agriculture (USDA)/ Forest Service (USFS)	Yes
Federal Communications Commission (FCC)	Yes
General Services Administration (GSA)	Yes
United States Army Core of Engineers (USACE)	Yes
Department of Defense (DOD)/ Department of the Navy (DON)	Yes
DOD/ Department of the Army (ARMY)	Yes
DOD/ Department of the Air Force (USAF)	Yes

Question 4: Issue Escalation Process

- Agencies listed provided multi-tiered escalation processes in which stakeholders may air grievances.

Agency	Level of Process Start
DOI/BLM	District
DOI/FWS	Regional
DOI/USBR	Local
DOI/NPS	Field
DOI/BIA	N/A
USDA/USFS	District
FCC	Headquarters
GSA	Regional
USACE	District
DOD/NAVY	Local
DOD/ARMY	Garrison (local)
DOD/USAF	Local

Question 5: Application Forms

- 42% of reporting agencies used the Standard Form (SF) 299
- The remaining 58% of reporting agencies use their own agency specific forms.
- The majority of agencies post the appropriate application forms on their websites.

Question 6: Permitting Processes

- The following agencies provided process flow for their permitting processes:
  - **ARMY**
  - **NAVY**
  - **DOI/NPS**
  - **GSA**
  - **FCC**
  - **USAF**
  - **DOI/BLM**
  - **DOI/USBR**
  - **USDA/USFS**
  - **USACE**
- Agencies regularly utilize a pre-application meeting to screen potential applicants before dedicating resources to processing their applications.
- Processes maps for each agencies are located in the appendix.

Question 6: Permitting Process

Agency	Federal Steps	Applicant Steps
DOI/BLM	12	N/A
DOI/FWS	N/A	N/A
DOI/USBR	6	3
DOI/NPS	8	3
DOI/BIA	N/A	N/A
USDA/USFS	9	3
FCC	10	N/A
GSA	10	4
USACE	9	N/A
DOD/DON	14	4
DOD/ARMY	9	N/A
DOD/USAF	16	N/A

Only steps towards an accepted application were counted ("Ideal Process").

Question 7: Process Governance

- Governance is often delegated to regional and field offices by higher headquarter components.

Agency	Process Governor
DOI/BLM	Field Offices
DOI/FWS	Regional Directors
DOI/USBR	Regional Directors
DOI/NPS	Associate Director
DOI/BIA	Headquarters
USDA/USFS	District or Forest Level
FCC	Bureaus
GSA	Headquarters
USACE	Headquarters
DOD/NAVY	Headquarters
DOD/ARMY	Headquarters
DOD/USAF	Headquarters

Question 8: Applicable Statutes	DOI/ BLM	DOI/ FWS	DOI/ USBR	DOI/ NPS	DOI/ BIA	USDA/ USFS	FCC	GSA	DOD*
Title 10 U.S.C. *Armed Forces*									§2667 §2668
Title 16 U.S.C. *Conservation*	§1531	§1531	§1531	§1531	§1531	§1531	§1531	§1531	§1531
Title 25 U.S.C. *Indians*					§323-328 §415				
Title 25 C.F.R. *Indians*					§162 §169				
Title 31 U.S.C. *Money and Finance*				§9701		§9701			
Title 36 C.F.R. *Parks, Forests, and Public Property*				§14		§251.50-251.111			
Title 40 U.S.C *Public Buildings, Property, And Works*							X	§543 §581(h) §1314	
Title 42 U.S.C *General Health and Welfare* (NEPA)	§4321	§4321	§4321	§4321	§4321	§4321	§4321	§4321	§4321
Title 43 U.S.C. *Public Lands*	§1761-1771		§387 §501						
Title 43 C.F.R. *Public Lands: Interior*	§2801-2808		§429						
Title 47 U.S.C. *Telecommunications*	§332			§332 §1455(b)			X		
Title 47 C.F.R. *Telecommunications*							§1.923 §1.947		
Title 5o C.F.R. *Wildlife and Fisheries*		§29							
Title 54 U.S.C. *National Park Service And Related Programs (NHPA)*	§470	§470	§470	§470 §100902 §103104	§470	§470	§470	§470 §306121 §306122	§470

Question 9 Process Change Implementation & Question 10 Process Change Solicitation

- Process changes are made through established channels with multiple levels of review which generally culminate with leadership approval.
- 58% of agencies reported;
  - that changes to the permitting process are communicated via websites.
  - they utilize public comment periods/meet with impacted stakeholders before and after implementing process changes (NTIA also provides resources).

Question 11: Resources for Stakeholders

- All agencies are utilizing web sites to host information regarding permitting processes.
- Agencies regularly conduct calls with industry, participate in industry days, or assign program managers to coordinate with industry representatives.
- Two agencies reported that they provide training for industry representatives that cover correct completion of applications and navigating the permitting process.

Question 12: Employee Training

- 83% of responding agencies provide initial training to staff regarding the permitting process.
- Two agencies reported that their training has refresher requirements.
- Training modes include webinars, web-based training (self-paced), and in person training.
- Two agencies reported they provide training for stakeholders/allow stakeholders to sit in on staff training.

Question 13: Permit Types

Agency	Leases	Rights of Way	Easements	Licenses	Permits	Consents	Registrations	FONSIs*
DOI/BLM	X	X						
DOI/FWS		X						
DOI/USBR	X		X	X	X			
DOI/NPS					X			
DOI/BIA								
USDA/USFS	X				X			
FCC				X			X	X
GSA	X			X				
USACE	X		X	X	X	X		
DOD/DON	X		X	X				
DOD/ARMY	X		X	X				
DOD/USAF	X		X	X				

Permit Reporting Requirement

- EO 13821 - Within 180 days of the date of this order, and on a quarterly basis thereafter, all Federal property managing agencies shall report to the…the number of Common Form Applications received, the percentage approved, the percentage rejected, the basis for any rejection, and the number of working days each application was pending before being approved or rejected. Each report shall include the number of applications received, approved, and rejected within the preceding quarter.

Question 13a: Count of Approved Permits

Agency	Wireless - New	Wireless - Collocated	Wired/Wireline - New	Wired/Wireline - Collocated
Navy				
Army				
USAF				
USACE				
DOI/BLM		100		
DOI/FWS				
DOI/USBR	7	6	1	3
DOI/NPS	5	4	5	
DOI/BIA				
USDA/FS	22	420	29	
FCC	381			
GSA	1			

Question 13a: Count of Denied Permits

Agency	Wireless - New	Wireless - Collocated	Wired/Wireline - New	Wired/Wireline - Collocated
Navy				
Army				
USAF				
USACE				
DOI/BLM				
DOI/FWS				
DOI/USBR				
DOI/NPS	1			
DOI/BIA				
USDA/FS	0	0	0	
FCC	0	N/A	N/A	N/A
GSA				

Question 13a: Count of Rejected Permits

Agency	Wireless - New	Wireless - Collocated	Wired/Wireline - New	Wired/Wireline - Collocated
Navy				
Army				
USAF				
USACE				
DOI/BLM				
DOI/FWS				
DOI/USBR				
DOI/NPS	1			
DOI/BIA				
USDA/FS				
FCC	2			
GSA				

Question 14: Permit Processing Times

- One agency officially provided data on permit processing times, the remaining data was interpreted from data call responses and follow-ups with agencies.

Agency	Average Duration
DOI/BLM	257 days
DOI/USBR	Varies per Location
DOI/NPS	Not Tracked
DOI/BIA	Not Tracked
USDA/USFS	Not Tracked
FCC	72% under 60 days*
GSA	Not Tracked
USACE	Not Tracked
DOD/NAVY	~18 months
DOD/ARMY	Not Tracked
DOD/USAF	13 to 16 months

Question 15: Process Delays

- Common process delays include:
  - Environmental due diligence (NEPA and other regulations)
  - Spectrum analysis
  - High workloads for staff
  - Land appraisals/determination of “Fair Market Value”
  - Incomplete applications
  - Communication with industry during contract negotiations
  - Assessment of mission/site compatibility

Question 16: Work Distribution

- 83% of agencies perform permitting functions at field and regional sites.
- USAF reported that 25-50% of permitting functions at HQ.
- FCC reported all permitting functions occurred at HQ.

Question 17: Decision Authority

- Permits are authorized at the following levels for responding agencies:

Agency	Action Officer
DOI/BLM	Field Office
DOI/FWS	Regional Directors
DOI/USBR	Regional Directors
DOI/NPS	Regional Directors
DOI/BIA	Regional/Field Office
USDA/USFS	Forest Supervisor/District Ranger
FCC	Bureaus
GSA	Regional Contracting Officer
USACE	Local Civil Work Project Manager/Chief or Operations
DOD/NAVY	Installation Commanding Officer and Real Estate Contracting Officer
DOD/ARMY	Local Army Garrison Commander
DOD/USAF	Headquarters

Question 18: Agency Coordination

- The chart below displays common partners responding agencies coordinate with during the permitting process.

	DOI/BLM	DOI/FWS	DOI /USBR	DOI/NPS	DOI/BIA	USDA /USFS	FCC	GSA	USACE	DOD /DON	DOD /ARMY	DOD /USAF	ACHP	EPA	USDA /RUS	FAA	NTIA
DOI/BLM		X		X		X	X			X	X	X	X	X	X	X	
DOI/FWS																	
DOI/USBR	X						X						X	X		X	X
DOI/NPS	X	X				X	X			X	X	X			X	X	
DOI/BIA							X										
USDA /USFS	X	X		X	X		X			X	X	X			X	X	
FCC	X	X	X	X	X	X					X		X		X	X	
GSA																	
USACE		X											X				
DOD /NAVY		X											X				
DOD /ARMY		X											X				
DOD /USAF		X											X	X			

Question 19: Tracking Mechanisms

- 67% of responding agencies track applications through a single point of contact.
- 17% of agencies currently utilize a centralized database to track processing of applications.
- 17% of agencies reported no specific tracking mechanism.

Question 20: Fee Policies & Question 21: Process Fees

- DOD agencies utilize Title 10 U.S.C to justify fee collections.
- Civilian agencies utilize a variety of laws and regulations.
- In general, fee regulations require that the permitting agency receive “Fair Market Value” for land use.
- 92% of agencies reported they collect fees as part of their permitting process.

Question 21a: Fee Use & Question 21b: Stakeholders Involved

- Agencies reported that fees are collected for:
  - Cost Recovery
  - Rent
- Most agencies are not able to retain rent, which is sent to the U.S. Treasury.
- Land management and DOD agencies collect fees through their local and regional offices.

Question 22: Incomplete Application Metrics

- 92% of responding agencies reported that they did not maintain data regarding incomplete applications.

Question 23: Permitting Process Challenges

- Land Management agencies face staffing constraints (i.e. maintaining a staff of subject matter experts to fulfill agency specific missions) which slows the processing of applications.
- BLM noted that rent collected from Communications sites goes to the Treasury. Congress returns $2 million dollars through appropriations, this amount has not changed in 23 years, while rentals collected have increased 500%, demonstrating an increased workload.
- DOI agencies noted they are required to receive fair market value for managed lands. Specifically DOI agencies must get the DOI Appraisal and Valuation Services Office (AVSO) to perform appraisals which may delay the process 3 – 12 months.
- Agencies are unable to retain/hire qualified communications site personnel.
- Environmental, Historical, and Spectrum review processes are a persistent challenge.
- Inability to asses entire projects under NEPA, as NEPA reviews are site by site.

Question 24: Existing Streamlining Efforts

- All agencies reported that they have existing streamlining efforts, including participation in the BIWG and agency specific efforts.
- NTIA is collecting greater depth of information required for the milestone report due to the Office of Science and Technology Policy (OSTP).

Data Call Findings

- Agencies perform permitting functions at the local/regional level.
  - USAF and FCC were the only agencies to report that some of their permitting work was done at headquarters.
- Permitting processes include a pre-application meeting to discuss applicant's proposed property use. This is a common practice across all agencies.

Next Steps

- How frequently are “Fair Market Values” updated or managed lands assessed?
- How frequently must DOI agencies have DOI/AVSO review application sites? Can we contact DOI/AVSO?
- Is it possible to add “Administration Fees” to rent to assist agencies in providing funding for qualified communications staff?
- How do agencies explain the application process to applicants?

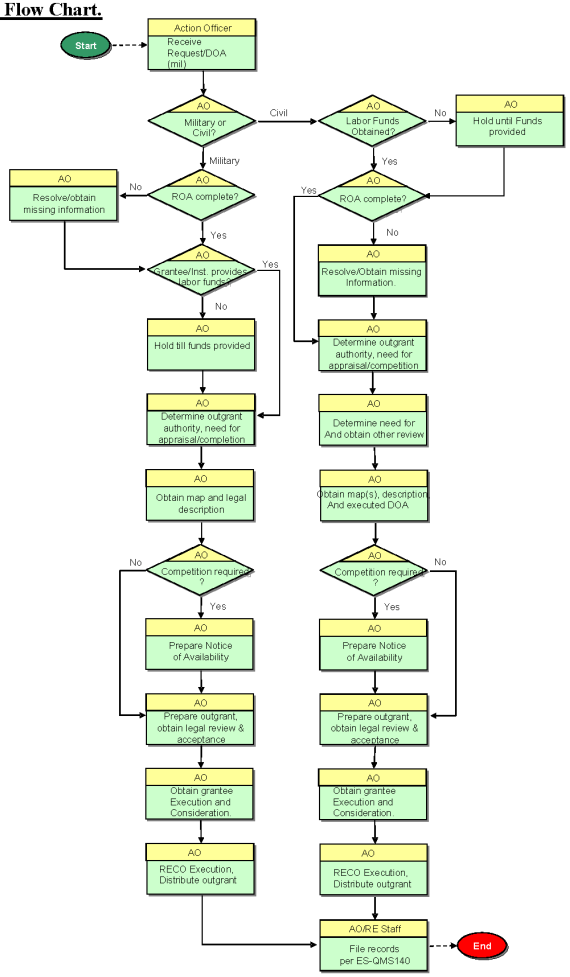
Recommendations

- Review the land appraisal process and rental fee schedules from all agencies through a Fees Sub-Working group to:
  - Examine fee remittance policies for all agencies , specifically inquire if agencies can remit rent payments
  - Develop a uniform definition of “fair market value”
- Explore standardization of definitions of facility types to enhance communication between agencies.
- Improve data collection regarding the EO 13821 permit processing time reporting requirement. (Question 13a)

Appendix

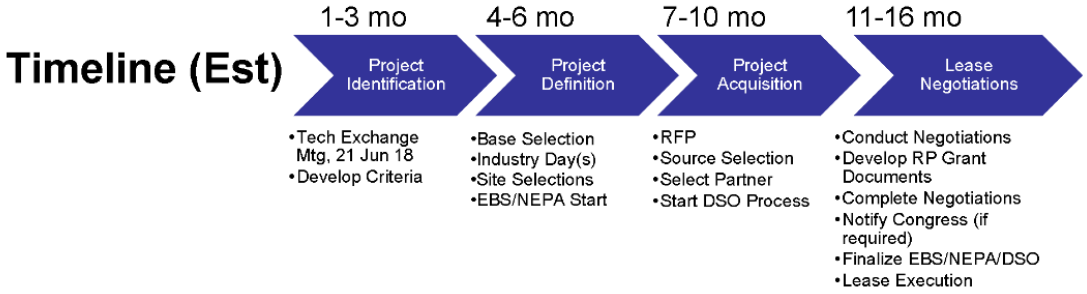
USACE Process

Appendix B: Flow Chart.



USAF Process

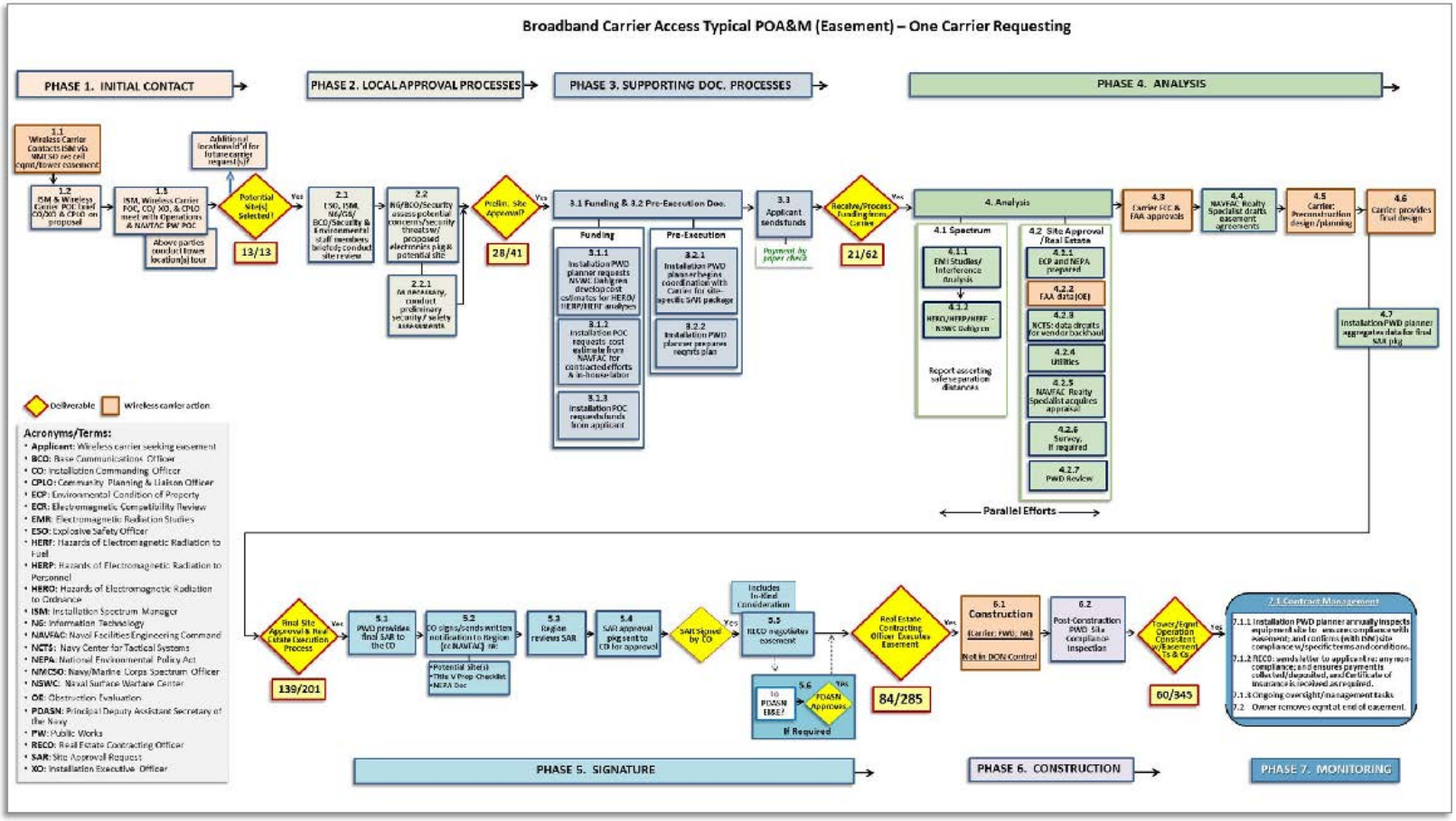
Timeline



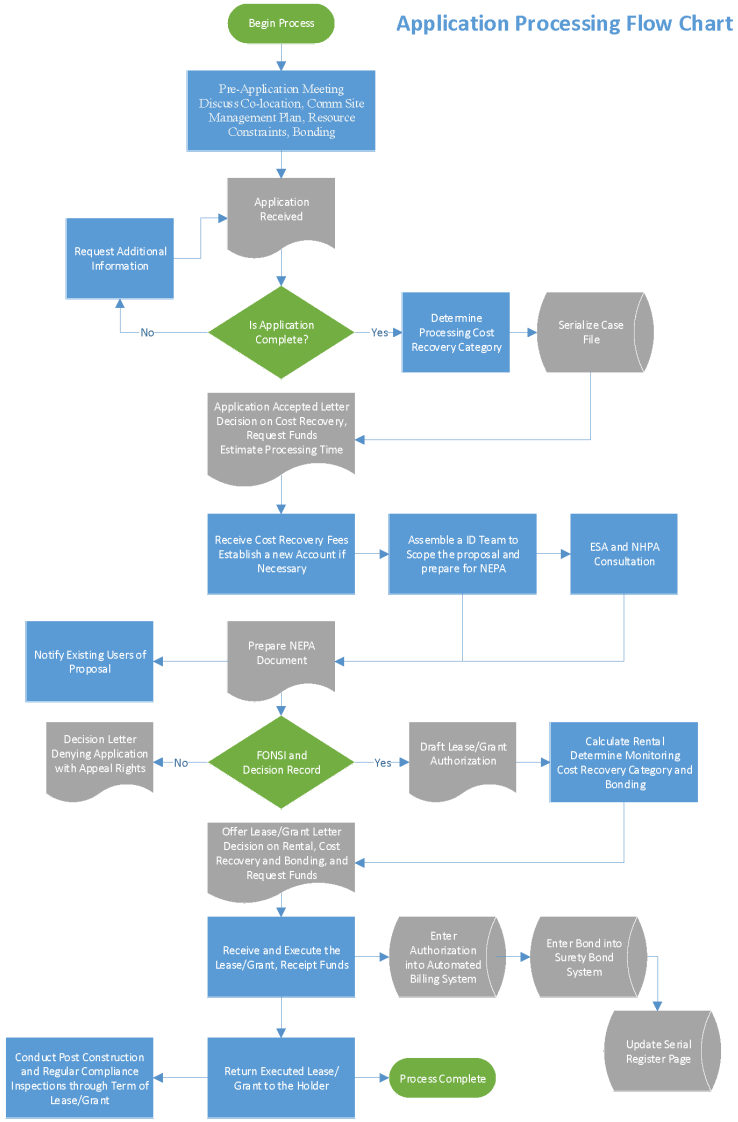
Leasing worst case 16 month process…best case, 13 months

8

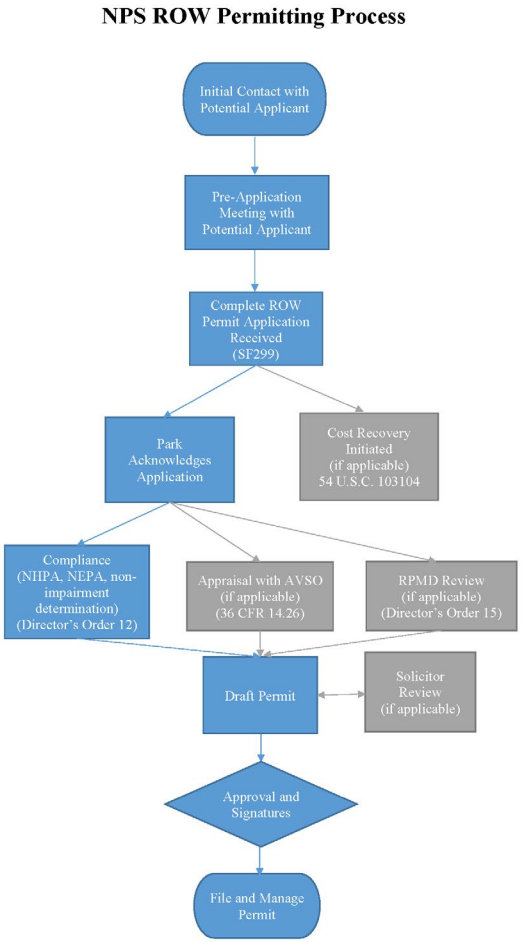
Navy Process



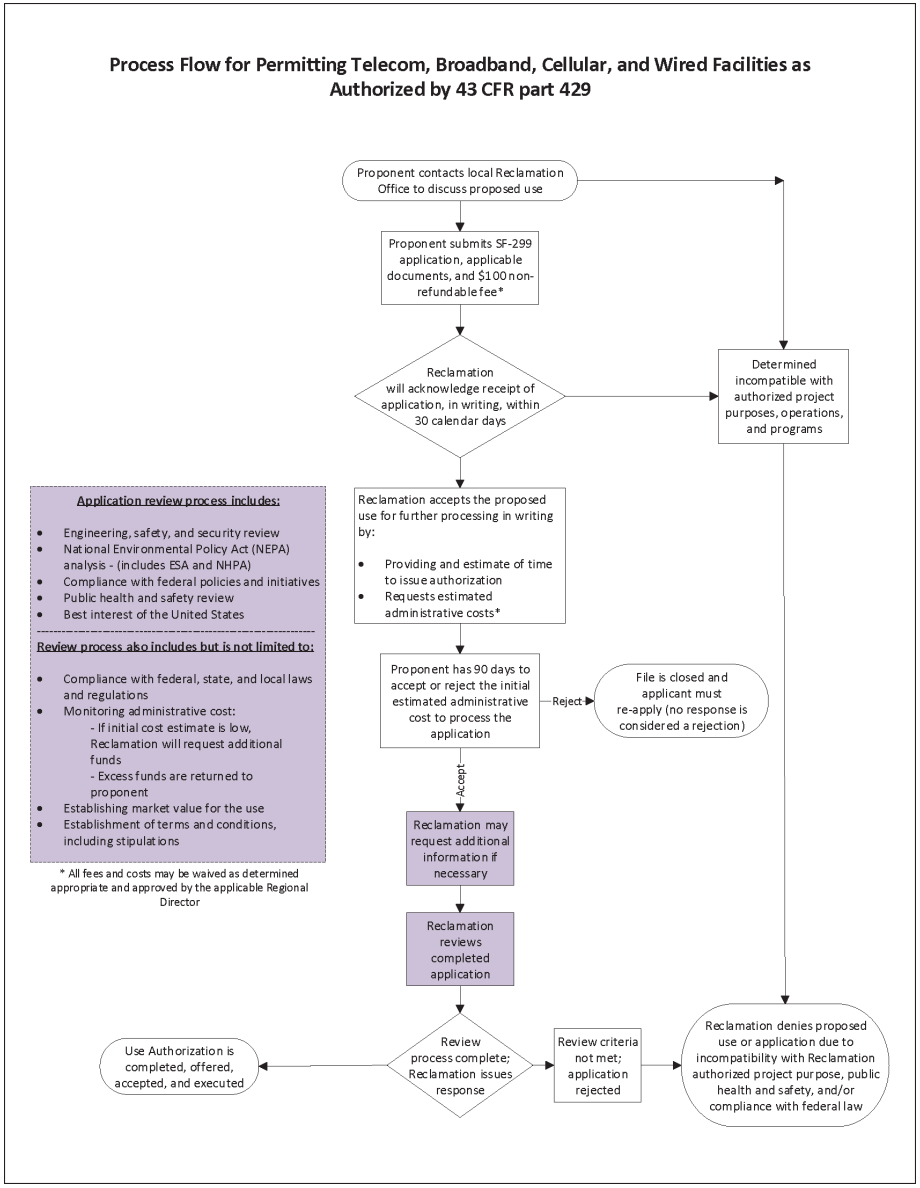
DOI/BLM Process



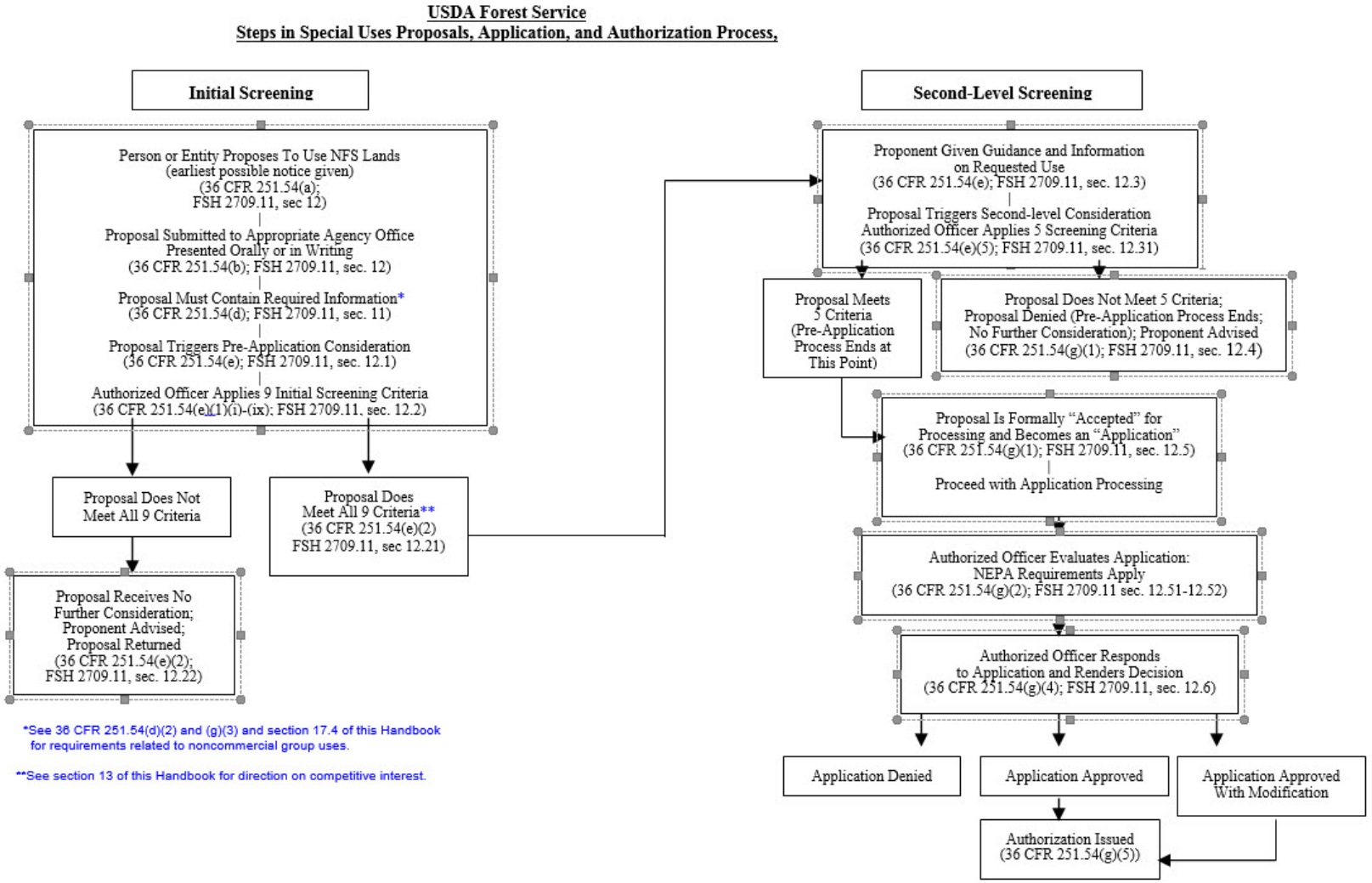
DOI/NPS Process



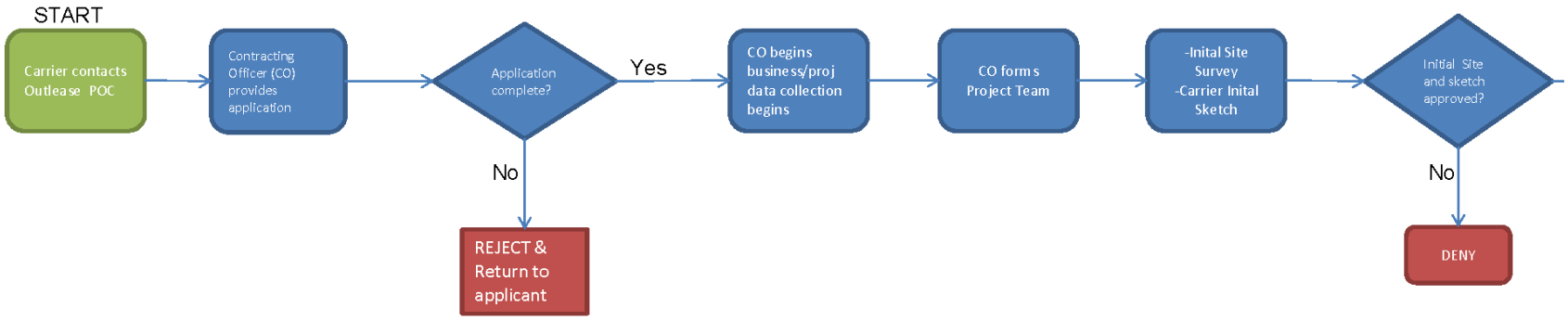
DOI/USBR Process



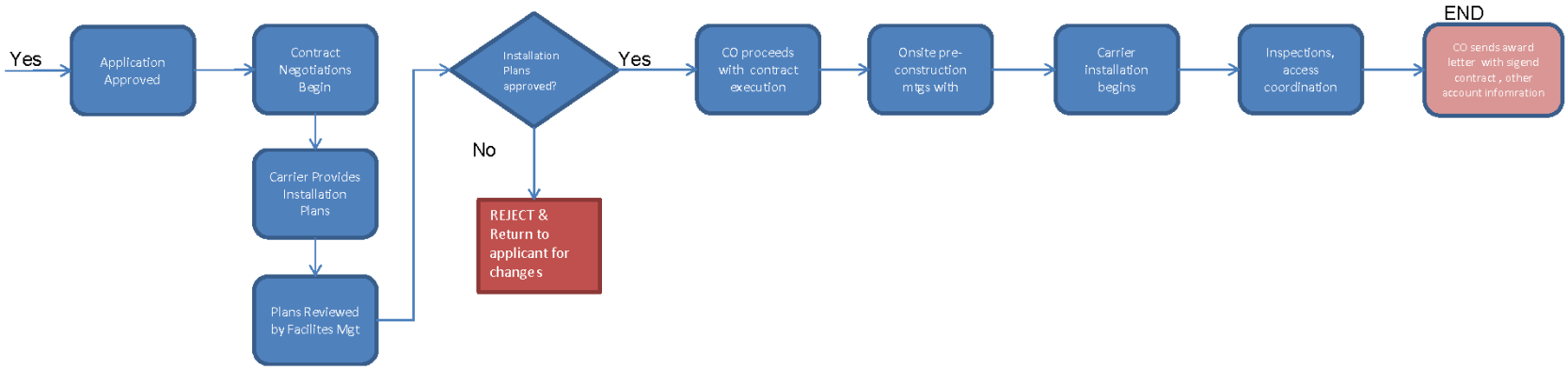
USDA/USFS Process



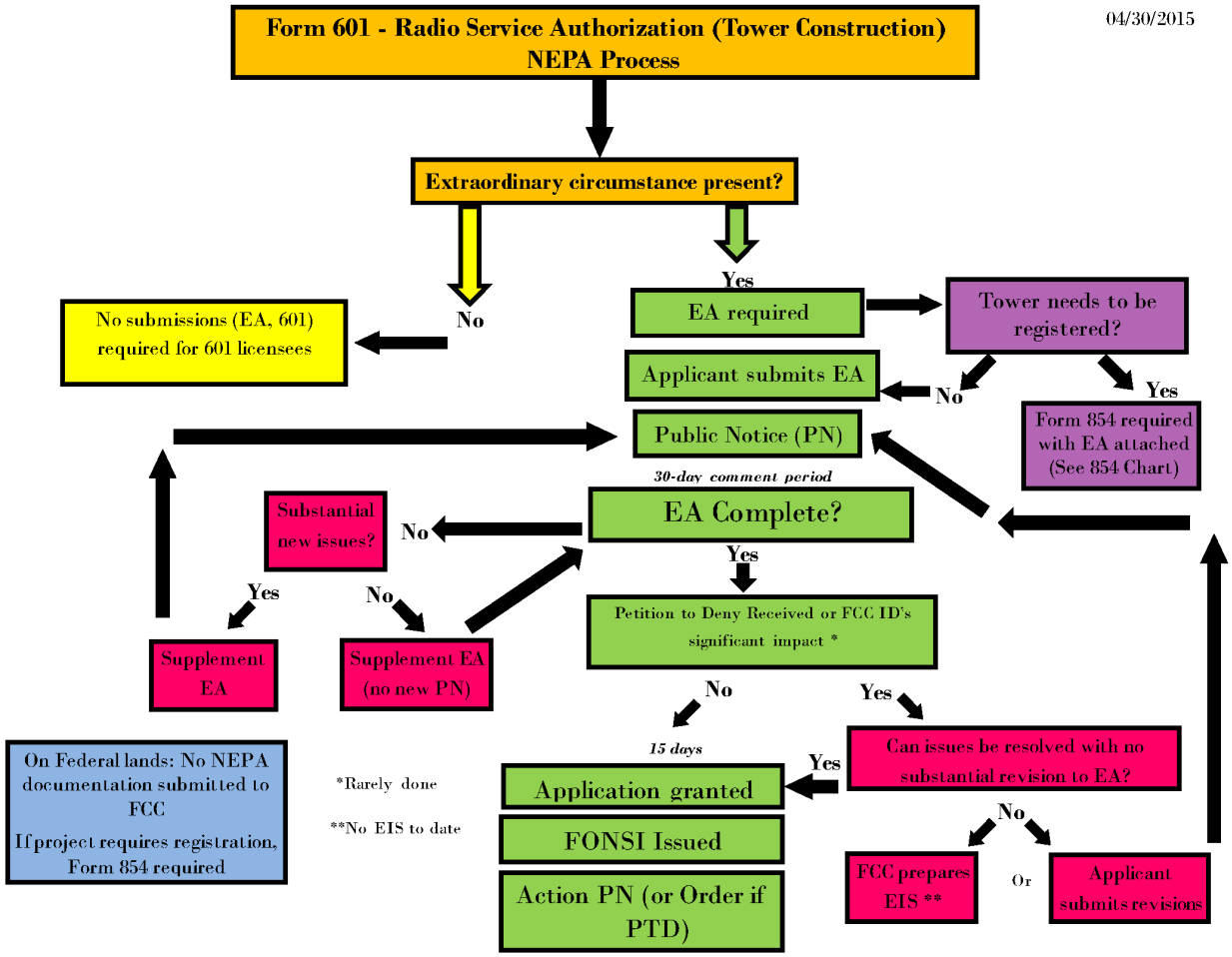
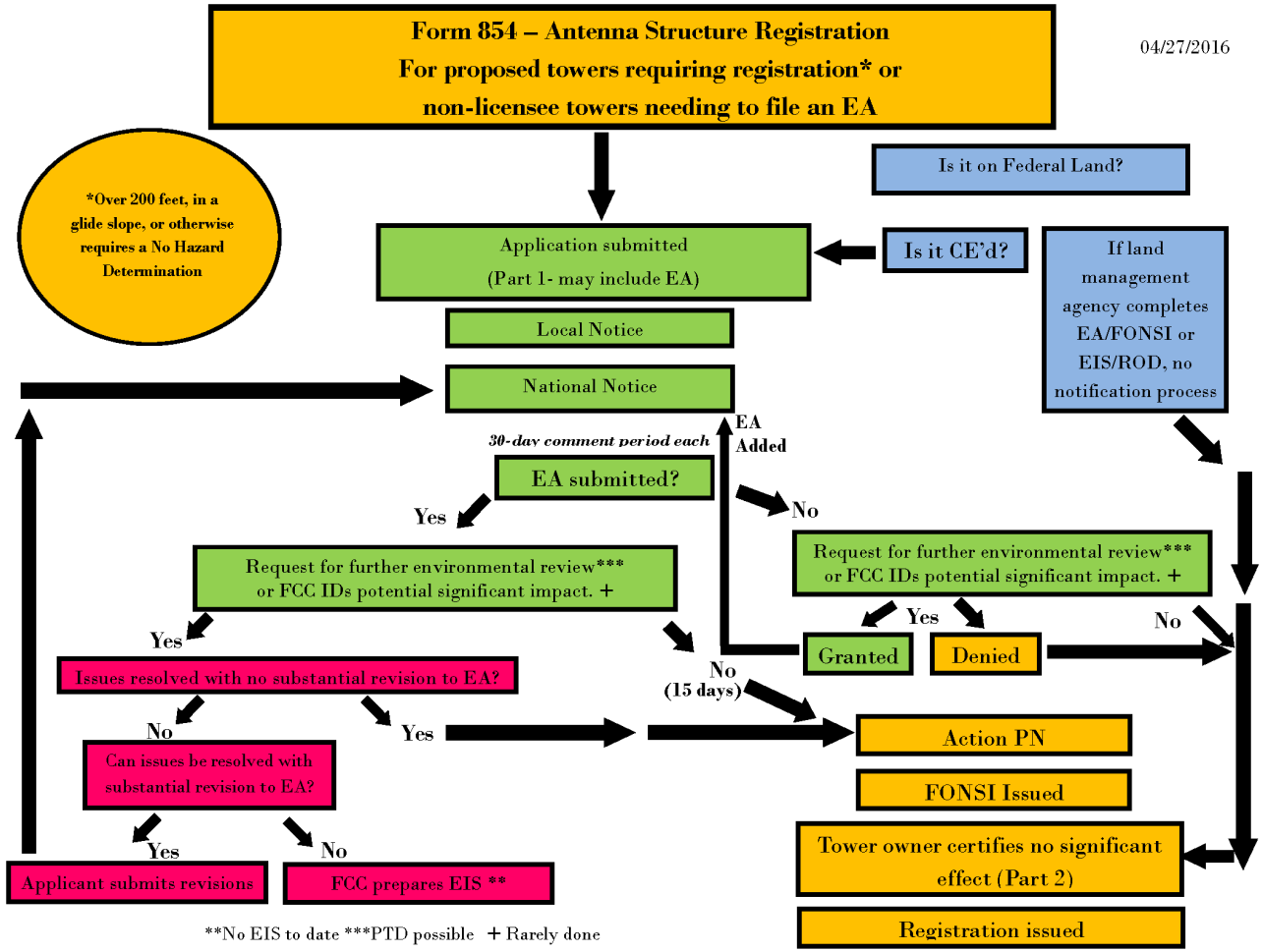
GSA Process part 1



GSA Process part 2



FCC 601 Process



FCC 854 Process