

**Statement for the Record
Bureau of Land Management
U.S. Department of the Interior**

**House Committee on Natural Resources
Subcommittee on Federal Lands**

**H.R. 3299, DIGITAL Applications Act
H.R. 3283, Facilitating DIGITAL Applications Act**

July 9, 2024

Thank you for the opportunity to provide this Statement for the Record on H.R. 3299, the Deploying Infrastructure with Greater Internet Transactions And Legacy Applications Act (“DIGITAL Applications Act”) and H.R. 3283, the Facilitating the Deployment of Infrastructure with Greater Internet Transactions and Legacy Applications Act (“Facilitating DIGITAL Applications Act”). H.R. 3299 requires the establishment of online portals for applications for rights-of-way for communications use, and H.R. 3283 contains reporting requirements for the Department of Commerce regarding the establishment of such portals. The BLM supports the goals of H.R. 3299. However, we believe that the timeframe specified for establishment of the required online portals is not achievable given current resources.

The BLM defers to the Department of Commerce regarding potential impacts associated with H.R. 3283.

Background

The BLM manages approximately 245 million surface acres, located primarily in 12 western states, and approximately 700 million acres of subsurface mineral estate. The Federal Land Policy and Management Act (FLPMA) sets forth the BLM’s multiple-use mission, directing that public lands generally be managed for a broad range of uses, such as renewable and conventional energy development, livestock grazing, timber production, hunting and fishing, recreation, wilderness, and conservation – including protecting cultural and historic resources. FLPMA also requires the BLM to manage public land resources on a sustained-yield basis for the benefit of current and future generations.

Under Title V of FLPMA, the BLM is authorized to grant, issue, or renew rights-of-way (ROW) over, upon, under, or through public lands for specific projects, such as roads, pipelines, transmission lines, and communication sites. A ROW grant authorizes rights and privileges for a specific use of the land for a specific period of time. Generally, a BLM ROW is granted for a term appropriate for the life of the project.

The BLM currently administers more than 1,500 communications sites on public lands in the eleven Western states and Alaska. Most communications sites on BLM-managed public lands are

located at geographic elevations and consist of one or more facilities (such as towers, antennas, or other buildings) owned by private or governmental entities. Activities at each site are managed by a local BLM field office under a resource management plan and a site-specific management plan. To date, the BLM has authorized the construction and operation of more than 4,000 facilities – ranging from radio and television transmitters to cellular and wireless broadband towers – using ROW grants.

H.R. 3299 & H.R. 3283

H.R. 3299 requires the Department of the Interior (Department) and U.S. Department of Agriculture (USDA) to establish online portals to accept, process, and dispose of Standard Form 299 (SF-299) applications for communications use within one year of enactment. The bill further requires the Department of Commerce to publish links to these portals on the website of the National Telecommunications and Information Administration (NTIA). H.R. 3283 requires the Department of Commerce to provide a report to Congress within 90 days of enactment and every 60 days thereafter until such online portals are established. The bill requires the reports to describe any barriers to the establishment of the online portals. In addition, H.R. 3283 would require the Department and USDA to provide notice to NTIA within three days of establishing their respective portals.

The BLM places a high priority on working with applicants on their proposed ROW to process the application expeditiously while ensuring the protection of resource values. The BLM strives to provide ROW applicants a decision within 60 days from the receipt of a completed application. The BLM also notifies applicants after 30 days if the application processing will take longer and provides a date when a decision on the application can be reasonably expected.

The BLM notes that it has already established an online portal for the submission of SF-299 applications for communications use. The BLM's Mineral and Land Records System (MLRS) is an online platform for delivering and reporting mineral and land records transactions, tracking, and mapping. In June 2023, the BLM added the ability to submit SF-299 applications for communications use electronically via MLRS. The BLM does not currently have an online portal dedicated to the processing or approval/rejection of these applications; these tasks are handled by staff at the applicable BLM office, who work with applicants directly.

While the BLM supports the goals of H.R. 3299 to establish an online portal to process and dispose of SF-299 applications for communications use, the agency would be unable to do so within the one-year timeframe specified in the bill given current resources. The BLM notes that the development and refinement of MLRS, which includes the modernization of a number of legacy systems, has been a resource-intensive, multi-year effort. As such, we would like to work with the Sponsor and the Subcommittee on a more reasonable timeframe to develop, or incorporate into existing platforms, a fully functioning platform that can authenticate and process SF-299 applications for communications use. We would also like to work with the Sponsor to clarify their intent with respect to the terms “acceptance” and “disposal” in the bill.

The BLM defers to the USDA regarding any impacts associated with H.R. 3299 on the USDA Forest Service. Regarding H.R. 3283, we defer to the Department of Commerce on the provisions affecting their interests.

Conclusion

Thank you again for the opportunity to provide this Statement for the Record.