



April 2024

# BROADBAND DEPLOYMENT

## Agencies Should Take Steps to Better Meet Deadline for Processing Permits

Accessible Version

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# GAO Highlights

View [GAO-24-106157](#). For more information, contact Andrew Von Ah at (202) 512-2834 or [VonAhA@gao.gov](mailto:VonAhA@gao.gov).

Highlights of [GAO-24-106157](#), a report to congressional committees

April 2024

## BROADBAND DEPLOYMENT

### Agencies Should Take Steps to Better Meet Deadline for Processing Permits

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#### Why GAO Did This Study

Millions of Americans do not have broadband access, which has become essential for online activities like work, school, and health care. With the federal government investing billions of dollars in expanding access in the coming years, new broadband infrastructure will frequently cross federal lands or connect to federal buildings, which requires a federal permit. Legislation requires that executive agencies process applications for communications use permits—including for broadband infrastructure—within 270 days of receipt.

GAO was asked to review issues related to processing federal broadband permits. This report examines the extent to which selected agencies (1) used reliable data to track application processing times for communications use permits; and (2) processed communications use applications by the required deadline.

GAO analyzed federal permitting data; reviewed laws and reports on the application review process; and interviewed agency officials.

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#### What GAO Recommends

GAO is making six recommendations—three to BLM and three to Forest Service—to improve their processing of communications use applications, so that they are better able to meet the 270-day deadline. BLM and the Forest Service agreed with the recommendations.

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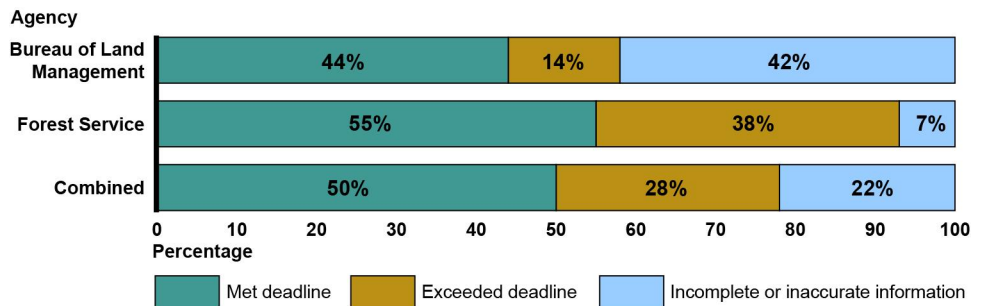
#### What GAO Found

The Bureau of Land Management (BLM) and Forest Service process the most applications from telecommunications providers to install communications use equipment or facilities—including for broadband internet—on federal property. However, GAO found that from fiscal years 2018 through 2022, BLM and Forest Service did not have sufficiently reliable—i.e., accurate and complete data—to determine the processing time for 42 percent and 7 percent, respectively, of their communications use

applications. These agencies lacked the necessary controls to ensure staff entered key information, such as start and end dates, in their electronic systems. Without accurate, complete data to determine processing times, the agencies cannot track the extent to which they are complying with the statutory requirement that they grant or deny applications within 270 days.

For those communications use applications with sufficient data, BLM and Forest Service reduced their average processing time by 57 percent from fiscal years 2018 through 2022. However, despite this overall improvement, about half of the applications either exceeded the 270-day deadline or did not have sufficiently accurate and complete information to determine if they met the deadline.

**Selected Agencies' Performance in Processing Communications Use Permit Applications Within the 270-Day Deadline, Fiscal Years 2018—2022**



Source: GAO analysis of Bureau of Land Management and Forest Service data. | GAO-24-106157

**Accessible Data for Selected Agencies' Performance in Processing Communications Use Permit Applications Within the 270-Day Deadline, Fiscal Years 2018—2022**

Agency	Met Deadline (Percentage)	Exceeded deadline (Percentage)	Incomplete or Inaccurate Information (Percentage)
Bureau of Land Management	44	14	42
Forest Service	55	38	7
Combined	50	28	22

Source: GAO analysis of Bureau of Land Management and Forest Service data. | GAO-24-106157

Officials from BLM and Forest Service said that applicant non-responsiveness and staffing issues contributed to the delays in processing communications use applications. Forest Service has taken some steps to improve processing, including hiring additional staff, but neither agency has fully analyzed or addressed reasons why many applications processing time exceeded the deadline. Moreover, neither agency has a method to alert staff

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to applications that are at risk of exceeding the 270-day deadline. Until BLM and Forest Service address issues that contribute to delays and establish methods to flag at-risk applications, the agencies may continue to miss the deadline at similar rates, which could cause delays and increased costs in deploying needed broadband infrastructure.

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**Abbreviations**

BEAD	Broadband Equity, Access, and Deployment Program
BLM	Bureau of Land Management
DOI	Department of the Interior
FCC	Federal Communications Commission
GPRA	Government Performance and Results Act of 1993
GSA	General Services Administration
IIJA	Infrastructure Investment and Jobs Act
MLRS	Mineral and Land Records System
NTIA	National Telecommunications and Information Administration
SUDS	Special Uses Data System
USDA	U.S. Department of Agriculture

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April 10, 2024

The Honorable Cathy McMorris Rodgers  
Chair  
The Honorable Frank Pallone, Jr.  
Ranking Member  
Committee on Energy and Commerce  
House of Representatives

The Honorable Robert E. Latta  
Chairman  
The Honorable Doris Matsui  
Ranking Member  
Subcommittee on Communications and Technology  
Committee on Energy and Commerce  
House of Representatives

Broadband internet that is widely accessible, affordable, and high quality is essential for everyday online activities, including work, school, and health care. Despite its importance, millions of Americans still lack broadband access. To expand this essential service, additional infrastructure must be deployed, which can frequently cross federal lands or connect to federal facilities, such as cable or radio towers. In these cases, federal agencies must balance their obligations to protect these assets with allowing appropriate access. In recent years, legislation—such as the 2021 Infrastructure Investment and Jobs Act (IIJA)—has appropriated over \$65 billion in funding to support broadband access, including infrastructure deployment.<sup>1</sup> This new investment will increase demand on federal agencies responsible for providing permission for broadband fiber or towers to be located on federal lands and buildings. Some stakeholders, such as broadband providers, are concerned that the federal permitting process may delay broadband deployment.

Federal agencies are subject to certain requirements related to broadband permitting. In 2018, the MOBILE NOW Act established a 270-day deadline for executive agencies to grant or deny applications for

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<sup>1</sup>See, for example, Infrastructure Investment and Jobs Act (IIJA), Pub. L. No. 117-58, 135 Stat. 429 (2021); CARES Act, Pub. L. No. 116-136, 134 Stat. 281 (2020); Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, 134 Stat. 1182 (2020); and American Rescue Plan Act of 2021, Pub. L. No. 117-2, 135 Stat. 4.

easements, rights-of-way, or leases to install, construct, modify, or maintain a communications facility installation on federal property.<sup>2</sup> These types of applications—which include applications for broadband use on federal lands—are considered applications for communications use permits.<sup>3</sup> Further, a 2018 executive order requires the General Services Administration (GSA) to issue quarterly reports on applications to place wireless facilities—including broadband facilities—on federal property.<sup>4</sup> The data provided for these reports show that the Department of the Interior’s (DOI) Bureau of Land Management (BLM) and the Department of Agriculture’s (USDA) Forest Service process most federal broadband applications.<sup>5</sup>

You asked us to review issues related to processing federal broadband permits. This report examines the extent to which selected agencies (1) used reliable data to track application processing times for communications use permits, and (2) processed communications use applications by the required 270-day deadline.

For both objectives, we reviewed GSA’s quarterly reports from 2019 through 2022 on the number of communications use applications across the federal government. We decided to focus on BLM and Forest Service because they are the agencies that processed the most communications use applications. We analyzed BLM data on applications for communications use permits from fiscal years 2019 through 2022 and

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<sup>2</sup>Under this requirement, the agency is supposed to notify the applicant of its decision within 270 days of receiving a “duly filed application.” Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless (“MOBILE NOW”) Act, Pub. L. No. 115-141, div. P, tit. VI, § 606(a), 132 Stat. 1097, 1101 (2018) (amending 47 U.S.C. § 1455(b)(3)).

<sup>3</sup>This report uses “communications use” to refer to applications and the approved permits, easements, rights-of-way, or leases to use property owned by the federal government to install, construct, modify, or maintain a communications facility. Communications use includes uses associated with the transmission of data, voice, or video, or any other transmission or reception uses authorized by 43 U.S.C. § 1761(a)(5). Broadband use is included in communications use. This report uses “permits” as an umbrella term covering all permissions to other parties for use of federal property, including grants of easements, authorizations, or leases.

<sup>4</sup>Under the executive order, agencies that manage federal property must report to GSA information regarding their use of a common form application. Such information should include the number of applications received and approved. Exec. Order No. 13821, 83 Fed. Reg. 1507 (Jan. 8, 2018).

<sup>5</sup>General Services Administration, Executive Order 13821, *Streamlining and Expediting Request to Locate Broadband Facilities in Rural America* (Quarterly Report, 2019-2022).



Forest Service data on applications from fiscal years 2018 through 2022. We did not include 2018 BLM data in our analysis because BLM was unable to provide these data to us in a timely manner. We limited our scope to the fiscal years since the establishment of the 270-day deadline in 2018 for processing communications use applications.

For both objectives, we interviewed BLM and Forest Service staff on their permitting process and electronic data systems. We also reviewed relevant documents and reports from BLM, Forest Service, and other federal entities. These documents and reports included:

- BLM and Forest Service documents on each agency's permitting process and implementation of legislative requirements related to permitting, including proposed and final rules implementing these requirements. We reviewed these rules to determine the actions each agency planned to take to address the legislative requirements.
- Reports that BLM and Forest Service developed in response to a requirement in the Biden-Harris Permitting Action Plan of 2022 for agencies to develop initiatives to improve their permitting process.<sup>6</sup>
- Documentation related to BLM and Forest Service's electronic data systems, including data dictionaries and processing manuals, to understand how each agency stored and processed application information.
- Reports from other federal entities—including progress reports from the American Broadband Initiative, as well as DOI and USDA reports on broadband deployment and permitting—to understand issues involved in the permitting process.<sup>7</sup>

To determine the processing times for BLM applications, we analyzed data from the Legacy Rehost System, the database BLM used to track

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<sup>6</sup>The Biden-Harris Permitting Action Plan to Rebuild America's Infrastructure, Accelerate the Clean Energy Transition, Revitalize Communities, and Create Jobs (Washington, D.C.: May 11, 2022), accessed November 10, 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/05/11/fact-sheet-biden-harris-administration-releases-permitting-action-plan-to-accelerate-and-deliver-infrastructure-projects-on-time-on-task-and-on-budget/>.

<sup>7</sup>American Broadband Initiative, *Progress Report* (Washington, D.C.: June 25, 2020); Department Of the Interior, *Connectivity in Rural America: Leveraging Public Lands for Broadband Infrastructure* (Washington, D.C.: Jan. 8, 2018); U.S. Department of Agriculture, *Broadband Opportunity Council Report and Recommendations: Pursuant to the Presidential Memorandum on Expanding Broadband Deployment and Adoption by Addressing Regulatory Barriers and Encouraging Investment and Training* (Washington, D.C.: Aug. 20, 2015).

communications use applications during the time frame within our scope.<sup>8</sup> For Forest Service, we analyzed data on application processing times from the Special Uses Data System, which the agency uses to track applications. For both sets of data, we excluded records with insufficient or incorrect data. For example, we excluded applications with a processing time of 1 day because BLM and Forest Service officials said those records were inaccurate. We assessed data from BLM and Forest Service for their reliability by interviewing staff and reviewing agency documents on database processes and management. We determined the data with sufficient dates were sufficiently reliable to calculate processing times.

We conducted this performance audit from July 2022 to April 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

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### Broadband Programs and Permitting

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For more than a decade, federal programs have provided tens of billions of dollars to support broadband access, and recent legislation appropriated billions of dollars more for new and existing broadband programs. We previously reported that from 2015 through 2020, federal programs invested at least \$44 billion in activities to support broadband.<sup>9</sup> These funds included \$28.3 billion from the Federal Communications Commission's (FCC) Universal Service Fund's High Cost Program and \$1.4 billion from USDA's ReConnect Program. More recently, the IIJA appropriated nearly \$65 billion for several broadband programs, including the ReConnect program, the National Telecommunications and Information Administration's (NTIA) Broadband Equity, Access, and

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<sup>8</sup>Because of the timing of our analysis, we reviewed BLM data from the Legacy Rehost System, rather than data from the Mineral and Land Records System, which replaced the Legacy Rehost System in June 2023.

<sup>9</sup>GAO, *Broadband: National Strategy Needed to Guide Federal Efforts to Reduce Digital Divide*, [GAO-22-104611](#) (Washington, D.C.: May 31, 2022).

Deployment Program (BEAD), and NTIA's Enabling Middle Mile Broadband Infrastructure Program.<sup>10</sup> Other legislation, including the Consolidated Appropriations Act, 2021 and American Rescue Plan Act, also created programs that have provided billions in funding for broadband.<sup>11</sup>

The federal government has extensive property holdings, including millions of acres of land and thousands of buildings, which some of the new broadband infrastructure being deployed will cross or connect. Responsibility for managing this property lies with several federal agencies.<sup>12</sup> This responsibility includes the authority to provide permits to other parties for use of federal property. BLM and Forest Service process and issue thousands of permits annually and manage over 100,000 permits on an ongoing basis, including permits for communications use. These permits can be for a wide range of purposes, including powerline facilities, road rights-of-way, and installing equipment or constructing facilities for communications use—such as towers, equipment shelters, and fiber optic cable (see fig. 1).

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<sup>10</sup>Pub. L. No. 117-58, 135 Stat. 429 (2021).

<sup>11</sup>Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, div. N, tit. IX, § 905, 134 Stat. 1182, 2136–44 (2020); American Rescue Plan Act of 2021, Pub. L. No. 117-2, § 9901, 135 Stat. 4, 223–36.

<sup>12</sup>For example, the Department of Interior and the Department of Agriculture have authority to grant, issue, or renew certain rights-of-way over, upon, under or through public lands and the National Forest System, respectively. 43 U.S.C. § 1761.

**Figure 1: Permitted Facility for Wireless Communications on Land Administered by the Bureau of Land Management in Arizona**



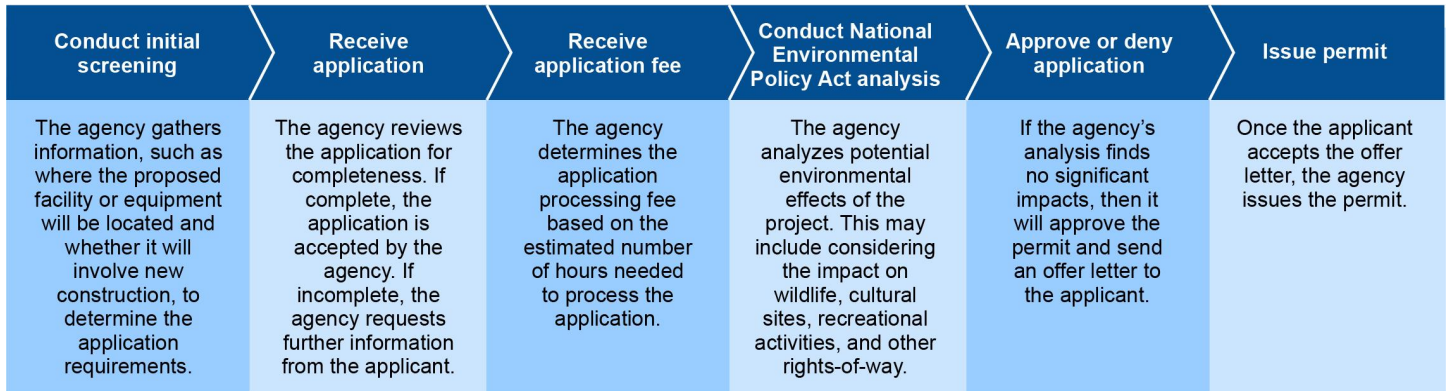
Source: GAO (photo). | GAO-24-106157

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## Federal Permitting Process

BLM, Forest Service, and other agencies follow a similar process for evaluating and deciding whether to approve permit applications, including those for communications use (see fig. 2). After agencies issue the permit, they monitor and collect rent for the use of the property.

**Figure 2: Bureau of Land Management and Forest Service General Steps for Processing Communications Use Applications**



Source: GAO analysis of Forest Service and Bureau of Land Management information. | GAO-24-106157

Congress and multiple administrations have taken actions, including passing laws and issuing executive orders, affecting the process of evaluating and approving federal permits (see table 1).

**Table 1: Selected Laws and Administrative Actions Affecting the Federal Permitting Process**

Law or administrative action	Description
Fixing America's Surface Transportation Act (2015) <sup>a</sup>	Established the Federal Permitting Improvement Steering Council to take actions such as maintaining an online database of certain large infrastructure projects and making recommendations for best practices related to the transparency, timeliness, and other aspects of the federal permitting process for those projects.
MOBILE NOW Act (2018) <sup>b</sup>	Requires executive agencies to, among other things, generally use a common form for applications for easements, rights-of-way, and leases for communications facility installations, and requires agencies to issue a decision on such applications within 270 days of receipt (the required time frame).
Executive Order 13821 (2018) <sup>c</sup>	Requires agencies that manage federal property to report data on the common form applications to the General Services Administration, including the number of applications received and approved and the number of working days each application was pending.
Biden-Harris Permitting Action Plan (2022) <sup>d</sup>	Directed the Office of Management and Budget and the Council on Environmental Quality to develop guidance, and directed permitting agencies to develop plans, to strengthen and accelerate federal permitting reviews.
Inflation Reduction Act of 2022 <sup>e</sup>	Appropriated over \$600 million that could be used to support the federal permitting and environmental review processes.

Source: GAO summary of specific laws and administrative actions. | GAO-24-106157

<sup>a</sup>Pub. L. No. 114-94, §§ 41001–03, 129 Stat. 1312, 1741–55 (2015).

<sup>b</sup>Pub. L. No. 115-141, div P. tit. VI, § 606(a), 132 Stat. 1097, 1101 (2018).

<sup>c</sup>Exec. Order No. 13821, Streamlining and Expediting Requests to Locate Broadband Facilities in Rural America, 83 Fed. Reg. 1507 (Jan. 8, 2018).

<sup>d</sup>The Biden-Harris Permitting Action Plan to Rebuild America's Infrastructure, Accelerate the Clean Energy Transition, Revitalize Communities, and Create Jobs (Washington, D.C.: May 11, 2022), accessed November 10, 2022,

<https://www.whitehouse.gov/briefing-room/statements-releases/2022/05/11/fact-sheet-biden-harris-administration-releases-permitting-action-plan-to-accelerate-and-deliver-infrastructure-projects-on-time-on-task-and-on-budget/>.

<sup>9</sup>Pub. L. No. 117-169, 136 Stat. 1818.

In response to statutory requirements and administrative actions, BLM and Forest Service have taken steps to improve their processes for evaluating and approving applications for communications use permits. Specifically, in response to the MOBILE NOW Act, BLM and Forest Service, in collaboration with other agencies, adopted an existing common application form.<sup>13</sup> In addition, the Biden-Harris Permitting Action Plan (2022) directed federal permitting agencies to develop plans to improve their processes based on guidance issued by the Office of Management and Budget. In response, USDA and DOI have begun to develop plans to prepare for the increase in permit applications expected as a result of the broadband funding appropriated by the IJA.<sup>14</sup>

## BLM and Forest Service Lack Accurate and Complete Data to Determine Processing Times for All Applications

The electronic data systems that BLM and Forest Service use for permitting lack sufficient information to determine processing times for all applications. Specifically, we found that from fiscal years 2018 through 2022, 42 percent of BLM’s application records and 7 percent of Forest Service’s application records lacked accurate and complete information—such as start and end dates—that would enable the agencies to calculate processing times (see table 2).

**Table 2: Bureau of Land Management (BLM) and Forest Service Communications Use Applications with Inaccurate or Incomplete Information to Determine Processing Time, Fiscal Years 2018–2022**

Agency	Total applications	Applications with inaccurate/incomplete information	Percentage of records with inaccurate/incomplete information
BLM	1,018	424	42%
Forest Service	1,277	90	7%
Total	2,295	514	22%

<sup>13</sup>Standard Form (SF)-299 was adopted to be used for telecommunications facilities and equipment on federal lands and properties. This form was previously used for placing transportation services and utilities on federal lands and properties.

<sup>14</sup>See Pub. L. No. 117-58, 134 Stat. 429 (2021).

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Source: GAO analysis of BLM and Forest Service data. | GAO-24-106157

**BLM’s Mineral and Land Records System (MLRS).** MLRS, like the previous electronic data system BLM used until June 2023, contains general information about permit applications. Staff manually enter information that includes the project location and description, as well as various dates, such as when the agency received the application, deemed it complete, and received the application fee. According to BLM officials, manual entry, applicant errors, and staff shortages in some field offices contribute to inaccurate and incomplete information in MLRS. For example, 227 BLM applications from 2019 through 2022 had neither a processing start nor end date. Moreover, MLRS currently lacks controls to ensure the quality of data—such as a requirement to include key dates—in application records.

Further, BLM is not consistent in the dates it uses to track permit processing times. According to officials, staff may use either the date the application was deemed complete or, if that date was not recorded, the date the application fee was received as the start date for processing the application. Similarly, staff may use the date the application was approved or, if that date was not recorded, the “right-of-way offered” date as the end date for processing the application. The MLRS user guide does not currently address these issues.

**Forest Service’s Special Uses Data Systems (SUDS).** Forest Service tracks current communications use applications, as well as approved permits, through SUDS. Field staff review applications to ensure they are complete and then manually enter application information into SUDS, including a mandatory “application accepted” date. The application accepted date indicates when Forest Service received all the information required for the application, and it is when the 270-day window for processing the application begins. At this time, SUDS also generates an application fee based on the information provided, including an estimate of the staff time needed to process the application. Although the 270-day window begins when the agency accepts the application, staff do not start reviewing the application until the fee is paid. As a result, if there is a delay in the applicant paying the fee, the processing time may not reflect the actual amount of time it takes Forest Service to process the application.

While Forest Service staff use the time from the “application accepted” date to the “pending signature” date to determine processing time, SUDS only requires entry of the “application accepted” date. Moreover, officials said that field staff have at times entered both dates at the time they

approve the application, which makes it appear the application was accepted and approved on the same day. We found that Forest Service's data had 90 applications from 2018 through 2022 that had a processing time of 1 or 0 days. Officials said the agency plans to replace SUDS with a new electronic data system in 2024, but it will not have any additional controls to notify staff if an application is approaching the 270-day deadline.

According to *Standards for Internal Control in the Federal Government*, agencies should use quality information—information that is appropriate, current, complete, accurate, accessible, and timely—to inform decision-making and evaluate the agency's performance in achieving goals. Additionally, the Government Performance and Results Act of 1993 (GPRA) and GPRA Modernization Act of 2010 call for agencies to use accurate and reliable data to measure progress toward achieving goals.<sup>15</sup> Although these requirements apply at the departmental level (e.g., the Department of the Interior), we have shown that they can serve as leading practices at the program level.<sup>16</sup> Without more accurate and complete data in their electronic systems, BLM and Forest Service cannot track the processing times for all applications, nor can they readily determine the extent to which they are complying with the statutory requirement to process communications use applications within 270 days.

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<sup>15</sup>Government Performance and Results Act of 1993, Pub. L. No. 103-62, § 4(b), 107 Stat. 285, 287, as enhanced by the GPRA Modernization Act of 2010, Pub. L. No. 111-352, § 3, 124 Stat. 3866, 3867–69 (2011) (codified as amended at 31 U.S.C. § 1115(b)).

<sup>16</sup>See, for example, GAO, *Environmental Justice: EPA Needs to Take Additional Actions to Help Ensure Effective Implementation*, [GAO-12-77](#) (Washington, D.C.: Oct. 6, 2011); *Agencies' Strategic Plans under GPRA: Key Questions to Facilitate Congressional Review*, [GAO/GGD-10.1.16](#) (Washington, D.C.: May 1997); and *Executive Guide: Effectively Implementing the Government Performance and Results Act*, [GAO/GGD-96-118](#) (Washington, D.C.: June 1, 1996).



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## Despite Improvements, BLM and Forest Service Exceeded the Deadline for Over One-Third of Applications

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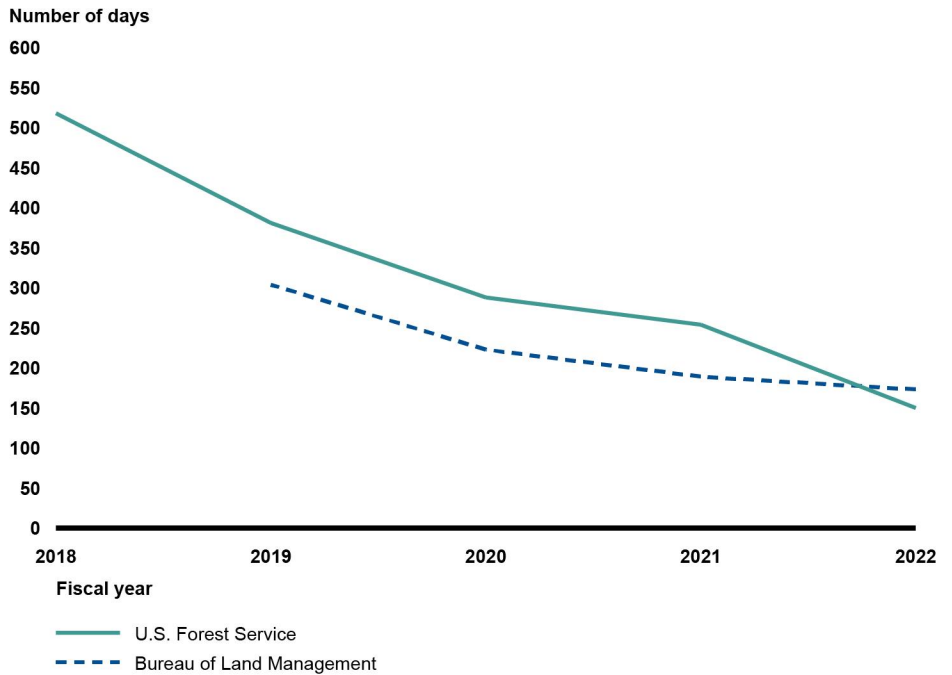
### BLM and Forest Service Reduced the Average Processing Times for Applications by 57 Percent

For those applications for communications use permits with sufficient data, we determined that BLM and Forest Service reduced average processing time by 57 percent.<sup>17</sup> Specifically, from fiscal years 2019 through 2022, BLM reduced the average time to process communications use applications by more than 130 days. And from fiscal years 2018 through 2022, Forest Service reduced the average time to process communications use applications by more than 360 days (see fig. 3).

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<sup>17</sup>Seventy-eight percent of BLM and Forest Service applications had sufficient data—such as beginning and end dates—for us to determine the average processing time.

**Figure 3: Bureau of Land Management (BLM) and Forest Service Average Processing Times for Communications Use Applications, in Days, by Fiscal Year**



Source: GAO analysis of Bureau of Land Management and Forest Service data. | GAO-24-106157

**Accessible Data for Figure 3: Bureau of Land Management (BLM) and Forest Service Average Processing Times for Communications Use Applications, in Days, by Fiscal Year**

Fiscal year	U.S. Forest Service (Number of days)	Bureau of Land Management (BLM) (Number of days)
FY2018	518	
FY2019	381	304
FY2020	288	223
FY2021	254	189
FY2022	150	173

Source: GAO analysis of Bureau of Land Management and Forest Service data. | GAO-24-106157

Note: BLM was not able to provide 2018 data in time to allow for analysis. According to BLM officials, BLM processed 235 communications use applications in fiscal year 2018.

Forest Service issued a final rule revising its regulations in 2020, and BLM proposed revisions to its regulations in 2022, to streamline the

process of evaluating and approving communications use applications.<sup>18</sup> Forest Service revised its regulations to align with the statutory requirement to process communications use applications within 270 days. According to officials, these revisions provided more support for processing applications in a timely manner. Forest Service also established a standard length of time of 30 years for communications use permits, which officials said helped reduce staff workload by decreasing the frequency with which applicants need to re-apply for permits.<sup>19</sup>

BLM has yet to finalize the revision it proposed to its regulations. Like Forest Service, BLM’s proposed changes would require that it process applications for communications use permits within 270 days and establish a standard term of 30 years for approved permits. In December 2023, BLM officials told us the agency aims to complete these changes in spring 2024.

### BLM and Forest Service Exceeded the Deadline for 36 Percent of Applications Due to Staffing Issues and Other Factors

Our analysis found that BLM and Forest Service did not meet the required 270-day deadline for 36 percent of the communications use applications they processed since the MOBILE NOW Act established the deadline in 2018 (see table 3).<sup>20</sup> Staff from both agencies said they had not tracked the factors that contributed to applications exceeding the deadline.

**Table 3: Bureau of Land Management (BLM) and Forest Service Applications for Communications Use Permits Processed in More than 270 Days**

Agency	Total number of applications processed	Number of applications processed in more than 270 days	Percentage of applications processed in more than 270 days
BLM (fiscal years 2019–2022)	594	143	24%
Forest Service (fiscal years 2018–2022)	1,187	491	41%

<sup>18</sup>85 Fed. Reg. 19660 (Apr. 8, 2020); 87 Fed. Reg. 67306 (proposed Nov. 7, 2022).

<sup>19</sup>Previously, there was no standard length of time for permits.

<sup>20</sup>This analysis includes only applications with sufficient information in BLM and Forest Service’s electronic systems to allow analysis of processing times. As previously discussed, the records of 514 applications did not have sufficient information, such as the start or end dates for processing.

Agency	Total number of applications processed	Number of applications processed in more than 270 days	Percentage of applications processed in more than 270 days
Total	1,781	634	36%

Source: GAO analysis of BLM and Forest Service data. | GAO-24-106157

Note: BLM and Forest Service processed 2,295 applications in total during this time, but 514 of these applications did not contain sufficient data to include in our analysis.

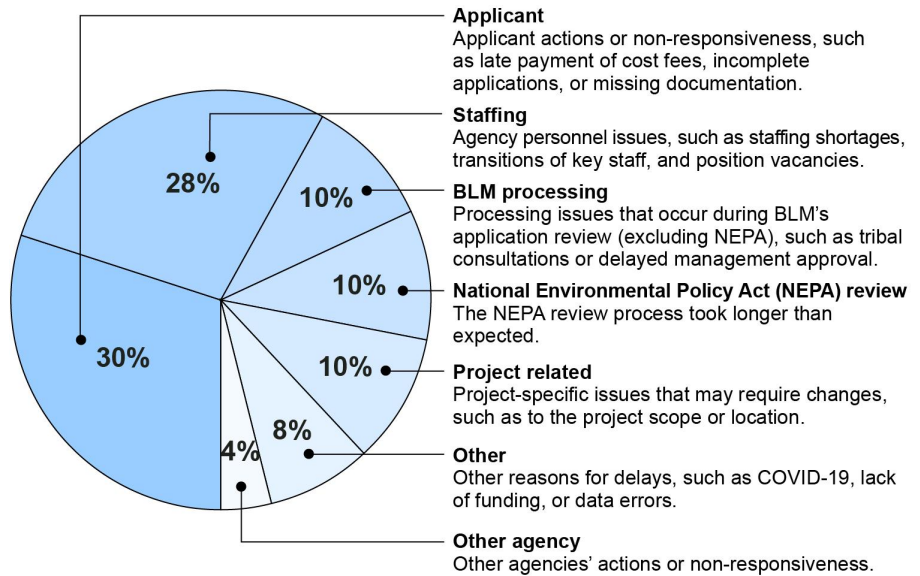
In accordance with Executive Order 13821, GSA reports quarterly on the number of and average processing times of applications for communications use permits from BLM, Forest Service, and other agencies that manage federal property.<sup>21</sup> The reports did not identify the number of applications that exceeded the 270-day deadline or the reasons for these delays.

At our request, BLM officials reviewed and provided reasons for exceeding the deadline for 139 applications from fiscal years 2019 through 2022.<sup>22</sup> Officials said the two most common reasons for delays were applicant non-responsiveness and BLM staffing issues, which together affected more than half of these applications (see fig. 4). Forest Service officials said they faced similar challenges for the 491 applications they processed from fiscal years 2018 through 2022 that exceeded the deadline.

<sup>21</sup> See Exec. Order No. 13821, 83 Fed. Reg. 1507 (Jan. 8, 2018).

<sup>22</sup> There were 143 applications that exceeded the 270-day deadline. Four of them had sufficient information in the file to determine the cause of the delay, and we asked BLM to review the other 139.

**Figure 4: Bureau of Land Management (BLM) Reasons for Delays in Processing Communications Use Applications**



Source: GAO analysis of Bureau of Land Management data. | GAO-24-106157

**Accessible Data for Figure 4: Bureau of Land Management (BLM) Reasons for Delays in Processing Communications Use Applications**

Reason for delay	Other agency (Percentage)	Other (Percentage)	Project related (Percentage)	National Environmental Policy Act (NEPA) related (Percentage)	BLM processing (Percentage)	Staffing (Percentage)	Applicant (Percentage)
Percentage	4	8	10	10	10	28	30

Source: GAO analysis of Bureau of Land Management data. | GAO-24-106157

BLM and Forest Service officials said they had not been fully aware of the factors that contributed to delays until they conducted the analysis at our request. BLM officials told us they did not monitor the factors contributing to delays and did not have a plan to address these factors to reduce delays. In 2023, Forest Service took some steps to improve processing times, such as creating a centralized office and increasing staff; however, it is too soon to assess the effectiveness of those actions.

Federal internal control standards state that monitoring programs to assess performance and taking corrective actions to address any deficiencies can help programs achieve their objectives. By continuing to analyze the factors that contribute to delays, taking actions to address

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those factors, and—in the case of Forest Service—assessing the efficacy of actions they have already taken, the agencies could increase the number of applications they process by the required deadline. Actions to address factors that contribute to delays could include, for example, improving communication with applicants or increasing field staff when needed.<sup>23</sup> Without taking actions like these, the agencies may continue to miss the 270-day deadline at similar rates, which would delay and increase the costs of broadband infrastructure projects.

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### BLM and Forest Service Do Not Have an Early Warning System for Applications Nearing the Deadline

BLM and Forest Service's electronic systems do not flag communications use applications that are approaching or exceeded the 270-day deadline; as a result, the agencies often learn that permits exceeded the deadline after the fact. BLM officials said that staff at each local office are responsible for tracking application timelines outside their electronic system, and that some staff use spreadsheets or other types of reminders for tracking timelines. Similarly, Forest Service field staff track application timelines manually. According to Forest Service officials, the new electronic data system they are developing will also lack an early warning system for applications when it is initially deployed in 2024.

Federal internal control standards state that agencies' information systems and related activities should support the agencies' objectives and respond to risks, including through controls in its electronic data systems or manual controls carried out by staff. Such controls could enable BLM and Forest Service to prioritize at-risk applications and bring them to the attention of field staff before they exceed the 270-day deadline. Without regular monitoring of the applications to identify those that are approaching or have exceeded the 270-day deadline, it will remain difficult for managers to ensure the agencies are improving their performance.

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<sup>23</sup>The Forest Service hired additional realty specialists, who are responsible for processing permit applications, including for communications use. Forest Service also established a centralized office to support and oversee field locations that process communications use applications. According to Forest Service officials, when one field location experiences a personnel shortage, the centralized office will help process communications use applications. This plan was too recent for us to assess.

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## Conclusions

The federal government has made significant investments in expanding broadband access. Inefficient processing of permits delays deployment and increases costs for broadband providers. Without systems and controls to ensure the data in their electronic systems are accurate and complete, BLM and Forest Service cannot track the processing times for all applications, nor can they readily determine the extent to which they are complying with the required deadline of 270 days. Moreover, without understanding and addressing factors that contribute to processing delays and establishing a method to alert staff to delayed applications, BLM and Forest Service may continue to miss the required deadline for a significant portion of the applications they process.

---

## Recommendations for Executive Action

We are making a total of six recommendations, three to BLM and three to Forest Service. Specifically:

The Director of BLM should develop controls to ensure BLM data are sufficiently accurate and complete to track processing times for all communications use applications. (Recommendation 1)

The Chief of the Forest Service should develop controls to ensure Forest Service data are sufficiently accurate and complete to track processing times for all communications use applications. (Recommendation 2)

The Director of BLM should continue to analyze the factors that contribute to delays in processing communications use applications as they occur and take actions to address those factors. (Recommendation 3)

The Chief of the Forest Service should continue to analyze the factors that contribute to delays in processing communications use applications as they occur, as well as the efficacy of the actions the agency has taken to address those factors, and take additional actions as necessary. (Recommendation 4)

The Director of BLM should establish a method to alert staff to communications use applications at risk of exceeding the 270-day deadline. (Recommendation 5)

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The Chief of the Forest Service should establish a method to alert staff to communications use applications at risk of exceeding the 270-day deadline. (Recommendation 6)

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## Agency Comments

We provided a draft of this report to the Department of Agriculture's Forest Service and the Department of Interior's BLM for review and comment. Both agencies agreed with the recommendations. See appendixes I and II for a copy of the letters from both agencies.

We are sending copies of this report to the appropriate congressional committees; the Secretary of Commerce, the Chairwoman of the Federal Communications Commission, the Secretary of Agriculture, the Secretary of the Interior; and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-2834 or [VonAhA@gao.gov](mailto:VonAhA@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix III.



Andrew Von Ah  
Director, Physical Infrastructure



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# Appendix I: Comments from the U.S. Department of Agriculture

**Appendix I: Comments from the U.S.  
Department of Agriculture**



United States  
Department of  
Agriculture

Forest  
Service

Washington Office

1400 Independence Avenue, SW  
Washington, D.C. 20250

**File Code:** 1420  
**Date:** March 13, 2024

Mr. Andrew Von Ah  
Director, Physical Infrastructure Issues  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Von Ah:

The U.S. Department of Agriculture (USDA) Forest Service (Agency) appreciates the opportunity to respond to the U.S. Government Accountability Office (GAO)'s draft report entitled Broadband Deployment: Agencies Should Take Steps to Better Meet Deadline for Processing Permits (GAO-24-106157). The Forest Service generally agrees with the recommendations in the GAO draft report and will create a plan to address controls and factors related to delays.

Thank you again for the opportunity to review the draft report. If you have any questions, please contact Robert Velasco, the Forest Service's Chief Financial Officer, at [Robert.velasco@usda.gov](mailto:Robert.velasco@usda.gov).

Sincerely,

RANDY MOORE  
Chief



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# Accessible Text for Appendix I: Comments from the U.S. Department of Agriculture

File Code: 1420  
Date: March 13, 2024

Mr. Andrew Von Ah  
Director, Physical Infrastructure Issues  
U.S. Government Accountability Office  
441 G Street, NW

Washington, DC 20548

Dear Mr. Von Ah:

The U.S. Department of Agriculture (USDA) Forest Service (Agency) appreciates the opportunity to respond to the U.S. Government Accountability Office (GAO)'s draft report entitled *Broadband Deployment: Agencies Should Take Steps to Better Meet Deadline for Processing Permits* (GAO- 24-106157). The Forest Service generally agrees with the recommendations in the GAO draft report and will create a plan to address controls and factors related to delays.

Thank you again for the opportunity to review the draft report. If you have any questions, please contact Robert Velasco, the Forest Service's Chief Financial Officer, at [Robert.velasco@usda.gov](mailto:Robert.velasco@usda.gov).

Sincerely,

RANDY MOORE  
Chief

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# Appendix II: Comments from the U.S. Department of the Interior

**Appendix II: Comments from the U.S.  
Department of the Interior**



**United States Department of the Interior**  
BUREAU OF LAND MANAGEMENT  
National Headquarters  
Washington, DC 20240  
<https://www.blm.gov>



Andrew Von Ah  
Director, Physical Infrastructure Issues  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Von Ah:

Thank you for providing the Department of the Interior the opportunity to review and comment on the draft Government Accountability Office (GAO) report titled, *Broadband Development: Agencies Should Take Steps to Better Meet Deadline for Processing Permits (GAO-24-106157)*. We appreciate GAO's review of the risks associated with broadband deployment on federal lands.

The Department *concurs* with the following recommendations issued by GAO and provides the following corrective actions.

**Recommendation 1:** The Director of BLM should develop controls to ensure its data are sufficiently accurate and complete to track processing times for all communications use applications.

**Response:** The Mineral and Land Records System (MLRS) is the online platform that was developed for land record transactions, tracking, and mapping for the BLM customers and staff. The BLM will work to develop data standards and devise a report that can accurately track processing times for communications use applications.

**Target Date:** January 31, 2026

**Recommendation 3:** The Director of BLM should continue to analyze the factors that contribute to delays in processing communications use applications as they occur and take actions to address those factors.

**Response:** The BLM will analyze the factors and processes that contribute to delays in authorizing communications use applications and develop recommendations on how to resolve the issues. Following the identification of the processes, the BLM will develop system modifications to address the delays and issue policy. The policy will also include guidance on how to document and handle issues related to proponent delays that affect the processing time.

**Target Date:** January 31, 2026

**Recommendation 5:** The Director of BLM should establish a method to alert staff to communications use applications at risk of exceeding the 270-day deadline.

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**Appendix II: Comments from the U.S.  
Department of the Interior**

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**Response:** The BLM will develop a standard report within the MLRS system and issue appropriate policy to track the processing times for communications use applications. The report will include a method that provides management a notification when applications approach the 270-day deadline.

**Target Date:** January 31, 2026

The BLM appreciates the opportunity to address the issues related to lack of processing times of communications use applications and looks forward to more accurately providing information related to meeting the 270-day processing standard.

If you have any questions, please contact Mr. Benjamin Gruber, Acting Assistant Director, Energy, Minerals, and Realty Management ([begruber@blm.gov](mailto:begruber@blm.gov)).

Sincerely,

**Steven H.  
Feldgus**

Digitally signed by Steven  
H. Feldgus  
Date: 2024.03.12  
09:15:13 -04'00'

Steven H. Feldgus  
Principal Deputy Assistant Secretary,  
Land and Minerals Management

## Accessible Text for Appendix II: Comments from the U.S. Department of the Interior

Andrew Von Ah  
Director, Physical Infrastructure Issues  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Von Ah:

Thank you for providing the Department of the Interior the opportunity to review and comment on the draft Government Accountability Office (GAO) report titled, *Broadband Development: Agencies Should Take Steps to Better Meet Deadline for Processing Permits* (GAO-24-106157). We appreciate GAO's review of the risks associated with broadband deployment on federal lands.

The Department concurs with the following recommendations issued by GAO and provides the following corrective actions.

**Recommendation 1:** The Director of BLM should develop controls to ensure its data are sufficiently accurate and complete to track processing times for all communications use applications.

**Response:** The Mineral and Land Records System (MLRS) is the online platform that was developed for land record transactions, tracking, and mapping for the BLM customers and staff. The BLM will work to develop data standards and devise a report that can accurately track processing times for communications use applications.

**Target Date:** January 31, 2026

**Recommendation 3:** The Director of BLM should continue to analyze the factors that contribute to delays in processing communications use applications as they occur and take actions to address those factors.

**Response:** The BLM will analyze the factors and processes that contribute to delays in authorizing communications use applications and develop recommendations on

how to resolve the issues. Following the identification of the processes, the BLM will develop system modifications to address the delays and issue policy. The policy will also include guidance on how to document and handle issues related to proponent delays that affect the processing time.

Target Date: January 31, 2026

Recommendation 5: The Director of BLM should establish a method to alert staff to communications use applications at risk of exceeding the 270-day deadline.

Response: The BLM will develop a standard report within the MLRS system and issue appropriate policy to track the processing times for communications use applications. The report will include a method that provides management a notification when applications approach the 270-day deadline.

Target Date: January 31, 2026

The BLM appreciates the opportunity to address the issues related to lack of processing times of communications use applications and looks forward to more accurately providing information related to meeting the 270-day processing standard.

If you have any questions, please contact Mr. Benjamin Gruber, Acting Assistant Director, Energy, Minerals, and Realty Management ([begruber@blm.gov](mailto:begruber@blm.gov)).

Sincerely,

Steven H. Feldgus

Digitally signed by Steven H. Feldgus

Date: 2024.03.12

09:15:13 -04'00'

Steven H. Feldgus  
Principal Deputy Assistant Secretary,  
Land and Minerals Management



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## Appendix III: GAO Contact and Staff Acknowledgments

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### GAO Contact

Andrew Von Ah, (202) 512-2834 or [vonaha@gao.gov](mailto:vonaha@gao.gov)

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### Staff Acknowledgments

In addition to the contact names above, Keith Cunningham (Assistant Director); Eric Hudson (Analyst-in-charge); John Armstrong, Robert Bastian, Josh Ormond, Kelly Rubin, Michael Soressi, Travis Thomson, Laurel Voloder, Jennifer A. Wilson.



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