

FEDERAL AGENCY LEADERS DEPLOY RECENT POLICY CHANGES

BY ELIZABETH KELLY, SR/WA AND ALAN C. LOUIE, SR/WA

WASHINGTON, DC – IRWA held its Annual Federal Agency Update at the nation’s capitol January 22 where more than 80 right of way professionals from the United States and Canada gathered to learn about federal land and transportation agencies existing and new permitting processes and rulemakings.

The common theme throughout the presentations was the mandate from the Bush administration to develop procedures to protect “critical infrastructure,” both energy and telecommunications. A brief summary of the speakers’ presentation are outlined below.

BRIAN HOLLY, MAI, chief appraiser at the Department of the Interior’s (DOI) Appraisal Office presented an overview of the Appraisal Office history and leadership. Formed in the 1950s, the department separates the appraisal functions from other agency activities, providing appraisal services, reviews and consulting, and identifies standards for concession appraisal assignments. The office oversees seven regions with a staff of 85 appraisers that support computer systems for all clients, oversees web base systems, and understands assignments both incoming and outgoing. With today’s more complex assignments that require much more experience in acquisition of conservation easements, land exchanges, fee acquisition for realigned boundaries and more, the office offers standardized formats for consistency and ease in completing assignments. The Office of Appraisal Services (OAS) also provides services to Special Trust Indian lands and Aircraft Services.

MELISSA HEARST, Land Use Specialist at the US Forest Service reported the responsibilities of USFS. The USFS uses the following statutory authorities for Special Use and Right of Way projects for consistency in the manner permits are processed: a) Title V of FLPMA and b) Section 28 of the MLA, plus 17 other statutory authorities for the US and occupancy of the NFS lands.

To illustrate the magnitude of authorizations processed in 2002 using Program Data, Hearst provided the following information:

- 74,000 Existing Authorizations (total), encumbering more than 9 MM acre (46,000 non-recreational uses and 28,000 recreational uses)
- Rent collected in 2002: \$13,914,000
- 46,000 Authorizations (Non-recreational)
 - a. All FPLMA Linear Facilities: 18,988
 - b. Oil and Gas Pipelines 1,077
 - c. Communication Sites: 3,921
 - d. Other: Appr. 22,000

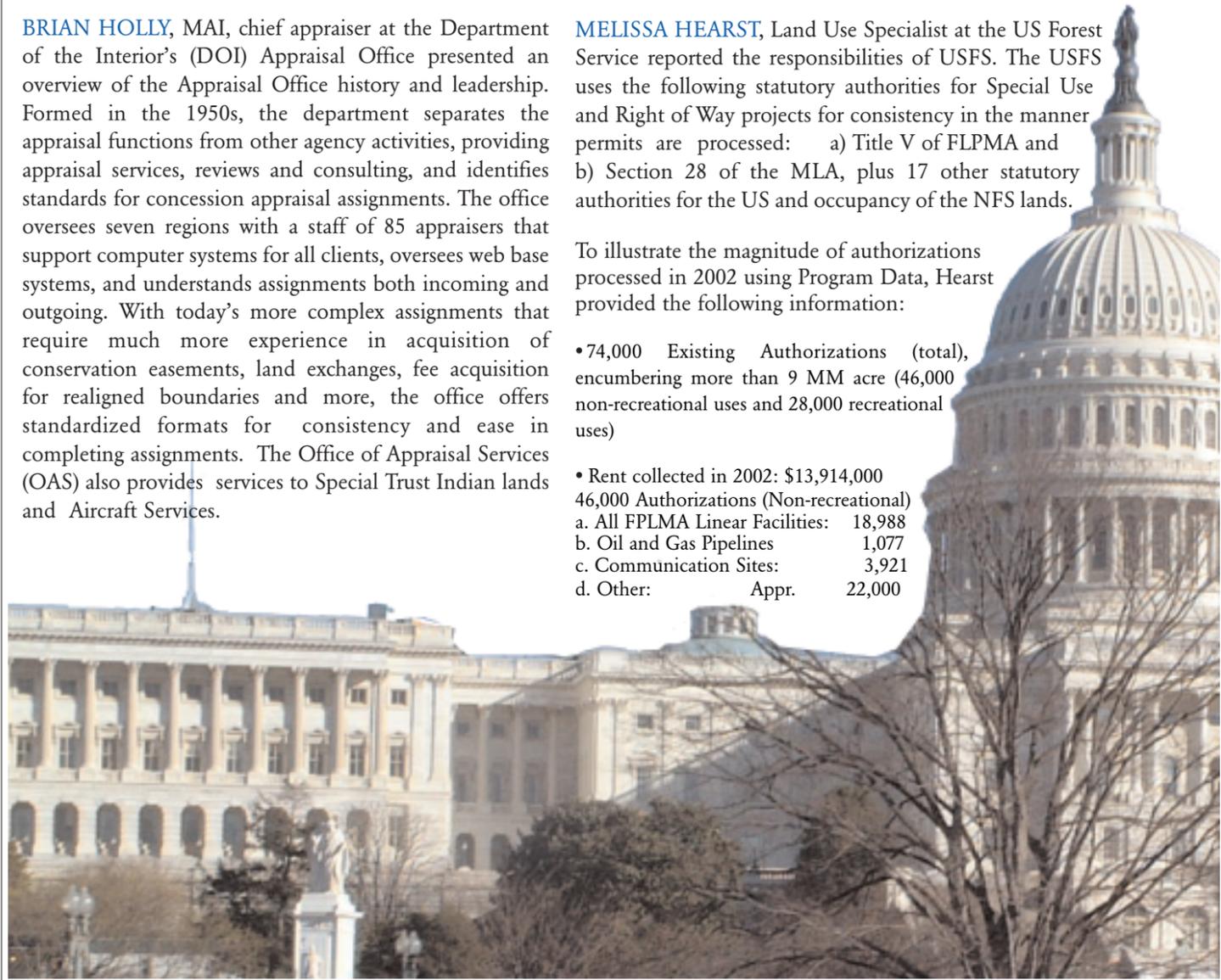


Photo by Alan C. Louie, SR/WA

Some of the USFS’s Special Use Program objectives include: providing timely response to applicants/applications, which enhances customer service; prioritizing cases consistent with Statutory Rights and National priorities, which are consistent with its goals mentioned above; and authorizing and administering special uses to protect the USFS lands and resources and to assure public health and safety. Hearst also discussed USFS’s role in the National Energy Policy, which involves interacting with other federal agencies to provide right of way training to its staff and other agencies so policies are consistently implemented emphasizing on energy and energy related special uses. Some of the objectives include identifying or removal of administrative impediments; giving priority to energy related right of way applications; emphasizing right of way planning and corridor designations; and finalizing cost recovery regulations. For additional information and references, please visit www.fs.fed.us/recreation/permits/energy.htm

RON MONTAGNA, senior realty specialist in Right of Way Management for the Bureau of Land Management is on special assignment to the White House Task Force Project Streamlining. WHTFPS, an offshoot of the National Energy Policy, was established by Executive Order #13212 (Actions to Expedite Energy-Related Projects) in May 18, 2001. WHTFPS monitors and assists federal agencies including energy companies; state, local, tribal governments; and public interest groups in their review of permits or smaller actions, as necessary to accelerate the completion of energy-related projects, increase energy production and conservation, and improve energy transmission. BLM R/W Program includes: National Project Managers, senior Washington Office staff with proven success in processing complex energy right of way applications; Wind Energy, provides consistent and timely processing of applications; Corridor Planning, conducted by individual administrative units and have not fully captured the West-wide energy transmission needs (e.g. electricity, natural gas, liquid fuels, hydrogen and telecommunications); and BLM/USFS Interagency R/W Training, courses available to government and private sectors on pipeline, electric and wireless communication systems, and managing right of way projects. For more information visit www.blm.gov/nhp/efoia/ntc/ntcdir.htm.

ANN MILES, senior agent at the Federal Energy Regulatory Commission discussed the latest changes in hydropower licensing procedures. FERC regulates natural gas, electric power, oil pipeline and hydropower. Its jurisdiction affects federal lands, located on navigable river beds, and Interstate Commerce, and uses surplus water from a Federal Dam. FERC has processed fewer hydro projects relicensing since 2000. There are three licensing process options: traditional (TLP), alternative (ALP) and integrated (ILP). Miles noted that ILP benefits improve process efficiency by requiring application preparation in conjunction with NEPA scoping; better coordination with other participant’s processes; and increased public participation. Also, ILP improves process timeliness by requiring early FERC staff assistance, and early study plan development and informal/formal dispute resolution.

RICHARD HOFFMANN, director of the Division of Gas – Environment & Engineering at the Federal Energy Regulatory Commission reported on FERC’s current projects including the Environmental Impact Statements for eight new Liquid Natural Gas (LNG) projects. Over 30 proposed LNG Terminals have been identified for filing in the United States and Canada. There is an increasing project development of pipeline activities in the Rocky Mountain area. FERC plans to illustrate the future projects that are under consideration on its Web site – a new section called “What is new on the horizon?”

RICK ETTER, airport acquisition specialist at the Federal Aviation Administration discussed and illustrated three major points: 1) FAA Reauthorization - Vision 100, 2) New Policies, Regulations and Guidance, and 3) Planned Airport Land Project Listing. A four-year Airport Improvement Program (Grant) in the amount of \$14.2 billion is to be spent for a variety of large to small airport projects, including expansion, noise reduction, air quality and mitigation measures, safety, homeland security, technology and personnel. More information is available at FAA’s Web site at www2.faa.gov/arp/index.cfm. We are seeing a shift of federal funding from highway and road projects to the FAA.

MEREDITH ATTWELL, new senior advisor at the National Telecommunication Industry Association discussed how broadband is bringing new services and products to American consumers and businesses, along with investments and job-producing

2004 Federal Agency Update Guest Speakers



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Chief Appraiser, DOI Appraisal Office



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Land Use Specialist, USFS



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