



ARConnect
The Arkansas State Broadband Office

Arkansas

BEAD Program

Permitting Toolkit

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Disclaimer

This document aims to assist Internet Service Providers (ISPs) in understanding and planning for typical permitting considerations associated with broadband deployment under the BEAD Program in Arkansas. It is informational in nature, does not constitute legal or regulatory advice, and should not be relied upon as a comprehensive statement of all applicable requirements. ARConnect reserves the right to amend or update this document at any time to remain aligned with state, federal, and National Telecommunications and Information Administration (NTIA) requirements. Subgrantees are encouraged to routinely review official NTIA and other relevant federal, state, Tribal, and local agency resources for the most current information and remain solely responsible for identifying, obtaining, and complying with all required permits and approvals.

Introduction

What is a Permit?

For the purposes of the BEAD Program, NTIA defines a permit as obtaining permission for a broadband project to be deployed. Broadband networks are built along public land running alongside roads and railways, or across private land and facilities, and may be buried, aerial, or both. These deployments require many types of permits from the owners and authorities that control those lands and facilities. Depending on the project, an ISP may need to work with multiple government agencies to secure all required authorizations before deployment can begin.¹

What is a Private Access Authorization?

Whenever a project crosses private land or a railroad or involves attaching to a pole owned by a private entity, a private agreement or access easement is required. Private authorization is consent from a private property owner granting access or use rights over their property. It is distinct from a government-issued permit, but equally necessary.

Level of Authority

Federal, state, and local permits often apply concurrently, with jurisdictional overlap depending on the type of permit or consultation. It is important that you identify and engage with each Authority Having Jurisdiction (AHJ) in your project footprint.

Example:

A single buried fiber route may require up to four layers of authority:

- Federal: Permits from federal land management agencies (e.g., USFS, BLM, NPS, USACE) where the route crosses federal lands or waters
- State: An ARDOT Utility Accommodation Permit for routes within state highway right-of-way, with additional state permits possible depending on route characteristics such as stream crossings or wetlands
- County/Municipal: A ROW or encroachment permit from the county road department or municipal public works for routes within local road right-of-way
- Private: A written easement or landowner permission for routes crossing privately held land

¹ https://broadbandusa.ntia.gov/sites/default/files/2022-12/What_is_Permitting_BEAD_2022.pdf

Regardless of permit or authorization type, a provider must:

- Call 811 before any digging to comply with Arkansas utility locate requirements
- Follow the National Electrical Code and applicable industry standards for burial depth and cable protection²

² <https://labor.arkansas.gov/licensing/arkansas-contractors-licensing-board/building-codes/>

Part

1



ARConnect

The Arkansas State Broadband Office

Federal Permits and Consultations

U.S. Fish & Wildlife Service (USFWS)

The U.S. Fish & Wildlife Service (USFWS), within the U.S. Department of the Interior, is responsible for:

- Administering the Endangered Species Act (ESA) for most terrestrial and freshwater species, including Section 7 consultation for federal actions that may affect listed species or critical habitat
- Administering the Bald and Golden Eagle Protection Act (BGEPA) for eagle species, including disturbance permits where applicable
- Managing the National Wildlife Refuge System, including issuing a Right-of-Way (ROW) Permit for infrastructure on refuge lands

When to Expect USFWS Involvement

ESA Section 7 review is required for all BEAD-funded projects as part of NEPA compliance and must be completed before ground disturbance may begin.

USFWS involvement beyond standard ESA compliance is likely if:

- Your project includes ground disturbance (e.g., trenching, new poles/towers, access roads, vegetation clearing) in areas that may support listed species or critical habitat
- Your route crosses National Wildlife Refuge lands (buried or aerial)
- Your project involves tree clearing or infrastructure installation near bald eagle nests

In practice, you will use USFWS’s IPaC (Information for Planning and Consultation) tool to identify listed species, critical habitat, and refuge lands within your project area.

If your project fits entirely within a defined NTIA ESA “no effect” broadband activity and meets all conditions, you may document that determination and avoid further Section 7 consultation. Otherwise, you will conduct an IPaC project review and, where available, use a Determination Key (DKey) to support ESA compliance.

The Arkansas Field Office (AFO) uses two DKeys within IPaC: the multi-species DKey and the range-wide Bat DKey. All projects with species or critical habitat present must complete the multi-species DKey; projects where Northern Long-eared Bat or Tricolored Bat appear on the species list must complete both.

Relevant Permits and Consultations

ESA Section 7 Consultation

What It Is

Section 7 consultation is the federal process used to determine whether a project's impacts are characterized as:

- No effect
- May affect, not likely to adversely affect (NLAA)
- May affect, likely to adversely affect (LAA)

NTIA has provided tools and a streamlined four-step process to assist grant recipients with ESA Section 7 reviews for broadband projects. Following this process can reduce the informal consultation process to less than an hour for qualified projects.

When It Applies

Section 7 consultation is generally required when:

- The project is not fully covered by NTIA's ESA "no effect" broadband activity list; and
- IPaC identifies listed species or critical habitat with potential effects

ESA obligations are typically complete when one of the following applies:

- The project meets an NTIA-defined "no effect" activity and all conditions are satisfied
- IPaC identifies no listed species or designated critical habitat in the project area
- An applicable DKey returns a "no effect" or NLAA determination and all conditions are met
- An applicable DKey returns a "may affect" determination and subsequent consultation results in an Arkansas Field Office (AFO) concurrence with a NLAA determination
- Formal Section 7 consultation with NTIA has concluded

Timeline

- **IPaC DKey:** Under 1 hour when the project does not result in a "may affect" determination
- **Not likely to adversely affect (NLAA):** Per AFO policy, if you receive a "no effect" or "not likely to adversely affect" determination and an automatic concurrence letter from IPaC, you are done

- **Informal consultation:** Up to 30 days; triggered when a species receives a “may affect” determination in IPaC, but subsequent discussion with the AFO finds that the project is “not likely to adversely affect”
- **Formal consultation:** Up to 135 days; triggered only when a project is found to be likely to adversely affect a listed species or critical habitat; NTIA must be directly involved and cannot delegate this process to a non-federal entity. The clock begins on the 135-day statutory deadline once the applicants have developed and submitted a Biological Assessment with information sufficient for the USFWS/AFO to develop a Biological Opinion

Application Pathway

- **Review NTIA's Non-Federal Designation Memo and "No Effect" List**
 - Review NTIA's [Non-Federal Designation Memo](#), which explains Section 7 requirements and provides a list of broadband activities exempt from ESA consultation due to no potential to affect protected species and/or designated critical habitats
 - Sample activities on the "no effect" list include:
 - Use and adoption activities that do not have potential for ground disturbance or environmental impacts
 - Deployment projects, installations, and renovations that do not have potential for ground disturbance
 - Attaching fiber optic cable to existing utility poles without ground disturbance
 - Installing fiber optic cable in existing conduit without ground disturbance
 - Refer to the full "no effect" list and all associated conditions to determine whether your proposed project qualifies
 - If your project qualifies, document the determination and retain it in your NEPA file; no further Section 7 consultation is required
- **Conduct an Online IPaC Review**
 - If the project does not fall on the "no effect" list, conduct an IPaC project review
 - [IPaC Portal](#)
 - [Arkansas-specific IPaC guidance](#)
 - Use your finalized network design shapefiles: draw (or upload) your project boundary as accurately as possible, using your actual fiber routes (aerial, buried, etc.) rather than broad project area footprints. Include buffers for hut sites, handholes, and any other infrastructure with potential for ground

disturbance. An overly broad boundary may generate species consultation obligations beyond what your project requires

- IPaC generates species and critical habitat reports based purely on the geospatial information provided; results are only as accurate as the boundary you draw
- If IPaC identifies no protected resources, the resulting printout documents that Section 7 obligations are complete; save all IPaC outputs (PDFs and maps) for your NEPA file and provide to ARConnect
- IPaC will also automatically identify whether your route crosses National Wildlife Refuge lands or triggers any additional considerations, and will provide the relevant field office contact information for each
- IPaC may identify migratory bird resources within your project area. There is no permit mechanism for incidental take of migratory birds, but subgrantees wishing to minimize potential effects can find recommended best management practices at [Nationwide Avoidance & Minimization Measures for Birds](#)
- **Apply Determination Keys (DKeys) via IPaC**
 - Even when species are present, DKeys within the IPaC system may support online effect determinations that eliminate the need for USFWS staff consultation
 - DKeys are logically structured sets of yes/no questions that help a user determine whether a project qualifies for a predetermined ESA Section 7 consultation outcome based on an existing programmatic consultation or internal FWS standing analysis
 - Arkansas has two DKeys available through the AFO that may apply to broadband projects: a multi-species DKey and a range-wide bat DKey
 - Complete the applicable DKey, answer project design questions, and download the determination letter. If the DKey returns "no effect" or "not likely to adversely affect" and generates a concurrence letter, ESA obligations are complete per Arkansas Field Office policy. No waiting period or further field office review is required
 - If the DKey returns "may affect" for any species, contact the AFO directly to determine next steps
- **Provide ARConnect with Section 7 documentation**
 - Subgrantees must provide ARConnect with documentation of how the project met ESA obligations through one of the following, which ARConnect will upload into the ESAPTT for NTIA review:

- The "no effect" list
- No species identified through IPaC
- A DKey determination (see requirements in the Non-Federal Designation Memo)
- A letter from USFWS documenting the conclusion of informal consultation if a DKey is not available
- Documentation from USFWS that formal consultation with NTIA is required
- Contact ARConnect with questions about the documentation submission process. In limited instances, broadband projects may require formal Section 7 consultation, in which case ARConnect will coordinate directly with NTIA

Expedited pathways available in Arkansas:

- **Bat Conservation Strategy:** A programmatic consultation covering bat species impacts from tree clearing. If a project triggers bat-related effects, subgrantees may pay into the mitigation fund rather than pursuing formal consultation
- **Karst Conservation Strategy (Northwest Arkansas):** A similar programmatic fund available for projects affecting karst-dependent species in Northwest Arkansas

If formal consultation is required

- Formal consultation is triggered when a project is found to potentially adversely affect a listed species or critical habitat. If this occurs:
 - Notify ARConnect immediately; NTIA must be directly involved and this process cannot be managed by ARConnect or the subgrantee alone
 - You will need to develop a Biological Assessment — an in-depth review of the project and its potential impacts on listed species and critical habitat
 - The Biological Assessment is submitted to the AFO, which has 135 days to produce a Biological Opinion
 - A Biological Opinion may result in project modifications, conservation measures, or an Incidental Take Permit authorizing a defined level of impact to a listed species
 - A Jeopardy Opinion, a finding that the project would jeopardize the continued existence of a species, is extremely rare and is not anticipated for broadband deployment projects, which typically have the flexibility to route around sensitive areas

Bald and Golden Eagle Protection Act (BGEPA)

What It Is

The Bald and Golden Eagle Protection Act prohibits the disturbance, take, or possession of bald and golden eagles, their nests, and eggs. Eagle nests are protected at all times under BGEPA, including inactive and alternate nests, regardless of season. A disturbance permit may be obtained when project activities may incidentally disturb a nest.

When It Applies

BGEPA considerations are likely when:

- Your project involves tree clearing, infrastructure installation, or other construction activity within approximately 660 feet of a known active or inactive bald eagle nest. In Arkansas, the bald eagle breeding season runs from December 15 through June 30. Projects involving tree removal or ground disturbance near known eagle nests during this window are most likely to require evaluation

Application Pathway

- IPaC provides general information about BGEPA but does not flag specific eagle nest locations or concerns. There is no comprehensive database of bald eagle nest locations in Arkansas; nests could potentially occur anywhere suitable trees are present. **It is the responsibility of each subgrantee to determine whether an eagle nest is present within their project area**
- **To do so:**
 - Review the USFWS [Living and Working Near Eagles](#) guidance to determine whether your activity constitutes disturbance under BGEPA and whether a permit is required
 - Conduct field surveys for eagle nests within 2 miles of the project footprint per guidance on that page
 - If a disturbance permit may be required, contact the Arkansas Field Office

Right-of-Way (ROW) Permit

What It Is

Per U.S. Fish and Wildlife Service's Rights-of-Way General Regulations (50 CFR Part 29 Subpart B), a ROW Permit is required when a project crosses or occupies lands within the National Wildlife Refuge System or other USFWS-administered lands (including fish hatcheries). This is a separate process from ESA Section 7 consultation and is administered by USFWS Realty, not the Arkansas Field Office.

Subgrantees should avoid routing through USFWS-administered lands wherever possible. These lands were acquired specifically for wildlife and habitat protection, and the permitting process is lengthy and resource-intensive for both the applicant and USFWS.

When It Applies

A ROW Permit is generally required when:

- Any portion of the project route crosses or occupies USFWS-administered lands, including refuge lands and fish hatcheries

Timeline

- **At least two years** from submission of a complete application; applicants should engage early and, wherever feasible, design routes to avoid USFWS lands entirely

Application Pathway

- **Confirm if refuge lands are involved**
 - Use IPaC or federal land mapping tools to determine whether your route crosses refuge lands
- **Schedule a pre-application meeting with USFWS Realty**
 - A pre-application meeting with USFWS Realty is required before a formal application can be submitted. USFWS Realty manages the formal permit process, including application processing, cost recovery, appraisals, and permit execution
- **Submit a complete application, per 50 CFR Part 29 Subpart B, including:**
 - Completed Standard Form 299
 - Route maps and/or shapefiles
 - Preliminary site and facility construction plans
 - Proposed access
 - Supplemental environmental information
 - During the pre-application meeting or in a subsequent communication, the Service will inform the applicant when the agency requires additional information to prepare a ROW permit, which the applicant must provide before the Service may issue the permit

Key USFWS Contacts

- **Arkansas Field Office, Field Supervisor:** Jason Hight – jason_hight@fws.gov
- **Arkansas Field Office, Fish and Wildlife Biologist:** Jason Phillips – jason_phillips@fws.gov
- **Arkansas Field Office IPaC Coordinator:** Tommy Inebnit – thomas_inebnit@fws.gov
- **Migratory Birds Contact:** Ulgonda Kirkpatrick – ulgonda_kirkpatrick@fws.gov

- **Acting Realty Officer:** Beth Goldstein – beth_goldstein@fws.gov
- **Acting Deputy Realty Officer:** Chad Carlson – chad_carlson@fws.gov

Arkansas Historic Preservation Program (AHPP)

The Arkansas Historic Preservation Program (AHPP) is the State Historic Preservation Office (SHPO) for Arkansas. Although a state agency, AHPP fulfills federal historic preservation requirements under the National Historic Preservation Act. AHPP's responsibilities include:

- Maintaining the state inventory of historic properties and archaeological sites
- Reviewing Section 106 submissions under the National Historic Preservation Act (NHPA) for undertakings that may affect historic properties
- Advising on National Register of Historic Places eligibility
- Consulting on avoidance, minimization, and mitigation measures for undertakings that may affect historic properties
- Coordinating with federally recognized Tribes on cultural resource matters

When to Expect AHPP Involvement

NHPA Section 106 review is required for all BEAD-funded projects as part of NEPA compliance and must be completed before ground disturbance may begin.

The nature and intensity of AHPP involvement will vary by project:

- Existing disturbed ROW (road corridors, existing utility alignments) and above-ground placement on existing poles will generally clear quickly with minimal review
- New ground disturbance in undisturbed or previously unsurveyed areas is where more substantive review and potential survey requirements will focus
- Areas near known historic properties, National Register-listed or eligible resources, or historic districts will require closer coordination with AHPP regardless of disturbance type

Relevant Permits and Consultations

NHPA Section 106 Consultation

What It Is

Section 106 of the NHPA requires federal agencies to consider the effects of their undertakings on historic properties. Because BEAD is federally funded, all BEAD infrastructure projects are subject to this requirement. NTIA and ARConnect, as joint lead

agencies, are responsible for ensuring Section 106 compliance before construction begins. For BEAD projects in Arkansas, ISPs will use the NTIA Program Comment Documentation Form as the standard Section 106 submission vehicle, submitted directly to AHPP alongside AHPP's standard required items.

When It Applies

A Section 106 consultation is generally required for:

- Any non-LEO BEAD project;
- Any project that involves physical infrastructure deployment, including buried fiber, aerial fiber, new poles or towers, or associated ground disturbance; or
- Any project area that includes or is adjacent to known historic properties, National Register-listed or eligible resources, or previously unsurveyed areas

Timeline

- **AHPP standard review:** 15 to 17 days (30-day federal maximum)
- **AHPP expedited review (upon request):** less than 15 days
- **If survey required, fieldwork and report preparation:** varies; report typically 1 to 2 months after fieldwork completion
- **AHPP review of survey report:** 30 days

Application Pathway

- **Confirm whether Section 106 applies to your project**
 - LEO satellite service projects may be exempt from Section 106 review; confirm status with ARConnect before proceeding
 - All other BEAD projects involving physical infrastructure deployment are subject to Section 106
- **Engage an SOI-Qualified Professional**
 - All Section 106 documentation must be prepared by an individual meeting the Secretary of Interior's Professional Qualification Standards
- **Conduct a Records Check and map the Area of Potential Effects (APE)**
 - Check against Arkansas Archaeological Survey site files, AHPP GIS data, and the National Register of Historic Places
 - Identify all infrastructure, previously surveyed areas, known historic properties, and high-probability areas

- **Prepare your Section 106 submission package; all submissions must include both components below regardless of project type or whether the APE would otherwise be exempt**
 - **Component 1:** NTIA Program Comment Documentation Form
 - Completed by an SOI-qualified professional
 - Include physical and email address for the point of contact in the General Information section
 - Refer to [NTIA's Program Comment Documentation Form, Instructions, and FAQs](#) for guidance on completing the form
 - **Component 2:** AHPP standard required items ([full requirements](#))
 - 7.5 Minute (1:24,000 scale) USGS topographic map in PDF format clearly delineating the APE with Section, Township, and Range; include street names, towns, or landmarks to allow the reviewer to locate the project; do not submit KMZ files or shapefiles
 - UTM coordinate using the WGS84 datum for the project location(s) and name of the project county or counties (Note: [You can convert latitude/longitude coordinates to UTM's here](#))
 - Lead federal agency for the undertaking and point of contact name and email (Arkansas State Broadband Office: Glen Howie – glen.howie@arkansas.gov)
 - Thorough project description including estimated horizontal and vertical ground disturbance, known past land use and/or modifications, and images of the current state of the APE where appropriate
 - Location, age, and clear photographs of at least two building facades for all structures to be renovated, removed, demolished, or abandoned
 - Clear photographs of all structures 50 years or older on property directly adjacent to the APE
 - County or counties in which the project is located
- **Submit completed package to section106@arkansas.gov and ARConnect for ESAPTT upload**
 - Automatic reply confirms receipt; 30-day review clock starts once AHPP deems submission complete
 - If no follow-up within one to two business days, submission is complete and in queue
 - Expedited review available on request; include explicit request in submission email

- ISPs with multiple projects should package each as a separate individual consultation even if submitted together
- **Respond to AHPP findings**
 - If survey is required, SOI-qualified professional conducts fieldwork, prepares report, and resubmits for a second 30-day review
 - If an alternative route avoids flagged resources, AHPP will consider it in lieu of a full survey
- **If archaeological resources or human remains are discovered during construction, immediately stop work, secure the site, and notify ARConnect within 24 hours**
 - Do not resume construction until NTIA provides written approval

Key AHPP Contacts

- **Section 106 Review Lead:** Jessica Cogburn – Jessica.Cogburn@arkansas.gov
- **AHPP Director / State Historic Preservation Officer:** Scott Kaufman – Scott.Kaufman@arkansas.gov
- **Section 106 Submission Email:** section106@arkansas.gov

Bureau of Land Management (BLM)

The Bureau of Land Management (BLM), within the U.S. Department of the Interior, is responsible for:

- Issuing Rights-of-Way (ROW) grants for systems or facilities over, under, on, or through public lands
- Conducting NEPA environmental review for proposed ROW actions on public lands
- Processing and monitoring ROW grants under the Federal Land Policy and Management Act (FLPMA) and recovering associated costs

When to Expect BLM Involvement

BLM involvement is likely if:

- Your project route crosses or occupies BLM-administered public lands (buried or aerial)
- Your project includes ground disturbance (e.g., trenching, new poles or towers, vegetation clearing) on BLM-managed lands

BLM manages limited land in Arkansas. The Southeastern States District Office oversees a small number of scattered public domain (PD) tracts in Arkansas, typically 20-80 acres

each, largely landlocked, and without public access. These are not contiguous blocks like USFS or USACE lands. Before assuming a parcel is BLM-managed, ISPs should verify with the BLM Southeastern States District Office, as county records and GIS data occasionally mislabel other federal lands as BLM. Sharing your project shapefiles with BLM early is the most reliable way to confirm whether their jurisdiction is actually triggered.

Relevant Permits and Consultations

BLM Right-of-Way (ROW) Grant

What It Is

A ROW Grant is the formal FLPMA authorization for broadband infrastructure on BLM-administered public lands, required for buried and aerial facilities including fiber optic cable and communication sites.

When It Applies

A BLM ROW Grant is generally required when:

- Any portion of the project route crosses or occupies BLM-administered public lands; or
- A communication site or tower is proposed on BLM-managed land

Timeline

- Under the MOBILE NOW Act (2018), BLM must grant or deny a ROW **within 270 days** of a complete application
- Minor applications (under 64 federal work hours) are typically processed **within 60 days of** cost recovery payment
- Timelines may extend where resource surveys, environmental review, heritage consultation, or tribal notification are required

Application Pathway

- **Confirm BLM land involvement** using federal land mapping tools or the NTIA Permitting and Environmental Information Application
- **Contact the Southeastern States District Office early** to schedule a pre-application meeting; bring your proposed route, GIS data, project description, and signing authority documentation
 - [Application guidance](#)
 - [Pre-application meeting checklist](#)

- **Submit Standard Form 299 (SF-299)**
 - Fiber optic/wired broadband: submit in-person, mail, or email to the local BLM office
 - Email submissions should be sent to wgharris@blm.gov
 - Wireless communications uses only: file electronically via [BLM MLRS](#)
 - Complete applications must include: all information under 43 CFR 2804.12; FCC call sign or license; GIS shapefiles; draft engineering/construction drawings; technical data; and a draft Communications Use Plan of Development addressing both the construction phase and the long-term maintenance phase of the project
- **Pay the cost recovery fee** once BLM confirms application completeness; the 270-day clock begins at this point
- **Support BLM's site visit and NEPA review** by providing complete project information; BLM may request additional information at any time
- **Execute the offer package:** return both signed originals with all required fees; the grant is issued only after BLM's Authorized Officer countersigns

Key BLM Contacts

- **Realty Specialist:** Will Harris – wgharris@blm.gov
- **Deputy District Manager:** Brian Kennedy – bckennedy@blm.gov

U.S. Forest Service (USFS)

The U.S. Forest Service (USFS), within the U.S. Department of Agriculture, is responsible for:

- Issuing Special Use Permits authorizing broadband infrastructure on National Forest System (NFS) lands, including fiber optic cable installations and communication sites
- Conducting NEPA environmental review for proposed uses on NFS lands, including applying adopted Categorical Exclusions to streamline qualifying broadband projects
- Processing and monitoring Special Use Permits through the National Broadband Action Team (BAT) and Forest offices

When to Expect USFS Involvement

USFS involvement is likely if:

- Your project route crosses or occupies National Forest System lands (buried or aerial)
- Your project includes ground disturbance (e.g., trenching, new poles or towers, vegetation clearing) on NFS lands

Relevant Permits and Consultations

USFS Special Use Permit

What It Is

A Special Use Permit is the formal USFS authorization for broadband infrastructure on NFS lands. It is required for all buried and aerial facilities, including fiber optic cable. Neither utility companies nor public road entities (state or county) have authority to grant use of NFS lands; USFS approval is always required, including when co-locating on existing infrastructure.

When It Applies

A USFS Special Use Permit is generally required when:

- Any portion of the project route crosses or occupies NFS lands; or
- A communication site or tower is proposed on NFS lands

Timeline

- The USFS National BAT conducts an initial completeness review upon proposal receipt; proposals submitted directly to individual forests will be redirected and may experience delays
- If sufficient, the BAT refers the proposal to the appropriate Forest for initial and second-level screening **within 60 days**
- Once accepted as a complete application, the authorized officer must grant or deny the permit **within 270 days**

Application Pathway

- **Confirm USFS land involvement** using federal land mapping tools or the NTIA Permitting and Environmental Information Application; maps must show national forest and grasslands ownership

- **Submit a proposal through the USFS online portal**
 - All proposals must be submitted to the [National BAT](#); do **not** submit directly to individual forests, as this will cause processing delays
 - Required documents (incomplete submissions will be returned without processing):
 - [SF-299](#) with a completed Plan of Development for Fiber Optic/Broadband Use ([Plan of Development Template](#))
 - Maps and GIS data meeting USFS mapping standards and showing national forest and grasslands ownership
 - [Application guidance](#)
- **BAT completeness review**
 - The BAT reviews the proposal for completeness and refers sufficient proposals to the appropriate Region and Forest
 - If insufficient, the BAT will contact the proponent for additional information
- **Forest screening and cost recovery**
 - The Forest completes initial and second-level screening within 60 days and notifies the proponent of suitability
 - Cost recovery fee determination is initiated; the 270-day processing clock begins upon acceptance of a complete application
- **Application processing**
 - The Forest notifies the applicant of application acceptance with anticipated steps and a processing schedule
 - Processing includes resource surveys, environmental review, heritage consultation, tribal notification, and authorized officer review

Key USFS Contacts

- **National Broadband Action Team (Main Contact):** sm.fs.broadband@usda.gov
- **Regional Project Manager:** Thom Craig – thomas.craig@usda.gov
- **National Broadband Project Manager:** Jennifer Whyte – jennifer.whyte@usda.gov

National Park Service (NPS)

The National Park Service (NPS), within the U.S. Department of the Interior, is responsible for:

- Issuing Right-of-Way (ROW) Permits authorizing broadband infrastructure on NPS-owned or controlled lands
- Conducting NEPA and NHPA compliance review for proposed uses on park lands
- Processing and monitoring ROW Permits through a network of Washington Support Office (WASO), Regional, and Park-level ROW coordinators

When to Expect NPS Involvement

NPS involvement is likely if:

- Your project route crosses or occupies NPS-administered lands, including national parks, national trails, monuments, recreation areas, parkways, and other NPS-managed units
- Your project includes ground disturbance (e.g., trenching, new poles or towers, vegetation clearing) on NPS lands

Relevant Permits and Consultations

NPS Right-of-Way (ROW) Permit

What It Is

An NPS ROW Permit is a discretionary and revocable special use permit authorizing the use of NPS lands and the operation and maintenance of utility infrastructure. It does not convey or imply any ownership interest in the land. A separate Special Use Permit is also required for the construction phase of any authorized project.

When It Applies

An NPS ROW is generally required when:

- Any portion of the project route crosses or occupies NPS-administered lands; or
- A communication site or facility is proposed on NPS lands

Timeline

There is no fixed statutory processing deadline for NPS ROW Permits. Timelines vary depending on park complexity, compliance requirements, and workload. Early contact with the park ROW Coordinator is strongly encouraged to understand site-specific timing.

Application Pathway

- **Make initial contact with the park ROW Coordinator**
 - Identify the NPS park unit(s) your route crosses and contact the Park ROW Coordinator directly; ROW permits are issued at the park level, not by WASO or the Regional office
 - Use the [NPS ROW Permit Application Portal](#) to initiate a request, schedule a pre-application meeting, and track application status
 - Refer to the [application guidance](#) for more information
- **Attend a pre-application meeting**
 - The pre-application meeting is an opportunity to discuss applicable laws, regulations, and park-specific constraints; compliance requirements (NEPA, NHPA); use and occupancy fee and appraisal procedures; cost recovery; and co-location opportunities
 - Come prepared with project route information, GIS data, and a description of proposed construction methods
- **Submit Standard Form 299 (SF-299)**
 - Applications are submitted to the Park Superintendent and must include (per RM-53B):
 - Completed, signed, and dated SF-299
 - Survey, or map and legal description meeting current NPS Mapping Standards
 - Application materials as discussed at the pre-application meeting, which commonly include: equipment lists; revegetation and maintenance plans; archaeological, vegetation, and steep slope surveys; NEPA and NHPA compliance information; designs, construction drawings, and requested construction areas; and relevant authorizations from other agencies
- **Cost recovery, compliance, and appraisal**
 - Upon application acceptance, NPS initiates cost recovery (if applicable, per 54 U.S.C. 103104)
 - NPS conducts NEPA and NHPA compliance review (Director's Order 12) and appraisal to determine use and occupancy fees (36 CFR 14.26); Radio and Spectrum Management Branch review is conducted where applicable
 - Solicitor review may be required for complex permits
- **Execute the ROW Permit and obtain a Special Use Permit for Construction**
 - NPS drafts the ROW Permit for applicant review and signature

- A separate Special Use Permit authorizing construction activity must also be obtained before ground disturbance begins

Key NPS Contacts

- **Regional Director:** Stephanie Stephens – Stephanie_stephens@nps.gov
- **Planning and Compliance Division Manager:** James Lange – James_Lange@nps.gov
- **Arkansas Post National Memorial:** Superintendent Ronald Fields – ron_fields@nps.gov
- **Buffalo National River:** Angela Boyers – angela_boyers@nps.gov
- **Fort Smith National Historic Site:** Adam Beeco – adam_beeco@nps.gov
- **Hot Springs National Park:** Laura Miller – laura_a_miller@nps.gov
- **Little Rock Central High School National Historic Site:** Robin White – robin_white@nps.gov
- **Pea Ridge National Military Park:** Shelley Todd – shelley_todd@nps.gov
- **President William Jefferson Clinton Birthplace Home National Historic Site:** Stephen Akins – stephen_akins@nps.gov
- **Trail of Tears and Butterfield Overland National Historic Trails:** Patrick Malone – Patrick_Malone@nps.gov
- **National Historic Landmark Program (Arkansas):** Historical Architect Mark Buechel – Mark_Buechel@nps.gov

U.S. Army Corps of Engineers (USACE)

The U.S. Army Corps of Engineers (USACE), within the U.S. Department of the Army (DOA), is responsible for:

- Issuing Real Estate Outgrants (licenses, easements, and permits) for broadband infrastructure on Military Installation lands and Civil Works project lands
- Issuing Section 404/Section 10 Permits regulating discharges of dredged or fill material into waters of the United States (WOTUS) and structures or work in or affecting navigable waters
- Reviewing Section 408 Alteration Requests for proposed modifications to federally authorized USACE Civil Works projects (e.g., levees, flood control channels, dams, and navigation projects)

There are three USACE Regulatory Districts with jurisdiction in Arkansas, dependent on the project location within the state: The Little Rock District, the Vicksburg District, and the Memphis District.

When to Expect USACE Involvement

USACE involvement is likely if:

- Your project route crosses or occupies Military Installation lands or USACE Civil Works project lands (buried or aerial), requiring a Real Estate Outgrant
- Your project involves ground disturbance, trenching, boring pits, grading, or backfill in or near waters of the United States, or any project crossing a designated Traditional Navigable water, triggering Section 404/Section 10 permit requirements
- Your project alters, crosses, or occupies a USACE federally authorized Civil Works project such as a levee, flood control channel, dam, or navigation feature, requiring Section 408 permission

Relevant Permits and Consultations

USACE Real Estate Outgrant

What It Is

A Real Estate Outgrant is the formal USACE authorization for use of Military Installation lands or USACE Civil Works project lands for broadband infrastructure. Beginning in 2020, USACE Real Estate adopted Standard Form 299 (SF-299) as the application form for telecommunications-type outgrants. Outgrants are executed by USACE Real Estate Contracting Officers and may include conditions for compliance inspections.

When It Applies

A USACE Real Estate Outgrant is generally required when:

- Any portion of the project route crosses or occupies Military Installation lands; or
- Any portion of the project route crosses or occupies USACE Civil Works project lands, including lands associated with dams, reservoirs, flood risk management projects, or navigation projects

Timeline

USACE Real Estate application processing occurs in four phases:

- **Initial contact:** Site selection and information gathering until the SF-299 is determined to be complete

- **Local approval:** Readiness to begin Report of Availability (ROA) and administrative fee estimate. USACE will request funding from the applicant to cover federal administrative processing costs
- **Analysis:** Completion of ROA/DOA, receipt of administrative fees, Spectrum/EMI review, fair market value (FMV) determination, Phase I Environmental Site Assessment, NEPA, NHPA, ESA, and other applicable reviews
- **Final determination:** Outgrant provided to applicant for signature; executed by USACE Real Estate Contracting Officers

Timelines vary by site complexity, land type, and required environmental and compliance reviews. Early contact with the applicable USACE district is strongly recommended.

Application Pathway

- **Confirm whether USACE lands are involved**
 - Use federal land mapping tools or the NTIA Permitting and Environmental Information Application to determine whether your route crosses Military Installation lands or USACE Civil Works project lands
 - Note that Civil Works and Regulatory district boundaries may differ. Confirm the correct district office for each land type
- **Make initial contact with the USACE district Real Estate office**
 - Identify the applicable USACE district office and contact Real Estate staff early to discuss site-specific requirements, initiate the SF-299 process, and schedule a pre-application meeting if needed
 - [District locator](#)
- **Prepare and submit Standard Form 299 (SF-299)**
 - Ensure the application is complete before submission. Incomplete submittals cause processing delays
 - Required materials commonly include: completed SF-299; route maps and GIS data; construction methods, schedule, and restoration plan; technical and financial capability statement; and NEPA, NHPA, and ESA documentation as applicable
- **Pay the administrative cost recovery fee**
 - Upon local approval, USACE will estimate and request administrative fees to cover processing costs. The review process advances upon receipt of payment

- **Support USACE review and execute the outgrant**
 - USACE will complete required analyses (NEPA, NHPA, ESA, FMV, Spectrum/EMI) and provide the outgrant document for applicant signature
 - The outgrant is executed only after countersignature by a USACE Real Estate Contracting Officer

USACE Section 404 / Section 10 Permit

What It Is

USACE Regulatory permits authorize broadband construction activities in or affecting waters of the United States (WOTUS). Two primary statutory authorities apply:

- **Section 404 of the Clean Water Act:** Regulates discharges of dredged or fill material into WOTUS, including wetlands. For broadband activities, this includes temporary trenching, bore pits, grading, and backfill in any WOTUS
- **Section 10 of the Rivers and Harbors Act of 1899:** Regulates structures or work in or affecting navigable waters. For broadband activities, this includes any work in, over, or under a Section 10 waterway, including directional boring and aerial cable installations

When It Applies

A USACE Section 404/Section 10 Permit is generally required when:

- Any portion of the project involves ground disturbance (trenching, boring pits, grading, backfill) in or adjacent to WOTUS, including wetlands, streams, rivers, and certain lakes and ponds; or
- Any portion of the project involves structures or work in, over, or under navigable waters, including aerial cable crossings and directional boring under waterways

Types of USACE Regulatory Permits

Most broadband projects qualify for a **Nationwide Permit (NWP)**, which provides a streamlined authorization for activities with no more than minimal adverse environmental effects. The most relevant NWP for broadband deployment is:

- **NWP 57 - Electric Utility Line and Telecommunications Activities:** Authorizes construction, maintenance, repair, and removal of telecommunication lines and associated facilities in WOTUS, subject to the following key restrictions:
 - No more than 1/2-acre loss of WOTUS per single and complete project
 - No change in pre-construction contours of WOTUS for telecommunication lines

- Side-casting of excavated material into WOTUS cannot exceed 3 months (or 6 months with an approved extension)
- Top 6 to 12 inches of trench must be backfilled with native material
- Trenches cannot be constructed or backfilled to drain WOTUS
- Exposed slopes and stream banks must be stabilized at project completion

For some NWP, a **Preconstruction Notification (PCN)** must be submitted to USACE before work begins. Review the specific NWP conditions and applicable regional conditions to determine whether a PCN is required for your project.

Section 404: Most Section 404 broadband activities qualify for NWP 57. Note that even where directional boring does not itself require a permit, temporary staging areas and access points adjacent to WOTUS can independently trigger Section 404 requirements. Projects that exceed NWP 57 thresholds may require a Letter of Permission (LOP) or Standard (Individual) Permit, which involve more extensive review including public notice, NEPA analysis, and 404(b)(1) Guidelines analysis.

Section 10: Most Section 10 broadband activities also qualify under NWP 57 where thresholds are met. Where NWP 57 does not apply, a Standard (Individual) Permit with full public interest review is required. The Arkansas River is a traditional navigable waterway and part of the McClellan-Kerr Arkansas River Navigation System. Any crossing of the Arkansas River requires a Section 10 permit regardless of installation method, including directional boring, bridge attachment, and bottom placement. Bridge attachments to existing poles also require U.S. Coast Guard coordination. Levee crossings associated with navigable waterways may additionally trigger Section 408 review. Projects involving the McClellan-Kerr system should anticipate heightened USACE internal coordination with the applicable Project Office.

Timeline

USACE Regulatory Program processing time goals (after receipt of a complete application or PCN):

- **Nationwide/General Permits:** 60 days
- **Individual Permits:** 120 days

Application Pathway

- **Determine whether WOTUS are present in your project area**
 - Use GIS resources, the NTIA Permitting and Environmental Information Application, and site-level review to identify WOTUS features along your route

- Contact the applicable USACE Regulatory district office for a jurisdictional determination if WOTUS presence is uncertain
- **Determine the applicable permit type**
 - Assess whether your activity qualifies for NWP 57 (or another applicable NWP) based on project scope, acreage of WOTUS impacts, and NWP restrictions
 - Review regional conditions applicable to your USACE district, as these may impose additional restrictions or PCN requirements
- **Submit a Preconstruction Notification (PCN), if required**
 - PCNs can be submitted through the USACE Regulatory Request System (RRS) online portal, which also supports pre-application coordination, permit applications, and jurisdictional determination requests
 - [RRS Portal](#)
 - Include: project description; site maps and GIS data; proposed construction methods; acreage and type of WOTUS impacts; and proposed avoidance, minimization, and compensatory mitigation measures
- **Implement required mitigation**
 - Where WOTUS impacts cannot be avoided or minimized, compensatory mitigation (restoration, enhancement, establishment, or preservation of wetlands or waters) may be required
 - Develop a compensatory mitigation plan early. Incomplete mitigation plans are a leading cause of permit processing delays

USACE Section 408 Permission

What It Is

33 U.S.C. Section 408 allows private, public, Tribal, and other federal entities to make alterations to any USACE federally authorized Civil Works project. The proposed alteration must not be injurious to the public interest or impair the usefulness of the USACE project. Section 408 is a federal action requiring NEPA and applies to all USACE Civil Works projects, including levees, flood control channels, dams, and navigation projects. It does not apply to USACE Regulatory or Real Estate actions.

In connection with 2025 NEPA regulatory changes, USACE issued interim rulemaking moving the abbreviated NEPA requirements for the Regulatory program from Appendix B to a new location at 33 CFR Part 333, which also incorporates the Section 408 process. ISPs and their consultants should reference 33 CFR Part 333 for current USACE NEPA requirements in the regulatory and Section 408 context.

When It Applies

Section 408 permission is generally required when:

- Any portion of the project route crosses, occupies, or alters a USACE federally authorized Civil Works project area, including buried crossings of levees, flood control channels, or dam appurtenances; or
- A communication site or facility is proposed within a USACE federally authorized Civil Works project boundary

Timeline

- **Completeness Determination:** 30 days from submission. Incomplete submittals are returned to the requester with written feedback. Incomplete submittals are the leading cause of Section 408 delays
- **Review and Decision:** 90 days from determination that the submittal is complete
- Section 408 decisions are made at the district level, with some decisions at the Division level

Application Pathway

- **Determine whether a USACE Civil Works project is involved**
 - Use federal land mapping tools or contact the USACE district to identify whether your route crosses a federally authorized Civil Works project boundary
 - Civil Works and Regulatory district boundaries may differ. Confirm the correct district for Section 408 purposes
 - [USACE HQ Section 408 Webpage](#)
- **Request a Pre-Application Meeting**
 - Pre-application meetings are strongly recommended before submitting an alteration request. They provide an opportunity to discuss the 408 permission process, identify required analyses, and understand the proposed alignment's interaction with existing Civil Works projects
 - Come prepared with: a project description and proposed alignment; GIS data; a description of construction methods; and information on how the project may affect the existing Civil Works project
 - Suggested attendees: the requester, the non-federal sponsor, the USACE district Section 408 Coordinator, and any supporting engineers or contractors

- **Prepare and submit an Alteration Submittal Package**
 - Ensure the package is complete before submission. Incomplete submittals are the #1 cause of Section 408 delays and will be returned with written feedback
 - Required materials vary by project but commonly include: project description; proposed alignment maps and GIS data; construction drawings and engineering analyses; NEPA documentation; and information on impacts to the existing Civil Works project and proposed mitigation
- **Support USACE review and receive written decision**
 - USACE will conduct required NEPA, engineering, and other technical reviews and issue a written decision upon completion
 - No ground disturbance within a Civil Works project boundary should occur until Section 408 permission is granted

Key USACE Contacts

- Little Rock Regulatory Division Chief: Sarah Chitwood — Sarah.L.Chitwood@usace.army.mil
- Little Rock Evaluation Branch Chief: Chris Joyner — Chris.J.Joyner@usace.army.mil
- Vicksburg District Office: vicksburgdistrict@usace.army.mil
- Memphis District Office: CEMVMRegulatory@usace.army.mil
- USACE Regulatory District Office Locator: <https://regulatory.ops.usace.army.mil/offices>
- USACE Civil Works District Locator: <https://www.usace.army.mil/Missions/Locations>

Bureau of Reclamation (USBR)

The Bureau of Reclamation, within the U.S. Department of the Interior, is responsible for:

- Issuing Use Authorizations for broadband infrastructure on Reclamation-managed lands, facilities, and waterbodies
- Conducting NEPA environmental review for proposed uses on Reclamation lands
- Processing and monitoring Use Authorizations through Regional Realty Offices under the Land and Realty Program

When to Expect USBR Involvement

Reclamation involvement is likely if:

- Your project route crosses or occupies Reclamation-managed lands, including lands surrounding federal dams, reservoirs, canals, and water conveyance infrastructure
- Your project includes ground disturbance (e.g., trenching, new poles or towers, vegetation clearing) on Reclamation-administered lands

USBR engagement is not expected to be relevant for Arkansas BEAD projects. USBR's jurisdiction in this region follows the Dakota and Minnesota borders southward; Reclamation's nearest project lands are in Oklahoma (McGee Creek). ARConnect has confirmed with USBR's Regional Realty staff that there is no anticipated overlap between Arkansas BEAD deployment areas and Reclamation-managed lands.

Key USBR Contacts

- **Regional Realty Officer:** Lenora Berner – Lberner@usbr.gov

Bureau of Indian Affairs (BIA)

The Bureau of Indian Affairs (BIA), within the U.S. Department of the Interior, is responsible for:

- Approving Rights-of-Way (ROW) across tribal trust lands, individually owned Indian lands, and BIA-administered lands for broadband infrastructure (25 CFR Part 169)
- Supporting tribal self-determination by incorporating tribal laws and policies into the ROW approval process and deferring to Indian landowner decisions wherever possible
- Processing and monitoring ROW grants through the Office of Trust Services (OTS), Division of Real Estate Services (DRES), and Regional and local BIA offices

When to Expect BIA Involvement

BIA involvement is likely if:

- Your project route crosses or occupies tribal trust lands, individually owned Indian lands, or BIA-administered lands
- Your project requires ground disturbance (e.g., trenching, new poles or towers, vegetation clearing) on any of the above land types

BIA engagement is not expected to be relevant for Arkansas BEAD projects. There are no federally recognized tribal lands held in trust by BIA within Arkansas, and ARConnect

has confirmed this directly with BIA's Eastern Region office. BIA's sole trigger for involvement is a project crossing federal trust land; without that, BIA has no formal role, including in the Section 106 process (administered by the SHPO in the absence of trust land).

Key BIA Contacts

- **Regional Environmental Scientist:** Chet McGhee — Chester.Mcghee@bia.gov
- **Indigenous Connectivity and Technology Division:** OTS@bia.gov

Part

2



ARConnect

The Arkansas State Broadband Office

State and Local Permits, Access Authorizations, and Utility Locates

State Permits and Access Authorizations

ARDOT

ARDOT issues two types of ROW permits: a Regular/ARDOT Utility Permit for major work and a General/District Utility Permit for minor work.

Subgrantees are encouraged to register for the [Mobile Now Act and the Broadband Registration program](#). Registrants receive timely notifications about scheduled ARDOT construction, planned activities, and upcoming projects within ARDOT's service area. These updates allow utility providers, including broadband service providers, to coordinate work more effectively, avoid conflicts with other infrastructure projects, and reduce the risk of delays during planning and field operations.

Regular/Utility Permit (UD) for Major Work

ARDOT issues Regular/Utility District (UD) Permits for any major utility work occurring within a state highway or associated roadway (such as a frontage road) ROW. The UD permit serves as the official document through which the permitting authority obtains certification from the permittee that all activities will be properly coordinated, engineered, and conducted to protect public safety and state transportation assets.

Major work involves significant construction activity, extended disturbance, or work that has the potential to affect roadway structures, drainage systems, or traffic operations. It also includes any utility installation or relocation that extends more than one quarter of a mile or involves activities that require pavement cuts, work around bridges, work within areas of controlled access, or any request that requires an exception to ARDOT policy. Because these projects can directly affect roadway integrity and long-term planning, ARDOT conducts a thorough review before allowing work to begin.

UD permits are valid for twelve months from the date of issuance. Subgrantees should plan their application timing and construction schedules accordingly to ensure that work is completed within the authorized timeframe.

Submitting a [Regular/ARDOT Utility Permit Application](#) requires applicants to:

- Provide detailed project descriptions, engineering plans, and location maps.
- Include crossing profiles for all buried and aerial installations.
- Ensure aerial utilities maintain a minimum clearance of 18 feet over the roadway.
- Ensure buried utilities are installed at least 48 inches below the ditch line or 60 inches below the roadway crown, whichever provides the greatest coverage.

- Identify the distance the utility will be placed inside the ROW. ARDOT generally prefers five feet or less and allows up to ten feet without requiring an exception.
- Demonstrate compliance with ARDOT Utility Accommodation Policy and applicable design standards.
- Upload traffic control plans when work affects the roadway, shoulders, or pedestrian facilities.
- Coordinate with ARDOT District personnel and any other utilities sharing the corridor.
- Describe anticipated construction timelines and potential impacts to the traveling public.
- Certify that best practices will be implemented to protect roadway assets and ensure safety.
- Submit the application for ARDOT review and approval.

Key requirements for UD Major Work include:

- The permit application must be signed by someone representing the utility company. Consultants cannot sign as agents on behalf of the utility company.
- Traffic control must be provided, and the local permit officer must be notified at least three days before work begins.
- Lane closures should be avoided whenever possible.
- Contract crews must always have a complete paper copy of the entire permit on site.
- Work will be stopped if a full copy of the permit is not available at the job site.

Additional considerations:

- Bridge attachments require additional review under the Utility Accommodation Policy and must also be approved by the ARDOT Bridge Division. This can extend the permit review timeline.
- Any work within controlled access areas requires ARDOT involvement to facilitate access. All interstate highways are considered fully controlled access, and permitting in these areas can require additional coordination and time.

For utility owners and contractors, securing a UD Major Work permit is essential for regulatory compliance, protection of state infrastructure, and coordination of complex utility and roadway projects.

General/District Utility Permits (GU) for Minor Work

ARDOT issues General/District Utility Permits (GU) for minor utility work that occurs within a state highway or associated roadway (such as a frontage road) ROW. GU permits apply to activities that involve limited disturbance, minimal excavation, or routine maintenance that does not significantly affect roadway structures or traffic operations. These permits ensure that even small-scale work is properly documented and coordinated with ARDOT District personnel.

Most projects will not be eligible for a GU permit. GU permits are typically issued for maintenance-level activities or small installations that do not require pavement cuts and do not exceed one-quarter of a mile in length.

Minor Work eligible for a GU permit includes:

- Buried or aerial crossings of non-interstate highways that do not require pavement cuts.
- Buried or aerial longitudinal installations up to one quarter of a mile on non-interstate highways.
- Spot repairs, pole replacements, pedestal installations, meter taps that do not require pavement cuts, and routine maintenance activities.

All GU permit work requires a bond, and the amount is based on the length of the installation. The ARDOT permit officer is the primary point of contact for determining bond requirements and confirming eligibility.

Submitting a [General/District Utility Permit Application](#) requires applicants to:

- Provide a brief project description and location information.
- Identify the specific work to be performed within ARDOT ROW.
- Upload maps or sketches if needed to clarify the work area.
- Confirm that the activity will not impact roadway structures, drainage features, or traffic operations.
- Coordinate with ARDOT District personnel when required.
- Submit the application for ARDOT review and approval.

For utility owners and contractors, obtaining a GU Minor Work permit ensures compliance with state regulations, maintains clear communication with ARDOT, and helps prevent conflicts or delays during field operations.

Division of Environmental Quality (DEQ)

The Division of Environmental Quality (DEQ), within the Arkansas Department of Energy and Environment, administers and enforces state and federal environmental laws in

Arkansas, including authorizations, compliance, and monitoring related to air quality, water quality, waste management, and environmental protection.

Subgrantees should submit applications through the [State Environmental Electronic Knowledge \(SEEK\) system](#), an online data management and permitting platform for environmental programs administered by the DEQ. SEEK is a secure online platform that supports the electronic submission of applications, supporting documentation, and certifications, and allows applicants to track application status throughout DEQ's review process and receive permit decisions. While DEQ is transitioning most permits to SEEK, certain applications such as air registrations, minor source permits, and Title V permits must still be submitted through the [ePortal](#). Although paper signatures and submittals are allowed, applications submitted through SEEK using an approved electronic signature are generally processed more efficiently. Establishing SEEK accounts and electronic signature authorization early in project planning helps minimize administrative delays and supports BEAD deployment schedules.

Short Term Activity Authorization (STAA)

The DEQ established the Short Term Activity Authorization (STAA) to ensure that essential public-interest work proceeds without compromising the state's water resources. The authorization does not excuse pollution.³ Instead, it requires applicants to demonstrate that impacts will be temporary, minimized, and tightly controlled.

Any project that disturbs state waters, including streams, ditches, wetlands, or drainage channels, must evaluate its need for a STAA before construction begins. For utility and buried fiber projects, activities that commonly trigger the need for an STAA include open-cut trenching across creeks or drainage features, excavation to install or repair buried utilities beneath a channel, and bank or side-slope stabilization to protect infrastructure. Additional scenarios frequently requiring STAA coverage include installation or replacement of culverts, HDD entry or exit pits located within or adjacent to state waters, construction of temporary stream crossings or work pads for equipment access, channel cleanout or sediment removal associated with utility repairs, and use of cofferdams, diversion structures, or dewatering to facilitate in-channel work. Even short-duration or temporary disturbances associated with utility or fiber installation may require authorization if they result in physical alteration of the bed, banks, or flow of state waters.⁴

As noted in a previous section, projects that impact waters of the United States require authorization under Section 404 of the Clean Water Act. Subgrantees must first obtain

³ Arkansas Code § 8-4-234

⁴ <https://www.adeq.state.ar.us/water/permits/staa/>

coverage under an applicable U.S. Army Corps of Engineers (USACE) Nationwide Permit (NWP) or other Department of the Army permit prior to submittal and issuance of an STAA. DEQ relies on the USACE permit determination when reviewing STAA applications, and STAA authorization does not replace or supersede federal permitting requirements.

A STAA is valid for a period of one year from the date of issuance. The time-limited nature of the authorization requires careful evaluation of project schedules to ensure that construction activities requiring STAA coverage occur within the approval period. Authorization timing should be factored into project planning, particularly for linear utility and fiber projects where construction may be phased or delayed due to coordination with other permits or utility conflicts. DEQ review of STAA applications typically takes approximately 30 days from submission to issuance, assuming a complete application and no requests for additional information. This review timeline should be incorporated into the overall project scheduling to avoid construction delays.

Applicants will typically follow the following steps in [SEEK](#) to apply for a STAA:

- Create a SEEK account.
- Save an electronic signature.
- Select the Water – Short Term Activity Authorization form.
- Upload detailed project descriptions, maps, schedules, and mitigation measures.
- Clearly identify the expected duration and nature of the temporary disturbance.
- Certify that best management practices (BMPs) will be implemented and maintained.
- Pay required fees.
- Submit for DEQ review.

The initial STAA application fee is \$200 per state water disturbed. Renewals may be requested for a flat fee of \$200, regardless of the number of state waters included in the original authorization.

For utility providers, securing an STAA is not just a procedural step. It is a firm requirement that ensures compliance, protects natural resources, and keeps essential projects on schedule.

National Pollutant Discharge Elimination System (NPDES)

Utility construction in Arkansas inevitably disturbs soil, alters drainage patterns, and exposes bare ground to rainfall. These conditions create a clear risk of sediment-laden stormwater leaving the site and entering nearby streams, ditches, and wetlands. Because stormwater runoff is a regulated pollutant under the Clean Water Act, any utility project

that disturbs one acre or more must obtain coverage under the Arkansas National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit.⁵

In addition, utility companies are required to follow all state and federal erosion control laws. The DEQ requires a Phase II Storm Water Construction Permit for any site with a *disturbed soil area of one acre* or more. This stormwater permit is separate from any work order, permit, or approval issued by the Arkansas Department of Transportation or other state or local entities.

The DEQ enforces the NPDES program to ensure that construction activities do not degrade water quality.⁶ The permitting process requires applicants to identify the extent of land disturbance, evaluate potential stormwater impacts, and commit to implementing effective erosion and sediment controls. Securing NPDES coverage is a fundamental compliance step that must be completed before construction begins.

To obtain coverage, applicants must submit a complete and accurate Notice of Intent (NOI) through [SEEK](#).⁷ The NOI formally requests authorization and provides DEQ with essential project information, including acreage disturbed, project location, and responsible parties. Maintaining the applicant's electronic signature on file in SEEK helps streamline application processing and approval. Once an NOI is deemed complete, DEQ review and authorization typically occur within approximately 10 days.

Submitting a NOI through SEEK requires applicants to:

- Create a [SEEK](#) account.
- Ensure the applicant's electronic signature is saved and available within the system.
- Select the Water – Construction Stormwater General Permit (ARR150000) – Notice of Intent Form.
- Upload detailed project descriptions, maps, schedules, and mitigation measures.
- Clearly identify the receiving stream and ultimate receiving stream information
- Pay required fees.
- Submit for DEQ review.

In addition to the NOI, the NPDES program requires several critical supporting documents:

⁵ <https://www.epa.gov/npdes/npdes-construction-stormwater-program>

⁶ <https://www.adeg.state.ar.us/water/permits/npdes/>

⁷ <https://www.adeg.state.ar.us/water/permits/npdes/stormwater/> and <https://seek.adeg.state.ar.us/>

- A Stormwater Pollution Prevention Plan (SWPPP) that outlines erosion control measures, sediment controls, and BMPs that will be implemented and maintained throughout construction.
- A site map that clearly identifies all disturbed areas, drainage patterns, outfalls, material storage locations, and the placement of BMPs.
- A certification statement confirming that the operator understands and accepts the responsibilities associated with NPDES coverage.⁸

These documents are essential. They allow DEQ to evaluate the project’s stormwater risks and ensure that adequate protections are in place. Incomplete or inaccurate submittals delay authorization and can halt project progress.

The initial NPDES application fee is \$200, and an additional \$200 fee is invoiced annually until a Notice of Termination (NOT) is submitted. NPDES coverage remains active until a NOT is submitted. Failure to submit a NOT after construction is complete may result in continued annual permit fee invoicing, even if land disturbing activities have ended.

The NPDES program also distinguishes between two categories of construction activity:⁹

Phase I applies to projects that disturb more than 5 acres of land. These projects typically require more extensive BMPs and heightened oversight due to their larger footprint and increased potential for runoff.

Phase II applies to projects that disturb between 1 and 5 acres. These projects still require full compliance with NPDES requirements, but their smaller scale generally results in a more streamlined review.

Regardless of category, both Phase I and Phase II projects must maintain an up-to-date SWPPP on site, conduct regular inspections, and ensure that BMPs remain effective throughout construction.⁸

The current Arkansas Construction Stormwater General Permit expires on October 31, 2026. Continued coverage beyond this date will require recertification under the reissued master permit, as applicable.

NPDES authorization is a critical regulatory safeguard that protects Arkansas’s water resources while allowing essential utility work to move forward. For utility providers and contractors, completing the NOI through SEEK, maintaining a compliant SWPPP, and

⁸ Arkansas DEQ Construction Stormwater General Permit (ARR150000). Requirements for SWPPP preparation, site maps, BMP implementation, inspections, fees, and certification statements.

⁹ <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>

tracking permit status through termination are essential steps to ensure compliance and keep projects on schedule.

Air Quality Permit

DEQ administers the state's air permitting program to ensure that construction and operational activities do not adversely affect Arkansas's air resources. DEQ evaluates proposed projects for compliance with state and federal air quality requirements and determines the level of permitting necessary based on the project's potential to emit regulated air pollutants.¹⁰ This review ensures that utility and infrastructure development activities proceed with full consideration of air quality protection standards.

DEQ's air permits outline allowable pollutant emissions, required control measures, and compliance demonstration mechanisms. Utility projects, particularly those involving generators, compressors, fuel-burning equipment, or construction activities, often trigger air permitting requirements because of their potential to discharge emissions. Facilities or projects that emit regulated pollutants above permitting thresholds must secure the appropriate permit before beginning construction or operation.¹¹

Many utility projects, particularly those involving generators, compressors, or fuel-burning equipment, may trigger air permitting requirements due to their potential to discharge emissions. Routine buried fiber installation rarely requires an air permit unless stationary emission-generating equipment exceeds regulatory thresholds. Projects that emit pollutants must secure the appropriate air permit before beginning construction or operation. Early coordination with DEQ helps determine permitting applicability and prevents delays during construction.

DEQ classifies air permitting requirements into three primary categories:¹²

- **Registration** is a simplified process for the smallest sources, including certain activities that emit 40 to 75 tons of carbon monoxide per year.
- **Minor Source Permits** are required when emissions exceed registration thresholds but remain below major source levels. These permits typically require 30 to 60 days for DEQ review when applications are complete, followed by a 30-day public comment period. Minor Source Permits can take up to 4-6 months from application to final permit.
- **Major Source/Title V Operating Permits** are required when a facility has the potential to emit 100 tons per year or more of a regulated pollutant.¹³ These permits

¹⁰ <https://www.adeg.state.ar.us/air/permits/>

¹¹ ADEQ. *Air Permitting Applicability and Requirements*.

¹² <https://www.adeg.state.ar.us/air/permits/instructions.aspx>

¹³ <https://www.epa.gov/title-v-operating-permits> and <https://www.adeg.state.ar.us/air/permits/>

involve extensive regulatory review and public participation and typically require 6 to 12 months or longer for processing.

Submitting an air permit application through [ePortal](#) requires applicants to:

- Create an [ePortal](#) account.
- Select the Air Application for Registrations, Minor Source Permits, or Title V Permits.
- Provide detailed project descriptions and equipment information.
- Identify all potential emission sources and compile a complete emission unit inventory.
- Submit pollutant data, potential-to-emit calculations, and emission rate table.
- Provide a disclosure statement.
- Provide a process flow diagram.
- Provide a plot plan and a USGS map.
- Provide air dispersion modeling when required under the State Implementation Plan or DEQ's screening modeling guidance.
- Document control equipment and emission reduction measures.
- Demonstrate compliance with applicable state and federal air regulations, including Arkansas Pollution Control & Ecology Commission Regulations 18 and 19.¹⁴
- Certify the application and submit the required fees when the invoice is drafted.

DEQ may require several months to complete the overall review, depending on permit type, modeling requirements, and public notice obligations. Title V and PSD permits include formal public comment periods, which may extend review timelines.

For project planners, obtaining the appropriate DEQ Air Quality Permit is not simply an administrative requirement. It is a necessary compliance measure that supports environmental stewardship, ensures adherence to the Arkansas Clean Air Act, and helps maintain project schedules by avoiding delays associated with incomplete or late air permitting.

Hazardous Waste (Hazmat) Permits

DEQ regulates hazardous waste management activities to ensure that development and operational practices within the state do not adversely affect human health, land, or water resources. In accordance with the Arkansas Hazardous Waste Management Code

¹⁴ <https://www.sos.arkansas.gov/uploads/rulesRegs/Arkansas%20Register/2016/march2016/014.01.14-001.pdf> and https://www.adeq.state.ar.us/downloads/regs/oldregs/reg19_final_140913.pdf

(Regulation 23), DEQ is responsible for evaluating hazardous waste treatment, storage, and disposal activities and determining whether proposed operations meet all applicable state and federal requirements.¹⁵ Hazardous waste permitting is not typically applicable to broadband or buried fiber installation projects; however, it is an essential component of compliance for any activity that involves regulated hazardous waste generation, storage, treatment, or disposal.

DEQ conducts comprehensive reviews of hazardous waste permit applications to verify that proposed facilities incorporate appropriate engineering controls, monitoring systems, and emergency procedures. A hazardous waste permit is required for Treatment, Storage, and Disposal Facilities, as well as for facilities that store hazardous waste for more than 90 days.¹⁶ This review process ensures that hazardous materials are managed to prevent environmental contamination, protect public health, and comply with the Resource Conservation and Recovery Act requirements.

Any project with the potential to generate, treat, store, or dispose of regulated hazardous waste must coordinate with [DEQ's Hazardous Waste Division](#) prior to initiating such activities. Examples include long-term storage of hazardous waste, operation of waste treatment systems, corrective actions at contaminated sites, and emergency response actions involving hazardous materials. While these activities are not typically associated with buried fiber installation, utilities must comply with hazardous waste regulations if regulated wastes are generated during construction or maintenance.

Submitting a hazardous [waste permit application for short-term and episodic generators](#) requires applicants to:

- Determine Generator Status.
- Submit [EPA Form 8700-12](#).
- Provide facility design and engineering plans.
- Submit a waste analysis plan.
- Submit a contingency and emergency response plan.
- Demonstrate financial assurance for closure and post-closure care.
- Comply with public notice and comment requirements.
- Demonstrate compliance with Regulation 23 and applicable EPA standards.

Applications should be mailed to:

Arkansas Energy & Environment

¹⁵ <https://www.sos.arkansas.gov/rules-and-regulations>

¹⁶ <https://www.epa.gov/rcra>

Division of Environmental Quality
Hazardous Waste
5301 Northshore Drive
North Little Rock, AR 72118-5317

DEQ typically requires several weeks to complete the initial administrative review of a hazardous waste permit application, generally within 2 to 4 weeks, followed by a detailed technical evaluation and a mandatory public review process. Draft permits are subject to a minimum 45-day public comment period, and public hearings may be held for commercial facilities or when warranted by public interest. Final permits are issued only after DEQ confirms that all regulatory requirements have been satisfied.

Hazardous waste permitting is typically not required for broadband deployment projects. Hazmat permits are triggered only when regulated hazardous waste treatment, storage, or disposal activities occur and are independent of project routing, environmental review processes, or construction methodology.

401 Water Quality Certification

Section 401 Water Quality Certification (WQC) is a state-level certification required only when a project requires a federal permit under Section 404 of the Clean Water Act. In Arkansas, Section 401 WQC is coordinated and issued by DEQ based on the applicable federal permit authorization.

For BEAD broadband deployment projects, Section 401 WQC is most commonly associated with coverage under an NWP. Utility and fiber projects in Arkansas typically rely on NWP 57 (Electric Utility Line and Telecommunications Activities) or, where a federal categorical exclusion applies, NWP 23 (Approved Categorical Exclusions). DEQ generally provides Section 401 WQC for Nationwide Permits through a programmatic (general) certification, often with standard and project-specific conditions designed to protect state water quality. In certain circumstances, such as projects affecting sensitive waters or projects with greater potential to impact water quality, DEQ may require individual Section 401 certification review.

If a project does not qualify for a Nationwide Permit and instead requires an Individual Permit under Section 404, DEQ will require an individual Section 401 Water Quality Certification. Individual certification involves a more detailed review of project impacts, may include additional coordination and conditions, and can extend review timelines. These requirements should be factored into project planning and scheduling for BEAD deployments involving larger or more complex water impacts.

Section 401 WQC does not function as a standalone permit and does not authorize construction by itself. Rather, it is a required state certification that must be in place

before USACE can issue or finalize Section 404 authorization. Early coordination with USACE and DEQ is recommended to confirm Nationwide Permit eligibility and applicable Section 401 certification requirements.

Arkansas Department of Health (ADH)

Wellhead Protection

Utility projects in Arkansas must be planned with a clear understanding of their potential impact on public drinking water sources. Any construction activity that occurs within or near a public water system's wellhead protection area carries inherent risk. Trenching, boring, excavation, and utility installation can disturb soils, alter drainage patterns, or expose sensitive hydrogeologic features that protect groundwater supplies. Therefore, Wellhead Protection Coordination with the Arkansas Department of Health (ADH) is a required safeguard for every utility project that intersects a designated protection zone.¹⁷

ADH's Wellhead Protection Program exists to ensure that essential infrastructure work does not compromise the safety of public drinking water. The coordination process requires project owners to demonstrate that they understand the locations of sensitive areas, have evaluated potential impacts, and will implement appropriate protective measures. This is a regulatory expectation and a critical component of responsible project management.

To initiate Wellhead Protection Coordination, ADH requires, at a minimum:

- A description of the project
- An overall project map that clearly shows the full extent of the proposed work.
- A Google Earth KMZ file of the project limits that allows ADH to review the project footprint spatially and confirm whether it intersects any wellhead protection areas.¹⁸
- A signed Standard Operating Procedure for Sensitive Public Water System Data Request, which certifies that the applicant understands the confidentiality requirements associated with the receipt of protected water system data.

Once the required documents are prepared, they are submitted to ADH via email for formal coordination. ADH reviews the project location, evaluates potential risks, and determines whether additional protective measures or restrictions are necessary. This process ensures that utility construction proceeds without jeopardizing public health or violating state drinking water regulations.

¹⁷ <https://healthy.arkansas.gov/programs-services/public-health-safety/source-water-protection/>

¹⁸ <https://www.ark.org/health/eng/swp/swapdel.htm>

Wellhead Protection Coordination is a critical regulatory step that protects Arkansas communities and their drinking water supplies. For utility providers and contractors, completing this coordination with ADH is a firm requirement. It ensures compliance, supports responsible infrastructure development, and reinforces the state’s commitment to safeguarding groundwater resources.

Submit the required information to ADH by email to Evelyn Kort, Evelyn.Kort@arkansas.gov, and Dwight Montrose, Dwight.Montrose@arkansas.gov.

Arkansas Game and Fish Commission (AGFC)

Natural Resource Review

The Arkansas Game and Fish Commission (AGFC) conducts Natural Resource Reviews to ensure that development activities within the state do not adversely affect Arkansas’s fish, wildlife, or habitat resources. In accordance with Amendment 35 of the Arkansas State Constitution, AGFC is responsible for evaluating proposed development projects for potential impacts on natural resources and issuing recommendations to avoid, minimize, or mitigate those impacts.¹⁹

The AGFC performs comprehensive due diligence reviews that allow project planners to identify ecological constraints early in the design process. The Natural Resource Review is not a permit.²⁰ Instead, it is an essential component of responsible project development, ensuring that construction and land disturbing activities proceed with full consideration of potential impacts to streams, wetlands, wildlife species, and sensitive habitats.

Any project with the potential to affect Arkansas’s natural resources should request an AGFC review prior to the start of construction. Examples include utility installations, stream or wetland crossings, land clearing, grading, and infrastructure expansions. Early coordination with AGFC helps ensure that project activities remain compliant with state expectations for natural resource protection.

To promote consistency and accountability, AGFC requires all Natural Resource Review Requests to be submitted through the official [AGFC Natural Resources Review Request Form](#). This form provides a standardized method for submitting project information and enables AGFC biologists to conduct an efficient and thorough evaluation.

Submitting a Natural Resource Review Request requires applicants to:

- Provide applicant contact information.
- Provide the project name and project description.

¹⁹ Arkansas State Constitution. Amendment 35.

²⁰ <https://www.agfc.com/resources/environmental-coordination-division/>

- Provide the project location, including coordinates when available.
- Upload project maps and supporting documentation in PDF format and email to environmentalcoordination@agfc.ar.gov with the project name or number in the subject line.

AGFC targets 30 days to complete the review and issue recommendations. This review process is particularly important for utility providers and other developers who must coordinate multiple environmental requirements and construction timelines. For project planners, obtaining an AGFC Natural Resource Review is not simply an administrative step. It is a required measure that supports regulatory compliance, protects natural resources, and helps maintain project schedules.

Local Permits

In addition to state and federal approvals, broadband projects must obtain local (county and/or municipal) permits for work within local ROW and on local facilities. Local permits establish the conditions for construction activities such as trenching or boring, lane/sidewalk closures, work-hour restrictions, erosion and sediment controls, and final surface restoration. Subgrantees will need to coordinate with each local entity where a project is located to confirm required permits, submit complete application packages, and provide information to ARConnect to track approvals through construction completion in that area. Note that a county or municipal authority has the right to issue a stop-work order if construction activity is taking place without the proper approval documentation.

The State of Arkansas has 75 counties, 502 recognized cities and towns,²¹ and numerous unincorporated areas using various mechanisms for administering permits. The process for acquiring a permit varies according to the specific permitting agency and involves a range of mechanisms. Some larger municipalities or counties may have online permitting application systems such as eTRAKiT.²² Other jurisdictions may require an in-person visit to complete paper applications. Some more rural communities often have irregular hours or are staffed by volunteers. If there is no online system, most permitting information can be found through the county judge²³ or a clerk's office.

While it may not be feasible to provide a comprehensive list of all permit types necessary for broadband deployment projects, the following are examples of permits commonly required.

²¹ <https://www.armuniteague.org/>

²² eTRAKiT is a widely used web-based permitting and land management software developed by CentralSquare Technologies. It is licensed to numerous local governments (cities, counties, and towns) as a public portal for managing permits, planning projects, and scheduling inspections.

²³ <https://encyclopediaofarkansas.net/entries/office-of-county-judge-5720/> and <https://arcourts.gov/directories/county-judge-clerk>

Typical Local Permits

Permit Type	Description / General Information	Best Contact(s)
County ROW	Applicants frequently need to provide a certificate of insurance and potentially a bond to ensure the right-of-way is restored to its original condition. County-level ROW work must generally comply with utility accommodation policies, ensuring that the installation does not interfere with the safety or use of the roadway.	County Judge or Road Department
Municipal ROW Use Permit	Formal application for any work "upon, in, under, or above" public streets, alleys, sidewalks, or gutters.	Municipal Public Works or Engineering Department
Excavation/Trenching/Bore Permit	Authorization required by a city or town before commencing any earth-disturbing activity that impacts public rights-of-way, drainage, or private property. In Arkansas, an Excavation/Trenching/Bore Permit is <i>not automatically</i> the same as a Right-of-Way (ROW) Permit, but it is often a <i>type</i> of ROW permit or issued <i>under</i> ROW authority, depending on the issuing jurisdiction. Most Arkansas jurisdictions treat excavation/trenching/bore permits as a subset or condition of a ROW permit, not a separate property right.	Municipal Public Works or Street Department
Fire Marshal Permit	Required for new construction, major renovations, and specific high-risk operations, as dictated by the 2021 Arkansas Fire Prevention Code. Usually needed for backup power systems, prefab huts, large outdoor cabinets, etc.	Permits are usually obtained through local city fire marshal offices. If a local entity does not have a fire code enforcement department, the Arkansas State Fire Marshal's Office holds jurisdiction.
Franchise Agreement	Negotiated agreement between broadband providers and local communities, essentially, a license to do business in the area. ²⁴ Providers may have a state license in lieu of local permits. ²⁵ In Arkansas, internet service providers are not required to obtain a municipal franchise agreement solely to provide broadband internet service; franchise requirements apply only when a provider offers video service or voluntarily elects to enter a franchise arrangement, although ISPs remain subject to local right-of-way permitting and construction regulations.	Municipal Attorney or Municipal Clerk

²⁴ The Arkansas Code (Title 14 and Title 23) regulates these agreements. While the state does not require traditional franchise registration, it regulates the relationship through the Arkansas Franchise Practices Act.

²⁵ Ark. Code Ann. § 23-19-203(a)(1)(C) is a component of the Arkansas Video Service Act, which dictates that after June 30, 2013, a person or entity shall not act as a video service provider in the state without specific authorization.

Permit Type	Description / General Information	Best Contact(s)
Generator Permit (Temporary Use)	If the generator is large, hardwired, or runs on natural gas/propane, it might require a permit. A Plumbing and Electrical Permit is usually needed first. Might also trigger a noise ordinance permit.	City or County Building Departments
Grading Permit	Usually required for land alteration, clearing, filling, or excavation that disturbs a certain threshold of land (often 0.5 to 1 acre or more).	Engineering, Planning, or Transportation Department
Local Floodplain Development Permit/Drainage	Ensures that underground trenching, boring, or aerial infrastructure installation does not restrict water flow or increase flood risks.	Engineering, Planning, or Transportation Department
Local Stormwater/Environmental	Required when disturbing soil or earthwork inside a municipality's Municipal Separate Storm Sewer System (MS4) jurisdiction. Manages pollution runoff (dirt, chemicals, litter) from construction sites.	Municipal Stormwater Department. If no local department exists, defer to statewide ADEQ MS4.
Oversize/Overweight Loads Permit (Construction Equipment Transport)	Required when transporting large reels, construction equipment, HDD rigs, etc., on municipal streets.	County/Municipal Police Department, Traffic Division, or County/Municipal Public Works Department
Pavement/Sidewalk Cut Permit	Required when cutting into paved county or municipal surfaces or sidewalks. Regulates repairs, ensures safety, and manages the restoration of streets, sidewalks, and curbing.	Public Works or Engineering Department
Traffic Control Plan (TCP)	Authorization to manage, restrict, or close traffic flow on public streets, sidewalks, or rights-of-way during construction. Required when there will be any lane closures, shoulder work, traffic flagging, or work in high-traffic corridors. Although not always a separate permit, an excavation or ROW permit may not be issued until a TCP is approved.	Engineering or Traffic Department, Police Department

Noise Ordinances

Many Arkansas counties and municipalities have noise ordinances that limit construction activity to specific daytime hours. If construction must occur outside permitted hours, a temporary variance or permit must typically be obtained from the building code division, mayor, or county/municipal council. Variance applications must be submitted in writing and may include a project description, justification for the exception, and the expected duration.

Tree Ordinances

Several counties and municipalities in Arkansas have adopted tree protection or tree removal ordinances that regulate the removal, trimming, or disturbance of trees within jurisdictional limits, particularly along streets, within public ROW, or on developed

properties. These ordinances are intended to protect urban canopy, public safety, and community aesthetics.

Tree ordinances may require prior approval, permits, or coordination before trees can be removed or significantly pruned. Requirements vary by locality and may include limits on tree removal, replacement or mitigation requirements, seasonal restrictions, or review by a city arborist, planning department, or public works division. In some cases, a written justification describing the project scope, safety considerations, and duration of impacts may be required.

Because tree ordinances are adopted and enforced at the local level, subgrantees should confirm specific local requirements early in project planning. Failure to obtain required local approvals can delay construction, even when state and federal environmental requirements have been satisfied.

Local Permitting Readiness and Outreach Steps

The following provides a high-level set of steps to prepare for and conduct outreach to obtain local permits.

- Prior to contacting the local Authority Having Jurisdiction to determine what permits are necessary in that jurisdiction, create a map of the project footprint that includes:
 - Counties
 - State highways
 - County roads
 - Municipal roads
 - Water features such as streams, ditches, or floodplains are crossed
- Determine what jurisdictions project routes and facilities are located within.
- Find the main contact/website for the jurisdiction.
- Create a set of questions to ask each agency/determine from the website information, such as the following, based on the project technology and infrastructure:
 - “Do you require a permit for installing buried fiber or other utilities in the ROW?”
 - If yes, request the permit name, form, and conditions (depth, separation, restoration, bonding, insurance).
 - “Is there a separate permit for road cuts or bores under roadways?”
 - If yes, request any additional requirements (traffic control, compaction, pavement restoration, inspection).

- “Do you require a floodplain or drainage permit for utility crossings?”
- Important if your route crosses waterways.
- “What ordinances must be considered?”
- (For a county) “If building within municipal limits or unincorporated areas in the county, are municipal permits also required, or do you handle those?”
- Request additional information such as other permitting agency contacts, zoning codes, and other relevant data. Zoning information can often be found online in plat maps or tax assessor maps.
- Contact the agency or research the website for answers to the above and other questions.²⁶
- Complete the permit application, asking for needed support from the permitting agency and escalating major issues to ARConnect.

Private Access Authorizations and Agreements

Pole Attachments

When deploying fiber using aerial facilities, subgrantees who do not own the poles needed for deployment typically establish pole attachment agreements and obtain the necessary authorizations from the pole owners.

The pole attachment process entails utility pole owners—typically telecommunications companies, electric utilities, or municipal entities—authorizing broadband providers (referred to as “attachers”) to affix their cables or equipment to poles along the designated route of a broadband deployment project. This procedure consists of multiple stages, and the applicable regulations differ depending on the jurisdiction and the category of pole ownership.

Typically, the first step is to execute a pole attachment agreement which establishes the legal right to seek attachments; sets rates, terms and conditions; and defines make-ready rules, insurance requirements and indemnification. The pole attachment agreement governs the ongoing relationship between the pole owner and the attacher.

A pole attachment authorization is sought once the poles needed for the project are identified. Authorization to build comes from project- or pole-specific approvals issued

²⁶ For counties without easy access to permitting information (website or specific agency), a good place to start is with the county judge. In Arkansas, the county judge serves as the chief executive officer for county government, exercising both executive and limited judicial powers as established by Amendment 55 of the Arkansas Constitution. The county judge acts as the administrative head of the county. They oversee roads, county property, county employees (excluding other elected officials’ staff), ordinances implementation, and fund disbursement. That office can also point you to other AHJ entities.

under the agreement granting specific, discrete permission under that agreement for actual attachment work to begin on identified poles.

Note that neither of these are a “permit”; a pole attachment agreement and authorizations represent private agreements to use infrastructure, not a government authorization for construction. However, the term “permitting” is often used when discussing pole attachments because the process involves an authorization.

Typical documentation required for each project or pole segment includes route maps or scaled drawings showing proposed facilities and impacted poles, pole numbers, attachment elevations, cable specifications (weight, diameter, tension, etc.), and identification of anticipated make-ready needs.

Pole Attachment Workflow

- Execute a Pole Attachment Agreement: Approved agreement on file with the pole owner (and the Public Service Commission, if applicable).
- Submit Project-Specific Application: Route maps, pole lists, attachment drawings, and supporting technical data.
- Utility Engineering Review: Pole owner assesses feasibility, National Electrical Safety Code (NESC) compliance, and make-ready requirements.
- Receive Make-Ready Estimate and Schedule: Applicant pays required fees and make-ready costs.
- Completion of Make-Ready Work: Performed by a third party designated by the pole owner or the pole owner's employees.
- Authorization to Attach: Written approval issued to proceed with installation.
- Construction and Installation: Attachments installed in accordance with approved plans and conditions.
- Post-Construction Inspection and Closeout: Certification submitted; any deficiencies corrected.
- Additionally, if the make-ready engineering plan determines that a pole needs to be replaced and that pole is on a state highway, the pole owner must obtain a construction permit from ARDOT before crews can replace the pole. That scenario would be considered “pole permitting” and would be the responsibility of the pole owner, not the attaching entity.

Make-Ready

Make-ready is all about keeping power distribution systems safe, robust, and reliable. If there were no rules and specifications, overloaded poles would be much more frequent,

leading to increased power outages, accidents, injuries, and more. Make-ready work can include the rearrangement of existing attachments, pole replacement, guying, and related field activities. Completion must be certified to the pole owner, who may review and verify the work prior to authorizing attachment. Make-ready is a common point of delay and can be costly.

The Arkansas Public Service Commission (APSC) has established specific pole attachment rules²⁷ governing access timeframes, which generally mandate that pole owners (such as electric utilities) approve or deny attachment requests within 45 to 60 days, depending on the project size. Requests may only be rejected based on non-discriminatory reasons such as insufficient capacity or safety/engineering standards.

- Small Projects (300 poles/20 manholes): The pole owner must respond to a request for access within 45 days.
- Large Projects (up to 3,000 poles/100 manholes): The pole owner must respond within 60 days.
- Larger Projects (over 3,000 poles): Parties must negotiate a mutually agreeable timeframe, as these are not covered by the standard timelines.

The following table shows timelines that apply to FCC-regulated (investor-owned) utilities. Note that electric cooperatives and municipal utilities are not bound by these timelines. The make-ready clock begins only after the application is deemed complete.

FCC Pole Attachment Make-Ready Baseline Timelines (with Order Type Limits)²⁸

Order Type	Order Size Limit	Application Check	Survey / Engineering Review	Make-Ready Completion (Communications Space)	Electric Space Add-On	Baseline Total Duration
Regular Order	≤ 300 poles or ≤ 0.5% of utility’s in-state poles	10 business days	Up to 45 days	30 days	+15 days (if applicable)	~75–90 days
Mid-Size Order	301–3,000 poles or > 0.5%–5% of poles	10 business days	Up to 60 days	75 days	+15 days (if applicable)	~135–150 days
Large Order	3,001–6,000 poles or > 5%–10% of poles	Negotiated	Negotiated	Negotiated	Negotiated	Case-specific
Extra-Large Order	> 6,000 poles or > 10% of poles	Negotiated	Negotiated	Negotiated	Negotiated	Case-specific

²⁷ 126.03.17 Ark. Code R. 001 - Pole Attachment Rules

²⁸ FCC, *Fifth Report and Order and Further Notice of Proposed Rulemaking*, FCC 25-38, Attachment A (Jan. 16, 2025), codifying pole attachment application review, survey, and make-ready timelines for regular, mid-size, and large orders under 47 C.F.R. § 1.1411.

The new attacher pays 100 percent of make-ready costs. According to several utility pole replacement guides and make-ready cost-sharing analysis reports,²⁹ the following lists typical make-ready costs per pole.

Typical Make-Ready Costs (Per Pole)

Make-Ready Activity	Typical Cost Range (per pole)	Notes
No make-ready required	\$0	Pole has adequate space/clearances
Communications rearrangement only	\$500 – \$2,500	Moving existing comm lines
Minor hardware adjustments	\$1,000 – \$3,500	Brackets, insulators, extensions
Pole top extension	\$2,000 – \$5,000	Adds height without replacement
Anchor/guy work	\$2,500 – \$6,000	Often overlooked in estimates
Full pole replacement	\$8,000 – \$20,000+	Rural areas often at high end
Traffic control/flagging	\$1,000 – \$5,000	Urban or state roadway locations
Tree trimming (utility-required)	\$500 – \$4,000	Can spike in wooded corridors

Pole Ownership

Utility poles may be owned by a variety of entities. Identifying the correct owner is essential for establishing access agreements and authorizations, and to comply with relevant regulations and standards.

Electric Utilities (Power Companies): Often the primary owner, including Investor-Owned Utilities, Rural Electric Cooperatives, and municipal power companies. They prioritize electric distribution and require strict compliance with loading standards.

Incumbent Local Exchange Carriers: Older telephone companies that often own poles jointly with electric utilities (known as "joint-use" poles).

Municipalities and Government Entities: Cities, towns, or departments of transportation often own street lighting poles or traffic signal poles.

Private Property Owners: Poles located on private, commercial, or industrial property are owned by the landowner.

²⁹ Fiber Broadband Association & Cartesian, *2024 Fiber Deployment Cost Annual Report* (Feb. 6, 2025), <https://fiberbroadband.org/resources/2024-fiber-deployment-cost-annual-report/>; Cartesian, *2024 Fiber Deployment Cost Annual Report – Network Economics* (2025), <https://www.cartesian.com/2024-fiber-deployment-cost-annual-report/>; LatestCost.com, *Utility Pole Replacement Cost Guide 2026* (Dec. 8, 2025), <https://latestcost.com/utility-pole-replacement-cost/>; One and Done Prep, *Utility Pole Replacement Cost and Pricing Guide* (Nov. 26, 2025); <https://oneanddoneprep.com/utility-pole-replacement-cost-pricing/>; Katapult Engineering, *Make-Ready Cost Sharing: Who Pays for What on the Pole?* (accessed Apr. 2026), <https://www.katapultengineering.com/blog/make-ready-cost-sharing>

Independent Tower/Pole Companies: Dedicated infrastructure companies that install and lease poles to multiple telecom providers.

Joint-Use Partnerships: In many scenarios, one utility owns the pole and leases space to another, creating complex multi-owner environments.

Conduit Use/Access Agreement

Subgrantees might prefer to use underground conduit systems already in place to install cabling. It is their responsibility to work with the conduit owners and arrange an agreement/lease.

Conduit access agreements for fiber deployment in Arkansas often require negotiating with municipalities or utility owners to lease existing conduit infrastructure. Conduit owners may issue a Request for Proposal to determine who gets access on what terms if space is limited. Agreements are usually long-term (20-30 year occupancy) and may require revenue sharing or lease payments.

In addition, the following should be considered when deploying in conduit:

- **Dig Once Policies:** Minimize excavation by installing multiple conduits at once.
- **Coordination:** Work with duct/conduit owners to streamline access.
- **Safety and Compliance:** Ensure adherence to safety standards and regulations.
- **Environmental Impact:** Assess and mitigate any potential environmental impacts.

Railroad Authorizations

Railroad crossings are managed in much the same way as attachments made by private pole owners. A “railroad crossing permit” is typically a private real estate authorization from the railroad (or its permit administrator) that grants the right to install and maintain facilities on, under, over, or along railroad property. Railroads commonly use a License Agreement (sometimes called an “encroachment agreement”) and a Right of Entry authorization to govern access for surveys and construction. These agreements take much longer than ROW permits and are often a critical-path risk; as such, network designs strive to avoid crossings or deployment in a railroad ROW. Six to 12 months is typical, while 12-18+ months is not unusual, especially for new crossings. From a grant compliance standpoint, railroad crossings are considered part of the permitting process, and it is highly recommended to flag any encroachment and begin the process as soon as possible.

Even though the agreement is with a private entity, ARDOT has a Railroad Crossing Coordinator to assist rail companies, ARDOT staff, local officials, and others to coordinate

construction projects, inspections, and other highway-related activities occurring within a railroad ROW.³⁰

Railroad Crossing Scenarios

- **True “Crossing” (Perpendicular/Near-Perpendicular):** Crossing occurs when a wireline enters the railroad right-of-way (ROW) on one side and exits on the opposite side, generally along the straightest feasible alignment. Railroads typically prefer near-perpendicular crossings and specify minimum allowable crossing angles.
- **“Encroachment”/Parallel Occupancy (Longitudinal):** An encroachment occurs when a facility enters the railroad right-of-way (ROW) and then runs within or along the ROW for a distance (i.e., parallels the railroad). This configuration is typically considered higher risk and may result in extended review timelines and additional valuation documentation requirements.
- **Temporary Access Only (Surveys/Potholing/HDD Pilot):** Before design approval, railroads often require a Right of Entry permit to conduct surveys, geotechnical borings, potholing, or environmental sampling on railroad property. Some railroads explicitly state that permission is required before entering railroad property.

Arkansas Railroad Permits/Agreements

- Class I railroads (e.g., Union Pacific, BNSF) use an online utility permitting system and standardized engineering requirements.
- Regional/short line railroads (e.g., Arkansas & Missouri Railroad, Missouri & Northern Arkansas Railroad) publish their own application processes, fees, and minimum lead times.

A useful planning tool is the AAR’s Railroad Company Broadband & Utility Crossing Permit Processes reference chart, which consolidates railroad-by-railroad process links and contacts at a high level.³¹

While each railroad has its own standards, the application package typically includes:

- Engineering and Design Package
- Risk and Safety Documentation
- Insurance and Fees

³⁰ <https://ardot.gov/divisions/program-management/railroad-coordination/>

³¹ <https://www.aar.org/wp-content/uploads/2024/03/AAR-Broadband-Reference-Chart.pdf>

Private Landowner Easements

If a network route encroaches upon private land, express permission from the landowner in the form of an access and utility easement is required.

A documented and recorded private utility easement provides the necessary non-possessory property right authorizing the placement and continued presence of subsurface (buried fiber or cable) telecommunications facilities, together with ancillary rights for access, maintenance, repair, replacement, relocation, and network upgrades. Critically, private easements run with the land, ensuring that these rights remain valid and enforceable against future owners and successors in interest throughout the federally required operational period. This is typically called a Utility and Access Easement.

Absent an executed and recorded easement, subsurface fiber installations on private property may be characterized as unauthorized encroachments or trespass, creating material legal risk to the network asset. Such conditions are incompatible with BEAD requirements for demonstrated site control and long-term operational viability and may result in:

- Inability to lawfully access facilities for maintenance or emergency repair.
- Exposure to removal demands or compensation claims by landowners.
- Deficiencies in title, asset security, or insurability.
- Non-compliance findings during subrecipient monitoring or post-award audits.

Accordingly, for BEAD-funded deployments that traverse private property outside of public rights-of-way, recorded private easements are a foundational compliance mechanism. They establish durable legal authority necessary to support construction, ensure uninterrupted network operations, satisfy federal and state oversight requirements, and protect the long-term continuity of BEAD-funded broadband infrastructure.

Subgrantees should work with a real estate attorney or title company to draw up the necessary easement documents for execution. Contacting the landowner can be done in person or through other outreach. Depending on how many easements are needed, the process can be quite lengthy and therefore should begin as soon as possible

The basic steps for acquiring an easement on private property are as follows:

- Confirm property ownership and legal authority for the area.
- Develop the proposed easement scope and alignment.
- Prepare a BEAD-compliant easement instrument.
- Engage the landowner and provide project disclosure.
- Negotiate terms.

- Execute the easement agreement.
- Record the easement in county/municipal land records.
- Retain documentation for BEAD compliance and submit to ARConnect as evidence.
- Proceed with construction based on the terms of the easement.

Utility Locates

Arkansas 811

Coordination with Arkansas 811 is a critical requirement for safe and efficient utility construction. Because underground infrastructure is shared by multiple utility providers, early communication and structured planning help prevent service disruptions, safety hazards, and costly damage. Arkansas 811 serves as the statewide system for identifying existing utilities and organizing excavation activities.

Utility companies should provide 45 to 60 days of advance notice to Arkansas 811 before construction begins. This notice allows Arkansas 811 time to prepare for project demands, schedule meetings, and ensure that locators can plan their workload effectively. Early notice is especially important for broadband and large-scale infrastructure projects involving multiple crews and extended timelines.

811 coordination requires the utility owners to:

- Notify 811 by emailing Mike Gowen or Kristin Bryant:
 - Mike Gowen: mgowen@arkansas811.com
 - Kristin Bryant: kbryant@arkansas811.com
- Include “ARConnect BEAD” in the subject line.
- Arkansas 811 will take over coordination from that point.
- Once notice is received, Arkansas 811 can coordinate pre-construction meetings, identify affected utility owners, issue invitations, and establish a structured communication plan for the project. A sign-in sheet should be used at the meeting and retained as a project contact list for ongoing coordination.

Pre-construction meetings will include:

- Project discussions to ensure that all parties understand the scope of work, construction timelines, and any special considerations that may affect locating activities.
- An opportunity to review applicable laws and guidelines, including the Arkansas Damage Prevention Act.

Utility companies should also ensure that residents and businesses in the project area are aware of upcoming construction activities.

Marking of Utilities

When any utility owner, or its assigned contractor and/or representative, is required, or requested to locate and mark the location of its underground lines/facilities inside highway ROW on pavement, sidewalks, curbs, gutters, structures, etc., the marks shall be made with non-permanent materials (chalk, keel, non-permanent paint, etc.). Failure to comply with this requirement will result in the removal of markings by the utility owner at no expense to the Department.

Fixed Wireless Access

Fixed Wireless Access (FWA) BEAD projects involve additional/alternate permitting and vertical-asset approval considerations, which vary depending on whether the subgrantee is collocating on or modifying equipment at an existing tower, or using BEAD funds to construct a new tower or structure—called a New Site Build (NSB).

New Site Build

In the case of an NSB using BEAD funds, the fixed wireless provider is usually the “attacher” or “tenant” and not the tower owner; however, the BEAD subgrantee is responsible for showing proof that the tower owner or its contractor obtained all of the necessary permits and approvals during their site development and construction process.

New tower construction, like any land development, involves obtaining land use entitlements first and then building or construction permits. Such construction often requires a Special Use Permit (SUP) or a Conditional Use Permit (CUP), depending on the zoning ordinances and regulations. The local county or municipal zoning department should be consulted, as well as the local historic district.

In addition to requiring local permits, new construction of a pad, tower, pole, or other structure primarily for the use of holding telecommunications antennas and equipment is also subject to applicable Federal EHP and NEPA requirements. FWA deployment may also require a temporary generator permit if the tower requires lighting³² and the power has not yet been connected.

A new vertical structure also requires notification and approval from the Federal Aviation Administration (FAA), depending on the tower height. Proposals in Arkansas are processed

³² <https://www.fcc.gov/media/policy/antenna-tower-lighting-and-marking-requirements>

by the FAA's Southwest Region Airports Division. As the subgrantee, you will need to obtain proof of any FAA and FCC approvals.

FAA Notification Requirements (14 CFR Part 77)³³

- **Height:** You must file a notice with the FAA if the proposed tower is more than 200 ft. AGL (above ground level) at its site. You may first pre-screen your tower:³⁴
- **Location:** Notice is required if the tower is located within 20,000 feet of a public-use or military airport and exceeds a 100:1 slope from the nearest point of the runway, or within 10,000 feet and exceeds a 50:1 slope.
- **Special Structures:** Specific notice is required for meteorological towers at least 50 feet above ground level.
- **Timeframe:** Notifications must be submitted at least 45 days prior to construction.
- **Process:** Notices must be filed electronically via the FAA Obstruction Evaluation/Airports Airspace Analysis (OEAAA) website.³⁵
- **Documentation:** Use [FAA Form 7460-1](#), "Notice of Proposed Construction or Alteration."
- **FCC Registration:** Antenna structures requiring FAA notification must also be registered with the FCC, often requiring a final "no hazard" determination from the FAA first.

Existing Towers

Most existing tower collocations and modifications are able to obtain a simple building permit from the local AHJ utilizing a "Section 6409" filing. Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (often referred to as the Spectrum Act) is a federal mandate designed to accelerate the deployment of 5G and other wireless infrastructure by limiting the ability of state and local entities to delay or deny certain tower modifications. It stipulates that a local entity must approve any "eligible facilities request" for the modification of an existing wireless tower or base station that does not "substantially change the physical dimensions" of the facility.³⁶

Key Components of Section 6409

- **"Shall Approve" Mandate:** Local governments cannot deny applications that meet the eligibility criteria.

³³ <https://www.ecfr.gov/current/title-14/chapter-I/subchapter-E/part-77>

³⁴ <https://oeaaa.faa.gov/oeaaa/oe3a/main/#/noticePrescreen>

³⁵ <https://oeaaa.faa.gov/oeaaa/oe3a/main/#/home>

³⁶ <https://docs.fcc.gov/public/attachments/DOC-364459A1.pdf> and <https://docs.fcc.gov/public/attachments/FCC-14-153A1.pdf>

- **60-Day Shot Clock:** The FCC requires that local governments act on these applications within 60 days. If not acted upon within this timeframe (subject to tolling), the request is "deemed granted".
- **Eligible Facilities Request:** This applies to the collocation, removal, or replacement of transmission equipment on existing towers or base stations.
- **Definition of "Substantial Change":** A modification is considered substantial—and therefore not entitled to automatic approval—if it meets specific thresholds, such as increasing the tower height by more than 10% (or one antenna array), adding more than four equipment cabinets, or excavating outside the current site area.
- **Existing Site Definition:** The modification must occur within the existing, previously approved site (the tower compound).

Under Section 6409, municipalities are restricted from requiring extensive documentation, such as service coverage maps or alternative site analysis, for these modifications. Unfortunately, many rural governments have never heard of this FCC ruling and either do not understand it or choose to ignore it. The ruling requires that you send formal notification, but a good approach is to schedule an initial in-person visit to the AHJ and sit down for a planning meeting first.

Section 6409 does not exempt the attacher from permits but streamlines the zoning and building permit approval process. Other specific permits might also be required. Example: If the installation involves new electrical wiring, modifications to electrical components, or the installation of powered equipment, an electrical permit is usually required as well.

NEPA / EHP for Fixed Wireless Projects

All BEAD projects, including those that only involve a collocation or modification on an existing tower or structure, **MUST** be submitted to ARConnect for processing through the NTIA Environmental Screening and Tracking Tool (ESAPTT)³⁷ for a determination.

FCC Licensing Requirements for Fixed Wireless Deployments

Fixed wireless broadband deployments are subject to Federal Communications Commission (FCC) authorization requirements that vary by spectrum band. There is no single FCC license specific to “fixed wireless”; instead, authorization is determined by whether the system operates in licensed, shared, or unlicensed spectrum.

These deployments require FCC authorization only when operating in licensed spectrum. Unlicensed bands may be used without an FCC license, subject to technical rules, while

³⁷ https://broadbandusa.ntia.gov/sites/default/files/2025-07/NEPA_for_BEAD_FAQs_v2.pdf

Citizens Broadband Radio Service (CBRS) operates under a shared access framework that may require either a Priority Access License or Spectrum Access System (SAS) registration, depending on the access tier.

Licensed Spectrum

Fixed wireless systems operating in **licensed spectrum** must hold an appropriate FCC license or operate pursuant to a valid lease from a license holder. Common licensed bands used for fixed wireless access or backhaul include:

- **2.5 GHz (EBS/BRS)**, typically held under geographic licenses or long-term leases.
- **3.5 GHz CBRS Priority Access Licenses (PALs)**, auctioned on a census-tract basis.
- **Microwave bands** (e.g., 6, 11, 18, and 23 GHz) licensed under FCC Part 101, commonly used for backhaul.
- **Higher-frequency bands** such as LMDS (28/39 GHz), generally used for point-to-point applications.

For these deployments, providers must maintain documentation demonstrating control of the applicable FCC license or lease for the project area and term.

Citizens Broadband Radio Service (CBRS)

CBRS (3.5 GHz) operates under a **shared spectrum framework** governed by FCC Part 96 and does not rely exclusively on traditional licensing. CBRS includes three access tiers:

- **Incumbent Access**, reserved for federal users.
- **Priority Access (PAL)**, which requires an FCC license.
- **General Authorized Access (GAA)**, which does not require an FCC license.

Even when operating under GAA, CBRS deployments must use FCC-certified equipment and register each site with an FCC-approved **Spectrum Access System (SAS)**. As a result, CBRS is often described as “license-light” rather than unlicensed.

Unlicensed Spectrum

Fixed wireless systems operating in **unlicensed spectrum** do not require an FCC license but must comply with FCC technical and operational rules, primarily under **Part 15**.

Common unlicensed bands include:

- 2.4 GHz
- 5 GHz
- 6 GHz (Wi-Fi 6E and Wi-Fi 7)
- 60 GHz

While no license is required, operators must use FCC-certified equipment and accept the risk of interference, as unlicensed operations are not protected from other users.

Items Not Considered FCC Licenses

Several approvals commonly associated with fixed wireless builds are **not FCC licenses**, including:

- Antenna Structure Registration (ASR).
- Local zoning and land-use approvals.
- Environmental or historic preservation clearances.
- Pole attachment agreements and right-of-way permits.

These approvals may be required for deployment, but do not authorize spectrum use.

Grant and Compliance Considerations

For broadband grant programs such as BEAD, applicants are typically expected to demonstrate:

- Control of licensed spectrum through FCC licenses or leases, where applicable.
- CBRS authorization strategy, including PAL ownership or SAS registration plans.
- Compliance with FCC equipment certification and operational rules for unlicensed deployments.

The absence of an FCC license does not eliminate the need for documentation; rather, applicants must clearly explain the spectrum regime under which the fixed wireless network will operate.

Best Practices

Linear infrastructure projects, such as fiber deployments, often cross multiple jurisdictions, making it challenging to manage permitting information. Successful permitting begins well before applications are submitted. Subgrantees should plan ahead, stay organized, and establish a clear permitting strategy. Consider hiring a Permitting Specialist or Coordinator, particularly during early project stages. Even if contractors are acquiring permits and other authorizations, the subgrantee is fully responsible for ensuring that all applicable permits have been identified and obtained. Permitting and agreement or authorization coordination should be regarded as a fundamental part of the project process rather than simply a task associated with construction.

Permitting Communications Log

The use of a “permitting communication log” is essential and will provide useful historical knowledge throughout the project. A permitting communication log can be as simple as a spreadsheet used to track all interactions with regulatory agencies, contractors, and internal stakeholders during the permitting process. It ensures that all communication—emails, phone calls, and meetings—is recorded, accountability is established, and changes and progress are documented.

Key components to include the following:

- **Date and Time:** Essential for tracking the timeline of submissions and responses.
- **Contact Information:** Name of the person, their organization, and contact details.
- **Communication Channel:** Method of communication (email, phone, in-person meeting).
- **Topic Summary:** Clear description of the permit (e.g., "Curb Cut Permit #00-1234").
- **Key Discussion Points:** Summary of what was discussed, agreed upon, or requested.
- **Action Items:** Specific tasks, follow-up items, responsible parties, and deadlines.

No Permitting Required

Collection of “No Permit Required” (NPR) documentation is a standard practice as well. Sometimes this letter is part of a formal review process called a “request for determination.” Maintaining NPR documentation helps protect the applicant from future unforeseen legal or compliance issues and demonstrates that the subgrantee has consulted all relevant agencies and local departments.

Larger cities and towns might publish explicit language on their websites identifying when a permit is required, while others may provide this information only over a phone call. Without written proof and a reference to your specific project, you might find out later that the information provided verbally was incomplete or incorrect.

Often, a telephone call or an email to the AHJ with a simple request for a “determination of no permit required” can be handled using a template you send to the AHJ, and they can put it on their official letterhead.

While obtaining a No Permit Required (NPR) determination is not required by NTIA or ARConnect, it can be a valuable tool in the overall permitting process. A sample NPR letter is included in Appendix A to assist with this effort.

Recordkeeping

For each BEAD project, each subgrantee should maintain a centralized administrative record of all:

- Permit applications and deemed complete proof.
- Permit and agreement approvals.
- “No permit required” letters/emails.
- Environmental determinations (CE, EA, EIS).
- Monitoring reports and corrective actions.
- Permitting Communications log.
- Easement matrix tied to route maps.
- ARDOT permit numbers for crossings.

Records should be maintained to support audits, enforcement, and legal defensibility. ARConnect may request permitting applications and supporting source materials (maps, data, etc.) at any time. As the subgrantee, you should conduct your own monitoring schedule throughout the project lifecycle, not solely at milestone disbursements or permit issuance. *It is your responsibility to monitor your vendors and contractors.*



ARConnect

The Arkansas State Broadband Office

Appendix

Appendix A: Subgrantee Certification

Upon submission of the permitting information/template in the Grantor Portal, each subgrantee will be required to certify the following:

The subgrantee hereby certifies that all permits, approvals, authorizations, and permissions required for the proposed project have been identified and disclosed as part of this submission. The subgrantee acknowledges that it is solely responsible for determining, obtaining, and complying with all applicable federal, state, Tribal, and local permitting requirements.

The subgrantee further certifies that all information submitted is true, complete, and accurate to the best of its knowledge. The Arkansas State Broadband Office (ASBO) shall not be responsible for any omissions, inaccuracies, or inadequacies in the information provided, nor for any delays, costs, or impacts resulting from incomplete or incorrect permit-related submissions.

Appendix B: No Permitting Required Letter

Dear _____,

Our company, _____, has received federal funding under the NTIA Broadband, Equity, Access, and Deployment (BEAD) program to build out high speed internet via [fiber/cable/hybrid/fixed wireless] in your area. We are requesting written confirmation that the described broadband project does not require local permits within your jurisdiction. The determination will be used for grant compliance and audit documentation purposes.

Please reply to this email/letter with your determination.

The project details are as follows:

Project Number: _____

Project Name: _____

Applicant / Provider: _____

County / Municipality: _____

General Location (street(s) or area):

Project Scope: *(write the details of the project, including any ground disturbance)*

Please reply to this request on your official letterhead if at all possible.

Thank you for taking the time to review.

Regards,

Name: _____

Title: _____

Phone: _____

Email: _____

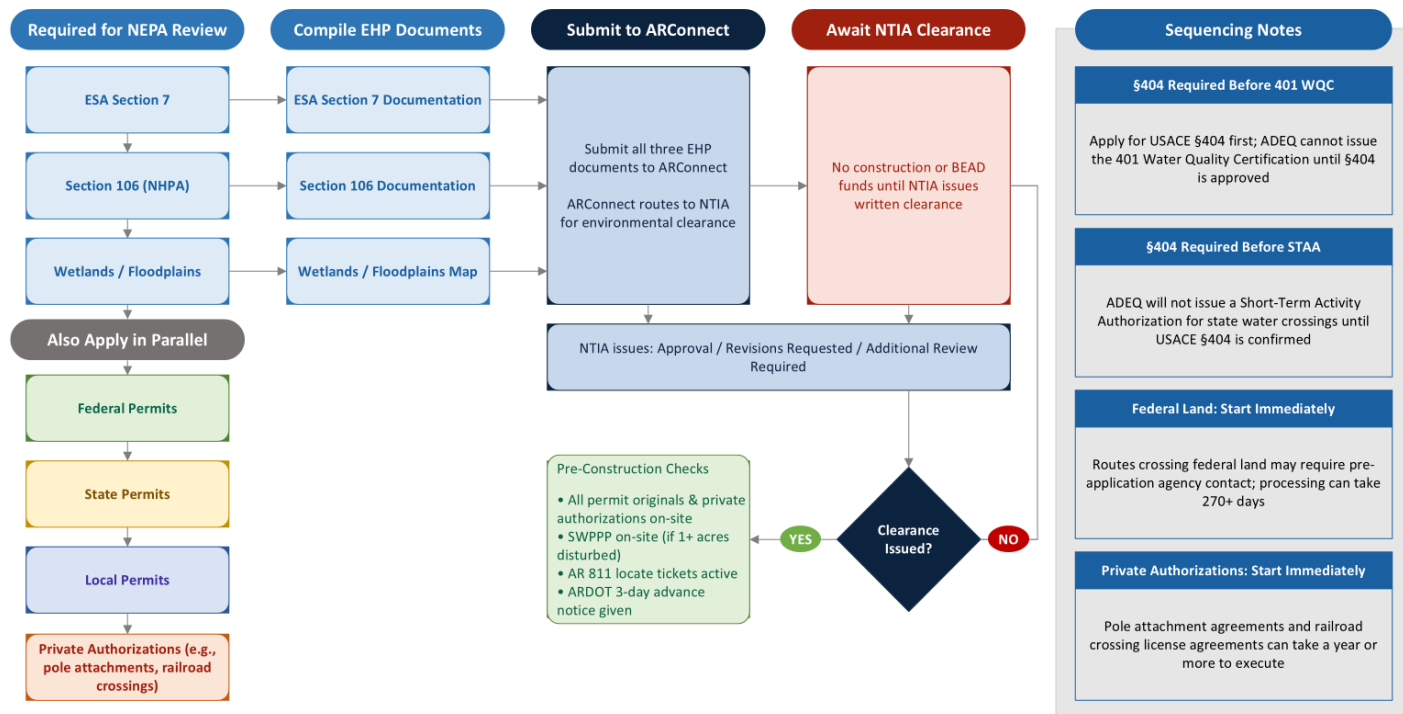
Appendix C: Definitions

Term	Definition	Additional Context/Example
DEQ	Arkansas Division of Environmental Quality	
ADH	Arkansas Department of Health	
AGFC	Arkansas Game and Fish Commission	
AHJ	Authority Having Jurisdiction	Refers to entities that have legal, code-enforcing, or regulatory power over a permit or authorization, such as a fire marshal, building inspector, or planning department.
ARDOT	Arkansas Department of Transportation	
Attaching Entity	Internet service provider attaching to a pole, tower, or other structure	The subgrantee
BEAD	Broadband, Equity, Access, and Deployment	The federal program administered by the NTIA
BMPs	Best Management Practices	
Conduit	A physical pipe or enclosure installed to create a pathway for utilities.	Conduit may contain one or more ducts.
Deemed Complete	Application is deemed complete (aka "administratively complete") when all information required by statute, rule, or application form has been submitted	Means that all required components are included, enabling the technical review phase to begin. Even after an application is deemed complete, the AHJ may still request additional information to evaluate or take final action on the application
Duct	An enclosure that holds broadband facilities such as fiber-optic cable.	
Easement	A nonpossessory interest that allows a person or entity to use a portion of another's land for a specific, restricted purpose, such as utility maintenance or access.	An easement is a general right to use someone else's land for a specific purpose, while a right-of-way is a specific type of easement that allows for passage across a designated portion of land.
EHP	Environmental and Historic Preservation	
ESAPTT	NTIA Environmental Screening and Permitting Tracking Tool	
FAA	Federal Aviation Administration	
GU	General Utility Permits (Minor Work)	Standardized permits that allow utilities installation and operation within a public right-of-way.
Hazmat	Hazardous Materials	
HDD	Horizontal Directional Drilling	
Make-Ready	Work required to prepare existing utility infrastructure, such as poles, conduits, or rights-of-way, so new facilities (like fiber-optic cable) can be safely installed in	

Term	Definition	Additional Context/Example
	compliance with engineering, safety, and clearance standards.	
NEPA	National Environmental Policy Act	
NOI	Notice of Intent	
NOT	Notice of Termination	
NPDES	National Pollutant Discharge Elimination System	
NPR	No Permit Required	
NTIA	National Telecommunications and Information Administration	Federal entity administering the BEAD program.
NSB	New Site Build	In the context of telecommunications towers, the term refers to the development and construction of an entirely new, previously non-existent wireless infrastructure facility.
NWP	Nationwide Permit	
Overlashing	The placement of telecommunications provider, cable television service, or internet access service facilities on existing cable facilities that are already attached within the usable space allocated to an existing Attaching Entity.	Overlashing is not considered a separate Pole Attachment.
Permit	An official document or license from a government agency (local, state, or federal) authorizing construction, modification, or maintenance of telecom infrastructure.	Examples include Right-of-Way (ROW) permits, zoning permits for new towers, EHP, and utility/encroachment permits for aerial/buried fiber.
Private Authorization	Permission obtained directly from a private landowner or entity to access their property or assets.	
ROW	Right-of-Way	A public right-of-way (ROW) for a road is a legal designation that sets aside a specific strip of land for public travel, infrastructure, and transportation purposes. It grants the public the right to pass over this land and allows government authorities to maintain, build, or allow utilities, including broadband, within this area.
STAA	Short-term Activity Authorization	
SWPPP	Stormwater Pollution Prevention Plan	
TCP	Traffic Control Plan	
UD	Utility Permit (Major Work)	
USACE	U.S. Army Corps of Engineers	

Term	Definition	Additional Context/Example
Utility	For purposes of this document, utility refers to broadband infrastructure, together with all appurtenances such as poles, conduit, fiber-optic cables, vaults, cabinets, handholes, and related above-ground and underground facilities.	
WQC	Water Quality Certification	

Appendix D: Application Workflow



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Appendix E: Additional References

Type	Resource	Contact Information
AGFC Natural Resource Review	Arkansas Game and Fish Commission	https://www.agfc.com/resources/environmental-coordination-division/
AGFC Natural Resource Review	Arkansas Game and Fish Commission	https://apps.agfc.com/regulations/01.00-A/
Air Quality Permit	Arkansas Department of Energy and Environment	https://www.adeq.state.ar.us/air/permits/
Air Quality Permit	Arkansas Department of Energy and Environment	https://www.adeq.state.ar.us/air/permits/instructions.aspx
Air Quality Permit	U.S. Environmental Protection Agency	https://www.epa.gov/title-v-operating-permits
Hazardous Waste (Hazmat) Permits	Arkansas Department of Energy and Environment	DEQ Hazardous Waste Division: (501) 682-0833. https://www.adeq.state.ar.us/hazwaste/
Hazardous Waste (Hazmat) Permits	Arkansas Department of Energy and Environment	https://www.sos.arkansas.gov/rules-and-regulations
Hazardous Waste (Hazmat) Permits	U.S. Environmental Protection Agency	https://www.epa.gov/rcra
Hazardous Waste (Hazmat) Permits	Arkansas Department of Energy and Environment	https://www.adeq.state.ar.us/hazwaste/pdfs/HW_GeneratorsFactSheet.pdf
National Pollutant Discharge Elimination System (NPDES)	Arkansas Department of Energy and Environment	https://www.adeq.state.ar.us/water/permits/npdes/
National Pollutant Discharge Elimination System (NPDES)	Arkansas Department of Energy and Environment	https://www.adeq.state.ar.us/water/permits/npdes/stormwater/
National Pollutant Discharge Elimination System (NPDES)	Arkansas Department of Energy and Environment	https://seek.adeq.state.ar.us/
National Pollutant Discharge Elimination System (NPDES)	U.S. Environmental Protection Agency	https://www.epa.gov/npdes/npdes-construction-stormwater-program
National Pollutant Discharge Elimination System (NPDES)	U.S. Environmental Protection Agency	https://www.epa.gov/npdes/stormwater-discharges-construction-activities
Pole Attachment Rules	Arkansas Public Service Commission (APSC)	https://apps.apsc.arkansas.gov/rules/pole_attachment_rules.pdf
Short Term Activity Authorization (STAA)	Arkansas Department of Energy and Environment	https://www.adeq.state.ar.us/water/permits/staa/
Short Term Activity Authorization (STAA)	Arkansas Department of Energy and Environment	https://seek.adeq.state.ar.us/
Wellhead Protection Program	Arkansas Department of Health	https://www.ark.org/health/eng/swp/swapdel.htm
Wellhead Protection Program		https://www.law.cornell.edu/regulations/arkansas/007-04-99-Ark-Code-R-SS-001
Railroad Crossings	Association of American Railroads	https://www.aar.org/arkansas/

Type	Resource	Contact Information
Railroad Crossings	Arkansas Department of Transportation	Paulette Rice, PMP Railroad Crossing Coordinator Email: Paulette.Rice@ardot.gov Phone: (501) 569-2557
Railroad Crossings	Association of American Railroads	https://www.aar.org/issue/right-of-way-access/
Railroad Crossings	Union Pacific Railroad Contact	https://www.up.com/aboutup/community/community_contacts/