

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

STEVE BULLOCK  
GOVERNOR



MIKE COONEY  
LT. GOVERNOR

April 1, 2019

Charles Robison  
State Director, Montana State Office  
Rural Development  
United States Department of Agriculture  
2229 Boot Hill Court  
Bozeman, Montana 59715

Dear Mr. Robison:

The USDA ReConnect program is a great opportunity for rural Montana communities to gain access to reliable broadband and increase connectivity throughout our state. Broadband access and adoption helps promote economic development and social equity, while advancing public health, public safety and educational opportunities for all. Unfortunately, in many of our rural communities reliable, affordable broadband is not a reality. The best data we have indicates 92% of urban Montanans have access to broadband, while only 59% of rural Montanans have access. In reality, the digital divide in Montana is likely greater.

The USDA ReConnect grant will provide critical funding for Montana communities to increase connectivity which can impact regional commerce, education, health and public safety, cultural enrichment, government operations, and add in countless conveniences and efficiencies in Montanans lives. Broadband has become as critical to the future of economic growth as access to electricity.

I offer this letter in response to and documentation for Montana applicants regarding the State Broadband Activities ranking criteria. The application guidelines states:

For projects that are in a State that has a broadband plan that has been updated within five years of the date of publication of this FOA, 10 points will be awarded. An additional 5 points will be awarded for projects located in states that do not restrict utilities from delivering broadband service, and 5 more points for projects located in states that expedite right-of-way and environmental requirements.

Applicants from Montana should be awarded the State Broadband Activity priority points as the state meets the ranking criteria requirements. In 2015, the *Interconnectivity and Telecommunications Report*

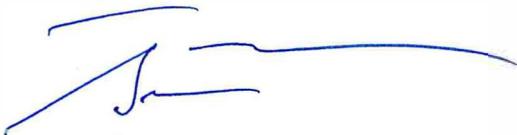
*and Recommendations* (enclosed) was developed by a group of industry leaders. The report gives recommendations and guidance on how the state and its partners can accomplish the objective of ensuring all Montana businesses and communities have efficient and reliable infrastructure, including broadband. The report helps guide the future of broadband in the state and provides recommendations on enhancing broadband and telecommunications access across Montana. The state considers this document to be a statewide broadband plan, which has been updated within 5 years and is readily available online to the public. Found at <http://mainstreetmontanaproject.com/>. Direct link is [http://mainstreetmontanaproject.com/Portals/44/Broadband%20KIN%20Report%20-%20Final%20December%201%2C%202015\\_1.pdf](http://mainstreetmontanaproject.com/Portals/44/Broadband%20KIN%20Report%20-%20Final%20December%201%2C%202015_1.pdf)

Montana Department of Transportation (MDT) has a favorable and accelerated right-of-way process for utilities, including telecommunications. The environmental review process for utilities is regulated by the Montana Department of Environmental Quality (DEQ), and obtaining a utility permit would follow the same process as a general storm water permit. The process to get a storm water construction permit is very quick, generally within a week. The process has been expedited through the Fees, Applications, and Compliance Tracking System (FACTS), which streamlines the permitting process. See the attached document for an outline of both MDT and DEQ's permitting processes. Finally, the state does not restrict utilities from delivering broadband service.

I have also sent a Memo to MDT Director Tooley and DEQ Director McGrath requesting the agencies prioritize right-of-way and environmental reviews for successful USDA ReConnect applicants (attached).

Broadband is critical to economic opportunity, job creation, education, and civic engagement. There are too many parts of our state where broadband is unavailable, and the state is committed to assisting in efforts that support increased connectivity, particularly in our rural areas.

Sincerely,



STEVE BULLOCK  
Governor

## **GUIDELINES FOR UTILITY OCCUPANCY ON HIGHWAY RIGHT-OF-WAY**

Montana Department of Transportation

- MDT's Utility permitting process begins by reviewing and understanding MDT's guidelines:  
[http://mdtinfo.mdt.mt.gov/other/webdata/external/ROW/manual/chapter\\_43.pdf](http://mdtinfo.mdt.mt.gov/other/webdata/external/ROW/manual/chapter_43.pdf)

These guidelines provide basic information on when permits are required (generally for new installations or major modifications to existing); what types of permits are appropriate for the facility (occupancy, encroachment or structure encroachment); along with placement guidelines including proximity to the roadway and right-of-way line, depth, etc.

- After confirming the proposed installation generally complies with MDT's guidelines, it is recommended that the utility reaches out to the appropriate District Utility agent to go over what is being proposed, confirm the correct permit form and understand the required supporting documentation, such as the environmental checklist.
- After discussing the proposed installation with the District Agent, complete the permit along with the supporting documentation and submit to the District Agent.

## **GUIDELINES FOR STORM WATER/UTILITY PERMITTING**

Montana Department of Environmental Quality

Obtaining a utility permit for broadband would follow the same process as a general storm water permit. The process to get storm water construction permit coverage is quick and can generally be completed within a week, as long as the applicant has complete application information and applicant has received sage grouse consultation letter, if needed\*. The process has been expedited through the Fees, Applications, and Compliance Tracking System (FACTS).  
<http://deq.mt.gov/Public/FACTS>). Obtaining an authorization is an administrative exercise (i.e., only a review for completeness) and the process on DEQ's end moves quickly.

The Storm Water/Broadband Construction General Permit includes:

- Notice of Intent Form with the required information
- Storm Water Pollution Prevention Plan (SWPPP)
- Sage Grouse Program Consultation (if applicable)
- Application Fee
- The DEQ requires training for the SWPPP Administrator

\*The Montana Legislature passed the Greater Sage Grouse Stewardship Act (Act) in 2015 establishing the Montana Sage Grouse Oversight Team and the Stewardship Fund Grant Program. Governor Bullock signed Executive Order 12-2015 on September 8, 2015. Taken together, the Act and Executive Order 12-2015 establish Montana's Sage Grouse Conservation Strategy to address population decline and habitat issues proactively and collaboratively. For projects proposed in general habitat or a connectivity area, the consultation process begins after this initial submission. The Program will review the proposed activity to determine whether it complies with all the stipulations, conditions, and recommended practices outlined in Executive Order 12-2015. If so, the Program will send a letter indicating compliance. This letter may also include recommendations and best practices to avoid and minimize impacts consistent with Executive Order 12-2015.

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Steve Bullock  
GOVERNOR



Mike Cooney  
LT. GOVERNOR

## MEMO

**TO:** Director Tooley and Director McGrath  
**FROM:** Governor Bullock *SCB*  
**DATE:** April 1, 2019  
**RE:** Montana Broadband permitting

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### **Broadband Access in Montana**

Broadband access and adoption helps promote economic development and social equity, while advancing public health, public safety and educational opportunities for all. Unfortunately, in many of our rural communities reliable, affordable broadband is not a reality. The best data we have indicates 92% of urban Montana's have access to broadband, while 59% of rural Montanan's have access. In reality, the digital divide in Montana may be even greater. Research estimates there are 245,000 Montanans without access to a wired connection capable of 25mbps download speeds (FCC standard), 218,000 Montanans only have access to one wired provider leaving them with no option to switch, and another 40,000 people in Montana don't have wired internet available where they live.

### **USDA ReConnect Loan and Grant Program**

The USDA Rural Broadband ReConnect Program offers loans and grants to provide funds for the costs of construction, improvement, or acquisition of facilities and equipment needed to provide broadband service in eligible rural areas. This funding opportunity will help expand broadband service to rural areas without sufficient broadband access. This funding could be a great opportunity for our unserved and underserved areas to gain access. The first application deadline will be May 31, 2019

It is my hope that Montana will have some successful applications to fund broadband deployment in underserved and unserved areas. Where feasible, I am requesting that MDT prioritize right-of-way reviews and DEQ prioritize the environmental review and permitting process for broadband deployment of successful USDA ReConnect applicants. This will ensure timely deployment of services and allow applicants to successfully fulfill all grant/loan requirements. The Governors Office of Economic Development will help successful applicants and your agencies through the process and provide assistance where needed.

Broadband is critical to economic opportunity, job creation, education, and civic engagement and the state is committed to assisting in efforts that support increased connectivity throughout Montana.