



Wireless
Infrastructure
Association

TALN: Telecommunications Avian Leadership Network

September 1, 2026

Brian Nesvik
Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240
United States

Re: Request for Interpretation Regarding Year-Round Ground Access to Communications Infrastructure Located Within Bald Eagle Nesting Territory

Dear Director Nesvik:

The Telecommunications Avian Leadership Network (“TALN”) is an industry-led advocacy and educational initiative directed by the Wireless Infrastructure Association (“WIA”) that convenes industry experts and leaders handling compliance with bird-related rules on communications infrastructure. TALN is especially concerned with communications infrastructure located within or adjacent to areas of documented migratory bird nesting activity.

As an industry, we are entirely committed to aligning ourselves with the mission of the U.S. Fish and Wildlife Service (“Service”), including to protect bald eagles, migratory birds, and their habitats. We further recognize that bald eagles remain protected under the Bald and Golden Eagle Protection Act (“BGEPA”), 16 U.S.C. §§ 668-668d, and the Migratory Bird Treaty Act, 16 U.S.C. §§ 703-712 (“MBTA”). With this mission in mind, it is also paramount to our industry to conduct routine ground-level maintenance activities to maintain network reliability, ensure compliance with regulatory obligations, support emergency safety communications, and restore services for first responders.

TALN respectfully invites the Service to provide interpretive guidance of the BGEPA, as detailed further herein, to facilitate year-round ground access to communications infrastructure located within bald eagle (*Haliaeetus leucocephalus*) nesting territories throughout United States for specific, non-disruptive, maintenance and support. We respectfully request that the Service provide an interpretation of the BGEPA that recognizes that routine, ground-level access to existing communications infrastructure located within migratory bird nesting territories may occur on a year-round basis and that these existing use activities do not constitute as contributing to a prohibited “take” or “disturbance” under the BGEPA.

TALN requests that the Service consider within its interpretation permitting: vegetation management, preventative power system maintenance, ground-level equipment maintenance, and emergency repairs within existing infrastructural footprints. We believe that ground-level access activities are distinguishable from the types of disturbance intended to be restricted by BGEPA protections for the reasons set forth below.

In the alternative, should the Service determine that further consideration is required under BGEPA or any other applicable authority, TALN respectfully requests guidance regarding the most appropriate mechanism for obtaining such an interpretation for our nationwide request.

Nature of Requested Year-Round Access

This request does not contemplate ground-level activity that could disturb migratory birds such as the use of heavy machinery, boom trucks, cranes, or excessively loud gas-powered demolition equipment. The ground access we seek encompasses the following existing use activities, conducted at ground level within the existing compounds and the immediate surrounding area:

1. Vegetation management within and immediately surrounding the fenced compound as required for fire safety and equipment ventilation.

Routine vegetation management activities are conducted to maintain safe operating conditions and facilitate site accessibility. Certain municipalities in which TALN operates require routine vegetation management, failure to access these will result in noncompliance with these municipalities.

2. Scheduled preventive maintenance of power infrastructure, HVAC systems, and backup generators within the equipment shelter.

Routine HVAC maintenance, repair, and replacement activities are periodically necessary to ensure proper operation of these systems and to reduce risks associated with overheating.

3. Ground-Level Equipment Updates and Replacements.

As first responders and E911 services rely on our industry to respond to emergency situations, it is pertinent that ground-level equipment is up to date. These are minimally disruptive installations, typically on ground-mounted support structures, including H-Frame installations located within existing compounds.

4. Emergency repair visits necessary to restore service during outages or equipment failures.

Communication outages can necessitate immediate site access to diagnose and repair equipment failures. Ground-level emergency troubleshooting activities generally involve limited personnel and are restricted to the minimum activities necessary to restore communications services.

Justification for Year-Round Access

Communications infrastructure is critical to public safety, including the ability of residents and emergency services to communicate during crises. Service outages can occur without warning at any time of year, and the lack of ground-level access to our industry's infrastructure in migratory bird nesting territories for emergency repairs puts public welfare at risk. To TALN's knowledge, such activity has not resulted in documented nest abandonment or other adverse effects attributable to routine ground-level maintenance. The documented occupancy and continued use of such sites for nesting suggests that limited ground-level maintenance is compatible with successful nesting and fledging of migratory birds.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ Michael Saperstein

Michael Saperstein

SVP, Government Affairs and Chief Strategy Officer

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