

**Before the
U.S. DEPARTMENT OF INTERIOR
Washington, D.C. 20240**

In the Matter of

DOI Regulatory Reform RFI

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Docket No. DOI-2025-0005

COMMENTS OF THE WIRELESS INFRASTRUCTURE ASSOCIATION

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I. Introduction and Summary.

The Wireless Infrastructure Association (“WIA”)¹ respectfully submits these comments in response to the Department of Interior’s (“Department” or “Interior”) Request for Information on Regulatory Reforms (“Regulatory Reform RFI”).² WIA appreciates this timely review of the Department’s rules and regulations that can be removed or streamlined to make a more efficient regulatory program. Federal land permitting, including approvals granted by agencies such as the Bureau of Land Management (“BLM”), Fish and Wildlife Service (“FWS”), and the National Park Service (“NPS”), are an important consideration for many industries but has a particular importance for the wireless industry as it works to deliver high-quality services to fixed and mobile subscribers across the country. In addition to Department subdivisions managing a significant amount of land across the United States, these areas are generally in more rural parts of the country and deployments across them are a key consideration in making advanced communications services available to communities that will most benefit from this investment. Further, communications deployments on Department lands are critical to the use and enjoyment of these resources by providing needed services for visitors and first responders alike.

WIA generally encourages a communications permitting regime which emphasizes predictability, proportionality, and transparency. These core tenants should guide the Department and its subdivisions in making any improvements to its permitting processes. Commonsense reforms, such as consistent and publicly available fee schedules, eliminating duplicative and

¹ WIA is the principal organization representing companies that build, design, own, and manage telecommunications facilities throughout the world. WIA’s members include infrastructure providers, carriers, and professional services firms.

² Request for Information, *Regulatory Reform*, 90 Fed. Reg. 96 21504-06, DEP’T OF INTERIOR (May 20, 2025) [Regulatory Reform RFI].

redundant reviews, and removing outdated requirements will have an outsized impact in improving the communications deployment landscape.

In particular, the wireless industry regularly utilizes a neutral host model, where a single piece of infrastructure is deployed which multiple providers attach equipment to. This model has been a boon for industry and regulators by focusing approvals in a single point that can be more expeditiously approved while reducing the visual and environmental impact of this critical infrastructure. The Department can support these crucial deployments by ensuring that rules recognize where the underlying structure has been properly approved, subsequent attachers can utilize the structure without going through a full review.³

WIA also encourages the Department to capitalize on this opportunity of an agency-wide review to seek opportunities to make the permitting process more consistent across its subdivisions. While recognizing that the needs and obligations of its various subdivisions may vary, the needs of a particular communications deployment—such as the cost to the agency of reviewing the application—are relatively consistent across deployments on federal lands. Making this permitting process more consistent across the Department’s subdivisions will eliminate ambiguities while spurring deployment and investment.

Broadly, the Department currently has two significant directives from Congress to improve the permitting landscape. First, as provided in the MOBILE NOW Act, signed into law by President Trump in 2018, federal land management agencies are directed to streamline the permitting process through the adoption of a common application form and to act on those

³ See, e.g., WIA Comments in *Rights of Way, Proposed Rule*, RIN 1024-AE75, NAT’L PARK SERV. (Aug. 9, 2024) (supporting a streamlined approach for subsequent attachers on neutral host infrastructure).

applications within 270 days.⁴ Unfortunately, this process has still not been fully implemented with the Government Accountability Office (“GAO”) reporting that less than half of communications use applications on BLM lands were being approved within that timeline while over forty percent did not have sufficiently accurate and complete information to determine whether they met the deadline.⁵ WIA strongly urges the Department to dedicate further resources to ensuring its approval process comports with Congressional mandates, including by adopting recommendations from the GAO.⁶

Second, Congress provided substantial changes to how agencies should comply with the National Environmental Policy Act (“NEPA”) in the Fiscal Responsibility Act of 2023 (“FRA”).⁷ In addition to limiting the scope of environmental reviews, the FRA provided a new provision for agencies to adopt the previously approved Categorical Exclusions (“CEs”) of other agencies. WIA has been pleased to see the Department utilize this provision, including NPS recently adopting the National Telecommunications and Information Administration’s (“NTIA”) CEs for communications infrastructure.⁸ WIA encourages the Department to continue to utilize this process in order to add predictability to NEPA reviews.

⁴ Consolidated Appropriations Act 2018, Pub. L. No. 115-141, Division P [Mobile Now Act].

⁵ *Broadband Deployment: Agencies Should Take Steps to Better Meet Deadline for Processing Permits*, GAO-24-106157 (Apr. 2024), <https://www.gao.gov/assets/gao-24-106157.pdf>.

⁶ *Id.* at 21 (recommending implementing better information controls to track applications and establishing methods to alert staff where applications are at risk of exceeding the deadline).

⁷ Fiscal Responsibility Act, Pub. L. No. 118-5 (2023).

⁸ Public Notice, *Notice of Adoption of Categorical Exclusions Under Section 109 of the National Environmental Policy Act*, 90 Fed. Reg. 111 at 24644-50, NAT’L PARK SERVICE (June 11, 2025).

II. The Department Should Implement Existing Directives to Right-Size Communications Use Authorizations.

Recognizing the importance of the services it supports, Congress has passed substantial legislation directed at improving the permitting process for communications infrastructure deployments in recent years; including those on federal lands.⁹ Further, there has been a concerted effort to reign in unwieldy and overly broad environmental reviews under NEPA, leading Congress to pass the first significant overhaul of the statute in 2023.¹⁰ This general sentiment to improve permitting has been maintained by the current administration with the President enacting significant policy guidance to streamline the permitting process across industries.¹¹ However, these efforts to improve permitting have not been fully implemented and numerous barriers to deployment still exist. WIA urges the Department to review its policies and procedures to ensure consistency with legislative and executive directives and support the timely deployment of needed infrastructure.

A. The Department Must Act Quickly to Fully Implement the MOBILE NOW Act.

One of the most significant pieces of legislation enacted on this issue was the MOBILE NOW Act, adopted as part of the Consolidated Appropriations Act of 2018.¹² This law generally directs federal land management agencies to implement consistent and predictable permitting procedures for communications deployments, including the use of a common applications forms, encouraging the use of master contracts, and requiring action on applications within a proscribed

⁹ See MOBILE NOW Act.

¹⁰ Fiscal Responsibility Act.

¹¹ Exec. Order No. 14154, *Unleashing American Energy*, 90 Fed. Reg. 8353, §§ 5-6(a) (Jan. 29, 2025) [“E.O. 14154”].

¹² 47 U.S.C. § 1455(b)-(c).

timeframe.¹³ While progress has been made in implementing this law,¹⁴ a recent report by GAO found that there are still significant deficiencies in implementation.¹⁵ Specifically, in reviewing communications use applications on BLM sites, GAO found that less than half of applications were being acted on within the 270-day requirement.¹⁶ Additionally concerning to WIA members is the more than forty percent of applications that the report identified as lacking sufficient information to determine whether they were acted on within the timeframe, if at all.

This is an untenable status quo, leaving agencies out of compliance with congressional mandates and creating barriers to deployment for communities across the country. Particularly in light of significant federal investments to deploy connectivity to unserved areas,¹⁷ it is imperative that this infrastructure can be deployed in a timely manner and without undue costs that would limit the reach of scarce federal funds. Consistent with the recommendations in that report, WIA supports BLM—and other Department subdivisions to the extent applicable—developing controls to ensure application data is sufficiently accurate and complete to track processing times, analyzing

¹³ MOBILE NOW Act, Sec. 606, Communications Facilities Deployment on Federal Property.

¹⁴ See Final Rule, *Permitting of Rights-of-Way Across National Wildlife Refuges and Other U.S. Fish and Wildlife Service-Administered Lands*, 80 Fed. Reg. 238 at 99732, FISH AND WILDLIFE SERVICE (Dec. 11, 2024); Final Rule, *Rights of Way*, 80 Fed. Reg. 234 at 96535, NAT'L PARK SERVICE (Dec. 5, 2024); Final Rule, *Update of the Communications Uses Program, Cost Recovery Fee Schedules, and Section 512 of FLPMA for Rights-of-Way*, 89 Fed. Reg. 72 at 25922, BUREAU OF LAND MANAGEMENT (Apr. 12, 2024).

¹⁵ See generally *Broadband Deployment: Agencies Should Take Steps to Better Meet Deadline for Processing Permits* (finding that a significant portion of communications permitting applications on BLM and Forest Service lands fail to meet statutory deadlines).

¹⁶ *Id.*

¹⁷ See, e.g., Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, Division F (2021) (providing over \$60 billion in investments for broadband and related infrastructure).

factors that contribute to delays, and establishing methods to alert staff to applications at risk of exceeding the review deadlines.¹⁸

Additionally, WIA recommends the Department make this information publicly available in a manner that protects sensitive business information. Currently, applicants have limited visibility into the approval process and must rely on information provided on an ad hoc basis from Department staff. Increased transparency would allow applicants to be an additional check on ensuring the Department is reviewing applications in a manner consistent with the law and escalate applications that are languishing. This could also benefit Department staff by quickly notifying applicants of any deficiencies in their application and providing the opportunity to cure. Further, giving potential applicants a better sense of how long a specific approval may take would allow them to better plan deployments and allocate sufficient resources.

B. The Department Should Ensure Environmental Reviews are Consistent with Changes in the Law.

Environmental reviews for communications deployments on federal lands continue to be a source of delays for WIA's members. As noted in the RFI, this Administration has provided significant guidance for agencies to streamline and right-size these reviews within their jurisdictions.¹⁹ Additionally, Congress has recently provided guidance and new tools for agencies in the Fiscal Responsibility Act²⁰ along with major court decisions affecting how environmental

¹⁸ *Broadband Deployment: Agencies Should Take Steps to Better Meet Deadline for Processing Permits* at 21

¹⁹ Deregulatory RFI at 21505.

²⁰ Pub. L. No. 118-5 at Sec. 321 (codified at 42 U.S.C. § 4336c).

reviews are carried out.²¹ WIA urges the Department to use all the tools at its disposal to provide timely environmental reviews while ensuring the sustainability and safety of deployments.

Significant changes across the federal government, including legislative, judicial, and executive guidance for environmental reviews makes the Department’s review particularly timely. For example, the authority of the Council on Environmental Quality (“CEQ”)—which has historically provided foundational guidance for how federal agencies may comply with NEPA—has been significantly curtailed in decisions from the D.C. Circuit and the District of North Dakota.²² Additionally, the Supreme Court recently weighed in on this issue, finding that NEPA reviews have become overbroad in some instances where it includes far-removed effects which delay needed projects without significantly modifying the environmental impacts. Finally, all federal agencies are expressly directed to review their NEPA procedures as part of President Trump’s Executive Order *Unleashing American Energy*²³ and to further streamline permitting in the Executive Order *Unleashing Prosperity Through Deregulation*.²⁴ Given these changes, the Department should critically review all NEPA requirements to ensure compliance with changes in the federal landscape.

²¹ See *Seven County Infrastructure v. Eagle Co*, No. 23–975 (May 29, 2025) (limiting the scope of issues to be considered in reviewing an environmental impact statement under NEPA); *Iowa v. CEQ*, No. 1:24-CV-0089 (D.N.D. 2025); *Marin Audubon Soc. v. FAA*, 121 F.4th 902 (D.C. Cir. 2024).

²² *Marin Audubon Soc. v. FAA* (finding that reliance on CEQ guidance was not sufficient to comply with requirements of NEPA); *Iowa v. CEQ* (holding that CEQ did not have sufficient authority to issue binding regulations). See also Removal of National Environmental Policy Act Implementing Regulations, 90 Fed. Reg. 10610 (Feb. 25, 2025) [“CEQ Interim Final Rule”]; CEQ, Memorandum for Heads of Federal Departments and Agencies, Implementation of NEPA (Feb. 19, 2025) <https://ceq.doe.gov/docs/ceq-regulations-and-guidance/CEQ-Memo-Implementation-of-NEPA02.19.2025.pdf> [“Guidance Memorandum”].

²³ Exec. Order No. 14154, 90 Fed. Reg. 8353, §§ 5-6(a) (Jan. 29, 2025) [“E.O. 14154”].

²⁴ Exec. Order 14192 (providing that it is the policy of the executive branch to alleviate unnecessary regulatory burdens placed on the American people).

The department and its agencies can further streamline NEPA reviews by utilizing tools Congress provided under Section 109 of the FRA.²⁵ This provision has already been successfully utilized by Department subdivisions, with NPS recently adopting several helpful CEs originally approved by NTIA.²⁶ WIA supports further use of this authority and for the Department to identify effective NEPA frameworks implemented at other agencies which could further improve DOI reviews. Specifically for communications use applications, WIA encourages the Department to look to the NEPA compliance framework currently being utilized by the Federal Communications Commission (“FCC”).²⁷ This framework has been specifically tailored to communications uses and recognizes the largely minimal environmental impact of these projects. In fact, the FCC framework presumes an application will be categorically excluded unless a specific extraordinary circumstance is present. This light-touch and pragmatic framework has been successful in encouraging the deployment of needed communications infrastructure and, given the changes in NEPA guidance, may be ripe for exporting to other federal agencies.

Finally, WIA encourages the Department to take steps to utilize new technologies to modernize its permitting process including supporting digitization and modernization throughout the applications process. By implementing innovative tools, the Department can also incorporate automation, freeing up critical staff resources and expediting approvals. Efforts are currently

²⁵ Pub. L. No. 118-5 at Sec. 321 (codified at 42 U.S.C. § 4336).

²⁶ *Notice of Adoption of Categorical Exclusions Under Section 109 of the National Environmental Policy Act*, 90 Fed. Reg. 111 at 24644, NAT’L PARK SERVICE (June 11, 2025).

²⁷ See Federal Communications Commission, *Tower and Antenna Siting, National Environmental Policy Act*, <https://www.fcc.gov/wireless/bureau-divisions/competition-infrastructure-policy-division/tower-and-antenna-siting#NEPA> (last visited June 20, 2025).

underway across the federal government pursuant to recent Executive Orders and memoranda.²⁸ These initiatives, such as the CEQ's Permitting Center,²⁹ have immense promise to improve the permitting process by identifying where automation can be utilized and taking steps to implement improvements. Beyond using the tools available, automation will also assist in the Department meeting the goals established in MOBILE NOW.

III. The Department Should Take Additional Steps to Improve the Permitting Process Across Federal Lands.

In addition to implementing existing guidance, the Department should further seek to improve its approval processes for communications use authorizations, ensuring that federal land management agencies maintain a predictable, proportionate, and transparent permitting process. Predictability and transparency can be easily achieved through providing all information practicable to potential and current applicants. This includes the implementation of a common fee schedule and cost recovery estimates for similarly situated deployments. As discussed above, increasing the transparency for applicants during the approval process would also decrease delays and is consistent with congressional guidance. To ensure a review is proportionate to the proposed project, the Department should seek to eliminate duplicative and redundant requirements. Particularly for communications deployments utilizing neutral-host infrastructure, the Department should eliminate onerous processes for subsequent attachers that will not materially alter the previously approved site.

²⁸ See E.O. 14192; E.O. 14154; *Updating Permitting Technology for the 21st Century*; Presidential Memoranda (Apr. 15, 2025).

²⁹ See Memorandum for Heads of Federal Departments and Agencies, *Establishment of Permitting Innovation Center*, COUNCIL ON ENVI. QUALITY (Apr. 30, 2025), https://www.whitehouse.gov/wp-content/uploads/2025/04/Memorandum-CEQ-Establishment-of-Permitting-Innovation-Center_4.30.2025.pdf. See also Council on Environmental Quality, *Permitting Technology Action Plan* (May 30, 2025), https://permitting.innovation.gov/CEQ_Permitting_Technology_Action_Plan.pdf.

Requiring transparency throughout the application process is one of the most impactful changes the Department could make for communications deployments on federal lands. Wireless network deployments are capital- and time-intensive undertakings which require careful planning from network operators and infrastructure providers alike. However, applicants are not provided with details on expected costs, including fees for reviews and cost recovery for the land use, until the application has already been initiated. The Department should seek to adopt fee schedules and cost recovery estimates for similarly situated deployments to ensure applicants can appropriately scope and budget projects.

WIA further urges the Department to consider the proportionality of the review for a given project. Tailoring reviews to the actual expected impact of a proposed project would benefit both project proponents and Department staff by reducing costs and allowing staff to dedicate scarce resources towards those projects with the most significant potential impacts. This is a particularly salient consideration for wireless deployments that rely on neutral host infrastructure. Put simply, where the underlying infrastructure—such as a communications tower—has already been properly permitted, there is limited reason for a subsequent attacher to trigger a full review of the site if the proposed action will not materially alter the site. Colocating on neutral host infrastructure should be encouraged by the Department to reduce visual clutter and expedite the deployment and improvement of critical wireless services. WIA has long advocated for the Department’s subdivisions to recognize this natural efficiency and urges this administration to do so now.³⁰

³⁰ See generally WIA Comments in *Communications Uses Program, Cost Recovery Fee Schedules, and Section 512 of FLPMA for Rights-of-Way*, RIN 1004-AE60, BUREAU OF LAND MANAGEMENT (Jan. 25, 2023); *Streamlining U.S. Fish and Wildlife Service Permitting of Rights-of-Way*, RIN 1018-BD78, U.S. FISH AND WILDLIFE SERVICE (Aug. 23, 2023); *Rights of Way, Proposed Rule*, RIN 1024-AE75, NATIONAL PARK SERVICE (Aug. 9, 2024).

Finally, the Department should specifically seek to remove outdated or inconsistent rules within its constituent bureaus. For example, FWS has already initiated helpful rulemaking to right-size the scope of review under the Endangered Species Act³¹ along with taking the initial steps to revert the application of the Migratory Birds Treaty Act to its intended activity.³² WIA supports these efforts and encourages all Department subdivisions to consider similar ways to remove onerous regulations that delay deployments.

IV. Conclusion.

WIA appreciates this timely review of the Department's procedures and policies to ensure the efficient deployment of infrastructure on the lands within its jurisdiction. Wireless communications deployments on federal lands are critical to ensuring ubiquitous connectivity to all Americans along with enhancing the utilization of these lands by visitors, first responders, and Department staff. By ensuring a consistent permitting process across the Department's subdivisions that focuses on predictability, proportionality, and transparency, the Department can make substantial progress towards these shared goals. Further, WIA encourages the Department to utilize modern digital tools and automation to the extent practicable to ensure the timely approval of this and other types of infrastructure. WIA thanks the Department for this opportunity to provide the insights of the wireless infrastructure industry and stands ready to work with the Department to implement improvements to its permitting process.

³¹ *Proposed Changes to Definition of "Harm" Under the Endangered Species Act*, 90 Fed. Reg. 73 at 16102 (Apr. 17, 2025).

³² *Migratory Bird Permits; Authorizing the Incidental Take of Migratory Birds; Withdrawal*, 90 Fed. Reg. 75 at 16664 (Apr. 21, 2025).

Respectfully submitted,

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June 20, 2025