

**Before the
United States Department of Interior
Washington, D.C. 20240**

In the Matter of)	
Department of Interior)	Docket No. DOI–2025–0005
Request for Information)	90 FR 21504

**COMMENTS
OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

I. INTRODUCTION & SUMMARY

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these comments in response to the Department of Interior (“DOI”) Request for Information (“RFI”) that seeks to identify “existing regulations that can be modified or repealed...to ensure that DOI administrative actions do not undermine the national interest and that DOI achieves a meaningful reduction in regulatory burdens.”² NTCA members deploy and upgrade broadband networks in deeply rural areas, and this often necessitates obtaining access to lands or property managed by the DOI (or the eleven bureaus under its purview such as the Bureau of Land Management (“BLM”) or the Fish and Wildlife Service (“FWS”)).³ In doing so, NTCA members have often found that the process of obtaining a permit to install or upgrade facilities on these DOI managed lands is unclear, inconsistent across bureaus (or even among bureau offices within a state), inefficient, and highly unpredictable. For providers confronting the numerous challenges of

¹ NTCA–The Rural Broadband Association represents approximately 850 independent, community-based companies and cooperatives that provide advanced communications services in rural America and more than 400 other firms that support or are themselves engaged in the provision of such services.

² Department of the Interior Office of the Secretary, Request for Information, Docket No. DOI-2025-0005; 256D0102DM; DS6CS00000; DLSN00000.000000; DX6CS25, 90 FR 21504 (rel. May 20, 2025).

³ NTCA members frequently seek access to lands owned or managed by the National Park Service and the Bureau of Indian Affairs, and these comments address these bureaus as well as the others under the purview of DOI.

operating in rural areas, as noted below, these processes delay consumers' access to much-needed connections and contribute to the already high costs incurred to serve these areas. That said, many of the "points of failure" that exist in these processes can be remedied while ensuring that DOI and its bureaus continue to fulfill the requirements of the National Environmental Policy Act ("NEPA") and the National Historic Preservation Act ("NHPA"). Recognizing that the protection of the environment and the preservation of historical artifacts and property is a vital national interest, and recognizing as well the resource constraints faced by DOI staff in processing permits, NTCA offers herein several proposals to ensure the agency's NEPA and NHPA regulations are administered in a more efficient manner.

II. BROADBAND PROVIDERS SEEKING TO INSTALL FACILITIES ON LAND OR PROPERTY MANAGED BY THE DEPARTMENT OF INTERIOR CONFRONT PERMITTING PROCESSES THAT ARE INCONSISTENT, INEFFICIENT, AND UNPREDICTABLE.

As background, NTCA members are small, community-based providers of voice and broadband services to residences, businesses, and schools and libraries in some of the nation's most remote and rural areas.⁴ Building and operating in these deeply rural areas comes with many challenges, including rocky and mountainous terrain and weather-shortened construction seasons. As they build, operate, and maintain their network infrastructure, low population densities, significant distances from urban centers, and workforce challenges drive up costs and add complications to serving these areas. For these providers, operating under inefficient and unpredictable regulatory regimes or agency practices exacerbates the challenges of serving rural

⁴ NTCA members are primarily wireline voice and broadband service providers, although many also utilize fixed wireless technology to serve their rural consumers. In addition, a small number offer mobile wireless service as well. Thus, NTCA members utilize both buried and ariel fiber as well as wireless towers and other associated network facilities that, at times, must be installed on DOI managed lands or property.

areas. They also drain limited staff resources⁵ and require greater use of outside consultants to navigate byzantine processes, in turn consuming resources that could be better used in serving rural communities.

As context for NTCA’s interest in this specific proceeding, the association’s members have found that obtaining access to federal lands – including those managed by DOI or bureaus under its purview – for broadband facilities installation or upgrade⁶ is frequently an unpredictable, time-consuming, and expensive process that can induce several months’ delay (or longer).⁷ For these rural providers, reaching far-flung rural communities and connecting them to the larger world often necessitates the installation of network facilities on federally owned or managed land. Even as NTCA members strive to design their network construction projects to avoid federally owned or managed lands where possible, the need to cross federal lands is often unavoidable where re-routing deployment can add perhaps dozens of miles of network construction or where locations to be served simply cannot be reached via any other route. In many cases, NTCA members touch federal lands for only a very short portion of a larger overall

⁵ NTCA members have, on average, 35 total employees.

⁶ NTCA members must obtain a permit when installing facilities on federal land or when a project is considered a “major federal action” under NEPA and/or a “federal undertaking” pursuant to the NHPA.

⁷ See Statement by Michael Romano, Executive Vice President NTCA–The Rural Broadband Association, Before the United States House of Representatives Committee on Energy and Commerce Subcommittee on Communications and Technology “Breaking Barriers: Streamlining Permitting to Expedite Broadband Deployment” Washington, DC (April 19, 2023), available at: <https://www.ntca.org/ruraliscool/newsroom/press-releases/2023/19/ntca-executive-vice-president-mike-romano-testifies>; Statement by Michael Romano Executive Vice President NTCA–The Rural Broadband Association, Before the United States House of Representatives Committee on Natural Resources Subcommittee on Federal Lands Legislative Hearing on H.R. 3283, H.R. 3299, H.R. 5401, H.R. 6012, H.R. 7976, and H.R. 8012, Washington, DC (July 9, 2024), available at: https://naturalresources.house.gov/uploadedfiles/testimony_romano070924.pdf

project. With respect to DOI managed lands specifically, NTCA members have reported delays of a year or more to obtain permits from BLM, FWS or other bureaus.

As just one example:

- One NTCA member sought to place fiber under a road under the purview of the BLM. The project was part of a fiber ring meant to improve redundancy and reliability of the operator's network, and the portion touching BLM land was a small percentage of the overall project. Among other costs dedicated to this small component, the provider incurred \$30,000 for an engineering and environmental study. Moreover, the initial permit application was not accepted as complete for nearly a year, during which time the provider received sequential requests for additional information.

Looking forward, it is possible that a number of NTCA members will seek to participate in the Broadband Equity, Access, and Deployment (“BEAD”) program, and these providers will continue as well to leverage private capital, Universal Service Fund support, and Rural Utilities Service and other loan and grant programs to better serve rural America. Many of these projects will necessarily traverse lands managed by DOI (or BLM, FWS, etc), and delays of a year or more driven by inefficient permitting processes will not only affect consumers still awaiting desperately needed broadband connections, but providers attempting to meet tight programmatic buildout timelines.⁸ Moreover, as small businesses, these providers typically do not have construction crews on staff and must instead turn to contractors; these are in short supply as broadband providers all across the nation are putting broadband grants to work. The unpredictable nature of obtaining a permit from DOI can hinder broadband providers’ efforts to hire and retain contractors as the start date for a project remains in limbo or as contractors turn

⁸ See, *Connect America Fund*, et al., WC Docket No. 10-90, et al., Report and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, 38 FCC Rcd 7040 (rel. July 24, 2023), at ¶ 37 (creating the Enhanced Alternative Connect America Cost Model (Enhanced A-CAM) program and adopting “deployment obligations requiring every Enhanced A-CAM recipient to deploy, by the end of 2028, 100/20 Mbps or faster broadband service, with latency of 100 milliseconds or less, to all Enhanced A-CAM required locations in their service areas.”).

elsewhere for work if a NTCA member's project is stuck in neutral pending permission to move forward.

Finally, the current administration has made abundantly clear its desire to remove unnecessary regulatory burdens that limit the efficiency and efficacy of programs such as BEAD. NTCA recognizes that "streamlining" is "easier said than done," and these companies recognize as well the importance of protecting the environment and this nation's historical artifacts. That said, the proposals set forth below can accomplish the aims of NEPA and NHPA in a more efficient and predictable manner. NTCA thus looks forward to working with DOI to putting these proposals into action.

III. THE DEPARTMENT OF INTERIOR AND THE BUREAUS UNDER ITS PURVIEW SHOULD ADOPT STREAMLINED PERMITTING PROCESSES THAT ARE APPLICABLE AGENCY-WIDE.

As noted above, given the nature of the areas they serve, NTCA members often have no alternative, for example, but to install fiber under a road touching property owned or managed by a federal agency such as the DOI. In discussions with members regarding such projects, several common "points of failure" emerge, and each of these contribute to processes that are highly unpredictable and time-consuming, adding unnecessary expense and delay to connect consumers and/or upgrade existing communications facilities. Among these are:

- inconsistent application processes across bureaus (for example, processes can vary from BLM to FWS or from one BLM office to another, even in the same state);
- a lack of clarity and a lack of consistency across agencies and bureau offices as to the supporting documentation or surveys that must accompany a permit application (leading to multiple follow-up and sometimes sequential requests to providers for additional documentation);
- the continued use of "paper" application processes, "wet" signatures, and paper check payments;

- a lack of transparency as to the status of permit applications; and
- difficulty contacting or finding the appropriate DOI or bureau staff to ask questions or attempt to determine the source of delay.

To address such concerns, the DOI should adopt the following amendments to its permitting processes, and apply these to each bureau:

- hold “pre-application” meetings between providers and agency/bureau staff before a permit application is filed. These would allow: (a) bureau and provider staff to review application requirements as well as supporting documentation and surveys that must accompany an application; and (b) providers to work with agency staff to design project routes that have the least impact on environmentally or historically sensitive areas or avoid federal lands if possible;
- application procedures (including documentation and any surveys that must accompany a permit application) should be clear, posted on bureau websites, and applicable to every DOI/bureau office nationwide;
- all bureaus should use online application “portals”⁹ that enable submission of applications and supporting documentation, application tracking, and communication between agency staff and applicants;
- “electronic” signatures and fee payments should be accepted by all bureaus;
- applications once submitted should be processed within a maximum of 270 days,¹⁰ and any requests for additional documentation or surveys should not “toll” this “shot clock;” and
- a complaint resolution process.

The nation’s broadband availability and affordability goals could be undermined by inefficient or ineffective processes to obtain permits for network deployment and upgrades that touch federal lands or property. At the same time, NTCA members recognize the immense challenge that DOI staff face with respect to permitting (including for use of federal lands

⁹ These portals should be accessible by both providers and their outside consultants.

¹⁰ This 270 day shot clock should be a maximum, and in no case supplant shorter time periods already in place at various DOI bureaus should those exist today.

beyond communications facilities), and thus the proposals made herein are geared towards more proactive planning and better communication between permit applicants and agency/bureau staff.

These concrete steps, if taken, will give rise to more efficient and effective permitting.

IV. CONCLUSION

For the reasons set forth above, DOI should pursue the streamlined permitting processes as proposed herein.

Respectfully submitted,



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