

Lake Cell Tower Proposal Yellowstone National Park

Comments by
Public Employees for Environmental Responsibility
October 23, 2012

Our comments concern both the substantial impacts of the proposed tower as well as its approval process employed by the National Park Service (NPS).

1. NPS Public Comment Process Is a Deceptive Sham

The October 15, 2012 press release issued by Yellowstone National Park (YNP) gives the false impression that public input is being solicited on the appropriateness of the Lake-area Cell Tower Proposal:

“Comments will be reviewed by the NPS prior to approving a right-of-way permit for the facility.”

However, as the YNP posted document entitled “Lake Cell Tower and EA Amendment Notice” makes clear, the decision to proceed with this tower “was made in the 2008 Wireless Services Communications Plan Environmental Assessment...and its associated Finding of No Significant Impact [FONSI].”

Instead of commenting on the tower itself, this document makes evident that:

“The public is invited to comment on the categorical exclusion and plan amendment.”

The plan amendment is to drop any future *Federal Register* notice to the public on this project. The Categorical Exclusion is a determination that no further environmental review, including public comment, is required.

In other words, NPS is inviting the public to comment on its decision to preclude further public notice and to dispense with further public comment on the tower itself.

This procedural pretzel crafted by NPS is the antithesis of genuine public involvement and reflects poorly on the quality of its resource planning.

2. NPS Clings to Fiction That Lake Tower Was Already Analyzed

The central thesis propelling NPS’s convoluted position is that this tower proposal was already analyzed four years ago in its comprehensive Wireless Services Communications Plan EA. That is plainly not the case.

First, NPS did not have a specific proposal to analyze in 2008. In fact, it did not have a specific proposal until 2012. The EA, Plan, and FONSI were written in 2008-2009.

Second, what follows is the entire “description” (if it can be called that) offered in the 2008 EA and 2009 FONSI concerning a tower in the Lake area:

p. 84: “A WCF may be located at the existing lattice tower site just northwest of Fishing Bridge junction, near the wastewater treatment facility, or near the water tank in the Lake administrative area.”

p. 102: “Under this alternative, cell service and WCF infrastructure would be allowed at the Lake developed area by the siting of a cell tower at one of two sites: near the existing lattice tower just northwest of the Fishing Bridge road junction near the wastewater treatment facility, or at the existing water tank site near the administrative area...” (Emphasis added)

p. 120: “A new facility will be constructed somewhere in the Lake area following the guidelines set forth in Chapter Two.” (Emphasis added)

FONSI, p. 28: “If a wireless communications facility were to be installed at Lake, it would be located well away from any normal visitor use area, thus mitigating much of the impact to visitors from cooling units associated with WCFs.” (Emphasis added)

How did NPS manage to “analyze” the visual aspects of a tower whose location and height had yet to be determined? No wonder Bret DeYoung, head of YNP’s Wireless Committee, when informed that the original EA and FONSI would be the end of the review process, asked his colleagues in an incredulous e-mail of February 22, 2011:

“Resource guys, do you feel that the EA accurately describes the Verizon project and adequately assesses its impacts?”

His gut feeling, obviously, was that the EA did not accurately describe the Verizon project and adequately assess its impacts. We wholeheartedly agree.

During 2008-9, NPS did not know the height, size of attached arrays, or visual effects of this still conceptual proposal. Nonetheless, NPS contends in its EA Amendment notice that:

“The new proposal was reviewed to determine if the project’s impacts were adequately analyzed in the original documents.”

If the specifics of the project were not known, how could their impacts have been “adequately analyzed”? Moreover, as discussed below, several key aspects of this proposal are still not known (or documented) even at this late date.

3. NPS Completely Ignored Public Input in Its 2009 FONSI Decision

To the extent that NPS contends that the real hard look on this proposal was taken in the 2008 EA and 2009 FONSI, the impacts registered by members of the public were blithely ignored by the agency.

The FONSI for the YNP Wireless Communications Plan concedes that of the more than 2,000 public comments submitted:

“The majority of respondents' comments ...opposed cellular service being added at Lake, favored reducing or consolidating unneeded and/or visually obtrusive wireless infrastructure...and that cell phones created noise pollution, thus reducing solitude.

Some comments objected to any wireless coverage for visitor convenience. A few felt that cell service within the park should be expanded.”

It is obvious that the public's input had no impact on the contours of the plan that YNP had already pre-decided for expanding wireless communications. Similarly, it seems apparent that public comment is irrelevant window dressing to YNP decision-making on this project.

4. Naked Lattice Tower Violates NPS Management Policies

The cell tower in the Lake area will be a 100-foot tall “gray steel lattice tower” (according to the NPS press release) with no attempt to camouflage its appearance.

NPS Management Policies on “Telecommunication Sites” (8.6.4.3) clearly state that “traditional towers (i.e., monopole or lattice) should be approved only after all other options have been explored.”

Through repeated FOIA requests, PEER has examined the decision-making process for this project in detail. Nowhere in that record can we find any alternatives to a lattice tower even identified, let alone explored.

In response to a PEER letter complaining that YNP had failed to examine any alternatives to a steel lattice tower in the Lake area, Regional Director John Wessels acknowledged in a reply letter dated July 24, 2012 that “not all discussions and research were captured in minutes or records,” but that a “summary of these discussions will be included in the materials posted on PEPC [the NPS “Planning, Environment & Public Comment” web portal].” Contrary to that assurance, there is no summary or any information at all in the PEPC documents about alternatives to a metal lattice tower.

NPS Management Policies are binding on all NPS personnel. Waiver of a management Policy requires action by the NPS Director. Thus, absent a waiver of national Management Policies, this project must be rejected in its current form.

In a broader context, it is readily apparent that YNP never seriously explored any non-tower alternatives in any of its wireless communications planning, including the Lake area. Alternatives such as placing 911-only antennas on existing structures or providing

walkie-talkies to visitors who choose to step away from the telephone-rich hotels, lodges, and visitor centers were never considered, let alone analyzed. Instead, YNP wireless planning largely consisted of meetings with telecommunications companies to determine how many cell towers these private interests wished to build in Yellowstone and at which locations.

5. Proposal Violates National Historic Preservation Act

Notwithstanding the fact that the Wyoming State Historic Preservation Office has, without benefit of any site visit, concurred with the YNP contention that the Lake area tower would not have adverse effects on historic or cultural resources, the requirements of the National Historic Preservation Act (NHPA) have yet to be met.

The regulation (36 CFR 800.2) outlining implementation of the public involvement section (Section 106) requires consultations with “participants” which is defined to include the public. This project has not been subject to any public input on its impact on historic resources – and these impacts are undeniable.

NPS acknowledges that the top 30 feet of the tower (the part with the antennas and microwave dishes) will be visible from the Grand Loop Road Historic District. How can this not be an adverse effect? This is the same improper impact NPS eventually acknowledged for the cell tower it also approved without public notice or comment overlooking the Old Faithful Historic District.

There are other historic districts that might be impacted by this 100-foot Lake area tower but it is difficult to tell since not a single map of any of the districts is posted on PEPC.

YNP says that it floated a balloon 100 feet in the air with only minor visible impact, but this claim is difficult to verify without knowing how many people were checking for visual impacts and from which locations across multiple historic districts.

By precluding required Section 106 public review, YNP has not only broken federal law but taken a cavalier “trust us” position with respect to protecting park resources. Contrary to being reassured, the lack of rigor YNP displayed in protecting park resources from needless adverse impacts is disquieting, to say the least.

6. Visual Impact Still a Mystery

There are no details offered at PEPC on the size, color, or configuration of the antennas on the top part of the tower. The Categorical Exclusion Form states only that “four tenants (two cellular companies, one NPS land mobile radio, and one NPS Local Area Network), are expected to occupy the tower.” Another document posted on PEPC (“Yellowstone National Park, Lake Cell Tower and Wireless Communications Plan Amendment”) provides that the –

“project will consist of a 100-foot tall grey steel lattice tower, a 12 by 26-foot single story equipment building, a propane generator, a 57 by 26 by 6-foot tall chain link fence enclosure, underground electrical power lines, and approximately

0.45 mile of communications circuit conduit buried under or directly adjacent to the existing service road and to the nearest telephone service utility pedestal in the housing area.”

None of the posted NPS documents describes the size, color, or configuration of the antennas and microwave dishes – the very part of the tower that will be most visible. Only page C-3 of the Construction Drawings shows the full tower with the antennas and microwave dishes, but in very small print in at least three places on the tower diagram you will find “TBD” which we take to mean “to be determined.”

In other words, the physical attributes of the most visible part of the structure remains a mystery to the public even on the eve of its final approval. This lack of basic information epitomizes the “pig-in-a-poke” posture characteristic throughout YNP’s wireless planning.

7. Categorical Exclusion Is Inappropriate for This Construction Project

NPS Director’s Order (DO) 12 governing application of the National Environmental Policy Act (NEPA) precludes use of a Categorical Exclusion (CE) for construction projects except for minor construction projects. But the guidance for minor construction CE (ironically issued under the signature of then Deputy Director, now YNP Superintendent, Dan Wenk on May 22, 2009) states:

“This CE does not apply to new WTF [Wireless Telecommunications Facility]...”

Moreover, the DO-12 Field guide bars use of a CE for any project which has “the potential to be controversial because of disagreement over possible environmental effects” – an apt description for this cell tower slated for the geographic center of Yellowstone.

In addition, the principal rationale cited by NPS for using a CE (the same bureaucratic device infamously used to green-light the BP Deepwater Horizon operations in the Gulf of Mexico before its disastrous 2010 spill) is that any environmental effects were already analyzed back in 2008. This rationale does not, as noted above, bear up to critical scrutiny.

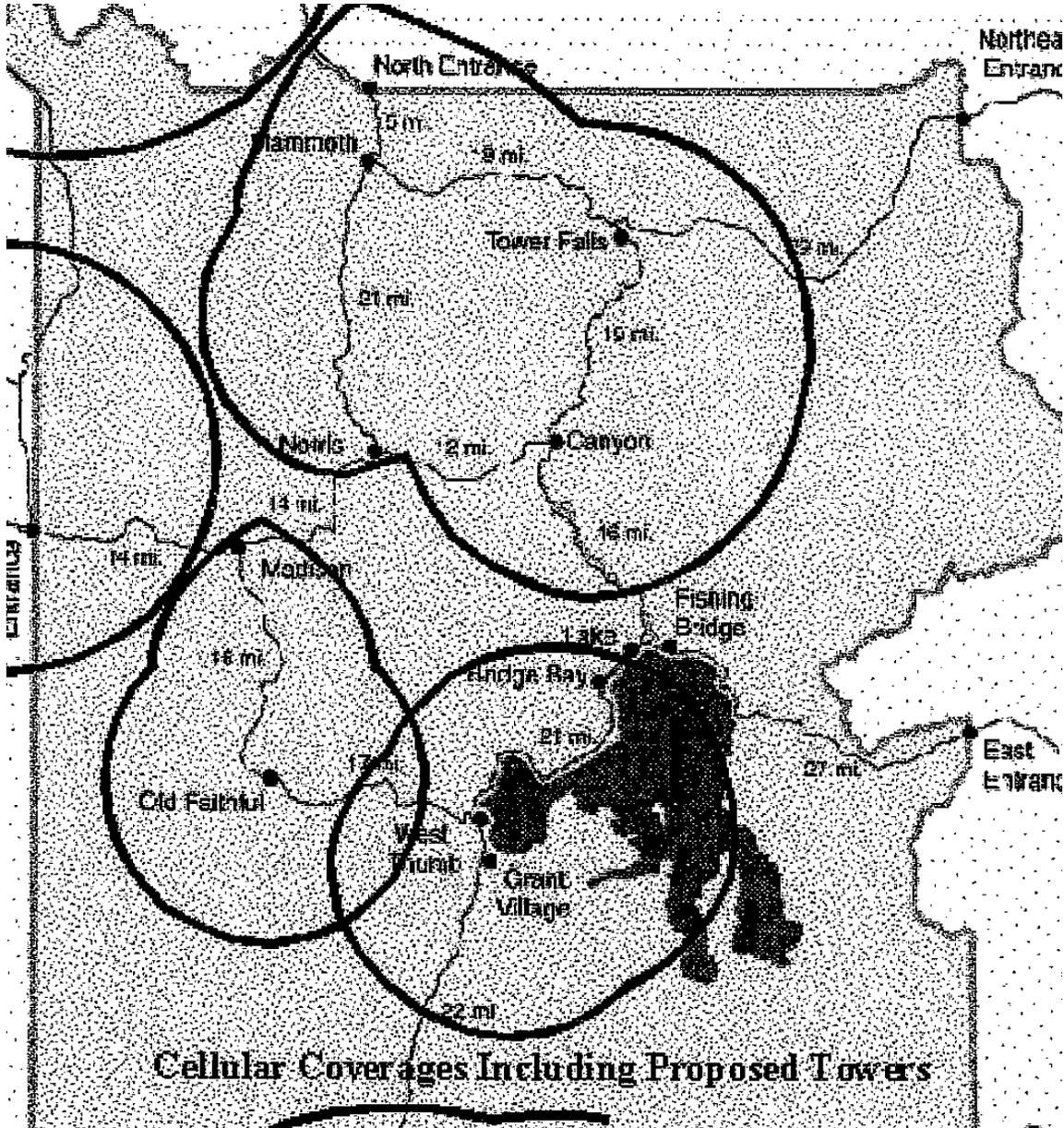
8. Cell Penetration into Backcountry

NPS has posted a coverage map on its PEPC site which makes an inadvertent contribution to modern art but does not give a clear idea what additional coverage this tower will bring to YNP and where. Moreover, the map appears to depict cell signals stopping at waters’ edges, as if these electronic pulses are somehow hydrophobic.

In its materials, YNP has claimed that it has taken steps to minimize cell coverage in park backcountry but it has not identified what those steps were or the extent to which they were successful. As a result, the effect of this tower on natural soundscapes and in disturbing solitude remains unknown.

Similarly, the park is also supposed to preserve natural soundscapes but this project undoubtedly undermines that resource. YNP has not identified a single measure it will undertake to protect natural soundscapes against greater cell phone coverage.

YNP has taken the position that its planning has reined in backcountry cell coverage but the park has yet to publish clear coverage maps to validate that stance. In a 1999 EA, the park predicted this pattern of cell coverage for current and proposed towers, including one near Lake:



This map suggests that approximately two-thirds of Yellowstone, including much of its backcountry, either has or soon will have cellular coverage. In short, Yellowstone has become wired. The result is that park visitors in remote locations and on iconic vistas

will be subjected to the chime of ring-tones and the clueless chatter of cell conversations. This is a profound change that YNP has never analyzed and still seems to feel does not merit serious contemplation.

9. “Visitor Expectations” Versus Park Service Organic Act

When unveiling the first draft of the YNP Wireless Plan, then Superintendent Suzanne Lewis explained that expansion of cell service within the park was intended to satisfy “visitor expectations.” It should be noted that visitor expectations for cell service inside Yellowstone have never been documented. Further, the public comments made on the Wireless Plan suggest that the involved public prefers less rather than more cell coverage inside the park.

Aside from the empirical support (or lack thereof) for these visitor expectations, meeting these expectations is not the purpose of national parks. To quote the NPS Organic Act (16 U.S.C. §1):

“...the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

The prime directive for Yellowstone is to conserve the scenery and prevent disturbing the natural rhythms – in other words, to keep the tendrils of the modern world at bay. Expanding the network of cell towers inside Yellowstone does just the opposite – it enables visitors to bring the electronic ties of the modern world into the temple of nature, displacing the natural sounds and cadences with the ubiquitous chirps, buzzes and ringtones of human artifice.

Conclusion:

NPS should not approve the right-of-way permit for the Lake area cell tower. Instead, it should take its wireless planning back to the drawing board but this time including full participation by residents and visitors – not just the telecom companies.

In addition, any new projects, including this one, should be subjected to full NEPA and NHPA review. To facilitate that review, YNP should make certain that *Federal Register* notices are published for any such projects.

It is important to remember that Yellowstone developed a Wireless Plan to cure the egregiously poor process that led to the construction of the cell tower overlooking Old Faithful – an episode which NPS admits was a mistake. A major purpose of having a plan is to improve public involvement so as to avoid future Old Faithful fiascos. However, instead of improving public participation, YNP has used its planning process to choke off meaningful public review. As a result, Yellowstone seems to have learned nothing from its follies at Old Faithful and appears poised to make the same mistakes again.

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