



## Pacific PEER

### Public Employees for Environmental Responsibility

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July 23, 2020

Inspector General Mark Lee Greenblatt  
U.S. Department of the Interior  
Office of Inspector General  
1849 C Street NW - Mail Stop 4428  
Washington, D.C. 20240

Dear General Greenblatt:

On July 29, 2019, your office released an audit report entitled “The NPS Needs to Improve Management of Commercial Cellular Facilities Right-of-Way Permits and Revenue.” The report cited widespread violations by national parks of public notice, fee collection, and other requirements in approving cellular towers and other wireless facilities.

The report made six recommendations, and the National Park Service (NPS) agreed to implement them all by the end of 2020, with some due dates as early as October 1<sup>st</sup>.

I am writing you on behalf of Public Employees for Environmental Responsibility (PEER), the organization whose complaint prompted your office to undertake this audit. My letter today is to alert you that, since the issuance of the audit report, national parks are continuing to commit the same violations the audit report cited.

For example, on August 15, 2019, two weeks after your audit report was issued, Grand Teton National Park issued a Finding of No Significant Impact (FONSI) approving the largest cellular build-out in NPS history. Grand Teton violated numerous provisions of NPS Reference Manual (RM), including failing to provide before-and-after coverage maps for each of the 13 cell towers proposed (in 9 locations). RM-53 considers coverage maps “fundamental” information in any application for a cellular facility, and the public is entitled to see them.

Meanwhile, at Yellowstone National Park, officials have known for years that a series of five passive reflectors owned by the telecom giant CenturyLink did not have Right-of-Way (ROWs). These facilities were installed and have been operating since 1979.

In examining documents PEER has obtained from Yellowstone, we can find no evidence that the park ever billed CenturyLink for land use fees. Timely collection of fees from all ROW was a key recommendation of your audit report. NPS is supposed to achieve full implementation of this recommendation by October 1<sup>st</sup>.

Further, as it processed a major new Wi-Fi application, Yellowstone failed to document all employee labor and related costs associated with that ROW permit to ensure the correct cost recovery amounts are retained at the parks. As a result, the park has collected nothing for an extensive investment of staff time covering several years. This was another one of the key recommendations in your audit report which parks are supposed to implement by October 1<sup>st</sup>.



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This Wi-Fi ROW is in its final stage of approval following more than two years of negotiations, mostly conducted behind closed doors.

Yet another key recommendation of your audit report was that NPS develop an action plan to ensure compliance with Reference Manual (RM) 53. This policy requires parks to notify the public when it first receives an application, as well as to keep the public informed throughout the review and/or approval process. RM 53 also requires that an application contain “Maps showing the ‘before’ and ‘after’ service levels and signal strength for the proposed WTF [Wireless telecommunication Facility] site(s).”

In PEER’s experience in recent months, parks are routinely ignoring RM 53. Today PEER filed a federal Freedom of Information Act lawsuit against five parks for failing to produce documents they are required by RM 53 to publicly display. The five parks are Olympic, Lake Mead, Bryce Canyon, Crater Lake, and Grand Teton – the latter of which PEER had to sue in 2018 to force disclosure of plans to install 13 new cell towers.

Another recent example is Bryce Canyon National Park, which just approved a new 60-foot cellular tower, but never released the before and after coverage maps or Verizon’s build-out plans for the area, two items required under RM-53.

Similarly, Zion National Park has completely ignored RM 53 for this park’s 2015 Verizon proposal. On June 15, 2017, that park’s superintendent signed, without any public notice, a Categorical Exclusion (CE), which halted any further evaluation of the proposal under the National Environmental Policy Act (NEPA). The questionable category used was C18: “Construction of minor structures, including small improved parking lots in previously disturbed or developed areas.”

Three years after issuing the CE, on June 1, 2020, Zion posted it on the NPS Planning, Environment and Public Comment (PEPC) website under “Park Projects.” (The project is listed at PEPC as “ROW Verizon Wireless Cellular Facility @ Zion Canyon Visitor Center.”) This posting was the first time the public had learned anything about the project, though Zion had been collaborating with Verizon since 2015.

The CE refers to “attached drawings and photo simulation,” but these documents have not been posted with the CE. In response to an inquiry about obtaining these documents, NPS replied that the attached drawings and photo simulation will need to be reviewed by Verizon before being released. PEER has had to submit a Freedom of Information Act request for the missing attachment and related material but have yet to receive a reply from the park.

The upshot is that at this most recent example, Zion has provided almost no public notice and allowed no public input at any stage of this approval process.



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From these experiences in recent months, PEER has concluded that NPS and individual parks approving new commercial wireless facilities have yet to get the message that your office sent them a year ago.

To that end, PEER urges you to reopen the audit to look at all the national park units with wireless facilities and applications to ascertain their compliance with the laws and agency policy requiring public involvement, protection of park resources, and collection of appropriate fees from commercial operators.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Ruch".

Jeff Ruch  
PEER Pacific Director