

# **North Unit Cell Tower Proposal**

## **Theodore Roosevelt National Park**

Comments by  
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Theodore Roosevelt National Park (TRNP) is soliciting comments on the scoping of a proposed project to allow Verizon to construct a 190-foot guyed cellular tower on the site of a radio tower in the North Unit of the park. This would be the second cell tower within the boundaries of TRNP; the other cell tower was built along the western boundary of the South Unit in 2006.

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. Cell Tower Conflicts with the Very Purpose of This Park**

NPS Management Policy 8.6.4.3 provides that “As with other special park uses, telecommunications proposals must meet the criteria listed in sections 1.4.7.1 and 8.2 to prevent unacceptable impacts. In addition, when considering whether to approve, deny, or renew permits, superintendents will... consider whether the proposal would cause unavoidable conflict with park’s mission, in which case the permit will be denied.”

Policy 1.4.7.1 defines unacceptable impacts as “impacts that, individually or cumulatively, would:

Be inconsistent with a park’s purpose or values, or

Unreasonably interfere with... the atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic, or commemorative locations within the park.”

What is the purpose and mission of Theodore Roosevelt National Park? It’s clearly stated in the Long-Range Interpretive Plan of 2011, posted at the Park’s website:

“The beauty, solitude and silence of the park, most evident within its officially designated wilderness area, offer opportunities for personal growth, inspiration, and healing, just as they did for Theodore Roosevelt more than 125 years ago.” (p. 10)

“The spectacular vistas, natural beauty, clean air, and dark night skies of Theodore Roosevelt National Park provide opportunities for solitude, exploration, inspiration, reflection, and spiritual renewal that can fulfill the human need for self-discovery through connection to the land.” (p. 12)

“Visitors want to experience the natural world through solitude, peace, and quiet, away from the cares of everyday life.” (p. 13)

That last statement is worthy of reflection. It’s in the Long-Range Plan under “Desired Visitor Experience.” It is ranked as one of those “most critical to the visitor experience.”

Expanding cell coverage to the North Unit of TRNP which is mostly designated wilderness is a direct and significant sacrifice of the park’s natural soundscape that would then be interrupted by the incessant chirping of electronic devices and loud phone conversations in areas otherwise safe for quiet reflection. More importantly, cellular coverage in this part of the park appears to be a thoughtless and wholesale surrender of the solitude

values which drew Theodore Roosevelt to this place. How may one visiting this park escape the everyday world when park officials have enabled electronic tendrils to inescapably tether visitors wherever they go?

If park officials fail to preserve the “atmosphere of peace and tranquility” and the “natural soundscape maintained in wilderness,” then they have allowed “unacceptable impacts” to occur.

## **2. Blot on Park Scenery**

The park’s scoping statement describes the project thusly:

“To summarize briefly, this project would involve removing the existing tower (200') and equipment support shed. A shorter tower (190') and slightly larger support shed would be constructed approximately 30 feet from the old site. The larger, prefabricated shed is required to accommodate co-locating equipment from Verizon and the park. The existing road (two-track) off Hwy-85 to the current and proposed tower sites would continue to be maintained with additional gravel being placed near the new site to provide a more stable parking platform during tower maintenance.”

Lowering a 200-foot tower to 190 feet would have a negligible impact on park scenery – an impact that would be more than offset by Verizon’s thicker 4G antennas which may well make this new cell tower more visible than the old radio tower.

Moreover, the physical size of this tower alone (190-foot tall) with guyed wires further spreading out its visual impact may actually undermine the NPS legal mandate to conserve park scenery unimpaired.

Looking ahead, however, this tower will also have to accommodate any co-locators that come along. If it is profitable for Verizon to provide coverage from this location, it may be worthwhile for other national or regional providers to add their own facilities, especially to an already erected 190-foot tower. Co-location is NPS policy, so over time the tower may end up looking far worse than it does at the start.

Nowhere in park’s scoping documents is this requirement of co-location mentioned (only Verizon’s antennas are mentioned), but the Environmental Assessment (EA) needs to discuss these cumulative negative effects on park vistas.

## **3. This Is a Nakedly Commercial Use of Public Land – It’s About 4G**

The TRNP scoping statement identifies no discernible park purpose. For example, the project’s “more stable parking platform” is for Verizon’s convenience and is not needed by park personnel for a simple radio tower.

It is obvious that the real purpose of this project is to expand Verizon 4G coverage to its subscribers. Verizon’s website states that 4G LTE gives you “the ability to do more... Watch movies and TV without delay; Enjoy music without awkward pauses; Seamlessly play multi-player games.”

With its never-ending noise and human-centered entertainment, 4G “activities” serve no legitimate park purpose. Nor are they in any way consistent with offering opportunities for “personal growth, inspiration, and healing, just as they did for Theodore Roosevelt more than 125 years ago.” Instead, this proposal is simply a way to help a commercial operation increase its subscriber revenues. As such, it should have no place in a national park.

## **4. Cell Coverage Incompatible with Wilderness Management**

The park’s Long-Range Interpretive Plan declares that:

“The purpose of the Theodore Roosevelt National Park is to...manage the Theodore Roosevelt Wilderness as part of the National Wilderness Preservation System [so that visitors can experience] a remnant of the wild and rugged land Theodore Roosevelt found so compelling.” (ps. 9 and 12)

The North Unit is mostly designated wilderness (about 81%). The road corridor and the eastern portion of the North Unit (where the visitor center is located) are the only parts not designated wilderness. As small as it is, the North Unit's designated wilderness (just 19,410 acres) is the largest tract of designated wilderness in North Dakota.

Since the cell coverage footprint will not be limited to the visitor center area, the tower would make it unavoidable that cell signals would penetrate deeply, if not completely blanket, the wilderness area. Such large scale intrusion of cell signals into designated wilderness is fraught with legal and policy constraints and would also appear to fly directly in the face of the new Director's Order (#41) on Wilderness Management, particularly the provision on protecting natural soundscapes.

Encouraging people to watch Netflix or live sports programming while backpacking in the North Unit would seem to be the antithesis of the "rugged" experience Teddy Roosevelt espoused.

### 5. Coverage Maps Missing

Verizon (and other wireless companies) have no right to determine the extent of coverage in a national park. They may have such power on non-federal land, but the Park Service here may approve a tower only if it is consistent with "conserving the scenery" and preserving the remarkable backcountry experience of the North Unit of Theodore Roosevelt National Park.

It is significant that the scoping documents do not contain a coverage map. Nor is there a map showing how deep into the designated wilderness of the North Unit the signals will reach for various sized towers. For example, what kind of coverage would be available with a 100' tower? What about a 50' tower? What about a small tower that provided coverage only at the North Unit Visitor Center and in the non-wilderness portion of the North Unit?

When park officials examined the impact of the cell tower proposal in 2005 for the South Unit, which bordered that Unit's designated wilderness, they dismissed it as having no impact at all because it was simply replacing a similar sized tower. Here's what they wrote:

**"The proposed action would not cause any direct or indirect impacts on the perpetuation of natural ecological relationships and processes, continued existence of native wildlife and vegetation populations, opportunities for solitude, and opportunities for primitive and unconfined recreation.** The proposed action would cause indirect, negligible impacts from the presence of a permanent human structure near the southern boundary of the wilderness area to the north of the project area—the proposed telecommunications tower. **The proposed tower would be seen from the wilderness area to the north of the project area.** However, since the proposed tower would be the same height as the existing radio tower, **there would be no change to the current conditions and current impacts on wilderness resources caused by the existing tower.**" [Emphasis added]

We are concerned that TRNP officials may attempt to reuse this flawed analysis in a new EA. In addition, TRNP officials need to factor in that the North Unit is wilder (81% wilderness) than the South Unit (less than 25% wilderness), and that modern-day 4G coverage is far different from what existed in 2005.

### 6. Safety Effects Must Be Assessed

There will be new driving dangers in the North Unit if cellular service is allowed. The park's roads are more difficult to drive than roads elsewhere. TRNP's own brochure (2003 edition) warns:

"Drive with caution, especially at night. The park's winding roads and abundant wildlife may yield unexpected surprises."

This would not appear to be a prudent place to add cellular coverage so that drivers would be able to attempt to text while driving.

When Yellowstone National Park officials contemplated cell tower placement they specifically declined to provide coverage to its main roads due to the added dangers of distracted drivers. In addition, Grand Teton National Park has blamed driver distractions on the deaths of numerous large mammals.

Since this is an issue of significant public safety, TRNP must consider conduct a full assessment of it as well as consider alternatives (see below) as part of any EA.

### **7. Design Violates NPS Management Policy**

NPS Management Policy 8.6.4.3 provides that “New traditional towers (i.e., monopole or lattice) should be approved only after all other options have been explored.” NPS officials faced with such a proposal must first consider “co-locating new facilities, constructing towers that are camouflaged to blend in with their surroundings, and installing micro-sites.” In the EA, the Park must discuss and analyze “all other options” to this 190-foot cell tower.

### **8. Park Should Robustly Explore Alternatives**

TRNP officials appear to act as if they are required to grant Verizon a right-of-way for this cell tower. To the contrary, they have several options – including outright rejection of the proposed tower.

It was the Telecommunications Act of 1996 that opened the door to cell towers on federal lands. But that law merely required the President to establish procedures for executive agencies to use when considering applications for telecommunications facilities on federal lands. The Telecom Act does not require TRNP or any other park to approve a single tower. In fact, the legislative history makes it clear that parks have full authority to reject any proposal submitted.

Section 704(c) is the part of the Telecom Act that discusses the placement of cell towers on federal lands. Members of the House Commerce Committee added Section 704(c) to the telecom bill through an amendment on May 17, 1995, and they made it very clear what they had in mind:

“The Committee recognizes, for example, that use of the Washington Monument, Yellowstone National Park, or a pristine wildlife sanctuary, while perhaps prime sites for an antenna and other facilities, are not appropriate and use of them would be contrary to environmental, conservation, and public safety laws.”

The North Unit would seem to be such a “pristine wildlife sanctuary” where modern cell coverage would be inappropriate.

Besides no tower at all, TRNP officials should examine various heights of a new tower, with the goal of seeking minimum penetration of 4G cellular into the backcountry and along the roadway. They should also consider a tower with 911-only antennas (in addition to NPS radio antennas). In addition, TRNP should consider providing Wi-Fi or a wired connection to the Internet (if it doesn’t already exist) at the North Unit Visitor Center as an alternative to 4G coverage across the North Unit.

### **9. Misleading and Inadequate Public Notice**

TRNP issued a press release on December 15, 2014, but then moved it from the main “News Releases” section of their website to the “Archive” for News Releases. On the park’s home page, if you click on “News,” then “News Releases,” you get this: “Sorry, there are no news items currently listed.” You have to click on “Archive” underneath “News Releases” to get to the page with the release from December 15, less than a month ago.

Once the release is located, its heading is “Theodore Roosevelt National Park Proposes Replacement of North Unit Communications Tower.” The summary beneath the headline states that the current tower will be replaced “with a shorter one at the same general location.” There’s no mention that the replacement will be a cell tower. The press release does mention “Verizon equipment” but does not contain the word “cell” or “cellular” anywhere.

The press release does mention that the public may comment via Facebook, and it offers a link to the park’s Facebook page, but if you go there, you will not find anything about this proposal. In contrast, there is an entry for November 22, 2014 that provides: “Theodore Roosevelt National Park invites the public, stakeholders, and local, state, and federal officials to provide feedback on a proposed new fee schedule...” It goes on to provide some background information on the fee proposal and also provides a link to the PEPC site. But there’s not a word here about the new cell tower proposal for the North Unit of the Park.

Even if you do find the release at the park’s website or find the scoping documents (including map and photos) at the NPS PEPC site, there’s only a single place in the four or five documents available that mentions the word “cell,” and even there it’s used in a misleading way. One document is titled “Replace North Unit Radio Tower.” Nowhere in the document is the term “cell tower” mentioned, just “telecommunication tower.” The project is summarized as follows: “Verizon would tear down the old tower and construct the new tower, co-locating both NPS and their equipment on it.”

Another document (“General Project Scoping Document with Supporting Files”) also does not mention the word “cell” tower. Instead, it states: “To summarize briefly, this project would involve removing the existing tower (200’) and equipment support shed. A shorter tower (190’) and slightly larger support shed would be constructed approximately 30 feet from the old site.”

The “Site Location Map” (listed as the “Project Location Map.pdf” at PEPC) is the only document that contains the word “cell.” The map is labeled “Cellular Tower Reconstruction and Co-location.” But this is not a cell tower “reconstruction”; it’s an entirely new cell tower for the area.

Given that this public notice period was largely consumed by the holiday season and conducted in such a cryptic fashion that it seems designed to deflect public attention, TRNP should extend the comment period for at least another month after it has displayed more detailed and accurate scoping materials which give potential public commenters a full understanding of what is being considered.

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