



# Public Employees for Environmental Responsibility

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June 29, 2017

Superintendent David Vela  
Grand Teton National Park  
P.O. Box 170  
Moose WY 83012

## VIA U.S. MAIL & EMAIL

Dear Superintendent Vela:

On behalf of Public Employees for Environmental Responsibility (PEER), I write to express concern about the process being employed by Grand Teton National Park in developing a “telecommunications infrastructure plan.” As detailed below, we believe that the process you are employing violates both National Park Service (NPS) rules and law. Further, this oblique, noncompliant process you have chosen obviates your currently posted solicitation for meaningful public comment and involvement.

By this letter we are requesting Grand Teton National Park (GRTE) withdraw its current scoping posting, bring itself into compliance with law and rule and then reopen the scoping process providing the public at least 30 days in which to comment.

At the heart of our concern is the Park’s description of this process as the preparation of a “plan.” It is clear from the scoping newsletter posted at the NPS Planning, Environment and Public Comment (PEPC) site that the end result of this “plan” may well be approval of four or more specific cell towers for the park.

However, every cell tower proposal must follow a special process (found at RM-53: Special Park Uses, Rights-of-Way, Wireless Telecommunication Facilities) in addition to the normal National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) compliance. You have improperly bypassed the RM-53 process.

RM-53 makes clear that the public must be alerted to the Park’s receipt of a cell tower application within 10 days:

“Receipt of a written application [SF-299] and application fee starts a 120 day clock... Within the first ten days after receipt of an application, the park will use the submitted material to come to an initial decision whether the park’s answer will be yes, no or

maybe...” [See Appendix 5, Exhibit 6, Page A5-50]. Following a ‘yes’ or ‘maybe’ decision by the Park, and “no later than 10 days after receipt of the application, the park will... mail notice to the park’s list of potential interested parties advising of receipt of application, if the park has developed such a list, or by posting a notice of receipt of application for a WTF site in a newspaper of general circulation in the affected area and/or in the nearest metropolitan area newspaper. The purpose of the notice is [in part] to... promote public and local governmental participation...”

GRTE has been receiving SF-299 applications since 2013 without providing any notice to the public. In April 2015, you received the combined SF-299 application that “initiated this planning process” but only now (more than two years later) are you alerting the public to its existence.

Even then, you are state in the “scoping” newsletter that this application is now pending, but you have not posted the actual application so that the public can learn the details.

A complete SF-299 is full of “fundamental” information, including:

- Full description of the requested land or facility use in the park, including proposed number of sites, types of sites, equipment and antennas (including structures) to be located at each site, required new (or modification of existing) electrical and telephone service for each site, location of the sites in the park, and existing or proposed roads to be used for access to the proposed site.
- Maps showing the “before” and “after” service levels and signal strength for the proposed WTF site(s).
- Maps showing all other WTF sites and their coverage operated by the applicant up to a 15 mile radius (or other distance determined appropriate by the superintendent).
- Propagation maps from the applicant showing its proposed buildout of sites within a 15 mile radius of the proposed site within the next five years (or other distance or time frame determined appropriate by the superintendent).
- For each proposed site, a schematic site plan and elevations showing the equipment and antennas to be installed, including supporting structures, connections to telephone and electrical service, and how the applicant will access the site for construction... and ongoing maintenance.
- A realistic photo-simulation acceptable to the park depicting what the proposed WTF(s) and access, if applicable, would look like after installation.

[For the rest of the information required in an SF-299, see Appendix 5, Exhibit 6, Page A5-48 and A5-49]

By contrast, GRTE has posted just one document at PEPC, the “Telecommunications Infrastructure Plan and Environmental Assessment Scoping” newsletter.

Apart from this violation of policy, the process you are employing frustrates the very purpose of public comment. How can you ask for public input, and ask the public to come up with “alternatives” to the proposal, without providing the basic details of the proposal?

To address these concerns, we ask that you post the April 2015 SF-299 now, so that the public has a chance to review the specifics of what is being proposed. Once you post the SF-299 application at PEPC, the public comment period should be extended to allow the public a full 30 days to consider the information in the application, and submit comments on it.

To see how other national parks have complied with the requirements of RM-53, we suggest that you look at Mt. Rainier National Park’s posting of the SF-299 application (and its attachments) during the recent scoping period for its Paradise proposal.

We are also concerned about GRTE’s process lack of compliance with the NHPA and the Section 106 regulations.

There are many national historic sites in GRTE, including Jackson Lake Lodge (a National Historic Landmark), Murie Ranch Historic District, and Jenny Lake Ranger Station Historic District. The Section 106 regulations require that consultation with the public begin “at the early stages of project planning” (36 CFR 800.1(a)). Yet, GRTE has been working with the telecom companies on this “plan” for at least four years, without providing the public with any details on any historic property that might be affected by this large-scale proposal.

Details on every historic property (both designated and eligible for listing) that might be affected should also be posted at PEPC so that the public can learn about these sites and the steps the park might take to protect them from the “introduction of visual... elements that diminish the integrity of the property’s significant historic features,” to mention just one of the considerations (see 36 CFR 800.5(a)(2)).

If you would like to discuss any of these concerns in greater detail, please call me at (202) 265-PEER. We appreciate your attention to this matter.

Sincerely,

Jeff Ruch  
Executive Director

Cc. Regional Director Sue Masica