



Public Employees for Environmental Responsibility

962 Wayne Avenue, Suite 610 • Silver Spring, MD 20910

Phone: (202) 265-PEER • Fax: (202) 265-4192

Email: info@peer.org • Web: <http://www.peer.org>

Proposed Telecommunications Infrastructure Expansions at Mount Washburn and Other Yellowstone National Park Areas

Comments submitted by

Public Employees for Environmental Responsibility (PEER)

March 2, 2017

Introduction

Yellowstone National Park has announced its intent to authorize a massive commercial cellular expansion that would result in a more than a fifty-fold increase in bandwidth, bathing the park and much of its remote backcountry with 4G signals to enable video streaming, music downloads and online gaming. Planned work is so extensive that one of its most visited venues, Mt. Washburn, will be closed to the public during construction.

The sixteen slated telecommunications augmentations include –

- A new 90-foot cell tower at Canyon (the park’s first “monopine”) and a new Verizon microwave tower at Lake, next to a tower that hosts a Qwest microwave dish;
- A new industrial “antenna support structure” at Mt. Washburn, wrapped around three sides of the historic fire lookout tower (which is eligible for the National Register of Historic Places); and
- Facilities to support “increased bandwidth for voice and data” at Old Faithful.

As detailed below, PEER urges that this planned project be withdrawn because, among other flaws, drawbacks and adverse effects, it –

- Improperly impairs park resources and values;
- Illegally avoids statutorily required environmental and historical preservation reviews;
- Violates several National Park Service (NPS) rules to protect scenery and soundscapes and to ensure required public notice and involvement;
- Makes improper use of park resources for purely commercial uses; and

- Diverts substantial resources away from priority YNP infrastructure needs.

COMMENTS

I. This Project Conflicts with Yellowstone’s Very Purpose

The NPS Organic Act (16 U.S.C. §1) provides that –

“...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...”

The Purpose Statement for Yellowstone declares that its mission is to “preserve and protect the scenery, cultural heritage, wildlife, geologic and ecological systems and processes in their natural condition” [<https://www.nps.gov/yell/learn/management/protecting-yellowstone.htm>]. Vastly expanding the network of cell towers inside Yellowstone contravenes these purposes. 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.

Further, 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.”

In short, this massive expansion of microwave and cellular infrastructure in sixteen locations throughout the park is anathema to Yellowstone’s very purpose.

II. Yellowstone Project Presentation Designed to Deceive the Public

YNP’s minimal statements on the exact nature of this project have ranged from cryptically opaque to outright deceptive.

Its principal explanation is contained in a press release of January 30, 2017. This describes the project as “proposed telecommunications infrastructure” at Mt. Washburn and other Park Areas. Nowhere does it admit that this proposal would authorize at least three new cell towers.

Even when it cites a specific location, YNP obfuscates exactly what is being proposed. For

example, the release mentions “an antenna mounting structure” at Mt. Washburn instead of calling it what it is: a new wrap-around, three-sided cell tower at Mt. Washburn.

The press release also states that “multiple antennas” would be relocated to the new structure, but does not mention how many. It also fails to mention that more antennas and microwave dishes would be added to the structure, so there will be more there in the future than there are now.

There are currently at least 35 antennas and microwave dishes on the Mt. Washburn fire lookout. It is never specified how many antennas and microwave dishes will be on the new cell tower when this project is complete.

Perhaps YNP’s central deceit is the absurd claim that “This proposal is consistent with the 2008 Wireless Communications Service Plan.” Not surprisingly, the Park makes no attempt to explain this more than curious position.

Moreover, the Park’s position ignores the history and origins of the Wireless Plan. The Park agreed to produce such a document not eagerly and willingly, but begrudgingly, only after a wave of negative publicity in 2004 about the highly visible Old Faithful cell tower caused public outrage and strongly-worded editorials against the Park’s position. (One such editorial, from the *Idaho Mountain Express*, was headlined, “Old Faithful cell tower is unfaithful blight.”).

The Park ultimately responded with an Environmental Assessment (EA) for its Wireless Plan, leading to a Finding of No Significant Impact (FONSI) which strongly emphasized limiting cellular service in the park. YNP’s press release on its final Wireless Plan in April 2009 stated:

- ✓ “The plan restricts towers, antennas, and wireless services to a few limited locations in the park, in order to protect park resources and limit the impact on park visitors.”
- ✓ “No cell phone service will be allowed in the vast majority of Yellowstone.”
- ✓ “Cell service is currently limited to the immediate vicinity of Canyon, Grant Village, Mammoth Hot Springs, and Old Faithful.”

The Wireless Plan FONSI added this statement (p. 35): “limiting cell service was one of the primary means for the Wireless Communications Services Plan to protect park resources and visitor experience.”

Yet the January 2017 announcement takes the complete opposite tack by declaring the need to “increase the availability of cellular telecommunications that currently limits park operations, visitor safety, and visitor experience.” Although the basis for this statement is not explained, it is no way “consistent” with the restrictive 2008 Wireless Plan.

III. YNP Proceeding in Violation of NEPA

The National Environmental Policy Act (NEPA) requires that federal actions with environmental significance undergo a specific review process. This project obviously is a significant federal action that should trigger NEPA review.

For example, the projects proposal for Canyon is clearly for a new, free-standing cell tower. If

approved, this will be the Park's sixth cell tower. Yet, this proposal was not in any way described or analyzed in the Wireless Plan EA or FONSI.

Similarly, the construction for new wireless structures at Mt. Washburn would be so extensive as to limit, and in some periods totally preclude, public access to one of the most visited site in the Park. Moreover, the project requires that two 2,000-gallon underground tanks be installed 50 feet from the generator on Mt. Washburn. Nowhere is the potential environmental danger of such tanks from leakage, explosions, or other causes even mentioned, let alone analyzed.

Nonetheless, YNP contends that NEPA review is not required because this multi-site project was already analyzed nine years ago in its comprehensive Wireless Services Communications Plan EA. That is plainly not the case.

A. Cumulative Impacts Ignored

YNP does not explore the impacts of the massive bandwidth expansion being proposed. A February 3, 2017 article in the *Jackson Hole Daily* estimated that this project would expand cellular capacity in the park from "4.5 megabytes of data per second" at Lake to "600 megabytes of new capacity at Old Faithful and Grant, Canyon and Lake village areas..." That's a dramatic increase, with consequences for the way people use their phones in the Park, none of which was analyzed in the 2008 Wireless Plan.

Nor did that 2008 Wireless Plan predict the exponential growth of smartphones, since the iPhone was first released in 2008. Thus, the impacts of this technology on such topics as "Visitor Use and Experience," "Park Operations," and others were not discussed in that Wireless Plan.

B. Not All Projects Included

Records obtained by PEER under the Freedom of Information Act (FOIA) indicate that AT&T wants to put more of its antennas on the new structure at Mt. Washburn. This AT&T equipment is not part of the current proposal.

The Park wants to get permission for the structure before they "finalize" how many antennas will be up there. If even today YNP does not know how many and what type of structures it is authorizing, how can it contend these impacts were already analyzed – back in 2008, no less.

The evolution of wireless technology suggests that YNP will keep augmenting its infrastructure in a piecemeal fashion without any assessment of cumulative or even reasonably anticipated impacts. In fact, chances are good that there will never be a "final" version of this proposal, with more and more antennas being "needed" with each passing year.

C. Categorical Exclusion Is Inappropriate for This Construction Project

In its January 2017 news release, YNP states that "A Categorical Exclusion would be prepared for any changes requiring additional National Environmental Protection Act (NEPA) compliance." However, YNP does not bother to indicate the category under which this proposal fits. In fact, reliance on a Categorical Exclusion (CE) for this project would be wholly inappropriate and would not withstand legal review.

NPS Director's Order (DO) 12 governing application of NEPA precludes use of a CE for construction projects except for minor construction projects. However, the scope of work entailed by this project covering 16 sites could hardly be called minor.

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 multi-site, massive wireless expansion.

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, as explained above, does not hold water.

IV. Project Does Not Comply with the National Historic Preservation Act

As there have been no assurances that this project 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.

One of Yellowstone's most iconic features is Mt. Washburn. Its historic fire lookout tower is eligible for the National Register of Historic Places. Mt. Washburn is now festooned with at least 35 antennas and microwave dishes, many of them relating to cellular service in the Park. These have all been added since 1980 (the cellular antennas were added starting in 1996), yet there has been no NHPA analysis performed by the Park, and certainly no examination of the "cumulative effects" of such a conglomeration on the scenery at Mt. Washburn or on the viewshed from this historic structure.

The Park's January 2017 press release ends with this cryptic line: "Yellowstone is also consulting with the Wyoming State Historic Preservation Office on the proposed design..." That statement in no way suggests that YNP is complying with Section 106 in this public comment period.

Park officials are undoubtedly aware that Section 106 review requires public involvement "commencing at the early stages of project planning," yet YNP has been working privately on on the Mt. Washburn part of this proposal with various telecom companies for more than eight years. In all that time, the Park has not allowed the public a meaningful opportunity to comment, as required by Section 106.

In fact, the NHPA Section 106 review has not even begun on the Mt. Washburn portion of proposal. On three occasions since late 2008, the Wyoming State Historic Preservation Officer has written to the park to inform them that they are unable to concur with any "no adverse effect"

determination without having a specific proposal to review. However, no specific proposal has ever been submitted to them, until now. Yet even now, YNP keeps moving the goal-line with an ever-expanding number of new proposed antennas, dishes, and other structures proposed at Mt. Washburn.

V. A Blot on Park Scenery

When U.S. Army General William Tecumseh Sherman climbed to the summit of pristine Mt. Washburn in 1877, he wrote:

“Any man standing on Mt. Washburn feels as though the whole world were below him. The view is simply sublime...”

Today’s hikers would surely agree about the view, but there is one dramatic change to the summit itself: the massive industrial-age structure that General Sherman would certainly not recognize. From the simple fire lookout built in 1939, in the past few decades it has become an ever-growing eyesore, transforming scenic Mt. Washburn into Yellowstone’s primary telecommunications hub.

Since 1916 when Congress created the NPS, Yellowstone officials have been required to “conserve the scenery” of the Park and manage it “unimpaired for the enjoyment of future generations.” YNP’s treatment of Mt. Washburn serves as a prominent exception to this nearly century-old mandate.

While the steady desecration of Mt. Washburn has spanned decades, in just the past few years Yellowstone has allowed an array of at least 35 microwave and cellular facilities to be installed. This project would authorize even more visual damage.

VI. Soundscape Effects Improperly Ignored

NPS Management Policies provide that –

“The Service will take action to prevent or minimize all noise that through frequency, magnitude, or duration adversely affects the natural soundscape or other park resources or values “(4.9)

Notwithstanding that policy, YNP is now advocating actions that would increase ring-tones, music, movie soundtracks, electronic game noises, and all manner of beeps and buzzes throughout the Park by multiplying the bandwidth and coverage of wireless signals.

Moreover, the contention that because YNP seeks to limit cell coverage to developed areas does not preclude impairment of natural soundscapes. While the Old Faithful district is considered developed, the sounds as well as the sights and smells of the geysers are dominant. Due to YNP decisions, the whoosh of a geyser may be punctuated by cell chimes or the sound of a person blaring music or loudly hunting Pokémon. The project would magnify this impact by dramatically expanding bandwidth in this area. In short, this project shows that YNP continues to ignore directives that it is supposed to protect the natural soundscape.

VII. Even More Cell Penetration into Backcountry

This project will bring the clangorous sounds of electronic communication to a much bigger portion of Yellowstone, perhaps to the point where it will be difficult to find a remote corner that is inaccessible to cell phones.

Nor has YNP posted a coverage map on its PEPC site that gives any idea what additional coverage each project component will bring to YNP and where. Moreover, YNP has not displayed a cumulative coverage map depicting the total effect of the project's expanded coverage and signal strength.

Previous coverage maps analyzed by PEER indicate that commercial cell towers located inside Yellowstone Park now send signals to much of its wild backcountry, contradicting official assurances that signal spillover outside developed areas would be kept "to a minimum" and coverage would not reach "the vast majority of Yellowstone."

Approximately two-thirds of Yellowstone, including much of its backcountry, already has cellular coverage. In short, Yellowstone has become wired. This project would increase the bandwidth of signals an estimated fifty-fold. As a result, this project can be expected to increase the adverse effects on natural soundscapes and further disturb the possibility of solitude in the once wild lands of Yellowstone.

VIII. Process Employed by YNP Violates NPS Manual

As required by NPS Reference Manual (RM-53, Special Park Uses, Rights-of-Way, Wireless Telecommunication Facilities, Appendix 5, Exhibit 6, Page A5-48), an SF-299 written application must be submitted by a wireless company to construct a new cell tower on land inside YNP. The SF-299 must contain all of the following:

"full description of the requested land or facility use in the park, including... equipment and antennas (including structures) to be located at each site."

"maps showing the 'before' and 'after' service levels and signal strength for the proposed WTF site."

"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)."

a "copy of the FCC license authorizing the applicant to provide wireless telecommunications services for that area, along with a map showing the boundaries of the authorized service area and the relationship of that area to the park's boundaries"; and

a "realistic photo-simulation acceptable to the park depicting what the proposed WTF(s) and access, if applicable, would look like after installation."

RM-53 (Page A5-51) also requires the park's written response (either a yes, no, or maybe) following receipt of the SF-299 application, as well as notice to "other Telecommunication companies and other interested parties." In addition, that notice must be sent to the Park's "list of potential interested parties" (if the Park has one), or to "a newspaper of general circulation in the affected area and/or in the nearest metropolitan area newspaper."

YNP appears to have ignored all of these required procedural steps. For example, the Canyon proposal does not even have a current SF-299 posted at PEPC and no "before" and "after" coverage maps are provided. (They were provided to PEER in a FOIA request.) The Mt. Washburn proposal does not have a complete SF-299 posted. For example, there are no "before" and "after" coverage maps provided.

The reason this Rule requires that all of this must be provided is so that the public can determine the impact of a cellular proposal. In this project, YNP appears to want to keep the public in the dark about its impacts.

IX. Inaccurate, Unsupported Safety Claim

In its January 2017 release, YNP also alleges that "the availability of cellular telecommunications... currently limits...visitor safety..." It does not explain this claim but it appears to be utterly specious.

YNP states that it wants to limit cell coverage to developed areas. Yet, it is unlikely that visitor safety in crowded areas of the Park depend upon cell coverage. Moreover, it is unclear why expanded bandwidth is needed to make an emergency call.

Moreover, when YNP officials contemplated cell tower placement as part of the 2008 Wireless Plan, they specifically declined to provide coverage to its main roads due to the added dangers of distracted drivers. Grand Teton National Park, for example, has blamed driver distractions for collisions causing the deaths of numerous large mammals.

In fact, this project has nothing whatsoever to do with visitor safety. As YNP official Bret DeYoung recently explained to the *Jackson Hole Daily*, the Park apparently wants more bandwidth to meet the prime time online banking needs of employees and visitors.

X. Questionable Use of Scarce Funds

Although Yellowstone has a billion-dollar maintenance backlog – the biggest infrastructure deficit of any national park – it is prioritizing investments in telecom, such as spending nearly a quarter-million dollars to bring Wi-Fi into the Old Faithful visitor center, over needed sewage upgrades and other basic needs.

Documents obtained by PEER through FOIA also detail other costs of this project. For example, at Mt. Washburn, the project –

- Will require a "huge increase in power consumption" because of this new infrastructure,

according to Northwestern Energy (the Park's power provider). Providing the new power infrastructure is slated to cost \$685,000;

- Nearly a mile of power line replacement will be necessary; and
- There is expected to be damage to the road up to Mt. Washburn. One consultant queried on April 27, 2016 writes: "Not sure how sensitive the trees are but..."

By expediting bandwidth expansion over other needed infrastructure investments, YNP is exhibiting skewed priorities.

XI. Inappropriate Commercial Use of Public Land

As explained above, there is no demonstrated park purpose for this proposal. It is obvious that the real purpose of this project is to expand these commercial carriers' 4G coverage to their subscribers. Verizon's website states that 4G LTE gives its subscribers –

“...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. 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.

Adding injury to this insult, the project work is so extensive that the popular hiking trail up to Mt. Washburn will be closed to the public during construction. Excluding or restricting hikers and other members of the visiting public in order to accommodate work for commercial interests is especially inappropriate in a national park.

XII. Yellowstone Should Robustly Explore Alternatives

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 YNP 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.” (Emphasis added)

YNP officials appear to act as if they are required to grant commercial wireless carriers rights-of-

way. To the contrary, YNP has several options – including outright rejection of this proposed project as well as any further wireless expansion inside Yellowstone.

###