



Public Employees for Environmental Responsibility

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April 9, 2019

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

PEER Comments on Grand Teton's Telecommunications Infrastructure Plan and EA

Dear Superintendent Vela:

On behalf of Public Employees for Environmental Responsibility (PEER), I am submitting this letter and its attachment as PEER's comments on the March 2019 *Grand Teton National Park's Telecommunications Infrastructure Plan and Environmental Assessment* ("The Plan").

The Plan would allow for the installation of more than a dozen new cell towers and an extensive fiber optic cable network within the Grand Teton National Park and John D. Rockefeller Jr. Memorial Parkway (GRTE). The Plan does not provide sufficient justification for a project of this magnitude. Specifically, we have the following five concerns with the plan that are summarized below and explained in more detail in the attached comments:

- The Plan violates NEPA and RM-53 by failing to provide individual coverage maps and other fundamental information;
- The scope of The Plan conflicts with the purpose of the Park;
- The EA improperly dismisses "Wilderness" as an impact topic;
- Other omissions in The Plan may violate NEPA; and,
- The Public has been improperly excluded from the National Historic Preservation Act's Section 106 process.

No other national park has come close to proposing a telecom buildout as extensive as that which Grand Teton has proposed, yet The Plan falls short of the plans used by other Parks. For example, Grand Teton officials could have drafted a document similar to Yellowstone National Park's Wireless Plan of 2008-09 before they began their current effort. Yellowstone's plan outlined the process that "any proposed project" must follow during its consideration. It listed

“mitigation measures” common to all proposals, reviewed the application process that applies, provided “design standards,” and gave examples of “appropriate” and “inappropriate” siting examples (see pages 37-48 of the plan). The Plan for Grand Teton contains no such basic planning provisions.

It appears Grand Teton fully intends to finalize this plan and proceed to build the 13 proposed cell towers and 62 miles of fiber optic cable network, despite the park’s unwillingness to reveal many of the fundamental details of the proposals, as required by NEPA, NHPA, and NPS policy, including the Reference Manual (RM)-53 procedures.

In PEER’s June 29, 2017 letter to GRTE, we set out the clearly established RM-53 process that each cell tower application must follow. The park was not following the specific RM-53 process at that time, and this EA clearly illustrates that you continue to ignore its key provisions. We can only conclude from this (and the internal e-mails that we’ve reviewed) that approval of this massive new telecom infrastructure at Grand Teton is a foregone conclusion, and has been from the start.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Whitehouse".

Timothy Whitehouse
Executive Director

Specific Comments from Public Employees for Environmental Responsibility:

1. The EA Violates NEPA and RM-53 by failing to Provide Individual Coverage Maps and other Fundamental Information

RM-53 requires that a specific process be followed for each tower application received by a national park. RM-53 lays out the roadmap each park is supposed to follow in approving wireless facilities. Grand Tetons has not followed this process and has not provided an explanation as to why it has deviated from this process.

RM-53 requires that an application contain “Maps showing the ‘before’ and ‘after’ service levels and signal strength for the proposed [Wireless Telecommunication Facility].” GRTE has belatedly posted just one map that covers all 13 proposed cell towers. It is impossible to isolate the coverage provided by each tower, and to see the detail required to understand how much coverage is being proposed, and exactly where.

NEPA requires you to “fully consider the impacts of proposals” and “to involve the interested and affected public” in the process (see 2015 NPS NEPA Handbook, p. 5). How can GRTE “fully consider the impacts” of this proposal without seeing the individual coverage maps? How can the public provide input without seeing this critical information?

RM-53 also requires “Maps showing all other WTF sites and their coverage up to a 15-mile radius (or other distance determined to be appropriate by the superintendent).” The park has released no such maps to the public. The public needs to know the extent of coverage provided by towers outside of the park to determine how much coverage the park’s new towers will be adding.

RM-53 also requires “Propagation maps from the applicant showing its proposed buildout of sites within a 15-mile radius of the proposed sites within the next five years (or other distance or time frame determined appropriate by the superintendent).” GRTE’s proposal involves multiple carriers, and the public needs to know what plans these companies have to expand cellular coverage in the region. But again, this fundamental information is absent from the EA.

These coverage maps are the heart of the compliance process. There is nothing privileged or secret about coverage maps or the location of other cell towers in the area. Indeed, cellular companies compete in making claims about which one has the best coverage. Why is this information not part of the EA? Other parks have made this information public during the compliance process for cell tower proposals, including Mt. Rainier, Theodore Roosevelt, and Sequoia-Kings Canyon National Parks.

Finally, the “superintendent assures proper compliance (for instance NPEA, NHPA, etc.) is accomplished for each WTF application.” Why has Superintendent Vela failed to comply with this provision of RM-53 (Page A5-45)?

2. This Massive Cellular and Fiber Optic Proposal Conflicts with the Very Purpose of the Park

National Park Service (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 the 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.”

Grand Teton’s Foundation Document succinctly states the Park’s mission:

“The purpose of Grand Teton National Park is to preserve and protect the spectacular scenery of the Teton Range and the valley of Jackson Hole; protect a unique geologic landscape that supports abundant diverse native plants and animals and associated cultural resources; protect wildlands and wildlife habitat within the Greater Yellowstone area, including the migration route of the Jackson elk herd; and to provide opportunities for enjoyment, education, inspiration, and scientific investigation compatible with these resources for present and future generations.”

The provision of cellular service as proposed is inherently incompatible with preserving Park “wildlands and wildlife habitat” and the other values enumerated above. Cellular companies promote their product based on such “values” as how fast movies or video games can be downloaded and played. Will future visitors to Grand Teton be focused on the “spectacular scenery of the Teton Range,” or looking down at their phones at some live sporting event from New York? Your decision on this proposal will determine whether visitors to the park remain focused on nature’s majesty and the core purpose of the park, or rather on some human-centered entertainment unrelated and incompatible with the park’s purpose.

3. The EA Improperly Dismisses “Wilderness” as an Impact Topic

On page 9 of the EA, GRTE dismisses “Wilderness” as a topic for evaluation and analysis. This contradicts the scoping newsletter released to the public in 2017. In that document, the park lists “Scoping and Issues to be Addressed,” and “Wilderness” is on the list as a “preliminary impact topic.” Why would you list it there and then reject it? Mt. Rainier National Park’s Paradise Cellular Installation Environmental Assessment (May 2017) retained “Wilderness” as an impact topic for further review. Yellowstone’s Wireless Communications Services Plan retained “Wilderness” as an impact topic. Sequoia National Park’s Wuksachi Village Wireless Telecommunications Facility EA (October 2018) retained “Wilderness Character and Visitor

Experience” as an issue for “detailed analysis,” stating that “Access to cell service and cell phone use in the Sequoia-Kings Canyon Wilderness may cause noise such as ringtones, music, and chatter, impacting wilderness character and altering the wilderness experience...” Why are Grand Teton’s officials, charged with protecting a relatively small wild and scenic corner of the world, so out of step with other national parks?

Almost 46% of GRTE is recommended wilderness or potential wilderness, and almost all of John D. Rockefeller, Jr. Memorial Parkway is now eligible for wilderness designation. The GRTE EA mentions the Wilderness Act of 1964 just once, and does not elaborate on what the law provides or protects. In contrast, Mt. Rainier National Park’s Paradise Cellular EA details the values of wilderness before analyzing the specific proposal:

“... a wilderness generally appears to have been affected primarily by forces of nature, with the imprint of man’s work substantially unnoticeable; and has outstanding opportunities for solitude or a primitive and unconfined type of recreation. The purpose of wilderness in the national parks includes the preservation of wilderness character and wilderness resources in an unimpaired condition and, in accordance with the Wilderness Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use (NPS 2006).”

GRTE’s EA emphasizes not the magnificence of its mountain wilderness but simply that “it is not the purpose of the plan to try to provide cellular service to these areas.” It doesn’t matter what GRTE’s “purpose” is if more coverage in wilderness is the end result. You offer no proposal to reduce the strength of signal to the backcountry, though many parks (including Mt. Rainier, Yellowstone, Sequoia, Theodore Roosevelt, and others) have required that cellular antennas be tilted downward to reduce the extent of coverage and thus “spillover.” In contrast, the planning chief at GRTE, Daniel Noon, told the Jackson Hole News and Guide on March 12, 2019 that the park is “not planning to ask telecom companies to direct signals away from the backcountry,” and by so doing restrict “spillover.” GRTE is again out of step with many of its sister parks. If you end up approving any of the 13 cell towers currently under review, we urge you to join the above-named parks and protect the wilderness experience at Grand Teton by insisting on the down-tilting of the panel antennas.

Concerning this vital issue of mitigation, the EA offers only “visitor education on the importance of natural soundscapes and being respectful of other visitors to minimize impacts.” The EA adds, “Education about the importance of wilderness and how to use (or not use) cell phones in wilderness (e.g., etiquette to improve opportunities to solitude) would occur. “ Have you consulted with Yellowstone on this issue? They promised, as mitigation, “cell-phone-free zones” and an education program paid for by the cellular companies. To date (11 years after their EA was issued), no cell-phone free zones have been designated, and no money has been forthcoming from the industry. Some of the signage originally installed has been removed (e.g. near Old Faithful). Many members of the public will not be receptive to your “education” campaign, and it will not provide the result you expect of protecting the wilderness experience for visitors.

4. Other Omissions in the EA Violate NEPA

a. The Organic Act of 1916: GRTE's EA wrongfully omits the NPS Organic Act of 1916 from its "Applicable Laws" section (1.3). The Organic Act is the quintessential guidance for all NPS actions, especially the Act's requirement to avoid "impairment" of Park resources.

By contrast, Yellowstone's Wireless Plan discusses "impairment" and "unacceptable" impacts. Since GRTE's proposal is far larger than any other in history, it is a significant failing that it does not address the concept of impairment of park resources.

b. Roadkill and Distracted Driving: Why is the important issue of roadkill not mentioned and analyzed in the EA? Roadkill has been a concern at GRTE for decades. The park has made significant efforts to control it. How will increased cellular coverage along the park's roads impact the problem? We know it won't make the problem better, but how worse will it get? These are questions that needed to be thoughtfully analyzed in the EA.

Park officials know how serious the roadkill problem is. Any look at your online "News releases" section shows numerous press releases discussing the issue. On June 20, 2016, in the early days of the preparation of this EA, GRTE issued the following release:

"Motorists Reminded to Slow Down and Be Vigilant after Two Bears Hit Sunday"

After describing the death of the two bears, the release continues:

"A total of 37 animals are known to have been struck by vehicles on park roadway [to date] in 2016... Over 100 large wildlife are known to be hit on park roadways annually, with 118 in 2015 and 115 in 2014."

"These unfortunate incidents are an important reminder for all of us to slow down and be vigilant when we travel through the park," said Superintendent David Vela. "... Be especially watchful around dawn and dusk when wildlife are more active."

The public is entitled to learn more about the park's efforts to reduce roadkill, especially if expanded cellular coverage is approved.

c. The Cellular on Wheels (COW) Alternative: There is no mention in the EA of the use of COWs (and other less permanent) alternatives and how those might meet GRTE's needs during the busy summer months. This could have been one of the three promised alternatives considered, but GRTE has chosen to ignore it.

Incidentally, GRTE's Summer 2016 use of a Categorical Exclusion to approve a Cellular On Wheels (COW) at Moose Headquarters illustrates your contempt for NPS policies and procedures. The COW was to be in place from July 1 to October 1, 2016 for a total of three months. The "category" used by the park was D4:

"Issuance of permits for demonstrations, gatherings, ceremonies, concerts, arts and crafts shows, etc., entailing only short-term or readily mitigable environmental disturbance."

This category relates to one-time (often one day) events. How does the approval of a cellular facility for three months fit within this category? It's no wonder GRTE did not issue a press release or otherwise announce its approval of the COW, or make public the issuance of the CatEx. This was a misuse of the permit process, and a distortion of the CatEx exemption.

5. The Public has been Improperly Excluded from the National Historic Preservation Act's Section 106 process.

Section 800.1 of the regulations states that the agency official "shall ensure that the section 106 process is initiated early in the undertaking's planning, so that a broad range of alternatives may be considered during the planning process for the undertaking." The project planning in this case began in 2013. Diamond Communications proposed the elaborate current project in October 2014. GRTE's consultant began drafting the EA in either 2016 or 2017. Yet GRTE's own scoping newsletter makes no mention of Section 106 or the impact the proposal may have on historic properties in the park. GRTE began its formal consultation with the Wyoming State Historic Preservation Office in April 2018, with concurrence of the "no adverse effect" determination occurring on November 21, 2018. No matter how you do the math, this proposal has been under consideration for at least four years, yet the public is only now (March 2019) being invited to comment on the possible impacts of this proposal on historic sites in the park. The EA does not even contain any maps showing the boundaries of historic districts or text describing the details of each historic district, landmark, or building that might be affected. In no way can this be considered involving the public at the "early stages of project planning," as required by Section 106.

In PEER's June 29, 2017 letter to Superintendent Vela, we expressed concerns about being left out of the Section 106 process. We asked that the details of every historic property be posted at PEPC so that we could intelligently participate in the analysis of this complex proposal, but our request was ignored. This is a direct violation of the above-mentioned Section 800.1. Section 800.2 provides that, "The views of the public are essential to informed Federal decision making in the section 106 process." Here, though, the views of the public are unknown, and will remain so because we have not been provided with adequate information on the historic properties at risk.

The only fair way to proceed is for GRTE to release the required additional information (including the coverage maps), and re-open the public comment period for another 30 days.

We appreciate your consideration of our views.