

## Yellowstone's Reflectors in the Wilderness

In October 2019, Yellowstone National Park chain-sawed down more than 100 trees in an area of recommended wilderness in order to remove their shadow from a passive CenturyLink telecommunications reflector.



**Cutting a Wide Swath.** Aftermath of Yellowstone tree-removal operation in recommended wilderness at the request of commercial telecom interests.

PEER submitted a request for documents about this event to the Park under Freedom of Information Act in mid-May 2020. After an initial denial, an appeal, and subsequent communications, the Park ultimately produced some documents (several of which are highly redacted) yielding these somewhat surprising conclusions:

### **1. The CenturyLink Reflector Should Not Be There – for Two Reasons**

#### ***A. Commercial Facilities Are Not Supposed to be Located in Proposed Wilderness***

The National Park Service (NPS) Management Policies require that parks manage proposed and recommended wilderness (where the reflector is located) “for the preservation of the physical wilderness resources, planning for these areas must ensure that the wilderness character is likewise preserved.” Planning for these areas “must ensure that the wilderness character is likewise preserved.” (6.3.1) Installation of machinery (however passive or high-tech) is incompatible with a place’s wilderness character.

While NPS Management Policies may be waived by the Director, Yellowstone had no record of such a waiver. In addition, NPS has not had a Director during Trump’s tenure.

#### ***B. No Right-of-Way (ROW) Was Ever Issued***

Yellowstone was unable to locate a ROW for the reflector, because there isn’t one.

The passive reflector was installed in 1979, but the Park has no records documenting the approval authorizing its installment.

In April 2019 e-mail correspondence between Yellowstone’s Bret DeYoung and CenturyLink referencing the passive reflector, DeYoung states that this reflector and “all of the other CenturyLink facilities are operating without a permit.” This e-mail chain includes messages

from Grand Canyon officials to CenturyLink telling them that they are operating under an expired ROW permit in that park.

In an e-mail dated November 15, 2019, DeYoung refers to “the not completed ROW sent in 2002.” Yellowstone was able to produce a copy of this draft ROW for Qwest (CenturyLink’s predecessor). This nine-page draft specifically mentions four “passive reflectors” and also cites “Additional Terms and Conditions” that:

“No vegetation may be cut or destroyed without first obtaining approval from the Superintendent. Any vegetation that must be removed shall be mitigated as specified by the Superintendent.”

There are no documents describing any mitigation for clear-cutting more than 100 mature trees.

## ***2. Yellowstone Did Not Inform the Public***

Until it sought public comment in 2019 on a parkwide Wi-Fi proposal, the Park did not make any announcements about the passive reflector located in recommended wilderness.

The tree-cutting project was posted at the NPS Planning, Environment and Public Comment (PEPC) website on September 17, 2019, but not for the public to see, as it was posted for internal NPS use only. PEER discovered the tree cutting referenced in other Yellowstone documents provided in response to a completely different Freedom of Information Act request.

## ***3. Yellowstone Never Did Required Environmental Reviews***

PEER sought a copy of any Environmental Assessment from 1979 or 1980 prepared for the original approval of the reflector. A July 1979 letter from Yellowstone referenced such an EA. Yellowstone stated that there are “no responsive documents” to this request. Presumably, the Park did no environmental review prior to authorizing these reflectors.

When the issue of tree cutting arose some 30 years later, Yellowstone eschewed an EA as well. Instead, it declared that the project was Categorically Excluded from further review under the National Environmental Policy Act. The Environmental Screening Form to support this finding answered the question of whether this project would “have significant impacts on... wilderness” by checking a box listed as “No.” Yellowstone also answered “No” to these questions: Would the project have “highly controversial environmental effects” and “highly uncertain and potentially significant environmental effects.”

## ***4. Questionable Rationale for Tree Removal***

Yellowstone provided a Minimum Requirement Analysis (MRA) Worksheet dated September 27, 2019 for the proposed clearing of trees blocking the “microwave beam paths.”

The MRA is part of the wilderness management process, to assure that any denigration of wilderness values is absolutely necessary. The MRA is, by policy, limited to –

“Whether the proposed management action is appropriate or necessary for administration of the area as wilderness and does not cause a significant impact to wilderness resources and character...” (NPS Management Policies 6.3.5)

By its terms, an MRA cannot be used to justify actions benefitting commercial operators.

The Park did provide an “Environmental Screening Form” (as part of the Categorical Exclusion documentation) stating that “a wilderness minimum requirement worksheet will be prepared to develop alternatives.” Yet, Yellowstone’s MRA focused solely on whether the trees should be removed with chainsaws or “non-mechanized tools” – not on whether to remove so many trees or any trees at all.

In addition, the Park also was unable to provide any records showing how much obstruction the trees caused and when that obstruction came to light (the trees were more than 30 years old). The timing of the project seemed to relate to the Wi-Fi proposal currently under consideration, which would include use of the CenturyLink reflector.

The MRA also states that “around 15 trees may need to be dropped.” Later the MRA describes the project as: “Fell up to 20 trees in beam path with chain saw.” Yet when the Categorical Exclusion was issued 13 days after the MRA it specified:

“This project will selectively trim or remove approximately 100 four- to six-inch diameter lodgepole pine trees that have grown up in front of the Old Faithful CenturyLink passive microwave reflector.”

Yellowstone provided no documents explaining why the project grew from the removal of only 15 trees to more than 100.

### ***5. Park Does Not Have Accurate Wilderness Map***

The Park posted and provided PEER its August 1972 Wilderness Recommendation delineating 10 proposed wilderness areas in Yellowstone. However, this map is outdated. The last recommendation sent by the President to Congress on May 11, 1978 was for 2,032,721 acres of Yellowstone wilderness in January 1978.[See [https://www.peer.org/wp-content/uploads/2020/06/AOW-Wilderness-ParkbyPark-Data-Base\\_web\\_2020.pdf](https://www.peer.org/wp-content/uploads/2020/06/AOW-Wilderness-ParkbyPark-Data-Base_web_2020.pdf)]

### **Final Note**

In October 2019, Yellowstone issued a “Bill of Collection” for \$6,179 to CenturyLink for the tree clearing at the passive reflector site. There is no receipt of payment in the records nor is there any itemization explaining whether the high-level Yellowstone staff time was included in the bill or whether that modest amount reflected the full cost of tree removal to the Park and taxpayers.

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