



March 17, 2021

The Honorable Deb Haaland
Secretary of the Interior
Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Haaland:

Public Employees for Environmental Responsibility (PEER) requests that you extend the Suspension of Delegated Authority that you signed on January 20, 2021. That Order suspended the power of Interior agencies to issue, among other things, rights-of-way and easements. The Order expires around March 20, 2021.

PEER is particularly concerned with the issuance of rights-of-way and easements in the national park system. Unlike other Interior agencies, the opportunity to issue such instruments in the parks is limited. The power is not as broad, for example, as it is for the Bureau of Land Management.

According to the Inspector General (IG) of the Interior Department, the National Park Service (NPS) has not properly issued or administered rights-of-way in association with wireless communication sites. The IG Audit Report is entitled, “The NPS Needs To Improve Management of its Commercial Right-of-Way Program” (2018-WR-011, July 2019). This report not only confirmed a PEER complaint concerning illegal cell tower approvals in Yosemite National Park but found those problems were occurring systemwide, including –

- Widespread noncompliance with NPS rules requiring reviews of potential adverse impacts on environmental and cultural resources;
- Failure to even bill for, let alone collect, revenue owed to NPS by telecoms; and
- Lack of oversight to the extent that parks cannot accurately report what they have permitted, and nationally the NPS does not inventory what cell facilities have been built.

The IG issued six recommendations to address these problems, and NPS indicated that it would implement these recommendations by the end of 2020. To date, however, the information PEER has received indicates that NPS has yet to implement any of the findings of that IG report. Most notably, NPS has yet to –

- Compile an accurate inventory of commercial cell towers located on park lands;
- Remove cell towers that have no right-of-way permit or whose permits have long expired; or
- Begin cost recovery of funds owing from telecommunication companies for the rights-of-way and easements they have been granted.

These are not onerous tasks but represent basic responsibilities for any land management agency, yet NPS has been and remains woefully derelict.

Further, we understand that various NPS units, such as Grand Canyon National Park, are in the process of awarding numerous rights-of-way for five new cell towers. The circumstances of these new permits are not publicly available. PEER has had to file Freedom of Information Act requests for basic information about NPS cell permitting. Several parks have not been responsive to our FOIA requests. PEER has an ongoing FOIA lawsuit to obtain permit-related information from Olympic, Lake Mead, Bryce Canyon, Crater Lake, and Grand Teton National Parks. In addition, we have pending but long unanswered requests for such information from Glacier and Zion National Parks.

In order to ascertain the fundamental compliance with permitting requirements, PEER asks that you extend the Order of January 20, 2021, placing a 60-day moratorium on easements and permits for 60 more days, until May 20, 2021, specifically for authorization of wireless communication sites in national parks. We believe that additional time should be sufficient to allow the NPS to improve its performance and correct the defects identified by the IG.

Thank you for your attention to this request. If you have any questions about our request, please feel free to contact me.

Cordially,



Tim Whitehouse
Executive Director