



## **Yellowstone Fiber-Optic Cable Timeline**

### **Gleaned for NPS documents obtained under the Freedom of Information Act**

**November 14, 2023:** Yellowstone National Park's (YNP) internal publication, "Squad Notes," contains the following information:

"DOI Appraisal Valuation Services Office (AVSO) provided Use & Occupancy fees (Federal Lands rent) which will total over \$181,000 in the first year of the permit with 2.75% escalation through the 10-year life of the permit at \$237,039 at the end of the permit. The applicant's response to the fees was not positive."

**November 28, 2023:** "Squad Notes" contains this update with different numbers from two weeks before:

"DOI Appraisal Valuation Services Office provided the Use & Occupancy fees (Federal Lands rent) which will total over \$92,379 in the first year of the permit with 2.75% escalation through the 10 year life of the permit at \$237,039 at the end of the permit."

**December 7, 2023:** YNP's Amanda Brown (ROW Permits Coordinator) sends a Draft ROW Permit to Cedric Shaw, IMR's Realty Specialist. The part of the permit dealing with Use and Occupancy Fees is completely redacted (about half a page). This is the only document with redactions dealing with the fiber optic project.

**December 14, 2023:** YNP Superintendent Sholly sends a letter to Diamond. He attaches a copy of the ROW Permit for Diamond's signature. The "Use and Occupancy" fees are set out for the 10 years of the permit, for each segment of the 190-mile route around Yellowstone. As more of the fiber optic cable is installed, the higher the cost of the fees. Most of it is scheduled to be installed by 2028.

2024-25: \$90,278.50  
2026: \$150,108.82  
2026: \$154,191.84  
2027: \$193,015.68  
2028: \$203,174.40  
2029: \$203,174.40  
2030: \$213,333.12

2031: \$213,333.12  
2032: \$223,491.84  
2033: \$233650.56

**February 14, 2024:** YNP Tech Chief Bret DeYoung tells others that he has set up a meeting for February 20 with Inter-Mountain Region (IMR) Associate Director Aaron Roth to discuss the fiber optic project. DeYoung writes:

“... Aaron would like to be briefed by me to provide assurances that Diamond will meet the needs of the NPS and Concessioners, and not just be focused on Commercial Service Providers e.g. Verizon, AT&T. Aaron not concerned with permit and fee structure and feels that we have that handled.”

**February 22, 2024:** YNP’s Wireless Committee meets, and its agenda provides this update:

"Discussions continue with applicant, WASO ROW, IMR ROW on determination of use and occupancy fee schedules. Executive IMR and Regional Director briefing."

**March 5, 2024:** “Squad Notes” contains the following:

"We may be prepared to route the Right-of-Way permit for final signatures after a March 5 executive briefing with the IMR RD. Mobilization to build the fiber and drop connections at NPS, Xanterra, DNS, and YPSS could occur yet this year. Wireless Service Providers would be connected at a later time while the private companies develop agreements."

**March 12, 2024:** “Squad Notes” provides this update:

“An executive briefing with the IMR RD and Associate NPS Director took place on March 5 and Yellowstone was given the green light to continue to move forward with the right-of-way and any associated contracting actions."

**March 21, 2024:** YNP’s Wireless Committee meets, and its agenda provides this update:

“Drafting ROW, no use and occupancy fee for government use permit.”  
(Emphasis added)

Note that Diamond had objected to the Use and Occupancy fees in November 2023, and the discussions at NPS heated up in February and March 2024 with lots of “briefings” and “discussions.” However, our FOIA request yielded no e-mails discussing this subject (and the relevant regulations) from this five-month period.

**March 28, 2024:** Superintendent Sholly sends another letter to Diamond. He attaches a copy of the ROW Permit for Diamond's signature. This new ROW waives all Use and Occupancy fees pursuant to 36 C.F.R. 14.26(c)(1).

**May 1, 2024:** Diamond signs the ROW Permit. Superintendent Sholly sends it on to Regional Director Kate Hammond:

“I recommend approval of this right-of-way permit and request you sign if you agree with my recommendation.”

**May 18, 2024:** NPS Regional Director Kate Hammond signs the ROW Permit.

**June 10, 2024:** NPS publishes a Proposed Rule in the *Federal Register* "to revise regulations governing the application, processing, and issuance of right-of-way (ROW) permits for lands and waters administered by the NPS... The proposed changes would align NPS processes more closely with those of other Department of the Interior (DOI) bureaus... by broadening methods the NPS can use to determine fair market value." Comments must be received by August 9, 2024. (See FR pages 48850-48865)

**October 21, 2024:** YNP's Amanda Brown sends Diamond a draft Special Use Permit "for the construction of all phases of the Fiber Optic construction in association with Diamond Communications Right-of-Way Permit."

**October 30, 2024:** Diamond meets with Yellowstone officials in the park. Diamond wants to add cell towers and other infrastructure at Norris, Madison, Tower, and Canyon, and even in the Lamar Valley. They want to link these additional sites to the fiber backbone as a way of generating additional revenue. Diamond will spend an estimated \$40 million to build the fiber backbone in Yellowstone.

**December 5, 2024:** NPS publishes the final rule (effective January 6, 2025) on Rights-of-Way. A new section (36 C.F.R. 14.8(e)) now provides that a "permittee may be exempt from paying a use and occupancy fee if their infrastructure is exclusively... for a project that is clearly in the public interest and consistent with the purposes and values of the park area."

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