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**PEER Comments**  
on  
**Yellowstone National Park Wireless Communications Plan**  
**Environmental Assessment**  
**October 30, 2008**

The following comments on the Environmental Assessment (EA) for the Yellowstone National Park Wireless Communications Plan are submitted on behalf of Public Employees for Environmental Responsibility (PEER).

For the reasons articulated below PEER urges the rejection of the National Park Service (NPS) Preferred Alternative (Alternative C). PEER urges the adoption of Alternative B “Reduction in Wireless Services” as well as other steps to protect essential park values.

**Overview Comments**

The following comments relate to the EA and the quality of the Yellowstone National Park (YNP) wireless communications planning effort.

**1. EA Is Based on the False Premise That “Visitor Expectations” Trump Park Values**

The underlying assumption behind the YNP approach to wireless communication is that visitor expectation of, or demand for, these commercial services justifies adverse impacts to park values such as wilderness, views, “soundscapes”, communing with nature and escaping, however briefly, the tethers of the modern world. That is an illegitimate assumption which has no basis in the mission of the NPS.

The Environmental Assessment states that this “plan would protect park resources and values by limiting the types of wireless services and structures in Yellowstone National Park.” That statement is simply not true, as detailed below. More accurately, the YNP Preferred Alternative is less protective of park resources than Alternative B and is only slightly more protective than the most damaging alternative YNP planners could design.

Unmentioned in the EA is this central fact: **wireless communication services are commercial in nature and are being offered by corporate sponsors for financial gain, not to serve park objectives.**

This EA exercise is really about the extent to which YNP will allow adverse impacts upon park resources in order to accommodate corporate permit applicants who seek to utilize national park land and resources for commercial purposes.

Since these telecommunications companies provide a service to people who visit YNP, the park has conflated this commercial enterprise with a public service provided for park visitors. In fact, the EA cites public comments about the availability of commercial cell phone coverage as a gauge of the relative importance of park values. In its introduction, the EA contains this statement:

“The park conducted public scoping in 2006...; comments were received, mostly in support of the proposed plan.”

Not only is this statement factually incorrect but it is offered as an indication that the strength of safeguards for park values will be subject to public referendum. The EA is framed as if popular demand could be the basis for deodorizing the geysers, piping popular music throughout the park or erecting neon signs to announce the location of video gaming stations scattered across the backcountry.

Moreover, YNP solicited concessionaire employee input as to which amenities they would like to have in park lodging. This solicitation is not mentioned in the EA nor is the issue of what obligation YNP has to provide amenities for contract workers which adversely affect park resources. YNP appears to include the preferences of concessionaire employees in its evaluation of “visitor experience”.

In this regard, the EA assumes a direct relationship between commercial wireless communication services and the “park experience” – but that relationship is oblique, at best, and nowhere spelled out in the EA.

## **2. EA Is Fundamentally Deceptive by Masking True Consequences of Preferred Alternative**

The precise attributes of Alternative C are couched in vague references, cryptic allusions and unexamined assumptions. The most explicit description of Alternative C is contained in a table (Table 2) but even that description is subject to other caveats studded throughout the EA (see below for further discussion).

In addition, the EA throws out mitigation measures for the harmful effects of Alternative C, such as courtesy signage or wilderness cell spillover minimization, with no explanation of how these measures are expected to be effective. As presented in the EA, these mitigations appear to be exercises in magical thinking.

Moreover, the EA masks the consequences of the alternatives by failing to display accurate coverage maps. For example, the EA maps show virtually no coverage immediately surrounding either the existing or the proposed, larger Mt. Washburn tower. Any environmental assessment of wireless communications should, at a minimum, spell out the reach of wireless coverage that would result. Without reliable coverage maps, for example, the impacts on natural soundscapes are nigh on impossible to assess.

Thus, the details of what the Preferred Alternative specifically provides, what its effects will be in which parts of the park and how YNP intends to mitigate those impacts are missing. These critical gaps cast doubt on the value of the EA as a document in compliance with the National Environmental Policy Act (NEPA).

### **3. EA Inadequately Assesses Available Alternatives**

The EA frames its Preferred Alternative as a pre-determined choice with no meaningful discussion of alternatives.

The EA notes that the existing rights-of-ways for cell towers expire at the end of 2009. This would give the park the ability to remove one or more of the existing towers. Yet the only alternative that the EA evaluates is the removal of all towers with the exception of the Mammoth area.

With respect to the removal of all towers, the EA declares that this alternative was dismissed because it was proposed by only “a few members of the public” and because it “would remove a service in Gardner that many residents have come to rely upon” (page 48). Neither is a reason why an alternative should not be evaluated at all.

Similarly, the alternative of maintaining a cell system for emergency or 911 calls only was not evaluated because it “would not be economically feasible” (page 48) – a conclusion that is unsupported by any reasoning, let alone evidence.

The EA also does not look at alternatives such as call boxes or an expanded radio system with access to visitors. The EA instead is narrowly focused only on how much wireless coverage should be provided.

With respect to cell coverage, the EA does not consider rolling in mobile, temporary towers into parking lots during high visitation periods and removing them in the winter, so that the resulting quiet is undisturbed.

Finally, the EA treats the existing cell usage as a baseline or given, as if it is part of the terrain rather than the product of the past decade of YNP policy decisions.

NEPA requires a full consideration of reasonable alternatives that are given short shrift or ignored altogether in this EA.

### **Specific Comments**

The following comments refer to specific aspects of the Preferred Alternative:

#### **1. Preferred Alternative Will Result in Significant Expansion of Cell Coverage**

While the Preferred Alternative is couched in terms of a “limited” increase in wireless coverage, it actually represents a major expansion of that coverage. At a minimum, the Preferred Alternative proposes in the short-term –

- New cellular service at Lake without stating the precise number of new towers at this location;
- “Improved” coverage at Canyon and Tower;
- A new, large tower at Mt. Washburn right next to the historic fire tower;
- A tower at Bunsen Peak with microwave dishes;
- Wi-Fi wherever there is cell coverage and in historic hotel lobbies and stores; and
- Web-cams in any developed areas of the park.

Thereafter, there may be additional new towers and other wireless facilities subject to approval by the “park Telecommunications Committee which is led by the telecommunications specialist”. Thus, the preferred Alternative C may ultimately result in as much coverage and as many structures as any other alternative considered.

In fact, the only place in the EA where specific limitations are spelled out “No cell phone infrastructure would be allowed in recommended wilderness, minor developed areas or along park roads” is found in the fine print of Table 2 (page 19) but it appears as if even these limitations could be overridden by the Telecommunications Committee.

Alternative C appears to explicitly provide for the addition of new wireless facilities beyond the above-listed expansion. The EA states, “Future actions may be implemented with the approval of the superintendent if they... meet the guidelines and criteria of this plan... are recommended by the park’s Telecommunications Committee, and... have negligible, minor, or moderate impacts as defined in this plan” (page 17). The EA further provides that “guidelines would be updated over time to reflect changes in technology and experience in the park and other jurisdictions regarding wireless services” (page 40). This language suggests that Alternative C is a moving target in which potentially major new cellular infrastructure will be added over time in waves rather than all at once.

The net effect of these features means that Alternative C will result in a significantly greater portion of Yellowstone being “wired”. As explained below, the Preferred Alternative does almost nothing to minimize or prevent adverse impacts from this expanded electronic intrusion.

## **2. Preferred Alternative Will Produce Significant “Spillover” Cell Coverage in Park Wilderness**

The EA notes that “Approximately 91% (2,022,221 acres) of the park’s 2.2 million acres are recommended wilderness...The remaining 9% of the park includes administrative facilities, developed areas, and roads” (page 55).

Due to the absence of accurate coverage maps (see above), it is not known how much of the park wilderness, recommended wilderness and undeveloped areas already have cell coverage. PEER has received reports about rangers and visitors successfully using cell phones in the most remote sections of YNP.

The YNP Preferred Alternative purports not to target backcountry but does concede that “spillover coverage would continue [in the wilderness] in all alternatives, but would not be targeted for these areas, and would be minimized to the extent possible” (page 88). This disclaimer, however, does not withstand scrutiny

The new and larger wireless facilities contemplated in the first round of Alternative C will undoubtedly enlarge spillover cell coverage. Nor does the EA specify or explain what steps YNP will take to minimize “spillover” from cellular sites in the park.

The only reasonable conclusion is that Alternative C will subject a significant and potentially much larger portion of the park’s wilderness and undeveloped lands to the unmelodic chirp of

the cell phone. As a consequence, the ability of visitors to escape the tendrils of modern telecommunication even in the deepest recesses of Yellowstone will be compromised.

### **3. Preferred Alternative Increases Negative Visual Impacts**

The only purported improvement in visual impacts flowing from the Preferred Alternative is to “Relocate Old Faithful cell tower to a site near the water treatment plant when feasible” (page 19). Presumably, “when feasible” would be soon but the EA never explains what factors will determine the feasibility of this move.

While welcome, the significance of this relocation on visual impacts would be slight. According to the maps on pages 118 and 119, the existing Old Faithful tower is visible from 78% of the viewshed of the historic district while the proposed new tower would be visible from 59% of that viewshed. This 19% reduction in visibility in one of the park’s most important scenic areas is modest at best. It also underscores the willingness of YNP to impair a park value for commercial services.

This slight improvement is dwarfed by other negative visual impacts of Alternative C. At one of the park’s highest and most prominent point, Mt. Washburn YNP is advocating the erection of a new, taller, free-standing tower located right next to, and (according to the mock-up in the EA) looming over the historic fire tower. This monstrosity will be visible for several miles. Hikers on Mt. Washburn will have this massive structure with its microwave dishes constantly in sight during their ascent.

In addition, Alternative C proposes new cellular service at Lake with an unspecified number and location of new structures. Alternative C’s proposed expanded coverage at Canyon and Tower will also likely require new, larger facilities with unknown visual impacts. Lastly, the proposed new tower at Bunsen Peak would have “at least two” microwave dishes, jutting out like ears on a giant scarecrow.

Incredibly, the EA glides over these impacts and concludes:

**“Conclusion.** Under this alternative, there would be long-term, minor beneficial impacts to visual quality and viewsheds. Cumulative impacts under the Preferred Alternative would be long-term, minor, and beneficial. Because there would be no major, adverse impacts to visual quality and viewsheds whose conservation is necessary to fulfill purposes identified in Yellowstone’s establishing legislation; key to the natural and cultural integrity of the park; and identified as a goal in other park or NPS planning documents; there would be no impairment to this resource.” (Page 120)

This conclusion flies in the face of the direct impacts of the first waves of cell infrastructure augmentations of this alternative, let alone the other additions that would be authorized by the Telecommunications Committee down the road.

### **4. Preferred Alternative Violates NPS Policy on Protecting “Natural Soundscapes”** 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 advocating actions that would increase rings, cell tones and loud conversations widely throughout the park. The notion that because YNP seeks to limit cell coverage to the park 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 ordering a pizza.

More broadly, the Preferred Alternative 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.

### **5. Preferred Alternative Disregards Values of Serenity and Communing with Nature**

Nowhere does the EA mention the park value of serenity. Similarly unmentioned is the ability to commune with nature or escape from the incessant chatter of the modern world.

YNP apparently does not consider these qualities as park values worthy of being included within the list of “impact topics retained for further analysis” (page 13). While silent on these impacts, it is clear that these values would be served by Alternative B and placed at risk by the YNP Preferred Alternative.

### **6. Preferred Alternative Forecloses Public Involvement**

The YNP Telecommunications Committee which will make decisions about future wireless proposals has no representative of the public. Nor is there any indication that its meetings will be publicly noticed or open to the public.

As described, YNP decision-making will be the province of unnamed “telecommunications” staff members and insulated from public scrutiny or input. Thus, YNP risks the repetition of the myopic policies and practices that have created controversy in the past.

It should be noted that both NPS, generally, and YNP, in particular, have a history of precluding public involvement in wireless-related actions. Despite the dictates of previous NPS policy and congressional intent, the public is almost never notified about applications for new cell towers nor are they allowed to comment on towers prior to construction. An examination of the *Federal Register* yielded only six notices of initial application and only four notices that an environmental assessment was available for review. The only NPS unit that issued both required notices was the George Washington Memorial Parkway, in the Washington, DC Metropolitan Area.

YNP officials violated the public notice provisions of Director’s Order 53A for all four of the free-standing cell towers in the park. The one brief period of public involvement took place between 1998 and 1999, nearly a decade ago.

More recently, YNP conducted a secret meeting with telecommunications companies to divide up which corporations wanted to serve which part of the park. The March 31, 2005 meeting had

representatives from Sprint, Verizon, Qwest, Western Wireless (now Alltel) and other companies conferring with Yellowstone park officials and concessionaires to develop a “Wireless Telecommunications Plan” for the park. This EA appears to be a direct descendant of that secret meeting.

Given YNP’s historic lack of transparency, the park should integrate a strong role for public review and involvement in the consideration of wireless facilities.

## **7. YNP “Public Safety” Rationale Is Incoherent and Contradictory**

The EA analysis of public safety issues consists largely of conclusions unsupported by evidence and undermined by counter-assertions elsewhere in the document.

A classic example is the EA discussion of Alternative B, the reduction in cell coverage. The EA asserts that reduced cell coverage “would decrease the public’s ability to report on park resource violations” (page 49). This unsupported assertion is not elaborated upon, documented or even repeated elsewhere in the EA. It appears to come out of nowhere and fade right back.

The EA does note that Alternative B will produce “long-term minor beneficial impacts from reducing radio frequency exposure” (page 108) but makes no effort to quantify or evaluate the importance of this beneficial impact.

Paradoxically, the EA asserts that this health benefit is outweighed by the “moderate adverse impact from reducing access to emergency services” (page 108). This is a surprising conclusion given the paucity of any research or analysis on the relative values of either.

With respect to the emergency services point, the EA states:

“Impacts to cell phone users’ abilities to connect with emergency services were determined by evaluating where coverage is currently provided and determining how each of the alternatives would change coverage. **Greater coverage is assumed to provide better access to 911 emergency services.**” (Page 105, emphasis added)

The EA analysis provides no evidence that cell coverage equates to better access to emergency services.

In fact the approach of the EA is schizophrenic in that it bases its analysis of public safety on traffic accident data yet its Preferred Alternative discourages cell coverage on park roads. If the public safety impact is tied to vehicular accidents and wildlife strikes by vehicles, then the Preferred Alternative would have little or no impact.

Alternative C would purport to limit cell coverage to the park developed areas – arguably the areas of the park where cell coverage would be the least important due to access to other means of communication and/or park staff.

Conversely, the need to rely solely on cell coverage would be greater in the undeveloped areas, where alternate means of communication are limited. But the YNP Preferred Alternative eschews cell coverage in the backcountry except by inadvertent spillover.

The EA lacks any coherent basis for making a public safety argument for or against cell phone coverage. To the extent that YNP wishes to raise a public safety rationale, it should conduct more than cursory research and attach that research to a cogent plan – something not accomplished in this EA.

### **8. Wi-Fi Preferred Alternative Is Poorly Thought Out**

In its Preferred Alternative, the EA provides –

“Wireless Internet service would remain in the areas where it is currently installed (described in Alternative A), and would additionally be allowed in park hotel lodging rooms and lobbies, stores, administrative facilities, and medical facilities. WiFi would be available for administrative use by concessioners and partner organizations. WiFi would be available in developed areas where cell towers are installed for residential subscription.” (Page 30)

This sweeping provision would mean that internet access would be available virtually wherever there is cell phone coverage. As a consequence, visitors will be able to sit before iconic park vistas, such as the geysers, and simultaneously check their e-mail, trade stocks or watch video feeds.

The rationale for this broad expansion of Wi-Fi coverage is nowhere stated in the EA. It is treated as an afterthought, as if it is a natural electronic adjunct to cell coverage.

The consequences of broad Wi-Fi coverage will change the character of the park experience both for those visitors with portable internet devices and those without. For those with the devices, Yellowstone becomes much more like an extension of the person’s desk or couch. Rather than concentrating on the park resources, the visitor can continue to multi-task, keeping one eye on a Yellowstone scene and another fixed on the World Wide Web.

For visitors not carrying personal digital assistants (PDAs) or other electronic devices but in proximity to those who are using them, the park experience is diminished. It is difficult to appreciate the temples of nature when the person next to you is watching a You-Tube video and loudly discussing it with a friend.

In a back-handed acknowledgement of these social effects, the EA further provides:

“The park would work with its concessioners to develop WiFi-free zones, courtesy protocols, and courtesy signing. Areas such as the Sun Room and porch at the Lake Hotel, the porch of the Roosevelt Lodge, the 1st floor of the Old Faithful Inn, and the Map Room of the Mammoth Hotel, would be kept WiFi-free as much as possible by limiting technologies under the park’s control in these areas” (page 30).

There is no explanation as to whether this rather slap-dash mitigation can be expected to work. First, most of the listed areas are operated by concessionaires who would not be required to limit Wi-Fi access. Instead, concessionaire cooperation would be requested with any expense presumably shifted to the NPS and the American taxpayer. Second, it is unclear how YNP plans to limit “technologies under the park’s control in these areas”. Third, it is not specified what



precise behavior “courtesy protocols, and courtesy signing” would discourage or why such voluntary measures would be expected to work.

Parenthetically, YNP included Wi-Fi in its Preferred Alternative even though a majority (53%) of the public responses from its 2006 Visitor Survey did not want to have internet access available.

### **9. Web-Cam Preferred Alternative Provides No Basis or Analysis of Impacts**

In a similarly sweeping fashion, the EA discloses that the Preferred Alternative will include the following:

“Existing webcams within developed areas could be upgraded to wireless, or new wireless webcams could be installed in developed areas of the park...” (Page 30)

This posture would authorize an unlimited number of wireless web-cams placed anywhere in the “developed areas of the park”. As a result, the general public will be able to visit many of Yellowstone’s iconic vistas without leaving the comfort of home, the nearest cyber-café or wherever there is a wireless signal. Depending upon their usage, cyber-visitors to Yellowstone may one day outstrip actual visitors.

The EA recommends the first step toward providing live views of the most stunning sites in all our national parks available to anyone with internet access. Despite potential consequences, the EA does not devote even a thimbleful of analysis as to why an expansion of web-cams is needed or the potential implications of a proliferation of web-cams.

The EA is similarly silent on whether private parties, such as friend-of-the-park-groups or hobbyists such as geyser gazers, may operate web-cams in the park. It is also unclear whether equipment manufacturers or other corporate sponsors could sponsor cyber-viewing platforms.

In addition, the EA does not mention any policy governing wired web-cams in the park. It makes little sense to have a policy for wireless web-cams and no policy for wired web-cams.

The web-cam plan may also violate agency policy. In July 2000 then-NPS Director Robert Stanton issued orders forbidding installation of any new web cameras within the National Park system. In response to a September 24, 2008 Freedom of Information Act request from PEER, NPS has not produced any documents indicating that this directive has been rescinded. Another policy (Director’s Order 70), which lapsed in 2005, says “Webcams in parks will be permitted only for non-commercial resource protection and visitor uses, including for educational and scientific research purposes.” Yet another policy, Director’s Order 11C, which would replace Director’s Order 70, has slightly different wording but remains in draft form. The EA does not cite any of these authorities or policies let alone reconcile how its Preferred Alternative complies with them.

Nonetheless, YNP has already moved ahead with wireless web-cams offering live streaming video of Old Faithful and nearby geysers on a 24-hour, 365-day basis. In late 2007 (months after the public scoping process for this Wireless Services EA had closed), Yellowstone’s superintendent approved the wireless web-cams to be operated by a private group with

equipment donated by manufacturers. Previously, Yellowstone has had three web cameras (at Mammoth Hot Springs, Mt. Washburn and Old Faithful) providing static images every 30 seconds or so.

How extensively the Preferred Alternative would permit the wiring of park sights is not spelled out. The only limit the Preferred Alternative would impose on web-cam placement contains a very large and vague loophole:

“No wireless webcams for visitor use would be installed within the backcountry areas of the park. It is possible that wireless webcams could be placed in backcountry areas for resource monitoring or to address safety concerns.” (Page 30)

Again, the EA does not explain the circumstances governing key aspects of its Preferred Alternative. If it would be possible to place web-cams in the backcountry, what is the process that would lead to that eventuality? May private organizations operate back country web-cams to watch wildlife? What “safety concerns” could justify installing a cyber-eye in Yellowstone’s backcountry? Would park visitors be notified that they are being monitored by web-cam for security reasons?

It is astonishing that an EA this incomplete is the product of four years of YNP planning including a multi-month public scoping process.

#### **10. “Courtesy Signage” Recommendation Concedes Problems Created While Offering No Solution**

As part of the Preferred Alternative, the EA proposes the following:

“Courtesy signing and protocols would be developed and installed to help guide visitors in use of cell phones and other portable communications technologies. The wireless communications provider would be required to fund outreach projects to educate visitors in adhering to these protocols.” (Page 29)

The EA provides no further detail about this concept which is offered as some sort of mitigation measure. The courtesy signage issue encapsulates the weaknesses in the level of analysis exhibited in the EA.

First, the legal basis for requiring the provider “to fund outreach projects” is unclear and no authority for this requirement is cited. Second, it is unclear whether the outreach projects would include signs and, if so, who would pay for erection and maintenance of these signs. Third, presumably these signs would be located in all areas of the park with cell coverage, thus creating further visual clutter in places such as Old Faithful where the perceived need for courtesy would be greater.

The EA does not suggest that YNP would propose rules to enforce these protocols. If not enforceable, it is unclear why signage and protocols would be expected to change visitor behavior.

Even more fundamentally, it is not clear what “signing and protocols” promoting courtesy would state. Is YNP suggesting that the public will be asked to refrain from cell phone use in certain

portions of the park, as we are asked to turn off cell phones in a movie theater? Or is YNP merely proposing a vague “Be Considerate” sort of message that is so general that it is likely to be ignored?

Finally, the notion that signage and protocols would be needed to promote cell phone courtesy confirms that YNP believes that cell coverage can negatively affect the “park experience”. Significantly, however, the EA does not cite user discourtesy or cell phone disruption of park enjoyment as a potential impact of its Preferred Alternative that would expand cell coverage. Characteristically, this EA would propose to mitigate an impact it does not even mention.

### **Conclusion**

For the foregoing reasons and more, PEER urges rejection of the NPS Preferred Alternative and the adoption of Alternative B.

Under the NPS Organic Act of 1916, the first obligation of the National Park Service is to “conserve the scenery” and leave each park “unimpaired”. How is the approval of commercial cell towers that are visible (even if only slightly less visible than before) from iconic vistas such as the Old Faithful Historic District consistent with this mandate? Old Faithful is the symbolic heart of the National Park System. If a tower can be placed within sight of that precious icon, is there any square inch of American soil that is off-limits?

Section 704(c) of the Telecommunications Act of 1996 opened the door to cell towers on federal lands by directing that procedures be drafted “by which Federal departments and agencies might make Federal lands available for the placement of new telecommunication services”. Section 704(c) was offered as an amendment to the House bill by Rep. Scott Klug (R-WI) and approved by voice vote on May 17, 1995. Rep. Klug and a majority of the Commerce Committee made their intent crystal clear in the Committee report on the bill (H.R. 1555) in July 1995:

“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.”

No other statements about the provision were made. The Committee was saying that they supported the idea of cell towers on some federal lands, but did not want them everywhere, and specifically not in Yellowstone National Park – legislative intent that park officials seemed determined to ignore.

Following its decade-long drift, YNP is incrementally expanding cell coverage within the park. This EA is the next step in that steady step-by-step electronic penetration. If the Preferred Alternative is adopted, “Can You Hear Me Now?” may soon become the slogan for Yellowstone National Park.

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