



Public Employees for Environmental Responsibility

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Superintendent Wendy Ross
Theodore Roosevelt National Park
PO Box 7
Medora, ND 58645

February 18, 2016

RE: PEER Comments on North Unit Cell Tower Proposal Environmental Assessment

Dear Superintendent Ross:

On behalf of Public Employees for Environmental Responsibility (PEER), I am submitting the below comments on the Environmental Assessment (EA) for a proposed Communication Tower Replacement within the North Unit of Theodore Roosevelt National Park (TRNP).

Before making specific comments, I would like to make two observations and suggestions:

1. As detailed below, TRNP officials have violated National Park Service (NPS) Management Policies, Director's Orders and Reference Manual provisions in preparing this EA and in conducting its approval process. PEER recommends that TRNP halt this current process and renew it only when the park has become compliant with agency directives on this subject.
2. In January 2015, PEER submitted comments on the scoping for the EA of this proposed project. Despite the requirements of the National Environmental Policy Act (NEPA) that it consider these comments, TRNP ignored virtually all of these comments on topics ranging from public safety to soundscapes to wilderness management. The EA devotes only one largely inaccurate sentence to the nine issues raised in the PEER scoping comments: "commenters identified concerns, primarily regarding the potential impact to wilderness areas of TRNP's North Unit from a perceived improvement in cellular coverage."

PEER urges TRNP to withdraw the current EA and prepare a new one that both addresses these issues and meets NEPA requirements for consideration of alternatives.

Specific Comments on the EA

The proposed project would allow Verizon Wireless to construct a 190-foot guyed cellular tower near the site of a radio tower in the North Unit of the park. This would be the second cell tower within the boundaries of TRNP; the other cell tower was built along the western boundary of the South Unit in 2006.

Our comments concern both the substantial impacts of the proposed tower as well as its approval process employed by TRNP:

I. The Cell Tower Conflicts with the Very Purpose of This Park

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 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.”

The purpose and mission of Theodore Roosevelt National Park are clearly stated in the Long-Range Interpretive Plan of 2011, posted at the Park’s website:

“The beauty, solitude and silence of the park, most evident within its officially designated wilderness area, offer opportunities for personal growth, inspiration, and healing, just as they did for Theodore Roosevelt more than 125 years ago.” (p. 10)

“The spectacular vistas, natural beauty, clean air, and dark night skies of Theodore Roosevelt National Park provide opportunities for solitude, exploration, inspiration, reflection, and spiritual renewal that can fulfill the human need for self-discovery through connection to the land.” (p. 12)

“Visitors want to experience the natural world through solitude, peace, and quiet, away from the cares of everyday life.” (p. 13)

That last statement is worthy of reflection. It’s in the Long-Range Plan under “Desired Visitor Experience.” It is ranked as one of those “most critical to the visitor experience.”

Expanding cell coverage to the North Unit of TRNP, which is mostly designated wilderness, is a direct and significant sacrifice of the park’s natural soundscape that would then be interrupted by the incessant chirping of electronic devices and loud phone conversations in areas otherwise safe

for quiet reflection. More importantly, cellular coverage in this part of the park appears to be a thoughtless and wholesale surrender of the solitude values which drew Theodore Roosevelt to this place. How may one visiting this park escape the everyday world when park officials have enabled electronic tendrils to inescapably tether visitors wherever they go?

If park officials fail to preserve the “atmosphere of peace and tranquility” and the “natural soundscape maintained in wilderness,” then they have allowed “unacceptable impacts” to occur.

II. A Blot on Park Scenery

A. No Effort to Restore Natural Viewshed

The project would involve removing the existing tower (220') and equipment support shed. It would be replaced by a guyed telecommunications tower of 190' together with a support shed to be constructed approximately 30 feet from the old site.

Lowering a 220-foot guyed tower to 190 feet would have a negligible impact on park scenery – an impact that would be more than offset by Verizon’s thicker 4G arrays which may well make this new cell tower more visible than the old radio tower.

Moreover, the sheer physical size of this tower alone (190-foot tall) undermines the NPS legal mandate to conserve park scenery unimpaired. The EA’s reasoning that replacing the old radio tower would be an improvement takes the approach that two wrongs make a right. It was inadvisable to locate the radio tower in the present location to begin with. Replacing it with something wider but slightly shorter still impairs the viewshed and is far less preferable than finding a less visible site.

B. Future and Cumulative Viewshed Impacts Ignored

Looking ahead, however, this tower will also have to accommodate any co-locators that come along. If it is profitable for Verizon to provide coverage from this location, it may be worthwhile for other national or regional providers to add their own facilities, especially to an already erected 190-foot tower. Co-location is NPS policy, so over time the tower may end up looking far worse than it does at the start. This is clearly a potential (but not especially speculative) impact which the EA never mentions. As a result, the EA utterly ignores these cumulative negative effects on park vistas.

III. Design Violates NPS Management Policy

NPS Management Policy 8.6.4.3 provides that “New traditional towers (i.e., monopole or lattice) should be approved only after all other options have been explored.” NPS officials faced with such a proposal must first consider “co-locating new facilities, constructing towers that are camouflaged to blend in with their surroundings, and installing micro-sites.” In the EA, the Park must discuss and analyze “all other options” to this 190-foot cell tower.

In the EA, TRNP discussed no other design options to lessen visual impact. Moreover, TRNP “abandoned” consideration for locating the new tower completely outside the park. In short, TRNP is flouting its own agency’s Management Policy.

IV. Process Employed by TRNP Violates NPS Manual

As required by NPS Reference Manual (RM-53, Special Park Uses, Rights-of-Way, Wireless Telecommunication Facilities, Appendix 5, Exhibit 6, Page A5-48), an SF-299 written application must be submitted by Verizon to construct a new cell tower on land inside TRNP. The SF-299 must contain all of the following:

“full description of the requested land or facility use in the park, including... equipment and antennas (including structures) to be located at each site.”

“maps showing the ‘before’ and ‘after’ service levels and signal strength for the proposed WTF site.”

“maps showing all other WTF sites and their coverage operated by the applicant up to a 15 mile radius (or other distance determined appropriate by the superintendent).”

“propagation maps from the applicant showing its proposed buildout of sites within a 15 mile radius of the proposed site within the next five years (or other distance or time frame determined appropriate by the superintendent).”

a “copy of the FCC license authorizing the applicant to provide wireless telecommunications services for that area, along with a map showing the boundaries of the authorized service area and the relationship of that area to the park’s boundaries”; and

a “realistic photo-simulation acceptable to the park depicting what the proposed WTF(s) and access, if applicable, would look like after installation.”

RM-53 (Page A5-51) also requires the park’s written response to Verizon (either a yes, no, or maybe) following receipt of the SF-299 application, as well as notice to “other Telecommunication companies and other interested parties” that TRNP had received an SF-299 application from Verizon. In addition, that notice must be sent to the Park’s “list of potential interested parties” (if the Park has one), or to “a newspaper of general circulation in the affected area and/or in the nearest metropolitan area newspaper.” Finally, the park must post a notice in the *Federal Register* alerting the public that an EA had been issued by TRNP on Verizon’s proposal to construct a cell tower inside the boundaries of the park, and that a 30-day public comment period had been initiated.

TRNP appears to have ignored all of these required procedural steps.

Nor is this required information otherwise available. PEER submitted a Freedom of Information Act request in January 2015 requesting, among other things, copies of the coverage maps showing the signal penetration of the new tower. TRNP never responded to this request. Significantly, TRNP also did not include coverage maps in the EA. Thus, among other things, the EA does not reveal how deep into the designated wilderness of the North Unit the signals will reach.

This EA should be withdrawn and reissued with the required information that will allow the public to accurately and completely assess the environmental impact of this action.

V. Cell Coverage Incompatible with Wilderness Management

A. Compromises Wilderness Values

The park's Long-Range Interpretive Plan declares that:

“The purpose of the Theodore Roosevelt National Park is to...manage the Theodore Roosevelt Wilderness as part of the National Wilderness Preservation System [so that visitors can experience] a remnant of the wild and rugged land Theodore Roosevelt found so compelling.” (ps. 9 and 12)

The North Unit is mostly designated wilderness (about 81%). The road corridor and the eastern portion of the North Unit (where the visitor center is located) are the only parts not designated wilderness. As small as it is, the North Unit's designated wilderness (just 19,410 acres) is the largest tract of designated wilderness in North Dakota.

Since the cell coverage footprint will not be limited to the visitor center area, the tower would make it unavoidable that cell signals would penetrate deeply, if not completely blanket, the wilderness area.

B. Violates NPS Director's Order on Wilderness

Such large scale intrusion of cell signals into designated wilderness is fraught with legal and policy constraints and flies directly in the face of the new Director's Order (#41) on Wilderness Management, particularly the provision on protecting natural soundscapes.

Encouraging people to watch Netflix or live sports programming while backpacking in the North Unit would seem to be the antithesis of the “rugged” experience Teddy Roosevelt espoused.

C. No Alternatives Explored for Protecting Wilderness

The EA gives no hint that it explored alternatives involving various sized towers. For example, what kind of coverage would be available with a 100' tower? What about a 50' tower? What about a small tower that provided coverage only at the North Unit Visitor Center and in the non-wilderness portion of the North Unit?

This absence also appears to violate NEPA requirements that the agency consider reasonable alternatives.

VI. Safety Impacts Improperly Ignored

There will be new driving dangers in the North Unit if cellular service is provided along the affected stretch of Highway 85/200. The park's roads are more difficult to drive than roads elsewhere. TRNP's own brochure (2003 edition) warns:

“Drive with caution, especially at night. The park's winding roads and abundant wildlife may yield unexpected surprises.”

This would not appear to be a prudent place to add cellular coverage so that drivers would be able to text or talk on their cell phones while driving.

When Yellowstone National Park officials contemplated cell tower placement, they specifically declined to provide coverage to its main roads due to the added dangers of distracted drivers. In addition, Grand Teton National Park has blamed driver distractions on the deaths of numerous large mammals.

Since this is an issue of significant public safety, TRNP cannot pretend it does not exist. Nor can it reach a Finding of No Significant Impact (FONSI) due to the potential loss of human life (not to mention park wildlife at greater risk of vehicle collision). Not only must TRNP do a new EA evaluating this impact, it must also consider alternatives (see below) to minimize this negative effect.

VII. Soundscape Effects Improperly Ignored

Concerns about the impact on “Soundscapes” are dismissed by the EA:

“The specific impacts of increased cellular coverage to the soundscape within the TRNP North Unit are unknown and speculative, but could include increased noise from visitor use of cellular devices. Nearly half of the North Unit currently has had limited cellular coverage with no sound-related complaints (related to cellular devices) being received by park staff. Verizon Wireless antennas installed on a replacement NPS tower in the TRNP South Unit in 2006 have not resulted in an increase in cellular device related noise complaints from visitors. Impact in the North Unit from (localized) improved cellular coverage are therefore expected to be similarly insignificant. Therefore, soundscapes were dismissed as an impact topic in this document.”

There are several concerns about this dismissal:

- It ignores directives that TRNP is supposed to protect the natural soundscape;
- It improperly reduces soundscape impacts to visitor complaints; and
- It overlooks the fact that this new cell service will extend through designated wilderness, as opposed to more developed areas.

Moreover, the purpose of the expanded cell coverage is to enable devices that play music, videos and allow cellphone calls. By their very nature, these devices make sound which is often not just audible but, to some, obnoxious.

Other parks have recognized that the incessant chirp of cell phones, downloaded music and streaming videos which would be enabled by this new tower have an undeniable impact on park soundscapes. Yellowstone National Park’s 2008 Wireless Plan Environmental Assessment acknowledged these soundscape impacts and contained mitigation measures, such as designated “cellphone-free” zones and signs urging courteous use of electronic devices.

By contrast, the EA by TRNP does not devote any serious consideration to this issue. This failure is yet another reason why this EA should be withdrawn as wholly inadequate.

VIII. Park Should Robustly Explore Alternatives

TRNP officials appear to act as if they are required to grant Verizon a right-of-way for this cell tower. Illustrating this mentality, a press release issued February 5, 2016 announcing an open house meeting to gather public comments declared “The NPS *will issue* a permit to Verizon Wireless...” for the new tower. (Emphasis added)

Although TRNP later amended the release to stipulate the park was still considering whether to issue the permit, the gaffe reveals a mindset that park management feels that it has no real option but to say yes – or that the matter has already been improperly pre-decided before the public has a chance to comment. To the contrary, TRNP has several options – including outright rejection of the proposed tower.

It was the Telecommunications Act of 1996 that opened the door to cell towers on federal lands. But that law merely required the President to establish procedures for executive agencies to use when considering applications for telecommunications facilities on federal lands. The Telecom Act does not require TRNP or any other park to approve a single tower. In fact, the legislative history makes it clear that parks have full authority to reject any proposal submitted.

Section 704(c) is the part of the Telecom Act that discusses the placement of cell towers on federal lands. Members of the House Commerce Committee added Section 704(c) to the telecom bill through an amendment on May 17, 1995, and they made it very clear what they had in mind:

“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.”

The North Unit would seem to be such a “pristine wildlife sanctuary” where modern cell coverage would be inappropriate.

Besides no tower at all, TRNP officials should examine various heights of a new tower, with the goal of seeking minimum penetration of 4G cellular into the backcountry and along the roadway. They should also consider a tower with 911-only antennas (in addition to NPS radio antennas). In addition, TRNP should consider providing Wi-Fi or a wired connection to the Internet (if it doesn’t already exist) at the North Unit Visitor Center as an alternative to 4G coverage across the North Unit.

IX. This Is an Inappropriate Commercial Use of Public Land

The EA identifies no discernible park purpose for this proposal. For example, the project’s “more stable parking platform” is for Verizon’s convenience and is not needed by park personnel for a simple radio tower.

It is obvious that the real purpose of this project is to expand Verizon's 4G coverage to its subscribers. Verizon's website states that 4G LTE gives its subscribers –

“...the ability to do more... Watch movies and TV without delay; Enjoy music without awkward pauses; Seamlessly play multi-player games.”

With its never-ending noise and human-centered entertainment, 4G “activities” serve no legitimate park purpose. Nor are they in any way consistent with offering opportunities for “personal growth, inspiration, and healing, just as they did for Theodore Roosevelt more than 125 years ago.” Instead, this proposal is simply a way to help a commercial operation increase its subscriber revenues. As such, it should have no place in a national park.

Conclusion

As noted at the outset of these comments, this EA is wholly inadequate. It violates NEPA, NPS policies, orders and guidance. It was prepared contrary to agency rules governing required information and public notice.

This EA is beyond repair: It completely ignores substantial impacts that were pointed out in the scoping phase. It considers no alternatives. It reflects an improper pre-decision to reach an unsupportable FONSI.

PEER urges TRNP to withdraw this EA and begin the process over in the proper and legal manner.

Moreover, unlike how TRNP handled the public comments in scoping, we would expect the park management to actually consider and respond to these comments, as they are required to do.

Sincerely,

Jeff Ruch
Executive Director