



# Public Employees for Environmental Responsibility

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Randy King  
Superintendent  
Mount Rainier National Park  
55210 238th Ave East  
Ashford, WA 98304

## **PEER Comments on Mount Rainier National Park's 2017 Paradise Cellular Environmental Assessment**

Dear Superintendent King:

On behalf of Public Employees for Environmental Responsibility (PEER), I am submitting the below comments on the 2017 Environmental Assessment (EA) for issuance of right-of-way permits to Verizon Wireless, T-Mobile and AT&T for co-location of a Wireless Communications Facility (WCF) in the Paradise area in Mount Rainier National Park (MORA).

As detailed in our comments below, this EA ignores the fundamental purpose of the park by failing to consider adverse impacts on park values and public safety. Further it violates National Park Service (NPS) policies. Perhaps what is most disturbing is the dereliction of MORA staff in preparing this EA by –

- Ignoring most every scoping comment;
- Neglecting to explore any alternatives; and
- Failing to consider any mitigation of adverse effects.

In the manner that MORA management has proceeded, it is clear that approval of the rights-of-way is a foregone conclusion. In short, this process has been a farce and MORA staff should be ashamed of themselves for the poor job they have done.

### **Specific Comments:**

#### **I. PEER Scoping Comments Not Addressed in the EA**

On December 12, 2016, PEER filed scoping comments raising a number of serious concerns: [https://www.peer.org/assets/docs/nps/12\\_12\\_16\\_PEER\\_MORA\\_cell\\_comments.pdf](https://www.peer.org/assets/docs/nps/12_12_16_PEER_MORA_cell_comments.pdf)

PEER raised five substantive concerns during scoping, and, except for two brief references to the Telecommunications Act of 1996 at the beginning, the EA ignored them all. Those issues are:

***1. The Cellular Proposal Conflicts with the Very Purpose of This Park***

The EA does not make any reference to MORA's Foundation Document dated April 2015.

***2. Cell Coverage Incompatible with Wilderness Management***

*a. Preempts MORA's Wilderness Stewardship Plan*

Remarkably, the EA does not make any reference to the Park's existing Wilderness Stewardship Plan or the updated version the Park began to work on in 2015.

*b. Diverges from Best Wilderness Management Practices*

The EA does not examine any other U.S. national parks and whether they consider cellular use incompatible with wilderness values. PEER cited Yellowstone's stance on protecting the backcountry from cellular signals, as well as Baxter State Park's commitment to keeping cellular use limited in its "primitive park."

Oddly, the EA cites a New Zealand study titled, "Completely Empowering: A Qualitative Study of the Impact of Technology on the Wilderness Experience in New Zealand. USDA Forest Service Proceedings RMRS-P-74. Pages 195-201," as if that's somehow relevant to U.S. national park visitors.

*c. Violates NPS Director's Order on Wilderness*

The EA does not mention new Director's Order #41 on Wilderness Management, even though it states that "commercial services may be limited to preserve opportunities for primitive recreation or other aspects of wilderness character."

*d. Violates Wilderness Act Prohibition against Commercial Services*

The EA mentions the Wilderness Act and some of its language, but does not address the Act's prohibition on "commercial enterprises" in the wilderness.

The sole comment the EA makes about wilderness is the following:

"Wilderness Character: Cell phone coverage, even though it does not have a physical presence in wilderness, may be used as a proxy indicating potential subjective effects on wilderness experience... The wilderness quality of solitude or primitive and unconfined recreation could be impacted by spillover of cellular signal from the Paradise developed area." p. 34

Yet these impacts are never analyzed, nor, as noted below, is there any attempt by MORA to lessen those impacts.

### ***3. No Consideration of Soundscape Impacts***

The EA dismisses “Soundscapes” as a separate topic (but considers it, only marginally, in the section on “Visitor Experience”).

### ***4. Adverse Public Safety Effects Not Analyzed***

The EA omitted any mention of the 2012 Board of Review’s report, including their language that the NPS “mission places a high priority on providing a visitor experience that is not controlled by park management,” and that a number of variables “make it impossible to expect that all future mishaps on the mountain could be prevented.”

### ***5. Telecommunications Act Does Not Require Approval***

The Telecommunications Act is mentioned very briefly at the beginning of the EA that it “authorizes, but does not mandate, a presumption that such [telecom] requests be granted.” But the key language is what comes next: “... absent unavoidable conflict” with the Park’s mission, or the “current... use of the property.” The EA (p. 5) says that it will “give consideration” to this issue of whether the proposal “would cause unavoidable conflict with the park’s mission,” but in no place does the EA actually do that.

By contrast to MORA’s approach, the NPS National Environmental Policy Act (NEPA) Handbook (2015) provides:

“All public scoping comments that are received should be reviewed and substantive comments should be considered. You are not required to provide responses to public scoping comments... Instead, **you should address the issues that are raised in public scoping comments during the process of preparing your EA** or EIS; most issues should be addressed to some degree in the text of the EA or EIS itself. Addressing scoping comments in this manner is sufficient to demonstrate that NPS has reviewed and considered the comments.” [See NEPA Handbook, pp. 45-46, Emphasis added]

Incredibly, the EA admits these omissions with the statement:

“The NPS will issue responses to substantive comments received during the public comment period and make an Errata available when the FONSI [Finding of No Significant Impact] is issued.” [EA, p. 40]

MORA’s backward stance suggests that 1) the outcome is predetermined, as MORA intends to issue a FONSI no matter the impacts; and 2) public involvement will not materially change the proposal. The public deserves more than an after-the-fact errata. In short, MORA has made a mockery of the NEPA process.

## **II. EA Ignored Concerns Raised by NPS Staff**

Through Freedom of Information Act (FOIA) requests, PEER has obtained a number of records in which NPS staff, both inside and outside MORA, have raised concerns that the EA failed to address.

### **A. Visitor Experience**

Saylor Moss, the Park's Historical Landscape Architect, raised the following concern during an early review of the EA or during "internal scoping." His comment is found in a document dated August 14, 2015 listing comments from MORA employees:

"Recognize that visitor use and activities inside the Paradise Inn will change when cell service is introduced. Cell phone and computer use will be introduced into an area where people have engaged in puzzles, board games, reading, writing, and other non-digital recreation. Visitor use and activities will also change in similar ways in outdoor areas where cell service/internet becomes available."

Mr. Moss brought up another concern at an Interdisciplinary team meeting on February 17, 2016. He wanted to know about a possible "cone of silence" at the Jackson Visitor Center. The response, as written in the minutes of that meeting, was "there would be none, signal would be available inside building."

Perhaps not surprisingly, his concerns were ignored. There's nothing in the EA about the impact of cellular use at the historic Paradise Inn or in other areas (indoor and outdoor) near the Jackson Visitor Center.

Similarly, James Fuller, MORA's Maintenance Mechanic Supervisor/Utilities was invited to a meeting with Verizon to discuss cellular alternatives. In his June 26, 2015 e-mail stating that he could not make the meeting because he wants to go backpacking overnight with his daughter, he added:

"Tell them to keep their damn cellular crap in town."

So, not only did the park ignore many of our scoping comments, they ignored the specific concerns raised by their own employees.

The EA does touch on visitor experience but in a confusing manner:

"Cumulative Impacts: The NPS has a servicewide initiative for WiFi in NPS unit visitor centers. The park is proposing to add public WiFi service to NPS facilities in visitor centers where backcountry permits are obtained. The addition of Wi-Fi service to the JVC would allow people with mobile devices to purchase permits regardless of their carrier." [p. 32]

This suggests that Paradise will soon have both cellular and Wi-Fi. That combination will certainly alter, if not preclude, the ability of visitors to "get away from it all" at Paradise.

## **B. Wilderness Experience**

Alan Schmierer, NPS Regional Environmental Coordinator, commented on the draft EA (Nov. 4, 2016) on the section titled Resource Protection Measures:

“missing –What options can be imposed which limit the extension of the signals into backcountry and wilderness?”

His concerns were also ignored. The EA says nothing about ways that the signals might be limited, such as by facing the panel antennas downward.

## **III. This EA Is NEPA Non-Compliant**

NEPA requires a coherent and concise document “at a level of detail to that necessary to demonstrate that the proposal would not result in significant environmental impacts” and requires that “NPS has taken a hard look at the environmental impacts of the proposed action and any alternatives” [NPS NEPA Handbook p. 17]. In this EA MORA has done neither:

### ***A. No Alternatives Considered***

In its “Executive Summary”, the EA declares:

“This EA... analyzes a reasonable range of alternative to meet objectives of the proposal...”

That statement is untrue. Rather than exploring a “reasonable range” of alternatives, the EA looks only at the park’s preferred alternative versus doing nothing.

For example, the EA states: “Satellite wireless signals are present in most locations...” [p. 9]. Yet, the EA does not consider an alternative that looks at furnishing satellite phones to parties going into risky areas.

Similarly, the EA mentions the availability of landline telephones:

“Landline telephones (CenturyLink-provided pay phones or Park-provided toll-free courtesy phones) are available to the public at several, but not all, developed locations around the park.” [p.8]

But the EA provides no specifics about these toll-free phones (e.g., where they are located, and how many there are). Nor is use of these phones, or an expansion of their use, considered as an alternative to wireless facilities.

### ***B. No Mitigation of Impacts***

As noted both above and below, the EA does not address several adverse impacts. If the EA does not acknowledge impacts, it is hard to mitigate them. Nonetheless the EA proclaims:

“This EA... identifies mitigation measures to lessen the degree or extent of these impacts.”

The only mitigation measures in the EA deal with construction and other on-site impacts. Nothing is mentioned (despite both internal and external concerns) about mitigating the spread of signals into areas beyond the developed zone at Paradise.

#### **IV. Wireless Project Highlights MORA’s Misplaced Priorities**

MORA’s Wilderness Stewardship Plan EIS is currently on hold because of inadequate park staffing. By contrast, at least sixteen MORA employees are listed in Park documents obtained by PEER under FOIA as being involved in the preparation of this EA or in some other part of this project.

It is unclear why accommodating commercial wireless corporations and their subscribers should command far more Park resources and attention than addressing the vast wilderness which covers 97% of MORA and is the Park’s raison d’être.

#### **V. The Safety Shuffle**

In various places MORA references the improved public safety that would be accorded by a wireless installation at Paradise. Yet, it never analyzes the degree or nature of any such improvement. Similarly, the EA touches upon public danger from cellular access but never analyzes those impacts. In still other places, the EA suggests that the proposal has no safety effects.

##### ***A. Danger of Distracted Drivers***

On one hand, the EA acknowledges an increased public peril:

“Improved cellular service along roadways may also increase distraction, and is believed to contribute to accidents.” [p. 37]

But on the other hand, it declines to ponder the scope or consequences of this enhanced risk;

“The following issues/impact topics were retained for further analysis: Improved cellular service along roadways may also increase distraction, and is believed to contribute to accidents,...” [p. 11]

An Environmental Assessment is supposed to assess, not digress.

##### ***B. Hiker Safety***

With respect to safety in the wilderness, the EA provides no coherent assessment of impacts on visitor or staff safety.

Since the emergency use of cell phones is envisioned in the wilderness – as opposed to a visitor’s center – enhancing safety would suggest that MORA should seek to wire its entire wilderness – something it claims to have no intention to do. Instead, this proposal should be recognized as a commercial service for paid subscribers rather than any form of public service.

## **VI. Ambiguity About Signal Reach**

The EA fails to make clear how far signals from Paradise installations will reach into MORA wilderness.

In one place, the EA suggests that there is broad coverage throughout the Park:

“Limited and spotty coverage is available throughout the park including Paradise, Camp Muir and Sunrise... Isolated ‘hot spots’ may be found along roads and in the backcountry.” [p.9]

Elsewhere, the EA suggests that it will not reach remote areas. For example, the Park maintains that this proposal would not extend coverage to Camp Muir (see p. 39). The basis of this assertion is not stated.

How far this proposal will extend cellular signals, and at what strength, is a key question that MORA should have answered before starting the EA process.

## **VII. Camel’s Nose: Cumulative Impacts Ignored**

Cellular technology is not static. What is approved today may – and most likely will – be upgraded tomorrow. The EA does not address the cumulative effects of these upgrades.

Indeed, such an upgrade spurred this process, as the EA notes:

“CenturyLink installed new fiber optic cable in the new conduit from Nisqually Entrance to Longmire in early 2016 and continued fiber cable installation up to Paradise, including connection to the JVC, during 2017... The upgrade to fiber optic cable enables cellular service to be considered at Paradise.” [p. 8]

Fiber optic cables would allow major telecommunications upgrades at a spot surrounded by designated wilderness.

Similarly, the EA alludes to larger bandwidth but does not address that issue head-on:

“The proposed cellular service at Paradise would consist of LTE... All future proposals would be reviewed for compliance with NPS Policy and law, and consistency with the purposes for which Mount Rainier National Park was established.” [p. 15]

LTE or Long-Term Evolution is the current standard for high-speed wireless communication. But other parks, such as Yellowstone, are facing demands from carriers to upgrade. When MORA is approached in a couple of years to upgrade the Paradise installation to 5G antennas, the Park appears poised to say “yes” without a whit of further review.

## **VIII. Approval is Pre-Determined**

As noted above, the EA predicts that a FONSI will issue, regardless of the impacts raised in comments.

Further, thus far MORA has billed Verizon and T-Mobile for a total of \$33,367. Given this five-year investment of staff time and the amount of money already spent, the Park is signaling that it has already decided to approve this project.

### **IX. Public Excluded**

The NPS rule governing these right-of-way approvals is found at Reference Manual (RM)-53: Special Park Uses, Rights-of-Way, Wireless Telecommunication Facilities. The RM-53 process is in addition to the normal NEPA and National Historic Preservation Act (NHPA) compliance. RM-53 makes clear that the public must be alerted to the Park's receipt of a cell tower application within 10 days:

“Receipt of a written application [SF-299] and application fee starts a 120 day clock... Within the first ten days after receipt of an application, the park will use the submitted material to come to an initial decision whether the park's answer will be yes, no or maybe...” [See Appendix 5, Exhibit 6, Page A5-50]. Following a ‘yes’ or ‘maybe’ decision by the Park, and “no later than 10 days after receipt of the application, the park will... mail notice to the park's list of potential interested parties advising of receipt of application, if the park has developed such a list, or by posting a notice of receipt of application for a WTF site in a newspaper of general circulation in the affected area and/or in the nearest metropolitan area newspaper. The purpose of the notice is [in part] to... promote public and local governmental participation...”

The Park first received Verizon's SF-299 proposal for Paradise in January 2015. The public was not notified until November 28, 2016. RM-53 requires public notification within the first ten days after an application is received.

In fact, this “approval process” at MORA had been going on for nearly five years without any real public involvement. Consider this timeline:

September 7, 2012: MORA telecom employee writes in an e-mail: “At the Park's request, Verizon is now looking at providing cell service in the Paradise area in addition to Sunrise.”

May 16, 2013: PEER asks Superintendent King to prepare a telecom plan for the Park before considering individual proposals. PEER notes, in closing, that “the Park has many options and factors to consider before moving ahead with any new wireless capacity. Involving the public now, at an early stage, is, we believe, not only required but would be beneficial in helping you and your staff sort through these issues.”

September 12, 2014: Park officials and Verizon make a “pre-application” site visit to Paradise to see what Verizon is proposing.

January 15, 2015: First SF-299 application (Verizon) is received for a Paradise cellular facility at the Jackson Visitor Center. NPS regional office recommends a “maybe” response.



April 22, 2015: Verizon's amended SF-299 is submitted for a Paradise facility at the Jackson Visitor Center.

May 19, 2015: T-Mobile submits an SF-299 for a Paradise facility at the Jackson Visitor Center.

May 1, 2015: MORA formally acknowledges receipt of the SF-299. Notice is sent to all area FCC-licensed telecommunications companies (but not to the public).

May 5, 2015: FOTSC review is started.

Mid-2015: Drafting of the EA begins.

February 23, 2016: NPS Regional Office orders an appraisal for the Paradise facility.

August 2016: Superintendent King praises the draft EA.

November 28, 2016: MORA issues a press release asking the public for scoping comments, as if the process is just getting under way.

MORA not only improperly bypassed NPS rules but deliberately acted to exclude the public until the process had reached a stage where the outcome was already pre-determined.

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