



U.S. Senator Angus King
Chair, Subcommittee on National Parks
Committee on Energy and Natural Resources

U.S. Senator John Barrasso
Ranking Member
Subcommittee on National Parks
Committee on Energy and Natural Resources

RE: Amendments Needed on S 2018 “Connect Our Parks Act”

Dear Senators:

We are writing you on behalf of Wilderness Watch and Public Employees for Environmental Responsibility (PEER), two organizations steeped in decades of experience in federal land use laws and their application within our national park system. We are writing to express our concerns about the language in the introduced version of S 2018 and to suggest how the problems with the bill’s drafting and framework could be remedied.

To begin with, we do not take issue with national parks granting rights-of-way for wireless (broadband or cellular) facilities serving visitor centers, employee lodging, or developed areas. However, the bill contains sweeping language that goes well beyond that – language that is confusing, inartful, and possibly creating needless conflicts leading to litigation.

Section 2(b)(2)(B) of the bill directs each national park to assess the need for cellular services in “any area...that would increase access of the public to emergency services...” This language suggests that all park backcountry which currently lacks cell service should have that coverage. Doing so would, in essence, entail wiring virtually designated, potential, recommended or eligible wilderness throughout the national park system. Surely, this is not your intention.

Similarly, the next subsection would direct a park to consider extending cell service wherever it might “increase... the communications capabilities of National Park Service employees.” This expansive legislative directive also seems to lack any boundaries. Nor does the bill offer any explanation as to why every backcountry ranger in even the most remote corner of a national park should be within the coverage of a cell tower.

Obviously, search and rescue and emergency response functions are vital public services rendered by a federal agency. The quality of these services should not be dependent on the decisions of commercial telecom operators whose aim is to profit from their subscribers – not to provide a public service.



Significantly, the bill’s premise appears to be that cellular service in a park will improve public safety. Not only has that link not been demonstrated but there is a growing body of evidence that visitor reliance on cell phones induces hikers and bikers to take risks they did not previously undertake. This may be one reason that there has been explosive growth in park search and rescue operations. The National Park Service (NPS) recorded 3371 such incidents in 2021, more than triple the 1103 incidents recorded in 2015.

In addition, Yellowstone, a park with a network of cell towers, tries to limit cell access on its road system to reduce the well-known danger of distracted drivers – a danger magnified on winding, often poorly lit park roads traversed by a significant number of large animals, such as bears, bison, and elk.

In short, the role cellular coverage plays in park visitor safety is not well understood enough to provide a basis for the type of legislative mandate contained in S 2018.

Furthermore, many of today’s cell phones (including the iPhone 14) can reach 911 via satellite, without any cell service availability. Increasingly, all new cell phones will have this capability, making existing cellular infrastructure in our national parks obsolete for these purposes. By contrast, S 2018 would tie national parks to technology that will soon be outmoded.

Before mandating further cellular facilities in our parks, as the two leading members of the Senate Subcommittee on Parks, you should acquaint yourself with how national parks are handling the current facilities. In a July 2019 report, entitled “The NPS Needs to Improve Management of Commercial Facilities’ Right-of-Way Permits and Revenues”, the Department of Interior’s Office of Inspector General (OIG) found widespread mismanagement, including:

- Many cell towers had no valid rights-of-way at all, while even more operate under approvals that have expired, with still more set to lapse without the park being aware of the need to renew. Notably, the OIG found that NPS had not removed a single non-compliant tower;
- NPS has not secured cost recovery owing from telecom companies for past or ongoing market-based permit fees, meaning that taxpayers are not receiving their fair share and park managers routinely allow cell operators a free ride; and
- NPS still lacks an inventory of what towers have already been approved and where.



To our knowledge, NPS has not remedied any of these conditions in the intervening years, and, in some parks, new facilities have been approved without undergoing the proper approval process or paying the appropriate market-based fees.

In addition, the OIG found widespread noncompliance with statutory and policy requirements for public notice and comment. Beyond the OIG report, our organizations have repeatedly seen park noncompliance with resource protection statutes, such as the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA).

It should also be underscored that S 2018 would leave it up to every park superintendent to determine whether there is “adequate access broadband internet access service or cellular service” without any standards or guidance. That means that the amount of such access could vary widely from park to park or in a single park as the superintendent changes. From a public policy perspective, surely the Congress can do better than this.

National parks should have standards for the amount and place for commercial services, such as cell and broadband coverage. Many of our national parks are cathedrals of nature where people seek solitude and to reconnect to a natural world. And many national parks contain designated wilderness where solitude is statutorily protected, commercial enterprise is statutorily prohibited, and refuge from technological and mechanical advances is a paramount goal. There should be areas that are free from the electronic tendrils of civilization where one can escape the reach of streaming downloads, online stock trading, and the perpetual hunt for Pokémon.

Rather than simply promoting more access, S 2018 could improve our policies governing these commercial services in our national parks. To that end, we suggest the following amendments:

1. Cellular and broadband service should be restricted to developed areas. No coverage, intentional or unintended spillover coverage should be allowed into or across any designated, recommended, or proposed wilderness, or in any park lands that are wilderness eligible.
2. Park superintendents should not renew any right-of-way or other approval for any cellular or broadband service that extends coverage, intentional or unintended spillover coverage into or across designated, recommended, or proposed wilderness, or in any park lands that are wilderness eligible.
3. Before any new cellular or broadband services are approved in any park, NPS must submit a report to the defined “Appropriate committees of Congress” containing a



complete up-to-date inventory of all such facilities, including their renewal dates and a detailed explanation of fees assessed and how that fee rate was calculated.

4. Require each park to seek public comment for any proposed cellular or broadband facility and publicly post all NEPA and NHPA compliance documentation for each such facility.
5. Within one year of enactment, NPS shall submit a report to the appropriate committees analyzing emerging telecommunications technology, including but not limited to 5G and satellite-based systems, and assessing their future impact on parks and visitor safety, as well as planning for the removal of outmoded telecom infrastructure.

We believe that these amendments will address the problems occasioned by the current language of S 2018. We also believe that they will improve both the quality of administration in our national parks and the quality of services they provide to all visitors.

If you have any questions about our comments, please feel free to have your staff reach out to Tim Whitehouse at 202-265-7337 or George Nickas at 406-542-2048 ext. 7.

Sincerely,

George Nickas
Executive Director
Wilderness Watch

Tim Whitehouse
Executive Director
Public Employees for Environmental Responsibility (PEER)