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11/24/2008 04:26 PM  
<BBRMP\_WYMail@blm.gov>  
To  
cc  
Subject  
Bighorn Basin RMP Revision Scoping

November 24, 2008

Caleb Hiner  
Bureau of Land Management  
PO Box 119  
Worland, Wyoming 82401-0119

Dear Caleb,

The Wyoming Department of Environmental Quality Water Quality Division (WQD) appreciates the opportunity to provide scoping comments on the Bighorn Basin Resource Management Plans (BBRMPs). We believe there are several major principles which should guide the RMP development process so that the many small details regarding water quality can be successfully incorporated: clear communication and collaboration; building on existing RMP templates; recognition of the different BLM and WQD roles in protecting water quality, and; management and decision making based upon scientifically valid and representative monitoring data.

We believe clear communication and collaboration between the BLM and the WQD (and other cooperating agencies) throughout the EIS and RMP development process will not only improve the quality of the resulting RMPs, but will also ensure the EIS process will proceed as efficiently as possible. Along the lines of quality and efficiency, we appreciate that the BLM will utilize recent RMPs (including those for which RODs are shortly expected), developed through collaborative efforts between the BLM and cooperating agencies in Wyoming, as a template for the BBRMPs. This should greatly streamline the process without necessitating the rehashing of issues which have already been addressed elsewhere in the state. We recognize that many BLM specialists in the Bighorn Basin Field Offices have not recently worked through the RMP development process in Wyoming. Therefore we are more than willing to collaborate with those BLM specialists to help them understand WQD's position, and why certain goals, objectives and management actions regarding water quality were developed in other recent RMPs.

Both the BLM and WQD have responsibility for protecting water quality, however the mechanisms for doing this vary between the two agencies. The WQD has sole primacy for enforcing Wyoming Water Quality Rules and

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Regulations, including permitting for most produced waters disposal. However, the BLM has the responsibility to ensure its authorized actions do not result in violation of Wyoming Water Quality Standards, therefore the BBRMPs must recognize and clarify this responsibility.

Good management and planning decisions to protect water quality, or any other resource, must be based upon scientifically valid and representative data. For example, because groundwater has been contaminated in areas of intensive oil and gas development elsewhere in the state, we believe an important tool to meet the objective of protecting groundwater quality is prioritizing monitoring where intensive oil and gas development coincides with areas most vulnerable to groundwater contamination. We recognize that the BLM has limited resources and personnel to monitor potential effects of their authorized actions, therefore the BLM must ensure that resources are made available as part of the approval process for those authorized actions so that the BLM can make good management decisions and protect those resources they are entrusted with.

We look forward to working with the BLM to develop RMPs which allow multiple uses of BLM lands and minerals in manner which is protective of water quality and other resources.

Mark

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# Wyoming Department of Agriculture

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*The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.*



Dave Freudenthal, Governor  
John Etchepare, Director

November 24, 2008

BLM Worland Field Office  
Attn: Caleb Hiner, RMP Project Manager  
PO Box 119  
Worland, WY 82401

Dear Mr. Hiner:

Following are the Wyoming Department of Agriculture's (WDA) scoping comments for the Bighorn Basin Resource Management Plan Revision (RMP) and Environmental Impact Statement (EIS) for the Cody and Worland Bureau of Land Management (BLM) Field Offices (FO).

Our comments are specific to our mission: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposed project affects our agriculture industry, our natural resources, and the welfare of our citizens, it's important we be kept informed of proposed actions and decisions and that we continue to be provided the opportunity to express pertinent issues and concerns.

With management direction of approximately 3.2 million surface acres and 4.2 million acres of federal mineral estate, this plan will undeniably affect grazing permittees, agriculture producers, landowners and other citizens, as well as our natural resources, over a large area of Wyoming. Officials need to consider these effects: direct, indirect, cumulative, economic, social, and environmental.

Decisions that affect grazing and other resource uses in the Bighorn Basin will have significant direct impacts that will affect permittees. In addition, indirect impacts of the plan will affect local communities throughout the Bighorn Basin and Wyoming as a whole.

Active collaboration between local cooperators, state cooperators, and BLM officials is key to the successful planning and preparation of the Bighorn Basin RMP. We appreciate the many meetings that the Cody and Worland officials have already had with cooperators and encourage a continuance of cooperating agency meetings. These meetings allow cooperators to discuss and have a shared knowledge of plan objectives, concerns, existing conditions, and desired conditions. They also help build a confidence in and support for the RMP. We request meetings of cooperators as often as possible to help develop goals, objectives, management actions, alternatives, and preliminary Draft and Final EIS's.

The RMP should allow BLM officials and grazing permittees the opportunity to work cooperatively and the flexibility to make the best case-by-case decisions that are in the best interests of affected natural resources and Bighorn Basin area citizens. Planning criteria needs to include an objective that your management decisions are complimentary to other planning jurisdictions and adjoining properties. These planning jurisdictions and adjoining properties include deeded lands, and

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Bighorn Basin RMP – Scoping Comments  
11/24/2008  
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decisions reflected in the RMP will critically impact ranchers and landowners operations and planned livestock grazing management on these lands. For this reason, BLM officials need to make every effort to ensure their decisions regarding this RMP are complimentary to adjoining properties. To ensure the most successful revised planning document, this RMP needs to reflect the active coordination of those responsible for making decisions on adjoining federal, state, and private lands.

We encourage BLM officials to work with all grazing permittees and agriculture producers affected by this plan to learn of their concerns and recommendations. Producers possess irreplaceable long-term, on-the-ground knowledge that should be utilized to its full advantage. They are particularly aware of the impacts this RMP will have on rangeland health, wildlife habitat, and livestock forage. They understand that it is in their best interest to continue to serve as stewards of the rangelands in the Bighorn Basin and can offer recommendations that are both environmentally and economically sound. Thus, we strongly recommend BLM officials aggressively address the concerns and recommendations of these stewards throughout the planning process. This includes ensuring that grazing permittees who are directly affected by this plan receive all notices about this revision.

Grazing on public lands represents a vital economic value to agricultural producers and to local communities. Impacts on this economic activity need to be included in the study. We urge BLM officials to coordinate with the Department of Agricultural and Applied Economics located in the University of Wyoming College of Agriculture. They have conducted several studies about the impact of policy upon agriculture throughout the state. The studies include the importance of Animal Unit Months (AUMs), the significance of input and output of state agriculture, and the costs and revenues to counties of agriculture compared to development. The Bighorn Basin RMP will directly affect the continuation of livestock grazing and other agricultural operations on federal and private lands within and adjacent to the planning area and these evaluations of economic impacts upon agriculture need to be included in the EIS.

In addition to its economic impacts, livestock grazing represents irreplaceable environmental and social values. These values contribute valuable and irreplaceable wildlife habitat, open spaces, ranchland buffers between federal lands and developments, scenic vistas, visual beauty, and the traditional image and heritage of the historic rural landscapes of Wyoming and the West. Losses of these essential environmental, historic, and social values of livestock grazing to users and visitors of the area and residents of impacted communities should be included in the scope of the EIS.

For several decades, Worland and Cody BLM officials and grazing permittees have been working to improve rangeland health in the Bighorn Basin through the management of livestock grazing. The RMP needs to adequately reflect these efforts. Range improvements, annual operating instruction, allotment management plans, monitoring, and other livestock grazing tools have moved rangelands on these lands in a positive direction. This direction has allowed livestock grazing management to be utilized and rangeland health to be improved. The EIS chapters on affected environment and environmental consequences should acknowledge these efforts and improvements.

Livestock grazing is permitted on BLM lands and it is important that the sections of the EIS that discuss livestock grazing specifically discuss *livestock grazing management*, just as the section on wildlife deals specifically with wildlife management. Livestock grazing must meet the provisions

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11/24/2008  
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of grazing permits, allotment management plans, and annual operating instructions. Thus, livestock grazing on federal lands within the Bighorn Basin RMP planning area is managed. The desired effects are the result of agreed upon management practices of Cody and Worland BLM officials and grazing permittees. For these reasons, the RMP needs to address effects, goals, objectives, and management actions of livestock grazing management, as opposed to livestock grazing.

Livestock grazing is an important tool used to enhance and sustain rangeland health. In Chapter Two of the EIS, which includes the goals, objectives, and management actions of the various resource values included in the RMP, it is essential that these goals, objectives, and management actions for livestock grazing management include the *promotion* of livestock grazing management. This is a stark contrast to the belief that livestock grazing management exists only to promote all other resource values. Chapter Two should be written with the understanding that livestock grazing is an important resource value in and of itself.

In addition, this EIS and RMP should not single out the effects of livestock grazing on other resource values when other resource users create identical or similar impacts. All resource uses which affect another resource under study should be included. For example, it is essential that neither wildlife nor livestock be spotlighted for credit or blame when both are responsible.

Often, the effects of livestock grazing upon other uses are focused on and the impacts of those uses upon livestock grazing are overlooked. The repercussions of other uses upon livestock grazing, forage availability, and grazing permittees are often overlooked. Planning needs to include the effects of each use and resource upon those of the others equally.

Management prescriptions in the RMP must reflect multiple use resource principles. Congressional mandates, federal statutes, and implementing regulations call for multiple uses on BLM-administered lands. These should be an integral part of the plans for the RMP. WDA particularly believes that the Congressional policy expressed in the Federal Land Policy and Management Act of 1976 (FLPMA) about livestock grazing needs to be specifically noted in the RMP. FLPMA Sec. 102(8) states “The Congress declares that it is the policy of the United States that...the public lands be managed in a manner...that will provide food and habitat for fish and wildlife and domestic animals...” We have learned through experience in working on previous RMP revisions that many in the public are unaware of this Congressional policy. Yet that policy is critical to livestock grazing in the Bighorn Basin RMP planning area. It is critical that FLPMA is expressed in the RMP.

Peer-reviewed science should underlie decisions that are made. The EIS needs to identify the science that supports the decisions and discussions regarding this project.

Glossary definitions are extremely important to the actual uses and meanings of those defined terms in the RMP. The definition for surface disturbance is particularly significant for livestock grazing. Overly broad definitions create unintended consequences. WDA recommends that planners and cooperators utilize and evaluate the “surface-disturbing activity” definition in the Casper BLM EIS/RMP. We also ask that care is taken when developing definitions for “wildlife disturbing activity”, “disruptive activity” and similar terms.

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At times, livestock grazing has been erroneously and unfairly characterized as a significant contributor to air emissions due to heavy construction activities and tailpipe emissions for transporting livestock. However, when estimates are computed correctly, the insignificance to air quality of these activities is obvious. We suggest that this RMP omit this incorrect characterization as the Kemmerer RMP has done. In addition, methane gas from livestock has been characterized as a major contributor to greenhouse gases. However, the Intergovernmental Panel on Climate Change stresses that these emissions vary based on the type of cattle, feed regime, productivity, and other factors<sup>1</sup>. While consumption of beef increases in developing countries, the demand for beef rises. If livestock grazing were removed from public lands, cattle would likely be sent to feedlot operations sooner and more often. With this comes a rising demand for feed, more development of agricultural land, and a rise in methane gas production. For these reasons, we suggest the Bighorn Basin RMP omit mischaracterizations such as these.

In conclusion, we appreciate the opportunity to comment on the scope of the proposed actions. We encourage continued attention to our concerns and we look forward to hearing about and being involved in proposed actions and decisions.

Sincerely,



John Etchepare  
Director

JE/jc

CC: Governor's Planning Office  
Wyoming Game and Fish Department  
Wyoming Board of Agriculture

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<sup>1</sup> IPCC. 2000. IPCC Special Report on Emissions Scenarios. Cambridge University Press. Cambridge.

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To  
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cc  
Subject  
Union Telephone Company; Comments  
on Bighorn Basin RMPs/EIS;  
WY-930-1610-DO-015F

Dear Sir/Madam:

Attached for filing with the Bureau of Land Management are the Comments of Union Telephone Company on the Notice of Intent to prepare the Bighorn Basin Resource Management Plans and associated Environmental Impact Statement for the Cody and Worland Field Offices. An original hard copy is also being filed via Federal Express.

Please confirm receipt of this e-mail and the attached Comments.

Very truly yours,

Shirley S. Fujimoto  
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Strategic alliance with MWE China Law Offices (Shanghai)

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November 24, 2008

VIA FEDERAL EXPRESS AND E-MAIL

RMP Project Manager  
Worland Field Office  
Bureau of Land Management  
101 South 23rd  
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Worland, WY 82401-0119

Re: Union Telephone Company, Inc.; Comments on Notice of Intent to Prepare Bighorn Basin Resource Management Plans and Associated Environmental Impact Statement for Worland and Cody Springs Field Offices, WY-930-09-1610-DO-015F

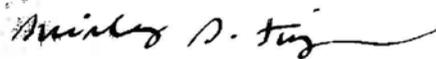
Dear Sir/Madam:

Enclosed for filing with the Bureau of Land Management, please find the Comments of Union Telephone Company in response to the "Notice of Intent To Prepare Resource Management Plans and Associated Environmental Impact Statement, Initiate Public Scoping, and Call for Coal and Other Resource Information."

In addition, we request that you please date-stamp the additional copy provided and return it in the attached envelope.

Thank you for your assistance in this matter.

Very truly yours,



Shirley S. Fujimoto

Attorney for Union Telephone Company

Enclosure

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Before the  
United States Department of the Interior  
Bureau of Land Management

In the Matter of )  
 )  
Notice of Intent to Prepare ) WY-930-1610-DO-015F  
Resource Management Plans and Associated )  
Environmental Impact Statement, )  
Initiate Public Scoping, and Call for Coal )  
And Other Resource Information )

To: The Worland Field Office, RMP Project Manager

COMMENTS OF UNION TELEPHONE COMPANY

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Dated: November 24, 2008

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COMMENTS OF UNION TELEPHONE COMPANY

Union Telephone Company ("Union"), through its undersigned counsel, respectfully submits these Comments in response to the *Notice of Intent* in the above-captioned matter,<sup>1</sup> pursuant to section 1610.2 of the Bureau of Land Management's ("BLM") rules.<sup>2</sup> In this *Notice of Intent*, the BLM proposed to prepare Resource Management Plans ("RMPs") for the Cody Field Office and the Worland Field Office, which will be covered by a single Environmental Impact Statement ("EIS"). These two RMPs and associated EIS will be called the Bighorn Basin RMP Revision Project and the resulting RMPs will replace the Washakie and Grass Creek RMPs, in Worland, and the Cody RMP. The BLM announced that the comment period is open until November 24, 2008.<sup>3</sup>

Union commends the BLM for its efforts to update the RMPs for the Cody and Worland Field Offices. Although the BLM has incorporated piecemeal amendments to the 1988 Washakie RMP, 1990 Cody RMP, and the 1998 Grass Creek RMP, the BLM should revisit these documents to ensure that they reflect the nation's evolving priorities and the greater importance of wireless communications in modern life.<sup>4</sup> The BLM has noted that "[i]ncreased population and Wyoming's boom in mineral development will result in the need for additional rights-of-way

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<sup>1</sup> Notice of Intent to Prepare Resource Management Plans ("RMPs") and Associated Environmental Impact Statement ("EIS"), Initiate Public Scoping, and Call for Coal and Other Resource Information, 73 Fed. Reg. 61900 (Oct. 17, 2008) ("*Notice of Intent*").

<sup>2</sup> 43 C.F.R. § 1610.2 (2006); see 43 U.S.C. § 1712(f) (1986).

<sup>3</sup> BLM News Release (Nov. 17, 2008), available at [http://www.blm.gov/wy/st/en/info/news\\_room/2008/11/14wfo-bhbrmp.html](http://www.blm.gov/wy/st/en/info/news_room/2008/11/14wfo-bhbrmp.html).

<sup>4</sup> See Alan Fram, *Trends See Cell Phone Only Use Growing*, Associated Press, May 14, 2007.

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for utilities to support community and industrial infrastructures."<sup>5</sup> The BLM also stated that "[r]apidly changing telecommunications technology is resulting in infrastructure coverage in many areas previously inaccessible to these types of technology."<sup>6</sup>

Thus, Union expects that there will be additional demand for wireless communications in the Cody and Worland Resource Areas. In particular, Union urges the BLM to revise the RMPs to facilitate the availability of federal lands for the siting of wireless communications infrastructure. Union recognizes that the BLM must balance the management of various land uses and recommends that the BLM designate additional utility corridors for the siting of wireless communications infrastructure and continue to follow a flexible approach to the siting of such infrastructure in areas outside of utility corridors.

The BLM should enhance the availability of federal lands for wireless communications infrastructure because it would satisfy numerous federal laws and policies. Specifically, the revised RMPs should comply with the executive and legislative directives supporting the construction and use of wireless communications infrastructure on federal lands. The siting of communications towers on federal lands would also further federal policies concerning the enhancement of public safety and emergency communications and the expansion of telecommunications services to rural areas. Finally, the siting of wireless communications infrastructure is otherwise consistent with the BLM's management priorities under the Federal Land Policy and Management Act of 1976 ("FLPMA") and the National Environmental Policy Act of 1969 ("NEPA").

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<sup>5</sup> U.S. Department of Interior, Bureau of Land Management, Cody and Worland Field Offices, Preparation Plan: Bighorn Basin Resource Management Plan Revision at 9 (2008) ("*Bighorn Basin Preparation Plan*").

<sup>6</sup> *Id.*

**I. BACKGROUND**

Union was founded in 1914 and has a long-standing history of providing vital telecommunications services in underserved rural areas. Based in Mountain View, Wyoming, Union provides local telephone service to approximately twenty-five rural communities in parts of Wyoming, Colorado, and Utah. In 1990, Union expanded to provide wireless telecommunications service and now provides, or is licensed to provide, coverage to an area encompassing over 123,611 square miles of mostly rural country. Although Union commenced operations with only eight cell sites, the demand for cellular service has caused this number to multiply to over 200 cell sites located throughout Wyoming, northwestern Colorado, and parts of Utah. Besides basic telephone and cellular service, Union also offers long distance, Internet, and cable television service.

Union has a strong interest in the *Notice of Intent* because the Cody and Worland Resource Areas are within its licensed wireless service area. As depicted on a map of Union's Global System for Mobile Communications ("GSM") home coverage area, Union already provides coverage to portions of the Cody and Worland Resource Areas.<sup>7</sup> Union anticipates that it will need to construct other towers in this Resource Area in the future in order to accommodate increasing public demand for wireless communications services, including access to emergency communications services. Thus, this proceeding directly impacts Union's existing and proposed operations.

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<sup>7</sup> Union Wireless, Union Wireless GSM Home Coverage Map, available at <http://www.unionwireless.com/pdf/GSMHomeMap.pdf> (last visited Nov. 17, 2008) (attached as Exhibit 1). GSM is a state-of-the-art digital wireless communications service, which is used by AT&T/Cingular Wireless and T-Mobile, as well as Union.

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**II. FEDERAL LAW COMPELS BLM TO MAKE THE CODY AND WORLAND RESOURCE AREAS AVAILABLE FOR THE SITING OF WIRELESS COMMUNICATIONS INFRASTRUCTURE**

The BLM has received directives from the President and Congress to implement the nation's strategy for wireless communications. These directives include (1) an Executive Memorandum; (2) the Telecommunications Act of 1996; and (3) a General Services Administration Bulletin. The BLM's Washington Office subsequently issued an Instruction Memorandum providing guidance to its field offices on rights-of-way planning. President Bush issued an Executive Memorandum reiterating the importance of expanding the deployment of telecommunications infrastructure on federal lands.

**A. The Executive and Legislative Branches Encourage the Siting of Wireless Communications Infrastructure on Federal Land**

On August 10, 1995, President Clinton issued an Executive Memorandum directing the BLM and other executive departments and agencies to facilitate the siting of "mobile services antennas" on federal property.<sup>8</sup> Specifically, the Executive Memorandum indicates that "[u]pon request, and to the extent permitted by law and where practicable, executive departments and agencies shall make available Federal Government buildings and lands for the siting of mobile service antennas."<sup>9</sup> The Executive Memorandum predicts that the siting of these antennas on federal property would foster new technologies, stimulate economic growth, and create new jobs.<sup>10</sup>

In the Telecommunications Act of 1996, Congress further attempted to spur the deployment of wireless telecommunications services by directing federal agencies to support the

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<sup>8</sup> Memorandum of August 10, 1995, Facilitating Access to Federal Property for the Siting of Mobile Services Antennas, 60 Fed. Reg. 42023, 42023 (Aug. 14, 1995).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

siting of antennas on federal property. Section 704(c) requires "the President or his designee [to] prescribe procedures by which federal departments and agencies may make available . . . property, rights-of-way, and easements under their control" for the siting of wireless communications infrastructure.<sup>11</sup> The Federal Communications Commission's ("FCC") Wireless Telecommunications Bureau interprets this provision as requiring the federal government to help wireless licensees to "get access to *preferred* sites for their facilities."<sup>12</sup>

In response to the Executive Memorandum and the Telecommunications Act, the General Services Administration published a Bulletin in the Federal Register outlining the guiding principles and actions necessary for federal agencies to implement the antenna siting program.<sup>13</sup> The Bulletin notes that "[r]equests for the use of property, rights-of-way and easements by telecommunications service providers . . . should be granted, unless there are unavoidable conflicts with the department's or agency's mission, or current or planned use of the property or access to that property."<sup>14</sup> Thus, the GSA's implementation guidelines call for federal departments and agencies, including the BLM, to support the siting of commercial antennas on federal property.

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<sup>11</sup> Telecommunications Act of 1996, Pub. L. No. 104-104 § 704(c), 110 Stat. 56, 152 (1996) (codified at 47 U.S.C. § 332 note (2001)); H.R. Rep. No. 104-458 at 207-209 (1996) (Conf. Rep.), as reprinted in 1996 U.S.C.C.A.N. 124.

<sup>12</sup> Federal Communications Commission, Wireless Telecommunications Bureau, New National Wireless Tower Siting Policies, Fact Sheet, <http://wireless.fcc.gov/siting/fact1.html> (Apr. 23, 1996) (emphasis added).

<sup>13</sup> Placement of Commercial Antennas on Federal Property, 72 Fed. Reg. 11881 (Mar. 14, 2007). The GSA published prior versions of these policies in March 1996 and June 1997. Placement of Commercial Antennas on Federal Property, 62 Fed. Reg. 32611 (June 16, 1997); Placement of Commercial Antennas on Federal Property, 61 Fed. Reg. 14100 (Mar. 29, 1996).

<sup>14</sup> Placement of Commercial Antennas on Federal Property, 72 Fed. Reg. at 11883.

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**B. President Bush Reiterated the Importance of Deploying Communications Infrastructure on Federal Lands**

In 2004, President Bush elaborated on the policy of wireless infrastructure deployment in an Executive Memorandum.<sup>15</sup> Specifically, the Executive Memorandum declares that "a key to widespread broadband deployment is ensuring that broadband providers have timely and cost-effective access to rights-of-way so that they can build out their networks across the Nation."<sup>16</sup> Because these wireless networks "often need to cross large areas of land owned or controlled by the Federal Government," the Administration created a Federal Rights-of-Way Working Group to "identify and recommend changes in Federal policies, procedures, regulations, and practices that would improve the process of granting rights-of-way for broadband communications networks on lands under Federal jurisdiction."<sup>17</sup>

The Working Group issued a Report with its recommendations to encourage broadband deployment throughout all regions of the nation. The Working Group also sought to "improve access to rights-of-way for other interested stakeholders."<sup>18</sup> Although the Working Group recommended that federal agencies encourage the use of utility corridors whenever practicable, it explicitly "recognize[d] that utility corridors may not always present the most efficient or cost-effective route for rights-of-way applicants and [that] applicants should retain the flexibility to

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<sup>15</sup> Memorandum on Improving Rights-of-Way Management Across Federal Lands To Spur Greater Broadband Deployment, 40 Weekly Comp. Pres. Doc. 696, 697 (Apr. 26, 2004).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> U.S. Department of Commerce, National Telecommunications and Information Administration, Improving Rights-of-Way Management Across Federal Lands: A Roadmap for Greater Broadband Deployment, *Report by the Federal Rights-of-Way Working Group* at 2, 10 (Apr. 2004), available at [http://www.ntia.doc.gov/reports/fedrow/FROWReport\\_4-23-2004.pdf](http://www.ntia.doc.gov/reports/fedrow/FROWReport_4-23-2004.pdf).

apply for other routes."<sup>19</sup> The Working Group also advised federal agencies to "give special consideration to potential broadband use for extending service to rural communities."<sup>20</sup> In the Executive Memorandum, President Bush directs executive departments to implement the Working Group's recommendations.<sup>21</sup>

In sum, these recommendations will establish a clear Executive Branch policy of encouraging the deployment by Union and others of wireless broadband and other communications services to rural areas in and around the Cody and Worland Resource Areas. Although Union currently provides non-broadband data services over Enhanced Data rates for GSM Evolution ("EDGE") and General Packet Radio Service ("GPRS") technologies, it plans to upgrade to a broadband technology, High-Speed Downlink Packet Access ("HSDPA"), in the near future. Union also has acquired FCC spectrum licenses for 700 MHz and Advanced Wireless Services ("AWS") frequencies, which authorize Union to provide broadband data services throughout its service area. In rural areas, these services will probably constitute the only cost-effective way for the public to receive broadband services, including Internet access.

**C. The BLM Requires Individual Field Offices to Facilitate the Siting of Wireless Communications Infrastructure**

In 2002, the BLM issued an Instruction Memorandum regarding the incorporation of communications rights-of-way ("ROW") into the land-use planning process.<sup>22</sup> In this Instruction Memorandum, the BLM's Washington Office advises the field offices that "each RMP should

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<sup>19</sup> *Id.* at 26.

<sup>20</sup> *Id.* at 27.

<sup>21</sup> Memorandum on Improving Rights-of-Way Management across Federal Lands to Spur Greater Broadband Deployment, 40 Weekly Comp. Pres. Doc. at 697.

<sup>22</sup> U.S. Department of the Interior, Bureau of Land Management, Instruction Memorandum No. 2002-196, ROW Corridors, ROW Use Areas, Land Use Planning (June 25, 2002), available at <http://www.blm.gov/nhp/efoia/wo/fy02/im2002-196.html>.

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consider a general RMP goal statement or ROW corridor decision which emphasizes that BLM will encourage use of the designated ROW corridors and ROW Use Areas *to the extent possible*.<sup>23</sup> Although the BLM encourages the use of designated ROW corridors, it also requires field offices to consider "site specific needs."<sup>24</sup>

### III. EMERGENCY COMMUNICATIONS DEPEND ON THE SITING OF WIRELESS COMMUNICATIONS INFRASTRUCTURE ON FEDERAL LANDS

The BLM would advance the national interest in public safety, homeland security, and emergency communications by adopting an EIS and revised RMPs to facilitate the siting of wireless communications infrastructure in the Cody and Worland Resource Areas. Although the BLM already considers safety management in its decision-making process, Congress has enacted several statutes emphasizing the deployment of wireless communications infrastructure as a means of enhancing emergency communications.<sup>25</sup> The siting of communications towers on federal land also would respond to requests by private, governmental, and industrial users for improved emergency communications in the Cody and Worland Resource Areas. Finally, recent

<sup>23</sup> *Id.* (emphasis added).

<sup>24</sup> *Id.*

<sup>25</sup> In addition to legislative action, the executive branch has launched several initiatives to develop a secure and robust infrastructure for critical utilities, including telecommunications. *E.g.*, The National Strategy for the Physical Protection of Critical Infrastructures and Key Assets at 47-49 (Feb. 2003). The National Park Service also specifically requires Park Superintendents to "consider the potential benefit of having telephone access to emergency law enforcement and public safety services" when reviewing applications for wireless telecommunications facilities. National Park Service, Management Policies 2006 § 8.6.4.3 (2006), available at <http://www.nps.gov/policy/MP2006.pdf> ("NPS Management Policies"); see National Park Service, Director's Order #53: Special Park Uses § 10.3 (2000), available at <http://www.nps.gov/policy/DOrders/DOrder53.html> ("NPS Director's Order #53"); National Park Service, Reference Manual to Director's Order #53 Special Park Uses at A5-46 (2000), available at <http://www.nature.nps.gov/RefDesk/index.cfm#Executive%20Orders> ("NPS Reference Manual").

events confirm that wireless communications are indispensable in emergency situations, especially in remote areas.

**A. Federal Statutes Encourage the Deployment of Wireless Communications to Enhance Emergency Communications**

The BLM should give substantial weight to public safety considerations in its preparation of an EIS and revised RMPs for the Cody and Worland Resource Areas. The BLM should incorporate the policies reflected in statutes enacted by Congress to encourage and facilitate the deployment of wireless communications infrastructure for public safety purposes into the EIS and revised RMPs for the Cody and Worland Resource Areas.

1. Communications Act of 1934

Congress has long emphasized the public safety aspects of wireless communications. Section 1 of the Communications Act of 1934 ("Communications Act") indicates that a purpose of the statute is to "make available, so far as possible, to all the people of the United States . . . a rapid, efficient, Nation-wide . . . wire and radio communication service with adequate facilities . . . for the purpose of promoting safety of life and property through the use of wire and radio communications."<sup>26</sup> To achieve this statutory purpose, wireless communications providers will need to install their infrastructure on federal lands.

2. Wireless Communications and Public Safety Act of 1999

The vital national interest in access to wireless communications services was further underscored by the enactment of the Wireless Communications and Public Safety Act of 1999. The purpose of this Act is "to encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for

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<sup>26</sup> 47 U.S.C. § 151 (2001) (emphasis added).

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communications, including wireless communications, to meet the Nation's public safety and other communications needs."<sup>27</sup>

In the legislative history, the House of Representatives found that the traveling public increasingly relies on wireless telephones to "provid[e] themselves with an extra measure of security."<sup>28</sup> The House noted that the traveling public "us[e] these phones to call for help when they need it, to report other drivers' accidents or injuries, and to report erratic or aggressive drivers to authorities before those drivers have an opportunity to injure others."<sup>29</sup> Although the public depends on these wireless phones, the House observed that the existing wireless infrastructure is insufficient.<sup>30</sup> The House found that "in many areas across the country, there are 'holes' or 'dead zones' in the wireless network where a wireless call cannot be transmitted due to the absence of a nearby cellular or personal communications services (PCS) antenna."<sup>31</sup> Even though the House recognized that "the siting of antennas on Federal property will not patch every hole in the wireless network," it asserted that antenna siting on federal lands "will provide coverage to areas where there are few other alternatives."<sup>32</sup> Because wireless communications providers lack any other feasible alternatives, the BLM should facilitate additional siting of communications towers in the Cody and Worland Resource Areas in order to satisfy this statutory mandate.

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<sup>27</sup> *Id.* § 615 note (b).

<sup>28</sup> H.R. Rep. No. 106-25, at 5 (1999); *see* S. Rep. No. 106-138, at 1 (1999) (noting that many Americans "subscribe to wireless telephone service . . . for safety reasons, especially when traveling.").

<sup>29</sup> H.R. Rep. No. 106-25, at 5 (1999).

<sup>30</sup> *Id.* at 4.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 6.

3. ENHANCE-911 Act

In 2003, Congress adopted the Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004 ("ENHANCE 911 Act") to provide federal funding and coordination of wireless 911 deployment.<sup>33</sup> Congress found that "enhanced 911 is a high national priority and it requires Federal leadership, working in cooperation with . . . numerous organizations dedicated to delivering emergency communications services."<sup>34</sup>

In the legislative history, the House found that "[a]n increasing number of emergency calls are placed from wireless rather than wireline telephones."<sup>35</sup> The House pointed to the millions of wireless customers in the United States, "many of whom witness or experience accidents when they are in reach of their wireless phones but miles from a wireline telephone."<sup>36</sup> The House stated that "[w]ireless phones present the opportunity to drastically reduce emergency response time and save even more lives."<sup>37</sup>

The Honorable Barbara Cubin, the Representative from the State of Wyoming, supported the passage of the ENHANCE 911 Act. In particular, Representative Cubin noted that the Act would "give wireless consumers the safety and peace of mind that wireless E-911 promises."<sup>38</sup> She further stated that "[w]ith over 140 million Americans owning wireless phones today, there

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<sup>33</sup> Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004, Pub. L. No. 108-494 § 102(4), 118 Stat. 3986 (codified at 47 U.S.C. § 942 note (Supp. 2006)).

<sup>34</sup> *Id.*

<sup>35</sup> H.R. Rep. No. 108-311, at 4 (2003). As of 2003, the Senate estimated that the public places more than 56 million 911 calls each year from wireless telephones. S. Rep. No. 108-130, at 2 (2003).

<sup>36</sup> H.R. Rep. No. 108-311, at 4 (2003).

<sup>37</sup> *Id.*

<sup>38</sup> E-911 Implementation Act of 2003: Hearing on H.R. 2898 Before the Subcomm. on Telecommunications and the Internet of the H. Comm. on Energy and Commerce, 108th Cong. 7 (2003) (statement of Rep. Barbara Cubin, Member, Subcomm. on Telecommunications and the Internet of the H. Comm. on Energy and Commerce).

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is no question that the deployment of wireless E-911 is a pressing priority and part of the foundation of homeland security."<sup>39</sup>

Union has committed to the deployment of emergency communications throughout its service area. The FCC has stated that "the public interest demands that carriers and technology providers strive to ensure that when wireless callers dial 911, emergency responders are provided with location information that enables them to reach the site of the emergency as quickly as possible."<sup>40</sup> Furthermore, the FCC has warned that "inadequate location information can result in a loss of life that might otherwise have been prevented."<sup>41</sup> To provide these communications, however, Union will need to construct wireless communications infrastructure.<sup>42</sup> Thus, the BLM should prepare an EIS and revised RMPs to encourage and facilitate the siting of this infrastructure on federal lands in the Cody and Worland Resource Areas.

**B. Wireless Communications Are Indispensable in Emergency Situations**

Although Union offers commercial service in Wyoming, Utah, and Colorado, its subscribers expect to receive access to emergency communications as part of this service. Moreover, subscribers of other wireless service providers likewise expect to receive access to

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<sup>39</sup> *Id.*

<sup>40</sup> Wireless E911 Location Accuracy Requirements; Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Association of Public-Safety Communications Officials-International, Inc. Request for Declaratory Ruling; 911 Requirements for IP-Enabled Service Providers, PS Docket No. 07-114; CC Docket No. 94-102; WC Docket No. 05-196, *Notice of Proposed Rulemaking*, 22 FCC Rcd 10609, 10612 ¶ 6 (2007) ("*E911 NPRM*").

<sup>41</sup> *Id.* at 10612 ¶ 5.

<sup>42</sup> *Id.* Because network-based location systems such as Union's generally require a caller's signal to be detectable by more than one cell site in order to determine the caller's precise location, the BLM must give significant weight to the public safety benefit resulting from a tower's ability to provide increased location accuracy for E911 calls in deciding whether to permit the construction of a communications tower on BLM-administered land.

emergency communications services when "roaming" in Union's service area. To provide the capacity and terrain coverage necessary to make emergency communications available in these and other areas, Union will need to construct and use wireless communications infrastructure on land administered by the BLM throughout its existing and potential service area, including the Cody and Worland Resource Areas.

1. Union Cooperates with Public Safety Agencies

Union cooperates extensively with local and federal public safety agencies during emergencies. For example, at the request of the BLM and Forest Service, Union erected a wireless communications tower to provide emergency communications during the Mustang Ridge Fire, which was the most destructive of the 2002 fire season.<sup>43</sup> In addition, the National Park Service asked Union to provide emergency wireless facilities during a fire at Yellowstone National Park.

Union also assists local law enforcement whenever possible. For example, Union provided wireless communications service for a missing-person search in Jackson County, Colorado. Furthermore, Union has held conversations with law enforcement officials in its service area regarding their interest in increased coverage for use in search and rescue missions, as well as with fire fighting. Sublette County, Wyoming, and the Board of County Commissioners in Fremont County, Wyoming, also have supported Union's efforts to provide

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<sup>43</sup> Susan Whitney, *Order May Have Aided Utah Fire*, *Deseret* (Salt Lake City) News, Apr. 4, 2003.

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enhanced 911 service,<sup>44</sup> which would "improve the effectiveness and reliability of wireless 911 service by providing 911 dispatchers with additional information on wireless 911 calls."<sup>45</sup>

2. Individual Subscribers Rely on Union's Wireless Communications during Emergencies

Union also provides emergency wireless communications to individual subscribers. Although Union cannot know exactly how many people have relied on its service during emergencies, it is aware of at least one instance in which its wireless coverage helped save someone's life.<sup>46</sup> In September 2004, local and federal public safety agencies responded to a request for emergency medical assistance involving a bowhunter who had seriously injured himself by puncturing his leg with an arrow near Steamboat Springs, Colorado.<sup>47</sup> A fellow bowhunter used his wireless telephone to call the injured hunter's father who, in turn, called 911.<sup>48</sup> The emergency dispatcher directed the uninjured bowhunter to meet paramedics at the nearest road to expedite the rescue effort.<sup>49</sup> The uninjured hunter "was thankful for the cell

<sup>44</sup> Reply Comments of Union Telephone Company at 9-10, *E911 NPRM*, (filed Sept. 18, 2007).

<sup>45</sup> Federal Communications Commission, *Enhanced 911 – Wireless Services*, <http://www.fcc.gov/911/enhanced/> (Feb. 27, 2006). In 1996, the FCC mandated a two-phase implementation for wireless carriers. Under Phase I, carriers must report the telephone number and location of the cell tower that received the 911 call. 47 C.F.R. § 20.18(d) (2006). Under Phase II, carriers must provide location information to within 50 to 300 meters, depending on the type of technology. *Id.* § 20.18(e), (h).

<sup>46</sup> *E.g.*, Tamera Manzanares, *Resident Injured with Arrow: 18-Year-Old Flown to Denver after Stepping on Hunting Arrow*, *Steamboat Pilot & Today* (Steamboat Springs, CO), Sept. 27, 2004; see David Mirhadi, *The Whole Town's Talking: Saved by the Cell: Cody Woman Lucky to Be Alive after Harrowing Trip*, *Casper Star-Tribune*, Nov. 14, 2006 (reporting that a woman placed a cell phone call to request emergency assistance after wrecking her car).

<sup>47</sup> *E.g.*, Tamera Manzanares, *Resident Injured with Arrow: 18-Year-Old Flown to Denver after Stepping on Hunting Arrow*, *Steamboat Pilot & Today* (Steamboat Springs, CO), Sept. 27, 2004.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

phone he had bought just several days before the accident . . . to ensure he'd have reception in remote areas."<sup>50</sup>

Business users also have asked Union to establish a sound wireless network for emergency communications.<sup>51</sup> Union expects that there will be additional demand for wireless communications in the Cody and Worland Resource Areas. Although Union would like to accommodate these requests, its capacity and terrain coverage are not sufficient to provide the necessary level of emergency communications services required by subscribers in and around the Cody and Worland Resource Areas.

3. Wireless Communications Provide Invaluable Assistance to Federal Agencies

Wireless communications have contributed to fire management operations and to search and rescue missions on federal lands within Union's service area. For example, the staff of the Upper Colorado River Interagency Fire Management Unit rely on commercial wireless service.<sup>52</sup> Although the Fire Management Unit also uses interagency land mobile radios, it states that "[c]ell phones should be used by initial and extended attack resources for lengthy conversations

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<sup>50</sup> *Id.*

<sup>51</sup> Union provides wireless communications to a coalbed methane coalition that seeks to locate communications towers and transmitting equipment throughout the new energy resource development areas in Wyoming for emergency services, vendor and transportation logistics, traffic and personnel control, search and rescue, and fire and toxic release notice. This coalition is adamant that effective, efficient wireless communications systems be the cornerstone of each of these areas.

<sup>52</sup> U.S. Department of Interior, Bureau of Land Management, Glenwood Springs Field Office, Fire Management Plan: Wildland Fire Management & Prescriptive Vegetation Treatment Guidance 18 (2004), available at <http://www.co.blm.gov/gsra/documents/2004FMPSECTION0TABLEOFCONTENTS.pdf> ("Glenwood Springs Fire Management Plan"). The BLM has also indicated the importance of wireless communications in other fire management plans. *E.g.*, U.S. Department of the Interior, Bureau of Land Management, Wyoming Northern Fire Zone, Fire Management Plan, 45, 59, 60 (2004), available at <http://www.blm.gov/style/medialib/blm/wy/fire/fmpdocs.Par.1369.File.dat/0112004northern.pdf>.

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regarding operational tactics, logistical needs and coordination and other matters."<sup>53</sup> The Upper Colorado Interagency Fire Management Unit "provides preparedness, suppression, prevention and fuels management services" to the Glenwood Springs Resource Area, the Grand Junction Resource Area, the White River National Forest, the Grand Mesa National Forest, the Colorado National Monument, and the Grand Valley Ranger District of the Grand Mesa-Uncompahgre-Gunnison National Forests.<sup>54</sup> To support these critical fire management operations, the siting of wireless communications infrastructure in and around those areas is essential. The National Park Service ("NPS") has frequently mentioned the importance of wireless communications to the rescue of lost or injured individuals at Grand Teton National Park.

In August 2006, NPS rangers responded to at least two 911 cell phone calls requesting emergency medical assistance for life-threatening injuries.<sup>55</sup> In one instance, two septuagenarian horseback riders placed a 911 cell phone call after being bucked off their horses in Granite Canyon.<sup>56</sup> When rangers arrived at the scene, one of the riders "was experiencing serious respiratory difficulties, and his condition was deteriorating quickly."<sup>57</sup> The cell phone call enabled rangers to locate the riders quickly, provide emergency assistance, and evacuate them by

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<sup>53</sup> *Glenwood Springs Fire Management Plan* at 18.

<sup>54</sup> *Id.* at 4.

<sup>55</sup> Press Release, U.S. Department of the Interior, National Park Service, Bicyclist Seriously Injured While Riding Near Jenny Lake in Grand Teton National Park (Aug. 17, 2006), <http://www.nps.gov/archive/grte/news/2006/06-47.pdf>; Press Release, U.S. Department of the Interior, National Park Service, Rangers Evacuate Injured Horseback Riders by Helicopter from Granite Canyon in Grand Teton National Park (Aug. 8, 2006), <http://www.nps.gov/archive/grte/news/2006/06-44.pdf>.

<sup>56</sup> Press Release, U.S. Department of the Interior, National Park Service, Rangers Evacuate Injured Horseback Riders by Helicopter from Granite Canyon in Grand Teton National Park (Aug. 8, 2006), <http://www.nps.gov/archive/grte/news/2006/06-44.pdf>.

<sup>57</sup> *Id.*

helicopter.<sup>58</sup> Cell phone calls also have helped NPS rangers rescue lost or non-critically injured snowboarders, snowshoers, skiers, bicyclists, and climbers.<sup>59</sup>

The NPS has not identified the wireless telecommunications provider that carried these emergency calls in the Grand Teton National Park. Based on the coverage map, attached as Exhibit 1, Union's wireless network covers portions of this Park. Thus, Union may have provided invaluable assistance in these or similar search and rescue operations.

Even though some federal lands have reasonably good cell phone coverage, they typically do not have enough communications towers to eliminate all dead zones within their boundaries. For example, in the Grand Teton National Park, the NPS has reported that some injured recreationalists or their companions have had to trek great distances through the Park to

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<sup>58</sup> *Id.*

<sup>59</sup> *E.g.*, Press Release, U.S. Department of the Interior, National Park Service, Two Stranded Climbers Rescued from the Grand Teton (Aug. 30, 2007), <http://www.nps.gov/grte/parknews/upload/07-69.pdf>; Press Release, U.S. Department of the Interior, National Park Service, Injured Climber Rescued by Helicopter from Mount Moran (July 30, 2007), <http://www.nps.gov/grte/parknews/upload/07-54.pdf>; Press Release, U.S. Department of the Interior, National Park Service, Backcountry Hiker Rescued by Helicopter from Granite Canyon (July 8, 2007), <http://www.nps.gov/grte/parknews/upload/07-39.pdf>; Press Release, U.S. Department of the Interior, National Park Service, Out-of-Bounds Snowboarder Rescued from Granite Canyon (Mar. 1, 2007), <http://www.nps.gov/archive/grte/news/2007/07-05.pdf>; Press Release, U.S. Department of the Interior, National Park Service, Avalanche Victim Rescued from Granite Canyon (Feb. 26, 2007), [http://www.nps.gov/grte/parknews/upload/Jan-June2007\\_all\\_news.pdf](http://www.nps.gov/grte/parknews/upload/Jan-June2007_all_news.pdf); Press Release, U.S. Department of the Interior, National Park Service, Cyclist Collides with Parked Van on Highway 26/89/191 (July 11, 2006), <http://www.nps.gov/archive/grte/news/2006/06-33.pdf>; Press Release, U.S. Department of the Interior, National Park Service, Injured Climber Rescued from Garnet Canyon (Mar. 3, 2006), <http://www.nps.gov/archive/grte/news/2006/06-10.pdf>; Press Release, U.S. Department of the Interior, National Park Service, Search and Rescue Conducted for Lost Skiers in Teton Backcountry (Feb. 24, 2006), <http://www.nps.gov/archive/grte/news/2006/06-08.pdf>; Press Release, U.S. Department of the Interior, National Park Service, Injured Backcountry Skier Rescued Near Taggart Lake (Feb. 22, 2006), <http://www.nps.gov/archive/grte/news/2006/06-07.pdf>; Press Release, U.S. Department of the Interior, National Park Service, Search Conducted for Lost Snowshoer in Granite Canyon (Feb. 13, 2006), <http://www.nps.gov/archive/grte/news/2006/06-05.pdf>.

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find a spot with adequate coverage to place a 911 call for medical assistance.<sup>60</sup> Thus, the siting of wireless communications infrastructure is necessary to protect safety of life and property on federal lands, including lands administered by the BLM in the Cody and Worland Resource Areas.

**IV. THE SITING OF WIRELESS COMMUNICATIONS INFRASTRUCTURE ON FEDERAL LANDS WOULD PROMOTE THE DEPLOYMENT OF SERVICE TO RURAL AREAS**

The BLM also should encourage and facilitate the siting of wireless communications infrastructure on federal lands because it would advance significant public policy goals in addition to public safety.

**A. The BLM Should Support the Deployment of Wireless Telecommunications to Rural Areas**

The FCC has stated that " wireless services have advanced to the point where many people rely on them for communications wherever they may be, whether at home or in the workplace, indoors or outdoors, or in an urban, suburban or rural area."<sup>61</sup> In the Telecommunications Act of 1996, which revised the Communications Act, Congress also required the FCC to implement a federal Universal Service Fund to promote connectivity in rural areas through financial incentives to institutions that provide telecommunications and information services.<sup>62</sup> In addition, the FCC has adopted several measures "to promote access to

<sup>60</sup> *E.g.*, Press Release, U.S. Department of the Interior, National Park Service, Park Rangers Rescue Injured Climber from Garnet Canyon (July 23, 2006), <http://www.nps.gov/archive/grte/news/2006/06-37.pdf>; Press Release, U.S. Department of the Interior, National Park Service, Injured Climber Flown from Death Canyon (July 11, 2006), <http://www.nps.gov/archive/grte/news/2006/06-34.pdf>.

<sup>61</sup> *E911 NPRM*, 22 FCC Rcd at 10613 ¶ 9.

<sup>62</sup> 47 U.S.C. § 254. The Telecommunications Act of 1996 also authorized the creation of the Telecommunications Development Fund as a venture capital corporation that seeks to increase  
(continued...)

spectrum and facilitate capital formation for entities seeking to serve rural areas or improve service in rural areas.<sup>63</sup> The FCC also has initiated other programs to increase access to communications in rural areas.<sup>64</sup>

Several other federal agencies also have offered discounts and other incentives for the development of telecommunications infrastructure. In particular, the U.S. Department of Agriculture ("USDA") has created a Distance Learning and Telemedicine Loan and Grant Program,<sup>65</sup> a Community Connect Grant Program,<sup>66</sup> a Rural Broadband Access Loan and Loan Guarantee Program,<sup>67</sup> an Expedited Telecommunications Loan and Loan Guarantee Program,<sup>68</sup>

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the emergence of telecommunications businesses by providing capital and management expertise to entrepreneurs. *Id.* § 614.

<sup>63</sup> In re Facilitating the Provision of Spectrum-Based Services to Rural Areas and Promoting Opportunities for Rural Telephone Companies to Provide Spectrum-Based Services, WT Docket Nos. 02-381, 01-14, 03-202, *Report and Order and Further Notice of Proposed Rule Making*, 19 FCC Red 19078, 19080 ¶ 1 (2004).

<sup>64</sup> *E.g.*, Federal Communications Commission, Consumer & Governmental Affairs Bureau, *Lands of Opportunity: Bringing Telecommunications Services to Rural Communities* (2006), available at <http://www.fcc.gov/indians/opportunity.pdf>; see Federal Communications Commission, Consumer & Governmental Affairs Bureau, *Telecommunications Service in Rural America*, <http://www.fcc.gov/cgb/rural/welcome.html#facts> (Mar. 9, 2007) (listing documents related to the FCC's efforts to promote the deployment of telecommunications and information services in rural areas).

<sup>65</sup> U.S. Department of Agriculture, *Distance Learning and Telemedicine Program*, <http://www.usda.gov/rus/telecom/dlt/dlt.htm> (last visited Nov. 17, 2008); see 7 C.F.R. §§ 1703.100-1703.147 (2007).

<sup>66</sup> U.S. Department of Agriculture, *Rural Development Community Connect Grant Program*, <http://www.usda.gov/rus/telecom/commconnect.htm> (last visited Nov. 17, 2008); see 7 C.F.R. pt. 1739.

<sup>67</sup> U.S. Department of Agriculture, *Rural Development Broadband Loan and Loan Guarantee Program*, <http://www.usda.gov/rus/telecom/broadband.htm> (last visited Nov. 17, 2008); see Farm Security and Rural Investment Act of 2002, Pub. L. 107-171, 116 Stat. 134, 415-418 § 6103 (2002) (codified at 7 U.S.C. § 950bb (Supp. 2006)); 7 C.F.R. pt. 1738.

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and a Rural Business Enterprise Grant Program.<sup>69</sup> The USDA also has entered into a partnership with the FCC and private industry, known as the Federal Rural Wireless Outreach Initiative, "to encourage greater access and deployment of wireless services to enhance economic development throughout rural America."<sup>70</sup> Other federal initiatives include, or have included, (1) the National Telecommunications and Information Administration's initiative for the planning and construction of public telecommunications facilities;<sup>71</sup> (2) the U.S. Department of Education's initiative on community technology centers;<sup>72</sup> and (3) the U.S. Department of Health and Human Services' initiative on rural telemedicine grants.<sup>73</sup>

The Wyoming Rural Development Council ("WRDC") has also indicated its support for the siting of wireless communications infrastructure. The WRDC is "a collaborative public/private partnership" consisting of private sector organizations, non-profit organizations,

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<sup>68</sup> U.S. Department of Agriculture, Expedited Telecommunications Loan and Loan Guarantee Program, <http://www.usda.gov/rus/telecom/documents/epedited-loanprocessing-app-guide.pdf> (last visited Nov. 17, 2008); see 7 C.F.R. pts. 1735, 1737.

<sup>69</sup> U.S. Department of Agriculture, Rural Business Enterprise Grants (RBEG) Program, <http://www.rurdev.usda.gov/rbs/busp/rbeg.htm> (last visited Nov. 17, 2008).

<sup>70</sup> U.S. Department of Agriculture, Joint Federal Rural Wireless Outreach Initiative, <http://www.usda.gov/rus/telecom/jointoutreach/index.html> (last visited Nov. 17, 2008).

<sup>71</sup> U.S. Department of Commerce, National Telecommunications and Information Administration, Public Telecommunications Facilities Program, <http://www.ntia.doc.gov/ptfp/> (last visited Nov. 17, 2008).

<sup>72</sup> U.S. Department of Education, Community Technology Centers, <http://www.ed.gov/programs/comtechcenters/index.html> (last modified March 4, 2008).

<sup>73</sup> U.S. Department of Health and Human Services, Health Resources and Services Administration, Telehealth, <http://www.hrsa.gov/telehealth/default.htm> (last visited Nov. 17, 2008).

and local, state, and federal governmental entities.<sup>74</sup> The goals of the WRDC are to (1) assist rural communities in visioning and strategic planning; (2) assist communities in finding and obtaining grants for rural projects; (3) serve as a neutral forum for identification and resolution of multi-jurisdictional issues; and (4) promote the understanding of the needs, values, and contributions of rural communities.<sup>75</sup> In a recent meeting, the WRDC Chairperson announced that another goal was to "facilitate" the deployment of wireless communications to rural towns and areas in Wyoming to promote economic growth, medical care, education, and security.

These initiatives and programs are limited in the degree to which they can advance the deployment of telecommunications and broadband services to rural areas. In particular, wireless providers often need to site communications infrastructure on federal lands to ensure that rural areas receive access to mobile wireless services. Union also requires access to federal lands to install infrastructure for its fixed wireless, or telular, communications service.

**B. The BLM Should Encourage the Availability of Wireless Telecommunications on Tribal Lands**

The BLM should also revise the Cody and Worland RMPs to promote the availability of wireless telecommunications on tribal lands. Although tribal governments have the right to set their own telecommunications priorities and goals, a purpose of the Communications Act is to promote the availability of wireless communications nationwide.

Federal agencies encourage the deployment of wireless telecommunications on tribal lands. While the aforementioned grant and loan programs for rural areas apply to many tribal

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<sup>74</sup> Wyoming Rural Development Council, Resource Team Report for the Converse County Assessment 1 (2006), available at <http://www.candowyoing.com/CONVERSE%20COUNTY%20FINAL%20REPORT.pdf>.

<sup>75</sup> *Id.*

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lands, the FCC also has established the Indian Telecommunications Initiatives ("ITI").<sup>76</sup> The ITI is a comprehensive FCC program that seeks to increase the installation of telecommunications infrastructure necessary to provide telecommunications services on tribal lands.<sup>77</sup> In addition, the FCC has provided discounts on the purchase of spectrum for wireless providers that will serve tribal lands.<sup>78</sup>

The BLM should cooperate in these efforts to deploy wireless communications on tribal lands. Although the FCC has primary jurisdiction over the use of wireless spectrum, the BLM retains decision-making authority over the siting of communications towers on certain federal lands. If the BLM were to grant access to portions of these federal lands for wireless communications infrastructure, wireless providers could deploy service on tribal lands.

**V. THE SITING OF COMMUNICATIONS TOWERS ON FEDERAL LANDS IS CONSISTENT WITH THE BLM'S MANAGEMENT PRIORITIES**

The BLM should prepare an EIS and revised RMPs for the Cody and Worland Resource Areas to facilitate the siting of wireless communications infrastructure on federal lands because it would further the statutory and regulatory goals of land-use planning.

**A. The BLM Should Continue to Allow the Siting of Wireless Communications Infrastructure throughout the Cody and Worland Resource Areas**

The BLM currently allows the siting of wireless communications infrastructure in a large percentage of the Cody and Worland Resource Areas. In the RMP materials, the BLM has requested comment on the siting of wireless communications facilities.<sup>79</sup>

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<sup>76</sup> Federal Communications Commission, Indian Telecommunications Initiatives, <http://www.fcc.gov/indians/iti.html> (last updated July 5, 2006).

<sup>77</sup> *Id.*

<sup>78</sup> 47 C.F.R. § 1.2110(f)(3).

<sup>79</sup> *Bighorn Basin Preparation Plan* at 9.

In the existing RMPs, the BLM grants rights-of-way for communications infrastructure on a case-by-case basis throughout most of the Cody and Worland Resource Areas, provided the infrastructure would not interfere with other management objectives. Under the 1990 Cody RMP, "[m]ost of the planning area is open for location of utility and transportation systems" and proposals are addressed on an individual basis.<sup>80</sup> The 1990 Cody RMP states there are three existing communication site windows, which are the "*preferred* locations for future communication sites."<sup>81</sup> Although avoidance areas exist in the 1990 Cody RMP, the BLM stated that ROWs are allowed in avoidance areas when required or when such areas cannot be reasonably avoided, provided that the adverse effects of construction is intensively mitigated.<sup>82</sup> The 1998 Grass Creek RMP provides that the "planning area will be open for rights-of-way development. Proposals will be addressed on an individual basis, with emphasis on avoiding certain conflict or sensitive areas."<sup>83</sup> The 1998 Grass Creek RMP also designated two ROW corridors as the "*preferred* locations for placement of new communication sites."<sup>84</sup> The 1988 Washakie RMP provides that existing transportation and utility corridors for roads, pipelines, and power lines are designated as "*preferred* locations for future ROW grants, with an additional

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<sup>80</sup> U.S. Department of Interior, Bureau of Land Management, Record of Decision and Approved Resource Management Plan for the Cody Resource Area at 14 (1990) ("*1990 Cody RMP*").

<sup>81</sup> *Id.* (emphasis added).

<sup>82</sup> *Id.*

<sup>83</sup> U.S. Department of Interior, Bureau of Land Management, Record of Decision and Approved Resource Management Plan for the Grass Creek Planning Area at 12 (1998) ("*1998 Grass Creek RMP*").

<sup>84</sup> *Id.* (emphasis added).

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one million acres not included in designated corridors but available for ROWs under certain circumstances.<sup>85</sup>

In the EIS and revised RMPs, the BLM should continue to leave most of the Cody and Worland Resource Areas open for wireless communications infrastructure. This approach is consistent with the executive and legislative directives that require the BLM to make federal land available for the siting of wireless communications infrastructure. Furthermore, this infrastructure siting promotes the federal policies favoring emergency communications and the deployment of telecommunications to rural areas. The BLM also should adopt a more flexible approach for the siting of major utility systems. In particular, the BLM should be aware that existing utility corridors often were not designed to accommodate the type of infrastructure necessary to provide modern wireless telephone operations. For example, the existing corridors are typically used for the siting of point-to-point microwave systems, which have different technical and operational requirements than mobile wireless systems. The use of these existing corridors frequently results in dead zones within a mobile wireless network. Although the BLM should designate additional utility corridors and right-of-way development sites, it should adopt a more flexible siting approach for facilities outside of utility corridors.

**B. The BLM May Authorize the Siting of Wireless Communications Infrastructure without Compromising Public Resources**

The BLM could protect public resources while continuing to permit the siting of wireless communications infrastructure in the Cody and Worland Resource Areas. The siting of wireless communications infrastructure would not have an adverse impact on environmental or cultural resources in the Cody or Worland Resource Areas. As discussed above, the BLM allows the

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<sup>85</sup> U.S. Department of Interior, Bureau of Land Management, Record of Decision and Approved Resource Management Plan for the Washakie Resource Area at 14 (1988) ("*1988 Washakie RMP*").

routine siting of wireless communications infrastructure in these Resource Areas. The BLM reviews applications for wireless communications infrastructure on a case-by-case basis and, even in areas not otherwise designated as utility corridors, allows rights-of-ways in such areas if environmental analysis indicates that the facilities are compatible with other resource values and objectives.

The BLM should continue to evaluate applications for wireless communications infrastructure on a case-by-case basis rather than adopting blanket prohibitions. The BLM should allow wireless providers to conduct studies demonstrating that their proposed wireless communications infrastructure would not interfere with public resources throughout the Cody and Worland Resource Areas, due to minimal surface disturbance, the absence of continued human presence, or other mitigating factors.<sup>86</sup>

**C. The Siting of Wireless Communications Infrastructure Would Support Other Uses of Federal Land**

The BLM would satisfy the management requirements of the FLPMA by permitting the siting of wireless communications infrastructure on federal lands. As mentioned above, section 202 of the FLPMA requires the BLM to "use and observe the principles of multiple use and sustained yield" in the revision of RMPs.<sup>87</sup> The term "multiple use" includes recreation, grazing, mineral extraction, and timber extraction, among others.<sup>88</sup>

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<sup>86</sup> For example, when applying for a right-of-way in the Ross Butte Area in the Pinedale Resource Area, Union engaged the services of third-party consultants to conduct field studies of various proposed communications sites. These consultants collaborated with the BLM and Indian tribes to identify any potential environmental or cultural concerns and to modify the site, as needed, to mitigate those concerns. Eventually, the third-party consultants determined that sites could be located on Ross Butte without having any impact either on threatened or endangered species or on cultural sites.

<sup>87</sup> 43 U.S.C. § 1712(c)(1).

<sup>88</sup> *Id.* § 1702(c); 43 C.F.R. § 1601.0-5(i).

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The siting of wireless communications infrastructure would support and enhance these uses of BLM-administered lands. Wireless communications are essential to resource-extraction activities, such as mining, grazing, logging, and recreation. As mentioned above, energy and energy-support companies have repeatedly asked Union to establish a sound wireless network for their emergency communications. These companies also rely on Union's wireless communications services for their day-to-day operations, such as the flow of materials and delivery of progress reports. Energy and energy-support companies would like to receive wireless broadband communications, such as e-mail and other data applications.

Wireless communications are also critical to the transmission of emergency communications. As discussed above, the traveling public has come to rely on wireless phones for emergency 911 calls. These communications are also indispensable to fire management operations, as well as search and rescue missions involving lost or injured recreationalists on or near federal lands.

Other BLM Field Offices have likewise concluded that the siting of wireless communications infrastructure would support and enhance multiple uses of BLM-administered lands. For example, in the Kremmling (Colorado) Resource Management Plan, the BLM found that utility and communication facility management "truly support[s] the day-to-day administration of other resource area programs."<sup>89</sup> The BLM further noted that "communication facility authorization provides a service to all administrative program functions[,] as well as

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<sup>89</sup> U.S. Department of the Interior, Bureau of Land Management, Kremmling Resource Management Plan Record of Decision 15 (1984), available at <http://www.co.blm.gov/nepa/rmpdocs/kfodocs/Kremmling/KRRMRD/KRRMRD.pdf>.

interagency and community needs."<sup>90</sup> Thus, the siting of wireless communications infrastructure advances the BLM's statutory mission under the FLPMA.

**D. The EIS and Revised RMPs for the Cody and Worland Resource Areas Should Complement the Policies of Other Governmental Entities**

The BLM should ensure that the EIS and revised RMPs for the Cody and Worland Resource Areas are consistent with the policies of other governmental entities. Section 202 of the FLPMA requires the BLM to "coordinate the land use inventory, planning, and management . . . with the land use planning and management programs of other Federal departments and agencies and of the States and local governments."<sup>91</sup> In its FLPMA regulations and Handbook, the BLM commits to avoiding inconsistencies with the resource-related plans, policies, and programs of other governmental entities.<sup>92</sup> Sections 101 and 102 of the National Environmental Policy Act similarly require the BLM to prepare analyses and documentation "in cooperation with State and local governments" and other agencies with jurisdiction by law or special expertise.<sup>93</sup>

To comply with these statutory requirements, the BLM should join other federal agencies in implementing the national policy toward the deployment of wireless communications infrastructure on federal lands.<sup>94</sup> For example, the National Park Service requires Park Superintendents to "consider the potential benefit of having telephone access to emergency law

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<sup>90</sup> *Id.*

<sup>91</sup> 43 U.S.C. § 1712(c)(9).

<sup>92</sup> 43 C.F.R. §§ 1610.3-1, 1610.3-2, 1610.4-4(e); U.S. Department of the Interior, Bureau of Land Management, Land Use Planning Handbook, BLM Handbook H-1601-1 at 5-9 (2005), available at [http://www.blm.gov/nhp/200/wo210/landuse\\_hb.pdf](http://www.blm.gov/nhp/200/wo210/landuse_hb.pdf).

<sup>93</sup> 42 U.S.C. §§ 4331(a), 4332(2) (2003); see 40 C.F.R. §§ 1501.6, 1508.5 (2006).

<sup>94</sup> Although the FCC and the USDA are not traditional federal land use agencies, the BLM should consider their efforts to promote the deployment of telecommunications infrastructure to rural areas.

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enforcement and public safety services," underlining the importance of public safety and emergency communications on and adjacent to federal lands.<sup>95</sup> Park superintendents also must "consider whether the proposal would cause *unavoidable conflict* with the park's mission," indicating that the National Park Service would prohibit only those wireless communications towers that are incapable of mitigating potential harm.<sup>96</sup>

The BLM also should coordinate its EIS and revised RMPs for the Cody and Worland Resource Areas with local governments. As discussed above, Union has received requests for improved coverage, emergency communications, and enhanced 911 service from local governmental entities in several portions of its service area.

**E. The Siting of Communications Towers Would Benefit the Local Economy and the Use of Adjacent Non-Federal Areas**

The BLM should provide more opportunities to site wireless communications infrastructure on federal lands because it would improve the local economy and the uses of adjacent areas. Although the BLM must weigh various principles of resource management in its preparation of an RMP, section 1601.0-8 of the BLM's rules also requires the consideration of "the impact on local economies and uses of adjacent or nearby non-Federal lands."<sup>97</sup>

The executive and legislative branches have already concluded that the siting of wireless communications infrastructure would benefit the local economy. For example, when President Clinton issued an Executive Memorandum directing executive departments and agencies to facilitate the siting of "mobile services antennas" on federal property, he stated that "the Federal

<sup>95</sup> *NPS Management Policies* ¶ 8.6.4.3; see *NPS Director's Order #53* § 10.3 (stating that park superintendents must consider the visiting public's telephonic access to emergency law enforcement and public safety services when reviewing applications for wireless telecommunications facilities); *NPS Reference Manual* at A5-46.

<sup>96</sup> *NPS Management Policies* § 8.6.4.3 (emphasis added).

<sup>97</sup> 43 C.F.R. § 1601.0-8.

Government shall encourage the efficient and timely implementation of . . . new technologies and the concomitant infrastructure buildout as a means of stimulating economic growth and creating new jobs."<sup>98</sup> In addition, Congress required federal agencies to make property available for the siting of wireless telecommunications facilities in the Telecommunications Act of 1996, which has the express purpose of "promot[ing] competition and reduc[ing] regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies."<sup>99</sup>

In Union's service area, the siting of wireless communications infrastructure would have economic benefits.<sup>100</sup> As mentioned above, Union provides wireless communications service to many companies, including energy-related companies, that work, travel, and commute in the Cody and Worland Resource Areas. Union's subscribers include a number of oil and gas companies, as well as several oil field services companies. Wireless infrastructure would help ensure that these companies have adequate service for their day-to-day and emergency communications. These companies generate substantial revenue and jobs for the local economy.

Furthermore, wireless infrastructure would support the growing recreation and tourism aspects of the local economy. Recreationists and other visitors require wireless telephone access

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<sup>98</sup> Memorandum of August 10, 1995, Facilitating Access to Federal Property for the Siting of Mobile Services Antennas, 60 Fed. Reg. 42023, 42023 (Aug. 14, 1995).

<sup>99</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, Preamble, 110 Stat. 56, 56 (1996).

<sup>100</sup> In the Glenwood Springs Resource Area, the BLM observed that the "[d]esignation of zones to guide placement of utility and communication facilities could have beneficial economic impacts by reducing administrative and processing time and costs for both BLM and applicants." U.S. Department of the Interior, Bureau of Land Management, Final Environmental Impact Statement on the Glenwood Springs Resource Management Plan 136 (1983), available at [http://www.co.blm.gov/nepa/rmpdocs/gsfodocs/Glenwood\\_Springs/GSFRMP/GSFRMP.pdf](http://www.co.blm.gov/nepa/rmpdocs/gsfodocs/Glenwood_Springs/GSFRMP/GSFRMP.pdf) ("Final Glenwood Springs EIS").

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to ensure their safety. Union already provides service to many recreationists in the Cody and Worland Resource Areas, including hunters and hunting guides.

Finally, the BLM should follow a flexible siting policy to expand wireless communications service to rural areas. As mentioned above, over the next few years, Union will need to install wireless communications infrastructure on BLM-administered lands to resolve various coverage gaps outside of populated areas in the Cody and Worland Resource Areas.

#### **VI. CONCLUSION**

Union supports the preparation of an EIS and revised RMPs for the Cody and Worland Resource Areas to facilitate the availability of federal lands for the siting of wireless communications towers in utility corridors and elsewhere. As discussed above, this proposal would (1) comply with numerous executive and legislative directives supporting the construction and use of wireless communications towers on federal lands; (2) enhance public safety and emergency communications; (3) promote the deployment of telecommunications to rural areas; and (4) be consistent with the management priorities of the BLM.

Specifically, in preparing an EIS and revised RMPs for the Cody and Worland Resource Areas, the BLM should conclude that:

1. Wireless communications play an increasingly critical role in day-to-day aspects of modern life, particularly in rural areas and in support of recognized uses of BLM-administered lands;
2. The siting of wireless communications infrastructure is essential to provide the public with telephonic access to emergency law enforcement and other public safety services in areas on and adjacent to BLM-administered lands;
3. The siting of wireless communications infrastructure would ensure the availability of wireless communications in rural areas and on tribal lands;
4. The siting of wireless communications infrastructure would improve the local economy and the uses of adjacent areas, stimulating economic development and creating new jobs;

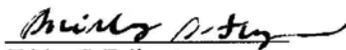
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5. Wireless providers should have the flexibility to site their wireless communications infrastructure outside of designated utility corridors;
6. When necessary, the designation of utility corridors and ROW development sites would facilitate the siting of wireless communications infrastructure.

WHEREFORE, THE PREMISES CONSIDERED, Union respectfully requests that the BLM consider these Comments and proceed in a manner consistent with the views expressed herein.

Respectfully submitted,

UNION TELEPHONE COMPANY

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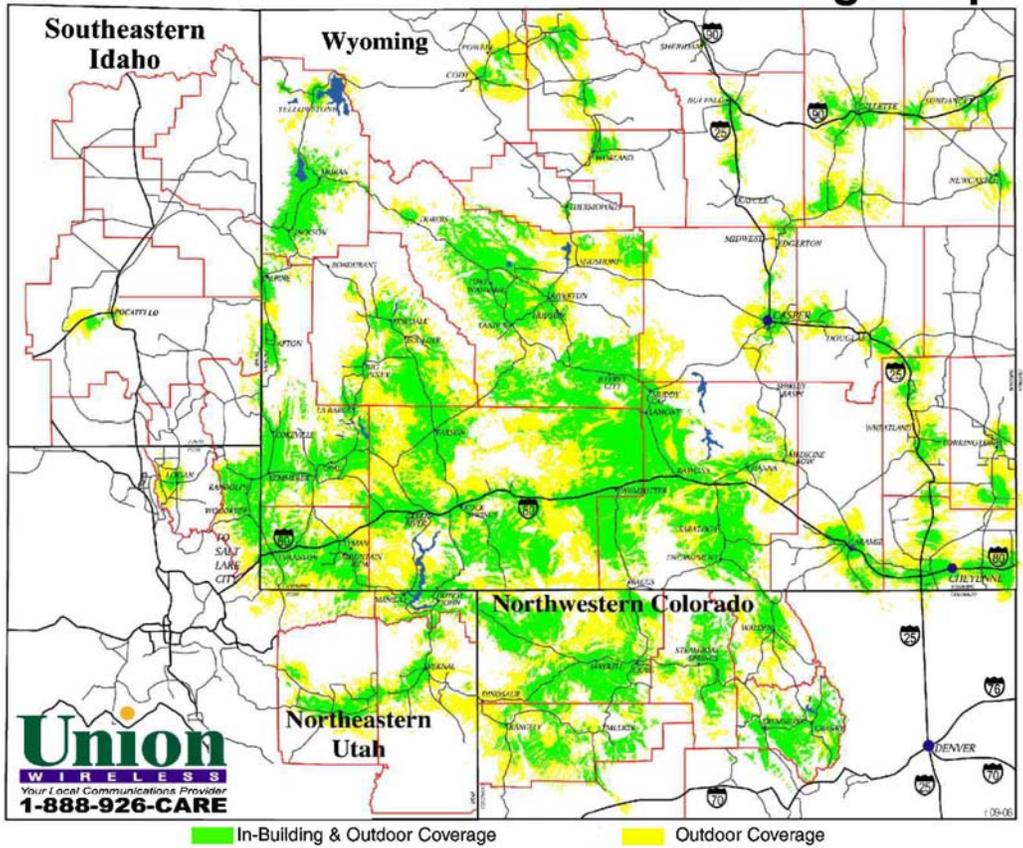
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Dated: November 24, 2008

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**EXHIBIT 1**

# Union Wireless GSM Home Coverage Map<sup>8</sup>



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"Jan Hoar"  
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11/24/2008 04:44 PM  
To  
<BBRMP\_WYMail@blm.gov>  
cc  
Subject  
Bighorn Basin RMP Revision Comments

November 24, 2008

From: Jan Hoar  
e-mail: Hoarwest@tritел.net  
44 Diamond View Rd  
Cody, WY 82414  
307-587-8077

Below are my comments regarding the Bighorn Basin RMP Revision. Thank you for your consideration!

Land Resources  
Recreation:

Partnerships: It is my hope that the BLM continues to partner with organizations to provide outdoor activities such as the Cody Shooting Complex. Partnerships could include but not be limited to finding an appropriate place for a motocross track. The venue should be such that it would not negatively affect a residential area's peace and quiet and land values.

Shooting/Hunting: The concern here is safety. On BLM, especially BLM that is surrounded by residential homes, shooting targets should be limited to a specific venue. The BLM on Diamond Basin Road is definitely a well-used multi-recreational land. However, one never knows as they hike or ride their horse or ATV or bike over a hill, if a shooter is around the corner. I live across the street from this BLM and have had bullets whiz past me in my own field. The shooter didn't choose a safe place to shoot from/to. As the BLM is utilized by more and more people, you will need to look at eliminating hunting in this area. It is just as dangerous a situation as the target shooters. This is unfortunate as in our family we both target shoot and hunt. But safety first.

Minerals

In areas where mining rights exist, particularly in a residential area (Diamond Basin Road BLM), the BLM should actively mitigate the circumstances such that a residential area's peace and quiet, safety, health, and land values are not negatively affected. This includes but is not limited to the days and hours of mining operations, consideration of

public roads that may be affected, trucks should be covered with tarps, care should be taken to have minimum impact on BLM roads, vegetation, fisheries, etc. Attention should be paid to ensure that the miners reclaim the area with appropriate vegetation and in a very timely manner (unlike the Diamond Basin Road BLM).

**Biological Resources**

Care should be taken in mining applications that the water run-off from mining activities not negatively impact fisheries and their tributaries. Assessments should be made such that Sage Grouse and other species of animals, especially those that are being watched for possible endangered listing, be safe from harm.

**Land Resources**

**Trails and Travel Management:** The BLM must monitor their policy on “no new roads.” This may involve more enforcement officers. Yearly we see more and more roads being created on BLM by ATVs and motocross bikes. There seems to be no enforcement of this nor monitoring of current roads to make sure are no new ones created. Vegetation and wildlife habitat are continually disrupted and destroyed.

**Trash:** Some BLM areas seem to be a trash dump. Again, enforcement is needed to prohibit this.

**Weeds:** The BLM should look closely at the noxious weeds on BLM. I have seen some very health stands of Foxtail. Now I am seeing Hoary Cress (White Top). The BLM should work with Park County Weed & Pest to combat this problem before it is out of control and affecting the fields of those of us trying to grow healthy hay.

**Social & Economic**

**Overall Future:** The BLM must take into consideration the Big Horn Basin area’s continued population growth. Where will we be 15-20 years from now? How many homes will be built around BLM? What kinds of recreation should be allowed? What species of animals will need help? Overall, please review this plan with tremendous foresight and vast wisdom.

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"Kathleen  
Jachowski"  
<solution@vcn.com  
>  
  
11/24/2008 09:45  
PM

To  
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"Clay Gibbons"  
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Subject  
SCOPING COMMENTS--GUARDIANS OF THE  
RANGE

TO: CALEB HINER, BBRMP PROJECT MANAGER  
BUREAU OF LAND MANAGEMENT (BLM)  
BIGHORN BASIN RESOURCE MANAGEMENT PLAN REVISION  
SCOPING COMMENTS FOR PUBLIC COMMENT PERIOD EXTENDED TO NOVEMBER  
24, 2008

THE FOLLOWING COMMENTS ARE THOSE OF THE GUARDIANS OF THE RANGE AND ARE TO  
BE INCLUDED IN THE PUBLIC RECORD AS PART OF THE SCOPING PROCESS FOR THE  
BBRMP---COMMENT DEADLINE EXTENDED TO NOVEMBER 24, 2008.

THE GUARDIANS OF THE RANGE IS A 501c3 ORGANIZATION DEDICATED TO THE USE OF  
'SOUND SCIENCE AND COMMUNITY PARTNERSHIP IN PUBLIC LAND MANAGEMENT. THE

GUARDIANS PROVIDE INFORMATION, ASSISTANCE, NETWORKING AND PARTNERSHIP OPPORTUNITIES FOR ALLOTMENT HOLDERS, COMMUNITIES AND PUBLIC LAND MANAGERS TO FAIRLY AND RESPONSIBLY IMPLEMENT RANGELAND STEWARDSHIP IN THE BALANCED INTERESTS OF THE RESOURCES, AND THE AFFECTED ECONOMIES IN THE REGION. ALL MEMBERS OF THE AMERICAN PUBLIC ARE WELCOME TO JOIN THIS ORGANIZATION, AND MANY OF ITS MEMBERS ARE FROM THE BUSINESS AND NON-RANCHING COMMUNITY ACROSS THIS NATION.

RECOGNIZING THAT WE ARE AT THE BEGINNING OF THIS RESOURCE MANAGEMENT PLAN REVISION AND THAT FUTURE OPPORTUNITIES WILL PRESENT THEMSELVES TO MORE FULLY ARTICULATE THE ISSUES SET FORTH HERE, WE ARE PRESENTING OUR ISSUES AND CONCERNS IN AN ABBREVIATED FORMAT. WE LOOK FORWARD TO SUBSTANTIVE AND SINCERE PUBLIC INPUT AS THIS PUBLIC PROCESS MOVES FORWARD:

ISSUES & CONCERNS:

- IMPACTS OF 'WILD HORSES & BURROS ACT' WILL CONTINUE TO NEGATIVELY IMPACT RANGELAND RESOURCES AS IT RELATES TO GRAZING OPPORTUNITIES OF PUBLIC LAND RANCHERS. WHILE INTENTIONS OF THE CODY AND WORLAND RESOURCE AREAS AND MANAGERS WOULD WANT TO MANAGE NEGATIVE IMPACTS, THAT THE POLITICS OF THIS ISSUE WILL CONTINUE TO DEGRADE THE RANGELAND RESOURCES, AND THAT PUBLIC LAND PERMITTEES WILL BE NEGATIVELY AFFECTED. WE WOULD WANT THIS RMP TO ADDRESS THE NEED TO EFFECTIVELY PRECLUDE 'POLITICIZING THIS ISSUE' TO THE DETRIMENT OF RANGELAND RESOURCES AND PUBLIC LAND GRAZING. THE GUARDIANS ARE FULLY PREPARED TO HELP MITIGATE THIS PROBLEM AND FIND EFFECTIVE AND SUBSTANTIVE SOLUTIONS TO THIS SIGNIFICANT PROBLEM.

- ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM AND ANY VARIATIONS OF THIS PROPOSED LEGISLATION WILL MARGINALIZE THE RIGHTS OF PUBLIC LAND GRAZERS UNDER THE 'TAYLOR GRAZING ACT', THE 'MULTIPLE USE & SUSTAINED YIELD ACT' AND OTHER RELEVANT PUBLIC LAND LEGISLATION. ANY ATTEMPT TO SUPERIMPOSE 'SPECIAL MANAGEMENT AREAS' AND THEIR VARIATIONS WILL MARGINALIZE GRAZING OPPORTUNITIES AND GRAZING RIGHTS AND THIS IS A SERIOUS CONCERN AND ISSUE FOR OUR MEMBERS.

- THE GUARDIANS ARE CONCERNED ABOUT THE INCREASING NEGATIVE IMPACTS OF RECREATION ON LIVESTOCK GRAZING ON PUBLIC LAND. THE GUARDIANS OF THE RANGE FULLY RECOGNIZE AND RESPECT THE FULL PARADIGM OF SHARING THE PUBLIC LANDSCAPE WITH RECREATING AMERICANS. HOWEVER, RECENT PAST AND CURRENT SITUATIONS RAISE CONCERNS THAT RECREATION'S IMPACTS ON THE RANGELAND AND RIPARIAN PUBLIC RESOURCES ARE ATTRIBUTED TO LIVESTOCK GRAZING AND THE AGENCY IS NOT DEMONSTRATING A WILLINGNESS TO EFFECTIVELY DEAL WITH RECREATIONAL IMPACTS. THE GUARDIANS WOULD LIKE TO SEE INTEGRATED INTO THIS RMP A PUBLIC RELATIONS EFFORT TO COMMUNICATE THE BENEFITS OF SHARING THE PUBLIC LANDSCAPE FOR ALL MULTIPLE USERS AND TO ARTICULATE THAT RESTRAINT AND RESPECT ARE APPROPRIATE SIDEBARS FOR RESOURCE MANAGEMENT. WE STAND READY TO HELP WITH A SOLUTION APPROACH TO THIS ISSUE.

- WE ARE CONCERNED THAT REDUCTION IN 'AUMS' WILL BE SEEN AS THE QUICK FIX FOR ANY ISSUES RAISED RELATIVE TO RANGE RESOURCES. THIS ENVIRONMENTAL ASSESSMENT REQUIRES A POLICY SOPHISTICATION AND MATURITY FOR FINDING SOLUTIONS WHICH REFLECT FAIRNESS UNDER THE LAW AND RESPECT FOR ALL STAKEHOLDERS.

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• WE ARE CONCERNED THAT MONITORING AND RANGELAND HEALTH TRENDS BE DOCUMENTED, AND THAT NECESSARY AGENCY HUMAN RESOURCES BE FIELDLED TO DOCUMENT RANGE CONDITIONS SO THAT AGENCY DECISIONS CAN BE SUCCESSFULLY DEFENDED IN APPEALS AND COURT CHALLENGES.

• WATER QUALITY CHALLENGES BE ADEQUATED ADDRESSED IN THE REVISED RMP. WE WANT TO SEE SERIOUS SCIENCE DOCUMENTED AND USED TO ESTABLISH THE WATER QUALITY SITUATION IN THIS RESOURCE AREA. THE GUARDIANS WOULD NOT WANT THE BLM TO SIMPLY AGREE WITH ANY CHALLENGES TO WATER QUALITY, WE WANT TO SEE THE AGENCY CLEARLY ESTABLISH ITS OWN CREDIBLE ASSESSMENT OF ANY WATER QUALITY CHALLENGES, AND NOT SIMPLY ASSUME A PROBLEM EXISTS. WE WANT THE BLM TO BE AHEAD OF THE CURVE ON THIS, AND NOT EXPEND TIME AND MONEY BEING SIMPLY REACTIVE TO OUTSIDE INTERESTS.

• ADAPTIVE MANAGEMENT IS A PROACTIVE MANAGEMENT TOOL THAT THE GUARDIANS WOULD WANT TO SEE FULLY EMBRACED RELATIVE TO LIVESTOCK GRAZING IN THIS REVISED RMP. THE GUARDIANS ARE FULLY CONFIDENT THAT SOUND SCIENCE AND RESOURCE RESPECT BY ALL INTERESTED PARTIES SHOULD BE COMFORTABLE IN USING THIS METHODOLOGY AND APPROACH. WE WANT THIS RMP TO BE FLEXIBLE ENOUGH TO RESPOND QUICKLY TO BOTH PROBLEM AND SOLUTIONS----- . THIS DOCUMENT SHOULD REFLECT A PUBLIC POLICY MATURITY AND FLEXIBILITY WHICH BENEFITS THE RANGE RESOURCES AND THE RESPECTS REASONABLE MANAGEMENT APPROACHES TO PUBLIC LAND GRAZING.

• WEED AND INVASIVE SPECIES - THIS IS A SERIOUS AND INCREASINGLY SIGNIFICATE ISSUE IN THE BIGHORN BASIN AND NEGATIVELY AFFECTS BOTH WILDLIFE AND LIVESTOCK HABITAT. WE WANT TO SEE SERIOUS EFFORTS SET FORTH TO RECOGNIZE, ADDRESS AND FUND MITIGATION MEASURES TO TURN THIS DESTRUCTIVE ISSUE AROUND. WE STAND READY TO HELP SOLVE THIS PROBLEM.

• RANGE IMPROVEMENTS - THIS IS A 'SLEEPER' ISSUE AND ONE THAT IS SIGNIFICANTLY AFFECTED BY BUDGETARY CONSTRAINTS. PUBLIC LAND RANCHERS ARE ALL TOO OFTEN JUDGED IN THE COURT OF PUBLIC OPINION WHEN PEOPLE SEE DETERIORATED AND DEGRADED RANGE CONDITIONS AND PROJECTS. WE WOULD WANT THIS RMP TO SUBSTANTIVELY RECOGNIZE THAT RANGE IMPROVEMENTS SHOULD NOT BE 'BACK BURNERED' AD INFINITUM TO THE DETRIMENT OF BOTH THE RANGE RESOURCES AND THE PUBLIC LAND RANCHERS. THE GUARDIANS FULLY RECOGNIZE AND RESPECT THE FACT THAT ALL RANGE IMPROVEMENT FUNDS ARE NOT EARMARKED FOR THE SOLE PURPOSE OF LIVESTOCK. HOWEVER, WE WANT TO SEE THAT THE NEED TO KEEP UP WITH RANGE IMPROVEMENTS FOR THE BENEFIT OF BOTH WILDLIFE AND LIVESTOCK IS RECOGNIZED AND IMPLEMENTED IN THIS REVISED PLAN.

• THE GUARDIANS SUPPORT THE ADAPTIVE MANAGEMENT (rmpS) OF LIVESTOCK ON PUBLIC LAND AS SET FORTH IN THE BIGHORN BASIN SAGE-GROUSE LOCAL WORKING GROUP CONSERVATION STRATEGY PLAN AS ADOPTED IN NOVEMBER 2007 BY THE WYOMING GAME AND FISH COMMISSION. THE GUARDIANS HOLD THE POSITION THAT THE APPROACHES SET FORTH IN THIS PLAN, RELATIVE TO LIVESTOCK MANAGEMENT, WILL RESPOND EFFECTIVELY AND REASONABLY TO SAGE-GROUSE HABITAT MANAGEMENT AND PRODUCTIVE LIVESTOCK MANAGEMENT.

WE APPRECIATE THE OPPORTUNITY TO OFFER THESE ISSUES AND CONCERNS IN THE DEVELOPMENT OF A LIVING, ADAPTIVE AND EFFECTIVELY REVISED RESOURCE MANAGEMENT PLAN.

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THANK YOU,

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