

Basic Information Form

Park Name: Death Valley NP

Project Target Start: 12/01/2022

Project Title: Mormon Peak Microwave Facility Plan

Project Description:

Background:

Mormon Peak Microwave Facility ("facility") is in Death Valley National Park (DEVA), about 0.4 miles from the end of Mormon Gulch Road, on Mormon Peak. Mormon Peak is an unofficially named peak in the Panamint Range. It is about 1.7 miles south-southeast of Porter Peak and is located at 36°01'31.8002" N, 117°02'41.0203" W. The facility occupies a 0.22-acre site and currently consists of a 35-foot-tall by 8-foot-wide lattice tower with an equipment shelter nested beneath it and a helicopter landing spot nearby (Exhibit 3). The site is not accessible by vehicle and has previously been accessed by helicopter.

The communications backhaul provided by Mormon Peak is the primary communications connection between Death Valley National Park and the outside world. The facility is a critical telecommunications site for the Park because it is part of a microwave repeater relay network that provides backhaul to the Park's communications systems (Exhibit 4). Backhaul refers to the incoming bandwidth available for use by technology such as cell phones, land lines, and computers. The facility is the only source of communications backhaul for the public cell towers at Furnace Creek and Stovepipe Wells. The limited available bandwidth provided by Mormon Peak's outdated technology frequently prevents outbound calls (including calls to emergency medical services and law enforcement) from being completed.

The facility was constructed 1982 and maintained under a thirty-year right-of-way (ROW), CA-8961, issued by the Bureau of Land Management (BLM) on May 29, 1982. After the California Desert Protection Act (1994) was passed, the land was designated wilderness and transferred from BLM to NPS on October 31, 1994. The Park recognized the administrative transfer and validity of the BLM ROW through an A.3 Categorical Exclusion "Reissuance/renewal of permits, rights-of-way, or easements not involving new environmental impacts" (File 99-016). The facility's ROW expired on May 26, 2012.

In 2012, DEVA prepared a park-wide Wilderness and Backcountry Stewardship Plan and Environmental Assessment (EA). During public comment periods, the Park received comments regarding the continued existence of the facility in designated wilderness. The Finding of No Significant Impact (FONSI) for the EA stated that the facility and its potential relocation would be analyzed in a future environmental compliance process.

Despite the facility's location in designated wilderness, its continued operation and maintenance are now authorized by the John D. Dingell Jr. Conservation, Management, and Recreation Act (2019), which amended the California Desert Protection Act (1994) by inserting:

"The designation of the Death Valley National Park Wilderness by section 601(a) [of the Desert Protection Act of 1994, Public Law 103-433, codified at 16 U.S.C. Section 1132 note] shall not preclude the operation and maintenance of the Mormon Peak Microwave Facility." [Section 1431 of Public Law 116-9, 133 Stat. 700, March 12, 2019 (page 122); added as Section 604 to the California Desert Protection Act of 1994]

In 2021, Pacific Bell Telephone Company ("AT&T") applied for a ROW to operate, maintain, repair, replace, upgrade, and remove wireless microwave telecommunications at the Mormon Peak Microwave Facility (AT&T SF-299, 11/18/2021). In

accordance with the Telecommunications Act of 1996 and NPS Management Policies 2006, the Park intends to analyze the potential environmental impacts of the existing site, alternative site, and the proposed ROW actions using Categorical Exclusion B.1, "Changes or amendments to an approved plan [Wilderness and Backcountry Stewardship Plan], when such changes would cause no or only minimal environmental impact."

Purpose and Need:

The purpose of analyzing the Mormon Peak Microwave Facility in the context of the Wilderness and Backcountry Stewardship Plan is to:

1. Evaluate AT&T's SF-299 application - A ROW application must be analyzed under NEPA and NHPA before it can be granted. An active ROW would allow for cost recovery, annual rent collection, and would resolve the ongoing issue of an unpermitted commercial facility in wilderness.
2. Allow for continued operation and maintenance of the facility - Without the facility, there would be no landline or cellular telephone service in Death Valley.
3. Avoid technological obsolescence - Communications technology has increased while the capacity of Mormon Peak has stayed the same. The facility upgrade would increase the communications backhaul from approximately 90 megabits per second to 1.5 gigabits per second. With the impending phaseout of 3G technology, the Park risks sudden disconnection from telecommunications.
4. Facilitate AT&T's implementation of FirstNet - The First Responder Network Authority (FirstNet) system allows first responders priority on telecommunications networks in times of emergency. AT&T cannot fulfill their FirstNet agreement to provide FirstNet services within Death Valley without upgrading Mormon Peak.

The categorical exclusion is needed because the National Park Service must analyze site-specific potential impacts to resources before issuing a ROW permit, per NPS Management Policies 2006, and the MOBILE NOW Act (47 U.S.C. Section 1455(b)) requires that federal agencies process right-of-way applications for wireless facilities within 270 days.

Project Description:

The Park would issue a new ROW for minor upgrades and construction, as well as continued operation and maintenance activities at Mormon Peak Microwave Facility.

AT&T is applying to add a 900 Mhz UHF telemetry antenna and a 20-foot-tall lightning rod to the existing 35-foot lattice tower. AT&T would replace the existing solar panels on top of the tower with an upgraded, larger array on top of the tower. The existing 9-foot by 6-foot by 9-foot-tall equipment shelter nested beneath the tower would be removed. A new equipment shelter (6' long, 10' wide, 9' tall) would be constructed on a new concrete pad (8 feet by 10 feet) east of the existing lattice tower. See viewpoints and photo simulations for a comparison of the existing facility and the proposed upgrades. Proposed access, both for the upgrades and any later maintenance, would be by helicopter only.

The right-of-way would allow proposed minor upgrades and construction include operating, maintaining, repairing, and replacing the above-mentioned new facilities as well as the following existing facilities:

- Lattice tower, 35 feet high,
- Attached microwave antennas,
- Solar panels and electrical equipment,
- Associated cables and conduit,
- Equipment shelter and associated equipment,
- Fire prevention activities,
- Helicopter landing site, and
- Any rights necessary to access, operate, maintain, repair, replace, upgrade and remove AT&T's equipment, including the existing helicopter landing site.

EXHIBIT 3

PHOTOS OF EXISTING FACILITIES

This exhibit consists of three (3) photos of the currently existing facilities. The photos on pages 12 and 13 were taken in March 2021.

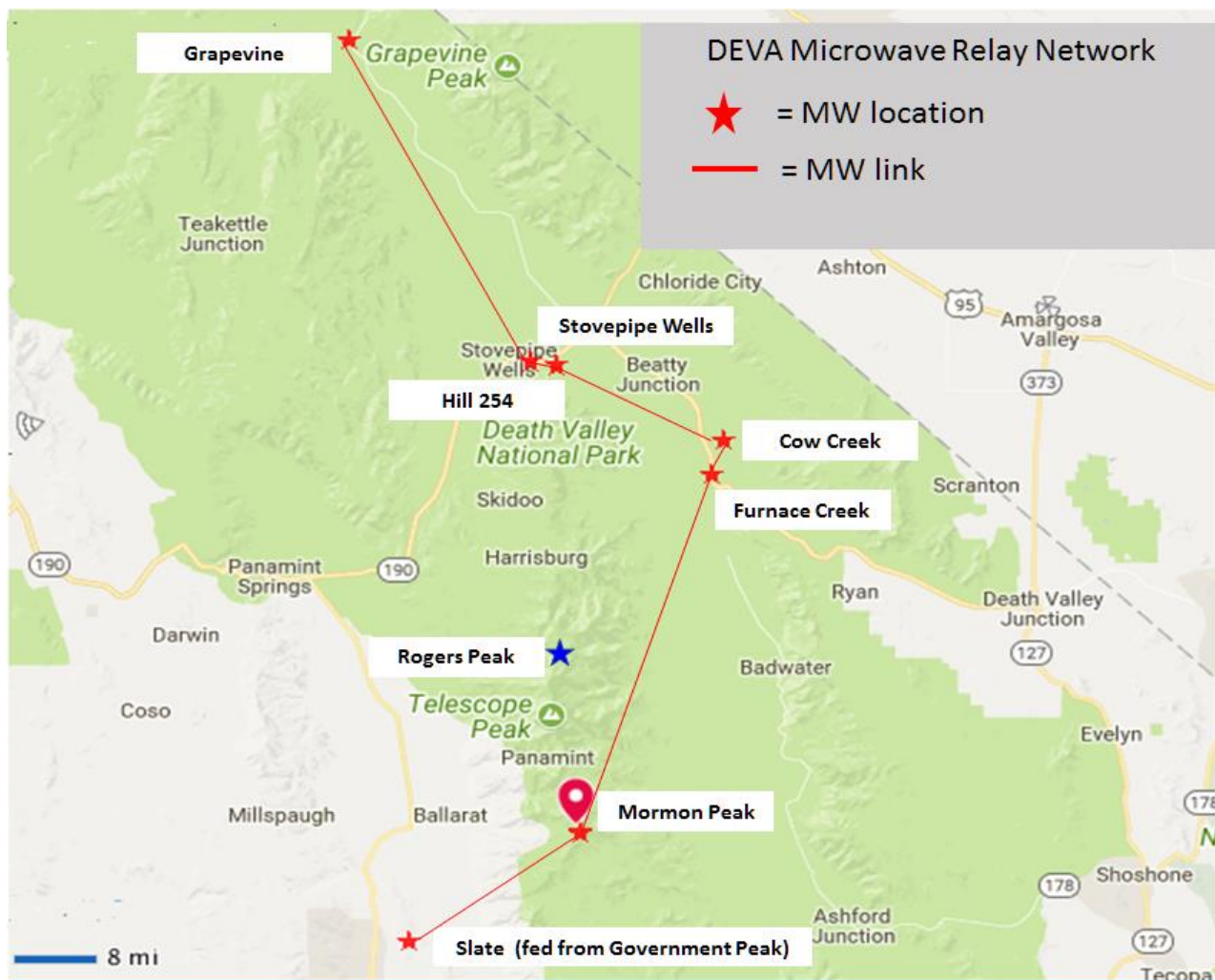






EXHIBIT 4

DEVA MICROWAVE RELAY NETWORK



Mormon Peak
Repeater Site
Death Valley National Park, CA



Aerial with zoom showing the viewpoints for the photosimulations.



Photosimulation of the view looking northeast from the hilltop, not a typical public view.

1



Existing enclosure to be removed

Existing

Mormon Peak
Repeater Site
Death Valley National Park, CA



Proposed

2



Photosimulation of the view looking northwest from across the helicopter landing area.

Mormon Peak
Repeater Site
Death Valley National Park, CA



Photosimulation of the view looking southwest from the hilltop, not a typical public view.

3

Existing tower to remain

Existing enclosure
to be removed

Existing

Mormon Peak
Repeater Site
Death Valley National Park, CA



Proposed enclosure

Proposed

Map and photo illustrating the lack of visibility from publicly accessed places.



Mormon Peak Repeater Site Death Valley National Park, CA



4





United States Department of the Interior

NATIONAL PARK SERVICE
Death Valley National Park
Death Valley, California 92328

IN REPLY REFER TO:

L7617 (99-016)

July 11, 2000

Memorandum

To: Files

From: Superintendent

Subject: Categorical Exclusion: Pacific Bell Mormon Peak Microwave Site Upgrade

Attached is a categorical exclusion for a proposed project to upgrade the telephone company's solar powered microwave site on Mormon Peak in the southern Panamint Mountains.

The purpose of the project is to increase data and telecommunications capacity to Death Valley National Park.

The facility upgrade consists of replacement of equipment on an existing tower. The tower is 35 feet high, 8 feet wide, and has 4 legs. The tower height would not be increased. No new surface disturbance would occur. The work will be done by the telephone company or their contractors.

The telephone company has a right-of-way for the site issued by BLM on May 29, 1982. The land was transferred from BLM to NPS, and was designated wilderness, on October 31, 1994. Prior to that date the site was not proposed by the Secretary for wilderness designation. The site is not accessible by vehicle. The site is accessible by helicopter. The site is accessible by foot or horseback via a 1 to 1.5 mile unmarked route from the east end of the Pleasant Canyon road.

Issues included (1) validity of the utility right-of-way and (3) inclusion of the site in designated wilderness. The right-of-way was determined to be valid. The site was determined to be included in designated wilderness. The project was discussed by the Environmental Review Committee on June 14, 2000. No significant resource impacts have been identified for this project. For additional information, contact the NPS project lead, Chief Ranger Bill Blake.

Richard H. Martin

bcc: Central
Chrono
Reading
Prot - Blake, Forner
RM - Anderson
PGSO - Alan Schmierer

Attachment



United States Department of the Interior

NATIONAL PARK SERVICE
Death Valley National Park
Death Valley, California 92328

IN REPLY, REFER TO:

CATEGORICAL EXCLUSION

of the project proposal
from further NEPA review

1. PROJECT NAME: Pacific Bell Monnon Peak Microwave Site Upgrade.
2. LOCATION: Monnon Peak, a wilderness location in the southern Panamint Mountains, Death Valley National Park, Inyo County, California. Latitude 36-1-31.8, longitude 117-2-41.2. Unserved Township 22 South, Range 46 East, Section 17, NW 1/4 of NW 1/4, Mount Diablo Meridian. On a rectangular right-of-way parcel of 0.22 acres measuring 70 feet by 137 feet.
3. PROJECT DESCRIPTION: Replacement of equipment on an existing tower. The tower is 35 feet high, 8 feet wide, and has 4 legs. The work will be done by Pacific Bell Telephone Company or their contractors.
4. TIME FRAME (target start date): As soon as practicable, perhaps in late fall of 2000.
5. PROJECT CONTACT PERSON: Bill Blake, Chief Ranger, Death Valley National Park, (760) 786-3245.
6. PROJECT NUMBER, CASE NUMBER, etc:
 - A. #DEVA-NEPA-99-016.
 - B. BLM right-of-way case file and Serial Number CA-8961.
 - C. DEVA file codes L3027 and L7617 (99-016).
 - D. BLM environmental assessment approved April 23, 1982.
7. CATEGORICAL EXCLUSION NUMBER AND DESCRIPTION: From Appendix 7.4 of Departmental Manual 6, it has been determined that categorical exclusion #A.(3) applies: *Reiss11a1Jce/re11ewal of permits, rig1,ts-of-way or easem11ts not 111volvillg new 111viro11m11tal impacts.*

8. ENVIRONMENTAL REVIEW FOR EXCEPTIONS TO CRITERIA.

A "yes" answer to any of the criteria would result in an exception to the Categorical Exclusion and would require the preparation of an Environmental Assessment.

A. Have significant adverse effects on public health or safety.

Yes___ No_X__.

B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas(*1), wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks.

Yes___ No_X__.

*1. The site is in wilderness. It is a structure or installation, constructed and maintained by helicopter, it has a negative impact on wilderness. However, it is an existing installation and has a private existing right associated with it, so it is a conflicting but accepted use. The terms of the right-of-way specify that it is temporary.

C. Have highly controversial environmental effects.

Yes___ No_X__.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Yes___ No_X__.

E. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

Yes___ No_X__.

F. Be directly related to other actions with individually insignificant but cumulative significant environmental effects.

Yes___ No_X__.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.

Yes___ No_X__.

H. Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened species, or have adverse effects on designated Critical Habitat for these species.

Yes___ No_X__.

I. Require compliance with Executive Order 11988 (Floodplain Management), 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act.

Yes___ No_X_.

J. Threaten to violate a Federal, state, local or tribal law or requirement imposed for the protection of the environment.

Yes_ No_X_.

K. Require a permit from a federal (*2), state or local agency to proceed, unless the agency from whom the permit is required agrees a CE is appropriate.

Yes_ No_X_.

*2. The FAA has already approved this existing facility.

L. Have the potential for significant impact as indicated by a federal, state or local agency or Indian Tribe.

Yes_ No_X_.

M. Have the potential to be controversial regardless of its impact.

Yes_ No_X_.

9. PROJECT STIPULATIONS (required for the protection of the environment):

A. There will be no new ground disturbance. Ground disturbance will stay within the previously disturbed area. If the project manager or contractors have any questions or have any need to do any ground disturbance beyond the previously disturbed area, they will contact the park or regional archeologist for consultation or permission.

B. There will be no use of wood treated with creosote or with penta {pentachlorophenol, PCP) preservative.

C. If there are any changes to the project plan, this NEPA clearance document will be revised to reflect the changes. This will entail appropriate new evaluations and approvals.

D. Helicopter activities should be timed to avoid potential impacts to bighorn sheep and bird nesting, i.e., avoid flying from March 25 to October 15.

E. The facility should be painted a color to blend with the environment.

F. Motorized access is limited to use of a helicopter. Helicopter visits to the site, in addition to installation and retrieval, will be kept to an absolute minimum, and done for emergency repairs only. Foot and horseback access is not restricted.

G. No vegetation will be disturbed.

H. All debris will be removed from the mountain top.

I. The grantee will contact the Chief Ranger,s office of Death Valley National Park, telephone (760) 786-3245, or fax (760) 786-3246, or email bill_blake@nps.gov, 5 days prior to commencement of construction activities.

J. The tower may be temporarily raised 15 feet during construction for this project, for a maximum of 30 days.

K. The 1982 BLM right-of-way will be reissued or transferred to an NPS right-of-way. This NPS right-of-way shall specify that it is a temporary right-of-way. The NPS right-of-way grant will expire no later than May 29, 2012. There may be a right of renewal at that time.

L. The NPS right-of-way shall be subject to cancellation for violation as per 36 CFR 14.33.

M. The terms and conditions of the right-of-way grant shall apply.

10. STAFF PARTICIPATION: The following staff members were involved in the design or review of the proposed action. They have not necessarily reviewed the final draft of the proposal and they do not necessarily recommend the project.

Name	Position Title
Dick Anderson	Environmental Specialist
<u>Bill Blake, project lead</u>	Chief Ranger
Tim Canaday	Archeologist
Ed Forner	Ranger Pilot
Linda Greene	Chief of Resource Management Division
Marian O'Dea	Chief of Administration Division
Doug Threlhoff	Natural Resource Specialist

11. MANAGEMENT REVIEW AND APPROVAL:

	
Richard H. Martin, Superintendent	Date