

by the Park Service is considered a temporary document and does not convey an interest in the land. The permit is subject to termination for cause or at the discretion of the regional director.

NPS regulations pertaining to the issuance of rights-of-way are in 36 CFR Part 14; Department of the Interior regulations pertaining to rights-of-way in Alaska are found in 43 CFR Part 36. Additional guidance can be found in Director's Order #53 and Reference Manual 53: Special Park Uses. A utility or road right-of-way proposed for a park in Alaska is subject to the authorities and procedural requirements of title XI of the Alaska National Interest Lands Conservation Act.

*(See Park Management 1.4, Rights-of-way 6.4.8. Also see Director's Order #53)*

#### 8.6.4.2 Utilities

Utility rights-of-way over lands administered by the Park Service are governed by statutory authorities in 16 USC 5 (electrical power transmission and distribution, radio and TV, and other forms of communication facilities) and 16 USC 79 (electrical power, telephone, and water conduits). If not incompatible with the public interest, rights-of-way issued under 16 USC 5 or 79 are discretionary and conditional upon a finding by the Service that the proposed use will not cause unacceptable impacts on park resources, values, or purposes.

#### 8.6.4.3 Telecommunication Sites

Requests to site non-NPS telecommunication antennas and related facilities on NPS lands will be considered in accordance with the Telecommunications Act of 1996 (47 USC 332 note), which authorizes but does not mandate a presumption that such requests be granted absent unavoidable conflict with the agency mission, or the current or planned use of the property or access to that property. The currently applicable government-wide procedures are contained in GSA Bulletin FPMR D-242.

Superintendents will accept an application for a telecommunications site only from a Federal Communications Commission licensee or from an agency regulated by the Department of Commerce through the National Telecommunications and Information Administration. In recognition of the growing prevalence of wireless telecommunications, the manner in which the park will manage the technology and related facilities should be addressed in an appropriate planning document.

As with other special park uses, telecommunication proposals must meet the criteria listed in sections 1.4.7.1 and 8.2 to prevent unacceptable impacts. In addition, when considering whether to approve, deny, or renew permits, superintendents will

- ◆ hold preliminary meetings with telecommunication facility applicants to discuss pending applications and policy and procedural issues (such as the application

process, impact analysis, estimated cost recovery charges and fees) and other NPS concerns. Similar meetings should be held during the decision-making process, as necessary, particularly if the superintendent is considering denying the application;

- ◆ conduct NEPA and NHPA analysis expeditiously and consistent with all applicable statutes and Director's Order #12, and within timetables established pursuant to Director's Order #53;
- ◆ consider the potential benefit of having telephone access to emergency law enforcement and public safety services;
- ◆ consider whether the proposal would cause unavoidable conflict with the park's mission, in which case the permit will be denied.

New facilities frequently require the installation of new electrical and telephone lines and vehicular access to the site. Superintendents will therefore evaluate the entire footprint of the new facilities when evaluating requests.

Superintendents will avoid or minimize potential impacts of current and future telecommunications facilities by ensuring that the facilities and their supporting infrastructure

- ◆ are located where they would have the least impact on park resources and values;
- ◆ are not located in scenic, historic, and/or sensitive areas integral to the park's mission;
- ◆ include maximum potential for future co-location.

Superintendents will require the best technology available. For example, consideration should be given first to co-locating new facilities, constructing towers that are camouflaged to blend in with their surroundings, and installing micro-sites. New traditional towers (i.e., monopole or lattice) should be approved only after all other options have been explored. If a traditional tower is necessary, it should not be visible from any significant public vantage point.

As appropriate, superintendents should consider making use of available interpretive media to caution park users of the limited (or nonexistent) cellular service and their personal responsibility to plan accordingly.

When construction of telecommunication facilities on nonpark lands might adversely impact park resources and values, superintendents will actively participate in the applicable planning and regulatory processes and seek to prevent or mitigate the adverse impacts.

*(See Decision-making Requirements to Identify and Avoid Impairments 1.4.7; Cooperative Conservation Beyond Park Boundaries 1.6; Integration of Facilities into the Park Environment 9.1.1.2; Signs 9.3.1.1)*