

October 21, 2026

U.S. Department of Health and Human Services
Office of the Assistant Secretary for Health

Re: Docket No. HHS-OASH-2026-0397, Request for Information on Electromagnetic Fields (EMFs), Radiofrequency (RF) Radiation, and Wireless Radiation Exposure

Thank you for opening this inquiry. I'm writing as a resident of San Cristobal, New Mexico, a small rural community in Taos County, and as an environmental professional with 15 years of field and policy experience in air quality monitoring and regulatory compliance. I urge HHS to make independent research on the biological effects of RF radiation a federal priority. I also urge HHS to recommend that federal exposure limits be reevaluated against modern science and modern exposure conditions.

Our exposure limits predate the world we live in

The FCC's RF exposure limits were adopted in 1996. They rest on research and standards from the 1980s and early 1990s. At that time, cell phones were uncommon. There was no Wi-Fi, no smartphones, no 4G or 5G, no smart meters, no wearables, and no dense networks of small cells and towers near homes and schools. The limits were designed to prevent one kind of harm: short-term tissue heating. They were never built to address:

- chronic, low-level exposure lasting decades
- many sources and frequencies at once
- the pulsed and modulated signals modern networks use
- the particular vulnerability of children, pregnant people, and developing fetuses

Under federal law, compliance with these limits works as a safety finding. But no federal health agency has done a comprehensive review of whether they actually protect public health today. A standard that has gone 30 years without a real scientific update is not a safety standard. It is an assumption.

The evidence warrants serious federal research

Credible scientific signals have accumulated that justify a sustained, well-funded research program:

- In 2011, the International Agency for Research on Cancer classified RF electromagnetic fields as "possibly carcinogenic to humans" (Group 2B).
- In 2018, HHS's own National Toxicology Program completed a multi-year, roughly \$30 million study. It reported clear evidence of malignant heart tumors (schwannomas) in male rats exposed to cell phone RF radiation, along with some evidence of brain and adrenal tumors. The Ramazzini Institute in Italy reported similar tumor findings independently, at exposure levels comparable to those near cell towers.

- In 2021, the U.S. Court of Appeals for the D.C. Circuit ruled in *Environmental Health Trust v. FCC* that the FCC's 2019 decision to keep its limits was arbitrary and capricious. The court found the FCC had failed to give a reasoned explanation addressing evidence of non-cancer health effects, long-term exposure, effects on children, and environmental impacts. That gap has never been adequately filled.
- Peer-reviewed research has reported biological effects below thermal thresholds, including oxidative stress, effects on sperm quality, and changes in brain activity. Many findings are mixed or unreplicated. That uncertainty is the point: it is exactly why rigorous, independent, federally funded research is needed rather than continued reliance on outdated assumptions.

I'm not asking HHS to prejudge the outcome. I'm asking HHS to do the work. No federal agency with health expertise has had dedicated responsibility for this question since EPA's RF research program was defunded in the 1990s. The FCC is a communications regulator, not a health agency. HHS, through NIH, NIEHS, FDA, and CDC, is the right home for this research. It should include:

- long-term human health studies, with particular attention to children and pregnancy
- research on cumulative and multi-source exposure under real-world conditions
- replication and extension of the NTP findings
- funding that is independent of industry

Environmental effects deserve study too

Wireless infrastructure is expanding rapidly into rural landscapes, wildlife habitat, and migratory corridors. Research on RF effects on birds, pollinators, insects, and other wildlife is limited and has not been addressed in federal standard-setting. Federal law currently gives no meaningful framework for evaluating these impacts. I urge HHS to coordinate with other agencies to include environmental effects in its research agenda.

Why this matters to communities like mine: the San Cristobal cell tower

Our community recently faced a proposed 195-foot cell tower. Residents organized, and the Taos County Board of Commissioners denied it. Throughout that process, we ran into a problem that exists nationwide.

Under Section 332(c)(7)(B)(iv) of the Telecommunications Act of 1996, local governments may not regulate the placement of wireless facilities based on the environmental effects of RF emissions, as long as the facility complies with FCC limits. Residents can raise health concerns, but local officials are legally barred from acting on them. That preemption rests entirely on the 1996 limits being protective. If those limits are outdated, communities have been left with no recourse at all.

That problem is about to get worse. H.R. 2289, the American Broadband Deployment Act, would further strip local governments of planning and permitting authority over telecommunications structures. I've attached a letter our community sent to Senator Ben Ray

Luján about the San Cristobal tower and our concerns with H.R. 2289 (Attachment A). As federal preemption expands, the burden on HHS to make sure the underlying safety science is current and credible grows with it. If communities are not allowed to weigh health risks, the federal government must.

Requests

I respectfully ask HHS to:

1. Establish and fund a dedicated, independent research program on the biological and environmental effects of RF radiation, including exposures below current federal limits.
2. Conduct and publish a comprehensive health-based review of the adequacy of current federal RF exposure limits, and share its findings with the FCC.
3. Prioritize research on children, pregnancy, cumulative exposure, and the communities living near wireless infrastructure.
4. Include environmental and wildlife effects in its research agenda.
5. Support transparency and public disclosure of RF exposure data, so communities can make informed decisions.

Thank you for taking this issue seriously and for the opportunity to comment.

Respectfully,

Amanda Sackett
San Cristobal, New Mexico

Attachment A: Letter to Senator Ben Ray Luján regarding the San Cristobal cell tower and H.R. 2289

The Honorable Ben Ray Luján
United States Senate
498 Russell Senate Office Building
Washington, DC 20510

August 17, 2026

Dear Senator Luján:

On behalf of the undersigned residents of San Cristobal, a small rural community in Taos County, we ask for your help in preserving and protecting local control over wireless telecommunications infrastructure siting decisions and urge you to oppose the “American Broadband Deployment Act” (H.R. 2289).

We are grateful to your staff, Carmen Scurato and Alicia Hicks, for meeting with us on August 4, 2026 via Zoom to hear about our remarkable community-wide effort to successfully thwart the installation of a wholly unnecessary, 195-foot-tall commercial, multi-carrier cell tower which would have despoiled our cherished valley for decades to come. It would have been one of the tallest structures in Taos County.

A Community United To Protect Its Home: David vs. Goliath.

Skyway Towers, a speculative, out-of-state, cell tower developer funded by Basalt Infrastructure Partners, a U.K.-based set of private investment funds, sought to build and operate a 195-foot-tall cell tower on a small parcel of land in our pristine community of San Cristobal. T-Mobile was slated to be the tower's “anchor tenant.” This industrial, massive steel structure would have been one of the tallest constructions in our entire County, within direct line-of-sight of the coveted D.H. Lawrence Ranch and Taos Goji Retreat and Lodging (which is currently under consideration for listing in the National Register of Historic Places), and clearly visible to nearly every single home in the valley.

We were given just ten days’ notice before the Taos County Planning Commission was slated to make its determination on this highly consequential commercial project. But such an absurdly truncated timeline did not discourage us from mobilizing in the short time we had. Dozens of residents testified at the Planning Commission hearing in opposition to the tower. Nearly 300 people – virtually every person in our community – signed a petition against it. Ultimately, in direct contravention to the Taos County Land Use Regulations, the Planning Commission arbitrarily and capriciously approved Skyway Towers’ defective application. Our community refused to accept this erroneous decision.

80 parents, retirees, and farmers scraped together approximately \$15,000 of their hard-earned money to hire two telecommunications attorneys and a radiofrequency (“RF”) engineer to fly out to New Mexico to spearhead our appeal before the Taos County Board of Commissioners. Residents cooked meals and opened their homes to house the attorneys and RF engineer.

After a tense, roughly seven-hour-long *de novo* hearing before the Taos County Board of Commissioners, the Commission ultimately voted 3-2 on October 14, 2024 to overturn the Planning Commission's previous improper approval of the 195-foot-tall proposed tower. The

Commission held that Skyway Towers had failed to investigate collocation opportunities on existing wireless telecommunications infrastructure in the area as required pursuant to Taos County's Land Use Regulations.

When the Chairman of the Commission cast the final, determinative vote against the tower, residents jumped out of their seats and screamed for joy. Neighbors embraced one another. Tears were shed. The community celebrated its victory with a large, music-filled gathering at a resident's home later that evening.



Photograph of the area surrounding the proposed 195-foot-tall cell tower installation site in San Cristobal, New Mexico. Photo credits: Zoe Berg, October 15, 2025.



Various members of the San Cristobal community who came together to defeat Skyway Towers and T-Mobile's ill-conceived 195-foot-tall cell tower proposal.

Let us be clear. Skyway Towers' 195-foot-tall cell tower project was never intended to close a gap in wireless coverage for an underserved community. It was intended to make rich companies even richer. As much as Skyway Towers and T-Mobile wanted to paint our community as "underserved" for the benefit of "selling" their disingenuous and defective application to our County – it is not.

According to a community survey conducted by community volunteers (who happen to be professional surveyors) prior to the October 14, 2024 Taos County Board of Supervisors hearing, 104 of 117 occupied homes in San Cristobal (94% of residents) reported that they already have access to high-speed internet. Those that do not have access to the internet are elderly and do not desire such access. 100% of the community can make and receive calls through some combination of cellular, WiFi calling, or landline service. And AT&T already provides 100% 4G LTE coverage across the valley – coverage that supports every 911 call regardless of the caller's carrier.

Wireless providers increasingly invoke the phrase “close the digital divide” to create the appearance of serving the public good. But too often, that rhetoric obscures a very different objective: densifying their wireless networks and expanding their share of the fixed-wireless market by pursuing unnecessary and visually intrusive towers in communities that already have excellent connectivity. Our community almost fell victim to the industry’s “digital divide” lie.

Using the language of digital equity to advocate for a cell tower project that does little or nothing to serve people who genuinely lack broadband access is more than a marketing tactic – it risks diverting attention and resources away from those who remain truly underserved.

Please Stand With Rural Communities To Protect And Preserve Local Wireless Telecommunications Infrastructure Siting Decisions.

The proposed 195-foot cell tower here in San Cristobal was not rejected simply because residents opposed it. It was denied because Skyway Towers failed to comply with the County’s existing, well-reasoned land use regulations. That distinction goes to the heart of what is at stake in H.R. 2289 -- a bill opposed by the National Association of Counties, the National League of Cities, and the U.S. Conference of Mayors.

H.R. 2289 would significantly restrict state and local authority over wireless telecommunications siting decisions and impose unreasonable new federal rules on local review processes. This raises a fundamental question: *Where is the national data demonstrating that an overwhelming number of cell tower projects are being rejected by local governments in places where reliable wireless service is genuinely lacking?*

In our case, local democracy worked as it is supposed to work: the County enacted land use rules, the applicant was required to adhere to those rules, evidence was presented, local government officials and staff considered the evidentiary record within a reasonable amount of time, and the application was denied because it did not meet the County’s requirements. H.R. 2289 would subject this kind of local decision-making to unreasonable and unnecessary external pressures, undermining the integrity of the application review process and compromising the ability of local governments to make informed, fact-based decisions.

Imposing rigid and arbitrary timelines on local governments to assess technically complex cell tower proposals -- including shot clocks and deemed-approval provisions -- does nothing to address the underlying economics that have shaped the rural broadband ecosystem for decades. Nor does limiting environmental and historic preservation reviews. It is no surprise that cell tower site developers and wireless telecommunications carriers make investment decisions based on the cost of construction and the potential return. They are far less likely to build in places where there are few customers, where terrain and distance make construction particularly expensive, or where the potential revenue does not justify the cost of building and maintaining infrastructure. Forcing local governments to process cell tower applications in a haphazard manner does not change those fundamental economics. It simply makes it easier for rich companies to get even richer at the expense of our neighborhoods.

Clarification Requested Regarding The Scope And Effect Of S.4448.

We would appreciate clarification from your office regarding the scope and intent of S. 4448, the “Accelerating Broadband Permits Act,” which we understand you have co-sponsored. Our initial concern was that, like H.R. 2289, the bill would preempt local authority over wireless telecommunications facility siting matters. However, after further review, we understand that S. 4448 may instead be limited to BEAD tracking dashboards and greater transparency around permit processing requirements rather than altering local zoning or siting authority.

We ask that your office confirm that S. 4448 does not weaken or preempt a local government’s ability to apply its own zoning and land use regulations to wireless telecommunications facilities. If it does, we would strongly oppose the bill.

Conclusion.

Thank you for your continued attention to New Mexico’s connectivity needs and your commitment to pursuing real solutions to address real broadband challenges faced by rural communities throughout the state.

Please consider our cell tower story and our strong opposition to H.R. 2289 as you engage in wireless broadband permitting discussions and decision-making going forward.

Respectfully submitted,

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Enclosure: San Cristobal residents' appeal letter, Case SUP-24-000013, Taos County Board of Commissioners, dated September 4, 2025.

September 4, 2025

IN THE MATTER OF THE APPEAL OF
THE DECISION OF THE TAOS COUNTY
PLANNING COMMISSION MEETING OF
JULY 31, 2025

CASE SUP-24-000013

(Previously docketed as **SUP-25-000003**)

INTRODUCTION

Skyway Towers is proposing that a 195' cellular tower be built on the property of Alfred, Susan and Jacqueline Cordova at 1489 State Highway 522 in San Cristobal, New Mexico. This project has been in the works and in planning stages since early 2024. Residents of San Cristobal, including the appellants listed below, learned of the project only ten days before a hearing was to be held before the Taos County Planning Commission. With little time to prepare, appellants and dozens of residents appeared at the meeting of the Planning Commission and gave testimony. Several residents of San Cristobal submitted written comments in advance of that hearing. Despite the short time frame, a petition was also submitted with over 150 signatures from local residents in opposition to the tower. The petition has now nearly reached 300.

In the view of the appellants, the hearing was simply a rubber stamp on the findings of the Planning Staff. None of the concerns raised by written comments or testimony (except the attempt to disguise a 195' tower as a non-native Sequoia tree in a pinon juniper zone) were addressed in any manner by staff, or by Commissioners. One Commissioner dismissed concerns and accused the protestants of simply being NIMBYs. That is far from the truth, and points of concern and appeal will point out deficiencies in the process and in the decisions made by both staff and the Planning Commission.

Ryan Shaver, attorney for Skyway Towers, began his presentation by stating that more wireless services were needed in San Cristobal, there is no adequate source of service, and that this proposal would close the gaps and be the 'least obtrusive means' to close the gaps. He stated that San Cristobal is a "community in critical need of services."

Commissioner Edelman pointed out that Kit Carson Electric, through an earlier program, had provided access to fiber optic connections (even at no cost for those in need), and went on to question the placement and height of the tower. It was clear that Mr. Shaver had never been in San Cristobal and had certainly had no contact with community members other than those related to the application. Mr. Shaver, at the time of his rebuttal, essentially told the Commission that they could not deny this project because of the doctrine of Federal preemption.

While Federal preemption defines certain of the parameters for review of cellular services (specifically, for instance, if FCC requirements are met, protestants cannot challenge health

concerns based on EMFs), the County has considerable leeway in determining if a proposed project otherwise meets its visions, goals and needs of the community. The Taos County Land Use Plan is critical, along with community sentiment, in determining what is best to meet the connectivity needs in a rural agricultural village. Pertinent facts were ignored, and an incorrect legal standard was proposed and guided the Planning Commission.

In this appeal, we will address the following points:

1. The proposed tower violates multiple Taos County Land Use regulations;
2. There is no need for additional cellular service;
3. The proposed tower would cause significant and irreparable harm to the San Cristobal community and to vital local businesses;
4. The project proposal fails to consider the negative impact on local wildlife, and fails to address the written concerns of the New Mexico Game and Fish Department;
5. The proposed tower would increase safety and wildfire risks in an already vulnerable area of Taos County.

Each of the below-signed appellants is a resident of, and/or property owner in San Cristobal, has standing to appeal, and is affected by the adverse decision of the Planning Commission entered July 31, 2025.

AREAS OF CONCERN AND APPEAL

- 1. The proposed tower violates multiple Taos County Land Use regulations. The assertion that sufficient value is gained by residents is patently false.**

The following sections of the Land Use Regulations have been improperly applied and interpreted, as discussed below:

Section 4.6.1
Section 4.11.1 (C)
Section 4.11.1 (D)
Section 4.11.1 (F)
Section 4.11.2
Section 4.11.4
Section 4.1.1

Compatibility

San Cristobal is a small community that falls within a County Rural Area (formerly Rural Agricultural zone). Section **4.6.1** of the Land Use Code states that development shall be sensitive to and consistent with existing traditional and historic uses, or there needs to be a demonstrated substantial benefit to or in support of, and *not* have a substantial impact on, the immediate neighborhood. San Cristobal has historically been an agricultural community and there has been a recent resurgence of agricultural activities, including healthy soils initiative,

treating over 60 acres of land, workshops on regenerative agriculture, bale grazing, orchard health and pest control and fencing. Young people are actively raising goats and sheep. There was a recent revitalization of San Cristobal Day, at which over 90 people were in attendance. A 195' cell tower would invite unwanted development and disturbance. People who come to live, come for the pastoral nature of the land.

Contrary to the Staff determination, a large cell tower, even if not disguised as a pine tree (or Sequoia) would be an intrusion, and a definite blight on the view scapes of close neighbors. For some, it would be what they are forced to see every day; for others an obstruction on otherwise clear views to the west. Disguised as a tree, or not, it would not "blend in...with the neighborhood character." (See Finding #3, Decision of the Planning Commission, citing **Section 4.6.1(B)[Visual Compatibility]**) This intrusive structure would be insensitive and inconsistent with all that San Cristobal represents and means to its residents.

Staff found (see Finding #38, Decision of Planning Commission) that Sec. **4.11.1 (C)** was met because the "proposed tower will be placed within the interior of the subject property and therefore will not be within the view of the general public". This is far from the truth. Every resident of the lower valley of San Cristobal will have a 195' cell tower in their view; the tower will be visible from other parts of the valley; and, it will also be visible when driving State Hwy. 522 from both directions. As testified to by one San Cristobal resident, the visible tower will be a distraction to the driving public at the most dangerous spot on the highway – the steep curve coming down the hill into the valley from the south. This will pose a danger to the driving public.

Staff determined (see Findings #39 and #41, Decision of the Planning Commission) that "in order for the Applicants to comply with the criteria of **section 4.11.1 subsections (D)[Landscaping and Screening] and (F)[Color and Camouflage]** of Taos County's Land Use Regulations the Applicants will need to disguise the proposed cell tower as a pine tree" "which blends in more with the neighborhood character..." Disguising a cell tower as a tree seems to be the Staff's panacea to incompatible obtrusive structures. In the end, the Planning Commission rejected that finding, and approved the lattice design of the Applicant. The Staff acknowledged the intrusive nature of a 195' tower and attempted to disguise it. The fact is that it cannot be disguised and cannot blend into the neighborhood character. How then, does the tower blend in and meet the standards for landscaping and color and camouflage? It does not.

The Staff report, and findings of the Planning Commission are deficient in the following ways. The tower is incompatible with the area's character, fails to meet visual impact standards, and lacks sufficient justification for a co-location exemption. Specifically, the proposed tower conflicts with Taos County Land Use Regulations **Sections 4.11.2 and 4.11.4**, which require minimization of visual impacts, demonstration of co-location feasibility, and adherence to height and setback standards that preserve the intent of the County Rural Area zoning district as defined in **Section 4.1.1**.

Additionally, the staff report failed to consider **Section 4.11.1(E)** and the proximity of the proposed Arroyo Hondo freestanding cell tower. The Planning Commission approved, based on a Staff Report, a freestanding cell tower in Arroyo Hondo, at the north end, on the hill by

Grace Community Church. That tower, if constructed, would be 3.5 miles from the proposed San Cristobal tower. Section 4.11.1E of the County's Land Use Plan provides that free standing cell phone towers *shall not* be within 5 miles of one another.

In summary: the scale and location of the proposed tower are grossly out of character for the community and would violate numerous county land use regulations. Not only would the tower be one of the tallest in the county (only five feet shorter than the tower at Espanola Walmart), the 30-year-lease would impose this industrial blight for at least a generation of residents. This project should be denied.

2. There is no need for additional cellular service. Current evidence shows that all residents are already well serviced by existing telecommunications services, including comprehensive access to emergency services.

The applicant has claimed a need that does not actually exist. Maps provided by the applicant lack specificity and are outdated, as they do not reflect current cellular coverage. Current maps from internet providers show connectivity everywhere except for small individual pockets. ATT's map shows 100% coverage in San Cristobal, and other providers are not far behind -- *using current infrastructure*.

Cellular coverage in San Cristobal

Verizon, T-Mobile and AT&T all provide service in San Cristobal, each covering more than 50% of the valley. AT&T is by far the best carrier, covering 100% of the entire residential area with 4G service, as shown by the coverage map in Appendix B. This enhanced level of service is a fairly recent advance. Only in the last 4-6 months has it been possible to have sustained signal from Taos to San Cristobal and throughout the valley.

While San Cristobal cell users have different levels of cell coverage depending on their service provider and their device, this does not affect their 911 calls and their ability to use their cellphones to transmit location data and make emergency calls. Whether in their homes, in the fields, or on hiking trails, cellular signal is adequate throughout the valley to send cellular location data through 911 on the Next Generation 911 system due to the AT&T cellular coverage. Please see the section on Emergency Services below for a more thorough explanation.

Finally, some San Cristobal residents using newer mobile devices with a cellular subscription have discovered that their providers now offer a satellite connection. A few residents have used Starlink subscriptions. This is a recent capability in San Cristobal and currently only available to residents with newer mobile phones; however it is safe to assume that future connectivity will eventually consist of satellite as a complementary communication technology to cell towers.

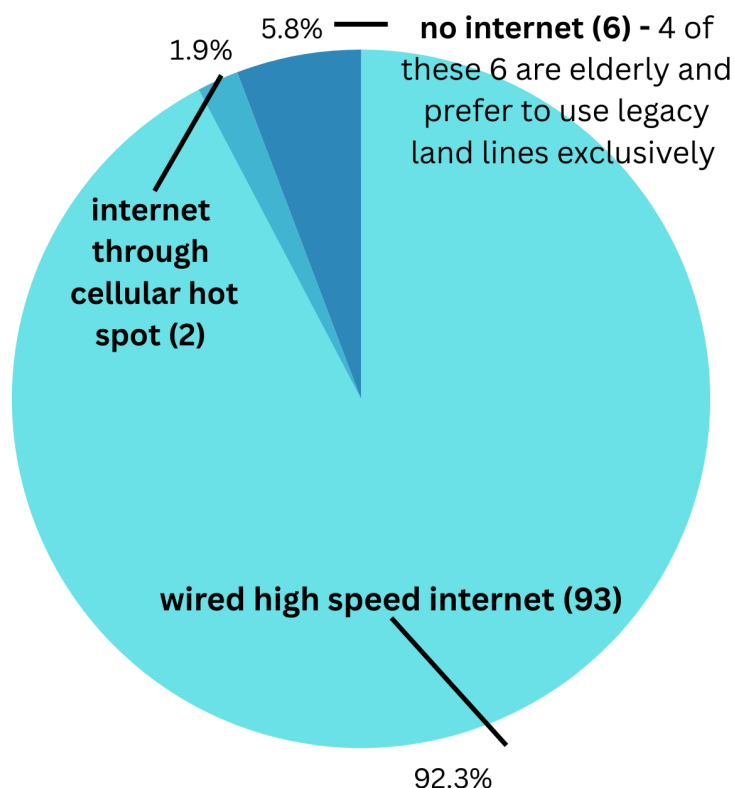
San Cristobal households communications survey

In August 2025, neighbors sponsored a survey to assess the current status of connectivity among San Cristobal residents. The survey, conducted securely and anonymously, garnered

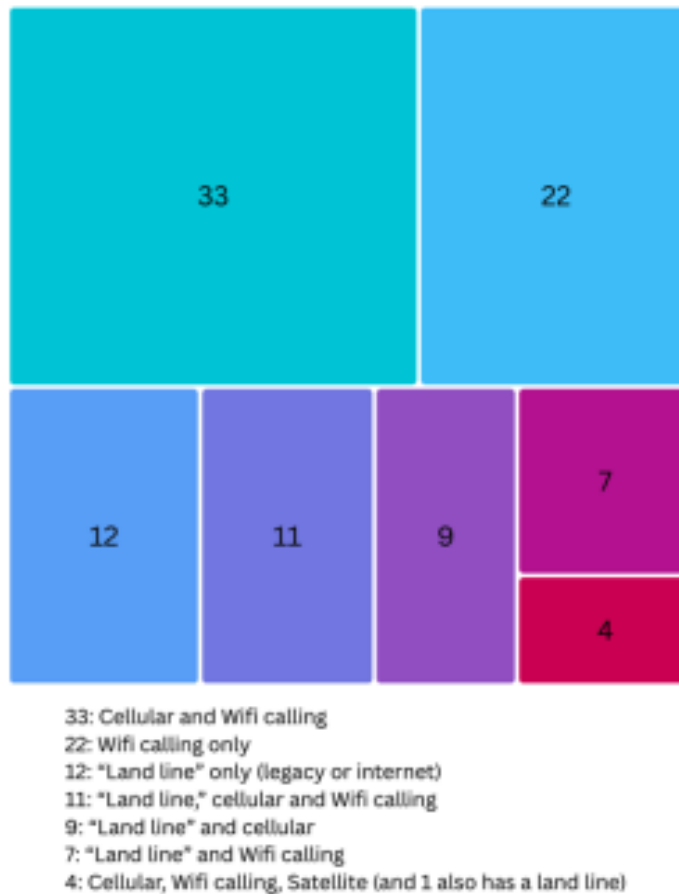
responses from 104 of the 117 currently occupied homes. Residents of all 117 homes were contacted via mail, in-person visits, phone calls, and/or internet messages.

Key findings from the survey included the following:

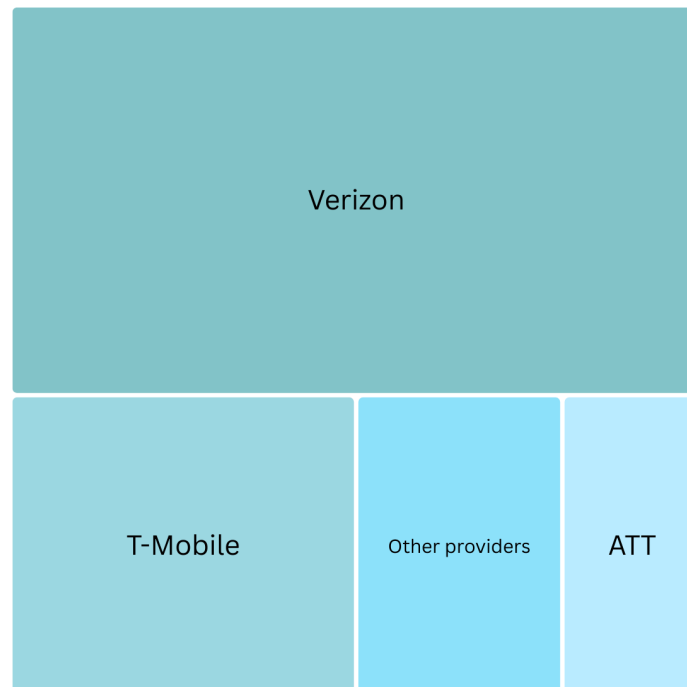
- **94% of households currently have high speed internet.** The remaining six households are in locations eligible for wired internet (wifi) but have chosen not to connect. Four of the six are elderly and prefer to use legacy land lines exclusively. See graphic below:



- **100% of households surveyed have the capacity to make and receive calls.** Residents use a variety of methods to make calls, and most have multiple ways to call. The graphic below breaks down call ability by number of households:



- **Most households (84%) are able to make and receive calls using cellular service from their homes.** Respondents who don't have reliable cellular coverage from their provider, but do have internet access, use wifi calling. Wifi calling uses a cell phone to route calls over the internet. The graphic below shows the cell carrier usage according to survey results:



- **Residents report that cellular coverage has improved greatly in the last 4-6 months.** Some respondents who believed they did not have cellular connectivity in their homes learned that visitors with other providers were able to make calls.

Cell tower proponents have asserted that many in the valley need the cell tower to access the internet. This is not consistent with the survey findings, which indicate that **ALL residents who want to connect to the internet are already well served.** In addition to household internet, Kit Carson Internet has provided our community center with a 24/7 free internet hotspot available at the San Cristobal Community Center. It is accessible both inside the center and outside, in the parking lot.

The data show that **ALL San Cristobal households are able to make and receive calls** using a combination of cellular or satellite connectivity, wifi calling, or land lines.

The data show that **cellular coverage has recently improved significantly and 84% of households are able to make and receive cellular calls from their homes, and 100%** have enough AT&T coverage to contact 911 (see below).

The data show that a small number of San Cristobal households are not able to use signal from the cellular provider they contract with to make regular calls reliably from their homes. These residents use alternate methods to communicate. In the event of an emergency, 911 cell calls from residents that have no coverage will still connect to the strongest coverage (AT&T). This is a nation-wide, built-in system safeguard for emergency response.

Although the survey did not address the proposed cell phone tower, many residents are aware of the issue and added their thoughts to the optional comments section of the survey. Please see the survey report in Appendix A for a full list of comments.

Emergency Services

Everyone agrees on the critical need for residents, visitors and motorists to summon emergency services, and for first responders to be able to quickly and effectively locate those in need of assistance. Cellular service is one way to address this. The section above on coverage clarifies that 911/SOS (available to people with no active cellular plan, so long as they have a recent cell phone that is charged)¹ is comprehensive throughout the San Cristobal area. Those in fields and hiking trails and on the highway are able to use this service to summon help and identify their location. Stronger signal through voice and 4G cellular is available in most places in San Cristobal, as well.

Federal law requires cell providers to connect 911 calls from any cellphone regardless of service provider as priority.² Even where residents have little coverage for everyday calls, their emergency 911 will always be routed to the strongest network signal and provider. This guaranteed service means that anyone with a charged cell phone, *even lacking an active cellular subscription*, is able to access 911/SOS through the strongest signal.³

More importantly, though, cellular service is not the only means of communication. The E911 system is being replaced by Next Generation (NG) 911, an internet-based protocol. Taos Central Dispatch is a part of the early roll out of the system.⁴

¹ See Federal Communication Commission 2024 "FCC Basic and Enhanced Wireless 911 Rules" Website: <https://www.fcc.gov/consumers/guides/wireless-911-service> (Accessed 9/2/2025).

² No matter the service subscription a resident has for regular cellular calls, for 911 calls, they have 100% coverage. For example, if I have a Verizon cell provider, but no signal at my home, my phone will still be able to make a 911 call that uses a stronger network (such as AT&T) in the case of an emergency. This is why for current and Next Generation 911 calls everyone in San Cristobal already has the ability to send their location via cell tower triangulation and other advances, automatically, regardless of which cell carrier service they are subscribed to. For more see Williams, Lynnae, "You Can Call 911 Without Service Or A SIM Card, But There Is A Downside" MSN website: <https://www.msn.com/en-us/news/technology/you-can-call-911-without-service-or-a-sim-card-but-there-is-a-downside> (Accessed 9/3/25).

³ Since AT&T currently covers all of San Cristobal residential area, users' phones will automatically connect to that strongest cell tower network no matter what cell service they subscribe to, in order to send location and other data during a 911 call. See Federal Communication Commission 2024 "FCC Basic and Enhanced Wireless 911 Rules". Website: <https://www.fcc.gov/consumers/guides/wireless-911-service> (Accessed 9/2/2025).

⁴ Skyway Towers had alleged that residents using wifi calling in an emergency are at a disadvantage. They assume that since those cell users are not using a cell tower network, they will not be able to have their exact location and other data sent automatically to first responders, as Enhanced911 and NextGeneration 911 services allow. However this is a gross misunderstanding of how 911 calls work. Even if a cellular user is using Wi-Fi Calling, once they dial 911 their phone will connect to cellular networks because, according to Verizon, "When you're using Wi-Fi Calling, 911 calls always try cellular service first, even when your device is in Airplane Mode or cellular service is off. If cellular service isn't available and you've set up Wi-Fi Calling, the 911 call routes using the registered address." see Verizon, n.d. "Emergency Addresses" website: <https://www.verizon.com/support/wifi-calling-faqs/> (Accessed September 2 2025).

Using fast, wired internet, already active in 94% of San Cristobal households, NG911 will provide a greater ability to pinpoint locations, and will allow those calling in to give more information. By law, NG 911 communication may be conducted through cell service, Wifi calling, satellite, landline, or fiber optic connections. As the survey recently conducted in the village shows, residents have more than sufficient connectivity to quickly and easily contact emergency services. Whichever method or device they use, it will automatically convey accurate GPS location data to first responders.

Backhauling is not protected by federal pre-emption

Long-haul *backhaul* refers to infrastructure that connects cell towers to each other or to the core network over long distances, often using tall towers with microwave dishes for direct line-of-sight transmission. Unlike local service towers, which are designed to provide coverage directly to consumer devices in a community, backhaul towers primarily serve as network relays. The applicant claims that this 195–200 foot tower is necessary to “meet community needs,” but the proposed height and design suggest otherwise. Towers of this scale are typically constructed for long-haul backhaul connectivity, not simply to improve local coverage. Community-serving towers are generally much shorter, with sector antennas arranged for 360° service, while the proposed structure’s extraordinary height is consistent with line-of-sight microwave backhaul linking distant towers.

At the July 31 hearing, the applicant’s attorney stated that this tower must connect to another tower **20 miles away**, a hallmark of backhaul rather than localized service. Under the Telecommunications Act, counties are required to accommodate facilities providing **personal wireless services to consumers**, but not to approve infrastructure whose primary purpose is network backhaul. Courts have consistently held that carriers must demonstrate that denial of a facility would leave a **significant gap in consumer coverage** (see *Second Generation Props. v. Pelham*, 313 F.3d 620; *MetroPCS v. San Francisco*, 400 F.3d 715). The applicant has provided no such evidence here. Without independent documentation, such as engineering reports, propagation maps, and call-drop data, the public cannot verify that this facility primarily addresses local service gaps. For this reason, we urge the County to require a formal NEPA Environmental Assessment and full disclosure of the engineering and technical documentation before any approval is considered. Further need and alternative analysis is necessary.

- 3. The proposed tower would cause significant and irreparable harm to the San Cristobal community and to vital local businesses. It would lower residential property values, negatively impact historically and culturally valuable places, and would violate the rural, agricultural character of San Cristobal.**

Property devaluation and Economic Impacts on Local Business

Karen Todd, Licensed Real Estate Broker for Berkshire Hathaway, submitted a letter/comment to the Taos County Planning Department on July 23, 2025. In it she states, “Research confirms that visibility of tall towers can negatively impact[s] residential property values by nearly 10%. Locally, this would significantly affect marketability and investment for San Cristobal homeowners whose views are compromised. This concern is not speculative;

peer reviewed studies and real estate industry data consistently show that proximity and visibility of cell towers reduce buyer interest and drive down home sales prices.” Indeed, additional studies even show property value impacts above 20%. According to a survey reported in Realtor Magazine’s article, *Cell Towers, Antennas Problematic for Buyers*, “An overwhelming 94 percent of home buyers and renters surveyed by the National Institute for Science, Law & Public Policy (NISLAPP) say they are less interested and would pay less for a property located near a cell tower or antenna.”[...] “Of the 1,000 survey respondents, 79 % said that under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antennas, and almost 90% said they were concerned about the increasing number of cell towers and antennas in their residential neighborhood.” This is not a benefit to the community. **Sections 4.6.1(A) and (B)**

San Cristobal is a small, quiet community with no industry and a relatively low per capita income (\$35,468 in 2022). A significant number of residents pursue small scale organic farming, beekeeping, animal husbandry, and other forms of regenerative agriculture. Quite a few earn a living through the healing arts (medicine, massage, etc.) practiced within their home offices. Others are professional landscape painters and photographers whose work depends on the rural and scenic character of the village. Workshops -- including those to paint the very landscape that would be compromised by the tower -- bring in artists and tourist dollars to the County. Several residents augment their income by hosting guests who come specifically for long stay artistic and healing retreats. These small businesses will suffer significantly from the proposed tower.

The core business of the Taos Goji Farm and Retreat Center, which hosts hundreds of guests each year, relies on silence, scenic views, birdwatching and star observation. Construction and operation of the proposed tower would produce noise and visual disruption within clear view of the retreat grounds. The most reliable guests to the Center are seeking peace, dark skies, abundant bird life and breathtaking landscapes. All of this is threatened by the presence of the tallest cell tower in the County. The loss of guests would be devastating to the Farm, its programs, and its employees.

Please refer to Appendix C, a statement of economic impact, attached hereto and incorporated herein by reference.

Historical Preservation

The south entrance to San Cristobal off Highway 522 is the gateway to the D.H. Lawrence Ranch, an historical site run by the University of New Mexico. San Cristobal is also the home of what is now the Goji Farm, which is situated at the old San Cristobal Post Office site. The historic lodge of Taos Goji Retreat & Cabins has long stood as the hub of San Cristobal. The cabins became a known destination for artists and writers, with figures such as Aldous Huxley and D.H. Lawrence, as well as Elizabeth Kubler Ross and Ram Dass, having lived or stayed at the property. The historic cabins, preserved gas pumps, old post office and agrarian setting are integral to its character and appeal. It now operates as a retreat center, where guests come seeking tranquility, open mountain views, and the opportunity for digital detoxification.

The property is currently under formal review by the New Mexico State Historic Preservation Office for eligibility to the National Register of Historic Places. Under 36 CFR Sec. 800.16(l)(1) and Section 106 of the National Historic Preservation Act, properties that are eligible or under consideration for eligibility must be treated as historic properties during the federal project review. To allow construction of a massive cell tower within .36 miles of the ceremonial space of the center, and indirect view, would violate all of the sections of the Taos County Land Use Regulations relating to compatibility and visual integration.

Please refer to Appendix C, the statement of Elizabeth and Hans Eric vom Dorp, attached hereto and incorporated herein by reference.

4. The project proposal fails to consider the negative impact on local wildlife, and fails to address the written concerns of the New Mexico Game and Fish Department.

The following additional sections of the Land Use Regulations have been improperly applied and interpreted, as discussed below:

Section 4.7.1(H)[Environmental Impact Study]

Environmental Concerns

The Staff Report and Finding #11 of the Planning Commission Decision includes comments on environmental requirements. **“Section 4.7.1(H) [Environmental Impact Study]:** The Applicants comply with the criteria of this section with the submission of an environmental impact study which was prepared as part of meeting the requirements of the NEPA (National Environmental Policy Act) as mandated by the FCC (Federal Communications Commission)”

The Applicant hired Trileaf, an environmental, architecture, engineering firm to perform a “NEPA Study”, which is part of the Application packet and which was completed over a year ago, in June, 2024. This Study is far from an *environmental impact statement* under NEPA. Federal NEPA standards require a rigorous process of public notification of a project, an opportunity to comment and express concerns, a review of those concerns, and a final recommendation. None of that has happened here. There was no public notification, opportunity to comment, review of comments, leading to modifications of a project (often), or report after that process. What has been does not qualify as an Environmental Impact Study under the National Environmental Policy Act and **Section 5.7.1(H)** has not been met.

In its study, Trileaf states that after contact and an opportunity to review the project, the New Mexico Department of Game and Fish came back with Project Recommendations. See NMDGF Report of 5/14/2024:

P.1 – “No further consultation with the Department is required based on the project’s location and, *with implementation of mitigation measures described in the Project Recommendation section below, no adverse effects to wildlife or important habitats are anticipated*”. (Emphasis added)

P. 2 – “This is a preliminary environmental screening assessment and report”

P. 6 – “With implementation of the applicable mitigation or avoidance measures included in the project description, and incorporation of the guidance listed below, the Department does not anticipate significant impacts to wildlife or sensitive wildlife habitats” [...] “Because of the potential for communications towers to cause significant impacts to night-migrating migratory bird populations, we submit the following recommendations:”

To paraphrase, the Department's recommendations include co-locating communications equipment, relocation of the tower to an alternate site if significant numbers of breeding, feeding or roosting birds are known to use a proposed site and other construction recommendations. The department recommends a preliminary of burrowing owls by a qualified biologist. It states:

[...] “Burrowing owls [...] may occur within your project area. Burrowing owls are protected from take by the Migratory Bird Treaty Act and under New Mexico state statute [...]”

P. 7 – “Your project is on or near a section of road that has experienced comparatively high incidence of wildlife-vehicle collisions. Coordinate with the New Mexico Department of Transportation to consider implementing mitigation actions that are appropriate to your project area and planned action to reduce wildlife-vehicle collisions. These may include by are not limited to installation of wildlife-proof fencing, installation of wildlife passages such as arch culverts or overpasses, and installation of animal detection systems.”

“Your project could affect important components of wildlife habitat, including fawning/calving or wintering areas for species such as deer and elk, or general high wildlife movement and activity areas for large mammals [...]”

There follows a series of recommendations, including the need to mitigate noise generating activities during wintering and calving/fawning season. The Department **“recommends completion of thorough environmental assessment prior to, and exercising care during, implementation of project activities to avoid adverse impacts to sensitive wildlife and habitats.”**

The Department further recommends minimization of adverse impacts to migratory birds, nests, eggs, or nestlings, and the timing of certain activities. The recommendations are long and numerous, and found at page 3 of the “NEPA Study” and page 7 of the 5/14/2024 DGF Report.

“The list of New Mexico SGCN... and the federal list of Birds of Conservation Concern should be reviewed to fully evaluate potential effects to migratory birds from your proposed project. [...] These conservation measures are strongly recommended to ensure persistence of migratory bird species whose populations are small and/or declining within New Mexico.”

Conservation measures strongly recommended by NMDGF have not been addressed. There is no Environmental Assessment, there is no Environmental Impact Statement, no compliance with NEPA, and there is not a single mention in the Staff Report or Findings of the Planning Commission on how to protect large mammals and habitat, and ensure the continuity of migratory and other bird species. The Study is deficient, and the Staff Report simply states something that is not real, and not true.

Please see the Wildlife Study by Joan Norris, Appendix D, attached hereto and incorporated herein by reference.

5. The proposed tower raises safety concerns and would increase risk of fire in an already vulnerable area of Taos County. Safer alternative locations were not considered by the applicant.

Safety Concern 1: Increased wildfire risk

Cell towers and the associated electrical infrastructure inherently carry fire risks from ordinary wear and tear, wiring faults, and electrical arcs that can generate extreme temperatures. The placement of cell towers near forests like Carson National Forest, which serve as fuel for wildfires, increases the risk of a fire spreading from the electrical components of the tower.⁵

Communication towers are all-metal structures, which make them prime targets of lightning that may come within their vicinity. A twenty-year analysis of National Lightning Detection Network data found that areas particularly near taller towers have seen as much as a 500 percent increase in cloud-to-ground lightning over a small area.⁶

Given these statistics, putting the tallest tower in the county in one of the most at-risk for wildfire areas in the county seems a recipe for disaster. Increased lightning during Taos' storm season has been the cause of most of our recent fires in the region, and wildfire is one of the greatest dangers to life and property in our valley.⁷ This tower will pose an unnecessary danger to our lives, homes, water supplies and wildlife due to this increased fire risk.

Safety Concern 2: Risk to Life Flight Helicopters

The height of the tower is a special concern in this air corridor where Life Flight helicopters come through our valley. Skyway Towers has said that they would not put lights on the tower; however they have not done research on the safety of helicopters coming through this

⁵ Cell towers can also be dangerous in wildfire zones due to increased cloud to ground lightning in the vicinity of the tower.

⁶ According to this study "tower height is positively correlated" with cloud to ground lightning within a one kilometer radius", See Darrel M. Kingfield, Kristin M. Calhoun, Kirsten M. de Beurs (2017) "Antenna structures and cloud-to-ground lightning location: 1995–2015" in Geophysical Research Letters, Volume44, Issue10 28 May, Pages 5203-5212 <https://doi.org/10.1002/2017GL073449>

⁷ *Lightning shakes Taos, sparks wildfire* by Taos News on August 27, 2025
<https://www.taosnews.com/news/environment/lightning-shakes-taos-sparks-wildfire/>

airspace. If the FCC does not require lights for towers under 200 feet, it seems helicopters would be at risk. We respectfully submit that Skyway Towers has not come close to doing due diligence on these questions of safety, and must show us what risks come with this tower.

Safety Concern 3: Distraction for motorists

At 195 feet tall, the proposed tower would introduce an outsized, industrial presence directly adjacent to an already hazardous section of Highway 522. The tower's sheer scale and prominence would draw driver attention away from the road, creating an added safety risk on a highway where accidents are already common and conditions demand full focus.

In conclusion, for all the reasons detailed above, the decision of the Planning Commission cannot stand. The proposed 195-foot tower is inconsistent with Taos County Land Use Regulations, incompatible with the character and safety of San Cristobal, and unsupported by evidence of actual community need. It would impose long-term harm on property values, local businesses, historic and cultural resources, wildlife, and public safety. We therefore respectfully request that the Board of County Commissioners reverse the Planning Commission's approval and deny the Special Use Permit.

Respectfully submitted,

Heather Duncan, 90 Camino del Medio
Ian Duncan, 90 Camino del Medio
Mary Poirier Gilroy, 68 Camino del Medio
James T. Gilroy, 68 Camino del Medio
Marta Glover, 86 Camino del Medio
Arifa Goodman, 101 Camino del Medio
Kathy Namba, 31 Carlitos Road
Peggy Nelson, 146 Camino del Medio
Joan Norris, 37 Carlitos Road
Barry Norris, 37 Carlitos Road
Frances Reynolds, 34 Schreiber Road
Morris Reynolds, 34 Schreiber Road
Fabi Romero, 86 Camino del Medio
Charles Ross, 75 Camino del Medio
Johnna Rowe, 24 Medina Road
Christopher Rowe, 24 Medina Road
Mandy Sackett, 217 Camino del Medio
Jayne Schell, 38 Spotted Owl Road
Debi Taylor, 14 Spotted Owl Road
Chris Taylor, 14 Spotted Owl Road
Karen Todd, 30 Schreiber Road
Eric vom Dorp, 1530 Old State Road 3
Elizabeth vom Dorp, 1530 Old State Road 3
Julia Wise, 75 Camino del Medio
Summer Wood, 31 Carlitos Road
Caroline Yezer, 1 Schreiber Road

Appendices

- Appendix A: San Cristobal 'Stay Connected' Survey
- Appendix B: Wireless Coverage in San Cristobal
- Appendix C: Economic Statement from Taos Goji Retreat & Cabins
- Appendix D: Wildlife in San Cristobal, New Mexico
- Appendix E: Visual Renderings of Cell Tower