

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



Tu 10a

STAFF REPORT AND RECOMMENDATION**ON CONSISTENCY DETERMINATION**

Consistency Determination No. **CD-090-97**
Staff: JRR-SF
File Date: 7/1/1997
45th Day: 8/15/1997
60th Day extended to: 1/23/1998
Commission Meeting: 1/13/1998

FEDERAL AGENCY:**U.S. COAST GUARD****DEVELOPMENT****LOCATION:**

Coast Guard Station, Bodega Bay, Sonoma County
(Exhibit 1)

DEVELOPMENT**DESCRIPTION:**

Construction of new tower to support the Bay Area
communications system upgrade (Exhibit 2)

SUBSTANTIVE FILE DOCUMENTS:

1. Environmental Assessment, Bay Area Communications System (BACS) Upgrade, June 1997.
2. ND-101-97, for Bay Area Communications Systems Upgrade, for Sonoma (excluding Coast Guard Station at Bodega Bay), Marin, and Monterey Counties

EXECUTIVE SUMMARY

The U.S. Coast Guard proposes to upgrade its Bay Area communications system. These improvements require modifications to existing communication towers and antennas at facilities from Mount Jenner, on the Sonoma County coast, to the City of Monterey. Additionally, the Coast Guard proposes to construct a new tower with one antenna and an equipment shelter at the U.S. Coast Guard Station at Bodega Bay, Sonoma County. Except for the Bodega Bay project, the modifications proposed by the Coast Guard will not result in effects on coastal resources and the Commission staff reviewed them under a separate negative determination, ND-101-97.

The Bodega Bay modifications include the construction of a new 40-foot tower with one six-foot microwave dish and an equipment shelter. The project raises issues over impacts on sensitive habitat resources of the coastal zone. The Fish and Wildlife Service has raised concerns over impacts on several bird species, and the Coast Guard has not completed its coordination, adequately considered alternative designs and/or locations, or agreed to fully mitigate these impacts. The Commission has inadequate information with which to determine the project's consistency with the environmentally sensitive habitat policies of the California Coastal Management Program (CCMP) (Coastal Act Section 30240).

The tower is next to an existing facility and is taller than that development. Sonoma County Planning Department identified visual concerns from the proposed project. In response to those concerns, the Coast Guard agreed to evaluate visual impacts from the proposed project. This analysis is not complete and without it the Commission cannot evaluate the project for consistency with visual policies of CCMP. The project will not affect public access and recreation and is consistent with the access and recreation policies of the CCMP (Sections 30210-30212).

STAFF SUMMARY AND RECOMMENDATION:

I. Project Description.

The Coast Guard proposes to upgrade its Bay Area communications system. The project includes modifications to sixteen communication facilities and construction of one new facility, which is the subject of this consistency determination. At the Coast Guard Station Bodega Bay, Exhibit 1, the Coast Guard proposes to install a new 40-foot tower with one six-foot microwave dish antenna, construct an eighty-square-foot equipment shelter, and excavate a 25-foot trench, Exhibit 2.

II. Status of Local Coastal Program.

The standard of review for federal consistency determinations is the policies of Chapter 3 of the Coastal Act, and not the Local Coastal Program (LCP) of the affected area. If the Commission certified the LCP and incorporated it into the CCMP, the LCP can provide guidance in applying Chapter 3 policies in light of local circumstances. If the Commission has not incorporated the LCP into the CCMP, it cannot guide the Commission's decision, but it can provide background information. The Commission has not incorporated the Sonoma County LCP into the CCMP.

III. Federal Agency's Consistency Determination.

The Coast Guard has determined the project to be consistent to the maximum extent practicable with the California Coastal Management Program.

IV. Staff Recommendation:

The staff recommends that the Commission adopt the following motion:

MOTION. I move that the Commission concur with the Coast Guard's consistency determination.

The staff recommends a **NO** vote on this motion. Failure to receive a majority vote in the affirmative will result in adoption of the following resolution:

Objection

The Commission hereby **objects** to the consistency determination made by the Coast Guard for the proposed project, finding that the consistency determination does not contain sufficient information to enable the Commission to determine whether the project is consistent to the maximum extent practicable with the enforceable policies of the California Coastal Management Program (CCMP).

V. Necessary Information:

Section 930.42(b) of the federal consistency regulations (15 CFR Section 930.42(b)) requires that, if the Commission bases its objection on a lack of information, the Commission must identify the information necessary for it to assess the project's consistency with the CCMP. That section states that:

If the State agency's disagreement is based upon a finding that the Federal agency has failed to supply sufficient information (see Section 930.39(a)), the State agency's response must describe the nature of the information requested and the necessity of having such information to determine the consistency of the Federal activity with the management program.

As described fully in the **Habitat and Visual** sections below, the Commission has found this consistency determination to lack the necessary information to determine if the proposed project is consistent with Section 30251 of the Coastal Act. To evaluate the project's consistency with the CCMP, the Commission needs the following information:

1. A Biological Assessment of the area and on the project's effects to endangered species with review and agreement from the U.S. Fish and Wildlife Service.
2. A visual analysis evaluating the project's impact on scenic resources of the area.

VI. Findings and Declarations:

The Commission finds and declares as follows:

A. Habitat Resources. Section 30240 of the Coastal Act provides that:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The proposed project is within a developed site that does not contain any environmentally sensitive habitat areas. However, the project is near habitat for the snowy plover, a federally listed threatened species, and Bodega Bay, which is a wintering area for migratory birds on the Pacific Flyway. Bird collisions with the new communications tower are a possible impact to these sensitive resources. Given the information currently provided, it is unclear the extent to which the project affects these nearby sensitive habitats, and whether the Coast Guard can mitigate the impacts from the current design.

The Coast Guard proposes several measures that will minimize habitat effects. These measures include pre-construction monitoring and, if that monitoring indicates significant impacts, the Coast Guard states it will develop appropriate mitigation. Those mitigation

measures could include installing sound or light warning systems or planting additional trees. Additionally, the Coast Guard proposes to conduct post-project monitoring and, if necessary, provide for additional mitigation. At the same time, the U. S. Fish and Wildlife Service has identified concerns over bird strikes and other impacts, and has requested that the Coast Guard complete a biological assessment pursuant to the requirements of the federal Endangered Species Act. The Coast Guard is still in the process of conducting this analysis and coordinating with the Fish and Wildlife Service, and it would be premature in the absence of conclusion of this coordination to determine that the project is consistent with the habitat policies of the CCMP. The Commission therefore believes it must object to the Coast Guard's consistency determination at this time, based on lack of information over the project's consistency with Section 30240 of the Coastal Act.

B. Visual Resources. Section 30251 of the Coastal Act provides that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed project involves construction of a 40-foot tower next to the existing Coast Guard Station at Bodega Bay. The tower will be taller than the adjacent Coast Guard observation tower and may be visible from the nearby public road and beaches (Doran Beach Regional Park and South Sonoma Coast State Beach). However, the visual impact will not be significant. The Coast Guard will construct the tower within a developed site, and immediately adjacent to the Coast Guard Station is an existing 60-foot tower. Therefore, the tower is consistent with the character of the area. Additionally, the Coast Guard proposes to locate the tower next to existing trees, which will partially screen the tower from Doran Beach and the public road. Finally, the Coast Guard proposes to use "appropriate materials and colors for the new tower and shelter that blend into the surrounding landscapes." (EA, page 4-25.)

Despite these mitigation measures, Sonoma County has concerns about the project's impact on visual resources of the area [Exhibit 3]. In response to these concerns, the Coast Guard agreed to conduct a full analysis to the project's effect on scenic resources. The Coast Guard is still in the process of conducting this analysis and coordinating with

the County, and it would be premature in the absence of conclusion of this coordination to determine that the project is consistent with the visual policies of the CCMP. The Commission therefore believes it must object to the Coast Guard's consistency determination at this time, based on lack of information over the project's consistency with Section 30251 of the Coastal Act.

C. Public Access and Recreational Resources. Section 30210 of the Coastal Act provides that:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

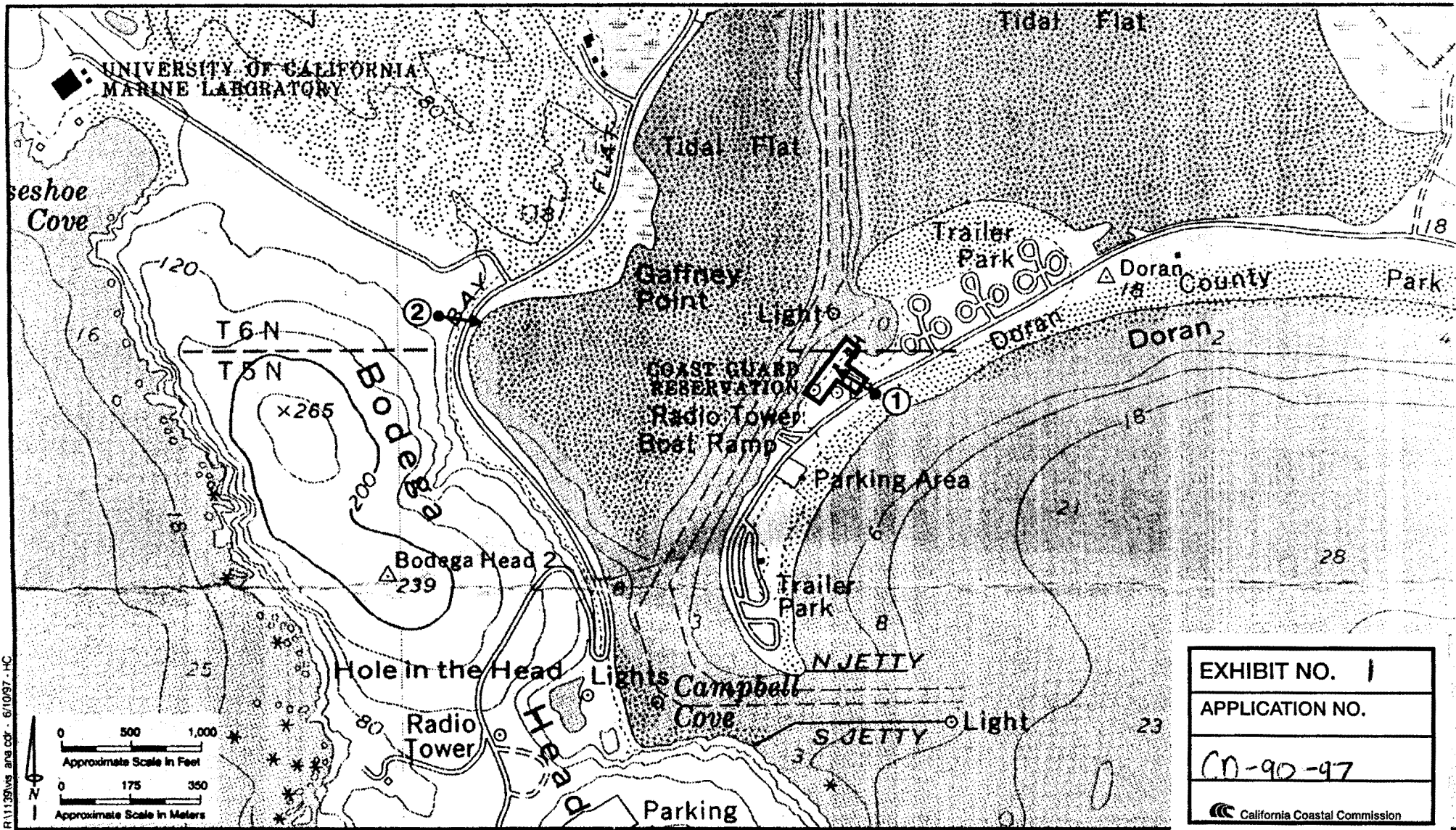
Additionally, Sections 30211 and 30212 of the Coastal Act provide, in part, that:

Sections 30211: Development shall not interfere with the public's right of access to the sea

Section 30212: (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
- (2) adequate access exists nearby,*

The proposed project is on the shore of Bodega Bay. The Coast Guard proposes to construct the tower on Coast Guard property immediately adjacent to an existing Coast Guard station. Coastal access and recreational opportunities are available at adjacent public beaches and limited access to the Coast Guard site is also available. The proposed project will not change or in any way affect existing access opportunities in the area. Therefore, the Commission finds that the proposed project is consistent with the access policies of the CCMP.



Station Bodega Bay was photographed November 12, 1996 from Doran Beach Regional Park at the station entrance and from Bay Flat Road, approximately 1.75 miles (2.8km) west of the station, across Bodega Harbor.

- LEGEND:
- ① Doran Beach Regional Park (looking northwest)
 - ② Bay Flat Road (looking east)
 - Station Bodega Bay

Station Bodega Bay
Visual Analysis Viewpoint
 BACS E
 Sonoma County, California

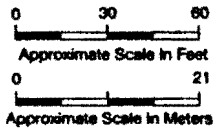
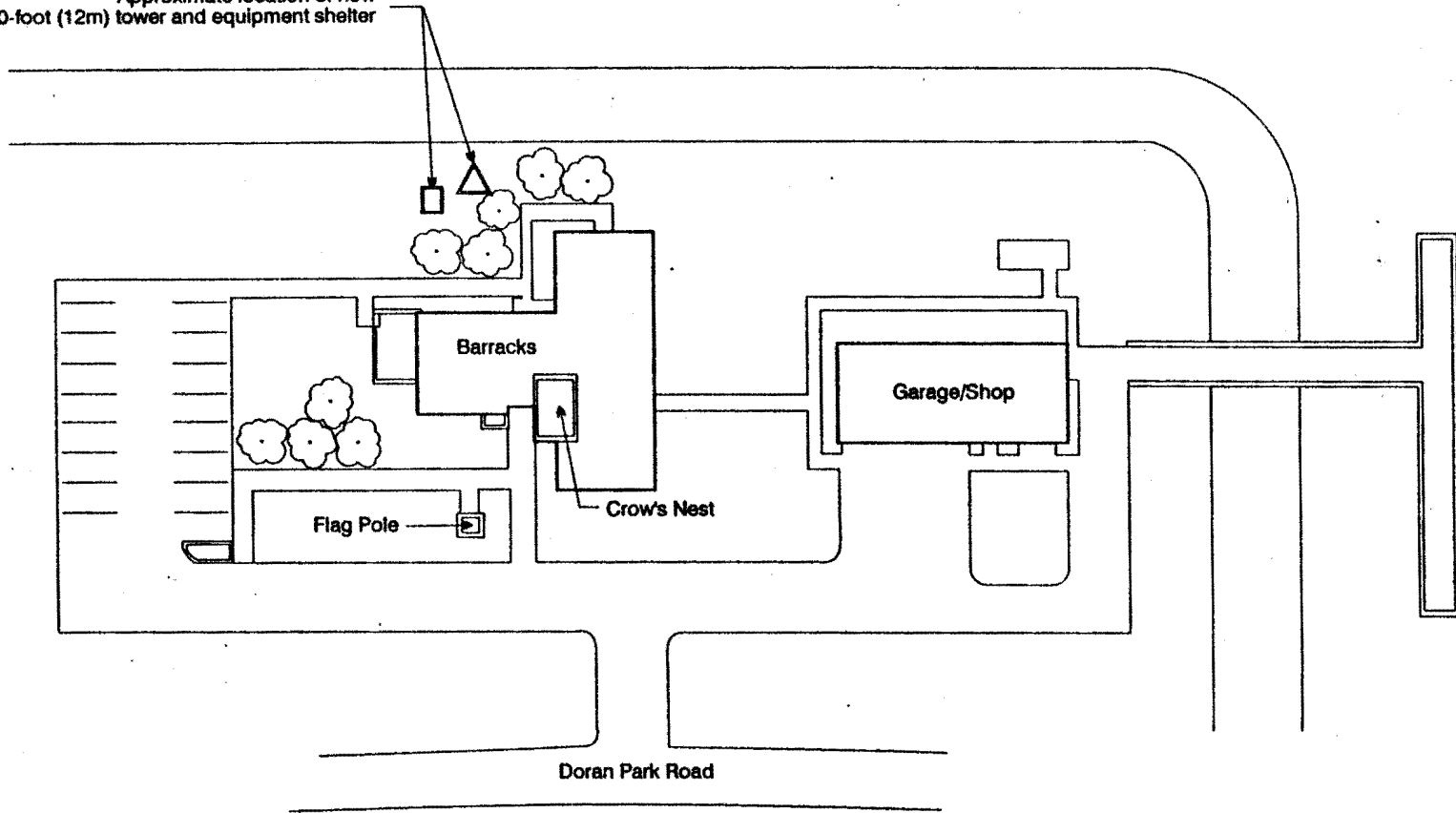


Source: USGS Bodega Head 7.5' quadrangle.

Figure 4-7

Approximate location of new
40-foot (12m) tower and equipment shelter

Bodega Harbor



R:\1139\baod SP\ocr - 05/12/97 - KP

Station Bodega Bay is currently not part of the BACS. The proposed action would add a 40-foot (12m) tower with one dish antenna and an equipment shelter (2.5m) by 10-foot (3m) equipment shelter

LEGEND:

- △ Proposed BACS Tower
- Proposed Equipment Shelter

EXHIBIT NO.	2
APPLICATION NO.	
	CD-90-97
California Coastal Commission	

Station Bodega Bay Site Plan

BACS EA
Sonoma County, California



Source: US Coast Guard 1996b

Figure 4-5

R:\1139\micro.cdr - 6/10/97 - HC

Antenna Tower
(typical)
Elevation A-A

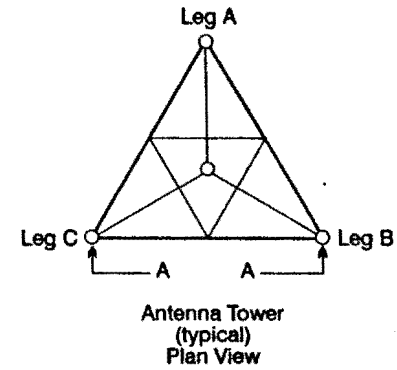
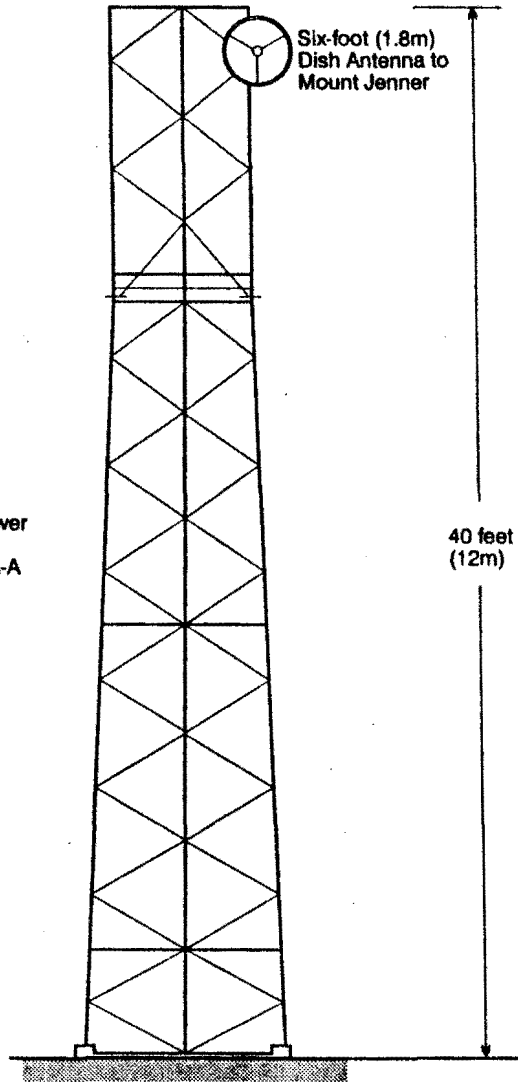


EXHIBIT NO. 3
APPLICATION NO.
CD-40-97
California Coastal Commission

The proposed six-foot (1.8m) dish antenna would be near the summit of the new 40-foot (12m) tower. This antenna would be oriented north-northwest towards Mount Jenner.

Station Bodega Bay Proposed Microwave Antenna Tower

BACS E.
Sonoma County, California



Source: US Coast Guard 1996b

Figure 4-6



SONOMA COUNTY
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

Permits / Field Operations / Code Enforcement / Environmental & Comprehensive Planning
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 527-1900 FAX (707) 527-1103

September 11, 1997

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Att: Jim Raives

Re: Consistency Determination for Communications Improvements
at Bodega Bay Coast Guard Station

We appreciate the opportunity to comment on the above-referenced matter. Pursuant to my telephone conversation with you, I am transmitting to you our August 22 comments on the Coast Guard's Environmental Assessment for two projects in Sonoma County. That document included the proposed consistency determination referenced above. The main concern expressed in our comments to the Coast Guard about the Bodega Bay project was the potential visual significance of the proposed 40-foot tower and 6-foot dish antenna.

If you have any questions about this letter or our comments, please feel free to call me at 707-527-1917.

Sincerely,

A handwritten signature in cursive script that reads "Robert Gaiser".

Robert Gaiser
Planner III

RECEIVED
SEP 12 1997

CALIFORNIA
COASTAL COMMISSION

cog08027

EXHIBIT NO. 3
APPLICATION NO.
CD-90-97
3 pages



SONOMA COUNTY PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

Permits / Field Operations / Code Enforcement / Environmental & Comprehensive Planning

2550 Ventura Avenue, Santa Rosa, CA 95403

(707) 527-1900 FAX (707) 527-1103

August 22, 1997

US Coast Guard MILCPAC
Coast Guard Island, Bldg 54-D
Alameda, CA 94501-5100

Att: David Sox

Re: Environmental Assessment for Bay Area Communications System Improvements

We appreciate the opportunity to comment on the above-referenced document (EA). Our comments focus on the proposed telecommunications facilities at Mt. Jenner and Station Bodega Bay, their visual impacts and consistency with County planning policies and permit requirements.

The proposed improvements at both sites in Sonoma County involve large metal towers classified as "free-standing commercial telecommunications facilities" by the Telecommunications Ordinance adopted last fall. Such facilities would normally require County approval of a use permit, but not in this case because the facilities are operated by a public agency solely for public purposes. However, as amended in 1996, Policy PF-2u of the Sonoma County General Plan requires that publicly-operated telecommunications facilities must nonetheless be consistent with relevant General Plan policies and meet the siting and design criteria of the applicable zoning.

Mt. Jenner is an existing tower on privately-owned land (APN 109-170-010) which is used entirely by the Coast Guard. Although the EA describes a proposed addition of a six-foot dish antennae near the top of the existing 40' tower, you stated in a telephone call on August 14, 1997 that the project had been changed to raise the tower to 80 feet. The criteria established by the Timber Preserve and Scenic Resources overlay zoning for this site require that adverse visual impacts be minimized, that new structures are sited below exposed ridgelines and screened from view from public roads by natural landforms and vegetation, and that the approving body find that the proposed site results in less severe environmental impacts than any feasible alternative site. Determining if the project meets the above criteria and is consistent with the General Plan requires a visual analysis and an alternatives analysis.

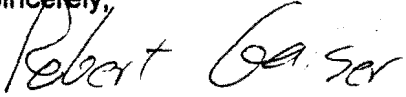
Because the project site at the existing Coast Guard station on the north side of the Doran Beach peninsula is in the Coastal Zone, General Plan consistency and zoning criteria both require compliance with the policy requirements of the Sonoma County Coastal Plan adopted in 1981. The Coastal Plan designates this site and most of the Doran Beach peninsula as "Potentially Sensitive" Open Space and requires that development in such areas prevent impacts on natural vegetation and wildlife habitat. Other Coastal Plan policies prohibit development which obstructs views of the shoreline or degrade the "scenic qualities of major views and vista points".

Most of the information and analysis on visual impacts in section 4.2.3 and Appendix B of the EA is correct, but the document's conclusion that the tower will not be highly visible because of the adjacent cypress trees and distant visual backdrop is questionable. The Station is surrounded by the Doran Beach and Westside County parks and the State Park lands on Bodega Head. If the proposed 40-foot metal-latticework tower and 6-foot dish antennae extend above the top of the cypress trees as shown in Figures 4-9 and 4-11, they will be quite visible to the many recreational

visitors in the area. The Coast Guard should therefore consider avoiding this potentially significant impact by reducing the height of the tower to not exceed the tree height. Planting additional trees or other visual screening should also be considered on the west and northwest side of the tower site.

The information and analysis provided on other aspects of the two Sonoma County sites appears to be adequate. If you have any questions about our comments, please feel free to call me at (707) 527-1917.

Sincerely,

A handwritten signature in cursive script that reads "Robert Gaiser".

Robert Gaiser
Planner III

cc: Supervisor Reilly

cg08117