

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT AND RECOMMENDATION

ON CONSISTENCY DETERMINATION

Consistency Determination No.	CD-160-97
Staff:	JRR-SF
File Date:	11/14/1997
45th Day:	12/29/1997
60th Day:	1/13/1998
Commission Meeting:	1/13/1998

FEDERAL AGENCY: U.S. COAST GUARD

DEVELOPMENT

LOCATION: Point Sur Light Station, Big Sur, Monterey County (Exhibit 1)

DEVELOPMENT

DESCRIPTION: Replacement of a 100-foot communications tower (Exhibit 2)

SUBSTANTIVE FILE DOCUMENTS:

1. ND-98-97, negative determination for replacement of a radio tower at the Point Sur Light Station.

EXECUTIVE SUMMARY

The Coast Guard proposes to replace a 100-foot communication tower Point Sur Light Station. Although the Coast Guard will construct a new 100-foot tower at the same location as the existing tower, the Coast Guard will improve the structural integrity of the tower. This improvement increases capacity in the tower's ability to support new antennae.

The primary purpose of this tower is to support the National Distress System, a system of inter-connected antennae used by mariners to contact the Coast Guard during emergencies. This system is also the primary command and control network to coordinate the Coast Guard search and rescue responses. Additionally, this system provides communications for national security, maritime safety, law enforcement, and marine environmental protection. The needs of the distress system dictate location and height of the tower, to maximize coverage area of the antenna and avoid "radio shadows" (areas where physical obstructions prevent the transmission of VHF-FM radio waves). Additionally, this system is a vital part of the Coast Guard's mission to respond to oil spills. Adequate response is a key issue in an ecologically sensitive area like the Big Sur coast.

The tower is within one of the most scenic areas of the California coast. The Big Sur area is an international destination because of its aesthetic value. The existing tower at Point Sur degrades the visual quality of the area. The Coast Guard constructed the tower in 1972, before the certification of the California Coastal Management Program (CCMP). The proposed reconstruction of the tower provides the Commission with an opportunity to consider the visual effects of the tower and alternative measures to either reduce or eliminate the visual effects. Not only does the project perpetuate a visual degradation, it provides a potential for cumulative impacts to visual resources. Mainly, the current degraded state of the existing tower prevents the installation of new antennae on it. Once the Coast Guard replaces the tower, commercial telecommunication interests could utilize the remaining capacity. Pursuant to section 704(c) of the Telecommunications Act of 1996, federal agencies may make their facilities available for the placement of new telecommunications services. The Coast Guard's policy developed pursuant to this act states that the agency shall make its property available for such uses. Therefore, it is reasonable to expect that private telecommunication interests will request permission to install new antennae on the reconstructed tower. These new antennae could further degrade the visual resources of the Point Sur area.

Both the continuation of a visual degradation and the cumulative visual impacts associated with new antennae on the new tower will adversely affect visual resources of the coastal zone. Using the Big Sur segment of the Monterey County Local Coastal Program (Big Sur LCP) as guidance, the proposed tower replacement would be consistent

with the visual policies of the CCMP, despite its impact, if no less damaging alternatives are feasible. However, the Commission has identified a possible alternative location that may reduce the project's visual impact. The Coast Guard has not analyzed this alternative. Without such an evaluation, the Commission cannot determine if the proposed project is consistent with the Visual Policies of the CCMP.

The Coast Guard concludes that the operational needs of the tower require its current height and location. Relocating the tower to an area outside of Big Sur would leave gaps in the National Distress System, which would reduce the protection to mariners. Lowering the height of the tower would reduce the coverage area of the antenna and prevent coverage in the near shore area. Keeping the tower in the general vicinity, but relocating it off Point Sur is problematic because the point would interfere with coverage of the antenna. Finally, relocating the tower to another area on Point Sur is either not feasible because of steep slopes or not less damaging because it would still be within the Highway 1 viewshed. However, the Coast Guard did not evaluate the possibility of locating the antenna on the Little River Hill located east of Point Sur and east of Highway 1. Because that site already contains two towers, it may have less of a visual impact than the proposed project. Without an analysis of this alternative, the Commission does not have enough information to determine if the proposed project is the least damaging feasible alternative.

STAFF SUMMARY AND RECOMMENDATION:

I. Project Description.

This project will remove an existing triangular shaped 100-foot communication tower at the Point Sur Light Station. The Coast Guard will replace an existing tower with another 100-foot tower. Additionally, the Coast Guard will replace the foundation of the existing tower with a new reinforced concrete foundation. The Coast Guard will locate the new tower at the same site and will not modify or change the existing equipment house located next to the antenna tower. The tower is part of the National Distress System, which mariners use to contact the Coast Guard for help during emergencies.

The National Distress System is the main component of the Coast Guard's Short Range Communication System. This system incorporates the use of VHF-FM radios to provide two-way communication coverage for most Coast Guard missions. The system consists of approximately 300 remotely controlled VHF transducers and antennae. The Coast Guard originally intended the system for the international maritime distress and search and rescue response activities. However, the system also provides command, control, and communications for national security, maritime safety, law enforcement, and marine environmental protection.

There are currently six other antennae from different private and state institutions sharing the tower with the U.S. Coast Guard; these are:

1. Pacific Bell, communication site, on site since 1976, renewal 2002.
2. Monterey-Salinas Transit, communication site, on site since 1991, renewal 2001.
3. California Department of Parks and Recreation, building and tower space for radio site, on site since 1987, renewal 1997.
4. California Department of Transportation, space for base station and antenna, on site since 1991, renewal 2001.
5. Pacific Gas and Electric, operates communication equipment, on site since 1991, renewal 1999.
6. Big Sur Volunteer Fire Brigade, "T" band communication site, on site since 1986, renewal 2001.

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 partially incorporated the Monterey County LCP, including the Big Sur segment (Big Sur 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:

A. Objection

The Commission hereby **objects** with the consistency determination made by the Coast Guard for the proposed project, finding that the consistency determination does not contain enough information to evaluate the project's consistency with the California Coastal Management Program.

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 **Visual Resource** section 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 **a complete evaluation of the off site alternative for placement of a new tower or use of an existing tower on Little River Hill, east of the Point Sur and Highway 1**. The analysis should include the following information:

1. A geographic analysis of the area to determine if there are physical constraints that would prevent communications between other National Distress System antennae.
2. A geographic analysis of the area to determine if an antenna at Little River Hill would have sufficient nearshore and offshore coverage to support the National Distress System.
3. An analysis of any other issue that would demonstrate that the Little River Hill site is or is not feasible.
4. A visual analysis of the Little River Hill site to determine the significance of the visual impact of a new tower at that location on the critical viewshed, as defined by the Big Sur LCP.

5. An environmental analysis of the Little River Hill site to determine if there are any effects on uses or resources of the coastal zone from the construction of a new tower at that location.

VI. Findings and Declarations:

The Commission finds and declares as follows:

- A. **Maritime Resources.** Section 30224 of the Coastal Act provides, in part, that:

Increased recreational boating use of coastal waters shall be encouraged

....

Section 30234 provides, in part, that:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded

The primary purpose of the proposed project is to support maritime activities. The Coast Guard proposes to replace a 100-tower with a similar structure. The tower is, and will continue to be, necessary to support an antenna used as part of the National Distress System. In its consistency determination, the Coast Guard describes the National Distress System as follows:

The [National Distress System] is the main component of the Coast Guard's Short Range Communication System. This system incorporates the use of VHF-FM radios to provide two ways [sic] communication coverage for most Coast Guard missions in coastal areas and navigable waterways where commercial and recreational maritime traffic exist. The system consists of approximately 300 remotely controlled VHF transducers and antennae located at high-level sites. It was originally intended for monitoring the international maritime distress frequency and as primary command and control network to coordinate Coast Guard Search and Rescue (SAR) response activities. The system also provides command, control, communications for National Security, Maritime Safety, Law Enforcement, and Marine Environmental Protection.

The National Distress System supports commercial and recreational maritime uses because it is the main communication system for boaters to contact the Coast Guard in emergency situations. This resource is available to recreational boaters, commercial fishers, and other maritime activities. The tower on Point Sur supports the National Distress System for the Monterey County coast. If the antenna on this tower is not

available, there will be a gap in the Coast Guard's National Distress System for most of the area from Cambria to Santa Cruz (Exhibit 3).

The Coastal Act mandates protection and improvement to facilities that support recreational boating and commercial fishing. Specifically, Section 30224 requires the Commission to encourage increased recreational boating. Additionally, Section 30234 requires the Commission to protect and, where feasible, upgrade facilities supporting recreational boating and commercial fishing. The replacement of the tower will maintain a vital facility supporting emergency response to recreational boaters and commercial fishers. Without the tower, the link between boaters and Coast Guard on the Monterey coast will not exist. Therefore, the Coast Guard will not be able to provide emergency support to the boaters in this area. In conclusion, the Commission finds that the proposed project is necessary to support recreational boating and commercial fishing. Therefore, the Commission finds that the project is consistent with the recreational boating and commercial fishing policies of the CCMP.

B. Oil Spills. Section 30230 of the Coastal Act provides that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act provides, in part, that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored

Section 30232 of the Coastal Act provides that:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Along with its search and rescue operations, the Coast Guard is one of the primary federal agencies responding to oil spills. The main communication system that the Coast Guard uses to monitor for oil spills is the National Distress System. Additionally, the Coast Guard would also use the National Distress System for internal communication during an oil spill response. If the Coast Guard did not replace the tower at Point Sur and it failed (which is likely considering its degraded state and weather in the area), the Monterey County coast would be more susceptible to environmental damage from a catastrophic oil spill. Without the National Distress System tower at Point Sur, early response to the spill would be almost impossible. Additionally, the lack of communications would interfere with internal coordination for the Coast Guard's response to an oil spill. Because of this loss of communications, it is likely that the damage from an oil spill would be much worse. In conclusion, the Commission finds that the proposed project is necessary to protect coastal resources from significant damages from an accidental oil spill. Therefore, the Commission finds that the project is consistent with the oil spill and water quality policies of the CCMP.

C. 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 is within the highly scenic Big Sur area. The Big Sur LCP describes the scenic resources of the area as follows:

The scenic qualities and natural grandeur of the coast which results from the imposing geography, the rich vegetative compositions, and dramatic meeting of land and sea are the area's greatest single attraction to the public. Big Sur has attained a world-wide reputation for spectacular beauty; sight-seeing and scenic driving are the major recreational activities.

To protect this highly scenic area, the Big Sur LCP contains strong policies protecting visual resources. Since the Commission has incorporated the Monterey County LCP into the CCMP, the Commission may use it to interpret Coastal Act policies in the context of

local circumstances. The "Key Policy" protecting visual resources in this LCP provides that:

*Recognizing the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote the restoration of the natural beauty of visually degraded areas wherever possible. **To this end, it is the County's policy to prohibit all future public or private development visible from Highway 1 and major public viewing areas (the critical viewshed) This applies to all structures, the construction of public and private roads, utilities, lighting, grading and removal or extraction of natural materials.** (Big Sur LCP, policy 3.2.1, p. 11, emphasis added.)*

The Commission's and County's concerns about visual resources in this area extends to repairs, modifications, and replacements of existing structures. As cited above, the Coastal Act's visual policy encourages enhancing visual quality. Similarly, the LCP contains policies that encourage the relocation of existing structures outside the critical viewshed in order to restore the scenic resources. Specifically, the LCP provides, in part, that:

*The general policy concerning replacement of structures shall be to **encourage resiting or redesign in order to conform to the Key Policy** [cited above]. Replacement or enlargement of existing structures ... within the critical viewshed shall be permitted on the original location on the site, provided no other less visible portion of the site is acceptable to the property owner, and provided the **replacement or enlargement does not increase the visibility of the structure.** (Big Sur LCP, policy 3.2.3(A)(7), p. 12, emphasis added.)*

Finally, the Big Sur LCP contains several exceptions to the Key Policy. These exceptions include coastal-dependent uses including aids to navigation. However, the LCP limits the exceptions by the following language:

*Coastal-dependent uses, natural resource management needs, and certain necessary public facilities as specified below, are permitted **provided that in each case there be a finding [sic] that no reasonable alternative exists, that no significant adverse visual impacts will result, and that all such uses are in conformance with Scenic resources Policy 3.2.4 and all other policies.** The exemptions are limited to:*

....

- d. *On-shore navigational aids (lights, radio beacons, weather stations) needed by the commercial fishing industry;*

.... (Big Sur LCP, policy 3.2.5(H), pp. 17-18, emphasis added)

As described above, the Big Sur LCP considers the visual quality of the Big Sur coast to be a significant resource and the LCP contains strong policies protecting the area's scenic values. The LCP identifies the critical viewshed to include areas visible from Highway 1. The existing, and the proposed replacement, tower is visible from Highway 1, and therefore, it affects the critical viewshed. In such circumstances, the LCP encourages resiting or redesign of structures to bring them in conformance with the key visual policy of the LCP.

Additionally, the LCP places two provisions on the ability to replace an existing structure. First, the LCP requires consideration of less damaging on-site alternative acceptable to the land owner. Second, the LCP prevents the replaced structure from increasing its visibility. There does not appear to be an on-site alternative that will allow the Coast Guard to maintain the coverage of the National Distress System and reduce or eliminate the visual effects (see below for a full alternatives analysis). With respect to the second provision of this section of the LCP, the Commission believes that the proposed project may increase visibility of the structure. In its current degraded state, the existing tower cannot support new antennae. However, the replacement of the tower will eliminate this structural limitation. This issue is of concern because the federal Telecommunications Act of 1996, Public Law 104-104, encourages the use of federal facilities for commercial telecommunications uses. This law and guidelines developed pursuant to it would allow new commercial antennae on this structure. (To the degree it affected resources of the coastal zone, the Commission would retain federal consistency review authority over any application for permission to add a new antenna to this tower.) Any new antenna added to the replaced tower could increase the visibility of the facility, depending on the type of antenna. Additionally, a large number of new antennae could result in significant cumulative visual effects.

Even though the tower is within the critical viewshed and its replacement may increase the tower's visibility, the LCP may allow the proposed project because it exempts aids to navigation needed by the commercial fishing industry from the key visual policy. As described in the Maritime Resources section above, the proposed project is a necessary aid to navigation and it supports the commercial fishing industry. To exempt the navigation aid, the LCP requires the project to be the least damaging feasible alternative, to avoid significant visual effects, and to conform with Scenic Resource Policy 3.2.4.

In evaluating the project's consistency with this policy, the alternatives analysis is the primary issue for the Commission to consider. Avoiding significant visual effects and

conforming with policy 3.2.4 are less relevant issues because the replacement tower is not a new impact on the scenic resources of the area. Since the tower already exists, the only way to avoid a significant visual effect or minimize it, pursuant to the requirements of Section 3.2.4 of the LCP, is to relocate the tower. In other words, the primary issue before the Commission is the opportunity to consider alternative locations to the existing tower that would eliminate or significantly reduce visual effects.

The Coast Guard considered several alternatives to the existing location of the tower. However, it rejects these alternatives because they do not meet the National Distress System requirements. According to the Coast Guard, the antennae supporting the National Distress System require an unobstructed line of sight to the next linked antenna and the coverage area. An obstruction, such as a rock, mountain, or building, would create a radio shadow interfering with communications to the Coast Guard.

As an alternative to the proposed project, the Coast Guard considered the reconstruction of historic water tower to support its antenna. However, the Coast Guard determined that that alternative is not feasible:

Replace the existing tower and equipment shack with an antenna in a reconstructed water tower. This alternative was suggested by the Department of Parks and Recreation to eliminate the need for a tower at the site and to conceal the antenna and supporting equipment. The water tower doesn't satisfy minimum height requirements. The presence of an obstruction around the antenna will interfere with the required unobstructed line of sight transmission. This alternative is not feasible due to operational requirements.

As described above, the water-tower alternative does not have sufficient height to reach the required distance offshore and provide sufficient unobstructed "line of sight" to the nearshore areas (Exhibit 4). Additionally, the water tower may obstruct the link between the other National Distress System towers. Therefore, the Commission agrees that this alternative is not feasible.

The Coast Guard also considered relocation of the tower to a different location within the Point Sur Light Station. The light station is on large rocky point known as "Moro Rock." The slopes of the rock are very steep and provide very few alternative locations for the tower. One possible alternative exists near the existing tower location. However, in its consistency determination, the Coast Guard rejects that alternative for the following reason:

Relocation of the tower to a site west of Moro Rock in an area closer to the beach along the sloping terrains of Moro Rock. This alternative would

minimize the visual impact, but locating the NDS closer to the beach reduces the range of operation since lower elevation VHF-FM transmissions will be blocked by surrounding hills. A previous Navy tower was removed from this area because of continuous soil erosion. Poor soil conditions and resulting costs make this alternative unacceptable.

Besides the reasons cited above, this alternative site would also have visual impacts. The location of this alternative is highly visible from Highway 1 south of the rock when looking north. Therefore, this alternative would not reduce the impact on scenic resources.

Finally, the Coast Guard considered alternatives outside the light station. However, the Coast Guard rejected those alternatives because they do not meet the operational needs of the National Distress System. In its consistency determination, the Coast Guard describes this alternative as follows:

Locating the NDS antenna tower outside of Point Sur will result in the loss of radio coverage. The antenna at Point Sur in conjunction with the antennae located at Mt. Umunhum and Cambria achieve the required transmission range and overlap. A map showing the locations of the NDS sites and areas covered is provided as [Exhibit 3]. The additional costs of relocating at any location and resulting loss of coverage outside of Point Sur make this alternative unacceptable.

This alternative analysis appears to assume that the Coast Guard will locate the new tower a significant distance to the north or the south. However, it does not consider the possibility of locating the tower east of the light station. Due east of Point Sur and east of Highway 1, on top of the first ridge is a hill, Little River Hill, with at least two existing towers on it. This hill is not visible from Highway 1 at Point Sur. However, it is visible from Highway 1, a mile, or so, north of Point Sur and from the top of the rock at the point. It appears that the Little River Hill site would provide the Coast Guard with the coverage necessary to maintain the National Distress System in this area. The visual impact would be less significant because there are pre-existing towers on Little River Hill. It may also be feasible to locate the Coast Guard's antenna on one of the existing tower, and thus eliminating all visual impacts. The Commission staff requested the Coast Guard to evaluate this alternative. However, the Coast Guard has not yet submitted this analysis. Therefore, the Commission cannot evaluate the feasibility of the alternative and cannot determine if the proposed project is the least damaging feasible alternative.

In conclusion, the Commission finds that the proposed project provides the Commission with an opportunity to restore a degraded viewshed in a manner consistent with both

Section 30251 of the Coastal Act and with the Scenic Viewshed Policies of the Big Sur LCP. Although the Coast Guard concluded that the proposed project is the only feasible alternative, it has not evaluated the use of Little River Hill for placement of either a new tower or the National Distress System antenna on an existing tower. Without this information, the Commission cannot evaluate the consistency of the proposed project. Therefore, the Commission finds that it does not have enough information to evaluate the proposed project for consistency with the visual policies of the CCMP.



POINT SUR
LIGHTHOUSE
RESERVATION
Lighthouse
36
Point Sur
Project Site

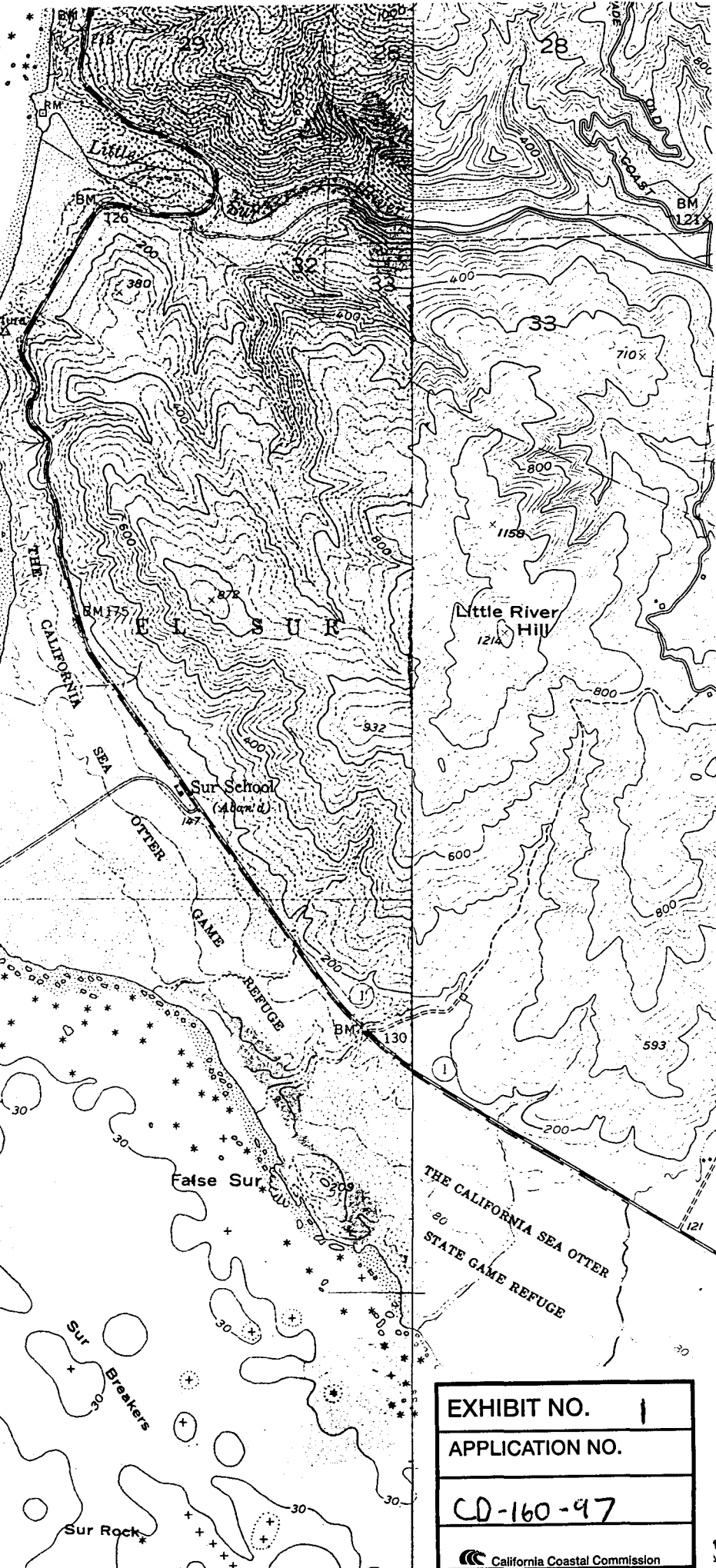


EXHIBIT NO.	1
APPLICATION NO.	
CD-160-97	
California Coastal Commission	

VICINITY MAP



PACIFIC OCEAN

LIGHTHOUSE

WOOD STEPS
STAIRWAY

3' WIDE TRAIL WITH
ONE SIDE RAILINGS

VEHICLE
TURNOUT

HOUSING
AREA

PROJECT
SITE

ACCESS ROAD TO SHW 1A

LOCATION MAP

NTS

EXHIBIT NO. 2

APPLICATION NO.

CD-160-97

California Coastal Commission

District 11 - GROUP MONTEREY

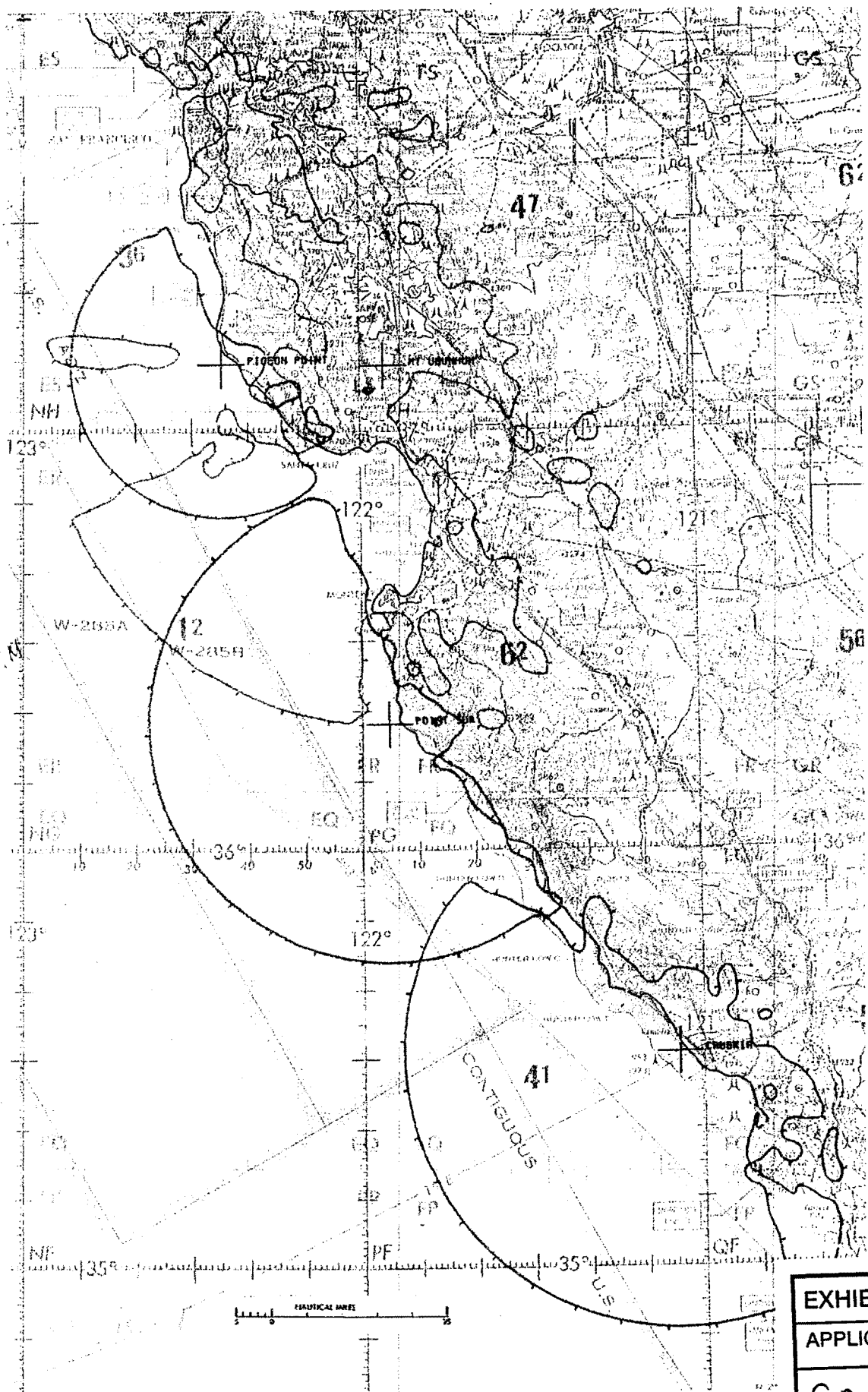



EXHIBIT NO. 3
APPLICATION NO.
CO-160-97
California Coastal Commission

Effect of Antenna Height on Coverage

EXHIBIT NO.	4
APPLICATION NO.	CD-160-97
 California Coastal Commission	

