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Staff Report: September 29, 2000
Hearing Date: October 11, 2000
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-00-034**

APPLICANT: **Cal-One Cellular L. P.
D. B. A. Cal North Cellular**

PROJECT LOCATION: West end of Requa Road, within Redwood National Park at the former Klamath Air Force Station in the Requa area of Del Norte County. (APN 127-090-16)

PROJECT DESCRIPTION: Construct a 130-foot-high four-legged communication tower with 10-foot antennas, a standby propane generator and security fencing, install communication equipment within an existing 15-ft. x 37-ft. building, and remove an existing 30-ft. tower and antennas.

LOCAL APPROVALS RECEIVED: None required.

OTHER APPROVALS RECEIVED: National Park Service Right-of-Way Permit No. RW 8480-00-001; and Yurok Tribe Special Use Permit; and Federal Aviation Administration Determination of No Hazard to Navigation (11/08/99).

SUBSTANTIVE FILE DOCUMENTS: Del Norte County Local Coastal Plan; Geotechnical Investigation, (Redmond Assoc. 7/99);

Environmental Assessment and FONSI (Redwood N.P.S. 6/99);
USA Towerkill Summary (<http://www.towerkill.com>,
designed and hosted by BioFile Services.)
Memorandum prepared by Debbie Pressman, National
Wildlife Program Leader with the U.S. Forest Service
concerning communication tower sites on National Forest
System Lands, dated July 7, 2000

STAFF NOTES

1. Jurisdiction and Standard of Review.

The proposed project is located within Del Norte County. However, the site, originally Klamath Air Force Radar Station, was not included in the county's certified LCP. Thus, the site is an area of deferred certification. Accordingly, the proposed project site is within the Commission's original coastal development permit jurisdiction. Therefore, the standard of review that the Commission must apply to the project is the Coastal Act.

2. Telecommunications Act Limits.

Based upon the information submitted to the Commission with the subject application, it is the Commission's understanding that the various communications facilities proposed here will be used by the applicant to provide a wide range of communication services, including broadcasting, cellular phone transmissions, pager signal transmissions, and facsimile transmissions. Accordingly, the Commission's consideration of certain aspects of the proposed development is bound by the requirements of federal law. Under 47 United States Code Section 332(c)(7) (the Telecommunications Act of 1996), while state and local governments may regulate the placement, construction and modifications of person wireless services facilities to a certain extent, such governments may not unreasonably discriminate among providers of personal wireless services, and any decision to deny a permit for a personal wireless service facility must be in writing and must be supported by substantial evidence. (47 U.S.C. Section 332(c)(7)(B).) These provisions are similar to the requirements of California law, including the Coastal Act. The Telecommunications Act also prevents state and local governments from regulating the effects of radio frequency emissions to the extent that such facilities comply with the requirements of the Federal Communications Commission (CC) concerning such emissions. (47 U.S.C. Section 332(c)(7)(B) (iv).)

3. CDP Satisfies Otherwise Required Consistency Action.

The proposed project requires a consistency action by the Commission because it requires a federal approval. The proposed project also requires a CDP because it involves development by a non-federal entity in the coastal zone. When both a CDP and a consistency action are required

for a development project to proceed, the Commission's action on the CDP satisfies the otherwise required consistency action.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with special conditions of the proposed construction of a 130-foot-high four-legged communication tower and appurtenant development in Redwood National Park at the Requa maintenance area off of Requa Road, 2.5 miles northwest of Highway 101, north of the Klamath River mouth in Del Norte County.

The project site previously served as the Klamath Air Force Radar Station. Ownership of the site is currently being transferred by the FAA to the NPS. The NPS has already adapted their maintenance area to the existing structures. The site includes concrete buildings, highly disturbed soil, paved and gravel roads, fencing, and a 100-foot-diameter large white and green radar dome. The proposed communication tower would be constructed in an open area surrounded by these existing facilities. The project site is at approximately 840 feet above sea level. The site is positioned on the most westerly ridgeline in the park.

The principal issue raised by the project is the project's effects on visual resources and its consistency with Section 30251 of the Coastal Act. The proposed tower would not be visible from most areas of the national park, including from the portions of Highway 101 passing by the tower site to the east and the coastal trail because of steep topography and dense redwood forest. The new tower would be visible, however, from the north end of Klamath Overlook, portions of Klamath River Road along the south bank of the river, the Klamath estuary, the open ocean, the Yurok Tribes Brush Dance site, locations along secondary roads within the park, and from distant locations along Highway 101. From each site where the tower would be visible, the view is landward or along the ridge rather than toward the shoreline or open ocean. Therefore, the proposed tower would not block ocean views, and views to and along the ocean would be protected consistent with the view blockage provisions of Section 30251.

Section 30251 also mandates that new development be visually compatible with the character of surrounding areas, and if located within a highly scenic area, the development must not only be compatible with the character of the surrounding area but must also be subordinate to the character of its setting. The spectacular scenery of Redwood National Park, which includes views of rugged coastal mountains, rivers, and dramatic redwoods, would certainly qualify the vast majority of the park as a highly scenic area. However, the particular location where the communications tower is proposed does not share these scenic values because of the aforementioned existing concrete buildings, paved roads, gravel substrate, highly disturbed vegetation, fencing, a large green and white radar dome (100 ft. x 100 ft.), and an existing 30-foot communication tower with antennas. Given the highly disturbed site with its utilitarian development, staff recommends that the Commission find that the particular site of the proposed communications tower is not a highly scenic area.

The new communications tower would be comparable in appearance to the existing facilities at the site. The tower would be 30 feet taller than the existing radar dome, but the extra height of the tower would not make the tower stand out significantly in comparison with the other facilities at the site as it would not include night lights, reflectors or beacons. The FAA does not require such features for towers that are less than 200 feet in height. In addition, the see-through open metal framework of the tower structure would not create as much of a sense of mass as the non-transparent green and white radar globe that already exists at the site. Therefore, staff recommends that the Commission find that the proposed communications tower and its appurtenant facilities would be in character with existing development at the site and would be visually compatible with its setting, consistent with the visual character provisions of Section 30251 of the Coastal Act.

Although the single communications tower currently proposed would be compatible with its setting, the installation of additional towers in the area would not necessarily be consistent with the limitations of Section 30251 of the Coastal Act. The proposed communications tower is the first of its kind in the area. Other communications companies may seek to install their own facilities to provide service. The installation of multiple communications towers in the vicinity could have both individual and cumulative visual impacts. Therefore, to minimize the cumulative visual effects of the installation of multiple communication towers along the ridgeline, staff recommends that the Commission attach Special Condition No. 4 requiring the applicant to lease any additional capacity on the tower to private and public telecommunication entities. The applicant has agreed to this requirement. Furthermore, to ensure that any additional microwave dishes or antennas added to the proposed tower will not significantly increase the height of the tower and create adverse visual impacts, staff recommends that the Commission attach Special Condition No. 1, which would require that any modification to the approved coastal development permit including additions or improvements to the structures will require a coastal development permit or amendment. The Commission would then have the ability to review the visual impacts of any such proposed changes. Moreover, to ensure the tower would be removed if abandoned, staff recommends that the Commission attach Special Condition No 2, which would require the applicant to remove all permanent structures and restore the site in the event it is to be abandoned. Condition No. 2.

To ensure the stability and structural integrity of the project site, staff recommends that the Commission attach Special Condition No. 3, which would require that all final design and construction plans, including foundations and excavations, be consistent with the recommendations of the geotechnical report prepared for the project. As conditioned, the project would minimize risks to life and property consistent with Section 30253 of the Coastal Act.

As conditioned, staff has determined that the proposed development would be consistent with the Chapter 3 policies of the Coastal Act.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-00-034 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of the majority of the Commissioners present.

Resolution to Approve Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS: See attached.

III. SPECIAL CONDITIONS:

1. Future Development

This permit is only for the development described in coastal development permit No. 1-00-034. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply. Accordingly, any future improvements to the permitted structures shall require an amendment to Permit No. 1-00-034 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

2. **Abandonment of Telecommunications Facilities**

Prior to the issuance of the coastal development permit, the applicant shall submit a written agreement stating that the applicant agrees to make those modifications which would reduce the visual impact of the proposed facilities. In addition, the applicant agrees that if in the future, the facility is no longer needed, the applicant agrees to abandon the facility and be responsible for the removal of all permanent structures and restoration of the site consistent with the character of the surrounding area. Before performing any work in response to the requirements of this condition, the applicant shall obtain a coastal development permit amendment from the Commission.

3. **Conformance of Design and Construction Plans to Geotechnical Report Geologic Hazard**

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the Geo-technical Report prepared by Redmond Associates on July 12, 1999. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. **Accommodation of Additional Users**

The applicant shall make any extra telecommunications capacity on the tower available for lease to licensed public or private telecommunication providers.

IV. **FINDINGS AND DECLARATIONS.**

A. **Project Description.**

The proposed project consists of the installation and operation of microwave telecommunications equipment at the Requa maintenance area in Redwood National Park, Requa, California. The project includes construction of: (a) a 130-ft. four-legged Communication Tower, (b) a propane standby generator, (c) a 60 foot by 60 foot security fence, (d) installation of communication

equipment within an existing 15 foot by 37 foot National Park Service warehouse building, and (e) removal of an existing 30 foot high tower and antennas. The new tower would have two sets of cellular antennas totaling four ten-foot microwave antennas. The proposed project includes excavation of pits for tower leg foundations. The structure is designed so that it could be extended to a maximum height of 150 feet in the future.

The purpose of the project is to improve telephone communications in the area. Existing landline systems are subject to periodic outages, including interruption of service during severe storms, common to the North Coast region. Due to the isolation of this rural setting, it is essential to have reliable communications for public safety. The rugged terrain and dense forest tend to impede any form of communication based on available technology that is affordable today. By providing cell phone services, the communications tower would provide an alternative to land based systems and increase the reliability of communications within Humboldt and Del Norte counties.

B. Site Description.

The project site is located in Redwood National Park, on Requa Road, 2.5 miles northwest of Highway 101, north of the Klamath River mouth. This site is known as the Requa maintenance area. The Requa maintenance area, which previously served as the Klamath Air Force Radar Station, is currently owned by the FAA and is in the process of being transferred to the NPS. The NPS has already adapted their maintenance area to the existing structures. The site includes concrete buildings, highly disturbed soil, paved and gravel roads, fencing, and a 100-foot-diameter large white and green radar dome.

The proposed communication tower would be constructed in an open area within the existing Requa Maintenance Area surrounded by various equipment storage buildings and the existing green and white radar dome facility. The project site is at approximately 840 feet above sea level. The site is positioned on the most westerly ridgeline, receiving the full impact of coastal winds and storms. The west facing slope of Requa hill traverses steep coastal bluffs and rocky cliffs dominated by grass, sitka spruce, red alders, coyote brush, and exotic plants, introduced by nearby residential development. There are no existing wetlands, streams, or other known environmental sensitive habitat areas present in the area.

Currently Redwood National Park and the California Conservation Corps (CCC) are the two main tenants occupying the former Air Force facility. There are no visitor use facilities or park visitor use at the Requa maintenance station. The closest visitor use facility on the north side of the Klamath River is the Klamath Overlook, one-quarter mile southwest of the project site. The overlook provides access to the segment of the Coastal Trail between Requa and Enderts Beach, south of Crescent City. The Requa Road also provides access to private residences, commercial enterprises, agricultural land, and Yurok Tribe properties.

According to the National Park Service Director's Order #53A, special use permits for existing telecommunication facilities must be converted to right-of-way permits upon application for renewal. Redwood National Park is also subject to the Telecommunications Act of 1996 which requires that Federal Agencies make property, rights-of-way and easements available for the

placement of wireless telecommunications facilities "absent unavoidable direct conflict with the department or agency's mission, or the current or planned use of the property." In issuing National Park Service Right-of-Way permit No. RN 8480-00-001 for the proposed project, the National Park Service determined that the proposed facility would not conflict with the Park Service's mission. The Del Norte County LCP does not include land use designations, zoning, or any policies addressing the federal lands upon which the cellular tower would be built. Thus, the site is within an area of deferred certification.

C. Visual Resources.

Section 30251 of the Coastal Act states:

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, and 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 project site is located along the north end of the Klamath River on the most westerly ridgeline in Redwood National Park. Other alternative sites were investigated during preparation of the environmental assessment. The Requa area was chosen due to existing on-site disturbance, and the clear path the site affords between Crescent City and other Orick Cal-North Cellular sites. An existing U.S. Forest Service communication site at Red Mountain was considered, however the location is being phased out over the next 20 years. The Red Mountain site also does not afford clear pathways between Crescent City and Orick and would therefore necessitate more vegetation disturbance.

The proposed tower would not be visible from most areas of the national park, including from the portions of Highway 101 passing by the tower site to the east. In this area, the highway passes through a north south tree-covered valley. The trees and the ridge west of the highway would block views of the tower. The tower would also not be visible from the coastal trail because steep topography and vegetation block these views. The new tower would be visible from the following locations: the north end of Klamath Overlook, portions of Klamath River Road along the south bank of the river, the Klamath estuary, the sandbar, the open ocean. Yurok Tribes Brush Dance site, Coastal drive between the mouth of the river, a point just east of Split Rock, Patricks Point State Park, post-mile 107 on northbound U.S. Highway 101, and Freshwater Spit. From each site where the tower would be visible, the view is landward or along the ridge rather than toward the shoreline or open ocean.

Section 30251 sets forth three principal limitations on new development. First, new development must be sited and designed to protect views to and along the ocean and scenic coastal areas.

Second, new development must minimize the alteration of natural landforms. Finally, new development must be visually compatible with the character of surrounding areas and if located within a highly scenic area, the development must not only be compatible with the character of the surrounding area but must also be subordinate to the character of its setting.

Protecting Views to and Along the Ocean.

The proposed tower would not obstruct views toward the ocean from any direction. From the vantage points where the tower is visible, one must face landward. Therefore, the proposed tower would not block ocean views, and views to and along the ocean would be protected consistent with Section 30251.

Minimizing Alteration of Landforms.

With regard to alterations of landforms, the proposed project does include minimal excavation to establish a foundation for the piers of the telecommunications tower. All excavated materials would be reused on site. There would be no removal of trees, only tree trimming of a Sitka Spruce on the North end to create a clear path to Crescent City. No additional grading would be required to set up a propane tank and generator. Therefore, the proposed project would minimize the alteration of landforms consistent with Section 30251.

Compatible With the Character of Area.

As noted previously, the project site is within an area of deferred certification. Thus, the Del Norte County Local Coastal Program provides no guidance as to whether the site is highly scenic or not. The spectacular scenery of Redwood National Park which includes views of rugged coastal mountains, rivers, and dramatic redwoods would certainly qualify the vast majority of the park as a highly scenic area. However, the particular location where the communications tower is proposed does not share these scenic values. As noted previously, the project site is within a former Air Force radar station that is now used both for Federal Aviation Administration radar facilities and as a maintenance base for the National Park Service. The site consists of concrete buildings, paved roads, gravel substrate, highly disturbed vegetation, fencing, a large green and white radar dome (100 ft. x 100 ft.), and an existing 30-foot communication tower with antennas.

Therefore, the Commission finds that the particular site of the proposed communications tower is not a highly scenic area.

In areas that are not highly scenic, new development need not be subordinate to its setting to be consistent with Section 30251. However, Section 30251 requires that new development be visually compatible with the character of surrounding areas regardless of whether the site is highly scenic or not. As noted, the setting includes a large, prominent white and green "golf ball" radar dome, concrete buildings, an existing foot-high telecommunications tower, chain-link fencing, storage facilities, gravel and paved road, and additional equipment. The new communications tower would be comparable in appearance to these existing facilities at the site. The tower would be 30 feet taller than the existing radar dome, but the extra height of the tower

would not make the tower stand out significantly in comparison with the other facilities at the site as it would not include night lights, reflectors or beacons. The FAA does not require such features for towers that are less than 200 feet in height. In addition, the see-through open metal framework of the tower structure would not create as much of a sense of mass as the non-transparent green and white radar globe that already exists at the site. Therefore, the Commission finds that the proposed communications tower and its appurtenant facilities are in character with existing development at the site and would be visually compatible with its setting.

Although the Commission finds that the single communications tower currently proposed would be compatible with its setting, the installation of additional towers in the area would not necessarily be consistent with the limitations of Section 30251 of the Coastal Act. The proposed communications tower is the first of its kind in the area. Other communications companies may seek to install their own facilities to provide service. The installation of multiple communications towers in the vicinity could have both individual and cumulative visual impacts. Therefore, to minimize the cumulative visual effects along the ridgeline, the Commission finds that the proposed project can only be approved with attached Special Condition No. 4. The applicant has agreed to lease any additional capacity on the tower to private and public telecommunication entities. The Commission finds that clustering the maximum number of antennas and microwave dishes onto one tower, as agreed to by the applicant, will reduce the overall number of future towers constructed on the ridgeline. The clustering of communication facilities on fewer towers will minimize the cumulative adverse impacts resulting from the construction of communication towers along this part of the north coast.

However, to ensure that any additional microwave dishes or antennas added to the proposed tower will not significantly increase the height of the tower and create adverse visual impacts the Commission finds that proposed project can only be approved with attached Special Condition No. 1. Special Condition No. 1 requires that any modification to the approved coastal development permit including additions or improvements to the structures will require a coastal development permit or amendment. The Commission would then have the ability to review the visual impacts of any such proposed changes.

Further, in the future, if the facility is no longer needed, the applicant shall agree to abandon the facility and obtain a coastal development permit amendment from the Commission for the removal of all permanent structures and the restoration of the site as outlined in Special Condition No. 2.

Therefore, the Commission finds, that as conditioned, the proposed project will: (a) include adequate measures to insure that the scenic and visual qualities of coastal areas are considered and protected; (b) insure that permitted development is sited and designed to protect views to and along the ocean and scenic coastal areas; and (c) minimize the alteration of natural landforms consistent with Section 30251 of the Coastal Act.

D. Hazards and New Development

Coastal Act Section 30253 requires in applicable part that new development shall minimize risks to life and property in areas of high geologic hazard and that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

A geotechnical investigation was prepared for the site by a registered professional engineer. The report entitled, "Geotechnical Investigation Proposed Requa Cellular tower site Klamath Air Force Station Del Norte County, CA, for PWM, Inc. was prepared by Daniel Redmond of Redmond Associates on July 28, 1997. The investigation concludes that the soil on site is composed of silty sand and slightly sandy, silty clay at maximum depths of 36.5 feet. Beyond 35 feet, ground water is encountered. Because of these conditions, the engineer has prepared specific recommendations for the design and construction of the project. Some of these recommendations include (1) utilizing large concrete mats and/or embedded spread type footings; (2) establishing parameters for foundation design; (3) compacting structural fills to at least 92 percent of the ASTM-D-1557 test procedures; and (4) back cutting excavations between four feet and ten feet to inclinations of about 1 to 1 (horizontal to vertical) or flatter.

To ensure the stability and structural integrity of the project site, the Commission attaches Special Condition No. 3, which requires that all final design and construction plans, including foundations and excavations, be consistent with the recommendations of the geotechnical report referenced above. Condition No. 3 requires that prior to issuance of the coastal development permit, the applicant submit for the review and approval of the Executive Director, evidence that a licensed professional engineer has reviewed and approved all final design and construction plans consistent with all of the recommendations in the geotechnical report.

As conditioned, the Commission finds that the structural stability of the proposed communications tower will be assured and the project will minimize risks to life and property consistent with Section 30253 of the Coastal Act.

E. Public Access and Recreation.

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions.

Section 30210 states:

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.

Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 states:

(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, or,

(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Coastal Act Section 30210 requires in applicable part that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires in applicable part that development not interfere with the public's right of access to the sea where acquired through use (i.e., potential prescriptive rights or rights of implied dedication). Section 30212 requires in applicable part that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, such as when adequate access exists nearby or when the provision of public access would be inconsistent with public safety. Several policies within the Coastal Act also address the protection of oceanfront recreational opportunities.

In applying the Coastal Act access and recreational policies, the Commission is limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential public access.

The proposed project is located on Requa Road 2.5 miles northwest of U.S. Highway 101 at the top of the most westerly ridgeline on the north side of the Klamath River mouth. The mouth of the Klamath River is approximately three-quarters of a mile south of the project site. Requa Road provides access to private residences, commercial enterprises, agricultural lands, and properties owned by the Yurok tribe.

There are no park visitor facilities at the Requa maintenance facility. The closest visitor facility, the Klamath Overlook, located 1/4 mile southwest of the project site, provides public coastal access facilities comprising of picnic areas, birding views, interpretation of the Klamath River

and a coastal trail between Requa and Endert's beach, south of Crescent City. This facility receives moderate use by hikers, birders, and other coastal visitors. Coastal access is available at the Klamath Overlook and further south along the Klamath River mouth but not through the Requa maintenance area.

The project as designed and sited would not result in any adverse effects to public access. As noted previously, there is no existing public access at the site that would be affected by the proposed project. Nor would the proposed project create significant demands for public access. In addition, the communications tower site is physically distant from the shoreline and Requa Road provides lateral access past the site. Furthermore, given the potential hazards associated with the Requa maintenance facility, providing access through the project site would not be appropriate due to public safety concerns. Therefore, the Commission finds that the proposed project as conditioned, which does not include new public access, is consistent with the public access policies of the Coastal Act.

F. Protection of Environmentally Sensitive Habitat Area (ESHA)

Section 30240 of the Coastal Act states:

(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.

No environmentally sensitive habitat areas are known to exist at the project site. The ridgetop site contains no wetland or riparian habitat, and there are no federally or state-listed rare, threatened, or endangered plants or critical habitat for any listed species on the proposed project site. Bald eagles and peregrine falcons do forage over the Requa Maintenance Area, although quality foraging habitat is found in areas with less development nearby. There is some small habitat for brown pelicans and western snowy plovers within ¼ mile of the project site, but not at the site itself.

Besides the bald eagles and peregrine falcons that forage over the Requa Maintenance facility, migratory birds may fly over the site. The site is located within the Pacific Flyway, which is used heavily by migratory birds. In some instances, tall communication tower facilities have been known to contribute to bird mortality from birds in flight hitting the towers. The FAA estimates that communication tower installation has accelerated to a rate of approximately 5,000 towers per year in the United States. Because of this proliferation of towers, recent research has been addressing the impact of communication towers to migratory bird populations. According to an article entitled "USA Towerkill Summary," found at the website designed by BioFile Services at

<http://www.towerkill.com> (attached as part of Exhibit 5), "studies confirm that bird kills regularly occur along the Pacific Coast."

No evidence exists, however, that the proposed tower would contribute to bird mortality or otherwise adversely affect wildlife habitat. According to a memorandum prepared by Debbie Pressman, National Wildlife Program Leader with the U.S. Forest Service, concerning Communication Tower Siting on National Forest System Lands, dated July 7, 2000 (see Exhibit 5), the principal features of communication towers that contribute to bird mortality are extreme height, the presence of lighting on towers, and such lighting's color and duration. With regard to height, the proposed tower would be 130 feet tall with 10-foot-high antennae attached to the top of the structure. The USA Towerkill Summary notes, "there are no long-term studies of communication towers below 500-ft. tall." The March 2000 report "Avian Mortality at Communication Towers," by Paul Kerlinger & Curry, notes, "...towers less than 500 feet have generally experienced very few kills. See applicant's letter and attachment included as part of Exhibit 5. With regard to lighting, the proposed communication tower will contain no lights, reflectors, or beacons. The Federal Aviation Administration (FAA) does not require lighting on towers less than 200 feet in height. Therefore, the proposed communications tower would not have the features most commonly associated with communication tower-caused bird mortality. Furthermore, no specific evidence has been presented indicating that the proposed communications tower would contribute to bird mortality.

Therefore, the Commission finds that the project as conditioned is consistent with Section 30240 of the Coastal Act as the project as conditioned would not result in a significant disruption to any ESHA, would be sited and designed to prevent impacts which would significantly degrade adjacent ESHA, and would be compatible with the continuance of those adjacent habitat and recreation areas.

G. Local Coastal Program

The Del Norte County Local Coastal Program does not designate any land uses or zoning for the federal lands on which the project site is located. Thus, the project site is within an uncertified portion of the coastal zone.

Section 30604(a) of the Coastal Act states that:

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the

Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create significant adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3.

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for the area that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. California Environmental Quality Act.

Section 13906 of the Commission's regulations require Coastal Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect that the activity may have on the environment.

The proposed project has been conditioned to be found consistent with the policies of the Coastal Act. Special condition(s) have been attached to require measures which will mitigate all significant adverse environmental impacts. The Commission incorporates its findings on Coastal Act policies at this point as if set forth in full. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

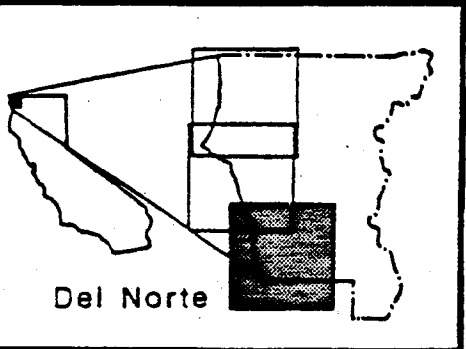
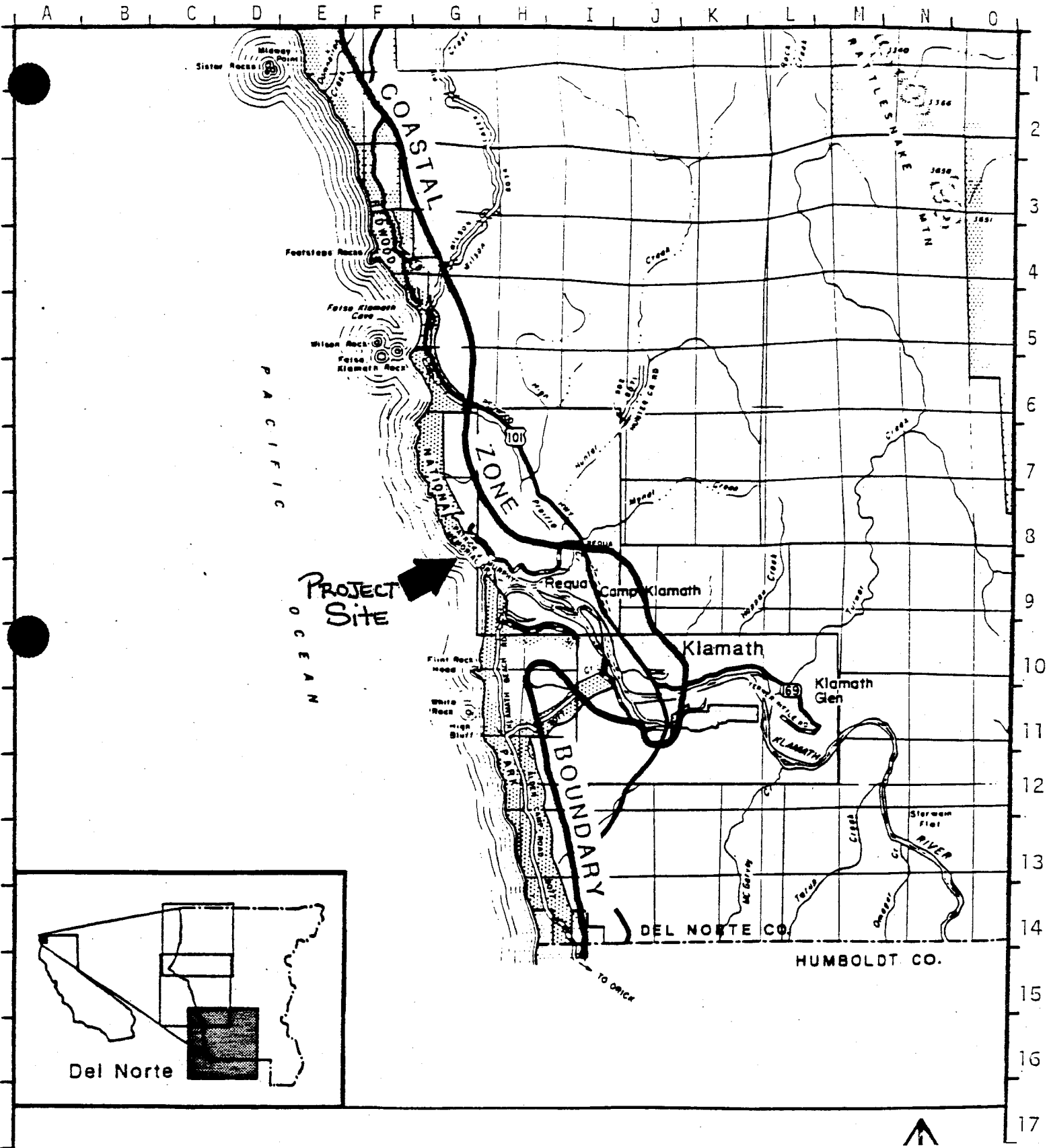
EXHIBITS:

1. Regional Location Map
2. Vicinity Map
3. Jurisdictional Map (excerpt)
4. Project Site Plans
5. Avian Mortality Information

APPENDIX A

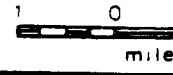
STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable amount of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director of the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject prop



Del Norte

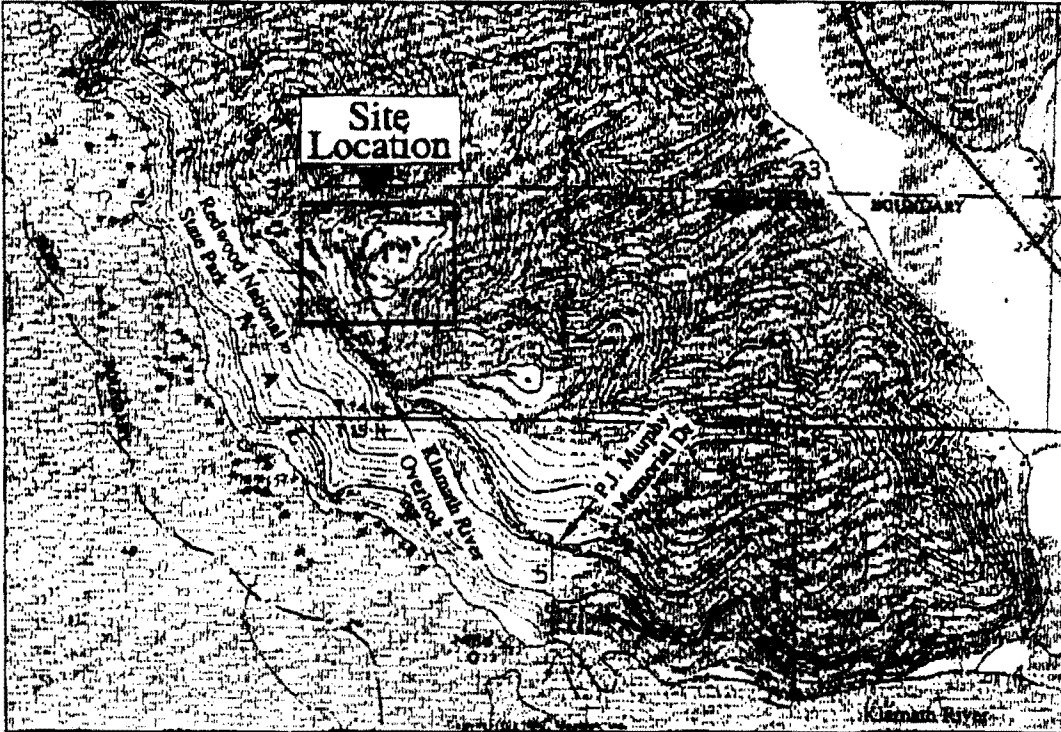
LOCATION MAP



| | |
|-------------------|----------|
| EXHIBIT NO. | 1 |
| APPLICATION NO. | 1-00-034 |
| REGIONAL LOCATION | |

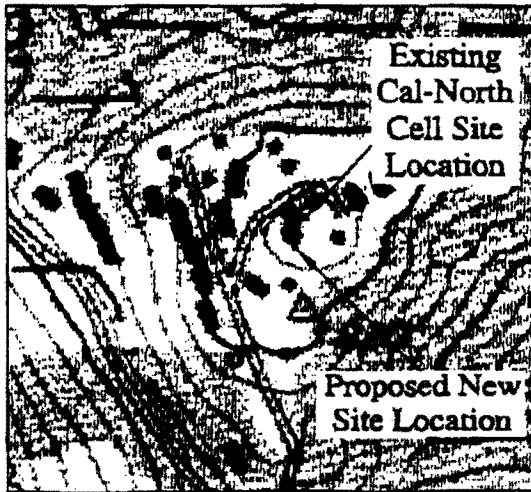
County of Del Norte

California Coastal Commission



Location of Proposed New Requa Cell Site

U.S.G.S. 7.5m "Requa,CA" Quadrangle



Detail Site Area

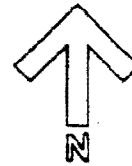
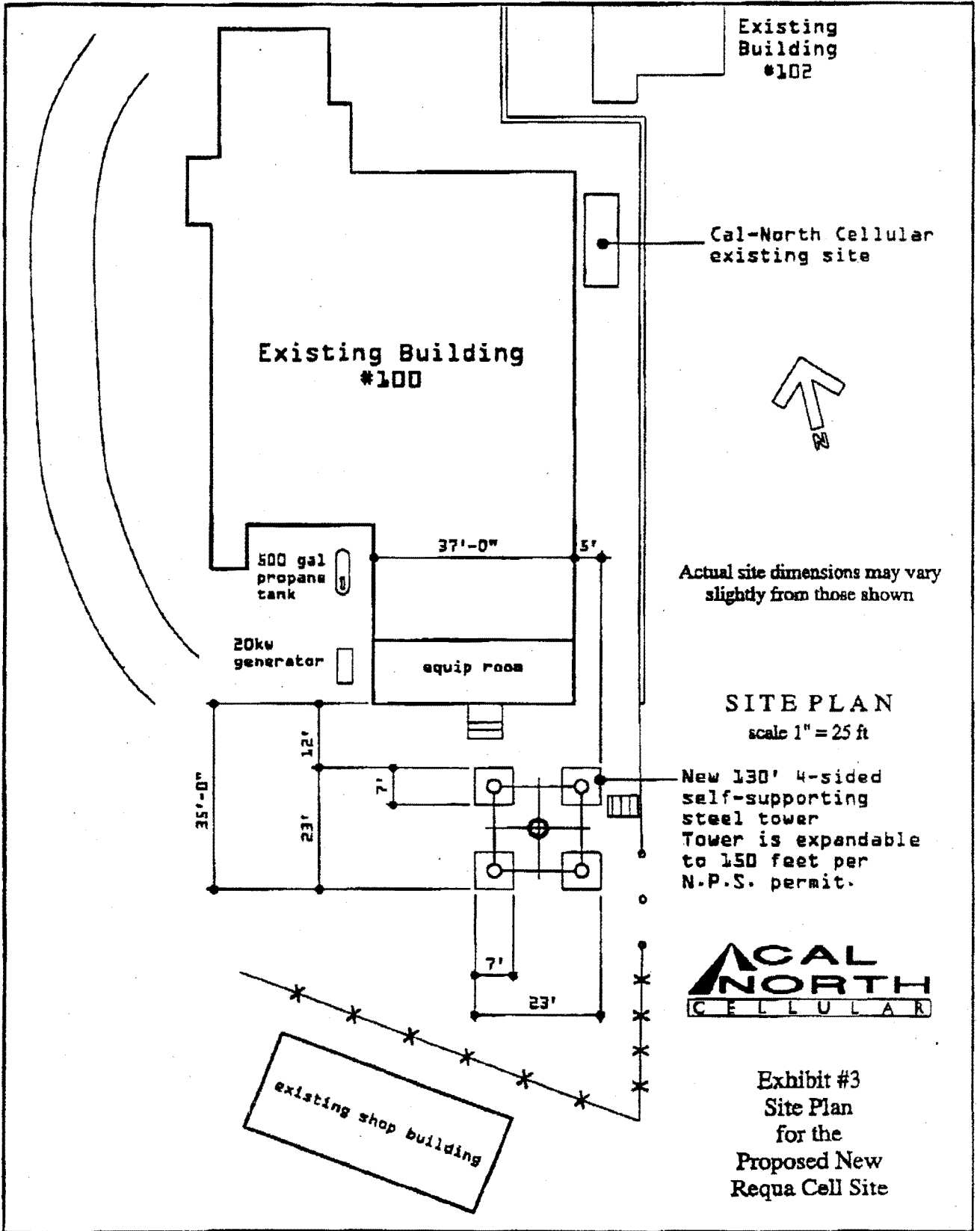


EXHIBIT #1
 Site Plan Showing
 the location of the
 Proposed New
 Requa Cell Site

| | |
|-----------------|----------|
| EXHIBIT NO. | 2 |
| APPLICATION NO. | 1-00-034 |
| | |
| VICINITY MAP | |



Actual site dimensions may vary slightly from those shown

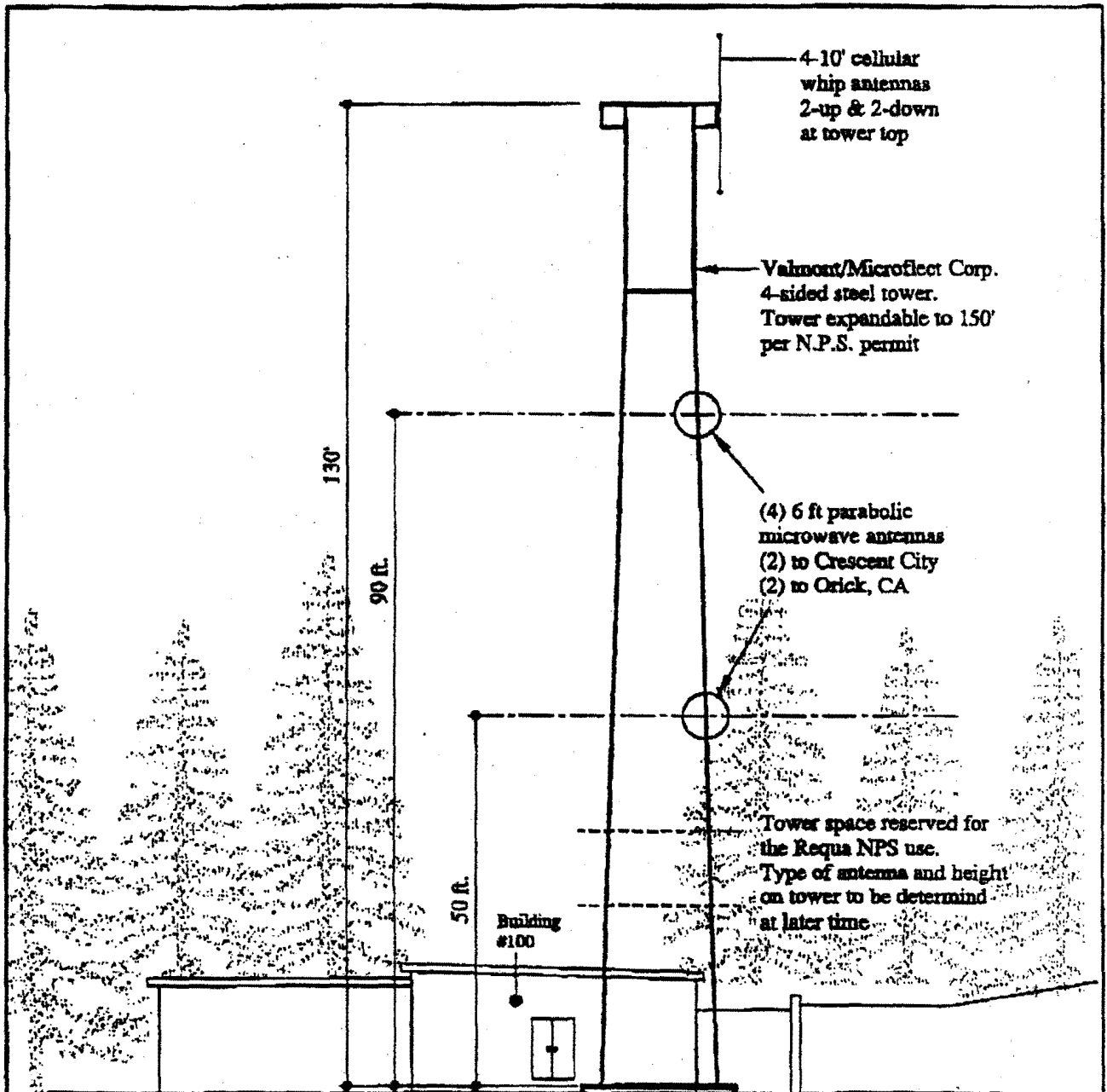
SITE PLAN
scale 1" = 25 ft

New 130' 4-sided self-supporting steel tower
Tower is expandable to 150 feet per N.P.S. permit.



Exhibit #3
Site Plan
for the
Proposed New
Requa Cell Site

| | |
|--------------------|----------|
| EXHIBIT NO. | 3 |
| APPLICATION NO. | 1-00-034 |
| PROJECT SITE PLANS | |



NOTE:

- Tower to be of sufficient size and height to allow co-location of facilities with others.
- Actual shown dimensions may vary slightly from those indicated in this drawing.

South Elevation

scale 1" = 20 ft

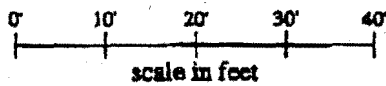


Exhibit #2
Elevation
for the
Proposed New
Requa Cell Site

EXHIBIT NO. 4

APPLICATION NO.
1-00-034

ELEVATION MAP



September 19, 2000
 Via Facsimila
 (707)442-2499

Mr. Thomas McMurray
 P.O.Box 1032
 Eureka, CA 95502
 (707)442-8420

Re: Avian Mortality at Communication Sites

Dear Mr. McMurray:

In response to your request for any information I might have concerning bird strikes on communication towers, the following outlines what I was able to obtain from the noted sources. This response does not refer to past studies Cal-North has used in an effort to see if new research has been completed. After studying what is currently available, it appears that our proposed tower at Requa, CA will pose little, if any hazard to bird life.

After reviewing multiple documents there appears to be a consensus within the avian community on at least (2) two items concerning why birds strike communication towers. The following will summarize each item.

#1 Tower Height

Consistent with most of the scientific reports, tower height is a significant factor in bird mortality. Towers in excess of 500 feet have the greatest mortality. In a report by United States Fish and Wildlife Service "Avian Mortality at Communication Towers - Summary and Conclusions from Recent Literature and Current Research" states on page 22 that "... towers less than 500 feet have generally experienced very few kills". As you well know our tower at Requa will be a maximum of 150-feet. We should also consider the area within the Requa N.P.S. compound as a deterrent factor. Virtually surrounded by large trees and other very prominent steel buildings (i.e. the green radar dome), it would seem logical that this type of location would protect birds from colliding with our tower. Clearly, our tower does not qualify as the "tall tower on a barren hill " type of site - we are not located at the highest point elevation-wise within the compound and the tower is well protected by the area in general.

#2 Tower Lighting

Seemingly ill-logical, scientists agree that tower lights account for a large number of bird deaths. Most tower strikes occur at night and usually in inclement weather. Reasons for this phenomenon vary and further research is in progress. In studies by an ad-hoc group based in Toronto, Ontario called "Fatal Light Awareness Program" (aka FLAP), show that lighting on tall structures is a significant factor in bird deaths. Other research conducted by Cornell University and again the U.S. Fish and Wildlife study quoted above concur that lights either on towers or buildings account for large numbers of bird deaths.

| |
|--|
| EXHIBIT NO. 5 |
| APPLICATION NO. 1-00-034 |
| AVIAN MORTALITY INFORMATION (1 of 9) |

Cal-North Cellular
Avian Mortality at Communication Sites
page 02 of 02

Fortunately our tower at Requa will not require FAA lighting of any kind. As a public utility, Cal-North Cellular is regulated by the FCC and FAA. The FAA requires tower lighting on towers greater than 200-feet above grade. Our license with the FAA (Aeronautical Study Number 00-AWP-2200-OE) allows Cal-North to operate the proposed tower without lighting.

Summary

In conclusion it would be my opinion based on current research, that our tower at Requa would pose little hazard to birds within the area. Current research indicates that the two main reasons for bird strikes on communication towers are height and lighting. Given we are well below the minimum on tower height and are not required to use lighting, reasonable speculation would indicate we should not have any significant bird strikes at our site area.

Regards,



Louis Duenweg - Engr. Dept.
(530)467-6128 - Desk
(530)467-6403 - Fax
(530)598-0060 - Cell phn.

Sources

Kerlinger, Paul & Curry "Avian Mortality at Communication Towers"
"A Review of Recent Literature, Research and Methodology"
March 2000
Prepared for: U.S. Fish and Wildlife Service

Cornell University - Laboratory of Ornithology - <http://birds.cornell.edu/>
Cornell University News Service
Contact: Mr. Roger Segelken

Fatal Light Awareness Program
65 Front Street West Suite 0116-207
Toronto, Ontario, M5J 1E6
Canada
www.flap.org/home2.htm

Summary and Conclusions from Recent Literature and Current Research

The results of the literature and current research review are divided into sections, each pertaining to a different aspect of the problem or how the problem has or is being examined.

Fatality Studies

There have been few systematic or quantitative towerkill studies in the past 5 years that have focused solely on determining the numbers of fatalities at given towers. There are, however, promising areas where there is strong interest among qualified researchers who wish to pursue the towerkill issue. These researchers (reference Appendix III) are now collecting information on bird kills at towers. This information can be used to test hypotheses that have or are being proposed. These researchers are currently managing projects in West Virginia, New York, and Kansas in which several towers are searched for fatalities. Search schedules vary greatly among the studies, with some towers being searched only when weather conditions suggested a mortality event (low ceiling and poor visibility due to rain or fog). Other studies in this group used more frequent sampling with a relatively constant interval between sampling.

Though they have not been published, studies now being conducted in 3 states (Appendix III) suggest that towers less than 400 to 500 feet in height are not as dangerous to migrating songbirds, especially neotropical species, as towers greater than 500 feet in height. The basis for this statement is a small database from West Virginia (Canterbury, personal communication), New York (Evans, personal communication and data on the <www.towerkill.com> website), Kansas (Young, personal communication), Florida (Engstrom personal communication), and Minnesota (Cuthbert, personal communication). See Appendix III for details of these studies in progress. In these situations towers less than 500 feet have generally experienced very few kills while under taller towers larger numbers of dead birds were found. There is 1 notable exception. On Jan. 22, 1998, a kill of between 5-10,000 Lapland Longspurs and a few other birds occurred at a series of 3 communication towers and a natural gas pumping facility tower near Rochester, KS. The tallest of these towers is 420 ft. AGL. In most of the studies there generally has not been what many call a mortality event or large kill involving more than a several dozen or one hundred birds in a single night.

The fact that between an estimated 5,000- 10,000 Lapland Longspurs and others were killed at a series of 3 communication towers and a natural gas pumping facility tower – the tallest tower 420 feet AGL – in mid- winter is problematic because this species has rarely been reported from towerkills. This event may be an anomaly in some ways and should be treated differently from the mortality events involving Neotropical and North American migrants that are normally found in the literature, although the mechanisms or circumstances may be the similar.

Another seemingly important result from some researchers is the fact that the number of fatalities seems to be declining. Arthur Clark (Appendix III) reports that in recent years, the numbers of birds under the towers he searches has dropped precipitously. Mr. Clark has been studying towerkills at several communication towers in the Buffalo, NY, area for well over 33 years. There is speculation among several other researchers that towerkills in general decline a few years after a new tower is erected. Explanations of this phenomenon range from the fact that Neotropical migrants have declined in number over the past 40 years, to the fact that there are more towers – numbers currently increasing at an exponential rate the past 3 years or so – and that the kills may be more dispersed. All explanations are speculative, although many years ago researchers noticed that fatalities decreased at towers, particularly several years after initially large kills.

Lighting Studies

In the past 5 years there have been no definitive or suggestive studies regarding how or if lights disorient or attract songbirds to towers. At least one study was published (Bruderer et al. 1999) in which a spotlight trained on migrating birds disoriented them, but this may not be comparable to towerkill issue. Bruderer was attempting to find ways to haze birds away from aircraft, not attract them to towers. Information that is forthcoming from the few studies now being conducted may help us understand the role of lights of different color in attracting birds, but it is more likely that specific research is needed to address this problem.

Despite a lack of empirical evidence or studies, there seems to be a degree of consensus among experts, based on past data collection or experience that white strobes are less hazardous to migrating songbirds than are white or red blinking lights. The fact that several researchers believe strongly enough to suggest or recommend strobe over other tower lighting types, suggests that research efforts focus on the difference. This promises to be fruitful research that could have direct impact on numbers of birds killed at towers. To date, however, there very few or no published papers or recent databases that substantiate the fact that white strobes are less dangerous than other color or type of lights, other than what was presented at the August 11, 1999, workshop at Cornell University on "Avian Mortality at Communication Towers," transcripts of which are currently available at www.towerkill.com and at <http://migratorybirds.fws.gov/issues/towers/agenda.html>. No data were presented in that paper and the results should be considered speculative.

There is a body of information of recent literature from Europe in which migrants of several species and Homing Pigeons were studied in controlled situations in which various color lights were used in an effort to override or disorient birds' magnetic compasses. This literature strongly suggests that birds exposed to red lights in laboratory or controlled conditions may not be able to use magnetic cues as well as birds exposed to green or white lights. The applicability of these studies, at least in the immediate future, is worthy of consideration, especially in light of

USA Towerkill Summary

There are only a few long-term studies of bird mortality at tall communications towers in North America. All indicate that sizable kills occur on a regular basis, with occurrences depending on specific weather conditions. Consequently, all show a considerable range of numbers killed from year to year - thousands may be killed in one season while only a few dozen the next. Hundreds of short-term studies have been conducted consisting of data gathered from just a single night or over several years. Due to weather variables these studies are less reliable for gauging continental mortality, though they do confirm that kills regularly occur over a wide area of North America, chiefly east of the Rocky Mountains and along the Pacific Coast.

Below is a list of locations of some of North America's long-term studies with the tower height, study period, number of birds killed, and an indication of how regularly the tower was checked.

1010-ft tower near Tallahassee, FL 1955-1980

42,386 birds / 190 species / checked daily throughout the year

1000-ft tower in Eau Claire, WI 1957-1994

121,560 birds / 123 species / checked daily in the migration seasons

1368-ft tower in Nashville, TN 1960-1997

19,880 birds / 112 species / checked daily in the migration seasons

850-ft tower in Elmira, NY 1963-1983

over 7500 birds / checked daily in fall migration season

529-ft tower near Weston, WV 1978-1986

841 birds / 58 species / checked irregularly in the migration seasons

It is widely agreed that the taller a communication tower the more deadly it is for night-migrating songbirds, but much seems to rely on the tower's location. Evidence suggests that a relatively short tower constructed on a hilltop may have the same impact as higher towers on flat ground. There are no long-term studies at communications towers below 500-ft high. The few accounts available are just for a single night or a few nights during the migration season - below are a few records.

420-ft tower in southwestern Kansas 22 Jan 1998: estimated 5000-10000 Lapland Longspurs killed in the vicinity of the tower.

436-ft tower in Deerfield, New Hampshire atop an 1100 foot mountain 1959-1960: 267 birds of 45 species (tower grounds checked irregularly during the migration seasons).

The Federal Aviation Administration (FAA) tracks the number of towers across the continent

to monitor aviation hazards. Generally, once a tower reaches 200 feet or higher, the FAA considers it a potential aviation hazard. As of November 2, 1998, the FAA's Digital Obstacle File lists the following number of towers in these different height classes across the lower 48 states. The real total is actually higher because towers that are close together often get lumped as one aviation obstruction.

| <u>Height class</u> | <u>Number of towers</u> |
|-------------------------|-------------------------|
| 200-299 ft. | 17858 |
| 300-499 ft. | 18377 |
| 500-799 ft. | 2220 |
| 800+ ft. | 1075 |
| Total Towers | 39530 |

Banks (1979) estimated that 1.2 million birds per year were killed by communications towers across the USA. He based this figure on data from three towerkill studies suggesting an annual mortality at tall TV towers of 2500 birds per tower. The FCC had informed him that there were 1010 television transmitting stations in the USA as of February 1975 and he figured that, if half of these stations had a mortality like the studies suggested, 1.2 million birds would be killed annually.

The FAA estimates that from the mid-1970s through the early 1990s, new tower construction (200 ft. tall or higher) had been proceeding at a rate of about 1000 per year. But in the 1990s, due to the birth of the cell phone and Personal Communication Service (PCS) industry, as well, they estimate that new tower construction in the USA has accelerated to over 5000 per year (pers. com.).

Calculating a continental tower mortality now is just as nebulous as when Banks tried back in the late 1970s. The fact is there are even fewer long-term studies at the high towers now than in the 1970s, and with the exponential proliferation of towers in the 200-500 foot height class (95% of all towers on the continent) it is of particular concern that there are no long-term studies in this height class, especially since the few short-term studies at towers within this height indicate significant mortality occurs. Using the method Bank's used in 1979, and considering the great proliferation of new towers, it is not hard to imagine that annual bird mortality at communications towers could be over five million birds a year! But due to the problem of assessing kills, the fact that scavengers often clean up a significant portion of kills before daybreak, and the fact that we have so few long-term studies and none at the shorter towers, the annual mortality could be much larger. We just don't know.

Memorandum

To: Regional Wildlife Program Leaders

From: Debbie Pressman, National Wildlife Program Leader

(202) 205-1281

Date: July 7, 2000

Re: Communication Tower Siting on National Forest System Lands

The Forest Service has recently become a participant in the *Communications Tower Working Group* (CTWG), consisting of a variety of governmental and non-governmental partners working together to address issues associated with bird strikes and communications towers.

Bird strikes to communication towers were first documented in the scientific literature in 1949. To date, limited monitoring and research have been conducted on the potential impacts of these communication tower structures on bird populations. Known and suspected causes of bird collisions with communication towers is thought to consist of lighting color, light duration, and electromagnetic radiation.

Existing information has raised concern, particularly regarding the potential impact of communication towers on migratory bird populations. The U.S. Fish and Wildlife Service estimates that between 4 and 5 million birds are killed annually by strikes with communication towers. Approximately 350 species of night migrating neotropical songbirds breed in North America in the spring and summer, and migrate in the fall and winter, are potentially at risk. Thrushes, vireos, and warblers appear to be the most vulnerable taxa. The Migratory Bird Treaty Act (MBTA) covers 836 species of migratory birds. Of these, 778 are categorized as nongame species. Populations of many migratory birds are doing well, while populations of many others are known to be declining. Over 200 of these species continue to decline. Of these, 90 are listed under the Endangered Species Act, and another 124 are on the U.S. Fish and Wildlife Service's *Nongame Species of Management Concern*.

July 11, 2000

003

The number of communication towers in the United States is rapidly increasing as a result of advances within the communications industry and regulatory requirements under the 1996 Telecommunications Act. It is anticipated that many new towers will be established in the near future to meet these requirements.

The Forest Service must often address requests for tower siting or placement on National Forest System lands. These requests are evaluated under the National Environmental Policy Act (NEPA) and effects considered as they relate to Section 7 of the Endangered Species Act. It is anticipated that additional requests will be forthcoming as a result the Telecommunication Act of 1996 (Public Law 104-104). One aspect of this Act mandates that all television stations be digitized no later than 2003. This could result in a significant number of new requests for siting on National Forest System lands.

Attached are several references that are being used as a basis for establishing a national research effort to address causes of bird mortality at tower sites. These materials may be useful to Forest Service personnel for use in ongoing or future analysis efforts for tower siting on National Forest System lands.

References

A report on tower impacts on migratory birds, a literature review by Paul Kerlinger.
<http://migratorybirds.fws.gov/issues/towers/review.pdf>

Transcripts of the August 11, 1999 Workshop on Avian Mortality at Communication Towers, Cornell University, Ithaca, NY
<http://migratorybirds.fws.gov/issues/towers/agenda.html>

Bird Kills at Towers and Other Human-made Structure
<http://migratorybirds.fws.gov/issues/tower.html>

General information regarding the impacts of towers on birds.
<http://www.towerkill.com>

Communication Towers: A Deadly Hazard to Birds, American Bird Conservancy, June, 2000.

Siting of Wireless Telecommunications Facilities Near National Scenic Trails, a Resolution. Cellular Telecommunications Industry Association (CTIA), Personal Communications Industry Association (PCIA), Appalachian Trail Association, Ice Age Park and Trail Foundation, North Country Trail Association, Pacific Crest Trail Association, Potomac Heritage Coordinating Council, and American Hiking Society.

Albert M. Mandville, II, 2000. The ABCs of Avoiding Bird Collisions at Communication Towers: The Next Steps. Proceedings of the Avian Interactions Workshop, December 2, 1999, Charleston, SC. Electric Power Research Institute (EPRI).

Siting Wireless Antennas, An Introduction, Federal Land Managers Version, CTIA, USDI Bureau of Land Management, and USDA Forest Service, December, 1997. Free upon request for federal agencies from CTIA, 1250 Connecticut Avenue N.W., Suite 800, Washington D.C. 20036.

