CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 445-7833
FACSIMILE (707) 445-7877

W 18b

Addendum

MEMORANDUM

Date: November 10, 2008

To: Commissioners and Interested Parties

From: Peter Douglas, Executive Director
Robert S. Merrill, District Manager – North Coast District

Subject: **Addendum to Commission Meeting for Wednesday, November 12, 2008 North Coast District Item W18b, Application No. 1-08-008 (Verizon West Coast, Inc.)**

STAFF NOTE

This addendum presents certain new findings for approval of the project that were not included in the written staff recommendation mailed on October 30, 2008. The new findings reflect the basis for approval with conditions that is discussed in the Summary of the Staff Recommendation contained in the October 30, 2008 staff report.

I. Environmentally Sensitive Habitat Areas Findings

Add the following finding on Page 13 of the staff recommendation between Finding C, "Visual Resources," and Finding E, "Public Access."

D. Environmentally Sensitive Habitat Areas.

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 developed former Air Force base facility site contains no wetland or riparian habitat, and there are no known federally or state-listed rare, threatened, or endangered plants or critical habitat for any listed species on the proposed project site. Sensitive bird species are known to utilize the surrounding area. According to an assessment of potential impacts to avian species prepared for the project by a consulting wildlife biologist (See Exhibit No. 7), ten different sensitive avian species are found in the general area around Requa, including double-crested cormorant (Phalacrocorax auritus), marbled murrelet (Brachyramphus marmoratus) [MAMU], bald eagle (Haliaeetus leucocephalus), brown pelican (Pelecanus occidentalis), osprey (Pandion haliaetus), northern spotted owl (Stix ocidentalis caurina), western snowy plover (Charadrius alexandrinus nivosus), peregrine falcon (Falco peregrinus), Aleutian Canada goose (Branta Canadensis leucopareia), and Little Willow flycatcher (Empidonax traillii brewsteri).

In some instances, tall communication tower facilities have been known to contribute to bird mortality from birds in flight hitting the towers. In 2001, the FAA estimates that communication tower installation was occurring at 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.

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, 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 80 feet tall. 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. 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, the assessment of potential impacts to avian species prepared for the project concludes that the proposed communications tower would not contribute to bird mortality.

The consultant's report indicates that of the ten sensitive avian species that are found in the general area of Requa, only the MAMU and migratory birds have flight behaviors that could potentially be affected by the proposed 80-foot tower. Each of the nine other sensitive species found in the area are not likely to be affected by the tower. Marine species, such as the western

snowy plover and double-rested cormorant nest in sandy beach and dune areas and offshore rocks and would not be drawn to the project site at elevation 770 above mean sea level along the coastal ridge. The brown pelican is a large, slow moving bird which rarely flies over land, and rarely flies at high elevations, even during migration. The consultant's report indicates that due to its affinity for lying over water, there is very little potential for the brown pelican to encounter the proposed tower at the tower's project site located at an elevation of 770 feet above sea level. The developed project site is on a high site adjacent to the ocean where the salt air discourages the growth of redwoods. The only wooded stands around the facility are almost exclusively Sitka spruce and the avian assessment indicates that there is no suitable nesting or foraging habitat for local sensitive bird species such as the northern spotted owl or the willow flycatcher. The report indicates that the bald eagle and osprey likely fly over the project site during daylight hunting forays to and from the nearby mouth of the Klamath River, but that the potential for these species to strike the proposed tower is very low as the bald eagle and osprey fly at a very high elevation relative to the terrain below and would become aware of the existing tall structures in the area (including the 150-foot Cal-North Cellular tower further up the ridge) before encountering the proposed 80-foot communications tower. Peregrine falcons are unlikely to be affected by the tower as the project site is surrounded by trees and brushy ground vegetation, which peregrines would avoid as hunting areas. The peregrine falcon needs open, non-vegetated area to hunt over to find their prey on the ground.

As noted above, the MAMU has more of a potential for colliding with the proposed tower than the other sensitive bird species found in the general area. According to the consultant's report, the MAMU is a very fast, direct flyer, and would travel over the project site from inland nesting sites to feeding areas along the mouth of the Klamath or along the ocean shoreline. Migratory birds could also be affected, although most migratory birds such as the Aleutian Canada goose fly at very high elevations in thinner air to facilitate long migrations, much higher than the 850-foot elevation of the top of the proposed tower.

Even though the MAMU and migratory birds would have more of a potential for colliding with the proposed tower, the avian assessment concludes that there is a very low probability for the proposed 80-foot-high tower to increase the number of bird strikes and there is almost no probability that the number of potential bird strikes at the tower would be significant. The principal reason that bird strikes would not be significant is that birds flying over the site would be forced to maintain a higher elevation than the top of the proposed tower to clear surrounding topography with taller buildings and trees. As noted above, the base of the proposed 80-foot-hight tower is at an elevation of 770 feet above mean sea level and would rise to a height of 850 feet above mean sea level. The tower site is located west and down hill from the top of the coastal ridge which is at approximately 845 feet above sea level. Various utility poles, buildings, and a 150-foot-tall cell tower are built at or just below the top of the ridge. Therefore, any birds approaching the site from east would be flying at a height much higher than the proposed 80-foot tower as the birds would already need to clear the summit of the ridgeline as well as the existing utility poles, buildings and the existing 150-foot-tall cell tower. Similarly, any birds approaching the site from the ocean to the west or from the north, would have to fly high enough to clear groupings of tall Sitka Spruce trees which are located west, northwest, and north of the proposed

tower site. As they approach from the west, the birds would be climbing and approach the trees, the proposed tower, and the taller topographical and man-made features east of the project site at an angle that would take them well above the proposed tower. As they approach from the north, the birds would already be approaching the site from a height at or above the proposed tower height of 850 feet to be able to clear local topography and structures. Birds coming from the mouth of the Klamath River to the south would have to climb rapidly from sea level to a high elevation to clear a line of tall (over 100-foot-tall) Sitka Spruce trees growing on a rise 537 feet south of the proposed tower. The birds would then have to maintain that rate of climb to be able to clear even higher obstructions north and east of the tower site. In addition, most migratory birds approaching from the south would likely remain over the ocean where no increase in elevation would be necessary to continue in a northerly flight. Similarly, most MAMU leaving the mouth of the Klamath River would likely fly up the Klamath River estuary rather than fly northeast toward Requa and up the ridge where there are no visible redwood stands. Thus, the project will not result in significant impacts on avian species due to collisions between birds and the proposed tower.

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.

CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 445-7833
FACSIMILE (707) 445-7877

W 18b

Date Filed:	August 12, 2008
49th Day:	September 30, 2008
180th Day:	February 8, 2009
Staff:	Robert S. Merrill
Staff Report:	October 30, 2008
Hearing Date:	November 12, 2008
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.:	**1-08-008**
APPLICANT:	Verizon West Coast, Inc.
PROJECT LOCATION:	Near the intersection of P.J. Murphy Memorial Drive and Requa Road, in the Requa Area north of the Klamath River, Del Norte County (APN 127-090-16).
PROJECT DESCRIPTION:	Construct a new 80-foot-high telecommunications tower with four 8-foot-diameter parabolic reflector antennas mounted on the tower, and remove an existing 50-foot-high tower with attached antennas.
LOCAL APPROVALS RECEIVED:	None required.
OTHER APPROVALS QUIRED:	National Park Service Right-of-Way Permit No. RW 8480-06-001
SUBSTANTIVE FILE DOCUMENTS:	Del Norte County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

As conditioned, staff believes the proposed project is consistent with the Chapter 3 policies of the Coastal Act and recommends approval of the project with the above-described special conditions.

The proposed project consists of the replacement of an existing 50-foot-high telecommunications tower with two existing microwave radio antennas with an 80-foot-high communications tower with four eight-foot-in-diameter parabolic reflector antennas. The new tower would be located approximately 15 feet north of the exiting tower, which would be removed upon successful installation of the new tower. The project also includes the installation of additional communications equipment within the existing 1,024-square-foot equipment building.

The principal issue raised by the project is whether the proposed 80-foot-tall telecommunications tower would have significant adverse impacts on views of the scenic coastal area where the project is located. The project site is located north of the mouth of the Klamath River on the most westerly ridgeline in Redwood National Park. Although the confines of the Requa Maintenance Area where the proposed project is located has a developed industrial appearance consistent with its past use as an Air Force base and its principal current use a maintenance base for Redwood National Park, the surrounding area with its rugged forested coastal mountains that extend steeply down to the Pacific Ocean to the west and the mouth of the Klamath River to the south form part of a large scenic coastal area.

The applicant submitted an analysis of the visual impact of the proposed new tower from the various surrounding public vantage points with views of the project site. The photographs in the visual analysis indicate that the proposed tower would not be prominent from the various public vantage points and not even visible from most, for several reasons. First, the top of the tower will be at an elevation well below the ridgeline which blocks the tower from view from vantage points to the north and east, including points along Highway 101 near Wilson Creek and Hunter Creek. To the extent the tower at its location on a southwest facing slope could be visible from points to the south and from the ocean to the west, the fact that the tower will not project above the ridgeline while the existing Cal North tower does will reduce the prominence of the Verizon tower. Second, existing trees located to the south of the proposed tower largely will screen the proposed tower from view from vantage points to the south, including the Klamath Overlook, Klamath River Road, Coastal Drive, Freshwater Spit, and Patrick's Point. Third, the substantial distance between the proposed tower site and Freshwater Spit and Patrick's Point, the two major promontories with sweeping views of the coast at shoreline beach and park areas to the south, minimizes any potential view of the towers

from those significant public vantage points. These two vantage points are approximately 19.23 miles and 29 miles south respectively.

Although the single communications tower currently proposed would not result in significant adverse impacts on coastal views, the installation of additional towers in the vicinity could have both individual and cumulative impacts on coastal views. Therefore, to minimize the cumulative visual effects of the installation of multiple communication towers in the area, staff recommends that the Commission attach Special Condition No. 3 requiring the applicant to lease any additional capacity on the tower to private and public telecommunication entities. 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 proposed tower would be removed if abandoned, staff recommends that the Commission attach Special Condition No 2, which would require the applicant to remove the structure in the event it is to be abandoned. Finally, staff recommends Special Condition No. 4 which requires the applicant to remove, as proposed, the existing 50-foot tower at the site that is intended to be replaced by the new tower once the new tower is operational.

The installation of towers also has the potential to affect avian mortality. The coastal area is located in the vicinity of 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 applicant has submitted a biological assessment of the potential for the proposed tower to cause bird strikes that concludes that the construction of the taller tower at the existing Verizon facility will not adversely affect birds primarily because the top of the proposed tower will be below the elevation of the adjoining ridgeline. The marbled murrelet and other species that might fly over the site from nesting areas northeast of the site to foraging areas along the Klamath river would be forced to maintain an elevation higher than the proposed tower to clear the ridge.

Therefore, staff recommends that the Commission find that the development as conditioned is consistent with the Chapter 3 policies of the Coastal Act.

The Motion to adopt the Staff Recommendation of Approval with Conditions is found on page 5 below.

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 Chapter 3 policies of the Coastal Act.

2. Telecommunications Act Limits.

Public entities' powers to regulate the placement of telecommunication facilities are limited by the Federal Communications Commission ("FCC") and Federal law, specifically the Telecommunications Act of 1996 ("TCA"). The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified as amended in U.S.C., Titles 15, 18 & 47) ("the Act), precludes state and local governments from enacting ordinances that prohibit or have the effect of prohibiting the provision of telecommunications services, including wireless services.

47 U.S.C. section 253 preempts state and local regulations that maintain the monopoly status of a telecommunications service provide. Section 253(a) states: "No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service." The Act also contained new provisions applicable only to *wireless* telecommunications service providers. Accordingly, at the same time, Congress also enacted 47 U.S.C. section 332(c)(7). Section 332(c)(7)(A) preserves the authority of local governments over zoning decisions regarding the placement and construction of wireless service facilities, subject to enumerated limitations in section 332(c)(7)(B). One such limitation is that local regulations "shall not prohibits or have the effect of prohibiting the provision of personal wireless services." *Id.* section 332(c)(7)(B)(i)(II). An agency runs afoul of either 47 U.S.C. section 253 or 47 U.S.C. section 332(c)(7) if (1) it imposes a "city-wide general ban on wireless services" or (2) it actually imposes restrictions that amount to an effective prohibition.

State and local governments must act "within a reasonable time frame" in acting on applications, and decisions to deny such requests must be "in writing and supported by substantial evidence contained in a written record." In addition, state and local governments cannot "regulate the placement, construction and modification of cellular facilities on the basis of environmental effects of radio frequency emissions" if the facilities comply with the FCC regulations with respect to such emissions. 47 U.S.C. section 332(c)(7)(B)(iv). If an agency denied or regulated a cell phone tower on the basis

of the environmental effects of radio frequency emissions (RFEs) that comply with the federal regulations, then that agency action is preempted.

The limitations upon a state and local government's authority with respect to telecommunications facilities contained within the Telecommunications Act of 1996 (TCA) do not state or imply that the TCA prevents public entities from exercising their traditional prerogative to restrict and control development based upon aesthetic or other land use considerations. Other than the enumerated exceptions, the TCA does not limit or affect the authority of a state or local government. Though Congress sought to encourage the expansion of telecommunication technologies, the TCA does not federalize telecommunications land use law. Instead, Congress struck a balance between public entities and telecommunication service providers. Under the TCA, public entities retain control "over decisions regarding the placement, constructions, and modification of telecommunication facilities." 47 U.S.C. § 332(c)(7)(A).

3. Addendum

This staff report does not contain the complete findings for approval of the project. Staff was unable to complete the findings prior to the mailing of the staff report. However, staff will present the remaining portion of the recommended findings for approval of the project as part of the addendum at the Commission meeting. The findings contained in both this staff report and its addendum will reflect the basis for approval with conditions.

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. 1-08-008 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 a majority of the Commissioners present.

RESOLUTION TO APPROVE THE 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. Approval of the permit complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.

II. STANDARD CONDITIONS: See Attachment A.

III. SPECIAL CONDITIONS:

1. Future Development

This permit is only for the development described in coastal development permit No. 1-08-008. 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. 1-08-008 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 ISSUANCE OF THE COASTAL DEVELOMENT PERMIT, the applicant shall submit a written agreement that if in the future, the approved telecommunications tower is no longer needed, the applicant agrees to abandon the structure and be responsible for the removal of the structure and restore 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. 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.

4. Removal of Existing Telecommunications Tower

The applicant shall remove the existing 50-foot telecommunications tower as proposed by the applicant within 180 days of the date when the new 80-foot tower authorized by Coastal Development Permit No. 1-08-08 has been made operational.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Site Description.

The project site is located within Redwood National Park, at the Requa Maintenance Area along P.J. Murphy Memorial Drive, near the northern end of Requa Road, 2.5 miles northwest of Highway 101, north of the mouth of the Klamath River, in Del Norte County (See Exhibits 1-3). The Requa maintenance area, which previously served as the Klamath Air Force Radar Station, is currently owned by the National Park Service (NPS). The Requa maintenance area contains a collection of small buildings, paved and gravel roads and storage areas, fencing, and existing communications facilities, including an existing 50-foot high telecommunications tower owned by the applicant and a 150-foot-high tower owned by Cal North Cellular.

The specific project site occupies an approximately 3,944-square-foot parcel (.091 acres) within the Requa Maintenance Area that is leased by the applicant. Verizon, previously doing business as West Coast Telegraph Company, has been operating at the site since 1959 under a special use permit when the site was owned by the Air Force. The subject parcel currently contains an existing 1,024-square-foot telecommunications equipment building, a 145-square-foot generator room housing an emergency power backup generator, a paved and graveled area for parking company vehicles, and a 50-foot-tall telecommunications tower with two parabolic antennas. The property is private, locked and secured by a perimeter cyclone fence. The facility is used for point to point transmittal of voice, data, and emergency communications across Del Norte and Humboldt Counties and throughout Northern California.

The Requa Maintenance Area is positioned on the most westerly coastal ridgeline at elevations ranging from about 700 to 850 feet above sea level. The west facing slope of the ridge traverses steep coastal bluffs and rocky cliffs dominated by grass, sitka spruce, red alders, coyote brush, and exotic plants, introduced by nearby residential development. Mountainous and forested lands of Redwood National Park extend to the north and east of the Requa Maintenance Area. The south-facing slope of the ridge extends down to the mouth of the Klamath River.

The subject parcel contains no known environmentally sensitive habitat.

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. 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 8480-06-001 in April of 2007 for the Verizon facility, the National Park Service determined that the proposed facility would not conflict with the Park Service's mission. The permit allows for the installation, construction, operation, and maintenance of a point-to-point microwave radio communications facility, including related equipment, lines, antennas, and all necessary appurtenances. The permit allows for the proposed development at the subject property.

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.

B. Project Description

The proposed project consists of the replacement of an existing 50-foot-high telecommunications tower with two existing microwave radio antennas with an 80-foot-high communications tower with four eight-foot-in-diameter parabolic reflector antennas (See Exhibits 4-5). The new tower would be located approximately 15 feet north of the exiting tower, which would be removed upon successful installation of the new tower. The proposed tower will not include night lights, reflectors, or beacons. Towers below 200 feet in height are not required by the FAA to include such warning devices. The project also includes the installation of additional communications equipment within the existing 1,024-square-foot equipment building.

According to the applicant, the proposed project will improve telephone communication lines and add communications capacity in the region. The existing microwave radio antennas have reached the end of their useful life, and the new microwave antennas will provide better point-to-point trafficking of telephone and data transmission. The new tower includes an antenna that will be part of a "space diversity" communications route that will assist the network to be more reliable than the current system. The new communications route will circumvent the fade in radio signals caused by the persistent fog common to the area. The taller tower height of the proposed new tower is needed to position the antenna at an appropriate elevation where it can become part of the new space diversity communications route.

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.

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 and Scenic Coastal Areas.

The project site is located north of the mouth of the Klamath River on the most westerly ridgeline in Redwood National Park. Although the confines of the Requa Maintenance Area where the proposed project is located has a developed industrial appearance consistent with its past use as an Air Force base and its principal current use a maintenance base for Redwood National Park, the surrounding area with its rugged forested coastal mountains that extend steeply down to the Pacific Ocean to the west and the mouth of the Klamath River to the south form part of a large scenic coastal area (see Exhibit 6).

The most prominent feature of the proposed development is the 80-foot telecommunications tower. The tower will replace an existing 50-foot tower which is proposed to be removed upon installation of the new tower. The base of the proposed tower will be at an elevation of 770 feet above sea level with the top of the tower extending to 850 feet above sea level. This top elevation is approximately 145 feet lower than the top elevation of the nearby Cal North tower, which tops out at 995 feet above sea level. The Cal North tower, approved by the Commission in 2001 under Coastal Development Permit No. 1-00-034 was originally approved as a 130-foot tower and was later extended to 150 feet. The 145-foot difference between the elevations of the top of the existing Cal North tower and the top of the proposed Verizon tower is partly accounted for by the 50-foot difference in height between the two towers and partly by the fact that the Cal North tower was installed near the top of the ridge and the Verizon tower will be built down slope from the ridge at a lower elevation (see Exhibit 6)

The applicant submitted an analysis of the visual impact of the proposed new tower from the various surrounding public vantage points with views of the project site (see Exhibit 6). The visual analysis includes photographs marking the tower location as viewed from seven different vantage points (see Exhibit 6, pg 4), including the following:

(1) Looking northward from the Klamath Overlook(see Exhibit 6, pg 5);

(2) Looking southward from Highway 101 at Wilson Creek (see Exhibit 6, pg 6);

(3) Looking eastward from Highway 101 at Hunter Creek (see Exhibit 6, pg 7);

(4) Looking northward from Klamath River Road along the south bank of the Klamath River (see Exhibit 6, pg 8);

(5) Looking northward from Coastal Drive (see Exhibit 6, pg 9);

(6) Looking northward from Freshwater Spit in Humboldt County (see Exhibit 6, pg 10); and

(7) Looking northward from Patrick's Point further south in Humboldt County (see Exhibit 6, pg 10).

The photographs in the visual analysis indicate that the proposed tower would not be prominent from the various public vantage points and not even visible from most, for several reasons. First, the top of the tower will be at an elevation well below the ridgeline which blocks the tower from view from vantage points to the north and east, including points along Highway 101 near Wilson Creek and Hunter Creek. To the extent the tower at its location on a southwest facing slope could be visible from points to the south and from the ocean to the west, the fact that the tower will not project above the ridgeline while the existing Cal North tower does will reduce the prominence of the Verizon tower. Second, existing trees located to the south of the proposed tower largely will screen the proposed tower from view from vantage points to the south, including the Klamath Overlook, Klamath River Road, Coastal Drive, Freshwater Spit, and Patrick's Point. Third, the substantial distance between the proposed tower site and Freshwater Spit and Patrick's Point, the two major promontories with sweeping views of the coast at shoreline beach and park areas to the south, minimizes any potential view of the towers from those significant public vantage points. These two vantage points are approximately 19.23 miles and 29 miles south respectively.

The applicant has considered alternatives to reduce the visual impact of the tower even further, including (1) co-locating antennas on the existing nearby Cal-North tower to eliminate the need for a new tower, (2) co-locating antennas on the existing nearby U.S. Cellular tower to eliminate the need for a new tower, and (3) the no project alternative.

None of this alternatives were determined to be feasible and have less visual impact for the following reasons:

Co-Locating Antennas on Existing Cal-North Tower

Under the co-locating alternative, Verizon would arrange to place its four antennas on either of the two existing towers in the area. Use of the Cal-North tower was examined and rejected because the existing tower does not have room for the four Verizon antennas. The tower could be made taller and bigger to accommodate Cal-North's existing four antennas and the four Verizon antennas, but a taller bigger tower would be even more prominent than it is today. The top of the Cal-North tower can currently be seen from many of the vantage points examined in the visual analysis, and given that the visual analysis indicates the proposed Verizon tower would not be visible from most of these vantage points, constructing the new Verizon tower as proposed would have less visual impact.

Co-Locating Antennas on Existing Cal-North Tower

Use of the U.S. Cellular tower which is located on private property to the southwest of the project site was rejected because this tower is not sufficiently tall. The tower is installed at a lower elevation than the proposed Verizon tower. The applicant conducted a path survey test and determined that the tower was not tall enough to line up with sister telecommunications antennas and facilities in either Orrick or Crescent City.

No Project Alternative

Under the no project alternative, the existing telecommunications equipment would continue to be used. However, the existing telecommunications has already served its useful life and is becoming less and less reliable over time. If the new facility is not replaced, the applicant indicates the public phone networks will become less reliable and the planned upgrade of the California State emergency 911 network cannot be fully implemented. Therefore, the alternative was rejected as it would not fulfill the principal objectives of the project.

The Commission finds that there are no feasible alternatives with less visual impact than the proposed project. The Commission further finds that based on the visual analysis described above, the proposed telecommunications tower will be sited and designed so as not to have significant individual impacts on views to and along the scenic coastal area where it is located.

Although the Commission finds that the single communications tower currently proposed would protect views to and along the ocean and scenic coastal areas, the installation of

additional towers in the area would not necessarily be consistent with the limitations of Section 30251 of the Coastal Act. 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 on views of the scenic coastal area, the Commission finds that the proposed project can only be approved with attached Special Condition No. 3 which requires the applicant to make any extra telecommunications capacity on the tower available for lease to licensed public or private telecommunication providers. The Commission finds that clustering the maximum number of antennas and microwave dishes onto one tower 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.

Finally, to eliminate the visual impact of the existing tower, the Commission attaches Special Condition No. 4 which requires the applicant to remove the existing 50-foot tower at the site once the new 80-foot tower has been installed and made operational.

The Commission finds that as conditioned, the proposed development will protect views and along the ocean and scenic coastal areas.

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. 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 as a maintenance base for the National Park Service. The site consists of concrete buildings, paved roads, gravel substrate, highly disturbed vegetation, fencing, and existing telecommunication facilities. 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 concrete buildings, two existing telecommunications towers, 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 top of the proposed tower would be at an elevation 145 feet lower than the top of the existing Cal North telecommunications tower at the Requa Maintenance Area. Therefore, the proposed Verizon tower would not stand out significantly in comparison with the other facilities at the site. In addition, the Verizon tower 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. 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.

Therefore, the Commission finds, that as conditioned, the proposed development will: (a) be sited and designed to protect views to and along the ocean and scenic coastal areas; and (b) minimize the alteration of natural landforms, and (c) be compatible with the character or the surrounding area consistent with Section 30251 of the Coastal Act.

E. Public Access.

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. In applying Sections 30211 and 30212, 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. 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 would not have an adverse effect on public access and that the project as proposed is consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212.

I. California Environmental Quality Act

Section 13906 of the Commission's administrative regulation requires Coastal Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, is 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 the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. The findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. 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. Site Location
4. Site Plan
5. Site Photos
6. Visual Analysis
7. Bird Strike Assessment
8. National Park Service Approval

ATTACHMENT A

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. 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 period 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 or 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 property to the terms and conditions.

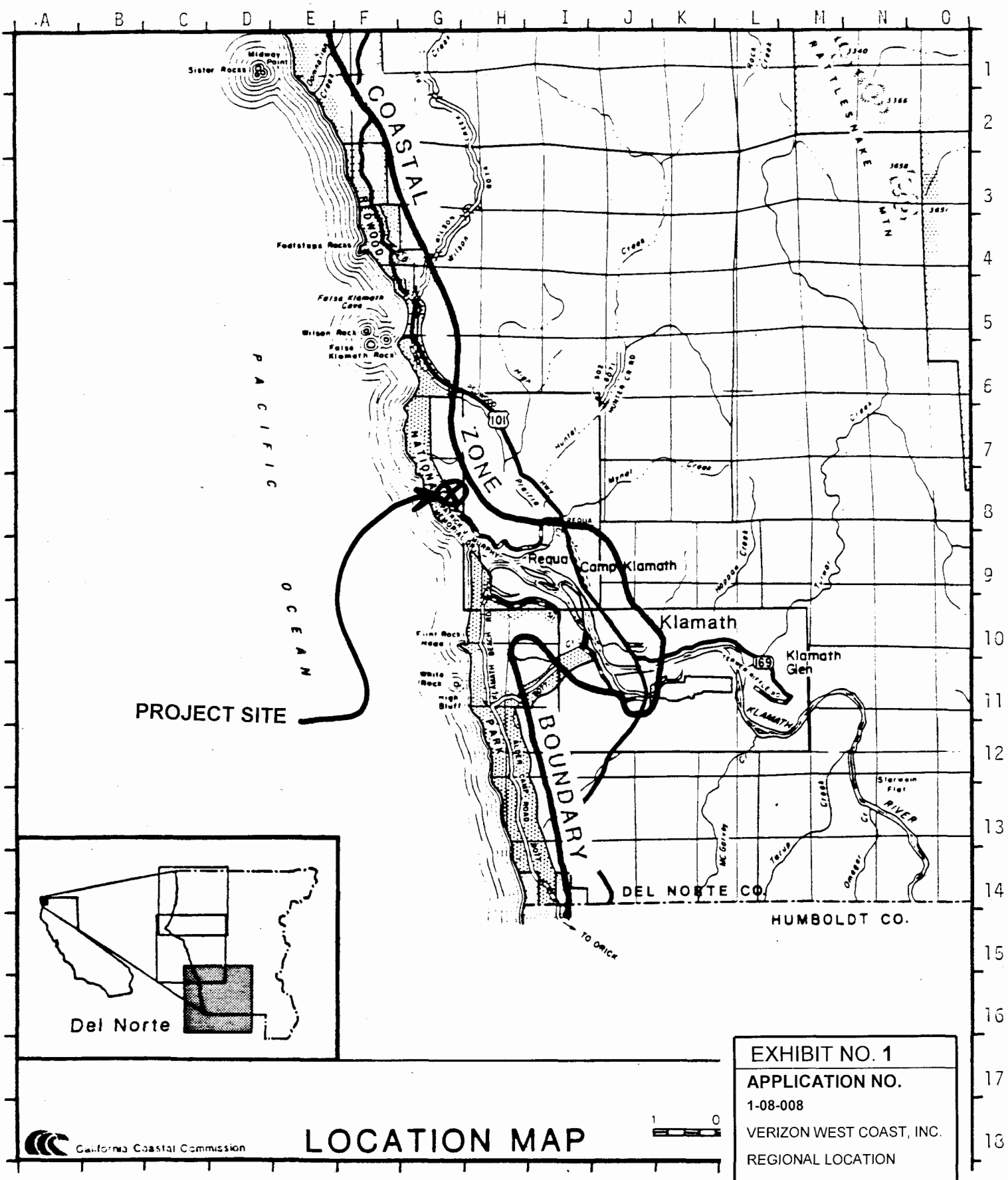


EXHIBIT NO. 1

APPLICATION NO.
1-08-008

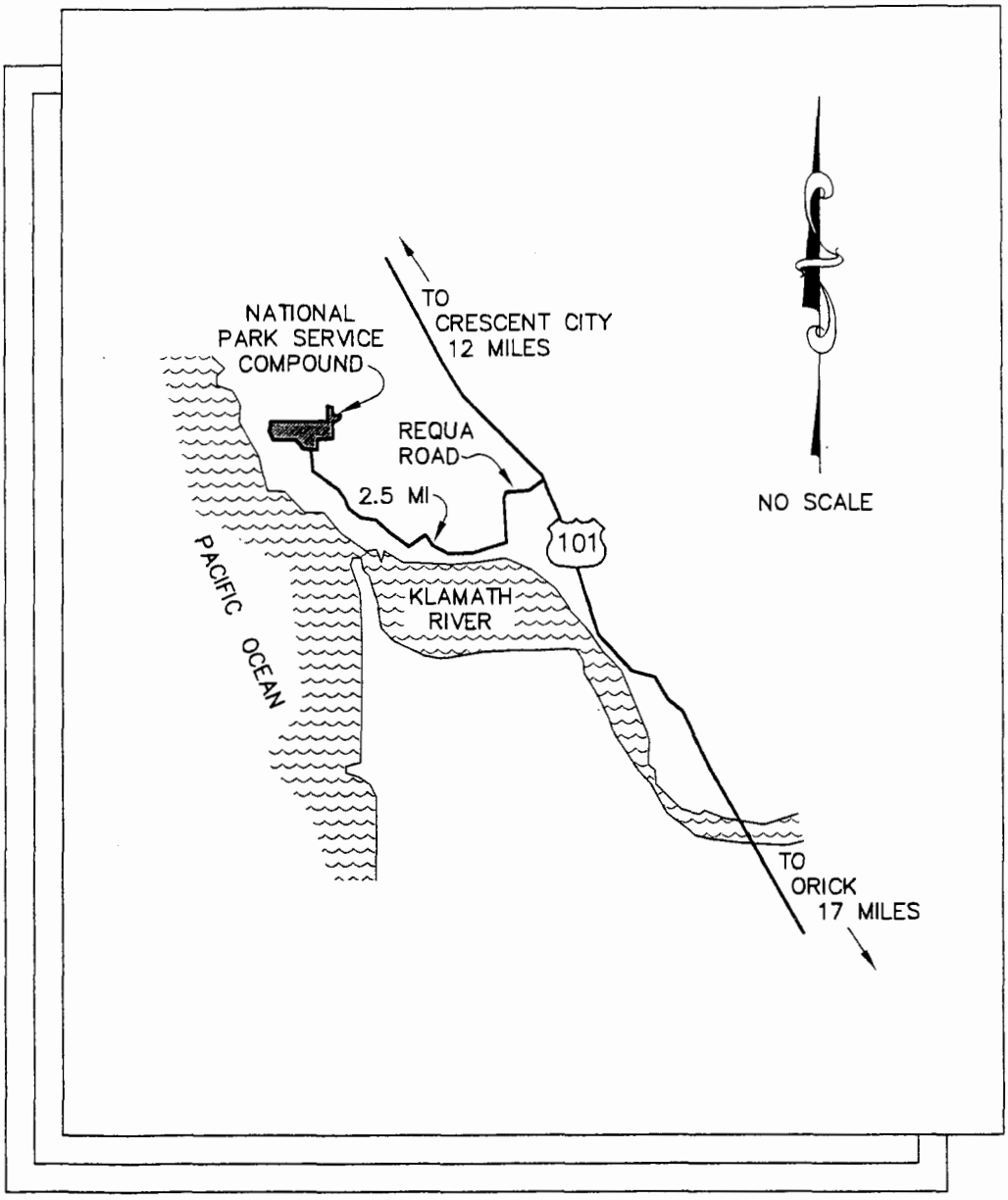
VERIZON WEST COAST, INC.

REGIONAL LOCATION

California Coastal Commission

LOCATION MAP

County of Del Norte



VICINITY MAP

EXHIBIT NO. **2**

APPLICATION NO.

1-08-008

VERIZON WEST COAST, INC.

VICINITY MAP

SITE LOCATION MAP

VERIZON WEST COAST KLAMATH Z-33
COMMUNICATIONS SWITCHING BUILDING
AND MICROWAVE TOWER SITE

3,944 SQ. FT. / 0.091 AC.

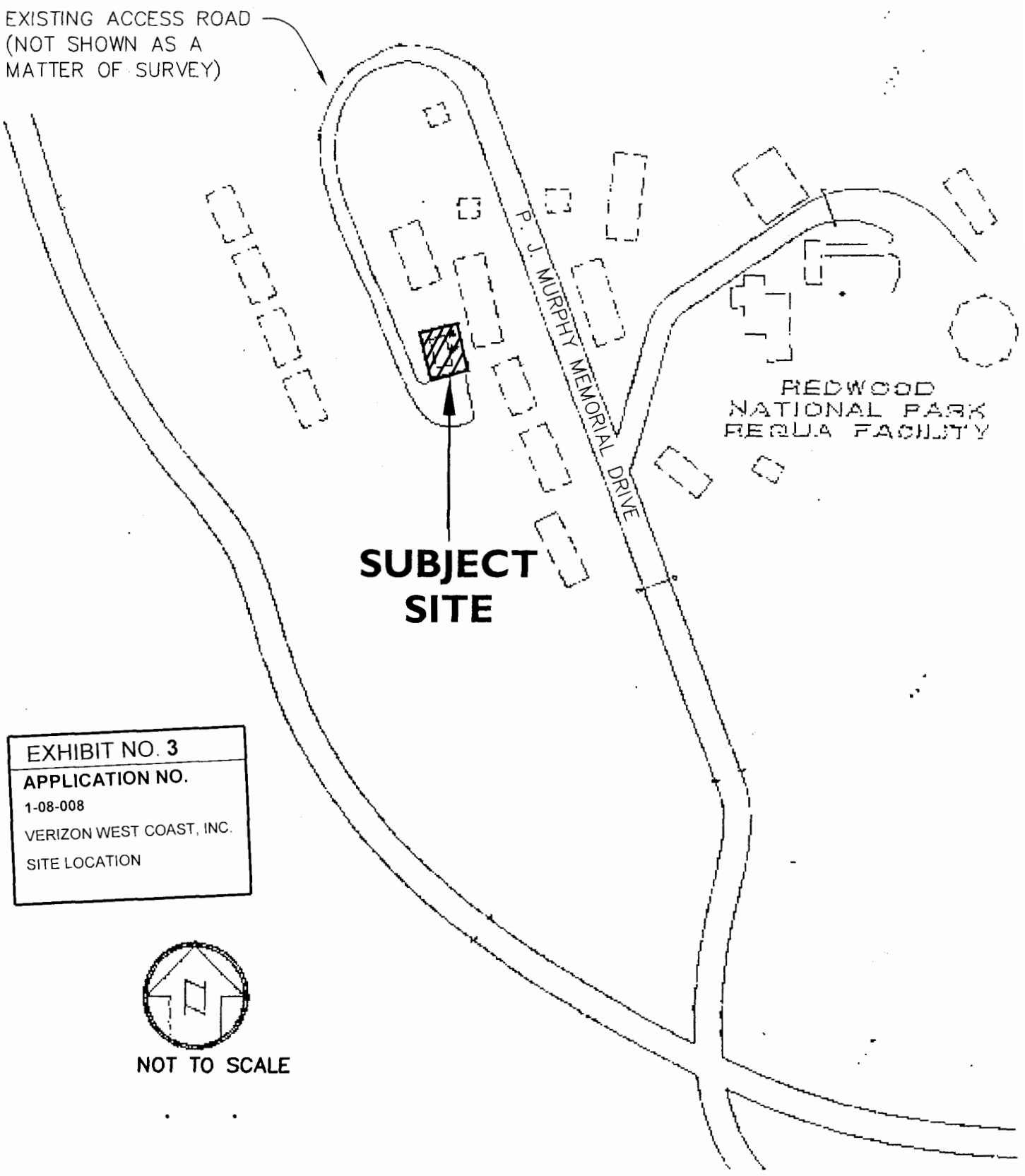
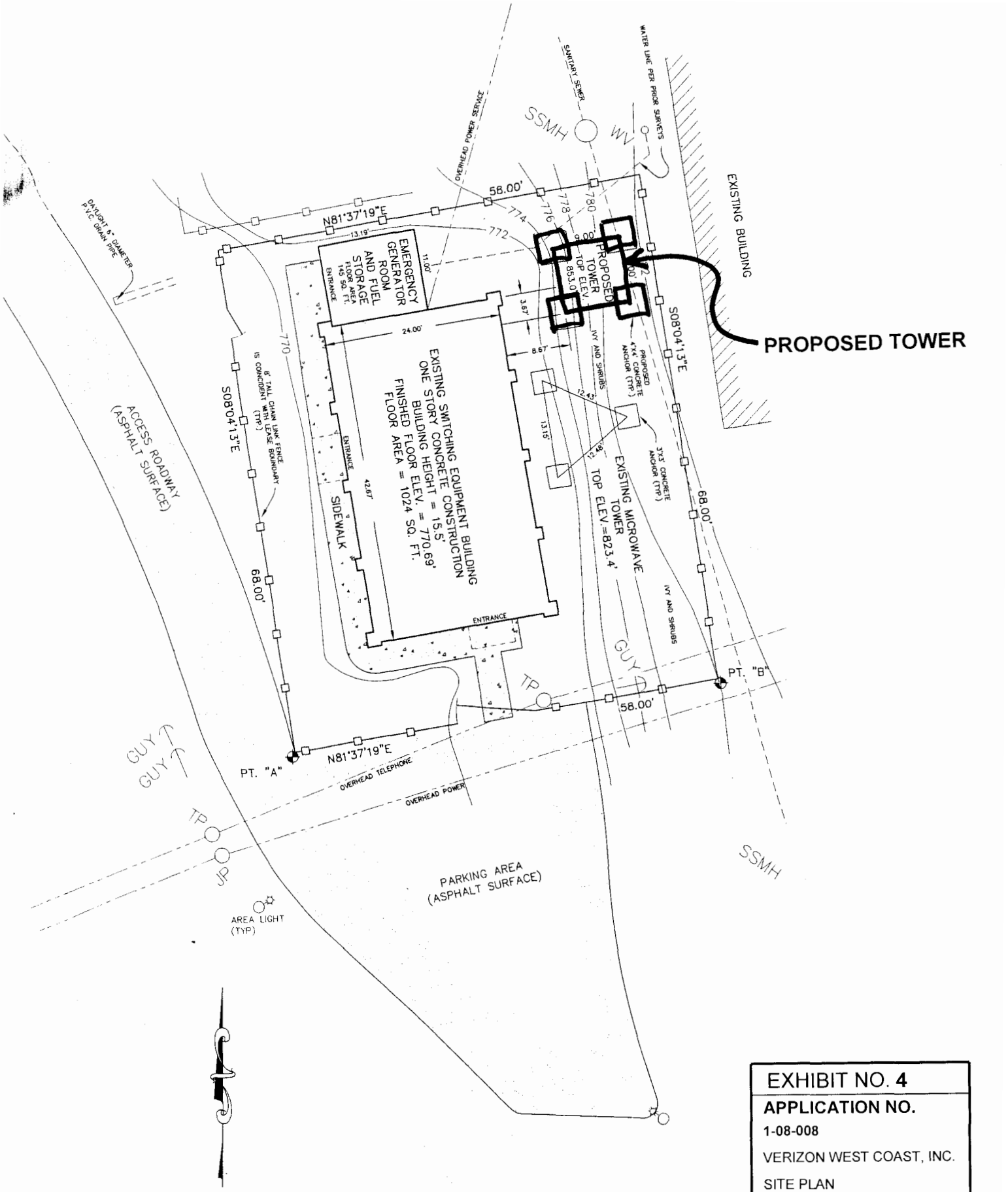


EXHIBIT NO. 3
APPLICATION NO.
1-08-008
VERIZON WEST COAST, INC.
SITE LOCATION

NOT TO SCALE



GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)

EXHIBIT NO. **4**

APPLICATION NO.

1-08-008

VERIZON WEST COAST, INC.

SITE PLAN

Site Photos

Verizon West Coast Inc.
APN: 127-090-16 (a portion of)
Klamath, CA

1. Looking Northward at the existing Verizon telecom bldg. and tower structure.

2. Looking Northward at the access road to the Verizon property

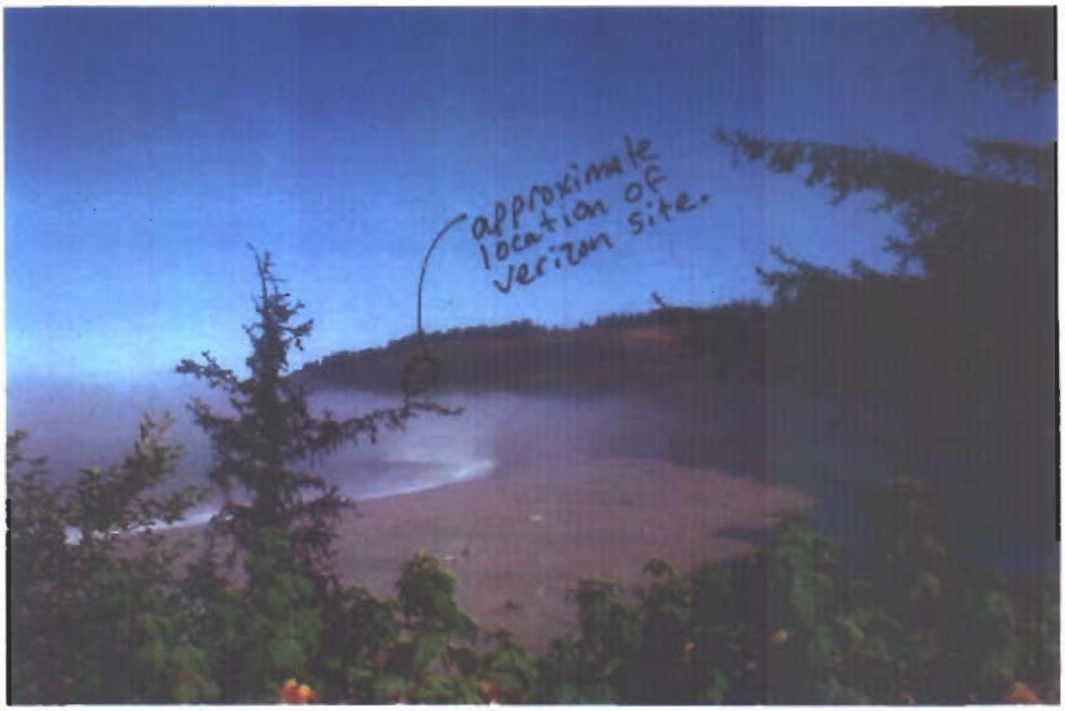
EXHIBIT NO. 5
APPLICATION NO.
1-08-008
VERIZON WEST COAST, INC
SITE PHOTOS (1 of 4)

3. Looking Northward at the existing Verizon tower structure with antennas.

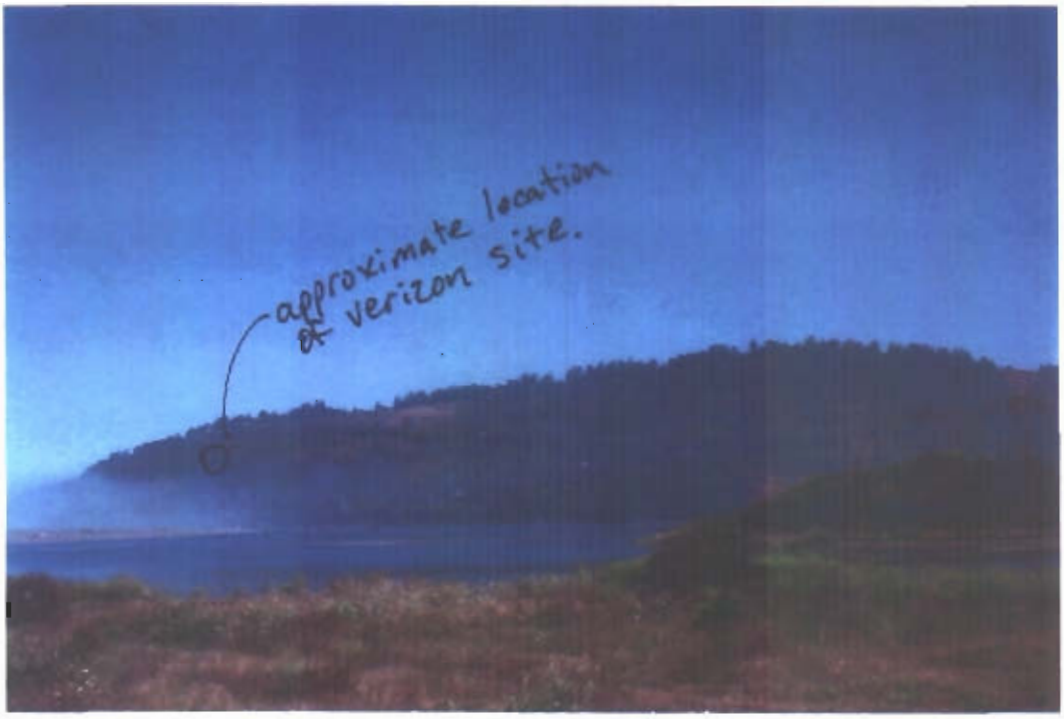
4. Looking Westward, towards Klamath River, from above the Verizon property.

5. Looking Eastward at the Verizon telecom bldg. and tower structure behind it.

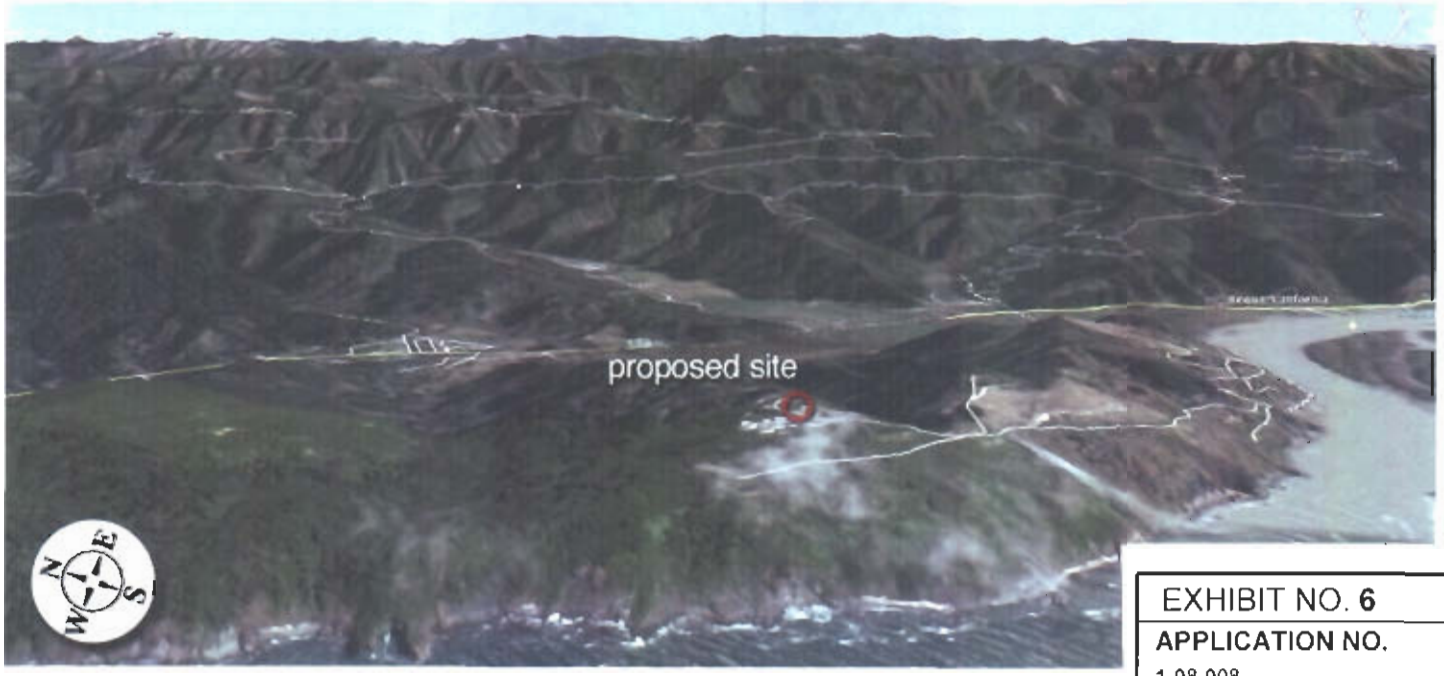
6. Looking Eastward, through the existing Verizon property.



7. Overlooking the Klamath River, with the location of the Verizon property marked.



8. Looking across the Klamath River, towards the vicinity of the Verizon property.



verizon wireless

Requa Maintenance Facility

Requa Road and J.P. Murphy Memorial Drive

Klamath, CA

5/1/08

EXHIBIT NO. 6

APPLICATION NO.

1-08-008

VERIZON WEST COAST, INC.

VISUAL ANALYSIS (1 of 14)

verizon wireless

Requa Maintenance Facility
Requa Road and J.P. Murphy Memorial Drive
Klamath, CA

5/1/08

Aerial Map / Panoramic Key

verizon West Coast Inc.

Klamath Z-33 at Requa Maintenance Facility

Requa Road and J.P. Murphy Memorial Drive

Klamath, CA

360° Panoramic View from Klamath Overlook

5/19/08

Applied Imagination 510-914-0600

verizon wireless

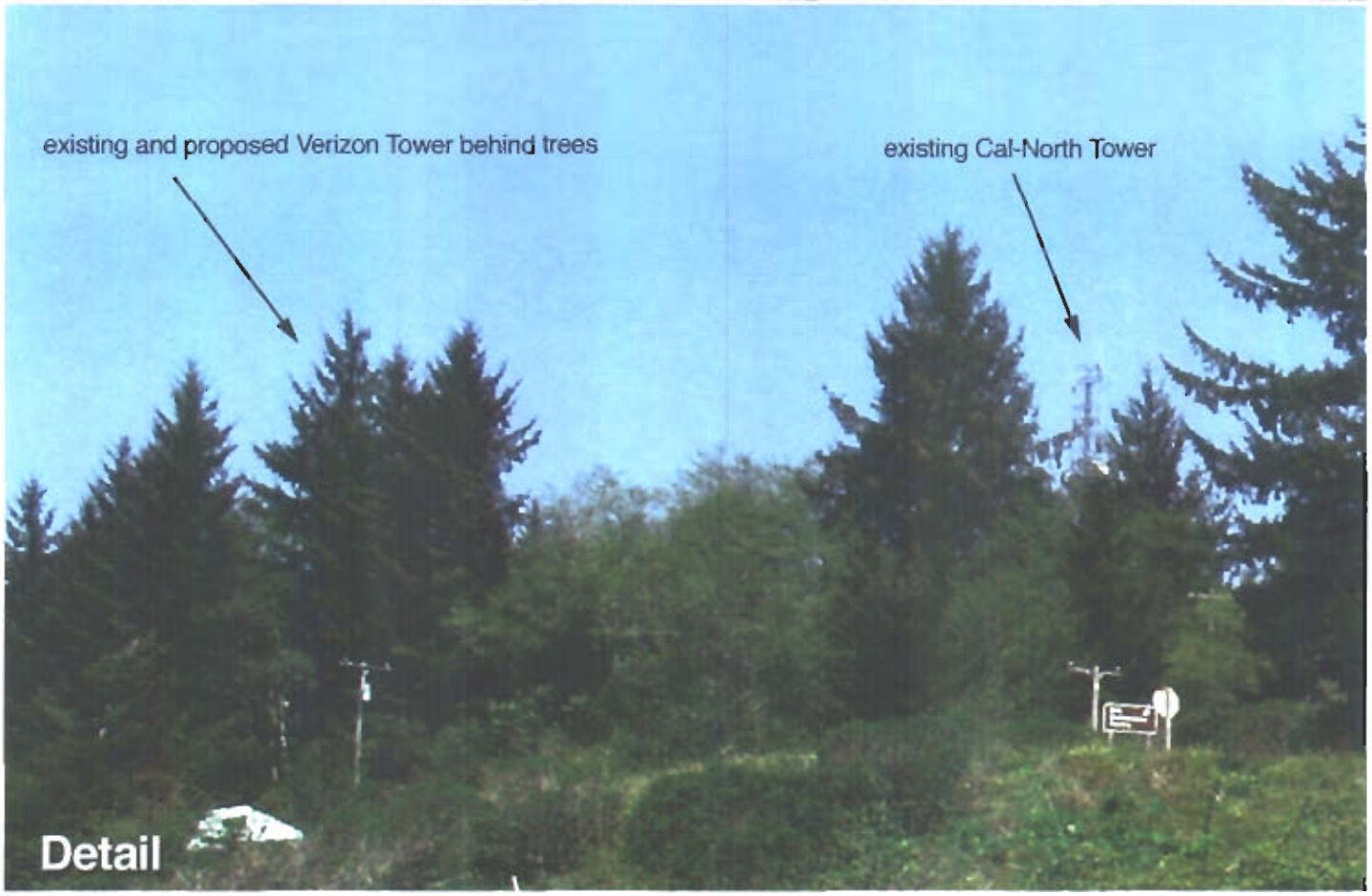
Requa Maintenance Facility
Requa Road and J.P. Murphy Memorial Drive
Klamath, CA

4 of 14

Aerial Map

5/1/08

Applied Imagination 510 914-0500



verizon West Coast Inc.

Klamath Z-33 at Requa Maintenance Facility
Requa Road and J.P. Murphy Memorial Drive
Klamath, CA

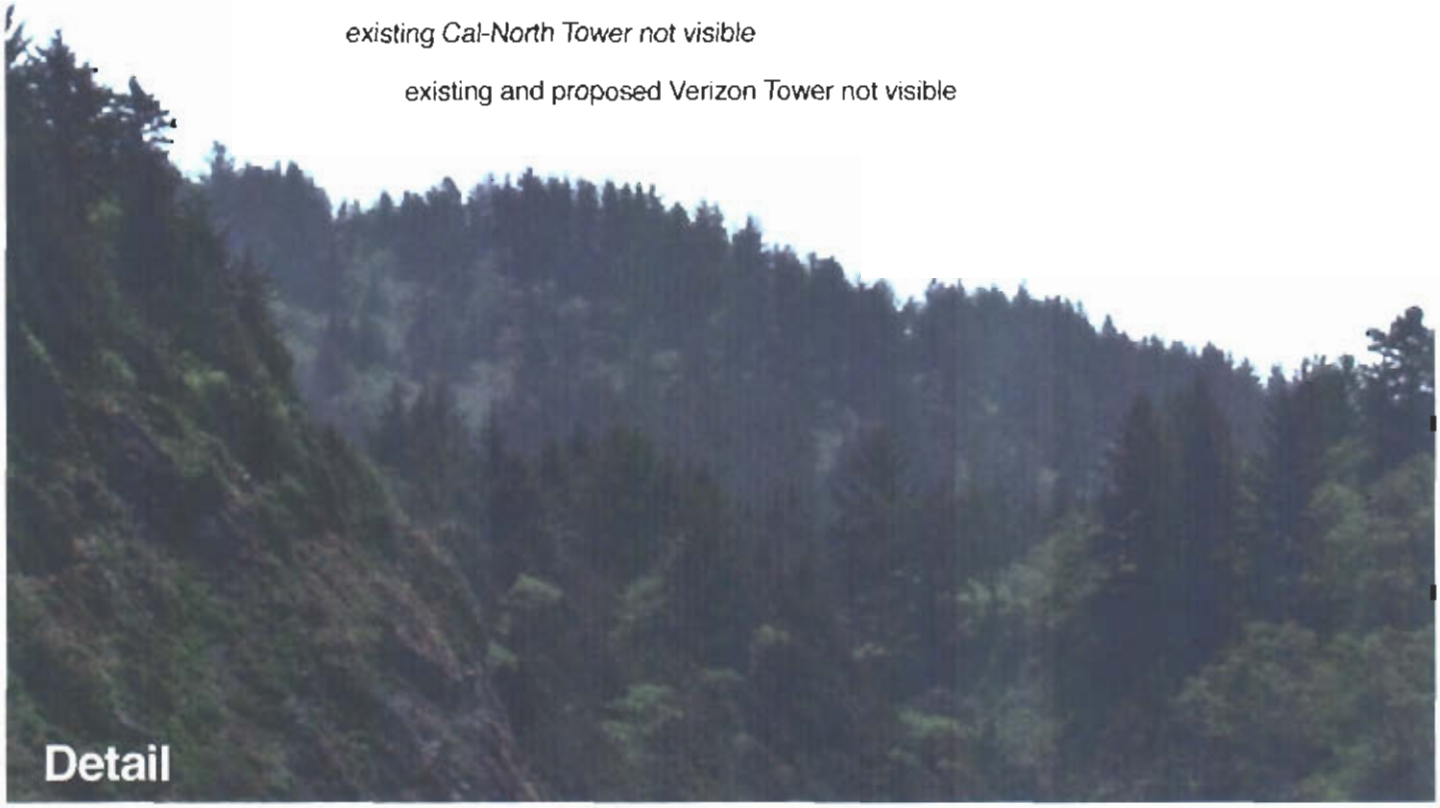
Looking North from Klamath Overlook

(1)

5/19/08

existing Cal-North Tower not visible

existing and proposed Verizon Tower not visible



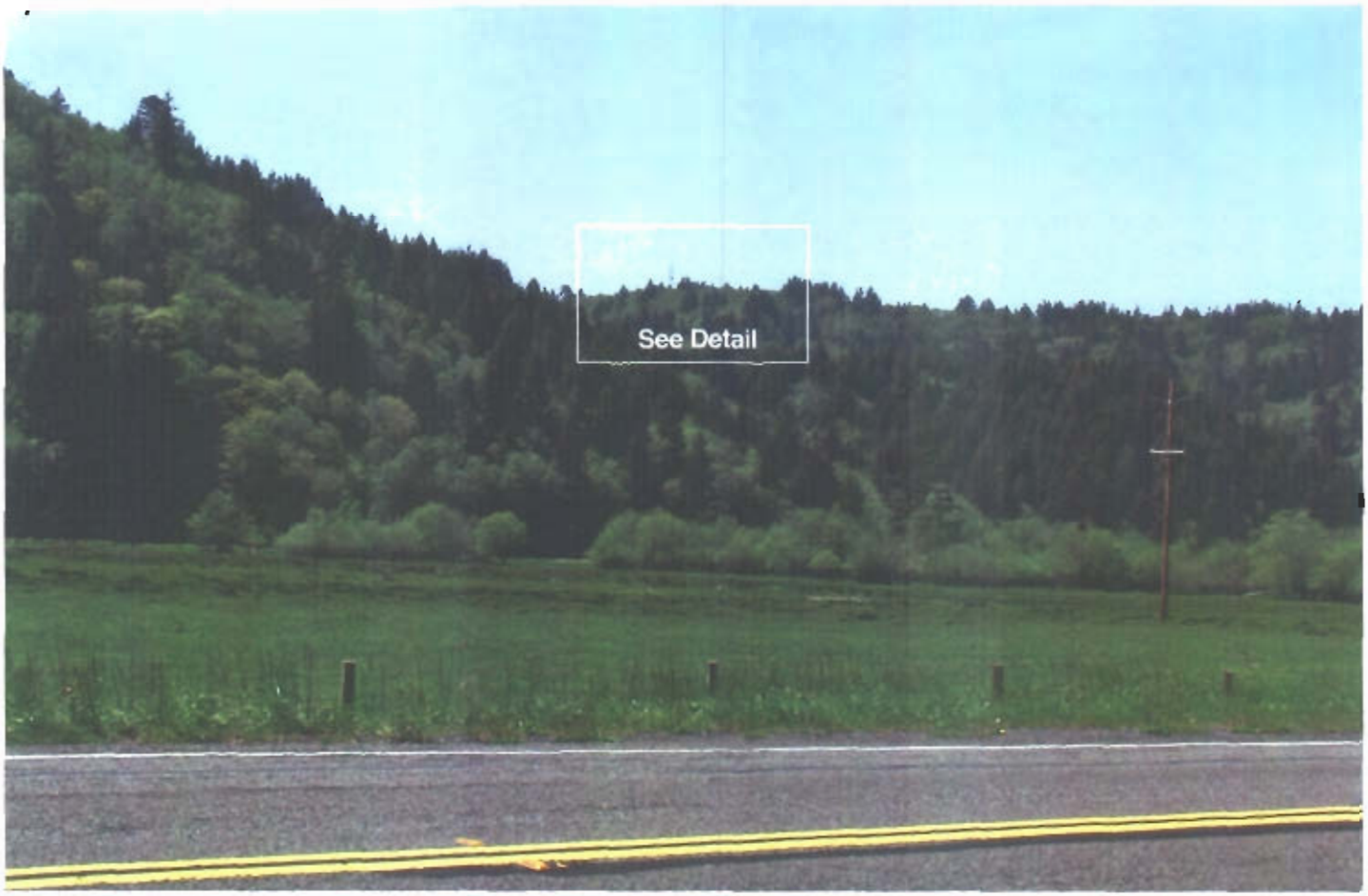
verizon West Coast Inc.

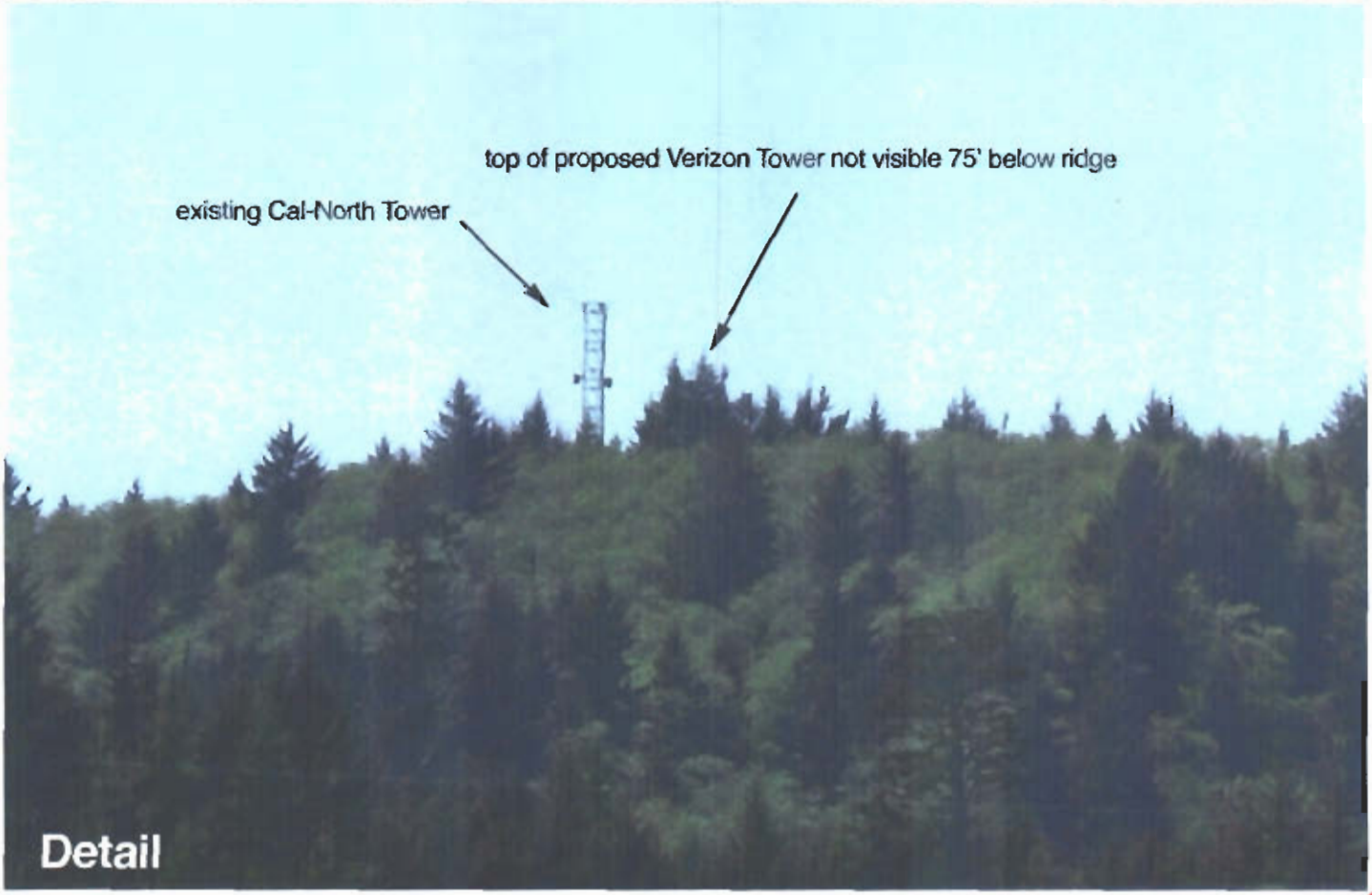
Klamath Z-33 at Requa Maintenance Facility
Requa Road and J.P. Murphy Memorial Drive
Klamath, CA

Looking South from Hwy 1 at Wilson Creek

2

5/19/08





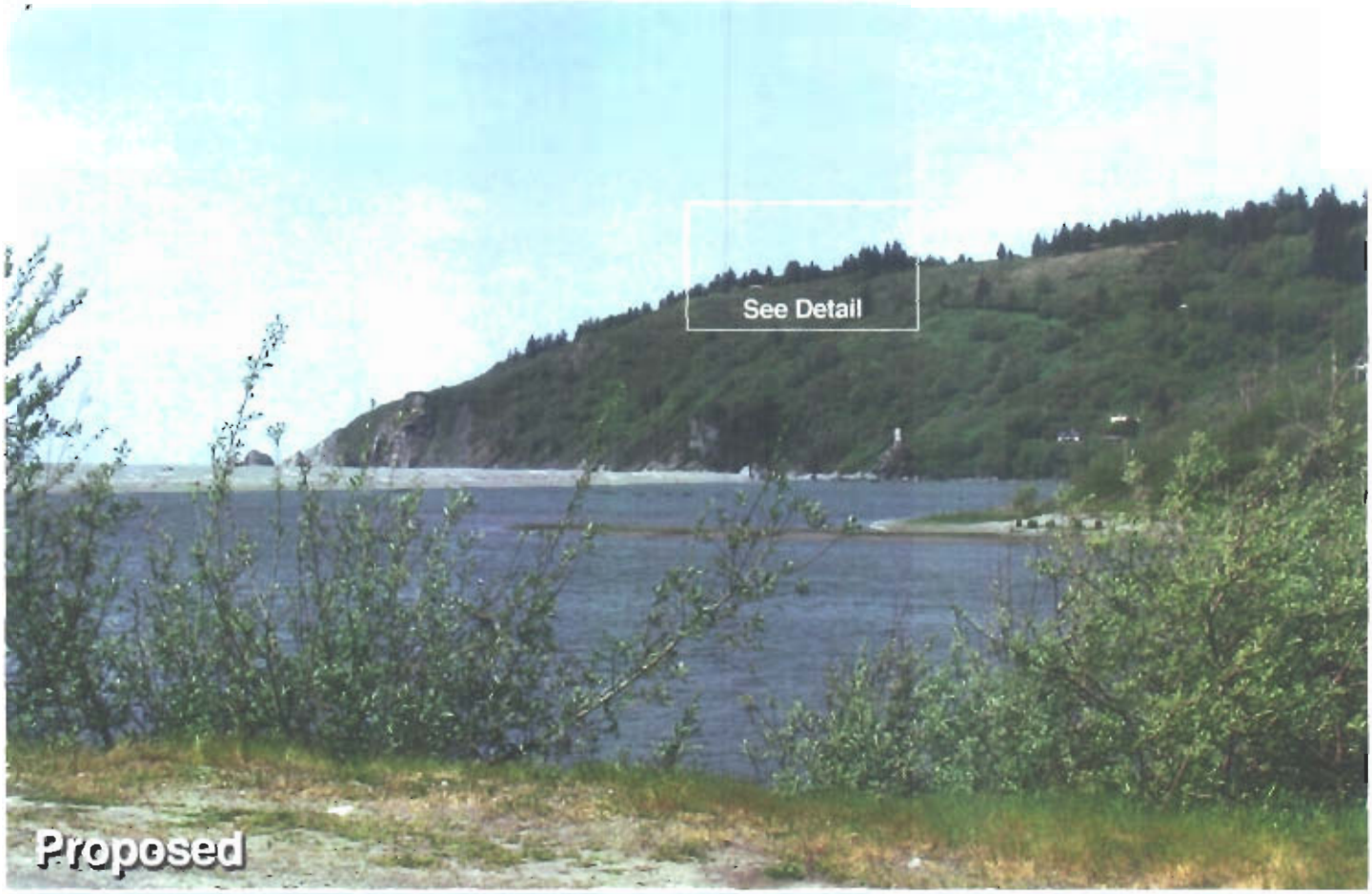
verizon West Coast Inc.

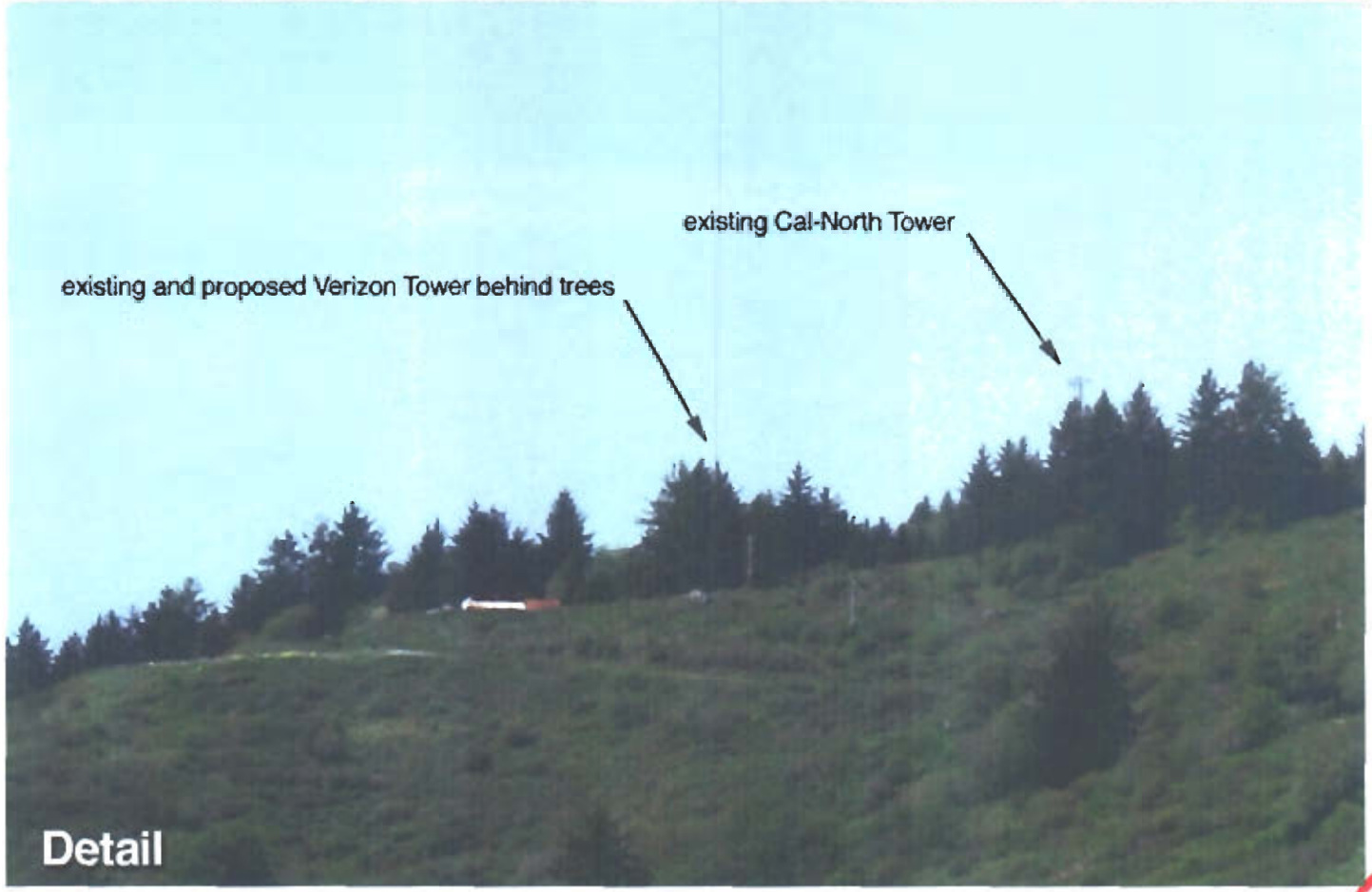
Klamath Z-33 at Requa Maintenance Facility
Requa Road and J.P. Murphy Memorial Drive
Klamath, CA

Looking East from Hwy 1 at Hunter Creek

3

5/19/08





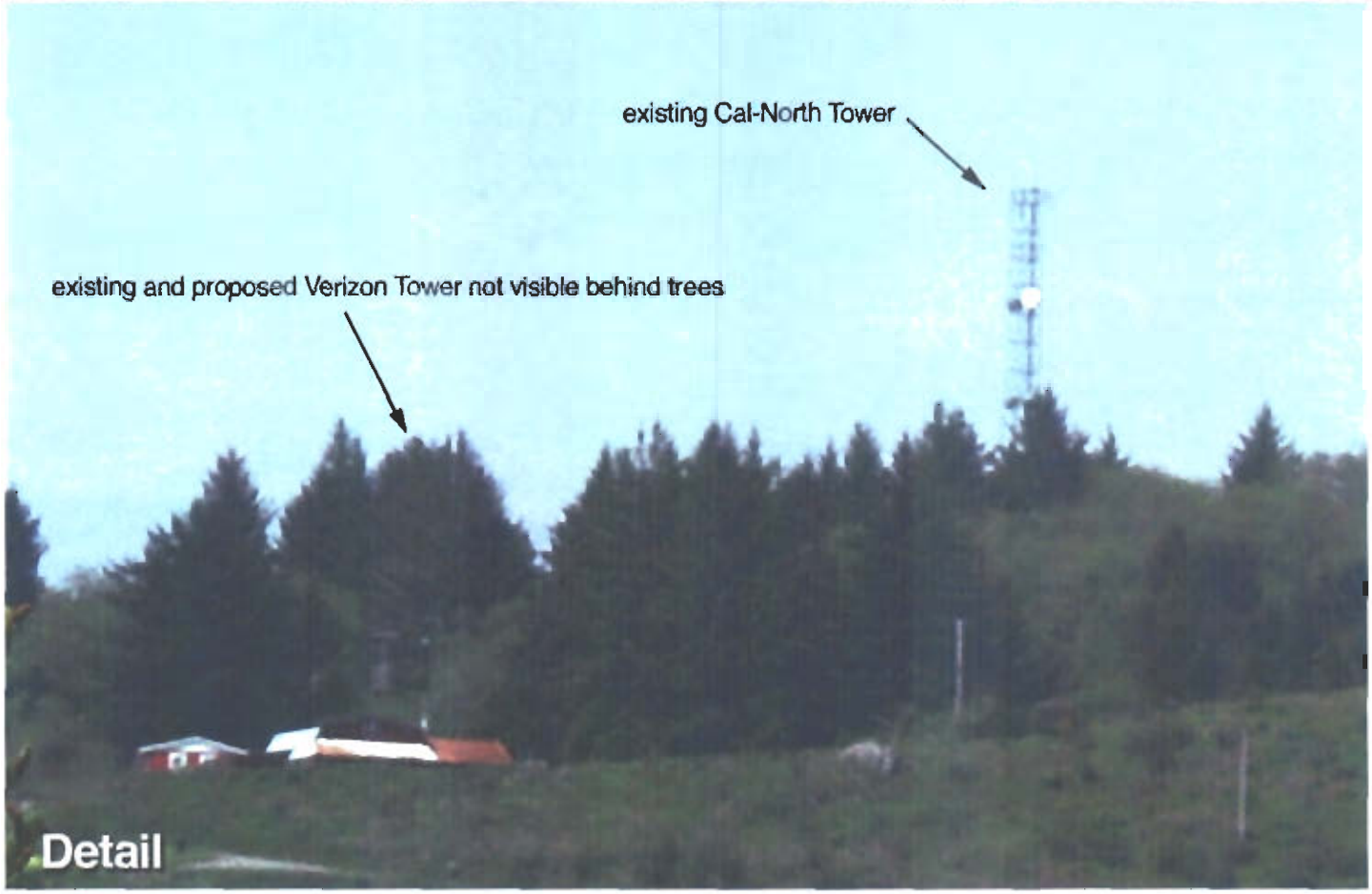
verizon West Coast Inc.

Klamath Z-33 at Requa Maintenance Facility
Requa Road and J.P. Murphy Memorial Drive
Klamath, CA

Looking North from Klamath River Road

4

5/19/08



verizon West Coast Inc.

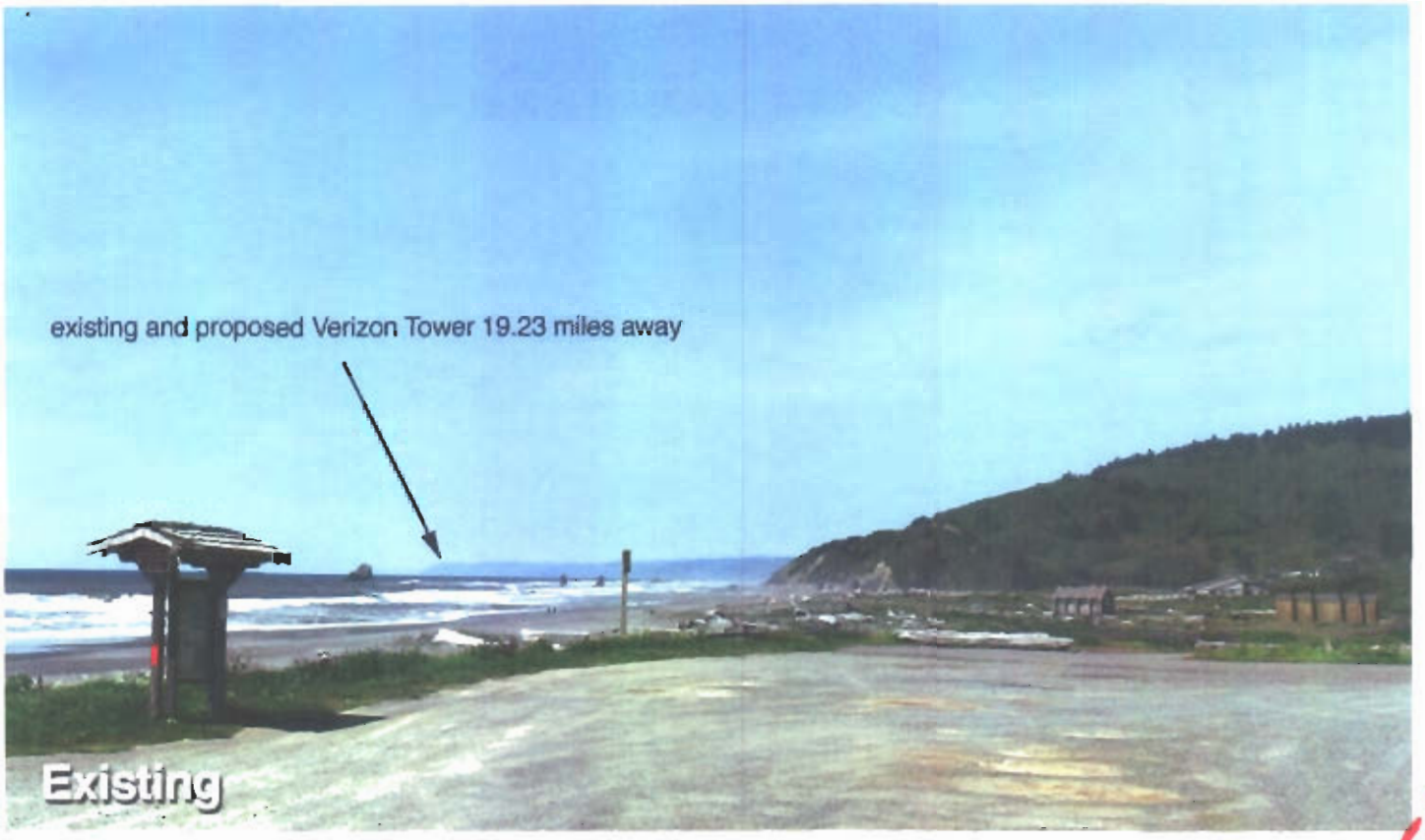
Klamath Z-33 at Requa Maintenance Facility
Requa Road and J.P. Murphy Memorial Drive
Klamath, CA

Looking North from Coastal Drive

5/19/08

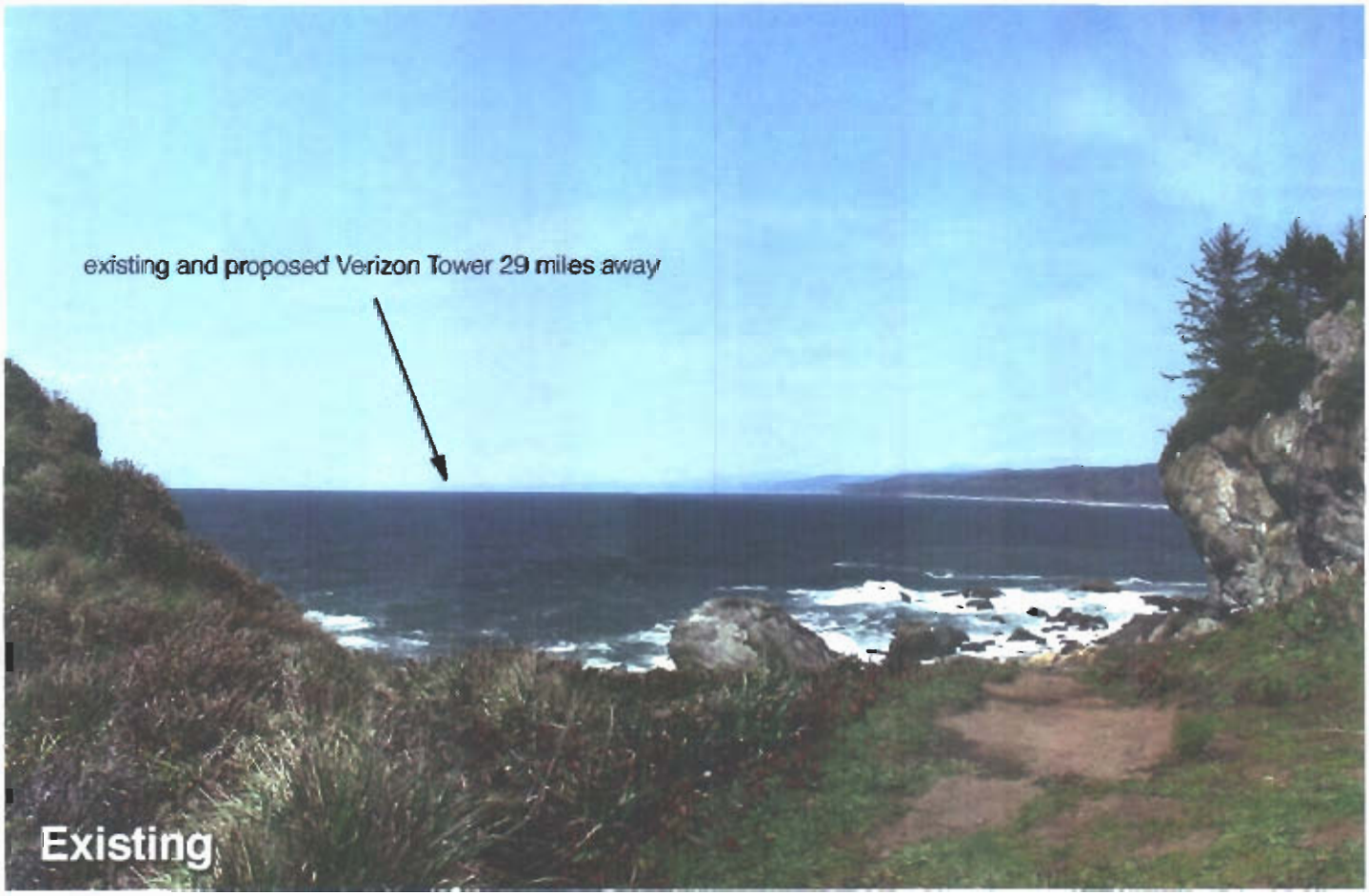
Applied Imagination 510 914-0500

5



verizon West Coast Inc. Klamath Z-33 at Requa Maintenance Facility Looking North from Freshwater Spit

6



verizon West Coast Inc. Klamath Z-33 at Requa Maintenance Facility Looking North from Patricks Point

Requa Road and J.P. Murphy Memorial Drive

Klamath, CA

7

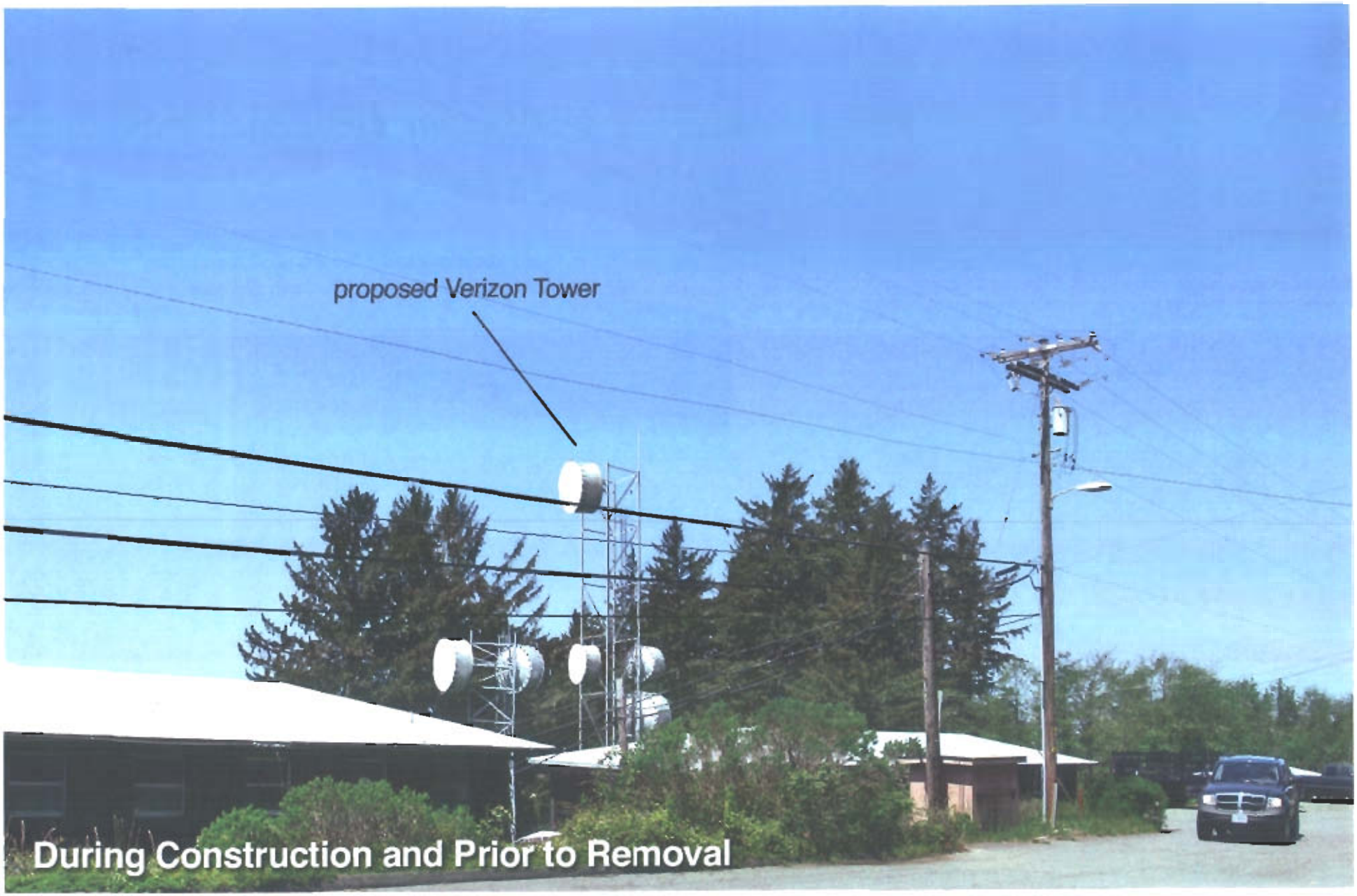
verizon West Coast Inc.

Klamath Z-33 at Requa Maintenance Facility

Requa Road and J.P. Murphy Memorial Drive
Klamath, CA

Looking North

5/19/08



verizon West Coast Inc.

Klamath Z-33 at Requa Maintenance Facility

Requa Road and J.P. Murphy Memorial Drive

Klamath, CA

Looking North

7/29/08

verizon West Coast Inc.

Klamath Z-33 at Requa Maintenance Facility

Requa Road and J.P. Murphy Memorial Drive

Klamath, CA

Looking North

5/19/08

verizon West Coast Inc.

7/29/08

Klamath Z-33 at Requa Maintenance Facility
Requa Road and J.P. Murphy Memorial Drive
Klamath, CA

Looking North

GALEA WILDLIFE CONSULTING

200 Raccoon Court . Crescent City . California 95531
Tel: 707-464-3777
E-mail: frankgalea@charter.net . Web: www.galeawildlife.com

ASSESSMENT OF POTENTIAL IMPACTS TO AVIAN SPECIES FROM ADDITION TO EXISTING VERIZON TELECOMMUNICATIONS TOWER, REQUA, CALIFORNIA. MAY, 2008.

FOR CALIFORNIA COASTAL COMMISSION APPLICATION NO. 1-08-008

Prepared for: Verizon West Coast Inc.
1800 41st Street
Everett, WA 98201

Submitted to: Blu Croix Ltd.
3961 Blackbird Way
Calabasas, CA 91302

Prepared by: Frank Galea, Certified Wildlife Biologist
E-mail: frankgalea@charter.net

Galea Wildlife Consulting
200 Raccoon Court
Crescent City, CA 95531

Submitted: June, 2008

By:

EXHIBIT NO. 7
APPLICATION NO.
1-08-008
VERIZON WEST COAST, INC.
BIRD STRIKE ASSESSMENT
(1 of 12)

TABLE OF CONTENTS

INTRODUCTION

Verizon West Coast, Inc. (Verizon) seeks to raise the current height of it's telecommunication tower at Requa, California, from 50 to 80 feet. The tower is located within a historic Air Force base facility, now located within Redwood National and State Parks (RN&SP), at the west end of Requa Road, just north of the Klamath River (Figure 1). This base has been the site of a telecommunications lease to Verizon (formerly GTE West Coast, Inc.) since 1959. Other communication leases exist at the base facility, including a 150 foot tower belonging to Cal-North Cellular. Among other permits required for this Verizon project, a Coastal Development Permit is required from the California Coastal Commission (CCC).

As the site is located within lands managed by the National Park Service, the staff at RN&SP prepared a "categorical exclusion"(see Exhibit "A") for this project after careful analysis by Park staff, including resource and wildlife ecologists. Such an determination excludes the need for further NEPA (National Environmental Protection Act) analysis. Based on many factors, Parks staff made the determination that increasing the height of the current tower an additional thirty feet would have no impacts upon local or migratory bird species.

Galea Wildlife Consulting (GWC), Incorporated, a biological consulting company located in Crescent City, California, was contracted to further develop the analysis on the potential for impacts to avian species in order to address CCC concerns. GWC has conducted surveys and habitat analysis for threatened, endangered and sensitive species in Del Norte County since 1989.

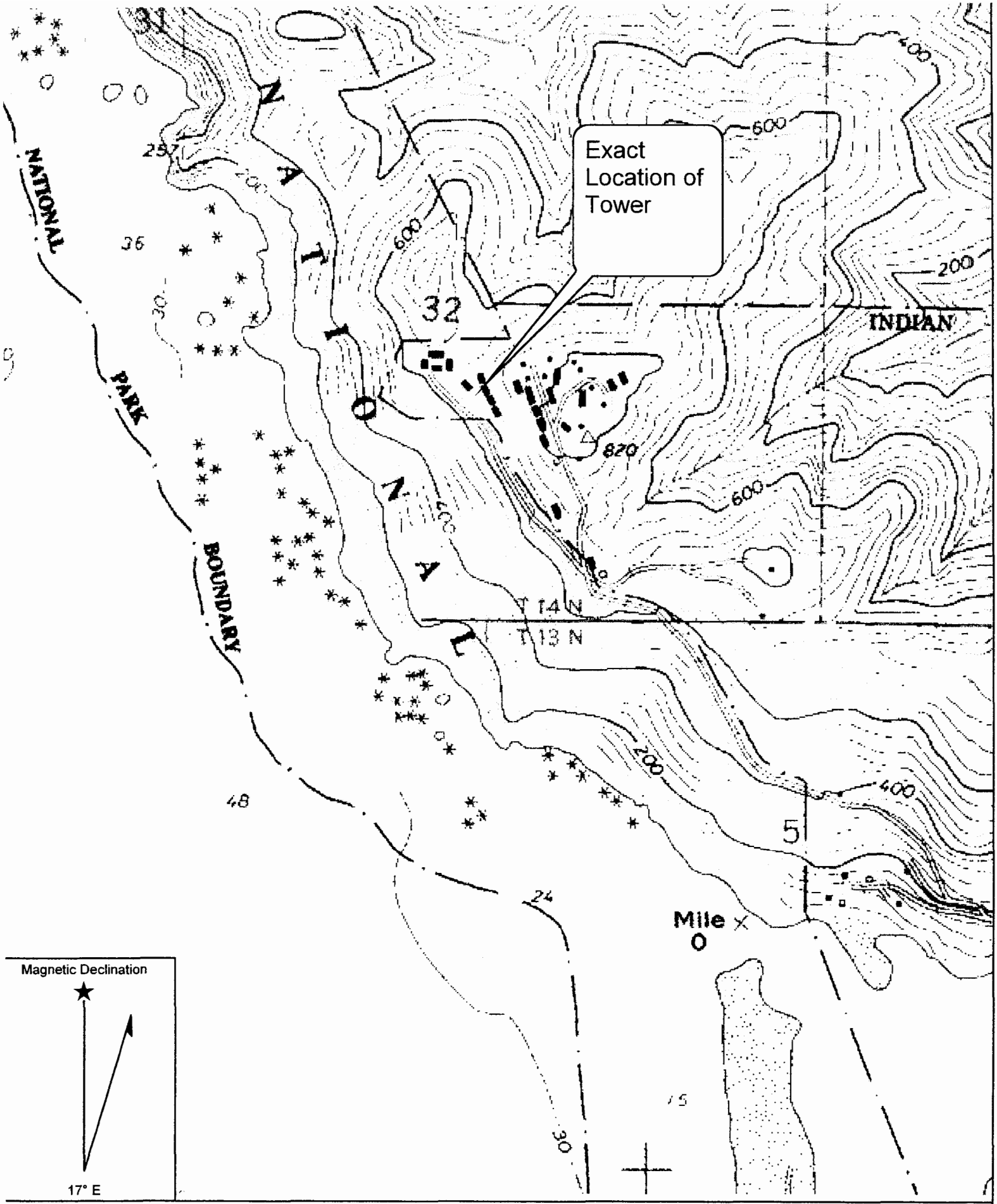
METHODS

Principal GWC wildlife biologist Frank Galea reviewed all materials made available on this project and CCC concerns regarding potential impacts. A review of the California Department of Fish and Game Natural Diversity Database (CNDDB) was conducted to search for records of observations of sensitive wildlife species in the Requa area.
Galea made a field inspection of the site on April 28th, 2008. The distance from the tower to surrounding trees and buildings as measured with a 200 foot tape or, for longer distances, with a laser rangefinder accurate to three feet. Heights of trees and buildings surrounding the tower were estimated based on the current height of the tower and surrounding buildings.

RESULTS OF BIRD SPECIES AND HABITAT IN THE AREA

The CNDDB showed only the double-crested cormorant as occurring in the area (Figure 2). However, GWC records include observations of sensitive avian species in the general area, such as the marbled murrelet (MAMU), the bald eagle, the brown pelican, the osprey and the northern spotted owl. Based on CNDDB results and GWC records, the following sensitive bird species were considered as potentially occurring within the general area around Requa.

3 of 12



Name: REQUA
Date: 5/5/2008
Scale: 1 inch equals 1000 feet

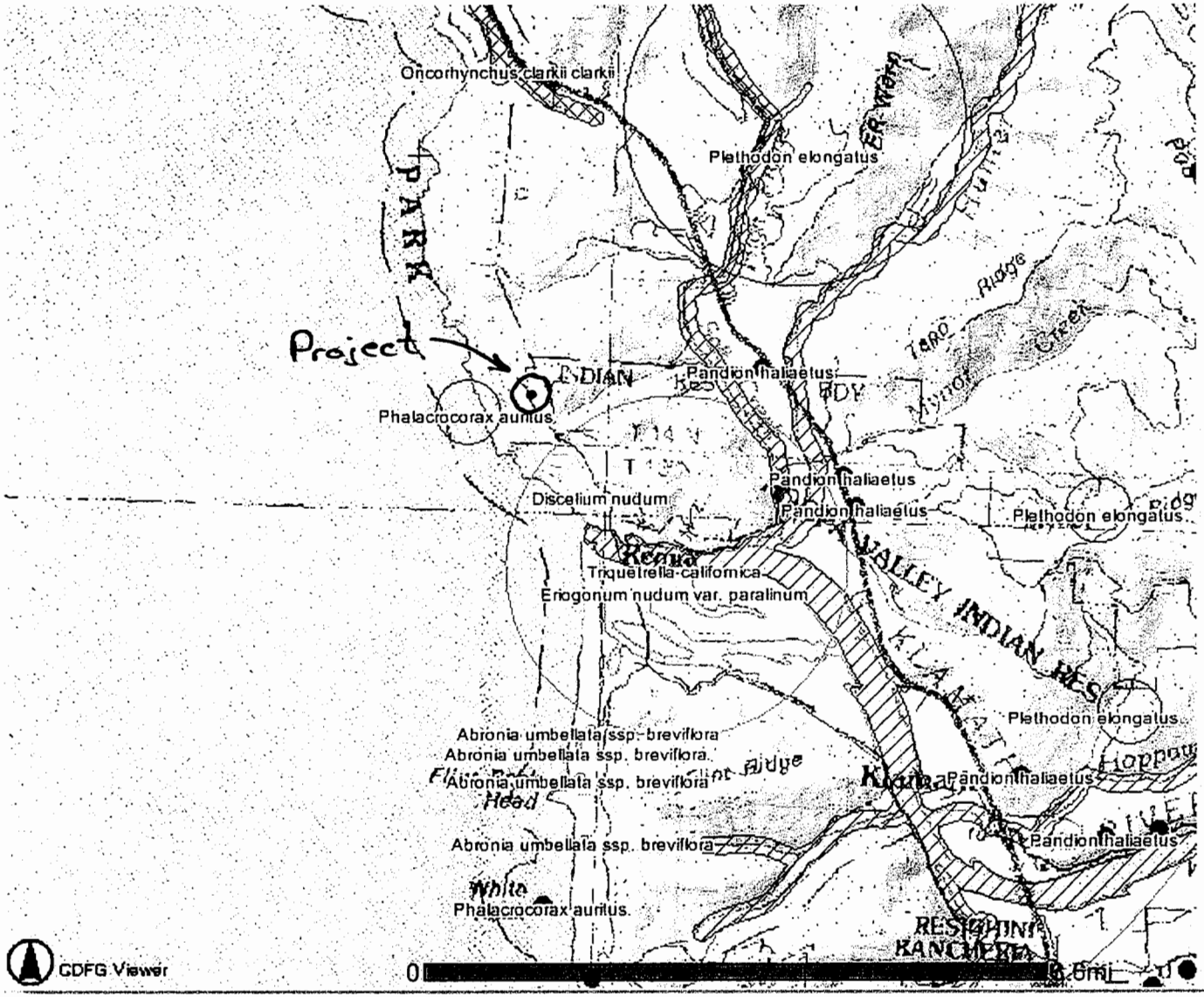
4912

Location: 10 0409263 E 4600679 N NAD 27
Caption: Figure 1. Location of tower site at Requa relative to Klamath River and Pacific Ocean.

Results of CNDDB Database Search, Verizon Project, Requa

Info: Site available at http://lmaps.dfg.ca.gov

Author: Galea Wildlife consulting
Date: 5/5/2008 12:11 PM



Map Legend

California Natural Diversity Database (com) [ds85]

- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terr. Comm. (80m)
- Terr. Comm. (specific)
- Terr. Comm. (non-specific)
- Terr. Comm. (circular)
- Aqu. Comm. (80m)
- Aqu. Comm. (specific)
- Aqu. Comm. (non-specific)
- Aqu. Comm. (circular)
- Western States
- Mexico

5 of 12

Marbled Murrelet (*Brachyramphus marmoratus*)

The Marbled Murrelet (MAMU) occurs along the Pacific coast from Alaska south to Santa Cruz, California. This species is state-listed as endangered in California and federally-listed as threatened in Washington, Oregon, and California.

Unlike most members of the family Alcidae, MAMU prefer to nest in old-growth and mature coniferous forests throughout most of their range. Although no MAMU site was mapped in the CNDDB search, GWC is aware of several nest stands of old-growth redwood located east of Requa and in proximity to the Klamath River. The adults feed in the ocean and therefore fly daily from ocean forage areas to nesting areas inland. As Requa is located between potential feeding habitat and inland nesting habitat, this species may fly over the Requa site.

Northern Spotted Owl (*Strix occidentalis caurina*)

The northern spotted owl (NSO) is listed as federally threatened and a California species of concern. The spotted owl is not uncommon in northern California. NSO prefer large diameter trees or snags within well-shaded stands for nest sites, where they will use old nests built by other species, cavities or shaded, broken-topped trees. While NSO's close association with old growth has been documented extensively, it is also found nesting in mid- to late-seral forests when stands are highly variable in structure and composition.

NSO do not nest in stands directly exposed to the ocean due to the inclement weather and the impacts it has on their young. NSO prefer nesting in stands inland and protected from oceanic winds and storms. No spotted owl site was found in the CNDDB search, and it is unlikely there is an NSO territory within a mile of the facility.

Bald Eagle (*Haliaeetus leucocephalus*)

The bald eagle was listed as federally threatened until recently, when it was delisted. It remains a California endangered, fully protected species. The population has been expanding westward toward historic range and bald eagles have begun nesting near the coast in Del Norte county. Bald eagles prefer to nest close to large, fish-rich waters such as lakes and rivers. No bald eagle nest sites are known of near Requa, however they do nest farther east up the Klamath River near Klamath Glen. No eagle site was found in the CNDDB search, however eagles may soar over the facility as they forage over the Klamath River estuary.

Osprey (*Pandion haliaetus*)

The osprey is a California species of concern. The osprey is common over most of it's range, which in northern California includes fish-bearing rivers, lakes, bays and other forage areas along the ocean.

Osprey specialize on foraging on fish species and can utilize fresh or saltwater habitats for foraging. The osprey prefers large diameter snags within conifer stands for nest sites, where they will build their own nests. Several osprey nest sites are known of east of Requa near the Highway 101 corridor, as noted in the CNDDB search, therefore they may soar over the facility while hunting the Klamath River estuary.

6 of 12

Western snowy plover (*Charadrius alexandrinus nivosus*)

The snowy plover is listed as federally threatened and a California species of concern. The snowy plover is a rare bird along the California and Oregon coasts, nesting on barren sand beaches. Although found along Del Norte county beaches in winter, there has been a lack of nest sites on Del Norte county beaches since the 1980's. Although potentially suitable habitat exists along the spit at the mouth of the Klamath River, no nest sites are known of near the mouth of the Klamath River though surveys have been conducted. No snowy plover site was found in the CNDDB search, and it is unlikely this species occurs near the facility.

Little willow flycatcher (*Empidonax traillii brewsteri*)

The little willow flycatcher is listed as California State Threatened and the U.S. Fish and Wildlife Service has designated the willow flycatcher a sensitive species in California. In California, breeding habitat is typically moist meadows with perennial streams from 600 to 2,440 m (2,000-8,000 feet) in elevation. Nesting occurs in lowland riparian woodlands dominated by willows primarily in tree form, and cottonwoods or smaller spring-fed or boggy areas with willow or alders.

This species has been detected singing during the breeding season along the Klamath River east of Highway 101, however no nest sites have been found in proximity to Requa. No willow flycatcher site was found in the CNDDB search. GWC detected no willow flycatchers during intensive surveys in good habitat for this species located just east of the Requa site along the Highway 101 corridor, and it is unlikely this species is located anywhere near the facility.

Peregrine falcon (*Falco peregrinus*)

The peregrine falcon was once federally listed as endangered, but was delisted in 1999. This species remains listed as endangered in California and is fully protected.

Peregrine falcons are known to nest in the vicinity of the Klamath River, however exact nest locations are kept confidential to protect the nest sites from disturbance and theft of young. No peregrine site was found in the CNDDB search. Peregrines prefer very steep rock cliffs for nesting, but have been known to nest in the tops of high, old-growth redwoods. No steep, rocky cliffs or old-growth redwood trees are located in proximity to the Requa tower site, however suitable nesting habitat for this species likely exists within a few miles.

Aleutian Canada Goose (*Branta canadensis leucopareia*)

The Aleutian (cackling) Canada goose was delisted from the federal status of threatened in 2001. It has no special status at the State level. Almost the entire population of this species (over 100,000 birds) migrates to Del Norte county every spring from the Sacramento Valley, in preparation of a long, sustained flight to nesting grounds in the Aleutian Islands chain. Although there is no breeding and limited foraging habitat for this species near Requa, it was included due to the great numbers of this species which migrates past the site each year.

Brown pelican (*Pelecanus occidentalis*)

The brown pelican is currently federally-listed as threatened, however the U.S. Fish and Wildlife Service published a proposal to delist this species in February of 2008. It is a fully protected species in California, where it is also listed as endangered, although the State is currently considering delisting the species from this status as well.

The brown pelican is a large, slow moving bird which rarely flies over land, and rarely flies at higher elevations, even during migration. Due to it's affinity for flying over water, there is very little potential for this species to encounter the proposed tower at the facility.

Double-crested cormorant (*Phalacrocorax auritus*)

The double-crested cormorant normally would not be a part of this assessment, as they are a primarily a marine species and their population is healthy, however the CNDDB search mapped a nesting site off-shore to the north of the Requa site. They are listed in California as a species of concern. This species nests on small offshore islands.

POTENTIAL IMPACTS ON LOCAL AND MIGRATORY BIRDS

The Verizon tower site is located at a historic Air Force facility on a high site adjacent to the Pacific Ocean. Due to salt exposure, redwoods do not do well this close to the ocean, therefore the wooded stands around the facility are almost exclusively Sitka spruce. Around the facility there is no nesting or foraging habitat for local sensitive bird species, such as the northern spotted owl or the willow flycatcher, thus we can assume they would not utilize the area.

Marine species such as the snowy plover and double-crested cormorant also utilize habitats not found in proximity to the facility. While these species may fly over or past the area, they would not be drawn to the facility due to specific habitat needs, and therefore can be assessed for impacts with other, common species.

The bald eagle and osprey likely fly over the facility during daylight hunting forays as they soar over the mouth of the Klamath River, a prime hunting area, and would therefore become aware of the tall structures (such as the 150 foot cellular tower). These birds soar slowly at high elevation, and the probability of their encountering such a low tower is very low.

The peregrine falcon, on the other hand, is a fast, pursuit flyer. Their primary prey is shorebirds, which they prefer to hunt over open ground such as beaches and river bars. As the peregrine hits and kills their prey in flight without capture, then follows the kill to the ground, they need open, non-vegetated areas to hunt over to find their prey on the ground. The facility is surrounded by trees and brushy ground vegetation, which peregrines would avoid as hunting areas. Therefore the probability of a peregrine encountering the tower is also very low.

8912

The Aleutian Canada goose migrates along the coast in spring and fall. As with most waterfowl, these birds migrate at very high elevations in thinner air to facilitate long migrations. Most migratory flocks would fly far too high to encounter the tower. Even flocks flying at lower elevations, which occurs during short trips, fly at elevations far higher than the tower. Again, the possibility of geese flying into the tower would be negligible.

The facility is located within the Pacific flyway, a major migratory route for neo-tropical birds, waterfowl, and shorebirds. However, almost all migratory species fly at high elevations, whereas the proposed tower height will be only 850 feet. The potential for migratory birds to encounter the proposed tower, given the conditions surrounding the tower (discussed in depth below) is extremely low.

Of all sensitive bird species in the area the MAMU has flight behaviors which needs further analysis relative to the tower. This species is a very fast, direct flyer, moving from inland nesting sites to feeding areas along the coastline. Typically, MAMU gain high elevation over the nest stand, forming groups while circling the stand and gaining elevation. They then, as a small group typically of twos' and threes', fly to the ocean at high elevation, usually two to three times tree height. Trees and other structures around the facility would prevent them from encountering the tower, as described below in the "Potential for Impacts" section.

POTENTIAL FOR BIRD COLLISIONS AT THE PROPOSED SITE WITH AN 80 FOOT TOWER.

Currently, the 50 foot tower stands at the rear (east) of the telecommunications building, located on the lower west slope of the historic Air Force facility (Figure 1). Midway up the tower there are two large, parabolic reflector antenna, which look like large, lateral drums, making the tower highly visible to birds.

The building and tower are located at 770 foot elevation and are approximately 1,580 feet east (map distance) of the ocean edge. To the east the facility is terraced into levels of progressively higher elevation. Immediately east of the tower is a two-story building with a base elevation approximately 8 feet higher than the tower base. Farther east, 69 feet east of the tower on a higher terrace is another large, two-story building, then at 165 feet another two story building with a base approximately 20 feet higher than the tower base. Behind those buildings is a line of spruce, and just beyond the spruce trees is the Cal-North tower, a 150 foot cellular tower, the base of which begins at 845 feet elevation. The Cal-North tower has been in place since 2001.

For birds flying toward the proposed tower from the east, such as the MAMU, they would have to climb to at least 845 feet in elevation to clear the topographic summit just east of the proposed tower. Also, due to the many tall utility poles and existing buildings on the hill that are even higher, this would force MAMU to fly at an elevation well above the 845 foot elevation. The new tower, with a height of 80 feet beginning at a base elevation of 770 feet, would reach to a maximum of 850 feet. Therefore, any birds approaching from the east would be flying higher than the height of the proposed tower, without taking into consideration the additional height of the existing 150 foot cellular tower, utility poles and buildings, all of which are located at the top of the 845 foot tall summit.

9 of 12

Immediately west of the tower is a large Sitka spruce which towers at least 10 feet over the current tower height of 50 feet. Approximately 210 feet northwest of the tower there is a stand of tall Sitka spruce, which are at least 30- 40 feet higher than the current tower, though their base is located at a lower elevation. This stand forms a line of trees from the northwest, eventually connecting to the closest tree to the west, noted above.

Birds flying due east from the ocean inland would therefore have to climb over a tall stand of spruce before they reached the tower location. The angle of approach would cause approaching birds to be flying well above the proposed new tower height of 850 feet, as they would have to maintain climb to be able to fly over the spruce trees. They would also have the higher, 150 foot tower in view, as well as high buildings and trees located east and much higher than the proposed tower. Birds approaching the site from the west would therefore have to approach from a height well above the proposed tower height of 850 feet in order to be able to clear local topography and structures.

To the immediate north of the tower site there are several two-story buildings, then at 180 feet there is a line of 70 foot tall alders and 100 foot tall spruce. More tall spruce are located approximately 560 feet beyond these. Then the ground rises to a hilltop which is 720 feet in elevation. This hilltop is 1,100 feet north of the Verizon tower, and is covered with trees giving it even greater height.

Birds approaching the Verizon tower site from the north or south could potentially be migrating waterfowl, MAMU flying along the coast to and from forage sites, or raptors soaring over the site. Regardless, birds approaching from the north would be at approximately 820 feet in elevation (assuming 100 foot high trees on the 720 foot hill) only 1,100 feet away, and would likely maintain that elevation while passing over the tower site as there is a continuous series of tall trees just north of the tower. Birds approaching the site from the north would therefore have to approach from a height at or above the proposed tower height of 850 feet in order to be able to clear local topography and structures.

The mouth of the Klamath River is to the south of the site. When looking toward the Klamath from the site, the ground level slopes downward into a swale. At the far end of the swale, on a ridge 537 feet away from the tower is a line of tall (over 100 foot) spruce trees, growing from a lower elevation than the tower.

Most migratory birds would likely remain over the ocean, where no increase in elevation would be necessary to continue in a northerly flight. Birds such as MAMU, flying from feeding habitat in the ocean to nest sites inland, would likely fly up the Klamath estuary rather than fly northeast toward Requa, where there are no redwood stands.

Birds approaching the site from the south directly toward the facility would have to rapidly climb in elevation from sea level to be able to clear the line of spruce trees located only 537 feet from the tower site. They would also have to maintain a rate of climb to be able to clear the higher topography, buildings and trees located immediately north of the tower site. Therefore, birds approaching from the south would first have to gain elevation to clear a line of spruce trees, then maintain rate of climb over the proposed tower height of 850 feet in order to be able to clear even higher obstructions around the tower site.

CONCLUSION

In summary, the Verizon tower site is surrounded by higher topography to the north and east, with high buildings and trees, tall trees to the immediate west, and a line of tall spruce trees to the south, all of which create barriers forcing birds to maintain an elevation higher than the proposed new height of 80 feet. This is the same conclusion which RN&SP staff came to after their more intensive analysis of the site (Exhibit "B").

ALTERNATIVES TO PREFERRED PROJECT: IMPACTS TO BIRD SPECIES

There are two possible alternatives to the proposed tower height increase. The first is the "no project" alternative and the second alternative would be for Verizon to use the existing Cal-North tower.

"No-project" alternative.

As the analysis above demonstrates, there is a very low probability for a proposed tower height of 80 feet to increase the number of bird strikes, and there is almost no probability that the number of potential bird strikes at the tower site would be significant. If there is a "no project" decision, there would be no significant difference in the number of bird strikes between the tower remaining at 50 feet versus 80 feet, if any difference.

Cal-North tower alternative.

The other alternative is for Verizon to utilize the existing, 150 foot Cal-North tower, located east of the existing Verizon tower. As the Cal-North tower already exists, there would be no increase in bird strikes at this tower should Verizon use it as well. However, our analysis indicates that for a proposed Verizon tower height increase of 80 feet, there is a very low probability of bird strikes, and almost no probability that the number of potential bird strikes at the Verizon tower site would be significant. Therefore, would be no significant difference, if any, in the number of bird strikes between Verizon using the Cal-North tower versus the preferred alternative.

This analysis demonstrates that numbers of bird strikes at the facility, should they occur, would not be significantly different, if at all, dependant upon the alternative chosen.

POTENTIAL FOR INCREASED ELEVATION AT TOWER SITE TO CONTRIBUTE TO BIRD MORTALITY.

The new height addition of 30 feet includes two additional, parabolic reflector antenna which makes the tower even more visible to birds. These reflector antenna project eight feet laterally from the tower. The new tower would have four such structures on the 80 foot tower, making it very visible to birds even from a distance.

11 of 12

The staff of RN&SP have never recorded bird strikes at the tower location with it's current height of 50 feet. The tower has been in place for at least 20 years, and RN&SP has managed this property since 1983. As the flight analysis above demonstrates, the potential for bird strikes with a new tower height of 80 feet is extremely low as the tower is surrounded by high trees, buildings and topography. There is therefore a very low probability for a proposed tower height of 80 feet to increase the number of bird strikes, and there is almost no probability that the number of potential bird strikes at the tower site would be significant.

MITIGATION MEASURES

With the proposed 80 foot tall tower, no mitigation measures are necessary for eliminating bird mortality. Since most of the surrounding topography, trees, buildings and Cal-North tower are at higher elevations, the birds in the area would most likely remain at a flight elevation of 100 to 150 feet higher than the proposed Verizon tower. Consequently, the probability is low for any birds to fly at the lower elevation and strike the proposed 80 foot tall Verizon tower. And as stated by the NPS biologist in his Memo, (Exhibit B) " the park has never recorded a bird strike at the existing tower".

POTENTIAL FUTURE MITIGATION MEASURES

If aircraft warning lights or support guy wires are to be used at the new tower location, the following mitigation measures are recommended to reduce the potential for bird strikes at the proposed tower.

1. Aircraft avoidance lighting: Studies indicate that if a steady red color is used on a tower for aircraft avoidance, it can create a "glow" during some weather events which actually attracts birds. It is not known if other colors, used steadily, illicit the same response. The recommendation is for aircraft indicator lights, regardless of color, to be flashing.

2. Bird flight diverters: If guy wire supports are used for the new tower, commercially available (and inexpensive) bird flight diverters should be hung on the guy wires. These diverters use motion and light-reflective materials to "flash".

12912

United States Department of the Interior
California Department of Parks and Recreation

Redwood National and State Parks
1111 Second Street
Crescent City, California 95531

CALIFORNIA STATE PARKS

A46 (xL30) Verizon

January 4, 2006

Patrick Martin, Project Coordinator
Blu Croix Ltd.
3961 Blackbird Way
Calabasas, California 91302

Re: Verizon Klamath Z-33 site permit

Dear Mr. Martin:

As requested in your e-mail dated today, I am sending you a copy of the approved project clearance 2002-04, Convert Verizon Requa Tower Special Use Permit to Right-of-Way, which documents the categorical exclusion for the permit for the Verizon telecommunications facility at the Redwood National Park Requa maintenance area.

Conversion of an existing special use permit to a right-of-way is categorically excluded from additional compliance with the National Environmental Policy Act under National Park Service guidelines found in 516 Departmental Manual 12.5 A(5). The signed categorical exclusion also describes our determination that construction of a taller tower at the existing Verizon facility will not adversely affect sensitive plants or animals, significant cultural resources, visual quality or scenic resources.

If you have any questions or need additional information regarding compliance associated with this permit, please feel free to contact me via e-mail at aida_parkinson@nps.gov, by telephone at 707-464-6101 extension 5203, or via fax at 707-488-6485.

Sincerely,

Aida Parkinson
Environmental Specialist

Enclosure

EXHIBIT NO. 8
APPLICATION NO.
1-08-008
VERIZON WEST COAST, INC.
NATIONAL PARK SERVICE APPROVAL (1 of 6)

Project Title: Convert Verizon Requa Tower Special Use Permit to Right of Way Year 2002 No. 04

STATEMENT OF PROBLEM: What is the purpose of the work or action? Why is it necessary? Why will it benefit resources or visitors? Reference pertinent planning document (GMP, strategic plan, annual performance plan, watershed restoration plan, Fire Management Plan, Interpretive Plan, etc.)

The NPS proposes to convert to a right-of-way permit an expired special use permit WRO-REDW-6000-431 for construction, operation and maintenance of the Verizon (formerly GTE West Coast Inc.) microwave telephone and radio communication facilities at Requa. NPS Director's Order 53 and accompanying reference manual dated April 2000 require that special use permits (SUP) for utilities in parks be converted to rights-of-way (ROW) upon expiration of the SUP.

Verizon held an Air Force lease #DA-04-167-Eng-3478 for their communication facilities at the Klamath Air Force Station beginning in 1959. The NPS issued a SUP to Verizon when the Air Force lands at Requa were transferred to the NPS on March 3, 1983. The NPS renewed the SUPs through November 1998. Rights-of-way permits for utilities on Federal lands are required under 16 USC §79 and must be issued in accordance with NPS regulations found in 36 CFR Title 14, Rights of Way.

Verizon's microwave telephone and radio communication facilities are needed to provide basic telephone service for residential, commercial and emergency uses in Del Norte and northern Humboldt Counties. RNSP is dependent on this communication facility for basic telephone service. A taller tower is needed to improve the transmission reliability and increase the telephone circuit capacity from Crescent City to surrounding communities. Moving the stick antenna to the new tower is needed to improve two-way radio communication. This site is the only location in the vicinity that provides sufficient coverage of the service area due to topography, vegetation, and access.

Conversion of special use permits to rights-of-way is categorically excluded from compliance with the National Environmental Policy Act as described in DO-12 Reference Manual 3-4 A (4): Conversion of existing permits to rights-of-way, when such conversions neither continue nor potentially initiate adverse environmental conditions provided that the impacts of the original actions were evaluated in an environmental document. The project is not an exception to the categorical exclusions as described under 516 DM 2, appendix 2. Environmental effects of acquiring lands subject to existing uses were analyzed initially in the 1979 draft and 1980 final environmental statements for the 1980 General Management Plan for Redwood National Park and subsequently in the 1999 environmental impact statement/report for the 2000 General Management Plan/General Plan for Redwood National and State Parks. The Keeper of the National Register of Historic Places determined on October 10, 1985 that the Klamath Air Force Station was not eligible for listing in the National Register. Transfer of the Requa site from the US Air Force to the NPS was noticed in the Federal Register, Vol. 46, No. 193, page 49216 on Tuesday, October 6, 1981.

Verizon also has a separate SUP WRO-REDW-6000-432 for transmission lines in various locations throughout the park. This permit also has expired and is in the process of being converted to a right-of-way permit. A separate project clearance will be submitted for conversion of this permit.

296

Project Title: Convert Verizon Requa Tower Special Use Permit to Right of Way Year 2002 No. 04

PROPOSED PROJECT: Describe what will be done, how long it will take, exact location, equipment, personnel, acreage of ground or vegetation disturbed, and/or construction standards. Will there be any follow-up or monitoring? Any public notification, including visitor centers? Attach maps and graphics.

Verizon's authorized agent Cushman and Wakefield submitted a complete SF299 application for utility systems and facilities on Federal lands, accompanied by the required fee, maps, and legal description, on November 12, 2001. The project site is west of Building 202 in the NPS Requa maintenance developed area. Verizon would be permitted to use and occupy its existing company-owned building, together with the existing access roads and parking area. The total area covered under the permit would be 3,944 square feet (0.091 acre). Verizon proposes to replace its existing 50-foot-tall tower with an 80-foot tower with four 8-foot parabolic reflector antennas mounted on the tower. One seven-foot stick radio antenna would be moved from the existing tower to the new tower. The existing 50-foot tower would be removed. The existing fence would remain in place.

Verizon has not submitted a construction schedule but it is anticipated that work would be completed within one month. The permit must be issued prior to construction and it is not possible to determine when the process would be completed. Similar permits have taken from one to three months after all required information is obtained and NPS reviews are completed.

This project would have no effects on air quality, noise levels, water resources, biological or physical aquatic resources, vegetation, or significant cultural resources. The project area has been developed and in continuous use by the Air Force or the NPS since at least 1959. The project area is covered with asphalt, concrete and other impervious non-native materials. Minor effects on wildlife from use of the site would continue but have been determined not significant because of other previous and on-going uses of the Requa maintenance area.

Increasing the height of the tower by thirty feet from fifty to eighty feet would increase the chances of listed or formerly listed threatened or endangered bird species flying into the tower. There are at least three existing communication towers in the general vicinity (Verizon & Cal North Cellular on NPS lands, and a third tower on private property to the southeast). The Cal North cell phone tower is 150 feet tall. There have been no reported injuries or fatalities to listed bird species in the vicinity of the towers on NPS lands. This project is not expected to have any other potential adverse effects on listed bird species.

The new tower would not be visible from any visitor use areas, and would not adversely affect visual quality or scenic resources. NPS, Yurok, and private developments, and the existing county and private roads at Requa currently intrude into the natural scene viewed from the Yurok Brush Dance site, a portion of the Coastal Drive, and the south bank of the Klamath River. The new tower would not significantly intrude into the viewshed or reduce the visual or scenic qualities within or outside of the park. The visual quality of the Requa maintenance area is low. The tower would not be visible from most areas, based on the visibility of the radar dome and the Cal-North Cellular tower. The radar dome is visible from as far away as Patricks Point State Park and Freshwater Spit, but the cell phone tower is visible only from the south bank of the Klamath and from Highway 101 near the Requa Road intersection.

RNSP Buildings and Utilities staff and communications specialist would monitor construction. The site would be monitored for compliance with permit conditions throughout the 10-year life of the permit.

No public notification by RNSP is anticipated because there would be no visual impacts from the taller tower and no other resource impacts. The applicant would be required to obtain a Coastal Development Permit which will be noticed to the public through the Coastal Commission project review process.

The use and occupancy fee for this site would be determined in comparison with similar facilities serving the same area. Administrative costs would be recovered along with other fees as allowed in 36 CFR Title 14. Verizon has its own electrical meter and pays the power bill directly.

The permit would be reviewed by NPS Lands Office personnel and, if required, the Solicitor's Office, and signed by

the Regional Director.

ALTERNATIVES: Discuss alternative actions and pros and cons, beginning with no action.

There are three alternatives for this project, 1) the proposed action (convert expired special use permit to a right-of-way permit for the current location); 2) no action; and 3) issue a permit for co-location of the Verizon antennas on the Cal North Cellular tower near the radar dome.

Under the no action alternative, no right-of-way permit would be issued and Verizon would be required to remove its facilities from park lands. This alternative would terminate or severely reduce the reliability of telephone service in portions of Del Norte and northern Humboldt Counties, which would reduce or eliminate communications needed for residential, commercial and emergency uses and services. Loss of telephone service in the service area would be a significant adverse effect on human life, health and safety, and on NPS operations. There would be no appreciable benefit to park resources from removing the Verizon facilities because the other uses of the Requa maintenance area would continue.

Under the co-location alternative, Verizon would be required to move its antennas to the Cal North Cellular tower near the radar dome. This alternative would save Verizon the cost of erecting a new tower, estimated to be $96,000. These cost savings would be lost because of the cost of installing a new generator and fuel tank, batteries and DC chargers, waveguide runs, overhead ironwork, and three microwave terminals at both Klamath and Crescent City. Verizon estimates the net cost of co-location at $588,500. The NPS would be required to provide space within Building 100 and appropriate heating, ventilation and air conditioning for the equipment. The current site is shielded from harmful radio interference due to the location below the crest of the hill. Co-location on the Cal North tower would require both Cal North and Verizon to devise methods of shielding each communication system from interference.

Allowing Verizon to continue to operate and maintain its communication facility at Requa without a valid permit violates 16 USC §79 and the NPS regulations found in 36 CFR 14, Rights of Way. This is not a valid alternative.

PERSONS CONTACTED OR CONSULTED: Will there be a site visit or show-me? Give date of site visit or show-me, if known. List names of any NPS or CDPR staff contacted or attending the show-me, and any other agency, Tribal, or public contacts, and dates.

No show-me is planned. The project site is available for inspection at any time.

GTE originally contacted the park in December 1999, and requested a consent to assignment of lease. Since that time, the following park staff and others have been contacted for assistance in issuing the permit. See the administrative record for this project in the Environmental Specialist's Lands files for a complete list of personnel involved and dates of contacts.

RNSP: Andy Ringgold, Rich Schneider, Tony Henkelman, Steve Carlson, Cathy Bonser.
Pacific West Region: Jay Wells (PGSO), Rick Wagner (CCSO)
Six Rivers NF: George Frey
Verizon and associates: Paula Valdez & Hope Hill (Irvine TX), Chuck Watson (Coos Bay OR), Garth Okness (Everett WA); Rich First, Cushman and Wakefield (Woodland Hills, CA); Ron White (surveyor, Kingman AZ); Gina Stiassney, Thomas Knight & Monique Fitzhugh (Fleischman and Walsh, LLP, Washington DC)

4 of 6

Redwood National Park Project Clearance

Project Title: Convert Verizon Requa Tower Special Use Permit to Right-of-Way

Year: 2002 No. 04

Work Location: Requa Building 4202, Access Roads, and Parking Area

Starting Date (Proposed): Verizon to schedule for 2002

Completion Date (Target): Verizon to schedule

Prepared By: Aida Parkinson 1/22/02
(Signature) (Date)

Submitted By: [signature] 1/22/02
(Division Chief) (Date)

To Superintendent for advance notification and distribution approval: Andrew T. Russell 1/22
(Superintendent) (Date)

Office	Route for Review	Concur	Comments Attached	Signature	Date
CDPR Superintendent	X				
Administration	X				
Interpretation	X				
Maintenance: Schneider	X				
Maintenance: Carlson	X				
Maintenance: Henkelman	X				
Protection	X				
Research & Resources Mgmt	X				
CDPR: Resource Ecologist	X				
Archaeologist	X				
Fish & Wildlife Ecologist	X				
Supervisory Botanist	X				
Supervisory Geologist	X				
Management Assistant	X				
Access Coordinator	X				
Safety Officer	X				

DECISION: On the basis of my knowledge of the project, attached analyses of potential environmental impacts and proposed mitigation, other relevant information in the statutory compliance file, and consultations or contacts with agencies or the public as necessary, I have determined that this project does not have the potential for measurable significant impacts on park resources and would not lead to impairment of park resources or values. Therefore, I am categorically excluding the project from further NEPA analysis.

APPROVED: Andrew T. Russell DATE: 2/8/02

596

SUPERINTENDENT'S COMMENTS:

Aida - per Rich's comment, please advise Cal North of the project in case they might perceive a

Memo

To: Patrick Martin, Blu Croix Ltd., for Verizon West Coast Inc.

From: Keith Bensen, Fish and Wildlife Biologist, Redwood National and State Parks

Date: 14 April 2008

re: Reasoning for "no effects" determination for sensitive wildlife (specifically birds) from the construction of an 80 foot tall telecommunications tower at Requa, California, within Redwood National Park.

The reason for the original determination of "no effects" for sensitive wildlife (specifically migratory birds) from the construction of an 80 foot tall telecommunications tower at Requa, California, within Redwood National Park, is very straight forward. The height of the new, taller tower will still be shorter than the surrounding existing buildings *and* surrounding trees. The tower will be located in the exact same location as an existing, slightly shorter tower. The new tower, due to its location down slope of existing buildings and trees, will not extend above the roofline or tops of the existing buildings and trees. Any birds flying through the project area would be flying well above the surrounding buildings and trees and thus would be well above the proposed tower. The park has never recorded a bird strike at the existing tower. In addition, migrating birds either ridge soar well above the Verizon Requa tower site or follow the slope updrafts well down slope (approximately 0.25 miles away) of the proposed tower location, or they migrate right above the swells of the ocean (approximately 0.5 miles away) – depending on the species (pers. obs.).

Finally, the California Coastal Commission response to your application states that a "biological assessment" is necessary for this project. That is incorrect. Biological assessments are only necessary if a planned action has the potential to affect a federally listed endangered or threatened species (for a project occurring on federal land). I have determined that there is no possibility for this project to affect a listed species and thus no biological assessment or other documentation to the USFWS is necessary (USFWS/NOAA Endangered Species Consultation Handbook 1998). Our park project process documents provide sufficient records of my and previous park biologists' determinations.

Keith Bensen
Fish and Wildlife Biologist