

pbscommissions - DPR Sonoma-Mendocino Coast District Comment Letter MND U2017-0036 AT&T Cell Tower

From: "Fuller, Terra@Parks" <Terra.Fuller@parks.ca.gov>
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Date: 4/25/2022 3:44 PM
Subject: DPR Sonoma-Mendocino Coast District Comment Letter MND U2017-0036
AT&T Cell Tower
Cc: Julia Krog <krogj@mendocinocounty.org>, "Bertels, Terry@Parks" <Terry.Be...
Attachments: SMCD_Memo_MND_ATT_CDP_U2017-0036_Final.pdf

Dear Mendocino County Planning Commissioners,

Please see the attached comment letter for Mitigated Negative Declaration and county staff report for Use Permit 2017-0036.

Thank you for your consideration regarding the proposed project.

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Mendocino County
APR 28 2022
Planning & Building Services

Memorandum

Date : April 22, 2022

To : Mendocino Planning Commission
Mendocino County Planning and Building Services
860 North Bush Street,
Ukiah, CA 95482

From : California Department of Parks and Recreation
Sonoma-Mendocino Coast District
12301 N. Hwy 1
Mendocino, CA 95460

TJS

Subject : Mitigated Negative Declaration Comments for AT&T Cell Tower Coastal Development Use Permit U2017-0036

Thank you for the opportunity to provide comments for the Mitigated Negative Declaration for Coastal Development Use Permit U2017-0036 of the AT&T wireless communications project. The project now includes the development of 76 ft. telecommunications tower, modeled as a water tower, modified with avian raptor deterrents located on an inholding owned by AT&T and is surrounded by Manchester State Park and Preserve (Figure 1).

California Department of Parks and Recreation (hereafter, DPR) is a state agency with the mission of providing for the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation. This includes the protection and preservation of environmentally sensitive habitats and opportunities for high quality recreation over 340 miles of coastline.

Manchester State Park Natural Preserve contains one of the largest contiguous dune systems along the Northern California Coast. Based on public input during the General planning process, DPR manages Manchester State Park- Preserve with goals and objectives which seek to "maintain the primitive and undeveloped character of parks lands and protect the parks' spirit of place", "to minimize the impact on park resources resulting from human activity both inside and outside the park", and "to participate with government and private interests in planning for compatible management and use of scenic, natural, cultural, and recreation resources."

The California Public Resources Code provides the most protective classification for natural preserves due to "distinct areas of outstanding natural or scientific significance established within the boundaries of other state park system units. The purpose of natural preserves shall be to preserve such features as rare or endangered plant and animal species and their supporting ecosystems, representative examples of plant or animal communities existing in California prior to the impact of civilization, geological

features illustrative of geological processes, significant fossil occurrences or geological features of cultural or economic interest, or topographic features illustrative of representative or unique biogeographical patterns.”

After careful review and consideration of the original project and subsequent modifications, DPR does not support locating the telecommunications facility adjacent to Manchester State Park. The 76’ tall facility would have a direct impact on the open, natural, coastal viewshed and as such, the proposed project is inconsistent with the coastal element of Mendocino County’s general plan. It also has the potential to impact ecological resources of Manchester State Park.

Please consider the following specific concerns regarding the proposed project.

Coastal Act – LCP Consistency Visual Resources

The project as described is inconsistent with multiple visual resource protection policies within Chapter 3 of the Mendocino County’s General Plan Coastal Element.

Specifically,

Policy 3.5-1 states that “*The scenic and visual qualities of Mendocino County 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 landforms, to be visually compatible with the characters of surrounding areas...*”. The proposed project would locate a 76’ tall built infrastructure between highway 1 and the ocean, impacting coastal and altering the natural viewshed from Manchester State Park.

Importantly, the policy also states that, “*New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the characters of its setting*”. The proposed project site lies within a designated highly scenic area (Coastal Act Section 30251, Mendocino County Coastal Element Policy 3.5-3 discussed below). Given the contrast of the height against the low profile of other landscape elements, and visually impactful nature of built infrastructure which having design elements including bird deterrent spikes, the structure would not be subordinate to the current natural viewshed from Manchester State Park. The easterly view from the beach in multiple directions contains only a few wind-swept, low-profile trees and currently the only noticeable infrastructure from the beach is the historic Point Arena Lighthouse 2.5 mile to the south. This unaltered skyline would be interrupted with the proposed water tower, which is visually portrayed in County staff report, pages 55-57. In addition, the proposed site is located directly adjacent (**200 ft.**) to day use parking, group camping and would be highly visible by the visiting public (Figure 1).

The County staff report finds the modification from the original tower to a faux water tower consistent with the Highly Scenic Area policies. DPR would agree a faux water tower is a more palatable design, but currently there are no water towers in the vicinity of Manchester State Park, nor within 700 ft from the coastal bluff edge and adjacent to a State Park and Marine Preserve. The historically developed town of Mendocino, adjacent to State Park which is not a State Preserve is the exception. For these reasons, DPR would argue the 76’ tall water tower is inconsistent with the County’s

Highly Scenic Area Policies and the “spirit of the place” of coastal bluffs and beach of Manchester State-Park and Preserve.

Policy 3.5-3 establishes the landscape, west of Highway 1, surrounding the proposed project as a “highly scenic area”. Specifically, it states that, “Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes...”. The proposed project is surrounded by Manchester State Park and is immediately adjacent to the group camp and day use area where visitation is high, thus, the water tower will be very visual, including views from roads, coastal trails, vista points, beaches, campgrounds, and waters used for recreational purposes. Therefore, the proposed project is inconsistent with the natural landscape and Policy 3.5-3.

Policy 3.5-4 states that “Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists”. The County Staff report does not consider Policy 3.5-4. Although, the water tower is not a building the proposed project should meet the intent of this Policy to protect scenic areas. The tower is significantly taller than one story, and sited on top of a coastal terrace, adjacent to large open areas of natural character. Therefore, DPR believes the proposed project is inconsistent with Policy 3.5-4. It is DPR’s understanding that alternative sites are available for this project.

The Mitigated Negative Declaration states “the project does have the potential to substantially degrade the visual character or quality of public view of the site and its surroundings if mitigation is not incorporated...Absent mitigations including height, color and design of the tower, impacts to the tower impacts to the existing visual quality of the areas would be potentially significant. Any development of a tower on this property will have an impact on the visual quality of the area, but as previously stated, water towers are not an unusual feature to see along the Mendocino Coast and with appropriate mitigations these impacts can be reduced to less than significant levels.”

Under esthetics, the MND further defines mitigations needed for the project to be less than significant for a height (a limitation of 76 feet with the previous water tower design 78 feet), no antennas, subdued colors, and minimal lighting. Given the scenic issues listed above and the outstanding natural or scientific significance Manchester State Park-Preserve contains, DPR feels the water tower design and mitigations at its current location will significantly impair the scenic quality for the visiting public and inconsistent with both the County’s coastal policy and Manchester State Parks General Plan.

Environmentally Sensitive Habitat Areas (ESHA) and Endangered Species Impacts

Manchester State Park and Preserve is habitat to many environmentally sensitive areas and federal and state endangered species. Sensitive natural communities include brackish marsh, coastal dunes, northern coastal saltwater marsh, and

freshwater seeps, all of which provide important habitat for mammals, shorebirds, rare plants, and waterfowl. Endangered species present include Behren's silverspot butterfly (*Speyeria zerene behrensii*), western snowy plover (*Charadrius nivosus nivosus*), Point Arena mountain beaver (*Aplodontia rufa nigra*) and California red-legged frog (*Rana draytonii*). In addition, a colony of bank swallow (*Riparia riparia*), a state threatened species, nests directly below the bluffs of the proposed site.

DPR has concerns that the proposed project and associated documentation does not fully address these ecological impacts.

Western Snowy Plover and Birds

The proposed project is located adjacent to Manchester beach, which is critical habitat for the federally threatened Western Snowy Plover during both the breeding and non-breeding season. DPR spends a considerable amount of staff time and funding to monitor and protect western snowy plovers at Manchester State Park-Preserve. In addition to western snowy plovers, there is a breeding state threatened bank swallow colony. The proposed project has the potential to impact birds by creating perching and nesting opportunities in close proximity to the beach for predators (Figure 1). Due to this issue, the applicant developed a Tower Avian Avoidance Plan. DPR recognizes that the project has incorporated elements to deter predators from using the tower, however, DPR has concerns regarding effectiveness. There have been several studies assessing the use of deterrents to discourage perching. This research has shown limited effectiveness in preventing perching (Lammers and Collopy 2007, Prather and Messmer 2010). The Avian Plan requires annual maintenance monitoring of the deterrents (BIO-1) but does not include any effectiveness monitoring. The plan includes the following *language* "If a large bird or raptor is observed on the tower, facility improvements is observed please contact the assigned AT&T the same day of the observation as soon as possible". DPR has the following questions and concerns regarding this statement and the lack of effectiveness monitoring:

- Who would be observing the tower? DPR staff, public, AT&T?
- At what frequency would the tower be monitored?
- Will these observations be documented in the report?
- What is the recourse if observations lead to repeated perching by raptors and the deterrents deemed ineffective?

Given the potential risk to rare and threatened species, insufficient effectiveness monitoring and conclusive outcomes if the deterrents are non-effective, DPR concludes BIO-1 is insufficient in reducing the project below the level of insignificant for western snowy plovers, bank swallows and other migratory shore birds utilizing Manchester Beach for breeding, resting or foraging habitat.

Based upon the issues outlined above, DPR concludes the proposed 76 ft. cell tower is inconsistent with the Coastal Act scenic policies and will significantly deter the visual quality of the natural landscape with the potential to effect federal and state endangered and threatened species. DPR recommends the County Planning Commission deny the permit at the proposed location and AT&T consider a more appropriate site.

For questions or comments regarding this Memorandum, please contact Senior Environmental Scientist, Terra Fuller at (707) 937-3689 or Terra.Fuller@parks.ca.gov

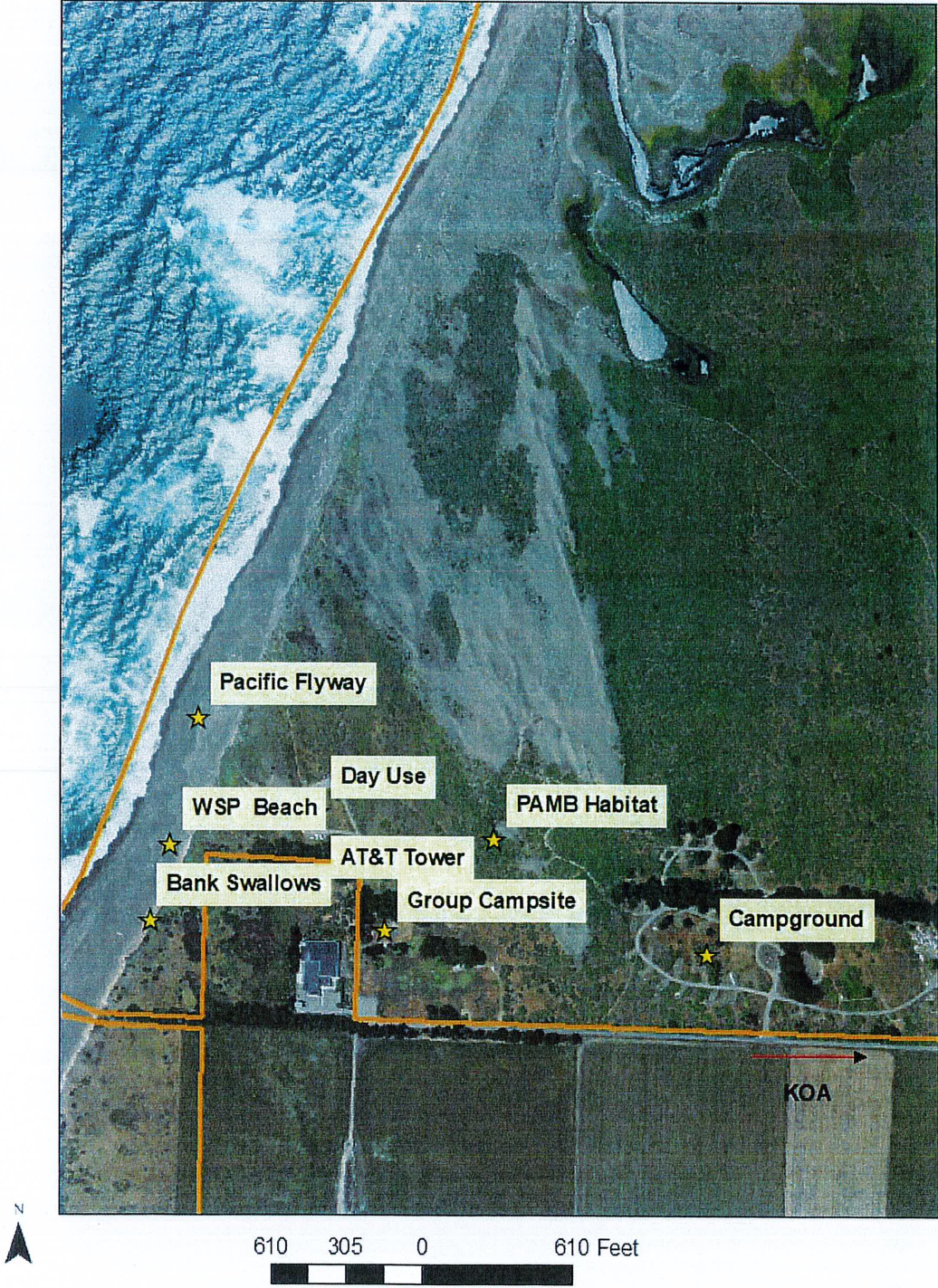


Figure 1- AT&T proposed cell tower in relationship to park facilities and threatened and endangered species locations. Environmentally sensitive habitats are throughout the entire park.

References

Lammers, W.M. and M.W. Collopy. 2007. Effectiveness of Avian Predator Perch Deterrents on Electric Transmission Lines. Journal of Wildlife Management 71:2752-2758.

Prather, P.R. and T.A. Messmer. 2010. Raptor and corvid response to power distribution line perch deterrents in Utah. Journal of Wildlife Management 74:796-800.

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