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U\_2017-0036 AT&T Public Comments by Mendocino Coast Audubon Society

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Tim Bray <tbray@mcn.org>

Wed 5/11/2022 10:22 AM

To: pbscommissions

Cc: Becky Bowen <casparbeck@comcast.net>



Mendocino Coast Audubon ... 687 KB

Please enter the attached letter into the public record for the proposed AT&T tower near Manchester (Case# U\_2017-0036). The Mendocino Coast Audubon Society believes this project would result in significant impacts to birds, including the threatened Western Snowy Plover, and the proposed mitigation measures are not sufficient to mitigate those impacts to a less than significant level at the proposed location. The principal impacts to birds could be mitigated by moving the project away from the beach.

Thank you for the opportunity to comment on this proposed action. If you have any questions please feel free to contact me by e-mail or at (707) 734-0791.

Best regards,  
Tim Bray  
Mendocino Coast Audubon Society

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May 11, 2022

Mendocino County Planning Commission  
County of Mendocino Planning and Building Services  
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**RE: U\_2017-0036 AT&T Public Comments by Mendocino Coast Audubon Society**

This letter presents comments for the public record by the Mendocino Coast Audubon Society about a proposed resolution to adopt a mitigated negative declaration and granting of a coastal development permit for U\_2017-0036.


The Mendocino Coast Audubon Society is a 501C(3) non-profit organization. Our mission is to help people appreciate and enjoy native birds, and to conserve and restore local ecosystems for the benefit of native birds and other wildlife.

Our objections arise principally from one fundamental flaw with this proposed project: its location. Most of our concerns would be alleviated if the proposed tower were to be constructed further east, away from the beach.

**Measure AES-1:** The proposed tower is inconsistent with the Coastal Elements of the General Plan, including the one-story height limit and design subordination to the natural setting west of Highway 1. The proposed structure is as tall as a 6-story building, to be constructed on a flat, wind-swept coastal plain surrounded on three sides by agricultural land and the open space of a park designated by the state of California as a natural preserve. The design is inappropriate for the natural setting. It does not fit in. There are no water towers near the proposed project and the submitted drawings for a cylindrical metallic "faux water tower" don't look anything like the historic wooden structures found elsewhere in Mendocino County. The update memo with photo simulations clearly show the proposed tower's visibility from the adjacent State Park and Highway One.

**Measure BIO-3:** The proposed tower is a threat to Western Snowy Plovers (categorized as threatened on the Federal Endangered Species List) that are present year-round on and near the State Park beach adjacent to the construction site. Our letter to the County Planning staff on December 11, 2021 included a State Parks map showing GPS coordinates indicating the presence of Western Snowy Plover habitat in 2018, 2019, and 2020 within 600 feet of the proposed tower. California State Parks (Sonoma-Mendocino District) Western Snowy Plover

surveyors continued to find this was the case in 2021 and adult birds have been recorded there during the first three months of 2022—some now in breeding plumage. Here are observations to keep in mind about the presence of Western Snowy Plovers as well as the thousands of shorebirds on the beach next to the proposed construction site:

- Western Snowy Plover nests are hard to find. They are small (nothing more than a scrape in open sand) and extremely vulnerable to disturbance by human and animal predators. When adults are frightened off the nests, they might not return to incubate. The eggs will not hatch.
- 
- Merlins and Peregrine Falcons are only two of several bird and mammal predators of Western Snowy Plovers. The raptors and the Common Raven (another frequent Western Snowy Plover predator) are masterful at finding high perches (the higher the better) where they use superior eyesight to spot prey on the beach. We've seen them squeeze into small places on steep bluff sides and on thin treetop branches. At least two studies show very little will deter them if they decide to perch on a high spot prior to hunting. The "faux water tower" would be the highest spot in the area and will be the perch of choice. The memo with photo simulations clearly indicate the tower would provide unobstructed views of the Snowy Plover habitat on the beach.
  - Western Snowy Plover adults weigh about 1.5 ounces. Chicks are about the size of a grape and when they hatch, they immediately began to forage. The female adult leaves the nest site after hatch and the male adult raises the chicks (usually three chicks in a brood). The male will move the chicks up and down the beach to forage. The problem is the chicks can run, but they can't fly for at least 28 days after hatching. So they are moving targets if the male can't successfully hide his chicks. This is no contest—a Peregrine Falcon can fly 200 miles an hour. The bird can fly the entire length of a beach, strike prey, and be back up on a perch waiting to spot the next meal in a matter of seconds. The crucial aspect is a perch giving the predators a view of the beach.

The above observations are just a few of the things our Audubon volunteers have learned during the last 15 years of taking shorebird censuses on local beaches, monitoring nests, and submitting annual shorebird reports to the public, State Parks, agencies, and schools. Manchester State Park is one of only two sites in the county where Western Snowy Plovers can consistently be found. (The other site is MacKerricher State Park, north of Fort Bragg). Our concern is that construction, operation, and maintenance of the proposed tower will cause significant adverse impacts to the year-round Western Snowy Plover population, the nearby breeding Bank Swallow colony, other shorebirds that drop down to Manchester Park beaches to forage and rest during migration, and the Point Arena Mountain Beaver.

Most of what we have learned about the endangered Point Arena Mountain Beaver is in the USFWS Recovery Plan for the mammal that was published in June, 1998. According to the plan (page 27), previous underground fiber optics projects drilled under Point Arena Mountain

Beaver burrows, caused noise, vibration and some physical impacts. While the significance of these events was not known, the plan stated that further monitoring was needed at the site. The report states, "Habitat loss is likely as a result of construction and secondary impacts from use of the AT&T communications facility. It is not known how large this mountain beaver population was prior to construction of the communication facility, but the present population roughly estimated at about 20 animals, continues to be impacted by pedestrians and occasional project activities." This statement begs the question: Was that mountain beaver population monitored after 1998? What happened to those animals? The proposed AT&T tower project plan calls for a new access road to the tower and a turnaround area, 392 feet of underground power and fiber optic cable between the tower site and the existing power pole, and installation of a 30 KW AC diesel standby generator and fuel storage unit. An estimated 9,534 square feet of land will be permanently displaced. The Federal Recovery Plan indicated there were an estimated 200-500 Point Arena Mountain Beavers in the world at the time the plan was published – all of them in a 24-square-mile area in western Mendocino County. Would construction of the proposed tower be stopped if Point Arena Mountain Beaver burrows are detected on the construction site?

The best sources of information about endangered birds, plants, insects, amphibians, and mammals in Manchester State Park are the local district State Parks Resources staff members who keep records and conduct surveys in the Park. Those records, kept for more than 15 years, include Western Snowy Plover data submitted to the USFWS Western Snowy Recovery Plan that outlines a long-term strategy to save the subspecies from extinction. The goal for Del Norte, Humboldt, and Mendocino Counties combined (Recovery Unit 2) is a total of 150 breeding Western Snowy Plover adults for a period of at least 10 years by 2047. The research speaks to the fragility of the tiny birds and clearly shows that any disturbance can be harmful, or even cause a bird's death. Sonoma-Mendocino District State Parks Resources staff members have expressed concerns with the proposed tower project and, in reading the AT&T proposal, we don't get the sense that their concerns were addressed. We have similar concerns. There are too many unanswered questions about the design, operation, and maintenance of the proposed tower. The questions need to be addressed before any further action is taken.

- The revised Tower Avian Avoidance Plan published in August, 2021 does not adequately address operation and maintenance of the tower. It also does not provide details about how to deal with perching raptors if/when the spikes and nets fail to do the job. Will the person assigned to observe activity at the proposed tower have knowledge of bird and mammal identification in the field? How would that information be recorded and made available to State Parks and state/federal wildlife agencies? Will security cameras be installed on or around the tower?
- Will the "qualified biologists" assigned to survey wildlife prior and during construction have training and experience of work with specific species such as Western Snowy Plovers and will they have permits to conduct such surveys?

- Once the tower is built, will there be any effective method of mitigating adverse impacts to birds if the preventive measures described in the application fail to work as expected?

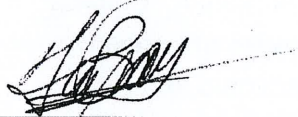
We have tried to limit comments to wildlife and bird issues, but there are aesthetic issues we have as citizens and people who enjoy the intrinsic significance of the Park, the views, the habitat, and all the sounds and sights that make this preserve a special place for all. On a subjective visual level, the design of the "faux water tower" looks modern, industrial, and would be completely out of place.

Other concerns:

- Would the construction of the proposed tower open the door to further communications or business development in the future in this designated Highly Scenic Area?
- Under Standard Condition 39, the proposed resolution (if approved by the Commission) would take effect after ten days if no appeal is filed. Would construction preparation/work start immediately? We ask because the Western Snowy Plover breeding season is from March to mid-September. Bank Swallows began arriving at the colony site in March. Nesting and raising chicks will be in June and July. This is one of the few nesting sites for Bank Swallows on this part of the Northern California Coast and the bird currently is described by the Cornell University Lab of Ornithology as a "in steep decline." Right now, we are seeing thousands of shorebirds and birds and seabirds migrating to Arctic breeding grounds. They will be returning south from July through October. The migrating birds are on journeys that take some of them thousands of miles. These birds drop down to local beaches to rest and refuel. Disturbance is not just an inconvenience to them. It is a threat to their lives.

We respectfully request the Planning Commission vote **against** the adoption of the mitigated negative declaration and to vote **against** granting of a coastal development permit for project U\_2017-0036.

Yours truly,



Tim Bray, President  
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References:

Migratory Bird Treaty Act (16 U.S.C. 703 *et. seq.*)

Terra Fuller, Senior Environmental Scientist, California State Parks Sonoma-Mendocino District, January 22, 2020 e-mail correspondence regarding survey location sites of Western Snowy Plovers and Point Arena Mountain Beavers near AT&T compound adjacent to Manchester State Park, Manchester, CA

Monthly Sightings of Watchlisted Shorebirds 2007-2021, MacKerricher State Parks Beaches, unpublished  
graphs made available to State Parks, Save Our Shorebirds, Mendocino Coast Audubon Society  
January, 2022  
[https://www.mendocinocoastaudubon.org/mcas\\_cons\\_sos.html](https://www.mendocinocoastaudubon.org/mcas_cons_sos.html)

Are Bird Spikes Effective. Safeguard® Westerham, Kent., United Kingdom website  
<https://www.safeguardpestcontrol.co.uk/are-bird-spikes-effective/#:~:text=Birds%20are%20either%20landing%20or%20nesting%20on%20your%20property.&text=Howev%20er%20larger%20birds%20such%20as,be%20a%20very%20effective%20deterrent.>

U.S. Fish and Wildlife Service. 1998. Point Arena Mountain Beaver (*Aplodontia rifa nigra* (Rafinesque)) Recovery Plan. Region 1, Portland, OR. 71 pp.

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U.S. Fish and Wildlife Service. Migratory Bird Program. April, 2018. Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning. Falls Church, Virginia.

