

June 26, 2017

To the Monterey County Planning Commission  
Subject: PLN 150082, Indian Springs

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.	PLN150082 #2
DATE RECEIVED	6/21/17
SUBMITTED BY/VIA	public hearing
DISTRIBUTION TO DATE	pc @ hearing
DATE OF HEARING	June 21, 2017

Dear Commissioners:

I ask you to reject PLN 150082 – Verizon's Indian Springs cell tower proposal -- due to its substantial negative environmental impacts. I also ask you to reject any changes to Monterey County's scenic easement rules.

The Negative Declaration is seriously flawed and is an inadequate investigation of Verizon's proposal. The proposed project would have a significant effect on the county. An EIR is necessary if this moves forward.

Staff ignores many of my comments in its report "Discussion", Exhibit B.

1- The change to the scenic easement would have countywide consequences, yet staff ignores this in the Neg Dec.

The Neg Dec states (page 15, (2))

All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

But it ignores the whole of the action, and staff ignores my comment.

2- Additional towers at this site could not be prohibited, due to federal rules. Staff ignores this in the Neg Dec that once one tower is in, others may follow. The addition of other towers would have additional serious environmental impacts to this site and the scenic easement. The Planning Commission must take this into account in considering this application. The Commission would be, in effect, approving multiple cell towers at this site – the "whole action."

3- Also, as I stated in my comments on the Neg Dec,

California government code Section 65850.6 covers cell tower projects where co-location can occur. California CEQA law requires certain procedures, yet the impact of future buildout to this location has not been assessed, nor have the co-location impacts on scenic easements throughout the county been considered. That would appear to be a violation of state law.

Staff did not respond to my comments.

4- Furthermore, this cumulative effect would apply to the other county scenic easements, Staff does not address the “whole action” of the impact of microwave antenna farms in scenic easements throughout the county, claiming

Incorporating a request to amend the easement has been identified as a mechanism to prevent setting a precedent that would allow proliferation of WCF within conservation and scenic easements throughout the County.

Staff’s assurances that this is a project-specific change to the scenic easement are hollow and fly in the face of substantial evidence, since this sets precedent. Verizon and other wireless carriers are working to overturn local zoning rules and ordinances in violation of federal rules by merely threatening lawsuits, and succeeding when there is no precedent-setting project. How quickly can Verizon succeed when there is a precedent?

5- Sensitive receptors visit, and live and work at, the SPCA horse facilities immediately adjacent to this microwave transmitter, and in the nearby forest, but the Neg Dec falsely states that there are no sensitive receptors nearby or that there are no dwellings nearby. I submitted evidence by the federal government of impacts to sensitive receptors. In that evidence were many additional citations. Yet, staff denies that I submitted substantial evidence.

6- Applicant claims that microwave transmitters/cell towers are similar to cabled utilities. Staff does not adequately respond to it, only saying.

Furthermore, staff had concerns with setting a precedent for easement in the County with interpreting that WCF and electricity, telephone, and cable utilities are one in the same.

The Neg Dec did not evaluate the impact of broadcasting microwave transmitters and their emissions in contrast to cabled utilities.

7-

“Both the RMA-Director of Planning and the Monterey County Planning Commission (see attached Exhibits E and F), determined that the easement language shall be modified to allow establishment of a WCF.”

This statement is false: The Director and the PC originally determined that the easement language should not be modified.

8- Staff does not address ADA issues. The federal Access Board has recognized that electromagnetic sensitivities (EMS) can be disabling. This cell tower puts an access barrier in front of all who are EMS and wish to the use of the SPCA horse facility and other nearby facilities. It is also discriminatory, requiring that a member of the public be healthy in order to use the adjacent facilities. The disabled are protected from discrimination. Staff does not address this.

I am disabled by electromagnetic sensitivities. The Wi-Fi in this room, the wireless gadgets in use, and this cell tower are barriers to my access. This project further infringes on my civil rights, and creates a barrier to my community. I am denied equal access if this cell tower is installed. I cannot participate in the programs at the SPCA facility and cannot volunteer my time there.

9- This violates the California Constitution protection of personal safety, particularly for the EMF-disabled.

10-

As demonstrated in Figure 2 above, the WCF has been designed to resemble a eucalyptus tree to blend in with the surroundings. Furthermore, in its proposed location, the WCF will be tucked into an existing tree strand.”

This is false, though the distant photo sims provided convey that impression. The cell tower is quite a distance from the tree stand as can be seen from the map and if you have visited the site. It stands out from its surroundings. The nearest green is scrub, not trees. It does not “tuck in” or blend it.

11-

“Staff’s analysis of the proposed project’s location and design revealed that if the amendment were to be approved, establishment of the WCF would not detract from the nature or character of the project site. The subject property, “Area E,” is developed with numerous equine recreational facilities (see Figure 3 below).”

Staff analysis is incomplete and incorrect. Furthermore, a cell tower is not another equine recreational facility or of a compatible nature or character.

12-

To ensure the WCF’s emissions are maintained within FCC standards, the project has been conditioned (Condition No. 4) to allow RMA-Planning to set a public hearing to consider revocation or modification of this permit.

This is an unenforceable condition and therefore, a ruse by staff and Verizon. The county cannot require monitoring of cell towers. All it takes is a simple lawsuit by Verizon to overturn this condition. Can the county spare the money?

Cell towers have been found to routinely violate compliance, exceeding FCC thermal limits. Cell towers were independently tested nationally in 2013<sup>i</sup>; hundreds were found out of compliance with FCC limits by as much as 600%. Another test in 2014<sup>ii</sup> found 1 in 10 out of compliance. When this was reported to the FCC, the agency took no action.

13-

Proposed Project

-- The need for this facility is to increase bandwidth capacity, resulting in tripling the available data capacity in the area and allowing higher data speeds.

Since this statement is presumably from Verizon, the company's previous statements about needing coverage are false. Bandwidth capacity and higher data speeds are not protected by court rulings that I am aware of. Only telecommunications coverage is protected, and that coverage does not have to be seamless.

14- In addition, applicant and staff both repeat memes that compliance with FCC limits equals safety and no environmental impact. It was required of staff to evaluate applicant claims, not repeat them.

The applicant conducted an assessment for compliance with FCC regulations (Exhibit H). This assessment concluded that the proposed WCF is under the allowance of radio frequency emittance and therefore, will not for this reason cause a significant impact on the environment.

This information is false. Compliance with federal guidelines is a separate issue from significant impact. Compliance does not guarantee or equate with "no significant environmental impact." Hammett and Edison are industry-affiliated consultants and not an independent source. Staff did not evaluate these statements.

15-

The Federal Communications Commission (FCC) developed guidelines for exposure to RF energy, based on exposure levels considered harmful to humans, resulting in specific levels of exposure to provide sufficient protection for various segments of the population.

These statements are false and show bias by staff. FCC exposure limits are only for short-term thermal effects. EPA's Radiation Protection Division said in 2002 that FCC limits

"are thermally based, and do not apply to chronic, nonthermal exposure situations. . . . the generalization by many that the guidelines protect human beings from harm by any and all mechanisms is not justified."iii

Santa Cruz County Health Officer Dr. Poki Namkung reviewed scientific literature in 2012 and wrote to the Santa Cruz Board of Supervisors:

When it comes to nonthermal effects of RF [radiofrequency electromagnetic radiation], FCC guidelines are irrelevant... There are no current, relevant public safety standards for pulsed RF involving chronic exposure of the public, nor of sensitive populations, nor of people with metal and medical implants that can be affected by localized heating and by electromagnetic interference...

Evidence is accumulating on the results of exposure to RF at non-thermal levels, including increased permeability of the blood-brain barrier in the head, harmful effects on sperm, double strand breaks in DNA which could lead to cancer genesis, stress gene activation indicating an exposure to a toxin, and alterations in brain glucose metabolism.”<sup>iv</sup>

IN 2014, the Department of the Interior warned about cell tower impacts to birds and called FCC guidelines “nearly 30 years out of date”<sup>v</sup>

[T]he electromagnetic radiation standards used by the Federal Communications Commission (FCC) continue to be based on thermal heating, a criterion now nearly 30 years out of date and inapplicable today.

And last year the U.S. NIH National Toxicology Program found wireless microwave radiation caused cancer in rats

“The NTP tested the hypothesis that cell phone radiation could not cause health effects and that hypothesis has now been disproved.”<sup>vi</sup>

Even Ken Foster, spokesman of the industry association Institute of Electrical and Electronics Engineers (IEEE), said he

wouldn't be surprised if California adds RF radiation to its Proposition 65 list of carcinogenic chemicals, and if the IARC ups its classification rating from 2B: possibly carcinogenic to humans to 2A: probably carcinogenic to humans.”<sup>vii</sup>

California firefighters are exempt from so-called “small cell” towers on their facilities in state bill SB 649, though the bill allows these towers everywhere else. The exemption was granted because of health effects.

16- FCC limits, however, are irrelevant to compliance with ADA and disabled access and accommodation for people with electromagnetic sensitivities.

Conclusion:

The seriously flawed Negative Declaration invites legal challenge. Monterey County staff and consultant have done an insufficient and superficial investigation of this project. Staff fails to provide substantial evidence to support its conclusions. It does not address the precedent set by this project that overturns the scenic restriction in the county. In response to my comments, staff declined to provide evidence and instead responded by attacking my comments and ignoring many of them as well as the evidence I provided. The four findings stated at the beginning of the Neg Dec are not supported by the evidence provided in the report, and there is ample evidence that contradicts these conclusions.

Approval of this project would also allow antennas farms in county scenic easements.

I urge the Commission to deny this project. If the county believes that this project has merit, then the county must do a full environmental impact review that objectively looks at all the impacts from this project. Until it does this, this project cannot move forward.

Sincerely,

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Author, "Analysis: Smart Meter and Smart Grid Problems"

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i

□ <http://www.marketwire.com/press-release/-1770139.htm>

ii

□ <http://www.wsj.com/articles/cellphone-boom-spurs-antenna-safety-worries-1412293055>

iii

[http://www.emrpolicy.org/litigation/case\\_law/docs/noi\\_epa\\_response.pdf](http://www.emrpolicy.org/litigation/case_law/docs/noi_epa_response.pdf)

iv

[http://sccounty01.co.santa-cruz.ca.us/bds/Govstream/BDSvData/non\\_legacy/agendas/2012/20120124/PDF/041.pdf](http://sccounty01.co.santa-cruz.ca.us/bds/Govstream/BDSvData/non_legacy/agendas/2012/20120124/PDF/041.pdf)

v

[http://www.ntia.doc.gov/files/ntia/us\\_doi\\_comments.pdf](http://www.ntia.doc.gov/files/ntia/us_doi_comments.pdf)

vi

<http://microwavenews.com/news-center/ntp-nyt>

Quote from Ron Melnick who oversaw the design team

vii

<http://spectrum.ieee.org/the-human-os/biomedical/ethics/cellphone-radiation-causes-cancer-in-rats>