

Executive Office
County of Riverside



Bill Luna
County Executive Officer

August 28, 2008

Honorable Board of Supervisors
County of Riverside
Robert T. Anderson Administrative Center
4080 Lemon Street, 5th Floor
Riverside, CA 92501-3651

SUBJECT: PUBLIC SAFETY ENTERPRISE COMMUNICATION PROJECT UPDATE

Board Members:

In September 2005 you formed the Public Safety Enterprise Communication (PSEC) Team to improve radio coverage for public safety and committed \$148.3M to the project. Included in the PSEC budget was \$8.6 M for land acquisition. A contract was entered with Motorola as the selected vendor to work with the Steering Committee to improve the coverage critical to public safety operations.

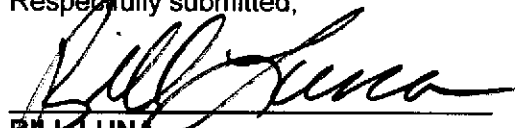
Since then the Team has worked diligently to develop coverage and has reviewed 300 potential sites in order to arrive at the final site list. As of this date only six potential sites are still unconfirmed.

Included for your consideration on today's agenda is the EIR and requests to purchase 11 sites. All land purchase negotiations are complete; however, paperwork is pending for two remaining acquisitions. These requests will be submitted for your approval in the coming weeks. At this time the project is within budget, but the timeline is delayed by approximately 12 months.

Compliance with the California Environmental Quality Act (CEQA) as well as compliance with the National Environmental Policy Act (NEPA) for those sites on federal land has been challenging. Completing the Environmental Impact Reports (EIR) has taken a considerable amount of time. The Team and Motorola implemented a construction strategy which allowed numerous projects to begin simultaneously. This effective approach has kept the construction moving forward.

On September 16, 2008, Information Technology will provide a comprehensive report to the Board on the status of the PSEC project with detail on the project costs and recommended timeline.

Respectfully submitted,



BILL LUNA
County Executive Officer

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Robert T. Andersen Administrative Center
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3.52 - 3.63

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

429



FROM: Department of Facilities Management

SUBMITTAL DATE:
August 20, 2008

SUBJECT: Resolution No. 2008-379 Approving the Public Service Enterprise Communication (PSEC) Project ("project") which will improve and expand the County's Wireless Communication System.

RECOMMENDED MOTION: That the Board of Supervisors adopt Resolution No. 2008-379 which does each of the following:

1. Identifies the environmental impacts of the project that are not potentially significant;
2. Identifies the environmental impacts of the project that are potentially significant and can be mitigated to a level of insignificance;
3. Identifies appropriate mitigation measures;
4. Identifies the environmental impacts for the project that are potentially significant and cannot be mitigated to a level of insignificance;
5. Identifies the project alternatives;
6. Contains a Statement of Overriding Considerations;
7. Certifies the Final Environmental Impact Report (FEIR), State Clearinghouse No. 2008021126;

Robert Field

Robert Field, Director
Department of Facilities Management

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost: 08/09	\$ 0	For Fiscal Year:	08/09
SOURCE OF FUNDS: PSEC Project Budget			Positions To Be Deleted Per A-30	<input type="checkbox"/>
			Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

Jennifer L. Sargent
BY: _____
Jennifer L. Sargent

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: *Pamela J. Walls* 8/20/08
PAMELA J. WALLS DATE

Departmental Concurrence

Dep't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 07/31/07 3.59 | District: All | Agenda Number:

3.52

RECOMMENDED MOTION: (Continued)

8. Approves the project; and
9. Contains a Mitigation Monitoring and Reporting Program.

BACKGROUND:

Environmental Impact Report

Commencing in early 2008, a Draft Program Environmental Impact Report (EIR) was prepared to evaluate the potential environmental impacts associated with the construction and operation of the PSEC project. The PSEC team determined that a Program EIR was the most appropriate mechanism for assessing the potential environmental effects of the project because it allows the project to be evaluated at both a program and project level, depending on the amount of information available at the time on each potential radio tower site and proposed facility.

The programmatic aspect of the document applies to potential effects that could occur in the future if the project is expanded or modified. Future actions beyond those identified in the Program EIR will require additional assessment to determine consistency with the analysis and mitigation provided in the Final Program EIR. The potential future actions would be subject to the mitigation measures and the performance criteria established in the Final Program EIR, or as determined in the subsequent environmental document, if it is found that future actions could result in environmental impacts not evaluated in the Program EIR.

The Draft Program EIR was prepared in conformance with CEQA (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and is intended to serve as an informational document for the County Board of Supervisors, responsible agencies who will need to rely on the document as the basis for issuing a permit, interested organizations and the public regarding the construction of an expanded telecommunication network for County emergency service providers, including the County Sheriff and Fire departments.

The County issued a Notice of Preparation (NOP) regarding the Draft EIR for the project on February 25, 2008. Copies of the NOP were provided to the Office of Planning and Research (State Clearinghouse) for circulation to state agencies. The NOP was mailed to approximately 2,500 persons who are property owners of record for parcels located in the vicinity of the proposed sites. The NOP was also mailed to numerous federal, state, and local agencies, responsible and trustee agencies, local governments, private organizations, and other interested parties based on the standard mailing list compiled for such purposes by the County of Riverside's Planning Department; this list comprised approximately 700 addresses.

The public comment period for the NOP began on February 28, 2008 and ended March 31, 2008. During that period, comments were received in the form of 23 written letters, 32 e-mails, and eight phone calls, for a total of 63. Copies of the comments can be found in Appendix D of the EIR.

Issues and concerns raised in these comments generally involved potential impacts to aesthetics and property values for properties located in the vicinity of the proposed towers. Several others inquired about the potential health impacts of the towers, and some of the respondents wished to express their opposition to the project. In general, each of the e-mail and telephone comments addressed issues that were already under consideration by the County for analysis in the Program EIR.

Issues raised by the commentors were addressed in the Draft Program EIR. Upon completion of the Draft EIR, the County filed a Notice of Completion (NOC) with the State Clearinghouse to begin the public review period; the State Clearinghouse assigned the EIR a tracking number, 2008021126. Concurrent with the filing of the NOC, the Draft Program EIR was distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft Program EIR. The County also repeated the NOP notification process for adjacent property owners and interested organizations and individuals. The purpose of the notification was to invite all interested parties to comment on the Draft Program EIR. During the 45 day public review period, the Draft Program EIR (including the technical appendices) was available for review online at <http://psec.co.riverside.ca.us>. Paper copies of the document were also available for review at 20 libraries around the County.

The public comment period on the Draft Program EIR began on June 9, 2008 and ended on July 23, 2008. During that period, comments were received in the form of 43 written letters, 57 e-mails, and four phone calls, for a total of 104. A number of the comments were duplicative in nature (e.g. the same comments from the same individual were sent to the project's e-mail address and to the surface mail address). 83 distinct comments were received.

Responses to comments were prepared and mailed to governmental agencies at least 10 days prior to the Board's scheduled action on the project, as required under CEQA. A formal Response to Comments document is incorporated into the Final Program EIR.

Findings of Fact and Statement of Overriding Considerations

The Final Program EIR that has been prepared considers the comments provided during the Draft Program EIR public review period and makes necessary revisions to the Program EIR as indicated in the comments. From the Final Program EIR, a findings of fact document has been created that outlines the level of impact for the various issue areas assessed in the Program EIR. The findings make the following principal determinations:

- The project will have no impact for the following issue areas: mineral resources, population and housing, public services, and recreation.

- The project will have a less than significant impact without mitigation for the following issue areas: agricultural resources, cultural resources (with the exception of the Margarita MWD and Spring Hill sites), geology and soils, hazards and hazardous materials, land use and planning, noise, transportation, utilities, and climate change.
- The project will have a less than significant impact with incorporation of recommended mitigation measures for the following issue areas: air quality, biological resources, cultural resources (with the exception of the Margarita MWD and Spring Hill sites), and hydrology and water quality.
- The project will have a significant and unavoidable impact, even with incorporation of feasible mitigation measures, for the following issue areas: aesthetics, cultural resources (Margarita MWD and Spring Hill sites only).

Since the Final Program EIR found that the project will have one or more significant and unavoidable impacts, CEQA Guidelines Section 15093 require that a lead agency balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

Where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR, but are not avoided or substantially lessened, the agency is required to state in writing the specific reasons to support its action based on the Final Program EIR and/or other information in the record. Accordingly, the findings of fact and a statement of overriding considerations are presented for adoption to the Board that describe the unavoidable and adverse impacts and why the benefits of the project outweigh the identified impacts.

Mitigation Monitoring and Reporting Program

Pursuant to CEQA (Public Resources Code Section 21081.6), the County is required to adopt a "reporting or monitoring program" for the mitigation identified in the EIR to mitigate or avoid a significant effect on the environment. The Mitigation Monitoring and Reporting Program (MMRP) contained in the Final Program EIR and presented to the Board for adoption is designed to ensure compliance during project implementation.

Pursuant to CEQA (Public Resources Code Section 21152), a Notice of Determination will be filed with the County Clerk and with the State Clearinghouse following approval of the project by the Board.

Schedule

It should be noted that the schedule for the PSEC Project's construction and implementation is quite aggressive, as the project is critical to the County's public safety agencies; it is therefore vital that the County move quickly into the construction phase. The PSEC team has already identified some sites that can be constructed shortly after the Final Program EIR is certified, and intends to initiate construction activity as soon as practicable.

Land Acquisition

The Final Program EIR covers the purchases and leases required to construct and operate the PSEC Project, as well as use permits for sites located on Federal lands. Federal agencies typically also conduct environmental reviews under the National Environmental Policy Act (NEPA) before issuing use permits and notices to proceed.



2
3 RESOLUTION NO. 2008-379
4 APPROVING THE
5 PUBLIC SERVICE ENTERPRISE COMMUNICATION (PSEC)
6 PROJECT

7 WHEREAS, the County needs to improve and expand its wireless communications
8 system to ensure public safety; and,

9 WHEREAS, the County has designed the PSEC project to improve voice and data
10 coverage, increase system reliability and allow for better interagency communications; and,

11 WHEREAS, the County has prepared and processed a Final Environmental Impact
12 Report for the PSEC project ("FEIR") State Clearinghouse No. 20028021126; now, therefore,

13 BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of
14 Supervisors, of the County of Riverside, in regular session assembled on September 2, 2008,
15 that it has reviewed and considered the FEIR for the PSEC project in evaluating that project,
16 that the FEIR is an accurate and objective statement that complies with the California
17 Environmental Quality Act ("CEQA") and reflects the County's independent judgment, and that
18 the FEIR is incorporated herein by this reference.

19 BE IT FURTHER RESOLVED by the Board of Supervisors that it certifies the FEIR for
20 the PSEC project.

21 BE IT FUTHER RESOLVED by the Board of Supervisors that it adopts the Findings of
22 Fact and the Statement of Overriding Considerations for the PSEC project required by CEQA
23 which are attached hereto as Exhibit "A" and incorporated herein by reference.

24 BE IT FURTHER RESOLVED by the Board of Supervisors that it adopts the Mitigation
25 Monitoring and Reporting Program for the PSEC project required by CEQA which is attached
hereto as Exhibit "B" and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Board of Supervisors that it approves the PSEC
project.

FORM APPROVED COUNTY COUNSEL
BY: *P. J. Walls* 8/27/08
PAMELA J. WALLS DATE

JKH:pa
8/26/08
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