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

**FROM:** Economic Development Agency and Riverside County Information Technology

**SUBMITTAL DATE:**  
September 2, 2009

**SUBJECT:** Delegation of Authority to Accept Grants from the United States Department of the Interior, Bureau of Land Management for the Public Safety Enterprise Communication Project

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Authorize the Assistant County Executive Officer/EDA, or his designee, to accept grants for land to build radio and microwave facilities for the specific sites listed herein for the Public Safety Enterprise Project from the United States Department of the Interior, Bureau of Land Management (BLM) without further Board approvals; and
2. Execute other documents and administer all actions necessary to complete these transactions.

**BACKGROUND:** (Commences on Page 2)

*Greg R. Stoddard for*  
 \_\_\_\_\_  
 Matt Flynn, Director **GREG R. STODDARD** Robert Field  
 Riverside County Information Technology Assistant County Executive Officer/EDA

<b>FINANCIAL DATA</b>	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:	\$ -0-	For Fiscal Year:	09/10

<b>SOURCE OF FUNDS:</b> N/A	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE  
 BY: *Jennifer L. Sargent*  
 \_\_\_\_\_  
 Jennifer L. Sargent

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY: *Synthia M. Gunzel*  
SYNTHIA M. GUNZEL, Department of Information Technology

Consent  
 Policy  
 Consent  
 Policy

Dept's Recomm.:  
 Per Exec. Ofc.:

Economic Development Agency and Riverside County Information Technology  
Delegation of Authority to Accept Grants from the United States Department of the  
Interior, Bureau of Land Management for the Public Safety Enterprise Communication  
Project

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**RECOMMENDED MOTION:** (continued)

3. Approve the grant documents provided by BLM for each site, which will be substantially similar to the form for the Indio Hill site, attached hereto as Exhibit A.

**BACKGROUND:**

Previously the Board of Supervisors approved funding for the Public Safety Enterprise Communication (PSEC) project, which will modernize and enhance the county's voice and data emergency communication system. Included in the funding was the cost of site purchases needed to locate new radio towers and equipment buildings on both private and public owned land. A total of 74 sites are required for implementation of the system. While many sites will be leased or purchased, four existing sites that require redevelopment plus fifteen new sites are situated on BLM land. At the completion of the environmental assessment process the ten new sites will be entitled to the County via grants for communication site licenses that carry no financial obligation. The grants define the terms and conditions and also stipulate the environmental constraints.

Each site will have unique environmental and construction related stipulations set forth by BLM in the grant document. According to BLM representatives, the attached grant issued by BLM for an existing site known as Indio Hill is substantially similar to each of the grants that will be issued by BLM for the fifteen proposed new sites and four existing sites.

In order to expedite the construction process, it is recommended that the board authorize the Assistant County Executive Officer/EDA to execute the agreements furnished by BLM provided they have been approved as to form by County Counsel in each instance.

The BLM grant modification sites are:

- Whitewater
- Chuckwalla
- Cactus City
- Big Maria

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(Continued)

**BACKGROUND:**

The new BLM sites are:

- Avocado Flats
- Big Maria
- Black Jack
- Corn Springs
- Estelle Mountain
- Rice
- Road 177
- Spring Hill (in conjunction with the Department of the Navy)
- Vidal Junction
- Wiley's Well

Enhanced Coverage new sites are:

- Box Canyon
- Caltrans
- Midland
- Palen McCoy
- Palo Verde

This Form 11 has been reviewed and approved by County Counsel as to legal form.

**FINANCIAL DATA:**

There are no costs associated with this Form 11.

# CLERK'S COPY

FORM 2800-14  
(August 1985)

Issuing Office:  
California Desert District  
Palm Springs-South Coast  
Resource Area

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER CACA-46545

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).
2. Nature of Interest: Communication Site
  - a. By this instrument, the holder:

County of Riverside  
3133 Mission Inn Avenue  
Riverside, CA 92507  
receives a right to construct, operate, maintain and terminate a communications site located on public lands described as follows:  
T. 4S., R. 7E., Section 26 San Bernardino Base Meridian, also known as Indio Hills communications site.
  - b. The right-of-way area granted herein is as follows:

100' wide by 75' long containing 0.72 acre. Authorized for placement at this facility includes one 24' by 48' by 10' tall equipment shelter. One 140' tower, one 10' by 20' generator room, one 6' by 10' concrete pad to support a 500 gallon propane fuel tank, 1200' long by 15' wide of access road and ancillary facilities. The entire area is to be enclosed by an 8' high chain link fence with razor wire at the top.
  - c. This instrument shall terminate upon April 15<sup>th</sup>, 2035, unless prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
  - d. This instrument may be renewed. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
  - e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.
3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices. However if Riverside County does not allow any tenants within this facility there will be no rental charges as a county operated facility.
4. Terms and Conditions:
  - a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
  - b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.

JUN - 7 2005 3.12

- c. This grant issued for a term of 5 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 5th year and at regular intervals thereafter. Provided, however, that a right-of-way granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. Failure of the holder to comply with applicable law or any provision of this right-of-way grant and attached stipulations shall constitute grounds for suspension or termination thereof.
- e. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant.

Marion Ashley

(Signature of Holder)  
**MARION ASHLEY**

**CHAIRMAN, BOARD OF SUPERVISORS**

\_\_\_\_\_  
(Title)

JUN - 7 2005

(Date)

John R. Kestel

(Signature of BLM Authorized Officer)

Acty Field Manager

(Title)

7/6/05

(Effective Date of Grant)

FORM APPROVED  
COUNTY COUNSEL

APR 06 2005

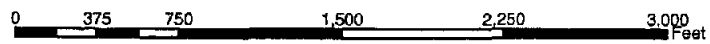
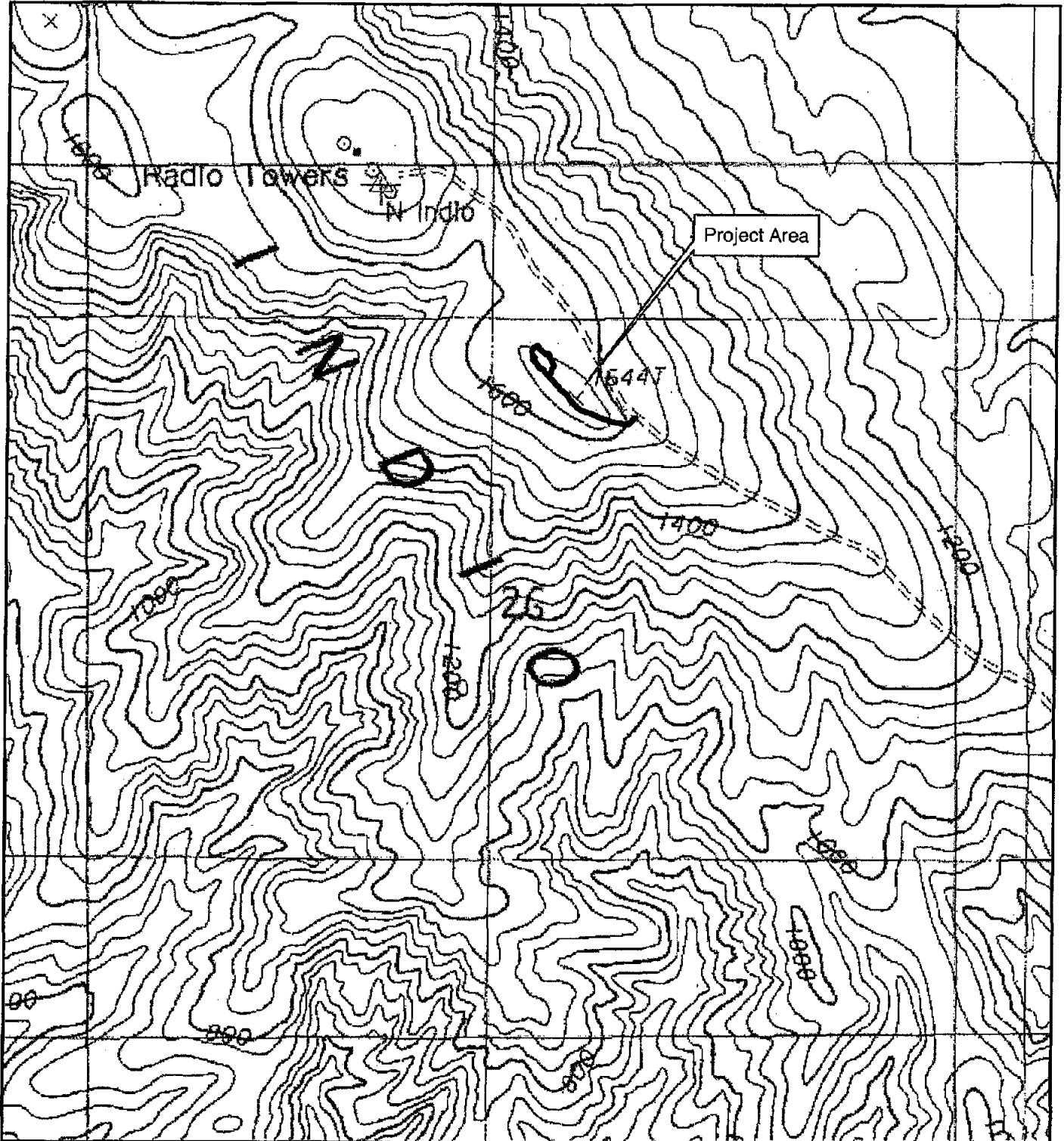
BY Gordon V. Ubo

ATTEST:  
NANCY ROMERO, Clerk

By Schlemmer  
DEPUTY

County of Riverside Communication Site ROW  
Case File CACA-46545  
EA Number CA-660-04-68

T. 4S., R. 7E. Section 26 SBBM  
West Berdoo Canyon Quadrangle



## **EXHIBIT B**

### **ATTACHMENT 1**

#### **STIPULATIONS TO COMMUNICATION USE LEASE CA-46545**

##### General Stipulations

1. The lease herein granted is conditioned upon the submission to the Authorized Officer of a copy of an approved license and/or renewal license granted by the Federal communications Commission (FCC) for each electronic station installation authorized by this lease or future amendment to this lease.
2. The Lessee shall contact the Authorized Officer at least <sup>†</sup>seven (7) days prior to the anticipated start of construction and/or any surface disturbing activities. The Authorized Officer may require and schedule a preconstruction conference with the Lessee prior to the Lessee's commencing construction and/or surface disturbing activities on the lease. The Lessee and/or his representative shall attend this conference. The Lessee's contractor or agents involved with construction and/or any surface disturbing activities associated with the lease shall also attend this conference to review the stipulations of the lease including the plans of development.
3. The Lessee shall not initiate any construction or other surface disturbing activities on the lease without the prior written authorization of the Authorized Officer. Such authorization shall be a written Notice to Proceed issued by the Authorized Officer. Any notice to Proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.
4. The Lessee shall conduct all activities associated with the construction, operation, and termination of the lease within the authorized limits of the lease. Construction time frame, for this communications site lease shall be for no more than one year from the date of issuance of the Notice to Proceed.
5. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Lessee, or any person working on his behalf, on public or Federal land shall be immediately reported to the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate action to prevent the loss of significant cultural or scientific values. The Lessee will be responsible for the cost of evaluation, and any decision as to

proper mitigation measures will be made by the Authorized Officer after consulting with the Lessee.

6. The lease area shall be maintained in a sanitary condition at all times. Waste materials shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and unused materials and equipment.

7. During construction, stockpiling of equipment and vehicles shall maximize use of those portions of the lease area that will be subject to permanent disturbance, or areas previously subject to permanent disturbance, or to areas previously subject to impact as a result of prior human use. Temporary or inadvertent disturbance to remaining portions of the lease area shall be minimized by staking, flagging, or otherwise clearly marking the boundaries of the construction area and notifying employees and contractors of boundaries and the need to avoid disturbance to the remaining area.

8. No widening of the existing access road is allowed. The existing road provides sufficient room to allow access for trucks and equipment.

9. All installations, antenna supports, etc., shall be constructed and maintained in a neat and safe condition in accordance with good engineering practices as accepted by industry and applicable laws. Antenna support structures (towers) shall conform to the installation specifications of the tower manufacturer. Any variance from these standards shall be allowed only to the extent required because of local terrain or obstructions at the site, all variances shall conform to good engineering practices.

10. The Lessee shall evenly spread excess soil excavated from the site within the immediate vicinity of the lease area.

11. Upon completion of construction the Lessee shall post, on the entrance door, the Bureau serial number assigned to this lease.

12. The Lessee shall within 30 days following completion of the facility, submit proof of construction. Said proof shall include "as built" drawings of site construction, location of buildings, towers, roads, utility lines. Final approval and occupancy will not be allowed until these drawings are approved by the Authorized Officer.

13. Location and height of the antenna shall not be changed after the initial installation and test without the approval of the Authorized Officer. The overall height of the tower shall not exceed 140 feet.

14. Each electronic type station installation authorized by this lease shall be operated in conformity with the requirements of the Federal Communications Commission.

15. The Lessee shall at all times operate its electronic equipment in such a manner so as not to cause interference with electronic operations of existing users in the vicinity. If such interference results from the Lessee's operations, the Lessee will promptly, at its own expense, modify the equipment and operations, or shut down if necessary to eliminate or reduce the interference to the satisfaction of the Federal Communications Commission and/or the Authorized Officer.

16. The Lessee agrees not to install or allow the installation of any other structures not specified in this lease, or amendment thereto, without advance notification and written approval of the Authorized Officer.

17. Storage of toxic or hazardous substances, including petroleum products such as diesel is not permitted.

18. The use of pesticides harmful to wildlife is prohibited.

(a) The use of non-native vegetation to rehabilitate disturbed areas is prohibited.

(b) Any removal of native vegetation shall be confined to the identified 75 foot by 100 foot project area.

(c) Project equipment shall not be operated outside the 75 foot by 100 foot construction zone.

(d) No pets or animals may be brought to the project site.

(e) Prohibit artificial illumination of mountain slopes on public lands.

(f) Reduce/control the spread of non-native plants like Russian thistle, Saharan mustard, and to the extent feasible, exotic annual grasses and forbs.