

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

137



FORM APPROVED COUNTY COUNSEL
 BY: Synthia M. Gunzel 5-5-11
 SYNTHIA M. GUNZEL, Concurrence DATE

FROM: Economic Development Agency / Facilities Management

SUBMITTAL DATE:

May 12, 2011

SUBJECT: Communications Use Lease – U.S. Department of Agriculture, Forest Service, El Cariso Communications Site

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached Lease and authorize the Chairman of the Board of Supervisors to execute same on behalf of the County of Riverside (County); and,
2. Authorize the Assistant County Executive Officer of the Economic Development Agency, or his designee, to execute any other documents and administer all actions necessary to complete this transaction.

BACKGROUND: (Commences on Page 2)

Robert Field
Assistant County Executive Officer/EDA

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:	\$ 0	For Fiscal Year:	2010/11

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

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

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature BY: Elizabeth J. Olson

By: Nathan Calodney, Chief Information Officer
 Riverside County Information Technology

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

Prev. Agn. Ref.: 3.52 of 9/2/08 District: 1 Agenda Number: **3 29**

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

BACKGROUND:

The Public Safety Enterprise Communications (PSEC) project is responsible not only for upgrading the existing network of communications sites but also for adding approximately fifty new sites to this existing network. El Cariso in the Cleveland National Forest is a critical site for the network. The site will improve communication along the Ortega Highway.

The United States Forest Service will grant a new lease to County that will commence upon signature and expire December 31, 2030. Site development costs will come from PSEC funds that are already budgeted. The site will be rent free unless and until the County allows subleasing to commercial entities, in which case rent would be assessed based on existing federal schedules. On September 2, 2008, the Board of Supervisors certified the Final Environmental Impact Report (FEIR). This Lease, including all the necessary construction of the communication site construction and operation, was assessed and included in the FEIR.

The Communication Use Lease is summarized below:

Grantor:	U.S. Department of Agriculture Forest Service Trabuco Ranger District Cleveland National Forest 1147 E. Sixth St. Corona, CA 92879
Premises Location:	El Cariso Peak Communication Site Corona, California
Term:	Approximately 19+ years expiring December 31, 2030
Rent:	None
Utilities:	Electricity only, paid by County directly

The attached Communications Use Lease has been approved as to form by County Counsel.

FINANCIAL DATA

There are no costs associated with this transaction.

Auth ID: TRD104501
Contact ID: RIVCOUNTY, EDA
Expiration Date: 12/31/2030
Use Code: 806

FS-2700-10b (10/09)
OMB No. 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
COMMUNICATIONS USE LEASE
AUTHORITY:
FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976**

COUNTY OF RIVERSIDE ATTN: Economic Development Agency, 3403 Tenth St., Suite 500, RIVERSIDE, CA, 92501.

THIS LEASE, dated this _____ day of _____ by and between the UNITED STATES OF AMERICA, acting through the Forest Service, Department of Agriculture (hereinafter called the "United States" or "Forest Service"), as authorized by the Act of October 21, 1976, (90 Stat. 2743; 43 U.S.C. 1761, et seq.), and COUNTY OF RIVERSIDE, its agents, successors, and assigns (hereinafter called the "Lessee").

The United States and the Lessee are jointly referred to herein as the "Parties". As used herein, the "Authorized Officer" refers to the Forest Service official having the delegated authority to execute and administer this lease. Generally, unless otherwise indicated, such authority may be exercised by the Forest Supervisor or District Ranger of the Cleveland National Forest wherein the following described lands are located.

The United States, for and in consideration of the terms and conditions contained herein and the payment to the United States of a rental in advance by the Lessee, does hereby grant to the Lessee a lease for the following described communications facility in the County of ORANGE State of CALIFORNIA, NW1/4 Sec. 18, T. 6 S., R. 5 W., SAN BERNARDINO MERIDIAN, El Cariso Communications Site (hereinafter called the "property"). El Cariso Communications Site is located at Latitude 33° 39' 12.4" North, Longitude 117° 26' 44" West. The Lessee accepts this lease and possession of the property, subject to any valid existing rights, and agrees not to use the property, or any part thereof, except as a site for only the construction, operation, maintenance, and termination of a private mobile radio communications facility. Authorized facilities under this lease include:

Equipment shelter(s):

Equipment building (pre-cast concrete construction) with dimensions of approximately 12' wide x 26' long x 10'-9" tall. The facility shall be painted the equivalent of Olympic brand "Castle Stone" (D67-6) and shall have a Light Reflectivity Value (LRV) of 15 or less.

Antenna support structure(s):

1 (One) Self-supporting lattice tower 100' tall. The tower color shall be a medium or darker gray color and must eliminate all shiny/reflective surfaces to a LRV of 20 or less. The dishes and antennae bases must also achieve a LRV of 20 or less.

Ancillary structure(s):

1. 1 (One) 2000 gallon propane tank mounted on a concrete pad. Pad will have dimensions of approximately 6' wide x 24' long.
2. Wall (CMU construction), 6' tall, painted the equivalent of Olympic brand "Castle Stone" (D67-6) with a Light Reflectivity Value (LRV) of 15 or less. The wall will surround the propane tank on three sides and will have dimensions of approximately 9'-8" x 31'-4" x 9'-8". The wall will have a maximum of 3 strands of barbed wire on top of it. A chain link swing gate approximately 4' tall with 3 strands of barbed wire on top of it will be installed to provide access into the walled area.

The location of the property is shown generally on the site management plan dated April 4, 2011 for the El Cariso Communications Site, which is attached and made part hereof as Exhibit A.

The dated and initialed exhibit(s), attached hereto, are incorporated into and made a part of this instrument as fully and effectively as if they were set forth herein in their entirety.

The parties agree that this lease is made subject to the following terms and conditions.

I. TENURE, RENEWAL AND TRANSFERABILITY

A. This lease shall terminate at one minute after midnight on 12/31/2030. Termination at the end of the lease term shall occur by operation of law and shall not require any addition notice or documentation by the Authorized Officer. This lease is not renewable; but the Lessee has the right to request a new lease pursuant to Paragraph "C" below.

B. The Lessee shall undertake and pursue with due diligence construction and operation that is authorized by this lease. To the extent specified in Exhibits B and C operation shall commence by September 30, 2011. This lease shall terminate if operation does not commence by that date, unless the parties agree in writing, in advance, to an extension of the commencement date.

C. If the Lessee desires a new lease upon termination of this lease, the Lessee shall notify the Authorized Officer accordingly, in writing. The notice must be received by the Authorized Officer at least one year prior to the end of the lease term. The Authorized Officer will determine if the use should continue and, if it is to continue, if a new lease should be issued to the Lessee and under what conditions. The Authorized Officer shall require payment of any amounts owed the United States under any Forest Service authorization before issuance of another authorization.

D. This lease is assignable with prior written approval of the Authorized Officer, except when rent has been exempted or waived in whole or part. Renting of space does not constitute an assignment under this clause.

II. RENTAL

A. The Lessee must pay in advance an annual rental determined by the Authorized Officer in accordance with law, regulation, and policy. The annual rental will be adjusted by the Authorized Officer to reflect changes in fair market value, annual adjustments using the Consumer Price Index - Urban (CPI-U), changes in tenant occupancy, or phase-in rental, if applicable.

B. Fees for this use have been exempted or waived in full pursuant to 36 CFR 251.57, or revisions thereto, and direction in FSH 2709.11, chapter 90.

C. Pursuant to 31 U.S.C. 3717, et seq., interest shall be charged on any rental amount not paid within 30 days from the date the rental or rental calculation financial statement specified in this authorization becomes due. The rate of interest assessed shall be the higher of the rate of the current value of funds to the U.S. Treasury (i.e., Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly or at the Prompt Payment Act rate. Interest on the principal shall accrue from the date the rental or rental calculation financial statement is due. In addition, an administrative penalty at a percentage rate prescribed by law or regulation will be assessed for failure to pay any portion of the debt that is more than 90 days past due. This paragraph shall survive the termination or revocation of this lease, regardless of cause.

D. Disputed rentals are due and payable by the due date. No appeal of rentals will be considered by the Forest Service without full payment of the disputed amount.

III. RESPONSIBILITIES OF THE LESSEE

A. The Lessee is authorized to rent space and provide other services to customers and/or tenants and shall charge each customer/tenant a reasonable rental without discrimination for the use and occupancy of the facilities and services provided. The Lessee shall impose no unreasonable restrictions nor any restriction restraining competition or trade practices. By October 15 of each year, the Lessee shall provide the Authorized Officer a certified statement listing all tenants and customers, by category of use in the facility on September 30th of that year.

B. All development, operation and maintenance of the authorized facility, improvements, and equipment located on the property shall be in accordance with stipulations in the communications site management plan approved by the Authorized Officer. If required by the Authorized Officer, all plans for development, layout, construction, or alteration of improvements on the property, as well as revisions of such plans, must be prepared by a licensed engineer, architect, and/or landscape architect. Such plans must be approved in writing by the Authorized Officer before commencement of any work. After completion, as-built plans, maps, surveys, or other similar information will be provided to the Authorized Officer and appended to the communications site management plan.

C. The Lessee will comply with applicable Federal, State, county, and municipal laws, regulations and standards for public health and safety, environmental protection, siting, construction, operation, and maintenance in exercising the rights granted by this lease. The obligations of the Lessee under this lease are not contingent upon any duty of the Authorized Officer, or other agent of the United States, to inspect the premises. A failure by the United States, or other governmental officials, to inspect is not a defense to noncompliance with any of the terms or conditions of this lease. Lessee waives all defenses of laches or estoppel against the United States. The Lessee shall at all times keep the title of the United States to the property free and clear of all liens and encumbrances.

D. Use of communications equipment is contingent upon the possession of a valid Federal Communication Commission (FCC) or Director of Telecommunications Management/Interdepartmental Radio Advisory Committee (DTM/IRAC) authorization, and the operation of the equipment is in strict compliance with applicable requirements of FCC or IRAC. A copy of each applicable license or authorization shall at all times be maintained by the Lessee for each transmitter being operated. The Lessee shall provide the Authorized Officer, when requested, with current copies of all licenses for equipment in or on facilities covered by this lease.

E. The Lessee shall ensure that equipment within his or her facility (including tenant and customer equipment) operates in a manner which will not cause harmful interference with the operation of existing equipment on or adjacent to the communications site. If the Authorized Officer or authorized official of the Federal Communication Commission (FCC) determines that the Lessee's use interferes with existing equipment, the Lessee will promptly take the necessary steps to eliminate or reduce the harmful interference to the satisfaction of the Authorized Officer or FCC official.

F. When requested by the Authorized Officer, the Lessee will furnish technical information concerning the equipment located on the property.

IV. LIABILITIES

A. The Lessee assumes all risk of loss to the authorized improvements.

B. The Lessee shall comply with all applicable Federal, State, and local laws, regulations, and standards, including but not limited to, the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and other relevant environmental laws, as well as public health and safety laws and other laws relating to the siting, construction, operation and maintenance of any facility, improvement, or equipment on the property.

C. The Lessee shall indemnify, defend, and hold the United States harmless for any violations incurred under any such laws and regulations or for judgments, claims, or demands assessed against the United States in connection with the Lessee's use or occupancy of the property. The Lessee's indemnification of the United States shall include any loss of personal injury, loss of life or damage to property in connection with the occupancy or use of the property during the term of this lease. Indemnification shall include, but is not limited to, the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third party claims and judgments; and all administrative, interest, and other legal costs. This paragraph shall survive the termination or revocation of this lease, regardless of cause.

D. The Forest Service has no duty, either before or during the lease term, to inspect the property or to warn of hazards and, if the Forest Service inspects the property, it shall incur no additional duty nor any liability for hazards not identified or discovered through such inspections. This paragraph shall survive the termination or revocation of this lease, regardless of cause.

E. The Lessee has an affirmative duty to protect from damage the land, property, and interests of the United States.

F. In the event of any breach of the lease by the Lessee, the Authorized Officer may, on reasonable notice, cure the breach for the account at the expense of the Lessee. If the Forest Service at any time pays any sum of money or does any act which will require payment of money, or incurs any expense, including reasonable attorney's fees, in instituting, prosecuting, and/or defending any action or proceeding to enforce the United States rights hereunder, the sum or sums so paid by the United States, with all interests, costs and damages shall, at the election of the Forest Service, be deemed to be additional rental hereunder and shall be due from the Lessee to the Forest Service on the first day of the month following such election.

V. OTHER PROVISIONS

A. Nondiscrimination. The Lessee shall at all times operate the described property and its appurtenant areas and its buildings and facilities, whether or not on the property, in full compliance with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the regulations issued thereunder by the Department of Agriculture and in effect on the date this lease is granted to the end that no person in the United States shall, on the grounds of race, sex, color, religion or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any of the programs or activities provided thereon.

B. Revocation, Termination and Suspension.

1. General. For purposes of this lease, termination, revocation, and suspension refer to the cessation of uses and privileges under the lease.

"Revocation" refers to an action by the Authorized Officer to end the lease because of noncompliance with any of the prescribed terms, abandonment, or for reasons in the public interest. Revocations are appealable.

"Termination" refers to the cessation of the lease under its own terms without the necessity for any decision or action by the Authorized Officer. Termination occurs automatically when, by the terms of the lease, a fixed or agreed upon condition, event, or time occurs. For example, the lease terminates at expiration. Terminations are not appealable.

"Suspension" refers to a revocation which is temporary and the privileges may be restored upon the occurrence of prescribed actions or conditions. Suspensions are appealable.

2. This lease may be suspended or revoked upon breach of any of the conditions herein or upon nonuse. Nonuse refers to a failure to operate the facilities on the property for a period of 2 years.

3. Except in emergencies, the Authorized Officer shall give the Lessee written notice of the grounds for revocation or suspension and a reasonable time, not to exceed 90 days, to complete the corrective action. After 90 days, the Forest Service is entitled to such remedies as provided herein.

4. This lease may be revoked at the discretion of the Forest Service when in the public interest. When revoked in the public interest, the Lessee shall be compensated subject to the availability of appropriated funds. Compensation shall be based upon the initial cost of improvements located on the lease, less depreciation as allocated over the life of the improvements as declared by the Lessee's Federal tax amortization schedules.

5. Any discretionary decisions or determinations by the Authorized Officer on revocation or suspension are subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

6. In the event the Authorized Officer decides not to issue a new lease, or the Lessee does not desire a new lease, the Authorized Officer and the Lessee shall, within six months prior to the termination date of this lease, agree upon a mitigation plan to restore and stabilize the site.

7. Upon termination or revocation of the authorization, delinquent fees and other charges associated with the authorization will be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. Delinquencies may be subject to any or all of the following conditions:

a. Administrative offset of payments due the holder from the Forest Service.

b. Delinquencies in excess of 60 days shall be referred to United States Department of Treasury for appropriate collection action as provided by 31 U.S.C. 3711 (g), (1).

c. The Secretary of the Treasury may offset an amount due the debtor for any delinquency as provided by 31 U.S.C. 3720, et seq.).

In the event this lease is revoked for noncompliance, the Lessee shall remove all structures and improvements within days, except those owned by the United States, and shall restore the site as nearly as reasonably possible to its original condition unless this requirement is otherwise waived in writing by the Authorized Officer.

If the Lessee fails to remove all structures or improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States.

C. Members of Congress. No member of or Delegate to Congress or Resident Commissioner shall benefit from this lease whether directly or indirectly, except when the lease provides a general benefit to a corporation.

D. Reservations. This lease is granted subject to the following reservations by the United States:

1. The right to all natural resource products now or hereafter located on the property unless stated otherwise, and the right to utilize or dispose of such resources insofar as the rights of the Lessee are not unreasonably affected.

2. The right to modify the communications site plan as deemed necessary.

3. The right to enter upon the lease and inspect all facilities to assure compliance with the conditions of this lease.

4. The right of the United States to require common use of the property, and the right to authorize use of the property for compatible uses, including the subsurface and air space.

In the event of any conflict between any of the preceding printed clauses or any provisions thereof and any of the following clauses or any provision thereof, the preceding clauses shall control.

E. Protection of Habitat of Endangered, Threatened, and Sensitive Species (X8). Location of areas needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act of 1973, as amended, or as sensitive by the Regional Forester under authority of FSM 2670, derived from ESA Section 7 consultation, may be shown on a separate map, hereby made a part of this authorization, or identified on the ground. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the authorization holder.

If protection measures prove inadequate, if other such areas are discovered, or if new species are listed as Federally threatened or endangered or as sensitive by the Regional Forester, the authorized officer may specify additional protection regardless of when such facts become known. Discovery of such areas by either party shall be promptly reported to the other party.

F. Archaeological-Paleontological Discoveries (X17). The holder shall immediately notify the authorized officer of any and all antiquities or other objects of historic or scientific interest. These include, but are not limited to, historic or prehistoric ruins, fossils, or artifacts discovered as the result of operations under this authorization, and shall leave such discoveries intact until authorized to proceed by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the holder.

ACCEPTED this _____ day of _____, 1 _____, the undersigned have read, understand and accept the terms and conditions of this lease.

LESSEE:
COUNTY OF RIVERSIDE, a political subdivision of the State of California

By: _____
Name: BOB BUSTER
Title: Chairman of the Board

FORM APPROVED COUNTY COUNSEL
BY: Synthia M. Gunzel 5-3-11
SYNTHIA M. GUNZEL DATE

IN WITNESS WHEREOF, the Forest Service, by its Authorized Officer, has executed this lease on the day and year first written above.

UNITED STATES OF AMERICA

KEITH W. FLETCHER
DISTRICT RANGER
Forest Service
Department of Agriculture

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average one (1) hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN

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EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN**I. DEFINITIONS**

Authorized Officer. The Forest Service employee with the delegated authority to issue and manage communications uses. The *authorized officer* is usually the District Ranger or Forest Supervisor of the unit on which the communications site is located.

Co-location. Installation of telecommunications equipment in or on an existing communications facility or other structure.

Communications Site. An area of National Forest System (NFS) lands designated as an electronic site through the Forest Land and Resource Management planning process for telecommunications uses. A communications site may be limited to a single communications facility, but most often encompasses more than one. Each site is identified by name, usually denoting a local prominent landmark, such as Bald Mountain Communications Site.

Customer. An individual, business, organization, or agency that is paying a facility owner or tenant for communications services and is not re-selling communications services to others. Private ("other communications use" category) and internal (private mobile radio service and non-commercial microwave categories) communications uses leasing space in a building and not re-selling communications services to others are considered customers for rental calculation purposes.

Facility. A building, tower, or other physical improvement (buildings and towers do not have to be combined to be considered a facility) that is built or installed to house and support authorized communications equipment.

Facility Manager. The holder of a Forest Service communications use authorization who (1) owns a communications facility on NFS lands, (2) rents space in or on their facility to other communication users, but (3) does not own or operate their own communications equipment and they do not directly provide communications services to third parties. Persons or entities that manage or administer a communications facility on NFS lands for a facility owner or a facility manager are not facility managers for purposes of this communications site plan.

Facility Owner. The holder of a Forest Service communications use authorization who (1) owns a communications facility on NFS lands, (2) may or may not be renting space or equipment to other communications users in or on their facility, and (3) owns and operates their own communications equipment in their facility.

Multiple-Use Facility. A communications site facility that has multiple communications uses operated directly by the facility owner or has customers or tenants in or on that facility.

EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN

Ranally Metro Area. Geographic areas in the United States identified by Rand McNally in its Commercial Atlas and Marketing Guide that define population centers of 50,000 or more. There are approximately 450 Ranally Metro Areas (RMAs) in the United States.

Senior Use. A communications use that predates another communications use. The most senior use or uses form the basis for the communications site designation.

Single-Use Facility. A communications site facility that contains only the single communications use of the facility owner and no tenants or customers in or on the facility.

Tenant. A communications user who rents space in a communications facility and operates communications equipment for the purpose of re-selling communications services to others for profit. Tenants may hold separate authorizations, without sub-tenancy rights, at the full schedule rent based on the category of use.

II. NARRATIVE

A. Site Description

El Cariso Communication Site is located on Trabuco Ranger District, Cleveland National Forest, Orange County, State of California in NW1/4 Section 18, T. 6 S. R. 5 W., San Bernardino Meridian at approximately Latitude 33° 39' 12.4" North, Longitude 117° 26' 44" West. The elevation at El Cariso Communications Site is approximately 3490 feet above mean sea level (msl). The total area for potential development is approximately .50 acres in size. El Cariso Communications Site is road accessible.

This site serves the Riverside Ranally Metro Area (RMA). The population is currently between 1,000,000 and 2,499,999 and is therefore Zone 3. The population identified for this Zone is updated annually by the Forest Service, Washington Office, Director of Lands, and is used to determine the annual rental fee due the Forest Service.

The most senior use at El Cariso Communications Site is private mobile radio service. The site is designated as a two-way radio, low-power, non-broadcast, government-only site. This designation was established in a Cleveland National Forest Land Management Plan amendment, approved on March 8, 2011, within prescriptions which allow electronic sites. Elsinore Valley Municipal Water District, though not a government agency, may continue to operate electronic communications at this site, since their ancillary communications use pre-dates

EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN

the designation of El Cariso Communications Site. The maximum power output for this site is based on the maximum output allowed for two-way radio under the Federal Communications Commission's rules at Title 47, Code of Federal Regulations, Part 90.

B. Existing Site Development

El Cariso site was originally developed as a water storage area in 1964. This use was authorized under permit (TRD101605) issued to Elsinore Valley Municipal Water District. Communication uses which are ancillary to operation of the water tank and water distribution facilities are located on the tank.

El Cariso Communications Site is being developed for communications purposes under an authorization issued to Riverside County for private mobile radio systems. The primary purpose of this system is to provide communication support for the County's fire and law enforcement agencies.

See Appendix B for a current list of currently authorized facilities.

C. Objectives

The primary objectives of the El Cariso Communications Site Management Plan are to:

1. Document site management policy, procedures and standards, which are not already specified in the standard communication site lease.
2. Manage for low power communications uses only. The maximum power output expressed as ERP is based on the maximum output allowed for two-way radio under the Federal Communications Commission's rules at Title 47, Code of Federal Regulations, Part 90. As of the 2003 regulation, that is 500 watts ERP. Each use must operate at or below the power level authorized by their respective FCC license as long as it does not exceed the site limitation.
3. No continuously transmitting uses are authorized at this site, excluding microwave.
4. All uses must be designed, operated and maintained so as not to physically or electronically interfere with the senior uses. If new uses deteriorate the receiving/transmitting operation of existing uses, the new use uses may be required to institute at their expense; additional studies, equipment upgrades, frequency isolation, or physically separate themselves from the existing uses.
5. Present a program for operation within the site.

EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN

6. Help fulfill the public need for adequate communication sites.
7. Protect the interests of special use authorization holders and site users by preserving a safe and an electronically "clean" environment.
8. Encourage the efficient development and use of space and facilities within the designated site, subject to the Forest Service goal to provide the best possible public service at reasonable cost.
9. Authorize new Tenant and/or Customer uses that can physically and electronically be accommodated within existing buildings and/or towers.
10. Maintain visual resource objectives by requiring design standards that are unobtrusive and by utilizing earth tone colors and non-reflective surface material consistent with the standards in the Land and Resource Management Plan.
11. Amend this Communications Site Plan as necessary to be consistent with future Forest Resource Management Plan. The Forest Service will provide authorization holders with proposed amendments to this plan and will allow a reasonable period of time for the holders to review and comment on the proposed changes.

III. AUTHORITY AND JURISDICTION**A. Authority**

Forest Service authority to authorize and manage communications uses on National Forest System (NFS) lands derives from the Federal Land Policy and Management Act of 1976 (43 U.S. C. 1761-1771); Title 36, Code of Federal Regulations, part 251, subpart B (36 CFR 251, subpart B); Forest Service Manual (FSM) 2700; and Forest Service Handbook (FSH) 2709.11, chapter 90.

B. Jurisdiction

The Forest Service has jurisdiction over the use and occupancy of NFS lands for communications purposes under the National Forest Management Act (NFMA) of 1976 (16 U.S.C. 1600 et seq.); the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1701 et seq.), and Title 36, Code of Federal Regulations, part 251, Subpart B (36 CFR part 251, subpart B).

The Federal Communications Commission (FCC) has jurisdiction over the use of non-Federal channels of radio and television transmission under licenses granted by the FCC. The National Telecommunications and Information Administration (NTIA) has jurisdiction over the use of Federal channels of radio transmission under authorizations granted by the NTIA.

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The issuance of an FCC license or NTIA authorization does not authorize the use and occupancy of NFS lands. A Forest Service special use authorization is required for the use and occupancy of NFS lands for communications purposes.

The Forest Service has jurisdiction over resolution of conflicts associated with the use and occupancy of NFS lands, such as those involving location and re-radiation. The FCC and NTIA are not responsible for resolving occupancy conflicts associated with the use and occupancy of NFS lands or the resolution of other conflicts when entities are operating within the limits of their FCC license or NTIA authorization. However, the FCC or the NTIA may be useful in assisting in the resolution of interference problems or other frequency conflicts.

IV. RIGHTS AND RESPONSIBILITIES

A. The Forest Service

The Forest Service retains the responsibility for issuing and amending authorizing instruments to Facility Owners and Facility Managers for the authorized improvements. The issuance of a FCC license (authorization), or frequency assignment, does not authorize occupancy of NFS lands. Granting occupancy and use of NFS lands rest exclusively with the Forest Service. This includes:

1. Amending or modifying this site plan as deemed appropriate.
2. Approving new facilities including those constructed within a lease holder's authorized area.
3. Approving assignment of a communications site lease.

B. Facility Owners and Facility Managers Are Responsible for:

1. Complying with the terms and conditions of their communications site authorization and this site plan.
2. Ensuring that all new facilities, expansions, or improvements are consistent with the Cleveland National Forests Land and Resource Management Plan, environmental documentation and decisions affecting the use of this site, and the provisions of this site plan.
3. May rent building and tower space to tenants and customers with prior written approval from the Forest Service.
4. May not place any unreasonable restrictions on potential or existing tenants and customers.

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5. Ensuring that facilities and equipment not complying with Federal, State, and local laws, regulations, and ordinances will be removed or modified within one year of approval of this site plan. Modifications require the pre-approval of the authorized officer.
6. Keeping all facilities within the established limits of their authorized area. The Facility owner or manager may not, for itself or for any customer or tenant, authorize construction of any equipment shelter or tower, or manipulation of the site or vegetation in any way, without specific authorization from the Forest Service (See sec. VII).
7. Providing the authorized officer the name, address, and telephone number of a local contact. The facility owner or the facility manager and the local contact person may be the same individual. The local contact shall be available for emergencies and shall have the authority to make decisions about construction issues, facility maintenance, and all equipment within the facility.
8. Ensuring that all communications equipment in their facility is properly installed, operated, and maintained in accordance with ANSI, FCC, and Forest Service regulations, guidelines and standards concerning radiation limitations, including monitoring radiation levels at their facility and immediately correcting any radiation levels that are, or could be a hazard to human health.
9. Providing the authorized officer by October 15th of each year, a certified statement listing their type or types of communications uses they provide and the business names of all occupants and their type of communication use in the facility on September 30th of that year.
10. Treat and control noxious weeds on and adjacent to their permitted area, access, and parking areas. Treatment requirements and standards must be according to applicable regulations. Standards and application procedures may be obtained from the Forest Office.

C. Tenants and Customers:

May co-locate in an existing facility when their communications use is an approved use in the site plan. Co-location in a non-Federal communications facility does not require a Forest Service authorization. Tenants and customers who co-locate in a Federal facility shall first be issued a special use permit from the authorized officer before locating in that Federal facility.

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Co-location, when practical, shall be required. Site applicants shall take the lead in this area and shall design their proposals to accommodate multiple uses of facilities and improvements. This includes the multiple-use of buildings, towers, solar generating systems, back-up generators, grounding systems, fuel containers, access ways, and parking areas.

Due to the limited development space at the site, new facilities, or major modifications to existing facilities, shall be designed to accommodate additional users even if other users are, or could be, competitors.

Facility owners and facility managers are not required to lease facility space to others if they can demonstrate to the authorized officer that:

1. Space is not available;
2. The use is incompatible with the existing communications uses at the site. For example, the proposed use is not compatible with other uses as provided for in FSH 2709.11, section 97, exhibit 05;
3. Additional space is needed by the facility owner or the facility manager; or
4. Additional users would compromise security of the facility or communications systems located in that facility.

VI. RENTAL FEES

Unless specified differently in the communications site lease, the Forest Service shall charge facility owners and facility managers of non-Federal facilities and tenants and customers in Federal facilities an annual rental fee based on the fee schedule for communications uses on National Forest System lands contained in FSH 2709.11, section 95. The rental rates shall be adjusted annually using the Consumer Price Index-Urban (CPI-U), and the population figures are adjusted annually based on the most recent Rand McNally Commercial Atlas and Marking Guide (for RMAs) and Rand McNally Road Atlas for non-RMA communities.

Rental fees that facility owners and facility managers may charge their tenants and customers shall be:

1. Reasonable and commensurate with the use and occupancy of the facilities and services provide to tenants and customers; and

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2. Consistent with other fees charged for similar facilities.

VII. CONDITIONS FOR NEW CONSTRUCTION AND MODIFICATION OR EXPANSION OF A FACILITY**A. New Construction, Modification, and Expansion Responsibilities**

Construction space at the site is extremely limited and future additional facilities are unlikely. If new facilities are proposed or if existing facilities needs modification, the following guidelines shall apply.

In addition to the responsibilities listed in Section IV, proponents, facility owners, and facility managers seeking to construct a new facility or modify or expand an existing facility are responsible for:

1. Submitting a complete application to the authorized officer prior to any new construction, modification, or expansion of a facility. The application shall include:
 - a. A copy of the approved site plan base map showing all of the proposed new, modified, or expanded facilities, including structures, towers, and auxiliary equipment;
 - b. Completed drawings or plans prepared by a professional engineer or architect;
 - c. Identification of any proposed microwave beam paths, a plot of their azimuth, and their proposed elevation on the tower; and
 - d. Documentation showing that the proposed facilities will not obstruct or interfere with any exiting uses, including fixed point-to-point antennas, omni-directional broadcast antennas, or microwave beam paths.
2. Demonstrating that the new facility will make the most efficient use of the limited amount of space at the site and will provide for future uses without additional construction.
3. Providing engineering and geotechnical investigations for development of specific foundation designs and grading plans.
4. Providing an erosion control plan prior to construction. At a minimum, the erosion control plan shall include sediment control, stipulations that cut and fill slopes will be graded and contoured to prevent erosion and excessive runoff, and recommendations for temporary erosion control

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measures, such as netting, silt fences, swales, sediment collection areas, and so forth.

5. Coordinating with other Federal and local governments and securing all pertinent permits and approvals from those agencies.
6. Providing 30-days notice to all facility owners and facility managers at the site, as well as the Forest Service, of all new frequencies, either for themselves or their tenants and customers, proposed for the site. A completed FS-2700-10 shall be sent with the 30-day notice to allow for comment of potential interference. This would be for new frequencies for themselves and their tenants or customers.

B. Construction Methods and Resource Protection

Plans submitted by a proponent, facility owner, or a facility manager for construction, modification, or expansion of a facility shall provide for soil rehabilitation measures, including soil replacement and stabilization and proper handling of runoff from buildings, parking areas, access roads, and undeveloped common areas. The authorized officer must approve all cutting or trimming of vegetation.

During construction, modification, or expansion of facilities, facility owners and facility managers shall:

1. Identify, avoid, and protect sensitive resource areas identified by the Forest Service.
2. Comply with the erosion control plan.
3. Notify the Forest Service authorized officer prior to commencing any approved ground-disturbing activities.
4. During construction and/or maintenance, paintbrushes will not be cleaned off on rocks. No marks of any kind, including survey marks, will be permitted on rocks.
5. Minimize, to the greatest extent possible, ground disturbance and vegetation removal.
6. Re-vegetate extensive cut and fill slopes with native vegetation as soon as possible after construction. All re-vegetation must have prior written approval of the authorized officer.
7. Not cast off grading material. Excess soil can be used as fill material for roads, buildings and towers.

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8. Obtain prior written approval of the authorized officer for temporary, on-site storage of construction materials.
9. Not leave hazardous materials, including fuels, oils, and lubricants unattended at the site at any time. Hazardous materials shall be removed from the site at the end of each workday or temporarily stored inside a locked and posted building until the following workday. Construction materials and supplies other than hazardous materials may be left unattended at the construction site at the end of each workday at the owner's risk.
10. Remove surplus construction materials and waste debris from the site no later than 30 days after construction has been completed.
11. To prevent the spread of noxious weeds into the area, power wash off any earth-moving or heavy equipment, such as dozers, graders, cranes, backhoes, and so forth before it is brought onto National Forest System lands.

C. Construction Inspection

1. All new construction, modification, and expansion of facilities shall conform to established technical standards and accepted engineering practices, such as the Uniform Building Code.
2. Any construction inspections required by other agencies are the responsibility of the holder. Copies of completed inspections shall be provided to the Authorized Officer, either as they occur or as part of the final as-built plan. Inspection information shall become a permanent part of the holder's special-use file.
3. Corrective work required as a result of Forest Service or other agency inspections shall be completed by the date specified in the inspection report to the satisfaction of the inspecting official.
4. A final set of as-built plans shall be submitted to the Authorized Officer within 90 days of acceptance of a structure (if the construction was contracted) or of its completion date (if the construction was not contracted).

D. New or Remodeled or Expanded Buildings

1. Any new buildings shall be designed to accommodate multiple users and shall be consistent with a site-specific environmental analysis conducted at the time of the proposal.

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2. Buildings shall be one-story and have a flat roof. The roof shall be non-reflective metal or other non-reflective fire resistant material approved by the Forest Service. Building height will be restricted to a single story unless specifically authorized for two stories or with a snow vestibule. Roofs can be equipped with antenna support structures, such as poles and railings that can extend up to 25 feet above ground level.
3. Facility owners and facility managers are encouraged to construct the interior of their buildings in a modular fashion, so that they can:
 - a. Sublease sections to others;
 - b. Provide tenants and customers with internal separation and security;
 - c. Reduce physical interference; and
 - d. Increase management effectiveness.
4. The following materials are approved for construction of new buildings:
 - a. Floors: Concrete slab with drainage or as part of a non-flammable pre-fabricated structure.
 - b. Walls: Concrete block, metal, or pre-fabricated concrete.
 - c. Roofs: Concrete, metal (if painted to eliminate shiny surfaces), or other fireproof material approved by the Forest Service. Proposals for wooden roofs will not be approved.
 - d. Partitions: Fire resistant material, such as reinforced concrete or properly grounded expanded metal.
 - e. Color:
 - (1) The color used on all exterior building surfaces, walls, and ancillary structures shall be the equivalent of Olympic brand "Castle Stone" (D67-6 (olive drab)) and shall have a Light Reflectivity Value (LRV) of 15 or less. The goal of color selection is to make buildings as inconspicuous as possible when viewed from a distance. The intent is to reduce or eliminate glare from reflective and/or illuminated surfaces such as windowpanes, sheeting, and reflective paints.
 - (2) The tower color shall be a medium or darker gray color and must eliminate all shiny/reflective surfaces to a LRV of 20 or less.

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The dishes and antennae bases must also achieve a LRV of 20 or less.

- f. Building entry lights must:
- (1) Only light the immediate area in the vicinity of the door;
 - (2) All exterior building lighting must be manually operated. Motion sensing lighting is not authorized.
 - (3) Have a shielded beam that is pointed at the building door. Requests for all-night (dusk-to-dawn) lighting or entry lighting that would be visible from outside the site will not be approved.

E. New or Remodeled/Expanded Towers

1. All construction, modification, and expansion of towers shall have the prior written approval of the authorized officer.
2. It is the applicant and holder's responsibility to ensure that new, modified, or expanded towers will not unduly interfere electronically or physically with any existing equipment at the site. Towers shall be spaced so as to prevent ground level radiation and interference problems. Compliance with these requirements shall be demonstrated in writing to the authorized officer prior to issuance of a lease, permit, or amendment.
3. All new towers shall comply with current structural and safety specifications and design standards, including safety-climbing devices. Towers should be as narrow and "open" as safety and structural integrity allow. New towers should be designed using maximum wind, snow, and tower loading anticipated for the site.
4. All towers shall be self-supporting and shall not exceed 100 feet in height.
5. Antennas shall not exceed a maximum of 115 feet in height from ground level (15 feet above maximum tower height).
6. To avoid possible impacts to birds or bats, follow the most current version of the U.S. Fish & Wildlife Service's Interim Guidelines on the Siting, Construction, Operation and Decommissioning of Communication Towers (available at <http://migratorybirds.fws.gov/issues/towers/comtow.html>).

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7. All towers shall be left unpainted if they are made of dull, galvanized steel. Paint is required only if the tower has a shiny or reflective surface. Non-reflective, Forest Service approved dark gray to green colors will be approved unless the FAA requires red and white tower striping.
8. No lights, beacons, or strobes shall be allowed on new towers unless specifically required by the FCC/FAA.

VIII. GENERAL OPERATION AND MAINTENANCE**A. Special Environmental and/or Biological Considerations****Discouraging Condor/Raptor Use at Communications Sites**

Condors naturally seek high points to roost. In order to fly they require favorable winds and perches to help search for food using their keen vision. Communication sites offer elevated peaks with the added attraction of multiple landing perches. When they roost at these sites, their curiosity can lead to hazards to the birds and damage to the facilities. Condors may be harmed by perching in locations where concentrated radio frequencies occur, such as near antennas or in direct line with security fences or support facility rooflines. Condors will pull and peck at any loose wire or soft object, such as insulation, rubber, or weather stripping. They may also become entangled in wires or towers, or harmed in other ways. Possible solutions may include the five items listed below, and after a site-specific survey, the Forest Service may require additional measures. (See Appendix F for guidelines)

B. Wiring and Grounding

1. All equipment shall be installed in metal cabinets or open frame equipment racks that are grounded and shielded. Grounding is to be installed in accordance with manufacturer's recommendations and accepted industry standards.
2. All electrical wiring and grounding shall meet the National Electrical Code and applicable State codes. All permanent wiring shall be installed in metallic conduit. Surge protection shall be installed on all power distribution panels.
3. Every effort shall be made to protect the equipment from lightning damage. Lightning protectors should be used on all coaxial cable connections to equipment enclosures. Gas gap and MOV protectors should be used on all control, audio, and power lines.

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4. Each building shall have its own separate grounding system for all users in that structure. Wherever practical, interconnection of individual grids and/or the simultaneous placement of large sized copper ground wire with any new grounding systems that are buried on the site shall be encouraged.
5. Grounding shall be installed in accordance with accepted practices and standards, such as Motorola specification R-56 and the NEC. Grounding using bentonitic clays is currently the only approved method for chemical grounding. Other types of chemical grounding shall require completion of NEPA documentation by the applicant prior to consideration for approval by the authorized officer.

C. Communications Equipment**1. Equipment Ownership**

All equipment shall be labeled with:

- a. The owner's name;
- b. Applicable transmitter frequencies;
- c. The applicable FCC license or NTIA authorization;
- d. Transmitting power outputs; and
- e. A current 24-hour telephone contact number.

2. Transmitting Equipment

All transmitters shall have protective devices built into them or externally installed to prevent interference with other uses. All transmitters shall meet FCC licensing requirements.

The re-radiation of intercepted signals from any unprotected transmitter and its associated antenna system shall be prevented by the use of appropriate filters, typically bandpass filters, circulators, and/or harmonic filters.

The direct radiation of out-of-band emissions (noise or spurious harmonics) shall be reduced to a level such that it may not be identified as a source of interference as defined in FCC Regulations (47 CFR 90.209(e)). The noise floor level for this site is established at -115 dB, and shall not be exceeded.

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All transmitters not in immediate use and not specifically designated as standby equipment shall be removed. Loads connected to circulators shall be capable of dissipating the total power output of the transmitter.

3. Receiving Equipment

A bandpass device, such as a cavity or crystal filter, is recommended at the input of all receiving devices. Cavity filters or other protective devices may be used at receiver inputs to reduce interference.

Where duplexing is used, a notch-type device should be avoided. In situations where a notch-type device is used, a bandpass filter shall be used on both the receiver and transmitter.

4. Antennas

- a. Microwave (dish) antennas and other than ground-mounted satellite dishes shall not exceed 10 feet in diameter.
- b. All antennas shall meet all OSHA safety standards. If an antenna is operating in excess of FCC public or occupations standards, steps will be taken, such as fencing, posting of signs, relocation, lowering power levels, within 24 hours to bring it into compliance. Ground measurements of RFR levels will be taken before mitigation measures are implemented.
- c. Colors for dish antennas or covers shall be pre-approved by the authorized officer. White dish antennas and covers will not be approved. Antennas shall be treated to reduce or eliminate reflected glare.
- d. Low-powered transmit and receive antennas may be located low on the tower or on the ground.

5. Interference

The responsibility for correcting interference problems lies with the holder of the communications site authorization for the facility, the user causing the interference, and the affected parties. Generally, the first users at a site have seniority with respect to resolution of interference complaints. Senior users have an obligation to maintain their equipment to industry standards, to operate their systems in accordance with the terms of both the FCC license and NTIA/IRAC frequency authorization, and to comply with the Forest Service communications site authorization. New users at a site shall correct, at their expense, interference problems that they create. They shall cease operation of the suspect equipment until the problem is

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corrected. If interference problems cannot be resolved or corrected within a reasonable time, the new use that is causing the interference may be terminated and the equipment removed.

If a Site Users Association is formed, all users shall cooperate with the Forest Service in the identification and correction of any interference. The Forest Service does not have any responsibility for correcting interference problems, but can act as a mediator to help all affected parties. Interference problems should be coordinated with the FCC or NTIA, as appropriate.

Interference with law enforcement and emergency communications shall be corrected immediately. Operation of equipment covered by this site plan shall not interfere with Federal Government radio or electronic operations already in existence on National Forest System lands within two miles of the El Cariso Communications Site. The user causing this interference shall at their own expense take all actions necessary to prevent or eliminate the interference. If they do not eliminate the interference within ten days after receipt of notice from the Forest Service to do so, their use will be terminated.

If electromagnetic noise becomes an issue, noise thresholds shall be established and incorporated as an amendment to this site plan. The cost of such analysis is the responsibility of the lease holders.

D. Cables and Transmission Lines

All new cabling shall be jacketed and shielded and shall either be flexible or semi-rigid. Cables shall be properly installed, strapped, and fastened down. Cable runs should be consistent with applicable engineering standards when attaching cables onto a tower.

All transmission lines (wave guides) shall be supported in accordance with manufacturer's specifications. Unjacketed transmission lines or unjacketed cables of any type are prohibited. No transmission lines shall be left unterminated.

Double-shielded braided or solid-shielded cable shall be used. No RG-8 cable is permitted. No connector-type adapters shall be used on transmission lines. Only correct connectors that will mate to connected devices may be used.

Conduits shall be shared when they service common areas and shall be buried where possible.

EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN**E. Radiation**

All communications uses shall meet ANSI, FCC, and Forest Service regulations, policy, guidelines, and standards concerning radiation limitations.

Monitoring radiation levels at the site is the responsibility of all site users and shall occur at intervals to comply with FCC regulations and guidelines. A copy of the monitoring report shall be provided to the Forest Service within 30 days of its completion.

Onsite RFR measurements shall be taken using appropriate equipment that can adequately measure levels both on the tower and on the ground before mitigation measures related to RFR are implemented.

Security fences with RFR notice signs are required around areas that exceed public use levels. All fencing location and design shall be pre-approved by the Forest Service.

Warning signs shall be in English and Spanish and comply with ANSI C95.2 color, symbol, and content conventions. Contact information, including name and telephone number will also be included on warning signs.

Any identified RFR problems that are, or could be, a human health hazard shall be corrected within 24 hours after measurement tests have been completed, or the equipment involved shall be removed from the site by the site user. Any ground disturbance associated with correction of RFR problems or removal of equipment causing the problem must have prior written approval of the authorized officer.

F. Utilities

Site users shall pay for the cost to install and maintain utilities, including any resource surveys and reports needed for environmental compliance. For visual reasons, overhead utility poles are not authorized.

1. Commercial Electrical Power

Commercial power will be provided by Southern California Edison (proposed).

2. Telephone Service

Commercial telephone lines do not service this site.

3. Fuel Storage

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Fuel storage facilities on this site must be designed, installed and maintained according to applicable federal, State and local laws and ordinances.

If additional service is ever deemed necessary, a separate authorization will be issued to the owner of the service following the appropriate NEPA analysis and decision. The applicant must pay the cost of necessary resource surveys, and reports and construction costs including appropriate mitigation. For visual reason, overhead utility lines may not be authorized.

G. Sanitary Facilities

No sanitation facilities exist at this site. If needed, any new sanitary facilities shall be pre-approved by the Forest Service. If it is determined by the authorized officer that the user needs such facilities, they will be provided by the applicant/holder in a manner and location satisfactory to the authorized officer and requirements of the local health department.

H. Security and Law Enforcement

The California Highway Patrol and Riverside County Sheriff's Department are the principal law enforcement agencies for the area in which the El Cariso Communications Site is located. Generally, the Highway Patrol and County Sheriffs are responsible for civil and criminal law enforcement. Generally, the Forest Service is responsible for enforcing Federal laws applicable to NFS lands, such as resource protection. Patrol and policing for security purposes is the holder's responsibility.

All of the facilities at El Cariso Communication Site are fenced. If additional fencing is ever deemed necessary for security purposes at other facilities on the site, it must meet the following criteria:

1. All fences must meet health and safety requirements.
2. All fence locations and design require Forest Service pre-approval.
3. The standard fencing type will be chain-link (i.e. cyclone).
4. The standard fence height will be eight (8) feet.
5. Fencing will be designed, maintained, and of a type to minimize interference issues.
6. Fences will be signed with RFR notices if RFR is above public levels.

Buildings shall be posted with a 24-hour contact phone number(s) on the main door(s) into the building where appropriate.

EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN**I. Site Maintenance**

The objectives of site maintenance are to present a clean, neat, and orderly appearance at the site and to have all the authorized improvements at the site be safe for workers and the public. All users are responsible for maintaining the overall appearance of the site.

Miscellaneous debris remaining after any construction or installation, removal or modification of equipment is not only a hazard, but can cause interference or intermodulation problems. All loose debris must be removed from the site within 30 days after completing construction, reconstruction, or other activities. In particular, all loose wire or metal objects shall be removed from the site. The users of the site shall remove graffiti within ten working days of finding it. If graffiti is on natural features, such as rocks and trees, site users will remove graffiti a method approved by the authorized officer.

Holders may not leave or dispose of trash, garbage, or cut brush on NFS lands. No outside trash or litter containers are allowed. Site users shall remove all trash and litter from the site as it is produced. Policing of litter in common areas, such as the areas between buildings and developed sites, is the shared responsibility of those holders bordering these areas.

Peeling paint on buildings and towers shall be re-painted within thirty days of discovery or as soon as possible as allowed by weather conditions.

J. Inspections

Unless waived in writing by the authorized officer, the holder shall have conducted annually a certified inspection of the facilities and equipment covered by the authorization. The inspection shall include a technical review that should ensure that all authorized equipment is operating in accordance with requirement of the this site plan, the applicable FCC license or NTIA authorization, ANSI standards, and the manufacturer's specifications. In addition, the inspection should ensure that the authorized equipment is secure, free of rust, properly grounded, and otherwise properly operated and maintained. A copy of the inspection report, certified by a telecommunication specialist, shall be provided to the authorized officer within 30 days of completion of the inspection. The Forest Service may also conduct periodic reviews to monitor for authorization compliance.

K. Fire Prevention and Hazard Reduction Requirements

Facility owners and facility managers will be required to control vegetation within the fenced or immediate area around their facilities. Gravel or bare mineral soil shall be maintained to a minimum of (10) feet clearance around buildings and a minimum of (10) feet clearance around any propane tanks. Identified threatened,

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endangered, or sensitive plant species must remain within the minimum clearance areas.

Each communications facility should be fire hardened to resist fires, smoke, and heat. The site should be able to provide continuous operation during wildfires without human intervention. Do not allow vegetation control to be the fire prevention feature.

Smoking is prohibited in flammable vegetation areas.

Roof structures shall be kept reasonably clear of debris at all times.

No explosives will be stored at this site. Flammable materials shall be stored in conformance with the requirements of local fire regulations. Flammables will be placed in closed containers and stored away from sources of ignition and combustible materials. If flammables are stored within a building, the building will be locked, properly signed and well ventilated.

Approved spark arresters are required and must be maintained on all internal combustion engines.

At least one (1) U.L. rated 20 lb. A:B:C dry chemical fire extinguisher is required inside each building. Prior to each June, fire extinguisher(s) shall be inspected by holders and refilled, if necessary.

Any fire will be immediately reported to 911 or the Cleveland NF Emergency Communications Center (Monte Vista) at (619) 557-5262.

Forest Service Officers will make periodic fire prevention inspections. They will call to the holder's attention any lack of compliance with the above regulations, plus any other existing hazards. Compliance with these inspections is required within the time limits specified in the inspection report.

All fire protection standards must be accomplished by the beginning of fire season unless otherwise agreed to, and then maintained throughout the fire season.

For new construction, the Forest Service will provide the Holder with a separate Construction Fire Plan which will be prepared at that time as applicable. State and local laws/regulations must be followed for diesel tank installation. Diesel tank installation requires Forest Service approval.

EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN**L. Access****1. Road**

Holders who damage the access road, or any of its associated improvements, such as ditches, culverts, roadside vegetation, signs, and underground utilities and facilities, shall be required to repair the road to conditions equal to or superior to those prior to any damage or disturbance.

Access to El Cariso Communications Site is as follows:

From the El Cariso Fire Station, go west on Ortega Highway for approximately 1.1 mile; turn right onto Long Canyon Road (6S05) and go approximately 2.5 miles; take a sharp right turn and go 0.3 miles to El Cariso Communications Site located at end of road. The El Cariso Communications Site is located approximately 17 air miles southeast of the City of Corona and driving time is approximately 1 hour.

2. Internal Roads and Parking Areas

Internal roads and parking areas within the communications site are the responsibility of the site users. Interior roads and parking areas shall be planned and approved by the authorized officer in conjunction with establishment of new facilities. Interior roads shall be maintained so as to allow only one entrance to the site. The intent is to discourage off-road vehicle use in and around the site.

3. Road Closures

Forest Service roads are subject to periodic closures to entry during periods of extreme fire danger, inclement weather, or wetness. Site users may access the site during these closures if they have prior, written approval from the authorized officer.

IX. SITE ASSOCIATION AND ADVISORY GROUP

A site association is probably not needed at this time. If development were to increase, a users association may become desirable. Leadership would need to come from one of the users. As needed in the future, the site association would be responsible for obtaining and maintenance of an administrative access and upkeep of internal roads and parking areas. The site association would also be responsible for ensuring cooperation between users for on-tower access. A site safety officer would be identified within the site association. The site association would be expected to develop a Radio Frequency Radiation Plan/Agreement and recommend measures to reduce interference issues (e.g., through use of filters).

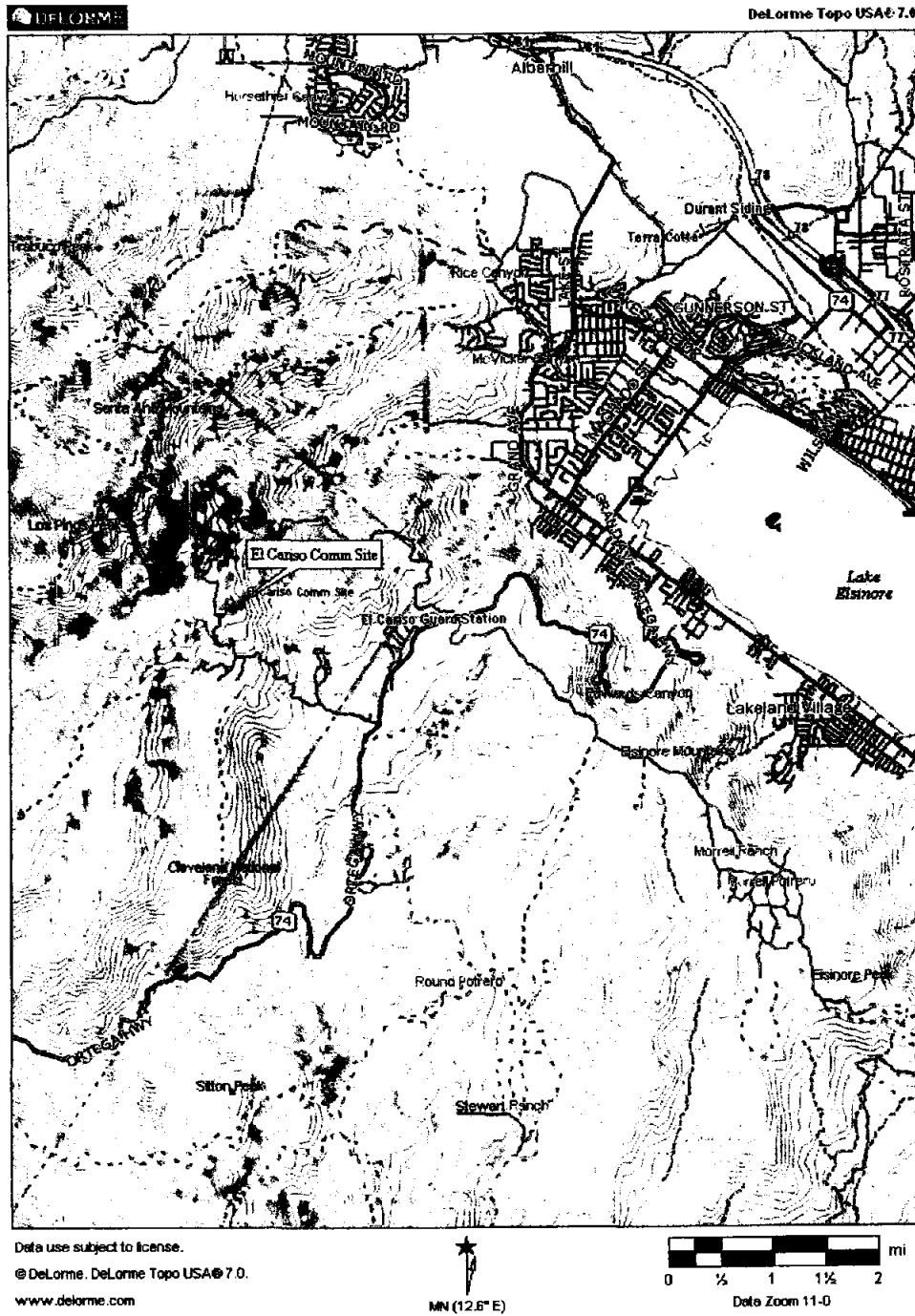
EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN

The goal of the site association would also be to maximize the effective use of the site. The objective of a sanctioned association will be to represent all site users as a group when dealing with the Forest Service on matters relating to the site administration. The association would be able to work in cooperation with the Forest Service to identify problems or opportunities and make recommendations to the Forest Service for any changes in management strategies at the site. The association could also provide input to the Forest Service regarding the future addition of equipment and facilities at the site. While the advice and recommendations of the association would not be binding on the Forest Service, the Forest Service could use the input for administration of the site. The Forest Service would be a member of such a group and would help jointly develop the charter (i.e., the ground rules).

EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN

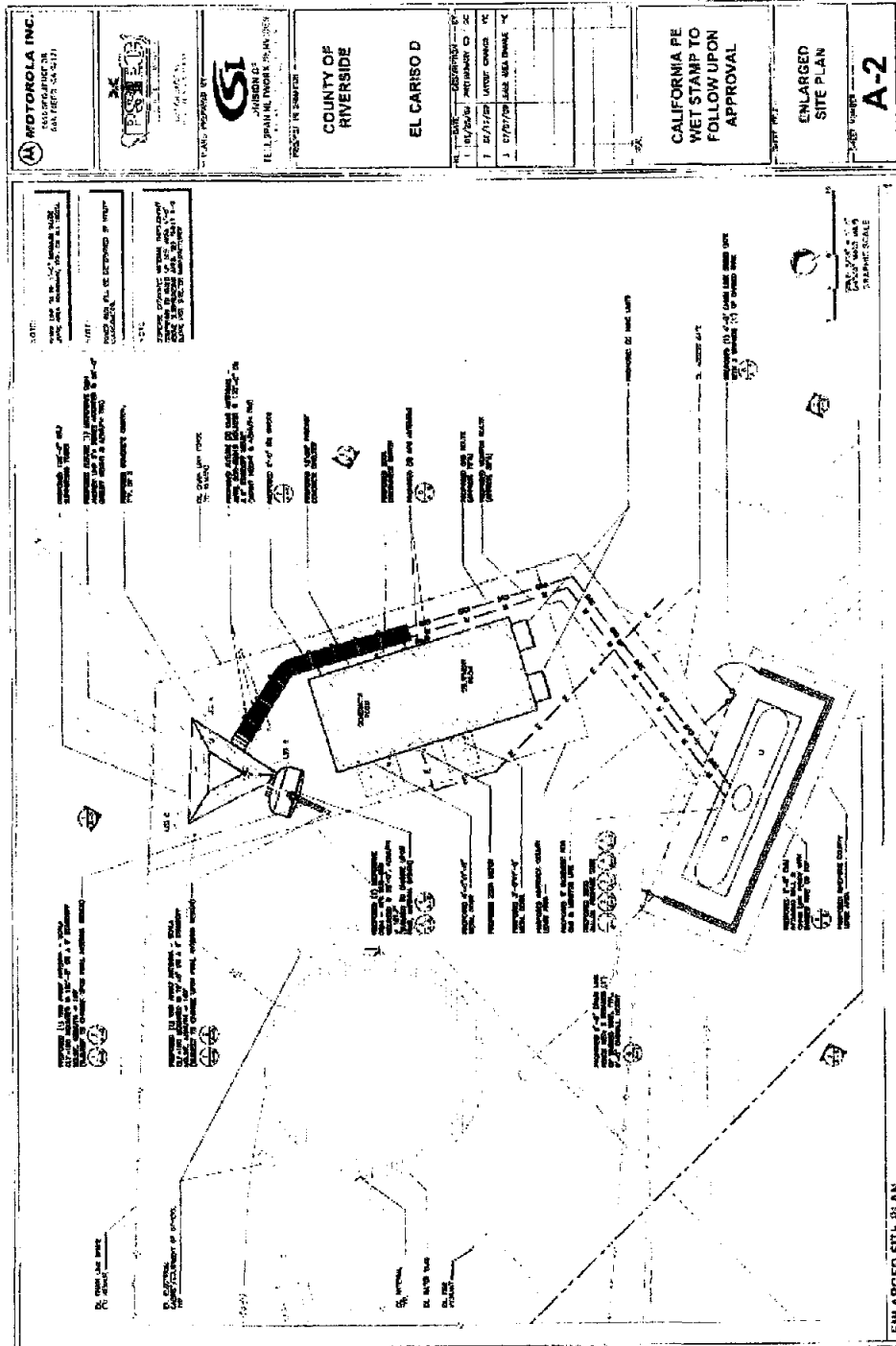
X. APPENDICES

APPENDIX A – Location Map



EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN

APPENDIX A (Continued) – Site Map



MOTOROLA INC.
COMMUNICATIONS
SAN JOSE, CA 95128



CSI
COUNTY OF RIVERSIDE
REGISTERED PROFESSIONAL ENGINEER
NO. 10000
EXPIRES 12/31/2008

COUNTY OF RIVERSIDE

EL CARISO D

NO.	DATE	DESCRIPTION
1	10/20/08	PROVISIONAL CD - SC
2	10/21/08	REVISED CHANGES - SC
3	07/07/09	ISSUE FOR BIDDING - SC

**CALIFORNIA PE
WET STAMP TO
FOLLOW UPON
APPROVAL**

**ENLARGED
SITE PLAN**

A-2

ENLARGED SITE PLAN

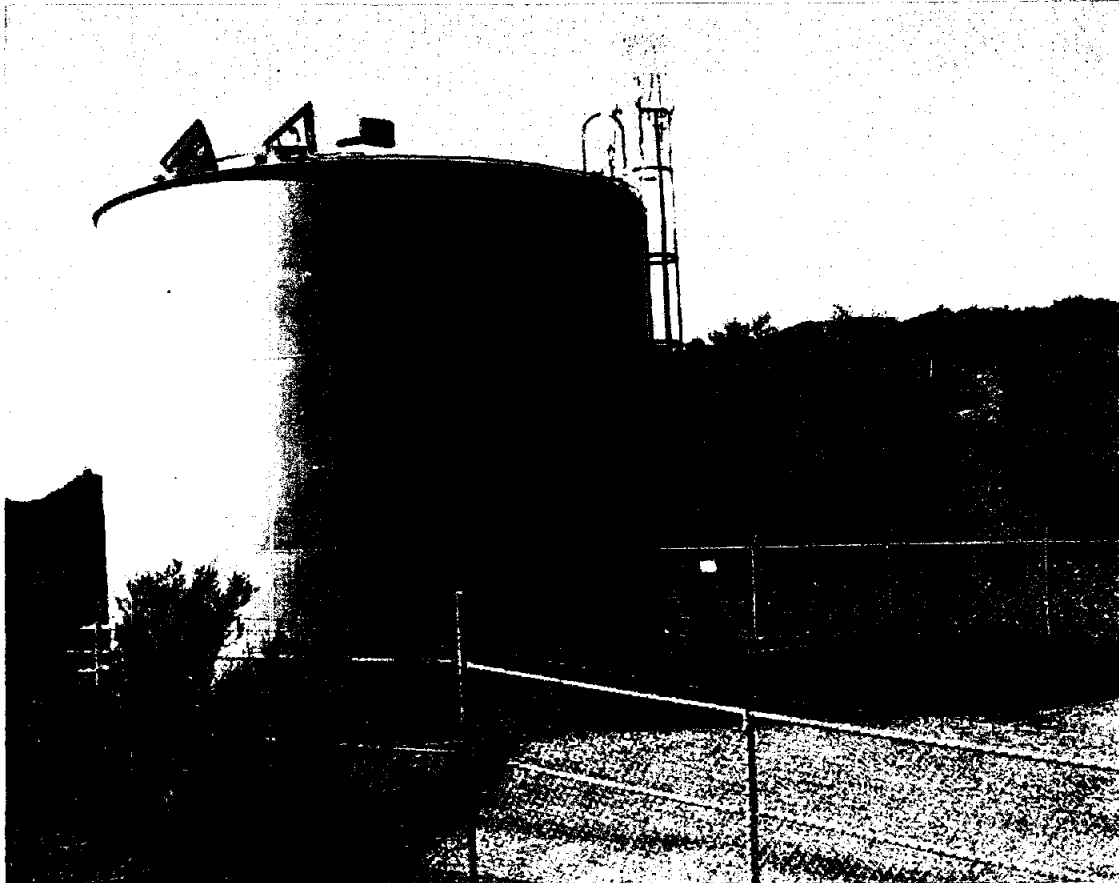
EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN

APPENDIX B – Authorized Facilities

	Auth #	Use	Building	Tower	Other
Facility #1 Elsinore Valley Municipal Water District	TRD101605	Other	Water tank 37 feet in diameter	Tank serves antenna support structure for monitoring	Fence
Facility #2 Riverside County		PMRS	12' x 26' Aggregate	100' Self supporting lattice	Propane tank (2000 gal.)

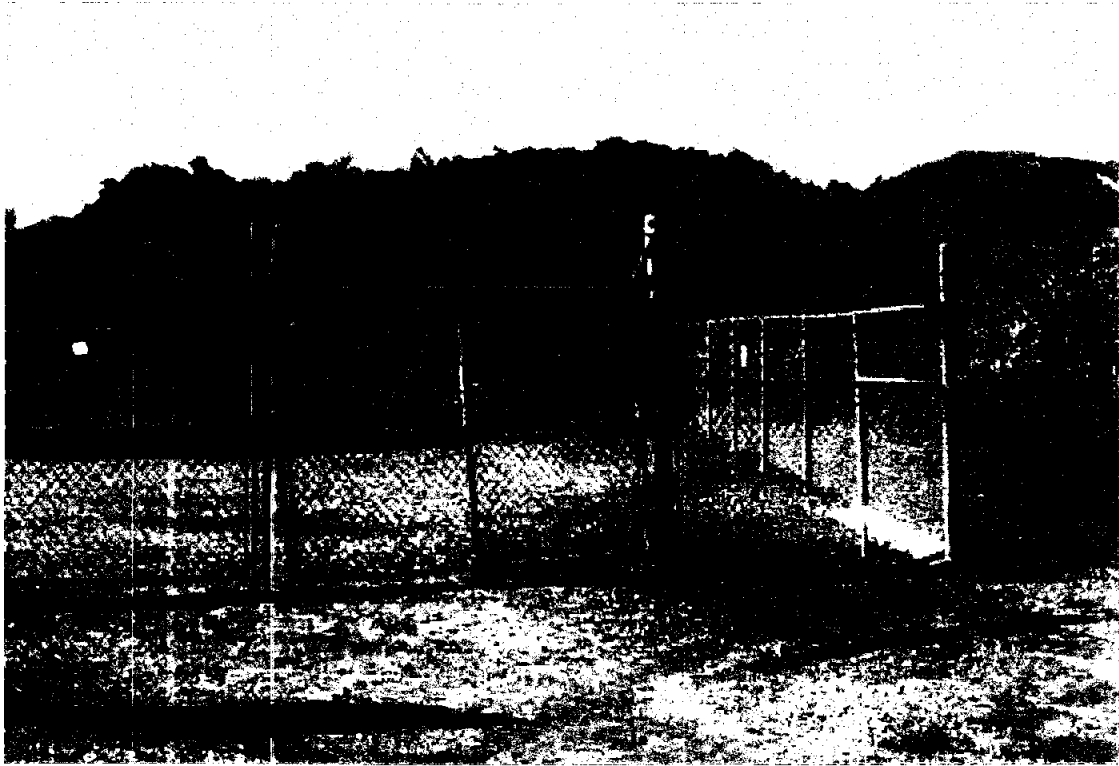
EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN

APPENDIX C – Facility Photographs



Facility 1 – Elsinore Valley Municipal Water District

EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN



**Facility 2 – Riverside County
(Proposed Development Area is Located Within the Fence-line)**

EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN



**Aerial View of El Cariso Communications Site
(Prior to Site Designation and Subsequent Development)**

EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN

APPENDIX D – Inspection Checklist

“El Cariso Communications Site Annual Technical Inspection”

Date Inspected: _____ Time Inspection: _____

Permit Holder: _____ Authorization # _____

Site Technician: _____ Phone # _____

Number of Transmitters: _____ License Posted: _____

Please mark the following items as Acceptable (A) or Unacceptable (U).

Electrical Wiring ----- (A) (U) Grounding ----- (A) (U)

Equipment Installation ----- (A) (U) Housekeeping ----- (A) (U)

Building Repair ----- (A) (U) Tower Repair ----- (A) (U)

Please mark the following items as Yes (Y) or NO (N) or (NA)

Isolators ----- (Y) (N) (NA) Circulators ----- (Y) (N) (NA)

Cavities ----- (Y) (N) (NA) Terminators ----- (Y) (N) (NA)

Filters ----- (Y) (N) (NA) Lightning Protection ----- (Y) (N) (NA)

Comments:

Recommended Corrective Action:

Required Corrective Action To Be Taken:

Committee Representatives:

Forest Service Representatives:

Please make the required corrective action within the next 120 days.

Please make a written report of corrective action taken and submit to the FS. If you should have any questions, please call the Forest Service office.

EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN**APPENDIX E – Fire Plan****1. SCOPE**

The provisions set forth below outline the channels of responsibility for fire prevention and suppression activities and establish an attack procedure for fires within the special use site. The authorized area is delineated by a map in the permit/lease. The provisions set forth below also specify conditions under which activities under authorization will be curtailed or shut down. See Section 5, Reporting All Wild Fires below, should a fire occur.

2. RESPONSIBILITIES**A. Holder**

- (1) Shall abide by the requirements of this Fire Plan.
- (2) Shall take all steps necessary to prevent his/her employees, subcontractors and their employees from setting fires, and shall be responsible for preventing the escape of fires, and shall make every attempt to extinguish all such fires which may escape.

B. Forest Service will monitor for Holder's compliance with this Plan.

3. TOOLS AND EQUIPMENT

The Holder shall comply with the following requirements:

A. Shall equip all diesel and/or gasoline-operated engines, both stationary and mobile, with spark arresters that meet Forest Service standards set forth in the National Coordinating Group publication for Multiposition Small Engines, #430-4, or General Purpose and Locomotive, #430-2. Spark arresters are not required on equipment powered by exhaust-driven turbo-charged engines or motor vehicles equipped with a maintained muffler as defined in California Public Resources Code (CPRC), Section 4442 and 4443.

B. Shall furnish and have available within each building hand tools and/or equipment as follows (CPRC 4427 and 4431) for emergency use:

- (1) One shovel, one axe (or pulaski) and a fully charged fire extinguisher U.L. rated at 4 B:C or more.
- (2) One shovel and one chemical pressurized fire extinguisher (fully charged) for each gasoline-powered tool, including but not restricted to chain saws, soil augers, weed whips, etc. Fire extinguishers shall be of the type and size set forth in the California Public Resources Code Section 4431.

EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN

C. All tools and equipment required in A. and B. above shall be in good workable condition. Shovels shall be size "O" or larger and be not less than 46 inches in overall length.

4. GENERAL

A. **State Law.** The Holder shall comply with the portions of California Public Resource Codes 4291, 4423, 4427, 4431 that are listed below in section 6.

B. **Fire Hardening.** Each communications facility should be fire hardened to resist fires, smoke, and heat. The site should be able to provide continuous operation during wildfires without human intervention. Do not allow vegetation control to be the fire prevention feature.

C. **Permits Required.** The Holder must secure a special written permit from the District Ranger or Designated Representative before engaging in any of the activities listed below.

- (1) **Burning Permits.** (Issued by the Forest Service)
- (2) **Welding and Cutting.** (Issued by Forest Service)
- (3) **Construction.** (Issued by Forest Service and/or County)

D. **Smoking and Fire Rules.** Smoking shall not be permitted except in a barren area, in an area cleared to mineral soil at least three feet in diameter (CPRC 4423.4) or within vehicles or buildings, especially during fire season. Holder shall post signs regarding smoking and fire rules in conspicuous places for all employees to see. Holder shall require compliance with these rules. Under no circumstances shall smoking be permitted during fire season while employees are operating light or heavy equipment, or walking or working in grass and wood lands.

E. **Storage and Parking Areas.** Equipment service areas, parking areas, and gas and oil storage areas shall be cleared of all flammable material for a radius of at least 50 feet. Small mobile or stationary engine (e.g. generator, air compressor, etc.) sites shall be cleared of inflammable material for a radius of at least 15 feet from such engine. Areas of the type described above must be approved in writing by the Authorized Officer.

F. **Welding.** Holder shall confine welding activity to cleared areas having a minimum radius of ten feet measured from place of welding. All terms of the welding permit must be met.

G. **Oil Filter and Glass Jugs.** Holder shall remove from National Forest lands all oily rags and used oil filters. Holder shall prohibit use of glass bottles and jugs at the site during all operations.

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H. Communications. When Holder, or any of its contractors, are working at the site, they shall furnish a serviceable telephone, radio-telephone, or radio system connecting site with Holder's headquarters. When such headquarters is at a location which makes communication to it clearly impractical, the Forest Service will accept a reasonable alternative location. The communication system shall provide prompt and reliable communications between Holder's headquarters (or above stated alternative) and Forest Service via commercial telephone or radio system.

5. REPORTING ALL WILDFIRES

Holder or his/her employees shall report all fires to 911 or the Cleveland NF Emergency Communications Center (Monte Vista) at (619) 557-5262.

6. CALIFORNIA PUBLIC RESOURCE CODES

A. PRC 4291 states: Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush-covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following:

(Sections 1 and 2 have been omitted by the Cleveland National Forest, and are not required at El Cariso Communications Site.)

(3) Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.

(4) Maintain any tree adjacent to or overhanging any building free of dead or dying wood.

(5) Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.

(6) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fire place, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than one-half inch in size.

B. PRC 4423 states: A person shall not burn any brush, stumps, logs, fallen timber, fallows, slash, grass-covered land, brush-covered land, forest-covered land, or other flammable material, in any state responsibility area, area receiving fire protection by the department by contract, or upon federal lands administered by the United States Department of Agriculture or Department of the Interior, unless the person has a written permit from the department or its duly authorized

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representative or the authorized federal officer on federal lands administered by the United States Department of Agriculture or of the Interior and in strict accordance with the terms of the permit:

(1) At any time in Zone B between May 1st and the date the director declares, by proclamation, that the hazardous fire conditions have abated for that year, or at any other time in Zone B during any year when the director has declared, by proclamation, that unusual fire hazard conditions exist in the area.

(2) Zone A requires a permit year round and includes Mono, Inyo, San Bernardino, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial Counties.

C. PRC 4427 states: During any time of the year when burning permits are required in an area pursuant to this article, no person shall use or operate any motor, engine, boiler, stationary equipment, welding equipment, cutting torches, tar pots, or grinding devices from which a spark, fire, or flame may originate, which is located on or near any forest-covered land, brush-covered land, or grass-covered land, without doing both of the following:

(1) First clearing away all flammable material, including snags, from the area around such operation for a distance of 10 feet.

(2) Maintain one serviceable round point shovel with an overall length of not less than forty-six (46) inches and one backpack pump water-type fire extinguisher fully equipped and ready for use at the immediate area during the operation.

This section does not apply to portable powersaws and other portable tools powered by a gasoline-fueled internal combustion engine. (See Sec. 4431 re powersaws).

D. PRC 4431 states: During any time of the year when burning permits are required in an area pursuant to this article, no person shall use or operate or cause to be operated in the area any portable saw, auger, drill, tamper, or other portable tool powered by a gasoline-fueled internal combustion engine on or near any forest-covered land, within 25 feet of any flammable material, without providing and maintaining at the immediate locations of use or operation of the saw or tool, for firefighting purposes one serviceable round point shovel, with an overall length of not less than 46 inches, or one serviceable fire extinguisher. The Director of Forestry shall by administrative regulation specify the type and size of fire extinguisher necessary to provide at least minimum assurance of controlling fire caused by use of portable power tools under various climatic and fuel conditions. The required fire tools shall at no time be farther from the point of operation of the powersaw or tool than 25 feet with unrestricted access for the operator from the point of operation.

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E. PRC 4446 states: Every person shall exercise reasonable care in the disposal of flammable material so that the material does not cause the inception of or spread of uncontrolled fire. A person shall not burn any flammable material in any incinerator within any state responsibility area, area receiving fire protection by the State Forester by contract, or upon federal lands administered by the United States Department of Agriculture or Department of the Interior, unless the following minimum requirements are complied with:

- (1) The area within 10 feet of the exterior of the incinerator is maintained free and clear of all flammable material and vegetation.
- (2) A screen constructed of a nonflammable material, with no greater than 1/4 inch mesh, or metal doors, close or cover each opening in the exterior of an incinerator to prevent the escape of flames, sparks, ashes or other burning material which might cause an uncontrolled fire.
- (3) A permit is obtained prior to burning for the use of the incinerator pursuant to Section 1123 and all other applicable provisions of law.

NO INCINERATORS ARE PERMITTED AT EL CARISO COMMUNICATIONS SITE.

EL CARISO COMMUNICATIONS SITE MANAGEMENT PLAN**APPENDIX F – Avian Considerations at Communication Sites****GUIDELINES FOR PROTECTION AND CONSERVATION OF BIRD SPECIES AT MOUNTAIN TOP COMMUNICATIONS SITES, USDA FOREST SERVICE**

The four southern California national forests are comprised of the Angeles, Cleveland, Los Padres and San Bernardino National Forests. A major program administered by these national forests is the issuance and administration of special-use authorizations for communication facilities at designated communication sites. The following guidelines have been developed and adopted by the four southern California national forests as a supplement to communications site plans, for the protection and conservation of bird species covered by the Migratory Bird Treaty Act and/or Endangered Species Act of 1973, as amended.

I: Guidelines for Communications Tower Siting, Construction, Operation, Maintenance and Decommissioning

New towers shall be the same or lesser tower heights as existing towers at the site and no more than 199 feet above ground level (AGL), and shall not require guy wires.

Towers shall be unlighted if Federal Aviation Administration (FAA) regulations permit. If towers requiring lights for aviation safety must be constructed, the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA should be used. Unless otherwise required by the FAA, only white (preferable) or red strobe lights should be used at night, and these should be the minimum number, minimum intensity, and minimum number of flashes per minute (longest duration between flashes) allowable by the FAA. The use of solid red or pulsating red warning lights at night should be avoided.

Any existing tower using guy wires shall have daytime visual markers on the wires to prevent collisions by diurnally moving species. Spacing of markers should be at 10-foot intervals for smaller 'tags' and at 20-foot intervals for larger more linear 'flight diverter' structures.

In order to reduce the number of towers needed in the future, providers shall design new towers structurally and electrically to accommodate the applicant/licensee's antennas and comparable antennas for multiple users.

Security lighting for on-ground facilities and equipment should be down-shielded to keep light within the boundaries of the site.

Towers, facilities, and structures no longer in use or determined to be obsolete should be removed.

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Road access to mountain top communication sites must be adequate to support construction, maintenance and demolition of facilities. Communication service providers responsible for construction activities must notify the Forest Service prior to removal of equipment and structures to assess access needs.

II: Additional Guidelines for Other Structures Associated with Communication Towers and Sites

Place anti-perching materials along the top of open horizontal surfaces at tower tops or protruding arms of other tall vertical structures.

Place anti-perching materials or devices along the top edge of flat rooftops or roof ridges of equipment buildings or other similar structures located within the communication site.

Cover all microwave dishes with radome covers and place anti-perching materials or devices along the top quarter-arch of the front edge of dishes capable of supporting a perching condor (approximately 20 pounds per bird).

Place anti-perching materials or devices along the top surface of horizontal coverings or tracks holding wave-guides capable of supporting a condor.

Keep all trash, garbage, or excess scrap materials removed from the communications site, or placed in enclosed structures not accessible to condors or other large bird species.

Secure all loose wires or netting to prevent accidental entrapment of large birds. Placement of wires in conduit is also recommended where feasible.

Cover or otherwise protect external fiberglass type insulation or other soft materials, which could be ripped apart or ingested by condors or other large birds.

Cover all spill retention or catchment basins or other open structures that may collect and hold water or other liquids, which condors or other birds may attempt to drink.

Cover or screen all large drains, conduits or other similar openings, which are large enough for a condor to walk into to prevent potential entrapment.

All doors and windows on buildings or other structures shall be designed to ensure they remain closed when not occupied by personnel to prevent accidental entry and entrapment of condors or other species.

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Cyclone type fencing or other similar security fencing or walls surrounding equipment or other structures should be designed and located to avoid the potential for accidental entrapment of condors or eagles.

Place raptor guards or other anti-perching materials or devices along the upper surface of the horizontal cross arms of electrical power poles at communications facilities, which could serve as perches for larger birds.

Fuel storage tanks associated with generators and other facilities shall meet current fire department, federal, state, and local safety and hazardous materials requirements. Fuel storage shall be consolidated into one tank large enough to accommodate all tenants in a facility.

(For guidance on markers and other anti-perching devices, see *Avian Power Line Interaction Committee (APLIC). 1994. Mitigating Bird Collisions with Power Lines: The State of the Art in 1994. Edison Electric Institute, Washington, D.C., 78 pp*, and *Avian Power Line Interaction Committee (APLIC). 1996. Suggested Practices for Raptor Protection on Power Lines. Edison Electric Institute/Raptor Research Foundation, Washington, D.C., 128 pp*. Copies can be obtained via the Internet at <http://www.eei.org/resources/pubcat/enviro>, or by calling 1-800-334-5453.)

**EXHIBIT B
TRD104501**

Construction Stipulations

Construction/Installation will consist of:

1. Grading the site
2. Equipment building (pre-cast concrete construction) with dimensions of approximately 12' wide x 26' long x 10'-9" tall. The facility shall be painted the equivalent of Olympic brand "Castle Stone" (D67-6) and shall have a Light Reflectivity Value (LRV) of 15 or less.
3. 1 (One) Self-supporting lattice tower 100' tall. The tower color shall be a medium or darker gray color and must eliminate all shiny/reflective surfaces to a LRV of 20 or less. The dishes and antennae bases must also achieve a LRV of 20 or less.
4. 1 (One) 2000 gallon propane tank mounted on a concrete pad. Pad will have dimensions of approximately 6' wide x 24' long.
5. Concrete Masonry Unit (CMU) wall 6' tall, painted the equivalent of Olympic brand "Castle Stone" (D67-6) with a Light Reflectivity Value (LRV) of 15 or less. The wall will surround the propane tank on three sides and will have dimensions of approximately 9'-8" x 31'-4" x 9'-8". The wall will have a maximum of 3 strands of barbed wire on top of it. A chain link swing gate approximately 4' tall with 3 strands of barbed wire on top of it will be installed to provide access into the walled area.
6. Electrical grounding system
7. Utility lines
8. Placement of a portable toilet for construction crew use

Construction Conditions:

General Requirements

1. All work shall be conducted in accordance with CAL OSHA and FED OSHA provisions.
2. Best Management Practices will be followed at all times including those for soil and water conservation (see http://www.fs.fed.us/r5/publications/water_resources/waterquality/).
3. Construction traffic may only operate in the following areas: on Forest Service roads, on access driveways, within the County's existing fence-line at the site, and within Forest Service approved staging areas. Previously undisturbed areas shall not be used for operating vehicles/equipment or as staging areas. The County will coordinate with the Forest Service to install temporary fencing that will identify out-of-bounds areas along the road and in other areas identified by the Authorized Forest Service Officer, as necessary.
4. Remove from National Forest System lands excavated soils that cannot be spread on site.
5. Sidecasting of soils or other debris and materials is not permitted.
6. Debris from clearing and grubbing operations will not be placed where the material can be transported to a stream channel. Material generated from construction or maintenance activities will be disposed of by any combination of the following: piling and burning (but only after site specific approval is given by the Authorized Forest Service Officer), chipping, or removal to an approved location.
7. All debris generated from construction work shall be disposed of properly off of National Forest System lands.
8. To prevent pollutants such as fuels, lubricants, and other harmful materials from being discharged into or near rivers, streams or into natural channels leading thereto, service and refueling areas shall be located outside of the RCA and away from other wet areas.
9. Erosion prevention measures will be implemented in all phases of the permit. Kinds and intensity of erosion control work shall be adjusted to ground conditions. Erosion control work shall be kept current preceding expected seasonal periods of precipitation. Erosion control can include the use of straw waddles, woodstraw, or other erosion control materials. Rice straw should not be used because it has not been shown to be effective in southern California environments. Seeding would also not be permitted. Erosion structures will be maintained during the life of the permit and monitored for

effectiveness.

10. Construction activities will be conducted when weather and ground conditions are such that impacts to soils and water quality will be minimal. Prior to impending winter storms, construction and reconstruction activities shall be closed down and erosion work completed so that the erosion potential is reduced.
11. All exterior building lighting must be manually operated. Motion sensing lighting is not authorized.
12. All utility lines must be posted.
13. Any damage to roads, located on National Forest System lands, resulting from the County's construction activities at El Cariso Communications Site must be repaired at the County's expense within 30 days of construction completion; however, if the road damage is severe enough to warrant road closure, then the road must be repaired immediately to the satisfaction of the authorized Forest Service Officer.
14. All disturbed areas will be restored to the satisfaction of the authorized Forest Service Officer within 30 days of construction completion.
15. All construction will be completed in compliance with the approved construction plans that are on file at the Trabuco Ranger District Office, unless otherwise approved by the authorized Forest Service Officer.
16. Submit a copy of as-builts, permits, site Emergency Notification Plans, and any pertinent documentation to the Forest Service upon completion of this project.

Design and Implementation Criteria for Plant Species Protection

1. Soil disturbance will be minimized to the extent practical, consistent with project objectives. Bare ground created as a result of project activities will be restored to prevent establishment of undesirable plant species and to prevent erosion. Avoid clearance of trees and taller vegetation where feasible. Any restoration work will be completed in a manner consistent with the "Design and Implementation Criteria" identified in the Environmental Assessment (EA) for this project. Follow-up inspections of ground-disturbing activities will be conducted by the County to monitor the effectiveness of restoration efforts in reducing or preventing the introduction of invasive non-native plant species.
2. During project activities, driving near tree root zones (i.e., within approximately 1.5 times the distance from the trunk to the tree canopy drip-line) will be avoided.
3. Equipment will be cleaned before entering National Forest System lands. All mud, dirt, and plant parts shall be removed from equipment before moving it to the project area. Staging areas for equipment that are off National Forest System lands shall also be weed-free.
4. If there are potential unauthorized roads or trails that may be used by construction vehicles or unauthorized off-highway vehicles, these roads shall be blocked with barriers. Education and signage will be used as appropriate. Barrier treatments should be coordinated with resource specialists.
5. Dust emissions shall be minimized. Methods to reduce emissions may include reducing speeds to 10 miles per hour on unpaved roads and/or using suppression measures such as lightly watering down roadways if road conditions are dry. Avoid dust producing work on windy days.
6. Carpool to the greatest extent possible during construction and future maintenance. Encourage customers and/or maintenance personnel of the facility to carpool or combine resources.
7. Due to the long-term tenure of the permits, the cumulative effects area should be monitored for any introduction of noxious weeds, or other disturbance related to the project construction or maintenance, by a County botanist or biologist, annually for three years after project activities are complete. Survey data forms will be available and shall be submitted to the Forest Service biologist/botanist for these field visits.

Design and Implementation Criteria for Visual Integrity

1. Reduce the color of the tower and all metal features, to a medium or darker gray color and eliminate all shiny/reflective surfaces to a light reflectivity value (LRV) of 20 or less. Ensure the dishes and antennae bases also achieve the reduced LRV.
2. Where structures and features are painted, they shall be painted the equivalent of Olympic brand "Castle Stone" (D67-6) and shall have an LRV of 15 or less. Where reasonable, other materials, structures, and equipment shall have similar color treatment.
3. The communication site should be fire hardened to resist fires, smoke, and heat. The site should be able to provide continuous operation during wildfires without human intervention. Do not allow vegetation control to be the fire prevention feature.
4. Allow vegetation to grow up and near the site for screening and blending of structures to vegetation.

Reduce the open barren rock/soil between the structures and natural vegetation. Do this by limiting vegetation clearing for both construction as well as vehicular movement in the total site.

5. Ensure that any above ground structures for the power source are painted the equivalent of Olympic brand "Castle Stone" (D67-6) with a LRV of 15 or less. In areas where vegetation is removed, it shall be replaced with similar vegetation and rock cover.

Fire Protection

1. The Project Fire Plan must be adhered to at all times. It is attached as Exhibit C.
2. Prior to welding, a "Welding Permit" must be obtained from the Forest Service.
3. The propane tank shall be equipped with standard pressure relief valves that are maintained in an operable condition, in order to reduce the chance of explosion.
4. The tower, building, and propane tank should be grounded and equipped with adequate lightning protection.

County of Riverside Initial and Date Acknowledgement of Receipt of pages 1 through 3 of Construction Stipulations, and the Site Design Plan page (See next page of Exhibit B):

Initial Date

**EXHIBIT C
TRD104501**

**FIRE PLAN
TRABUCO RANGER DISTRICT
CLEVELAND NATIONAL FOREST**

1. SCOPE:

The provisions set forth below outline the responsibility for fire prevention and suppression activities and establish an attack procedure for fires within the contract/permit area. The contract/permit area may be delineated by a map in the contract/permit. The provisions set forth below also specify conditions under which contract/permit activities will be curtailed or shut down. See Section 5, Emergency Measures below.

2. RESPONSIBILITIES:

A. Contractor/Permit Holder

- (1) Shall abide by the requirements of this Fire Plan.
- (2) Shall take all steps necessary to prevent his/her employees, subcontractors and their employees from setting fires not required in completion of the project, shall be responsible for preventing the escape of fires set directly or indirectly as a result of Contract/Permit Holder operations, and shall extinguish all such fires which may escape.
- (3) Shall complete the Contractor's/Permit Holder's Plan Regarding Personnel, Equipment and Organization (6.B) and shall furnish the Trabuco Ranger District with a copy prior to commencing work at the site. Shall currently advise the Trabuco Ranger District of any changes in personnel, equipment and organization as the changes occur. Shall revise Section 6.B to reflect current activities upon request of the Trabuco Ranger District.

B. Forest Service

The Forest Service may conduct one or more inspections for compliance with the fire plan. The number, timing, and scope of such inspections will be committed at the discretion of agency employees responsible for contract/permit administration. Such inspections do not relieve the Contractor/Permit Holder of responsibility for correcting violations of the fire plan or for fire safety in general, as outlined in paragraph 2.A above.

3. TOOLS AND EQUIPMENT:

- A. The Contractor/Permit Holder shall comply with the following requirements during the fire precautionary period as defined by unit administering contracts/permits unless waived in writing:

The Fire Precautionary Period is January 1 to December 31.

Shall equip all diesel and/or gasoline-operated engines, both stationary and mobile, and all flues used in any contract/permit and camp operations with spark arresters that meet Forest Service standards set forth in the National Wildfire Coordinating Group publication for Multiposition Small Engines, #430-1, or General Purpose and Locomotive, #430-2. Spark arresters are not required on equipment powered by exhaust-driven turbo-charged engines or motor vehicles equipped with a maintained muffler as defined in California Public Resources Code (CPRC), Section 4442 and 4443.

Shall furnish and have available for emergency use on each piece of equipment used in conjunction with performance of the work as listed below, hand tools and/or equipment as follows (CPRC 4427, 4428 and 4431):

(1) One shovel, one axe (or pulaski) and a fully charged fire extinguisher U.L. rated at 2-A:10-B:C, or larger, on each truck, personnel vehicle, tractor, grader and other heavy equipment. Contractor/Permit Holder shall equip each mechanized harvesting machine with hydraulic systems, powered by an internal combustion engine (chipper, feller/buncher, harvester, forwarder, stroke delimber, etc), except tractors and skidders, with at least two 4A:80-B:C fire extinguishers, or equivalent. In addition, concentrations of wood dust and debris shall be removed from such equipment daily.

(2) One shovel and one backpack 5 gallon water-filled tank with pump with each welder.

(3) One shovel and one pressurized chemical fire extinguisher for each gasoline-powered tool, including but not restricted to chain saws, soil augers, rock drills, etc. Fire extinguishers shall be of the type and size set forth in the California Public Resources Code Section 4431. Shovel must be kept within 100 feet from each chain saw when used off cleared landing areas.

(4) The Contractor/Permit Holder is () is not (X) required to furnish a sealed box of fire fighting tools, to be located at the project site, at a point accessible in the event of fire. This box shall contain:

- o ____ 5-gallon, backpack pump-type fire extinguisher filled with water;
- o ____ axes;
- o ____ McCleod fire tools;
- o ____ serviceable chain saw of three and one-half or more horsepower with a cutting bar 20 inches in length or longer;
- o ____ shovels so that each employee at the operation can be equipped to fight fire.

The box shall remain unlocked, but be sealed with a Forest Service seal to be broken for emergency use only.

All tools and equipment required above shall be in good workable condition and shall meet the following Forest Service requirements for fire tools:

(a) Shovels shall be size "O" or larger and be not less than 46 inches in overall length.

(b) Axes (or pulaskis) shall have 2-1/2 pound or larger heads and be not less than 28 inches in overall length.

The Contractor/Permit Holder is () is not (X) required to furnish a water tank truck, trailer, or tank on or in proximity to the contract area during the Fire Precautionary Period and meet the following minimum specifications: contain at least 300 gallons of water; a combination straight stream-fog nozzle with 300 feet of one-inch fire hose, with no segment longer than 50 feet; fire hose with nozzle closed shall be capable of withstanding 200 psi pump pressure without leaking, slipping of couplings, distortions, or other failures; nozzle discharge rating of six to 20 gallons per minute; a pump capable of delivering 23 gallons per minute at 175 pounds psi at sea level; power unit for pump shall have fuel for at least two hours operation, with ample transport available for immediate and safe movement of tank over roads serving the contract area; and shall be in good working order; pump outlet shall be equipped with 1-1/2 inch National Standard Fire Hose thread.

Shall furnish two tractor headlights for each tractor dozer, tractor headlights shall be attachable to each tractor and served by an adequate power source

B. Any additional fire plan requirements: N/A

4. **GENERAL**

- A. **State Law.** The Contractor/Permit Holder shall comply with all applicable laws of the State of California. In particular, see California Public Resource Codes.
- B. **Permits Required.** The Contractor/Permit Holder must secure a special written permit from the District Ranger or designated representative before engaging in any of the activities listed below. The terms and conditions of any of the permits required for this contract/permit are as shown on copies attached to the Fire Plan.
- (1) **Blasting and Storage of Explosives and Detonators.** (Explosives Permit required by California Health & Safety Code, Section 12101.)
 - (2) **Burning.**
 - (3) **Air Pollution.** (Issued by local State or County Air Pollution Control Districts, as applicable.)
 - (4) **Camp, Lunch and Warming Fires.**
 - (5) **Welding and Cutting.**
- C. **Regulations for Burning.** Before setting any fires whatsoever, the Contractor/Permit Holder shall notify the District Ranger of his/her intentions. Special care shall be taken to prevent scorching or causing any damage to adjacent structures, trees, and shrubbery. Piles of material to be burned shall be of such size and so placed that during burning no damage shall result to adjacent objects.
- D. **Smoking and Fire Rules.** Smoking shall not be permitted during fire season, except in a barren area or in an area cleared to mineral soil at least three feet in diameter (CPRC 4423.4). In areas closed to smoking, the contract/permit administrator may approve special areas to be used for smoking. The Contractor/Permit Holder shall sign designated smoking areas. Contractor/Permit Holder shall post signs regarding smoking and fire rules in conspicuous places for all employees to see. Contractor's/Permit Holder's supervisory personnel shall require compliance with these rules. Under no circumstances shall smoking be permitted during fire season while employees are operating light or heavy equipment, or walking or working in grass and woodlands.
- E. **Storage and Parking Areas.** Equipment service areas, parking areas, and gas and oil storage areas shall be cleared of all flammable material for a radius of at least 10 feet unless otherwise specified by local administrative unit. Small mobile or stationary internal combustion engine sites shall be cleared of flammable material for a slope distance of at least 10 feet from such engine. The District Ranger shall approve such sites in writing.
- F. **Welding.** Contractor/Permit Holder shall confine welding activity to cleared areas having a minimum radius of ten feet measured from place of welding.
- G. **Blasting.** Contractor/Permit Holder shall use electric caps only. When blasting is necessary in slash areas, a watchperson equipped with shovel and a water-filled backpack can (5 gallon), with hand pump, shall remain in the immediate area for an hour after blasting has been completed.
- H. **Oil Filter and Glass Jugs.** Contractor/Permit Holder shall remove from National Forest System land all oily rags and used oil filters. Contractor/Permit Holder shall prohibit use of glass bottles and jugs on contract/permit operations.
- I. **Reporting Fires.** As soon as feasible, after initial control action is taken, within 1 hr, the Contractor/Permit Holder shall notify Forest Service of any fires along roads or project area within designated contract/permit.

J. **Communications.** Contractor/Permit Holder shall furnish an agreed upon communication system connecting each operation with the designated Forest Service Dispatch Center. The communications system shall be capable of contacting the designated Forest Service Dispatch Center within five (5) minutes of discovery of a fire in the Contractor's/Permit Holder's operating area. The communications system shall be operable during the Contractor/Permit Holder's operation in the fire precautionary period.

K. **Fire Patrol Person.** When required, the sole responsibility of the patrol person shall be to patrol the operation for prevention and detection of fires and to take suppression action where necessary. By agreement, one patrol person may provide patrol on this and adjacent projects.

5. **EMERGENCY MEASURES**

The table set forth below establishes work restrictions and fire precautions that the Contractor/Permit Holder must observe at each activity level. **The restrictions are cumulative at each level. When a particular Project Activity Level exists, the Contractor/Permit Holder must comply with the previous levels as well as the current level. For example, when in Project Activity Level C, the Contractor/Permit Holder must comply with the restrictions for Activity Levels A, B, and C.**

Contractor/Permit Holder shall conform to the limitations or requirements of Project Activity Level (PAL) obtained from Forest Service before starting work each day. If practicable, Forest Service will determine the following day's activity level by 4:00 PM each afternoon. **The Contractor can obtain the PAL for the following day by calling, after 4:00 PM, the following phone number (619) 557-5262 (Ask for the PAL for Area 640).** Activity level may be changed at any time if, in the judgment of the Forest Service, fire danger is higher or lower than predicted and such change is consistent with forest management objectives. The decision to change the activity level, and when, and how to take weather observations for that purpose, are within the discretion of Forest Service.

PROJECT ACTIVITY LEVELS

Contractor & Forest Service may agree to a variance for operations at levels, B, C, D & Ev.

Level	Project Activity Requirements	Additional Project Activity Requirements Using Hotsaw Technology (generally rotary heads operating at >1100 rpm)
A	Minimum required by Section 3	Same as Project Activity Requirements
B	1. Furnish fire patrolperson. A fire patrolperson is required for mechanical operations from cessation of operations until 2 hours after operations cease or sunset, which ever occurs first 2. Tank truck or trailer shall be on or adjacent to landing (Section 3).	Same as Project Activity Requirements.
C	1. Fire patrolperson is required until sunset local time. 2. The following operations are prohibited from 1:00 PM until 8:00 PM local time: a. Blasting	Operations are prohibited between 1:00 PM and sunset local time. Operations may continue if they meet the following requirements: 1. A fire patrolperson is required for each piece of equipment until sunset local time. 2. Provide periodic (once per hour) inspection of areas treated that day. 3. Provide on-board self extinguishing fire suppression system on each piece of equipment capable of extinguishing any equipment related fire or provide a portable Class A fire suppression system capable of

		extinguishing a 20 foot by 20 foot wildland fire within five minutes of discovery. 1/
D	<p>All following activities may operate:</p> <ol style="list-style-type: none"> 1. Rubber tired skidding 2. Chipping on roads or landings 3. Cable yarding 4. Loading of logs decked at landings 5. Welding or cutting of metal only by special permit 6. Road maintenance 7. Culvert installation 8. Dirt moving 9. Helicopter Yarding 10. Hand slash disposal 11. Chainsaw operations on landings and roadbeds <p>All other operations may continue after 1:00 PM local time, if they meet the following requirements:</p> <p>A fire patrolperson is required to walk all areas treated that day once per hour, until sunset local time. This includes chainsaw felling, metal track skidding, machines with chainsaw cutting heads and mastication equipment.</p>	<p>Same requirements as listed in PAL C:</p>
Ev	<p>All following activities may operate:</p> <ol style="list-style-type: none"> 1. Hauling and loading of logs decked at landings 2. Equipment at approved sites may be serviced. 3. Roads: Dust abatement or rock aggregate installation (does not include pit development) 4. Chainsaw operation associated with loading <p>All other operations may continue until 1:00 PM local time when Contractor and Forest Service agree to variance.</p>	<p>Operations are prohibited, except variances are permitted for operations until 1:00 PM local time when Contractor and Forest Service agree to additional precautions.</p> <p>Minimum requirements: At this level, the following types of equipment shall be immediately available within one quarter mile of the activity to quickly reach and effectively attack a fire start: tractors, skidders or other equipment with a blade capable of constructing fireline, plus PAL level D requirements.</p>
E	<p>The following activities may operate:</p> <ol style="list-style-type: none"> 1. Hauling and loading of logs decked at landings 2. Equipment at approved sites may be service. 3. Roads: dust abatement or rock aggregate installation (does not include pit development) 4. Chainsaw operation associated with loading 	<p>Operations are prohibited</p>

1/ Suppression system equipment minimum requirements: 100 feet of one inch hose, minimum discharge distance of 50 feet, minimum pressure 100 PSI at discharge orifice, and sustainable for a minimum of 5 minutes.

6. REPORTING ALL WILD FIRES

A. Contractor's/Permit Holder's employees shall report all fires to any of the following Forest Service facilities and/or personnel listed below, but not necessarily in the order shown:

Function	Name	Telephone	Address
Dispatch Center	Monte Vista Emergency Comm. Center (ECC)	(619) 557-5262	N/A
Nearest FS Station	Temescal Fire Station	(951) 277-1770	24530 Temescal Cyn. Rd., Corona, CA 92883
District Ranger	Keith Fletcher	(951) 736-1811	1147 E. Sixth St., Corona, CA 92879
D.R. Designated Rep	Jake Rodriguez	(951) 736-1811 ext. 3275	1147 E. Sixth St., Corona, CA 92879

When reporting a fire, provide the following information;

Your Name;

Call back telephone number;

Project name;

Location;

Legal description (Township, Range, Section); and

Descriptive location (Reference point);

Fire Information;

Acres;

Rate of Spread; and

Wind Conditions.

B. Contractor's/Permit Holder's Plan Regarding Personnel. The Contractor/Permit Holder shall, prior to commencing work, furnish the following information relating to key personnel

Title	Name	Address and/or Telephone #
Fire Patrolperson		
Fire Patrolperson		

County of Riverside Initial and Date Acknowledgement of Receipt of pages 1-6:

_____ Date
Initial

_____ Date