

***A1. Dimensions:** a. Length: x b. Width: 30-feet in diameter.

Method of Measurement: Paced Taped Visual estimate Other:

Method of Determination (Check any that apply.): Artifacts Features Soil Vegetation Topography

Cut bank Animal burrow Excavation Property boundary Other (Explain):

Reliability of Determination: High Medium Low Explain: Visual Inspection

Limitations (Check any that apply): Restricted access Paved/built over Site limits incompletely defined

Disturbances Vegetation Other (Explain):

A2. Depth: None (High Probability) Unknown Method of Determination: Visual Inspection

***A3. Human Remains:** Present Absent Possible Unknown (Explain): None observed within the site during the pedestrian survey

***A4. Features** (Number, briefly describe, indicate size, list associated cultural constituents, and show location of each feature on sketch map.):
No associated features.

***A5. Cultural Constituents** (Describe and quantify artifacts, ecofacts, cultural residues, etc., not associated with features.): Artifacts consisted of fragments of amber, clear, green, flat aqua (window) and mirror glass, modern clay pigeons, a few small caliber bullet casings, a modern baby food jar lid, and three sherds of recent historic-age ceramics. The majority of the observed items were modern in age, with the exception of the three potentially historic-age ceramic sherds, and two heavily patinated glass fragments. The items were all found within an area measuring 30 feet in diameter, and directly north of an existing dirt road.

***A6. Were Specimens Collected?** No Yes (If yes, attach Artifact Record or catalog and identify where specimens are curated.)

***A7. Site Condition:** Good Fair Poor (Describe disturbances.): Maintenance activities associated with the adjacent dirt road.

***A8. Nearest Water** (Type, distance, and direction.): Unnamed drainage found approximately 1000' to the west of the site.

***A9. Elevation:** Approximately 2110' ASL

A10. Environmental Setting (Describe culturally relevant variables such as vegetation, fauna, soils, geology, landform, slope, aspect, exposure, etc.): The vegetation within the vicinity of Site Timoteo 001 consists of sparse scattered shrubs with heavily disturbed stands of ruderal forbs and non-native grasses. The plant species observed during the County of Riverside Environmental Programs Department (EPD) biological resources survey included: sugar bush (*Rhus ovata*), brittlebush (*Encelia farinosa*), deerweed (*Lotus scoparius*), chaparral yucca (*Yucca whipplei*), California aster (*Lessingia filaginifolia* var. *californica*), common sunflower (*Helianthus annuus*), Russian thistle (*Salsola kali*), black mustard (*Brassica nigra*), and slender wild oat (*Avena barbata*) (EPD 2010).

A11. Historical Information:

***A12. Age:** Prehistoric Protohistoric 1542-1769 1769-1848 1848-1880 1880-1914 1914-1945

Post 1945 Undetermined Describe position in regional prehistoric chronology or factual historic dates if known:

A13. Interpretations (Discuss data potential, function[s], ethnic affiliation, and other interpretations): The artifacts recorded as Site Timoteo 001, and found to the north of a maintained dirt road did not continue into the berm of the road, or continue across the road; rather, wood, modern car parts, modern nails and coils from a mattress/box spring were found directly south of the road and to the south-southeast of the site. All artifacts were located at the surface, and the site does not appear to exhibit vertical depth. The presence of illegal refuse dumping in this general area, as evidenced by numerous modern refuse piles along the nearby access road, appear to indicate that the site represents a single refuse dumping episode. In addition, the inclusion of a high percentage of modern refuse within Site Timoteo 001 indicates that this refuse dumping episode likely took place within the modern era, and happens to include approximately five artifacts of recent historic-age.

A14. Remarks: Site Timoteo 001 does not appear to offer any additional interpretive data to the history of this region beyond the information gathered in the creation of this form. None of the constituents of the resource appear to be historically significant, and the site is recommended ineligible for inclusion in the CRHR.

A15. References (Documents, informants, maps, and other references):

County of Riverside Environmental Programs Department (EPD). 2010. Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis For County of Riverside San Timoteo Public Safety Enterprise Communication Project. Report on-file at the County of Riverside Economic Development Agency.

Michael Brandman Associates (MBA). 2008a. Cultural Resources Assessment Public Safety Enterprise Communication Project, Riverside, Orange, San Bernardino, and San Diego Counties, California. (RI-8171). Report on file at the Eastern Information Center, University of California, Riverside.

Sanka, JM (PBSJ). 2010. Letter Report - Subject: ADDENDUM to the Cultural Resources Assessment for the Public Safety Enterprise Communication (PSEC) Project, Riverside, Orange, San Bernardino, and San Diego Counties, California (MBA 2008a) - Timoteo Communication Site. Report on-file at the County of Riverside Economic Development Agency and the Eastern Information Center, University of California, Riverside.

A16. Photographs (List subjects, direction of view, and accession numbers or attach a Photograph Record.): See Photographic Record.

Original Media/Negatives Kept at:

***A17. Form Prepared by:** J. Sanka

Date: June 8, 2010

Affiliation and Address:

J. Sanka (PBS&J)

650 East Hospitality Lane, Suite 450

San Bernardino, CA 92408

DPR 523C (1/95)

*Required information

Camera Format:

Film Type and Speed: digital

Negatives Kept at: none- digital

Lens Size:

Photographs and photograph list.

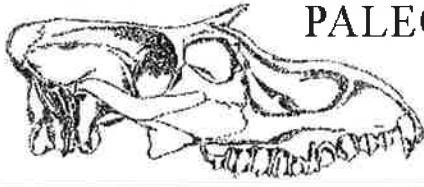
Mo.	Day, Year	Time	Exposure	Subject/Description	View To	Accession#
04	8, 2010	a.m.	1	Overview of Site Timoteo 001, taken from an adjacent dirt access road.	N-NW	



Photograph 1. Overview of Site Timoteo 001, taken from an adjacent dirt access road. View to the north-northwest.

DPR 523I (1/95)

Appendix D – Paleontological Resources Assessment



PALEO ENVIRONMENTAL ASSOCIATES

Paleontologic Resource Management

2248 Winrock Avenue
Altadena, CA 91001-3205
626/797-9895 tel., fax
paleo@earthlink.net

1731 New Hampshire Drive
Costa Mesa, CA 92626
714/241-8880, 949/552-5852
mroeder1@earthlink.net

TO: Ms. Jennifer M. Sanka, M.A.
PBS&J
650 East Hospitality Lane, Suite 450
San Bernardino, CA 92408

FROM: E. Bruce Lander, Ph.D.
Paleo Environmental Associates, Inc.
2248 Winrock Avenue
Altadena, CA 91001-3205

DATE: April 13, 2010

SUBJECT: **Paleontologic resource inventory and impact assessment in support of County of Riverside Public Safety Enterprise Communication Project, Timoteo Communication Site, Riverside County, California**

Introduction

The County of Riverside Economic Development Agency's (County's) Public Safety Enterprise Communication Project (PSEC), Timoteo Communication (Project) Site is located on the southwestern slope of The Badlands in unincorporated Riverside County. A tripole communication tower will be installed just east of Redlands Boulevard and immediately east of, and on the same hill as, benchmark 2398 (Bad) (Figure 1). The existing access road begins at Redlands Boulevard, approximately 0.5 mile north of the intersection of the latter street and Locust Avenue, and about 1.3 miles north of the intersection of Redlands Boulevard and State Route 60 (Moreno Valley Freeway). The Project site is situated in the northeastern $\frac{1}{4}$ of the southwestern $\frac{1}{4}$ of Section 25 in Township 2 South and Range 3 West of the San Bernardino Base and Meridian (Figure 1). Topographic map coverage of the Project site is provided at a scale of 1:24,000 by the United States Geological Survey Sunnymead Quadrangle, California—Riverside Co., 7.5-Minute Series (Topographic) (1973, photoinspected 1973, photorevised 1980). Construction-related earth-moving activities at the Project site would include grading for the communication tower pad, as well as augering for tower footings and for utility poles along the access road.

The County has required that this paleontologic resource inventory and impact assessment be conducted in support of Project construction because of the potential for paleontologic resources being adversely affected by construction-related earth-moving activities at the Project site. The sedimentary stratigraphic unit underlying the Project site has yielded fossilized remains in the Project site vicinity.

Environmental Setting

Surficial geologic mapping of the Project site and vicinity by Morton and Matti (2001) and Dibblee (2003) indicates that the Project site (including access road) is underlain by the Middle

Member or main part of the continental San Timoteo Formation, which includes the Bautista Formation of Frick (1921) (Reynolds and Reeder 1986, 1991). In The Badlands, the San Timoteo Formation comprises two or three units. The Middle Member of Morton and Matti (2001) appears to be the same as the upper part of Unit 3 of Albright (1999), and the Lower Silty Facies of Reynolds and Reeder (1986, 1991). The Middle Member consists mostly of (1) thick, light-gray, pebbly to cobbly, moderately to well indurated layers of medium- to coarse-grained sandstone with (2) conglomerate beds being more common in the upper part; (3) subordinate, pale brown to light gray, fine-grained sandstone beds and pebbly sandstone layers, and (4) numerous reddish-brown sandstone intervals and reddish-brown clay-rich paleosols (Morton and Matti 2001).

Paleontologic resources include fossilized remains and the respective fossil localities, associated specimen data and corresponding geologic and geographic locality data, and the fossil-bearing strata. Although no previously recorded fossil locality was documented as occurring at the Project site as a result of the field survey of 4-8-2010, the literature review and the archival search at the Natural History Museum of Los Angeles County Vertebrate Paleontology Department (LACM) that were completed in support of this inventory and assessment documented numerous previously recorded fossil localities as occurring in the Middle Member (including Unit 3, Lower Silty Facies) very near the Project site. These localities have yielded fossilized bones and teeth representing taxonomically diverse assemblages that comprise extinct species of land mammals. These taxa include rabbits (cottontail), rodents (gopher; cotton and kangaroo rats; woodrat; pocket and deer mice), and horses assignable to the early to middle Blancan North American Land Mammal Age (NALMA) (Blancan I to Blancan III; early to middle Pliocene Epoch) (Frick 1921, Reynolds and Reeder 1986, 1991, Albright 1999, Bell et al. 2004). These and other localities have produced fossilized remains representing other species, and include the bones and scales of fishes, the shells of fresh-water and/or land snails, and leaves representing taxonomically highly diverse assemblages comprising extinct species of land plants (cedar; fir; Coulter, sugar, and yellow pines; big-cone spruce; alder; ash; aspen; barberry; box elder; buck and deer brushes; currant; dogwood; false indigo; holly-leaf cherry; lilac; madrone; magnolia; maple; mountain mahogany; poplar; serviceberry; snow berry; cottonwood; silk-tassel and sugar bushes; sycamore; willow; reed) (Axelrod 1966, Reynolds and Reeder 1986, 1991).

The land mammal remains from the Middle Member of the San Timoteo Formation are considered to be scientifically highly important because the taxa they represent have been critical in determining the geologic ages of the respective fossil-bearing strata, whereas the mollusk and, in particular, the land plant remains are regarded as similarly important because the species they represent have been essential in reconstructing the depositional paleoenvironments, habitats, and paleoclimates represented by the strata. Moreover, the land mammal and land plant remains also represent taxonomically highly diverse assemblages. Finally, nonmarine mollusks and land mammal and plant remains are comparatively rare in the fossil record. Based on these previously recorded fossil occurrences, there would probably be a high potential for scientifically highly important fossilized remains being encountered by construction-related earth-moving activities at the Project site. For this reason, the Middle Member of the San Timoteo is considered to be highly important paleontologically.

Adverse Environmental Impacts

Similarly, there also would be a correspondingly high potential for the disturbance and loss of

paleontologic resources as a result of these earth-moving activities. Therefore, the Middle Member of the San Timoteo Formation would be regarded as paleontologically highly sensitive to the adverse environmental impact of such activities at the Project site (Figure 1).

Identifiable fossilized remains recovered from the Middle Member at the Project site would be considered to be particularly important scientifically if they represented a new or rare species; a geologic (temporal) or geographic range extension; a new taxonomic record for the stratigraphic unit; an age-diagnostic or environmentally sensitive species; or a skeletal element different from, or a specimen more complete than, those now available for its respective species. The recovery of remains representing an age-diagnostic species would be essential in determining the age of the fossil-bearing strata, whereas the recovery of remains representing an environmentally sensitive species would be critical in paleoenvironmental, habitat, or paleoclimatic reconstruction. In addition, such remains would contribute to more comprehensive documentation of the diversity of plant and animal life that existed at and near the Project site during the early to middle Pliocene Epoch.

Legal Mandates

Under California law, fossil localities are protected by the California Environmental Quality Act of 1970 (CEQA); California Administrative Code, Title 14, Section 4306 *et seq.*; and California Public Resources Code (PRC) Section 5097.5. CEQA requires that public agencies not approve a project as proposed unless there is a feasible alternative or feasible mitigation measures available that would substantially lessen the significant environmental effects of the project (Chapter 1, Section 21002). California PRC 5097 protects vertebrate fossil localities, including fossilized footprints or any other paleontologic feature, situated on public land. In response to these acts, the County, as the CEQA lead agency for the Project, has developed its own measures for protecting paleontologic resources on land under its jurisdiction.

Mitigation

If implemented, the following measures would reduce the impact of construction-related earth-moving activities at the Project site to a less-than-significant level. The measures are in compliance with Society of Vertebrate Paleontology (Reynolds et al. 1995, 1996) standard measures for mitigating the adverse environmental impact of construction on paleontologic resources and for the museum repository acceptance of a mitigation program fossil collection. The measures would be completed in conformance with any County requirement for the Project that addresses the mitigation of impacts on paleontologic resources.

Task 1—Retention of Paleontologist.—Prior to any earth-moving activity, the services of a qualified paleontologist approved by the County will be retained to implement the following mitigation measures.

Task 2—Museum Storage Agreement.—The paleontologist will develop a formal agreement with a recognized museum repository, such as the LACM, regarding any condition that will be required before the fossilized remains recovered as a result of implementing these measures will be accepted by the repository for permanent storage and maintenance.

Task 3—Paleontologic Monitoring and Fossil or Sample Recovery.—Earth-moving activities

will be monitored on a full-time basis by a paleontologic construction monitor to allow for the recovery of larger fossilized remains. Monitoring will consist of visually inspecting fresh exposures and debris piles generated by these activities. Sedimentary rock samples will be collected from selected stratigraphic levels and stockpiled for later processing. The monitor will have the authority to divert earth-moving activities temporarily around a fossil or sampling locality until the remains or a rock sample have been recovered from that locality. The monitor will recover any remains or sample as quickly as possible to avoid or minimize any construction delay. Oriented rock samples will be recovered for paleomagnetic analysis.

Task 4—Final Laboratory Tasks.—Stockpiled rock samples will be processed to allow for the recovery of smaller fossilized remains that normally are too small to be observed by the monitor in the field. No more than 3,000 pounds of rock will be processed. All fossil specimens recovered from the Project site as a result of monitoring or sample processing will be treated (prepared, identified, curated, and catalogued) in accordance with designated museum repository requirements. As appropriate, splits of the rock samples will be submitted to commercial laboratories for pollen or microfossil identification and analysis, and oriented rock samples will be submitted for paleomagnetic analysis.

Task 5—Reporting.—The monitor will maintain daily monitoring logs that record the fossilized remains or rock samples that were recovered, and associated specimen or sample data and corresponding geologic and geographic locality data. A final technical report of results and findings will be prepared by the paleontologist in accordance with any County requirement.

Literature Cited

Albright, L.B., III. 1999. Biostratigraphy and vertebrate paleontology of the San Timoteo Badlands, southern California. *University of California Publications in Geological Sciences* 144:1-121.

Axelrod, D.I. 1966, The Pleistocene. Soboba Flora of southern California. *University of California Publications in Geological Sciences* 60:1-79.

Bell, C.H., E.L. Lundelius Jr., A.D. Barnosky, R.W. Graham, E.H. Lindsay, D.R. Ruez Jr., H.A. Semken Jr., S.D. Webb, and R.J. Zakrzewski. 2004. The Blancan, Irvingtonian and RanchoLabrean Mammal Ages. Pp. 232-314 in M. O. Woodburne (ed.). *Late Cretaceous and Cenozoic Mammals of North America*. Columbia University Press, New York.

Dibblee, T.W., Jr. 2003. Geologic map of the Sunnymead/south ½ of Redlands Quadrangles, San Bernardino and Riverside County, California. *Dibblee Geology Center Map* DF-110.

Frick, C. 1921. Extinct vertebrate faunas of the badlands of Bautista Creek and San Timoteo Canyon, southern California. *University of California Publications, Bulletin of the Department of Geology* 12(5):277-424.

Morton, D.M., and J.C. Matti. 2001. Geologic map of the Sunnymead 7.5' Quadrangle, Riverside County, California, Version 1.0. *United States Geological Survey Open-file Report* 01-450.

Reynolds, R.E., and W.A. Reeder. 1986. Age and fossil assemblages of the San Timoteo Formation, Riverside County, California. *In* M.A. Kooser and R.E. Reynolds (eds.). *Geology around the margins of the eastern San Bernardino Mountains. Publications of the Inland Geological Society* 1:51-56.

Reynolds, R.E., and W.A. Reeder. 1991. The San Timoteo Formation, Riverside County, California. *In* M.O. Woodburne, R.E. Reynolds, and D.P. Whistler (eds.). *Inland southern California: The last 70 million years: A self-guiding tour of major paleontologic localities from Temecula to Red Rock Canyon: Fossils, structure, and geologic history. San Bernardino County Museum Association Quarterly* 38(3&4):44-48.

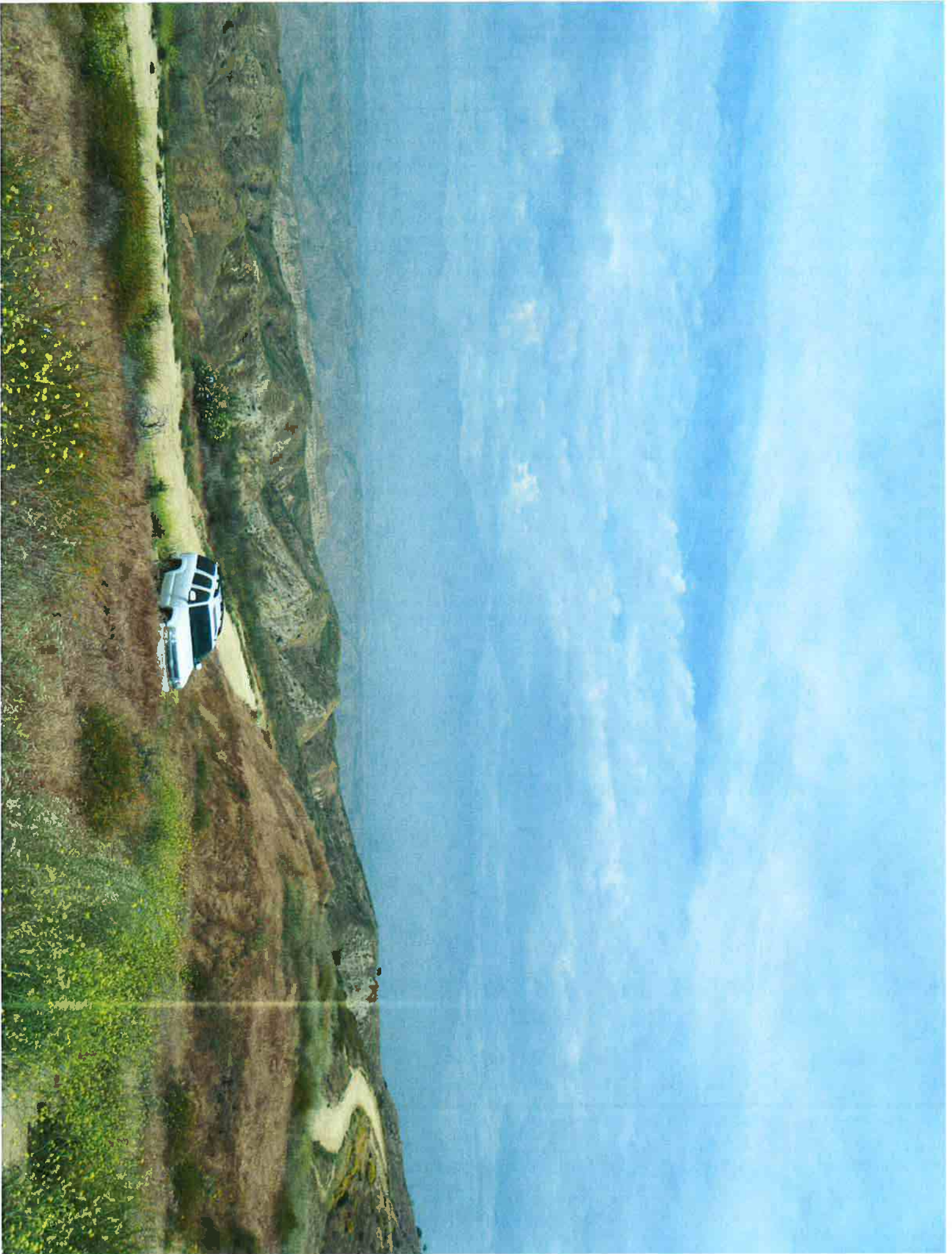
Reynolds, R.E., et al. 1995. Assessment and mitigation of adverse impacts to nonrenewable paleontologic resources: Standard guidelines. *Society of Vertebrate Paleontology News Bulletin* 163:22-27.

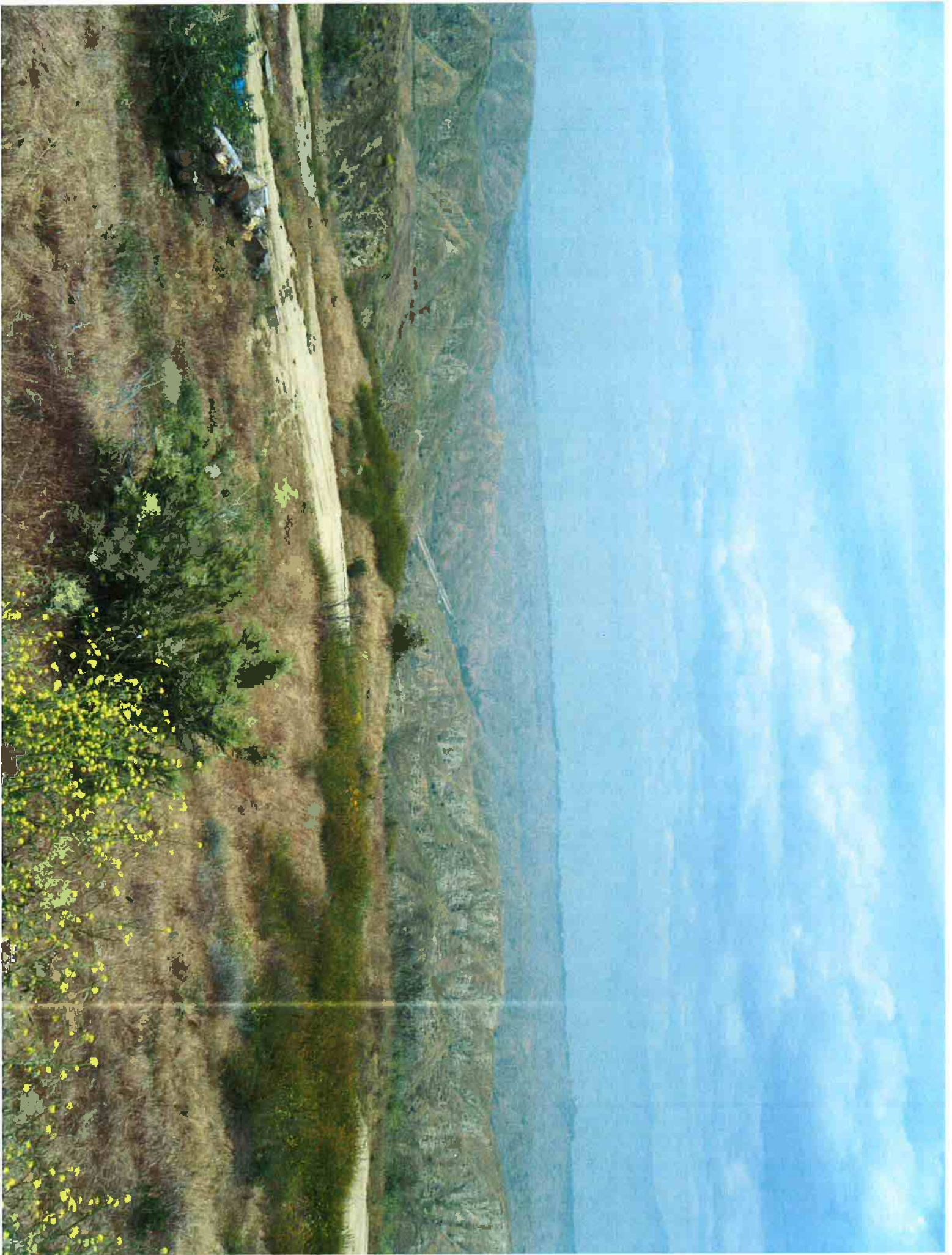
Reynolds, R.E., et al. 1996. Conditions of receivership for paleontologic salvage collections. *Society of Vertebrate Paleontology News Bulletin* 166:31-32.

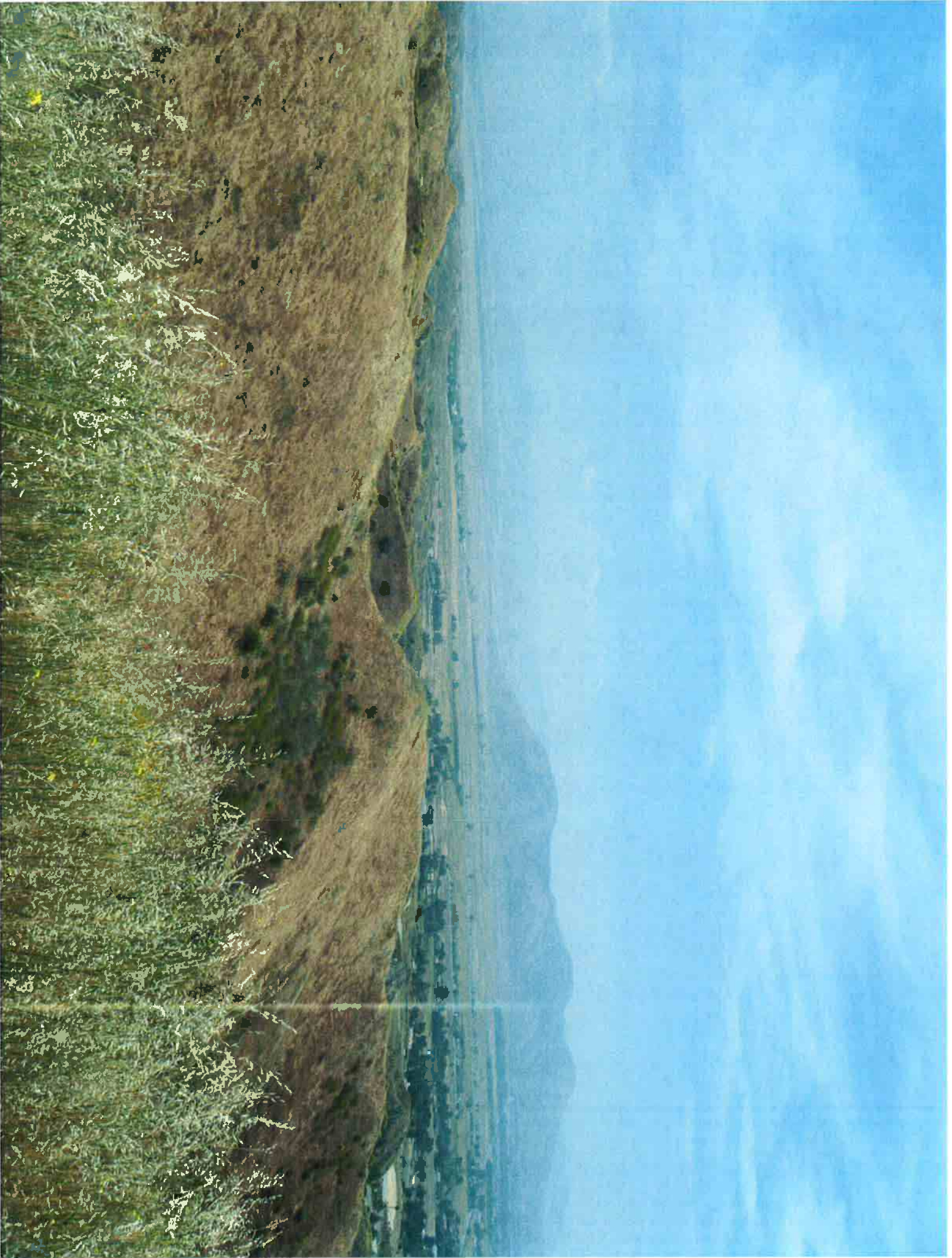
2010-2
riverside co. psec-timoteo.doc

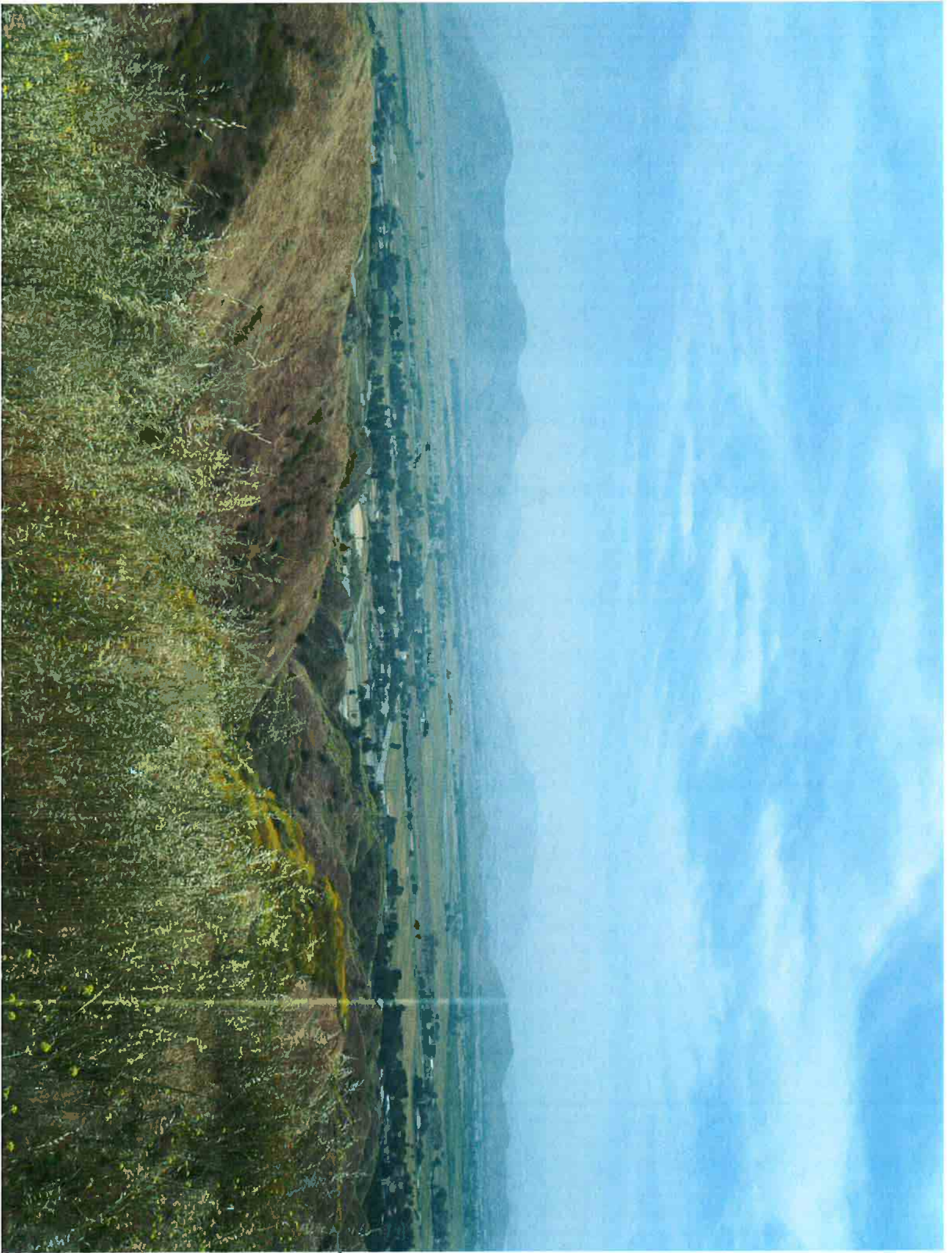


Exhibit B









WRITER'S E-MAIL:
pcliff@lcl-law.com

June 30, 2009

Via E-Mail – Gbeloian@co.riverside.ca.us

Glenn R. Beloian
Deputy County Counsel
County of Riverside
3535 10th Street, Suite 300
Riverside, CA 92501

Re: *County of Riverside v. James R. Savage*
Our File No. 7310.000


Dear Mr. Beloian:

As a follow up to our exchange of e-mails of June 1, 2009, and the e-mail to me from James Force of June 10, 2009, this letter constitutes formal demand pursuant to the California Public Records Act, California Government Code section 6251 et seq. for copies of all public records concerning the selection of that certain property owned by the James R. Savage Family Trust and identified as Assessor's Parcel No. 473-140-001, including but not limited to all public records referencing any evaluations of alternative sites and those reflected in the conclusions set forth in the Excel spreadsheet attached to the e-mail to Paul Cliff from James Force dated June 10, 2009. Copies to be included are to be exact copies of the documents for which copies are to be provided, and you are reminded that the definition of "public records" and "writing" set forth in the Public Records Act includes more than mere paper copies of items which are convenient for the County to produce.

As discussed in my June 29, 2009, e-mail exchange with James Force, Mr. Savage is, at this time, not prepared to accept the County's offer for the purchase of a portion of his property, and the requested documents are necessary for him to evaluate the proper valuation of a portion of his property the County is proposing to take, as well as to make a record as necessary in any public hearings concerning a resolution of necessity. Please let this correspondence serve as a request for a copy of any notice to be given to Mr. Savage concerning a hearing on a resolution of necessity to be transmitted to our office in addition to Mr. Savage.

Glenn R. Beloian
County of Riverside v. Savage
June 30, 2009
Page 2

Should you have any comments or questions concerning the foregoing, please do not hesitate to contact the undersigned.

Cordially,

Paul Cliff
Lobb Cliff & Lester, LLP

PC/kas
cc: Via E-Mail – JRForce@rivoeda.org
James Force

WRITER'S E-MAIL:
pejiff@lcl-law.com

July 6, 2009

Via E-Mail – Gbeloian@co.riverside.ca.us

Glenn R. Beloian
Deputy County Counsel
County of Riverside
3535 10th Street, Suite 300
Riverside, CA 92501

Re: *County of Riverside v. James R. Savage*
Our File No. 7310.000

Dear Mr. Beloian:

As a follow up to our June 30, 2009, letter, please note that our client will be expecting the records we receive to include the DBU contour maps for all sites currently in the PSEC system, as well as all sites evaluated as alternatives to Mr. Savage's property. The information we expect will include the GPS coordinates for all sites in the system, and all the alternative sites, as well as tower height and effective radiated power and frequency range of all sites, the alternative sites, and the station to be placed upon Mr. Savage's property. This will allow our experts to evaluate the County's conclusions. In order for our client to protect its rights under Section 1245.245 of the Code of Civil Procedure, we also require all documents in the possession of the County of Riverside referencing additional uses for the PSEC communications stations for microwave retransmission cellular communication and other non-law enforcement communications activities whether for public or commercial users.

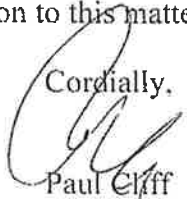
According to our information, the County's position that location of the existing PSEC network sites is somehow protected from disclosure is inaccurate for two reasons. First, there does not appear to be any applicable exemption in the California Public Records Act. Moreover, the exact GPS coordinates of all law enforcement communication stations at both state and federal government levels is already a matter of public record with the Federal Communications Commission. If you have legal authority for your position that this information is protected from disclosure, please identify it. However, without this information, Mr. Savage cannot effectively make his record that his property is not the most compatible with the greatest public good and least private injury.

Specifically, it remains our contention that the particular sites selected both substantially affect the value of that portion of Mr. Savage's property remaining after the taking a problem which may not

Glenn R. Beloian
County of Riverside v. Savage
July 6, 2009
Page 2

plague some of the other alternative sites. Furthermore, depending upon the frequency range and radiated power of the proposed station, there may be substantial health effects on adjacent property in addition to the obvious aesthetic detriments, further increasing the private harm caused by this public use.

Thank you for your attention to this matter.

Cordially,

Paul Cliff
Lobb Cliff & Lester, LLP

PC/kas

Michelle Roy

From: Paul Cliff
Sent: Thursday, July 09, 2009 3:41 PM
To: 'Beloian, Glenn R.'
Cc: Nila, Dan; Force, James
Subject: RE: Savage Property

Mr. Beloian,

I think that is a fair request. Please treat July 8 as the request date. As I am sure Mr. Nila can tell, between the two letters we've spoken to some radio communication consultants and would like to more narrowly focus our request.

Paul Cliff
(951) 788-9410 Phone
(951) 788-0766 Fax

Circular 230 Disclosure:

As provided in Treasury Department Circular 230, this electronic communication is not intended or written by Lobb Cliff & Lester, LLP to be used, and cannot be used, by a client or any other person or entity for the purpose of avoiding tax penalties that may be imposed on any taxpayer.

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

-----Original Message-----

From: Beloian, Glenn R. [mailto:GBeloian@co.riverside.ca.us]
Sent: Thursday, July 09, 2009 3:13 PM
To: Paul Cliff
Cc: Nila, Dan; Force, James
Subject: RE: Savage Property

Mr. Cliff, thank you for the "clarification". Your earlier letter was emailed to me on June 30, 2009. Your below letter was emailed to me on July 8, 2009.

Can we agree that your Public Records request was made on the July 8, 2009 date of your 2nd letter?

-----Original Message-----

From: pcliff@lcl-law.com [mailto:pcliff@lcl-law.com]
Sent: Wednesday, July 08, 2009 2:43 PM
To: Beloian, Glenn R.
Cc: Force, James
Subject: Savage Property

Mr. Beloian,

As a clarification to my recent letter to you, please note that for transmitters and repeaters in the PSEC network which either currently exist or for which the site has been selected and acquired, we only need the location, tower height, frequency range, and radiated power for those facilities which overlap or potentially overlap the proposed site on Mr. Savages property

Paul Cliff

Lobb Cliff & Lester, LLP

Suite 300

1325 Spruce Street

Riverside CA 92507

(951) 788-9410 Phone

(951) 788-0766 Fax

pcliff@LCL-Law.com

www.LCL-Law.com

Circular 230 Disclosure:

As provided in Treasury Department Circular 230, this electronic communication is not intended or written by Lobb Cliff & Lester, LLP to be used, and cannot be used, by a client or any other person or entity for the purpose of avoiding tax penalties that may be imposed on any taxpayer.

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

Michelle Roy

From: Force, James [JRForce@rivcoeda.org]
Sent: Thursday, June 11, 2009 3:18 PM
To: Paul Cliff
Cc: Beloian, Glenn R.; Nila, Dan; 'Dennis Friedman'
Subject: PSEC Timoteo
Attachments: Timoteo Site Candidates.pdf

Paul, attached is the matrix prepared by PSEC that summarizes each of the candidates we have reviewed for our proposed communication facility.

Jim Force
Supervising Real Property Agent
County of Riverside
951-955-4822

Timoteo Site Candidates									
APN	Voice Coverage	Availability of Commercial Power	Availability of Access Roads	Availability of Construction Staging Platform	Communicability with Other Sites	Excessive Coverage Overlap with Other Sites	Latitude	Longitude	
A	473-070-031	Poor	Poor	Excellent	Excellent	Unknown	Unknown	33° 59' 8.41"	117° 09' 4.9"
B	473-070-031	Poor	Poor	Excellent	Excellent	Unknown	Unknown	33° 59' 9.2"	117° 09' 6.8"
C	473-070-031	Poor	Poor	Poor	Unknown	Unknown	33° 59' 3.84"	117° 09' 0.14"	
D	413-170-004	Poor	Poor	Poor	Unknown	Unknown	33° 57' 59.38"	117° 04' 58.28"	
E	473-040-017	Poor	Average	Average	Excellent	Unknown	33° 59' 54.94"	117° 09' 19.53"	
F	473-060-005	Poor	Poor	Average	Excellent	Unknown	33° 59' 2.4"	117° 09' 31.4"	
G	473-050-017	Poor	Excellent	Excellent	Excellent	Unknown	33° 59' 38.50"	117° 09' 18.7"	
H	WRCRA owned property East of Reche and West of San Timoteo	Unknown	Poor	Poor	Poor	Unknown	Unknown	Unknown	Unknown
I	473-110-001	Excellent	Poor	Average	Poor	Average	Poor	33° 58' 30"	117° 10' 9"
J	473-110-019	Average	Poor	Poor	Poor	Unknown	Average	33° 58' 16.37"	117° 09' 28.71"
K	473-110-019	Average	Poor	Poor	Poor	Unknown	Average	33° 58' 16.37"	117° 09' 34.5"
L	473-140-001	Excellent	Excellent	Excellent	Excellent	Excellent	Average	33° 58' 2.1"	117° 09' 9.8"

PAMELA J. WALLS
County Counsel

Principal Deputy
KATHERINE A. LIND

OFFICE OF COUNTY COUNSEL
COUNTY OF RIVERSIDE

3535 TENTH STREET, SUITE 300
RIVERSIDE, CA 92501-3674
TELEPHONE: 951/955-6300
FAX: 951/955-6322 & 955-6363



October 22, 2009

Paul Cliff, Esq.
Lobb Cliff Lester, LLP
1325 Spruce Street
Suite 300
Riverside, CA 92507

Re: The County of Riverside's PSEC Project

Dear Mr. Cliff:

I have received and reviewed your letter to me dated October 20, 2009. I am sending you this letter in order to correct the following listed inaccuracies in your October 20, 2009 letter.

1. You state in your letter that, during our October 19, 2009 conference call, I represented to you that "the County would be able to partially respond to [your] Public Records Act request relating to its evaluation of Mr. Savage's property as a possible site for its PSEC system". During that conference call, at no time did I use the phrase "partially respond" (or any other words to that effect), and at no time did you (or any other participant) use the phrase "partially respond" (or any other words to that effect).
2. In your letter, you request DBU contour maps. During our October 19, 2009 conference call, I told you that PSEC has 800 MHz DBU contour maps only for the originally proposed sites of the communication towers. Also during that conference call, I told you that the FCC changed the frequency range of the communication towers to 700 MHz. Also during that conference call, I told you that the County does have 700 MHz simulcast coverage prediction maps that include all (or almost all) of the final sites for the communication towers.
3. After you requested "supporting engineering" during our October 19, 2009 conference call, I asked you for specifics regarding your request for "supporting engineering". The only thing that you mentioned (in response to my question) was that you wanted the "version and publisher of the software".

If you would like to discuss this matter further, please feel free to contact me at 951-955-6300.

Sincerely,

Deputy County Counsel
Glenn Beloit

Exhibit G

CONFIDENTIALITY AGREEMENT
REGARDING THE PSEC PROJECT

This Confidentiality Agreement Regarding The PSEC Project (this "Agreement") is dated (for reference purposes) as of October 27, 2009, and it is entered into by and among the County of Riverside (the "County"), the law firm of Lobb Cliff Lester, LLP ("Lawyers"), and James R. Savage and Mary Sue Savage (collectively the "Savages").

WHEREAS Lawyers (on behalf of their clients the "Savages") served a California Public Records Act request upon the County regarding the County's Public Safety Enterprise Commission ("PSEC") project; and

WHEREAS, in response to said Public Records Act request, the County intends to produce various records including the following listed records (which will hereinafter be collectively referred to as the "Confidential Records");

- a. Regarding the final locations of the County's PSEC communication towers within the Northwest Simulcast Cell and the San Jacinto Simulcast Cell, the County intends to produce records which state the GPS coordinates, the effective radiated powers, the frequency ranges, the tower heights, and the power settings for the associated mobile units.

Now, therefore, the undersigned parties hereby agree as follows:

1. Subject to the following listed exceptions (and no others), both the Lawyers and the Savages shall be prohibited from disclosing the contents of the Confidential Records (either orally or in writing) to any third-party (regardless of whether said third-party is an individual or a company or a governmental entity or agency of some type).
 - a. The Lawyers and/or the Savages may disclose the contents of the Confidential Records (either orally or in writing) to the Judges or other adjudicators or other adjudicatory bodies in any State Court lawsuit, Federal Court lawsuit, or Federal or State or County or other local administrative hearing. Provided, however, that if the County is not also a party to said proceeding, the Lawyers and the Savages shall give reasonable prior written notice (to the Riverside County Counsel) of the fact that they intend to produce the Confidential Records (or disclose the contents of those records) in that proceeding. Provided, however, that the County reserves the right to seek a confidentiality order (or other protective order) in connection with any such proceeding.
 - b. The Lawyers and/or the Savages may disclose the contents of the Confidential Records (either orally or in writing) to any third-party whose advice or services are reasonably necessary for the Lawyers and/or the Savages to prosecute or defend any proceeding of the type described in above paragraph 1.a. But before thusly disclosing the contents of the Confidential Records to such a third-party, the Lawyers and the Savages shall cause said third-party to sign and date a confidentiality agreement that is substantially similar

to the Confidentiality Agreement attached hereto as Exhibit "A" (and incorporated herein by this reference).

- c. The Lawyers and/or the Savages may disclose the contents of the Confidential Records (either orally or in writing) in response to a lawful subpoena duces tecum or a lawful discovery request or a court order which requests the production or other disclosure of the Confidential Records in connection with one of the proceedings described in above paragraph 1.a. Provided, however, that if the County is not also a party to said proceeding, the Lawyers and the Savages shall promptly give written notice (to the Riverside County Counsel) of the fact that the Confidential Records (or their contents) are being demanded by such a subpoena or request or order. Provided, however, that the County reserves the right to seek a confidentiality order (or other protective order) in connection with any such proceeding.
2. No amendment or modification of this Agreement will have any force or effect or validity whatsoever, unless it is in writing and signed by all of the undersigned parties.
3. This Agreement will be interpreted as if it was drafted by all of the undersigned parties.
4. This Agreement will be governed by the laws of the State of California.
5. This Agreement will have no force or effect whatsoever unless and until it is signed by all of the undersigned parties.
6. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which shall be deemed an original and all of which taken together shall constitute one and the same instrument.
7. This writing contains the entire agreement between the undersigned parties respecting the matter set forth, and expressly supersedes all previous or contemporaneous agreements, understandings, representations, or statements between the parties respecting that matter.

Date: _____

Date: _____

Date: _____

Date: _____

ASARO, KEAGY, FREELAND & MCKINLEY

ATTORNEYS AT LAW

FOURTH FLOOR

3170 FOURTH AVENUE

SAN DIEGO, CALIFORNIA 92103

TELEPHONE (619) 297-3170

FACSIMILE (619) 299-4268

STEVEN A. MCKINLEY*
KAREN G. MCKINLEY

MICHAEL R. NOLAN
PETER Z. STOCKBURGER

*ALSO ADMITTED IN NEVADA

RETIRED:

FRANK L. ASARO

OF COUNSEL:

ROSCOE D. KEAGY
RICHARD R. FREELAND

February 19, 2010

Via Fax: 951-788-0766

E-Mail: www.lcl-law.com

evelie@lcl-law.com & U.S. Mail

Paul Cliff, Esq.
Lobb Cliff & Lester LLP
1325 Spruce Street, Suite 300
Riverside, CA 92507

Re: PSEC/Savage

Dear Mr. Cliff:

This office is privileged to represent the County of Riverside with respect to your Public Records Act request in the above-entitled matter.

As you know, there was an extensive effort made last fall to reach an agreement pursuant to which certain records could be produced based upon a proposed confidentiality agreement. Unfortunately, the parties were unable to agree upon the terms and conditions of the confidentiality to be provided. In our position as outside counsel for the County, we have concluded that the records requested, as defined by you, are not disclosable because they are exempt pursuant to the Government Code as follows:

1. Under Government Code Section 6254(e), geological or geophysical data and similar information relating to utility systems development, which is obtained in confidence, is exempt from public disclosure. The information you have requested regarding GPS coordinates and related geophysical data is protected from disclosure by this exemption. The PSEC System is a communications utility system under development, and the geological and geophysical data pertaining thereto, as requested by you, has been obtained and developed in confidence.
2. Under Government Code Section 6254(e), records of security procedures of local police agencies are exempt from disclosure. In this case, the PSEC System is designed to provide a secure emergency communication system for law enforcement, fire, and

Exhibit H

emergency personnel. This special communications system, which is designed and intended to be secure from interference, interruption, interception, and/or sabotage by anyone not part of the public safety/law enforcement network, is a security procedure within the meaning of this exemption. You have requested records of this security procedure which are exempt from public disclosure.

3. Under Government Code Section 6254(h), the contents of appraisal, engineering or feasibility estimates and evaluations relative to acquisition of property are exempt from disclosure. Your request seeks disclosure of the contents of engineering or feasibility estimates and evaluations relative to the acquisition not only of your property, but of other properties acquired or to be acquired, or otherwise considered for acquisition for the PSEC Project, and therefore seeks records which are not disclosable.
4. Government Code Section 6254(k) exempts from disclosure records, the disclosure of which is exempt or prohibited pursuant to provisions of the Evidence Code relating to privilege. Under Evidence Code Section 1040(b), a public entity has a privilege to refuse to disclose official information where disclosure is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice. Here, disclosure of the records you have requested would compromise public safety by jeopardizing the secure communications of law enforcement, fire, and emergency personnel. Dissemination of information pertaining to these security procedures is clearly against the public interest, and the purely financial interest of your client is clearly outweighed by the interest of the public in protecting the communications of its law enforcement, fire, and emergency personnel, when carrying out their duties, from interruption, interference, interception, and/or sabotage by others.
5. Under Government Code Section 6255, records are not disclosable where the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. For reasons already stated, the public interest in non-disclosure outweighs the public interest served by disclosure.

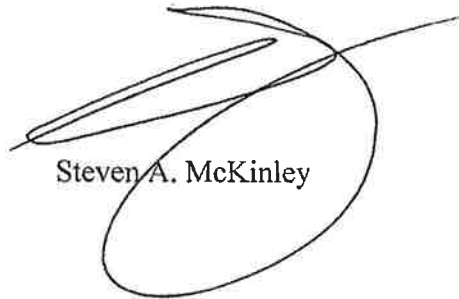
We understand you contend that eventually some of the information you are requesting will be required, as a matter of law, to be provided by the County to the Federal Communications Commission, and that some of the information requested will thereupon become available to those who are able to procure it from the FCC. However, if the County ultimately becomes required to provide some of the information requested

to the FCC, this does not change the fact that at this time, the information is not public, nor has it been disclosed, nor does disclosure serve the public interest. Moreover, pursuant to Government Code Section 6254.5, a public record otherwise exempt does not lose its exemption simply because it is disclosed where required by law under Government Code Section 6254.5(b).

If you can identify records that you request that are not protected from disclosure by any of the foregoing exemptions, or otherwise exempt, we will be more than happy to accommodate your request.

Very truly yours,

ASARO KEAGY FREELAND & MCKINLEY



Steven A. McKinley

SAM:jat
cc: Clients

ASARO, KEAGY, FREELAND & MCKINLEY

STEVEN A. MCKINLEY*
KAREN G. MCKINLEY
MICHAEL R. NOLAN
PETER Z. STOCKBURGER
*ALSO ADMITTED IN NEVADA

ATTORNEYS AT LAW
FOURTH FLOOR
3170 FOURTH AVENUE
SAN DIEGO, CALIFORNIA 92103
TELEPHONE (619) 297-3170
FACSIMILE (619) 299-4268

RETIRED
FRANK L. ASARO
OF COUNSEL:
ROSCOE D. KEAGY
RICHARD R. FREELAND

April 7, 2010

**Via Fax: 951-788-0766
& U.S. Mail**

Paul Cliff, Esq.
Lobb Cliff & Lester LLP
1325 Spruce Street, Suite 300
Riverside, CA 92507

Re: PSEC/Savage Public Records Act Request

Dear Mr. Cliff:

This office is privileged to represent the County of Riverside with respect to your Public Records Act request in the above-entitled matter.

This letter is in response to your recent message regarding your Public Records Act request. After again reviewing potentially responsive records from the County, we have concluded, based upon your description of records requested, that the records are exempt pursuant to the Government Code and/or other applicable privilege.

You requested records of any evaluations of alternative sites, and maps of all sites currently in the PSEC system. All such records are exempt pursuant, but not limited, to Government Code Sections 6254(e), (k) and Section 6255. The application of these exemptions was discussed in detail in a correspondence dated February 19, 2010.

If there are other or different categories of documents you wish to obtain please make an appropriate request which reasonably identifies such records so responsive documents can be produced, or objections made if otherwise exempt.

Very truly yours,

ASARO KEAGY FREELAND & MCKINLEY


Steven A. McKinley

SAM:jat
cc: Janet Parks

Exhibit I

Gary Engineering

P.O. Box 580 Rosamond, CA 93560
Phone 1-661-256-0774 Fax 1-661-256-6100
Email: garyeng600@att.net

May 22, 2010

Board of Supervisors
County of Riverside
c/o Clerk of Board of Supervisors
County Administrative Center
Post Office Box 1147
4080 Lemon Street
Riverside, CA 92502-1147

**Re: Resolution No. 2010-039 Project: Public Safety Enterprise Communication
Moreno Valley, California**

Honorable Supervisors for the County of Riverside, California:

I am a radio communications engineer retained by James R. and Mary Sue Savage in connection with responding to the County's Notice of Intention to Adopt Resolution of Necessity regarding the Timoteo site for the Public Safety Enterprises Communication Project. I am familiar with the property in question, having examined, in detail, the topographic graphs of the property and its environment. In my opinion, there is insufficient information in order for the board to make a determination that the "Proposed Project" as defined in the County's notice is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.

In order to make this determination, one must know the height of the antenna above ground, frequency range and effective radiated power of the proposed facility at the Savage Property and the location, height of the antenna above ground, effective radiated power and frequency range of the other sites in the Proposed Project. This comparison must be made in reference to the topography of the Savage Property in relation to the topography of the other sites in the Proposed Project whose transmission areas will overlap the transmission area from the Savage's property.

In spite of numerous requests on behalf of Mr. and Mrs. Savage by their lawyers, I had not received this information, so I had no way until very recently to analyze whether (a) the

121783_3

Exhibit J

County of Riverside has even conducted this evaluation at all, or (b) the evaluation was conducted in a manner consistent with the applicable standard of care, or (c) whether any conclusions reached following such evaluation are supported by good engineering practices in accordance with the Federal Communications Commission rules and regulations governing this type of emission.

On May 20, 2010, it is my understanding that the County's representatives transmitted a copy of the Environmental Impact Report, a submittal (the "Submittal") from the Economic Development Agency, and a site map depicting the location of the Savage's property upon which the County proposes to construct the Timoteo site of the Project. Based on my preliminary analysis of this new information, it is my opinion that any evaluation that the Timoteo site for the Project is compatible with the greatest public good are not supported by good engineering practices in accordance with the Federal Communications Commission rules and regulations governing this type of emission. I base this conclusion upon my analysis of shadow and coverage maps generated by commonly used commercial software called ComStudy 2.2, published by Radio Soft. The shadow coverage maps depict the areas where one would attempt to communicate to the sites using a 5 watt handheld transmitter, like a handy-talky to be used by a or police officer or firefighter, at a height of six feet above ground. I assumed antenna gain was zero and that the receivers at the facility all have sensitivity typical for those commonly available in the 800 mhz range specified in the Environmental Impact Report, and that the tower height was 100 feet above ground.

The Environmental Impact Report appears to state that there were already twenty or more sites at the time the report was generated, and the report contains no information whatsoever about those preexisting sites. The limited material I have received leads me to conclude that adding the Timoteo to the PSEC network results in a negligible increase in the area of the county to which signals can be sent and received. Additionally, there is already sufficient overlap, that there is no increase in redundancy should one or more of the other sites fail. Finally, the latitude and longitude listed in the Environmental Impact Report for the Timoteo site is almost certainly wrong, since comparing those coordinates to the relevant maps demonstrates that those coordinates do not match the coordinates of the ridgeline or peaks of any portion of the Savage's property.

In the Submittal from the Economic Development Agency to the Board dated May 13, 2010, staff makes the following statement:

APN 473-140-001 and the area surrounding APN 473-140-001). Before choosing the subject Communications Site as the location for the Timoteo transmission tower, the County considered and then rejected eleven alternative locations for that transmission tower. Based upon certain important considered criteria, including the extent of the voice transmission coverage area, the microwave connectivity to other network sites, the proximity of electrical power service to the site, and the proximity of access roads to the site, the availability of an appropriate construction staging platform on the site, the communicability of the site with other sites in the County's system, and the existence of excessive coverage overlap with other sites (including such overlap that would result in interference), the subject Communications Site is the best overall choice for the location of the important Timoteo transmission tower.

In order to truthfully make this statement, one must conduct site study that includes the

Board of Supervisors

May 22, 2010

Page 3

following: frequency, antenna height above ground, antenna gain, antenna pattern Tx power, and ERP. The study must show the site coverage in microvolts per meter ($\mu\text{V}/\text{m}$) for 360 degrees of bearing around the site out to a distance from the site where the signal is no longer usable. Since they wish to use Timoteo site for a micro wave relay they must also show a Point-to-Point microwave study showing frequency, path loss, antenna gain, antenna height above ground, Tx power, ERP, and fresnel attenuation, including the coordinates and bearing from the other site to the Timoteo site. None of the materials received to date show any evidence that this level of study was conducted. The limited material I have received leads me to conclude that adding the Timoteo to the PSEC network results in a negligible increase in the area of the county to which signals can be sent and received. Additionally, there is already sufficient overlap, that there is no increase in redundancy should one or more of the other sites fail.

I have attached my resume detailing my over fifty years of experience in the radio communications field for the Board's consideration. I respectfully request that the Board either decline to adopt the Resolution of Necessity or defer voting on it until such time as the County of Riverside has made that information available to the public at large and to the Savages in particular.

Thank you for you consideration

Cordially,

A handwritten signature in black ink, appearing to read "Bruce Gary", written in a cursive style.

Bruce Gary

Gary Engineering

P.O. Box 580, Rosamond, CA 93560
Phone 1-661-256-0774 Fax 1-661-256-6100
Email: garyeng600@att.net

Education/ Certificates

- Early 1960's Attended Pasadena City College two year electronic engineering courses.
- 1965 Took and passed the Federal Communications third, second and first class radio telephone certificate that needed to be renewed every five years.
- 1985 The FCC granted a lifetime General Radiotelephone Certificate. License number is PG-11-17762

Experience/ Projects

- 1970 Designed and tested linear amplifiers in accordance with FCC rules for marine communication. The FCC granted "type approval" in 1972. Raytheon Marine Products contracted with my company for exclusive rights to market this amplifier under the Raytheon name. I also designed and manufactured four communication consoles, and installed them on the only four super tankers ever built in the USA under contract to Raytheon Marine.
- 1976 Designed and built two 1000 watt high frequency linear amplifiers for TRW Systems; used by NASA to deploy the parabolic reflectors on our first mission to Mars.
- mid 1960's to mid 1990's Majority owner and engineer of a small radio telephone utility serving the Antelope Valley with pagers and mobile telephones.
- early 1980's to mid 1990's Chief engineer for Antelope Broadcasting Corp. for their three broadcasting radio stations, two FM and one AM. Designed, licensed and built one of there stations, KAVS 97.7. The stations were sold to Clear Channel Communications in 1995.
- Mid 90's Received a contract from Boeing to design their communications system for their facilities located in the San Fernando Valley.
- After 9/11/2001 Designed a secure radio system for Pratt and Whitney Rocketdyne located in the San Fernando. This is a MPT1327 trunk radio system with two locations "Canoga" and "DeSoto". Contract with Rocketdyne has been on going and was renewed in April this year for maintaining this system.
- Current Designing and building two very high power amplifiers for the State of Kuwait.
- Current Radio amateur, call signs are W6BWG.

LOBB CLIFF, LLP

1325 Spruce Street • Suite 300 • Riverside, California 92507
951.788.9410 • Fax 951.788.0766 • www.lobbeliff.com

WRITER'S E-MAIL:
pcliff@lobbeliff.com

April 21, 2010

Via Fax (619) 299-4268 and U.S. Mail

Steve McKinley
Asaro, Keagy, Freeland & McKinley
3170 Fourth Avenue, Fourth Floor
San Diego, CA 92103

Re: COUNTY OF RIVERSIDE v. JAMES R. SAVAGE
Our File No.: 7310.000

Dear Mr. McKinley:

We are in receipt of the enclosed Notice of Hearing concerning the Resolution of Necessity. We renew our request for the documents described in our earlier correspondence relative to the County's proposed taking of Mr. Savage's property for its PSEC project. Specifically, we require the following documents:

1. All documents reviewed or to be reviewed by the County Board of Supervisors in connection with its adoption of a Resolution of Necessity concerning Assessor's Parcel No. 473-140-001 (the "Subject Property");
2. Contour maps related to sites within the County of Riverside's PSEC system depicting other communication facility sites in the system and within a 15-mile radius of the Subject Property;
3. Documents identifying the software system, if any, used to generate the contour maps referenced in category number 2 above;
4. Field notes, if any, made in connection with any testing performed in preparation of the contour maps referenced in category number 2 above;
5. Documents describing the location, tower height, effective radiated power, and frequency range of all communication facility sites within the County's PSEC system located within a 15-mile radius of the Subject Property or which are intended or expected by the County of Riverside to communicate with the communication facility the County is proposing to construct upon the Subject Property; and

117924

Exhibit L

Steve McKinley

County of Riverside v. Savage

April 21, 2010

Page 2

6. Documents referencing consideration of the sites alternative to the Subject Property for installation of the communication facility the County proposes to construct upon the Subject Property.

Should you have any comments or questions regarding the foregoing, please do not hesitate to contact the undersigned.

Cordially,

A handwritten signature in black ink, appearing to read "Paul Cliff". The signature is stylized with a large initial "P" and a cursive "C".

Paul Cliff

Lobb & Cliff, LLP

PC/mr:sas

Enclosure



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1628, 4080 LEMON STREET, 1st FLOOR
RIVERSIDE, CA 92502-1147
Office: (951) 955-1060 FAX: (951) 955-1409

KECIA HARPER-IHEM
CLERK OF THE BOARD

April 8, 2010

Paul Cliff
Lobb, Cliff & Lester
1325 Spruce Street, Suite 300
Riverside, CA 92507

SUBJECT: Resolution No. 2010-039

**PROJECT: PUBLIC SAFETY ENTERPRISE COMMUNICATION
MORENO VALLEY, CALIFORNIA**

Dear Mr. Cliff:

We have enclosed herewith the following documents:

1. *Notice of Intention to Adopt a Resolution of Necessity Regarding the Timoteo site for the Public Safety Enterprise Communication Project; and*
2. *Legal Description and plat map.*

As noted in the enclosed Notice, you may appear and be heard on the specified matters which are underlined for your quick and easy reference.

You may use the second page portion of this letter to request to be heard on these matters; however, it must be filed or delivered within 15 days after this letter and enclosed Notice were mailed to you. Please mail or personally deliver your request to:

Ms. Kecia Harper-Ihem
Clerk, Board of Supervisors
County Administrative Center
Post Office Box 1147
4080 Lemon Street, 1st Floor
Riverside, California 92502-1147

Paul Cliff
April 8, 2010
Page 2

If you should have any questions concerning the proposed public improvement, we suggest that you contact:

James Force, Supervising Real Property Agent
Real Estate Division
Economic Development Agency
3403 10th Street, Suite 500
Riverside, California 92501
Telephone: (951) 955-4822

Sincerely,

Kecia Harper-Ihem
Clerk of the Board

By: 
Cecilia Gil, Board Assistant

REQUEST TO APPEAR AND BE HEARD ON THE MATTERS REFERRED TO IN THE NOTICE OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY REGARDING THE TIMOTEO SITE FOR THE PUBLIC SAFETY ENTERPRISE COMMUNICATION PROJECT ON MAY 25, 2010 AT 9:30 A.M.

NAME: _____

ADDRESS: _____

TELEPHONE NO.: () _____

DATED: _____

Signature

1 Resolution No. 2010-039
2 Notice of Intention to Adopt a Resolution of Necessity Regarding
3 the Timoteo Site for the Public Safety Enterprise Communication Project

4 WHEREAS, the portions of real property that are the subjects of this Notice (collectively
5 the "Subject Properties") are located in unincorporated Riverside County, California; are
6 portions of a larger parcel of real property that is presently designated as Riverside County
7 Assessor's Parcel Number 473-140-001; are located in the general vicinity of the intersection
8 of Redlands Boulevard and Timoteo Canyon Road; are legally described and pictorially
9 depicted in the papers attached hereto as Exhibits "A" and "B" (and incorporated herein by this
10 reference); and are referred to on Attached Exhibits "A" and "B" as the "Communications Site"
11 or the "SITE" (the "Communications Site") on the one hand, and as the "Access Road" or the
12 "30' ACCESS EASEMENT" (the "Access Road") on the other hand;

13 WHEREAS, the proposed project that is the subject of this Notice (the "Proposed
14 Project") is known as the County of Riverside's Public Safety Enterprise Communication
15 Project and is one to replace the County's presently existing public safety communication
16 system (for public safety personnel including the County's fire and law enforcement agencies)
17 with a new and improved system that will provide communication coverage over a wider
18 geographical area, that will provide additional carrying capacity for voice and data
19 transmission, and that will provide other benefits over and above the presently existing
20 system;

21 WHEREAS, the Communications Site will be used for a communications facility
22 including a transmission tower and equipment shelter (and for other uses incidental to the
23 Proposed Project and required by the Proposed Project);

24 WHEREAS, the Access Road will be used for vehicular access to and from the
25 Communications Site, for overhead electrical lines to extend electrical service to the

1 Communications Site, and for other uses incidental to the Proposed Project and required by
2 the Proposed Project;

3 WHEREAS, the interests in property that are the subjects of this Notice (collectively the
4 "Subject Property Interests") are: (a) fee simple ownership of the Communications Site; and
5 (b) a perpetual non-exclusive easement in the Access Road;

6 WHEREAS, the statutes that authorize the County of Riverside to acquire the Subject
7 Property Interests by eminent domain include Article 1, Section 19 of the California
8 Constitution; Section 25350.5 of the Government Code; and Sections 1240.010, 1240.020,
9 1240.030, 1240.040, 1240.110, 1240.410, 1240.510, and 1240.610 of the Code of Civil
10 Procedure.

11 NOW, THEREFORE, BE IT RESOLVED AND ORDERED as follows by the Board of
12 Supervisors of Riverside County, State of California, in regular session assembled on April 6,
13 2010:

14 1. You are hereby notified that this Board (at its public meeting on May 25, 2010 at
15 9:30 a.m. in the meeting room of the Board of Supervisors located on the 1st Floor of the
16 County Administrative Center, 4080 Lemon Street, Riverside, California) may decide to adopt
17 a Resolution Of Necessity that would authorize the County of Riverside to acquire the Subject
18 Property Interests by eminent domain (and that would find and determine each of the following
19 matters):

- 20 (a) That the public interest and necessity require the Proposed Project;
- 21 (b) That the Proposed Project is planned or located in the manner that will
22 be most compatible with the greatest public good and the least private injury;
- 23 (c) That the Subject Property Interests are necessary for the Proposed
24 Project;

25

1 (d) That the offer required by Section 7267.2 of the Government Code has
2 been made to the owners of record of the Subject Properties; and

3 (e) That, to the extent that the Subject Properties are already devoted to a
4 public use, the use of the Proposed Project is a compatible use that will not unreasonably
5 interfere with or impair the continuance of the public use as it presently exists or may
6 reasonably be expected to exist in the future (California Code of Civil Procedure Section
7 1240.510) or the use of the Proposed Project is a more necessary public use than is the
8 presently existing public use (California Code of Civil Procedure Section 1240.610).

9 2. If (within 15 days from the mailing of this Notice) you file a written request to
10 appear at the public meeting and be heard on the matters described above in paragraphs 1(a),
11 1(b), 1(c), 1(d), and 1(e) (or any one or more of them), you will have a right to appear at that
12 meeting and be heard on those matters.

13 3. All such written requests to appear and be heard must be filed with the Clerk of
14 the Riverside County Board of Supervisors.

15 4. Your written request to appear and be heard must be filed within the 15-day time
16 period. Failure to file such a timely written request will result in a waiver of your right to appear
17 and be heard.

18 5. Questions regarding the amount of compensation to be paid will not be a part of
19 the public meeting, and the Board will not consider such questions in determining whether a
20 Resolution of Necessity should be adopted.

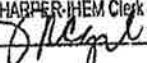
21 6. The Clerk of the Board of Supervisors shall cause a copy of this Notice to be sent
22 by first-class mail to each person whose property may be acquired by eminent domain and
23 whose name and address appears on the last equalized County Assessment Roll (including
24 the roll of state-assessed property).

JRF:jw
3/2/10
052IT
12.411

25 ROLL CALL:

Ayes: Buster, Stone, Benoit, and Ashley
Nays: None
Absent: Tavaglione

The foregoing is certified to be a true copy of a
resolution duly adopted by said Board of Super-
visors on the date therein set forth.

KECIA HARPER-JHEM Clerk of said Board
By  Deputy

- Parcel 1: A Fee Simple title to the real property in Riverside County, California. See legal description and plat map as Exhibits "A" and "B" attached hereto and made a part hereof.
- Parcel 2: An Access and Utility Easement over the real property in Riverside County, California. See legal description and plat map as Exhibits "A" and "B" attached hereto and made a part hereof.

EXHIBIT "A"

Parcel "A" (Legal Description-Communications Site)

All that certain property situated in Section 25, Township 2 South, Range 3 West, San Bernardino Meridian, in the County of Riverside, State of California described as follows:

Commencing at the Southwest corner of Section 25;

thence North 4°49'25" East, along the West line of Section 25, a distance of 1268.79 feet;

thence North 80°01'28" East, a distance of 44.59 feet to the beginning of a tangent curve to the left with a radius of 200.00 feet;

thence easterly along said curve, through a central angle of 18°35'36", an arc distance of 64.90 feet;

thence North 61°25'52" East, a distance of 128.25 feet to the beginning of a tangent curve to the right with a radius of 200.00 feet;

thence easterly along said curve through a central angle of 32°51'18", an arc distance of 114.68 feet;

thence South 85°42'51" East, a distance of 216.40 feet to the beginning of a tangent curve to the left with a radius of 275.00 feet;

thence northeasterly along said curve through a central angle of 60°01'56", an arc distance of 288.13 feet;

thence North 34°15'13" East, a distance of 156.11 feet to the beginning of a tangent curve to the left with a radius of 500.00 feet;

thence northeasterly along said curve, through a central angle of 16°17'18", an arc distance of 142.14 feet;

thence North 17°57'56" East, a distance of 201.58 feet;

thence at right angles North 72°02'04" West a distance of 15.00 feet to the beginning of a non-tangent curve to the right with a radius of 215.00 feet and an initial tangent of North 17°57'56" East, said point being the **True Point of Beginning**;

thence northeasterly along said curve, through a central angle of 35°17'19", an arc distance of 132.42 feet;

thence North 53°15'15" East, a distance of 68.36 feet to the beginning of a tangent curve to the left with a radius of 85.00 feet;

EXHIBIT "A"

thence northeasterly along said curve, through a central angle of 53°30'26", an arc distance of 79.38 feet;

thence North 0°15'11" West, a distance of 38.13 feet;

thence North 52°04'01" West, a distance of 51.16 feet;

thence South 89°42'50" West, a distance of 223.59 feet;

thence South 19°16'54" East a distance of 300.67 feet to the **True Point of Beginning**.

Subject to all other easements and offers of dedication of record.

Said site contains approximately 0.98 acres more or less.

Parcel "B" (Legal Description-Access Road)

All that certain property situated in Section 25, Township 2 South, Range 3 West, San Bernardino Meridian, in the County of Riverside, State of California described as follows:

A 30.00 foot wide strip of land, lying 15.00 feet on each side of the following described centerline:

Commencing at the Southwest corner of Section 25

thence North 4°49'25" East, along the West line of Section 25, a distance of 1268.79 feet to the **True Point of Beginning** of said centerline;

thence North 80°01'28" East, a distance of 44.59 feet to the beginning of a tangent curve to the left with a radius of 200.00 feet;

thence easterly along said curve, through a central angle of 18°35'36", an arc distance of 64.90 feet;

thence North 61°25'52" East, a distance of 128.25 feet to the beginning of a tangent curve to the right with a radius of 200.00 feet;

thence easterly along said curve through a central angle of 32°51'18", an arc distance of 114.68 feet;

thence South 85°42'51" East, a distance of 216.40 feet to the beginning of a tangent curve to the left with a radius of 275.00 feet;

thence northeasterly along said curve through a central angle of 60°01'56", an arc distance of 288.13 feet;

EXHIBIT "A"

thence North 34°15'13" East, a distance of 156.11 feet to the beginning of a tangent curve to the left with a radius of 500.00 feet;

thence northeasterly along said curve, through a central angle of 16°17'18", an arc distance of 142.14 feet;

thence North 17°57'56" East, a distance of 201.58 feet to the beginning of a tangent curve to the right with a radius of 200.00 feet;

thence northeasterly along said curve, through a central angle of 35°17'19", an arc distance of 123.18 feet;

thence North 53°15'15" East, a distance of 68.36 feet to the beginning of a tangent curve to the left with a radius of 100.00 feet;

thence northeasterly along said curve, through a central angle of 53°30'26", an arc distance of 93.39 feet;

thence North 0°15'11" West, a distance of 45.41 feet;

thence North 52°04'01" West, a distance of 63.64 feet;

thence South 89°42'50" West, a distance of 228.78 feet to the **Point of Termination** of said centerline, said point being South 65°05'22" East a distance of 858.13 feet from the West ¼ Corner of said Section 25.

The sidelines of the beginning of said strip to be lengthened or shortened to terminate in the West line of Section 25.

Subject to all other easements and offers of dedication of record.

Said strip contains approximately 1.36 acres more or less.

Prepared by:

Steve A. Leja – PLS 5933
Expires 12/31/2010
Leja Surveying Corp



28 Feb. 2010

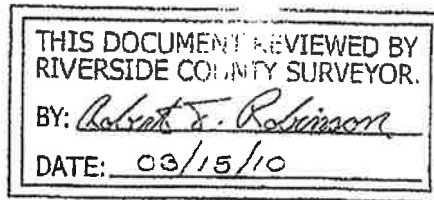


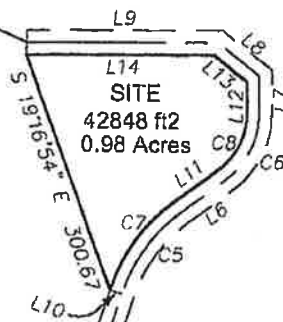
Exhibit "B"

NORTH LINE OF SOUTHWEST 1/4 SECTION 25

S 65°05'22" E 858.13

SECTION 26
SECTION 25 T2S R3W SBM

LINE NO.	BEARING	DISTANCE
L1	N 80°01'28" E	44.59
L2	N 61°25'52" E	128.25
L3	S 85°42'51" E	216.40
L4	N 34°15'13" E	156.11
L5	N 17°57'56" E	201.58
L6	N 53°15'15" E	68.36
L7	N 00°15'11" W	45.41
L8	N 52°04'01" W	63.64
L9	S 89°42'50" W	228.78
L10	N 72°02'04" W	15.00
L11	N 53°15'15" E	68.36
L12	N 00°15'11" W	38.13
L13	N 52°04'01" W	51.16
L14	S 89°42'50" W	223.59



30' ACCESS EASEMENT
59242 ft2
1.36 Acres

EXISTING 100' WIDE ACCESS EASEMENT

N 04°49'25" E 1268.79

NO	DELTA	RADIUS	LENGTH
C1	18°35'36"	200.00	64.90
C2	32°51'18"	200.00	114.68
C3	60°01'56"	275.00	288.13
C4	16°17'18"	500.00	142.14
C5	35°17'19"	200.00	123.18
C6	53°30'26"	100.00	93.39
C7	35°17'19"	215.00	132.42
C8	53°30'26"	85.00	79.38



SCALE: 1"=200 FEET



LOBB & CLIFF, LLP

1325 Spruce Street, Suite 300, Riverside, California 92507

Tel: 951-788-9410 Fax: 951-788-0766 www.lobbcliff.com

LAWYERS

FACSIMILE TRANSMITTAL COVER SHEET

DATE: April 22, 2010

TO: Steve McKinley

FAX NO: 619-299-4268

FROM: Sheryl Spinali for Paul Cliff

RE: County of Riverside v. James R. Savage

OUR FILE NO: 7310.000

NO. OF PAGES: 13 (including Facsimile Transmittal Cover Sheet)

MESSAGE: Attached letter and its enclosure regarding above matter.

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. If you have any problem receiving this facsimile, please contact the sender.

Thank you.

TRANSMISSION VERIFICATION REPORT

TIME : 04/22/2010 09:30
NAME : LOBB & CLIFF
FAX : 9517880766
TEL : 9517889410
SER.# : BR0D7J643622

DATE, TIME	04/22 09:24
FAX NO./NAME	916192994268
DURATION	00:05:35
PAGE(S)	13
RESULT	OK
MODE	STANDARD

Karin Sharpe

From: Steve A, McKinley [sam@akfm.com]
Sent: Thursday, May 20, 2010 12:22 PM
To: Paul Cliff
Subject:
Attachments: 1-1_Site_Location_Map.pdf; 2010 05-13-10 Form 11.pdf; 697219F2.pdf

Steven A. McKinley, Esq.
ASARO KEAGY FREELAND & MCKINLEY
3170 Fourth Avenue, Suite 400
San Diego, CA. 92103
Phone: 619-297-3170
FAX: 619-299-4268

This e-mail communication (including any attachments) may contain information that is legally privileged and/or confidential intended solely for the use of the individual or entity named as the recipient hereof. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this message and any and all attachments is prohibited. If you have received this transmission in error, please notify us by reply e-mail or telephone and then delete this message.

From: Steve A, McKinley [mailto:sam@akfm.com]
Sent: Thursday, May 20, 2010 12:12 PM
To: 'pcliif@lobbcliff.com'
Subject:

Dear Paul;

In response to your April 21, 2010 letter, attached please find a site location map, together with the form 11 for the hearing, and the Final Environmental Impact Report. Other environmental documents are available for review online at the link below.

Next week the staff report should be available, and I will send you a copy when available.

Thank you.

<http://psec.co.riverside.ca.us/eir/index.html>

Steven A. McKinley, Esq.
ASARO KEAGY FREELAND & MCKINLEY
3170 Fourth Avenue, Suite 400
San Diego, CA. 92103
Phone: 619-297-3170
FAX: 619-299-4268

This e-mail communication (including any attachments) may contain information that is legally privileged and/or confidential intended solely for the use of the individual or entity named as the recipient hereof. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this message and any and all attachments is prohibited. If you have received this transmission in error, please notify us by reply e-mail or telephone and then delete this message.

5/24/2010

Exhibit M

**Public Safety Enterprise Communication Project
Program Environmental Impact Report
Addendum No. 1
Timoteo Communication Site**



**County Administrative Center
4080 Lemon Street, Fifth Floor
Riverside, California 92501**

June 22, 2010

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Bob Buster 951-955-1010
District 2	John F. Tavaglione 951-955-1020
District 3	Jeff Stone 951-955-1030
District 4	John Benoit 951-955-1040
District 5 <i>Chairman</i>	Marion Ashley 951-955-1050

Public Safety Enterprise Communication (PSEC) Project Program Environmental Impact Report Addendum No. 1 Timoteo Communication Site

Background

On September 2, 2008, the Riverside County Board of Supervisors adopted the Program Environmental Impact Report (PEIR) for the Public Safety Enterprise Communication (PSEC) project. The PEIR assessed the environmental impacts likely to result from the construction and operation of up to 65 communication sites throughout Riverside County and adjoining areas of San Bernardino, San Diego, and Orange Counties.

The findings of the PEIR are hereby incorporated by reference into this addendum. The PEIR determined that the environmental impacts associated with the project would be less than significant for the majority of the environmental issues that were analyzed. This finding was based on the fact that all of the PSEC sites are virtually identical and would have the same types of impacts regardless of where they were located. Issues found to result in either No Impact or a Less Than Significant Impact With No Mitigation Required were as follows:

- Agricultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities
- Climate Change

For several issue areas, the PEIR determined that potential impacts warranted the imposition of a number of standard mitigation measures. These measures were applicable to all of the sites, regardless of location. Issues found to result in a finding of Less Than Significant With Mitigation Required were as follows:

- Air Quality
- Biological Resources
- Cultural Resources
- Hydrology and Water Quality

For one issue area, aesthetics, the PEIR determined that feasible mitigation to lessen the project's impacts in this regard was not available, and that the project's impact for this issue would be unavoidable and adverse.

Despite the project's potential unavoidable and adverse impact to aesthetic resources, the County determined that the project would provide specific safety benefits, increased communication, and other advantages that outweighed the unavoidable adverse environmental impacts of the project, such that those impacts were considered acceptable. The benefits were defined as follows:

- 1) Completion of the project will increase emergency communication coverage in the County from 60 percent to 95 percent of the County's land area for emergency service personnel and their cooperators;
- 2) The increased communication coverage will provide immeasurable benefits for all residents within the County. With better coverage, there will be adequate communication capability during emergency incidents (including wildfires, earthquakes, large-scale releases of hazardous substances, and other natural or man-made disasters) that cross jurisdictional boundaries or require multiple-agency cooperation;
- 3) The project will provide a secure voice and data communication network that is not dependent upon commercial facilities for its operation;
- 4) The collocation of PSEC sites will reduce the number of individual communication sites that would otherwise be required if each agency were to construct their own separate facilities; and
- 5) When weighed against the potential for significant loss of life and property resulting from deficiencies in current communication coverage, the resulting impacts from the proposed project are quite minimal.

Based on the identified benefits of the proposed project, and pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15093, the County adopted a Statement of Overriding Considerations for the project's potential unavoidable adverse impacts to aesthetics.

Allowance for Modification and Expansion

The PEIR imposed a number of standard mitigation measures that were applicable to all of the sites. However, at the time of the PEIR's adoption, certain design details and a final location for a number of the sites had not been finalized. To provide for such a contingency, the PEIR prescribed mitigation measures to be implemented if a site or its supporting components (access roads, power alignments, etc.) were to be relocated to an area that had not been surveyed and/or assessed as part of the PEIR. This programmatic approach was adopted to allow modifications to project design without the need for recirculation of the PEIR. Specific measures prescribed in the PEIR required the County to determine that the impacts associated with the proposed relocation were consistent with the analysis and findings of the PEIR. Specific performance measures were adopted to identify the analysis necessary to make this determination. Those measures were contained in a number of mitigation measures, as follows:

Biological Resources

- MM BR-1c** If any construction related to the proposed project, such as access roads, is anticipated to occur outside of the area surveyed for the June 3, 2008 Habitat Assessment Report, then additional habitat assessments shall be conducted by

a qualified biologist prior to development to evaluate potential impacts. If these expanded surveys find that sensitive biological resources are present in the area to be impacted, then appropriate measures consistent with applicable laws and policies in effect at the time of the survey shall be undertaken to avoid or mitigate identified impacts. If the expanded surveys do not find sensitive biological resources in the area to be impacted, then development may then commence unimpeded within the parameters of applicable laws and policies governing such development.

MM BR-5a A consistency analysis shall be prepared for all sites governed by the Western Riverside Multiple Species Habitat Conservation Plan (WRMSHCP). This analysis may be presented as a master document that incorporates analysis for all of the sites rather than separate documents for each site. Regardless of the manner in which the analysis is presented, the development of each site must be found consistent with the WRMSHCP by the Regional Conservation Authority (RCA) and payment of the mandatory mitigation fee must be submitted prior to the site's development. Payment of the fee and a determination of consistency with the requirements of the WRMSHCP is intended to provide full mitigation under CEQA, National Environmental Policy Act, California Endangered Species Act, and Federal Endangered Species Act for impacts to the species and habitats covered by the WRMSHCP.

MM BR-5b If a site is located within a Criteria Cell as defined in the WRMSHCP, then the County shall enter into a Habitat Evaluation and Acquisition Negotiation Strategy (HANS) process with the Riverside County Environmental Planning Department (EPD) or the appropriate WRMSHCP participant. Once the HANS application is deemed complete, a HANS Criteria Determination Letter shall be issued. The application and letter must then be reviewed and accepted by the Regional Conservation Authority prior to site development.

Cultural and Paleontological Resources

MM CR-1a In the event that ground-disturbing activities extend beyond the limits of a 300-foot buffer from the surveyed site, then additional archaeological studies must be completed to determine whether historical properties or significant archaeological resources will be affected by the proposed construction plans. Ground disturbing activities may consist of, but are not limited to trenching for electrical power, creation of access roads, or access road improvements. The extent of these additional archaeological studies would be determined based upon the nature of the proposed construction plans beyond a 300-foot radius of the surveyed location. If these expanded surveys find that sensitive properties or resources are present in the area to be impacted, then appropriate measures consistent with applicable laws and policies in effect at the time of the survey shall be undertaken to avoid or mitigate identified impacts. If the expanded surveys do not find sensitive properties or resources in the area to be impacted, then development may then commence unimpeded within the parameters of applicable laws and policies governing such development.

MM CR-2a In the event that ground-disturbing activities occur at sites identified in Table 4.5-3 of the DEIR as potentially significant extend beyond the limits of a

300-foot buffer from the identified site, then additional studies may need to be completed to determine whether paleontological resources, sites or unique geologic features will be affected by the proposed construction plans. Ground-disturbing activities may consist of, but are not limited to, trenching for electrical power and creation of access roads or access road improvements. The extent of these additional studies shall be undertaken by a qualified individual, and would be determined based upon the nature of the proposed construction plans beyond a 300-foot radius of the identified and surveyed site. Should that determination conclude that additional study is necessary, then the reviews prescribed in Mitigation Measure CR-2b shall be undertaken. If the determination concludes that additional study is not necessary, then all mitigation efforts may cease.

MM CR-2b If required by the findings of Mitigation Measure CR-2a, then a Paleontological Literature Review and Records Check should be requested from an accredited institution, such as the Division of Geologic Sciences at the San Bernardino County Museum (SBCM), to determine whether there are any known paleontologic localities (sites) located within or near the project area. If the results of this review indicate that there are known localities within the project area, or within a 1-mile radius, and a qualified vertebrate paleontologist recommends a paleontological-monitoring program, then the program prescribed in Mitigation Measure CR-2c shall be implemented. If the results of this records check indicate that there are no known localities within the project area or within a 1-mile radius, and a qualified vertebrate paleontologist does not recommend a paleontological-monitoring program, then any and all additional mitigation efforts may cease.

MM CR-2c If required by the findings of Mitigation Measure CR-2b, a paleontological-monitoring program shall be established and implemented. This monitoring plan should include monitoring in sediments assigned moderate, moderate-to-high, or high paleontologic sensitivity through the literature review and records check. This mitigation-monitoring program should commence with a meeting between the contracted paleontologist and the development crew. This meeting will serve to educate the crew on when monitoring activities should begin at the site. Full-time monitoring should commence at the modern ground surface, unless otherwise indicated by a qualified vertebrate paleontologist, and should continue until the project paleontologist determines that the overall sensitivity of the area has been reduced from high or moderate to low, as a result of mitigation monitoring. Should the monitor determine that there are no paleontological resources within the impacted areas, or should the sensitivity be reduced from high or moderate to low during monitoring, all monitoring may cease.

Timoteo Communication Site Relocation

Since adoption of the PEIR in September 2008, it has been determined that the originally proposed Timoteo Communication Site location is not feasible due to construction-related constraints. Specifically, the original site is located on a narrow ridge with steep drop-offs on either side. Access to the site would be via a narrow dirt roadway atop this ridge and adequate room at the proposed construction site is not available for staging, construction, and heavy

equipment access to occur simultaneously. In addition, soils at the site do not possess sufficient bearing strength to adequately support the proposed tower. As such, the proposed Timoteo site had to be relocated to an area without these constraints that could still meet the site's critical radio coverage objectives along Redlands Boulevard and locations within Moreno Valley to the south.

The alternative site is located approximately 0.35 mile east of Redlands Boulevard within the San Timoteo Badlands. It is located approximately 0.47 mile southeast of the original location. It shares similar characteristics to the original location in that it is located in the San Timoteo Badlands, it possesses the same vegetation and habitat characteristics, it is in the same soil unit as the original location, and contains similar visual features. Exhibits are included as Appendix A of this addendum that show the alternative site's location and photographs of the site and surrounding area. An existing dirt roadway provides access to the site, and commercial power is available nearby that can be routed along the access road to the site. Since this new proposed site was not assessed in the PEIR, the County has undertaken the biological, cultural, and paleontological resources assessment work required as part of the above mitigation measures. The relevant reports are attached to this addendum and the findings are summarized as follows:

Biological Resources

As per the mitigation measures related to biological resources noted above (MM BR-1c, MM BR-5a, and MM BR-5b), a Habitat Assessment and WRMSHCP Consistency Analysis was prepared and submitted to the RCA for review and approval. The Consistency Analysis and the RCA's Consistency Determination are attached to this addendum as Appendix B.

The RCA found that the proposed action at the relocated Timoteo Communication Site was consistent with WRMSHCP requirements and that development of the proposed project will not prevent the County of Riverside from achieving the conservation goals of the WRMSHCP. No adverse environmental effects from project implementation were identified. WRMSHCP fees will be paid during the standard construction permitting process. Based on these findings, it can be determined that the proposed relocated Timoteo Communication Site is consistent with the findings contained in the PEIR, which determined that the project will not have a significant impact in regards to biological resources. As such, further action related to biological resources is not required.

Cultural Resources

As per the mitigation measure related to cultural resources noted above (MM CR-1a), a records search and a pedestrian cultural resources survey was conducted for the Area of Potential Effect (APE) of the proposed site. A report that outlines the results of these efforts is attached to the addendum as Appendix C. The results of the records search indicated that no known and previously recorded cultural resources are located within the project area, and two resources are known within one mile. However, those resources are located more than 0.5 miles from the project area and will not be affected by construction. During the pedestrian survey, no prehistoric archaeological resources were observed, and one historic-age site was detected (Site Timoteo 001). In compliance with standard professional protocols, Site Timoteo 001 was recorded onto a Department of Parks and Recreation (DPR) 523 Form and was submitted to the Eastern Information Center. Upon evaluation, it was determined that Site Timoteo 001 is not a significant historical or archaeological resource pursuant to CEQA.

Therefore, the creation and submittal of the DPR 523 Form for this resource fully suffices for mitigating potential impacts associated with the proposed project.

The results of the records search, the negative results for significant cultural resources during the pedestrian survey, and the disturbed nature of the soils within the project area render it unlikely that significant and intact subsurface resources will be encountered during project implementation. Therefore, the project area appears to exhibit low sensitivity for significant cultural resources. As such, further action related to cultural resources is not required.

Paleontological Resources

As per the mitigation measures related to paleontological resources noted above (MM CR-2a, MM CR-2b, and MM CR-2c), a records search and a pedestrian paleontological resources survey was conducted on the project site. A report that outlines the results of these efforts is attached to the addendum as Appendix D. The findings of the records search indicated that the site has a high potential to contain significant paleontological resources. However, impacts to these resources can be fully mitigated with the implementation of a paleontological monitoring program during construction, followed by protocol recovery and curation of any resources that may be unearthed during construction. Implementation of these recommendations as well as implementation of the mitigation measures contained in the PEIR will render the project's impact to paleontological resources as less than significant. As such, the proposed relocated Timoteo Communication Site is consistent with the findings contained in the PEIR, which determined that the project will not have a significant impact in regards to paleontological resources, provided that appropriate mitigation is followed.

Determination of Findings

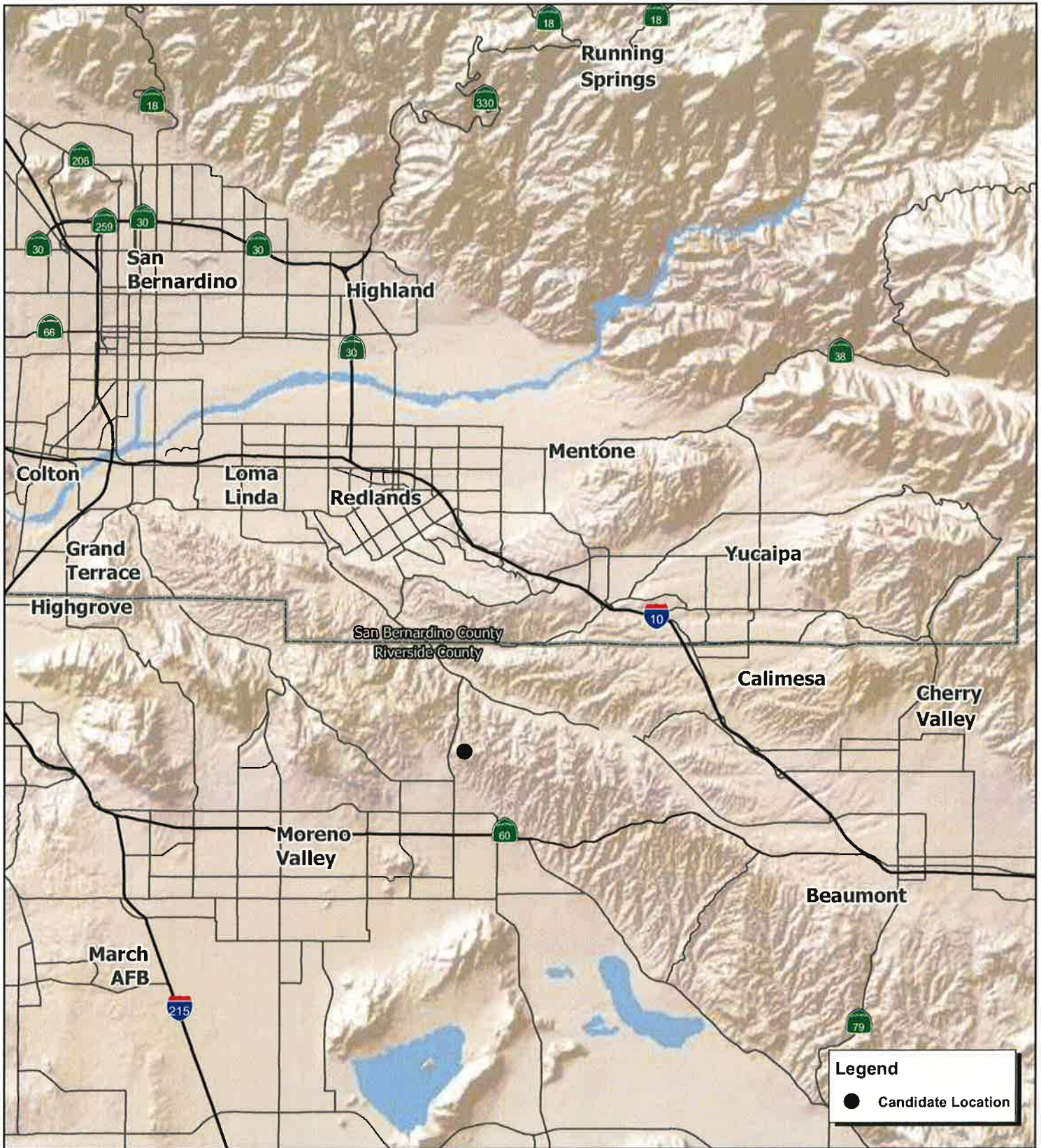
Based on the analysis contained in the above assessment, the County finds that the impacts of the proposed Timoteo Communication Site are consistent with the analysis and findings contained in the PEIR. The proposed project meets the criteria established in Public Resources Code Sections 15162 and 15164 of the CEQA Guidelines for an addendum to an EIR. Based on substantial evidence in the light of the whole record, it is determined that:

- 1) No substantial changes are proposed which will require major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- 2) No substantial changes occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- 3) There is no new information of substantial importance, which was not shown or could not have been known with the exercise of reasonable diligence at the time the PEIR was certified as complete that shows that:
 - a. The project will have one or more significant effects not discussed in the PEIR.
 - b. Mitigation measures or alternatives previously found not to be feasible in the PEIR would in fact be feasible, and would substantially reduce one or more significant effects of the project; and

- c. Mitigation measures or alternatives which are considerably different from those analyzed in the PEIR would substantially reduce one or more significant effects on the environment.

Based on the discussion provided above, no subsequent changes are proposed or would occur that necessitate the preparation of a subsequent EIR or other applicable CEQA document.

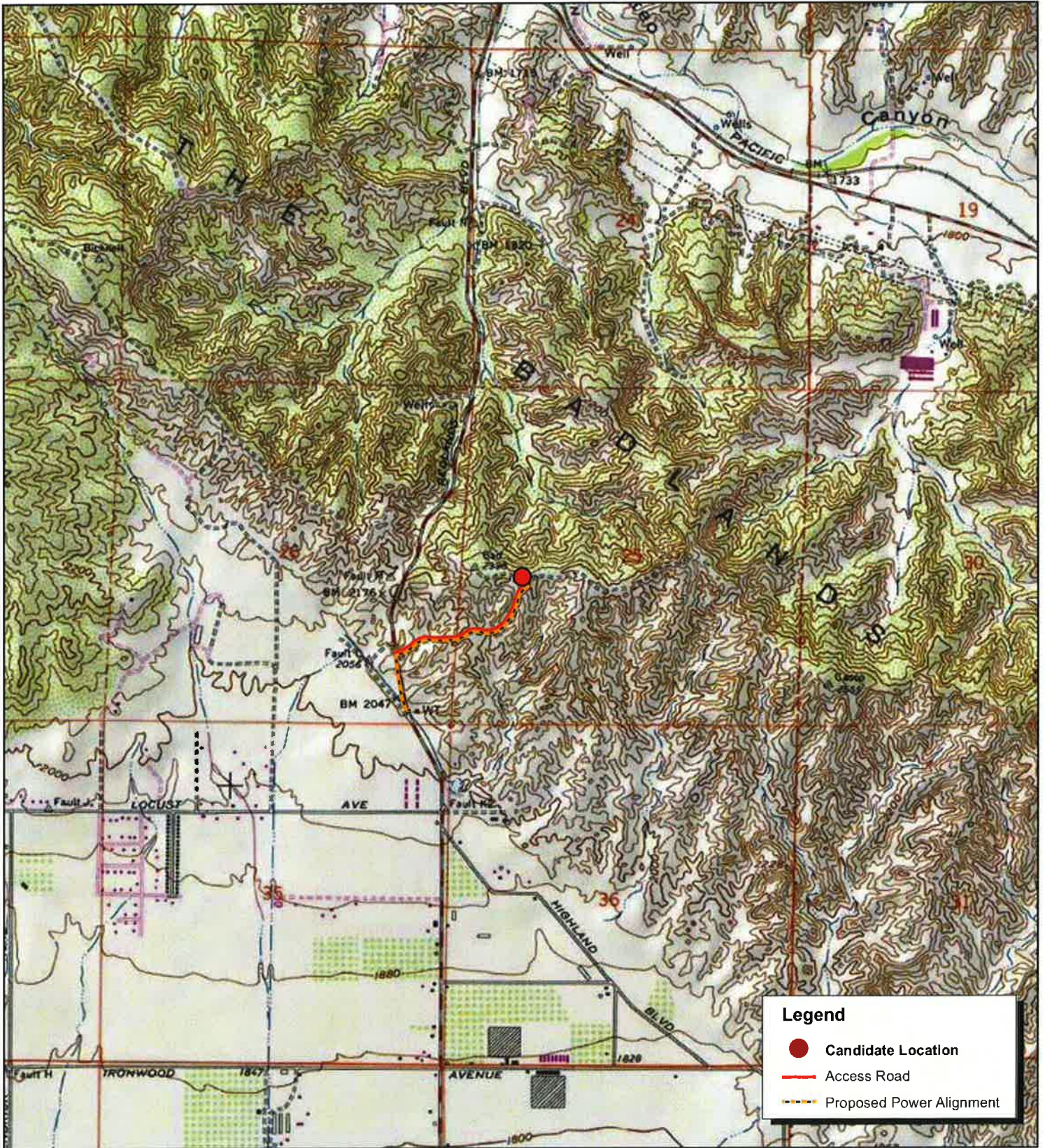
Appendix A – Communication Site Exhibits



Source: ESRI.



Timoteo Communication Site Regional Location Map



Legend

- Candidate Location
- Access Road
- - - Proposed Power Alignment

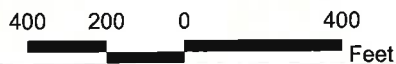
Source: Sunnymead 7.5' USGS Topographic Map, ESRI.



Timoteo Communication Site Local Vicinity Topographic Map



Source: ESRI.



Timoteo Communication Site Local Vicinity Aerial Map



Photograph 1: Overview of the Timoteo candidate location, facing east.



Photograph 2: View of the Timoteo candidate location, facing north. Tower location represented by parked vehicles.



Photograph 3: View of the Timoteo candidate location, facing southeast.



Photograph 4: View of the Timoteo candidate location, facing west.

Source: PBS&J, 2010.



Timoteo Communication Site Photographs 1 to 4 PSEC Project



Photograph 5: View from the Timoteo candidate location, facing east.



Photograph 6: View from the Timoteo candidate location, facing north.



Photograph 7: View from the Timoteo candidate location, facing south.



Photograph 8: View from the Timoteo candidate location, facing west.

Source: PBS&J, 2010.



Timoteo Communication Site Photographs 5 to 8 PSEC Project



Photograph 9: Overview of existing access road and proposed power alignment, facing north.



Photograph 10: Overview of existing access road and proposed power alignment, facing east.



Photograph 11: View of access road and proposed power alignment from the intersection with Redlands Boulevard, facing northeast.



Photograph 12: View of proposed power alignment taken from near the Water Tank on Redlands Boulevard, facing north.

Source: PBS&J, 2010.



Timoteo Communication Site Photographs 9 to 12 PSEC Project

Appendix B – Biological Resources Assessments

**WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES
HABITAT CONSERVATION PLAN
CONSISTENCY ANALYSIS**

**For
County of Riverside
San Timoteo Public Safety Enterprise Communication Project**

**Approximately 2.5 Acre Project Site in San Timoteo Canyon
North of Locust Avenue and East of Redlands Boulevard
APNs: 473-120-010 and 473-140-001
Sections 25 and 26, Township 2 South, Range 3 West**

Survey Date: February 10, 2010

Prepared February 11, 2010 by:

**Chad Young
Ecological Resources Specialist
Riverside County Environmental Programs Department
(951) 955-8159
cmyoung@rcctlma.org**

PROJECT OVERVIEW

The County of Riverside is required to implement a new public safety communication system in accordance with the adoption of Resolution 2008-379 by the Riverside County Board of Supervisors. The County's fire and law enforcement agencies currently utilize approximately 20 communication sites to provide voice and data transmission capabilities to assigned personnel in the field. As currently configured, the system provides coverage to only about 60 percent of the County. The communication system now in use is at the end of its useful life, and is no longer adequate to meet the County's coverage and capacity needs. Population growth within the County is necessitating the expansion of the communication system coverage area. Additionally, due to increases in the County's radio usage, additional traffic-carrying capacity is required to meet the needs of emergency services personnel to serve the public.

The Public Safety Enterprise Communication (PSEC) project is the expansion of the system's capabilities and its associated infrastructure. The new system is urgently needed to ensure the safety of the public, Sheriff's deputies and firefighters.

The proposed San Timoteo Communications project would include the grading of a 0.98 acre pad, utilize an existing access road within an existing 30-foot wide access easement (approximately 1.36 acres), and install power poles which would also be located along the southern boundary of the existing 30-foot wide access easement. The 0.98 acre pad would support a 100-foot communications tower and a 12-foot by 26-foot prefabricated equipment shelter. The communications tower and equipment shelter will be situated within a fenced area measuring 65-feet by 65-feet.

MSHCP REVIEW

The following Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP) Consistency Analysis, includes habitat assessments for burrowing owl (*Athene cunicularia*) Nevin's barberry, (*Berberis nevinii*), smooth tarplant (*Centromadia pungens*), and round-leaved filaree (*Erodium macrophyllum*).

The review of these two parcels includes an analysis of consistency with Sections 6.1.2, 6.1.3, 6.1.4, and 6.3.2 of the WRCMSHCP. The subject parcels are within the survey area for burrowing owl (*Athene cunicularia*) Nevin's barberry (*Berberis nevinii*), smooth tarplant (*Centromadia pungens*), and round-leaved filaree (*Erodium macrophyllum*). Given that these parcels do occur within WRMSHCP Criteria Cells, a Criteria Analysis is required.

The proposed project and supporting biological documentation shall be submitted by the Riverside County Economic Development Agency (EDA) to the Regional Conservation Authority (RCA) for WRCMSCHP consistency review under the Joint Project Review (JPR) process.

INTRODUCTION and METHODOLOGY:

This site was visited by Riverside County Environmental Programs Department (EPD) personnel, Chad Young at 9:40 AM on Wednesday, February 10, 2010. Surveys were conducted by walking 30-foot interval transects throughout the property and the buffer area and adjacent lands were visually inspected. The burrowing owl habitat assessment was conducted in accordance with the Burrowing Owl Survey Instructions for the WRCMSHCP dated March 29, 2006. Prior to the site assessment, EPD conducted a review of the California Natural Diversity Data Base (CNDDB) for sensitive species observed in the vicinity and aerial photos of the general area of the site.

SITE CONDITIONS: Location, Weather, Topography and Soils

The approximately 2.5-acre study area is located half a mile north of Locust Avenue and east of Redlands Boulevard in Section 25 and 26, Township 2 South, Range 3 West. The proposed project site is within APNs 473-140-001 and 473-120-010 located north of the City of Moreno Valley. The proposed project footprint is located within WRCMSHCP Criteria Cells 652 and 653 (See Appendix C). Weather conditions during the site visit were cool with 10% cloud cover. Winds onsite were very mild and temperatures were between 42 and 54 degrees Fahrenheit. The site is located half a mile north of Locust Avenue and east of Redlands Boulevard, north of the City of Moreno Valley (Appendix A). The elevation of the study area is approximately 2,400 feet above sea level. Topography of the site is extremely rugged and extensive with steep sided canyons and evidence of regular sloughing. The soils present consist of Badland, based on the USDA soil survey. Land use in the vicinity consists of undeveloped open space in all directions. The study area shows evidence of a recent burn event. In addition to the burn, the study area is subject to heavy disturbances associated with off-road vehicle use and illegal dumping. The project site is characteristic of the surrounding land with no current land use other than open space. Photos were taken of the entire site and can be found in Appendix C.

OBSERVATIONS: Vegetation and Wildlife**Vegetation**

The vegetation on the study area consists of sparse scattered shrubs with heavily disturbed stands of ruderal forbs and non-native grasses; the vegetation is too sparse to constitute a coastal sage scrub plant community. The plant species observed include sugar bush (*Rhus ovata*), brittlebush (*Encelia farinosa*), deerweed (*Lotus scoparius*), chaparral yucca (*Yucca whipplei*), California aster (*Lessingia filaginifolia* var. *californica*), common sunflower (*Helianthus annuus*), Russian thistle (*Salsola kali*), black mustard (*Brassica nigra*), and slender wild oat (*Avena barbata*). All the sugar bush specimens observed were regrowth following the burn event.

Wildlife

Wildlife activity was low during the survey. Wildlife species observed includes house finch (*Carpodacus mexicanus*). Also, evidence of pocket gopher (*Thomomys* sp.) occurred across the study area. Species expected to occur are those common in heavily disturbed, mixed scrub-grassland habitats, such as desert cottontail (*Sylvilagus audubonii*), western fence lizard *Sceloporus occidentalis*, and mourning dove (*Zenaida macroura*).

MULTIPLE SPECIES HABITAT CONSERVATION PLAN AREA (MSHCP)**MSHCP CELL CRITERIA:**

The proposed project study area is less than 2.5 acres. The majority of the project footprint consists of the existing access road, and therefore the only proposed new disturbance will occur within the .98 acre pad, and isolated drill holes for power lines. Additionally, the nature of the proposed project will produce very few edge effects and is very compatible with surrounding conservation. As discussed later in this document under Urban/Wildland Interface Guidelines, the project will in no way reduce wildlife movement through, or degrade the quality of life in habitat in the surrounding area.

The project is located within MSHCP Criteria Cell 652 and 653 which are part of Cell Group T. Cell Group T is located within Reche Canyon/Badlands Area Plan, Sub Unit 3 – Badlands North. Cell Group T is made up of approximately 32, 160-acre Criteria Cells and is roughly 4,500 acres in size. According to Table 3-12 of the MSHCP, conservation within Cell Group T “will contribute to assembly of Proposed Core 3 (See Appendix D). Conservation within this Cell Group will be connected to chaparral, coastal sage scrub, and grassland, Riversidean alluvial fan sage scrub and water habitat.” Additionally, “conservation within this Cell Group will range from 80%-90% of the Cell Group focusing in the central portion of the Cell Group.” Given the fact that land within Subunit 3 is mostly undeveloped, and recent acquisitions by the RCA in this area, both within, and adjacent to, this subunit; there is a strong likelihood that conservation goals will be met within this area. Due to the vast amount of available conservation acreage, and relatively minute project footprint, the proposed project would not conflict with the Reserve Assembly, and is therefore consistent with MSHCP Cell Criteria.

Section 6.1.2 Riverine/Riparian Areas:

The project site and surrounding area supports several drainage features consistent with Riparian/Riverine Habitat as it is defined in Section 6.1.2 of the MSHCP. These features have been mapped with the project footprint (Appendix B), and will be avoided by the proposed project. Soils onsite are coarse and easily drained and thus not conducive for the development of vernal pools or ponding for fairy shrimp habitat. The site does not contain vernal pools, ephemeral ponds or other human modified depressions. This analysis shall satisfy Section 6.1.2 of the MSHCP.

Section 6.1.3 Narrow Endemic Plant Species:

There are no surveys required for any narrow endemic plant species on this site in accordance with Section 6.1.3 of the MSHCP. Visual inspection of the site located neither rare plant species nor the potential to support rare plant species. This analysis shall satisfy Section 6.1.3 of the MSHCP.

Section 6.14 Urban/Wildlands Interface Guidelines (UWIG):

According to the MSHCP, the Urban/Wildlands Interface Guidelines are intended to address indirect effects associated with locating development in proximity to the MSHCP Conservation Area. The proposed project site is located within Criteria Cells 652 and 653 of Cell Group T. The Urban/Wildlands Interface Guidelines, as discussed below, will be incorporated into the project to ensure that direct project-related impacts, including drainage, toxics, lighting, noise, invasive plant species, barriers, and grading/land development, are avoided or minimized.

Drainage

The proposed communication tower will not generate any changes in existing conditions of storm water runoff. The small nature of the site and the minimal impervious structures proposed will minimize alterations to existing sheet flow.

A Storm Water Pollution Prevention Plan (SWPPP) was prepared for the project that provided for specific Best Management Practices (BMPs) to be implemented at each site. Implementation of BMPs will minimize undesirable runoff associated with construction of each site.

Toxics

According to the MSHCP, measures shall be incorporated to ensure that application of chemicals does not result in discharge to the MSHCP Conservation Area. During construction, some potentially hazardous materials (fuels, oils, etc.) will be present on the site. An Emergency Response Plan (ERP) has been compiled for the project and provides for containment actions that must be undertaken in the event of a spill or other accident. All construction activities will take place within the County's purchase/lease area. Additional impacts will not encroach upon the Conservation Area.

During project operation, the only hazardous material that will be located on the site will be propane. No pesticides, herbicides, or other materials will be utilized. Propane will be held within a pressurized tank. Propane is a regulated material, and compliance with existing regulations regarding its handling and storage will minimize the potential for impacts in this regard.

Lighting

The proposed project includes a motion activated security light which includes a down shielded design. This will minimize light spill onto adjacent areas and will therefore not interfere with wildlife movement in the area.

Noise

Construction-related noise will be mitigated consistent with the County's Noise Ordinances by limiting construction activities to daytime hours and requiring construction equipment to be tuned and equipped with mufflers. Once operational, the only noise from the site will be from operations of the HVAC units mounted on the equipment shelter. The noise generated from these units will be minimal and will not interfere with wildlife in the area.

Invasive Plant Species

Plant species acceptable for the project's landscaping must not be considered an invasive species pursuant to Table 6.2 of the MSHCP. The proposed project does not include landscaping so there will be no impacts in this regard.

Barriers

The proposed project includes a chain link fence surrounding the compound to prevent access by wildlife and unauthorized persons. The fenced compound will be small and non-linear in nature. Therefore, the compound will not interfere with wildlife movement through the area.

Grading/Land Development

The project has been designed to keep all manufactured slopes within the boundaries of the development footprint and will not encroach into the open space/MSHCP Conservation Area.

Fuels Management

Fuels management focuses on hazard reduction for humans and their property. According to the Fuel Management Guidelines, for new development that is planned adjacent to the MSHCP Conservation Area or other undeveloped areas, brush management shall be incorporated in the development boundaries and shall not encroach into the MSHCP Conservation Area. No fuel modification zone is planned for this project.

Section 6.3.2 Criteria Area Species Surveys:

The proposed project site is located within the MSHCP survey area for burrowing owl, Nevin's barberry and smooth tarplant; therefore, habitat assessments were conducted and described below. These additional surveys for the abovementioned species were required in conjunction with MSHCP implementation to achieve coverage for these species. These survey requirements provide a level of information necessary to receive adequate coverage as defined in the MSHCP.

Animal Species

Burrowing owls use a variety of natural and modified habitats for nesting and foraging that is typically characterized by low growing vegetation. Burrowing owl habitat includes native and non-native grassland, shrub lands with low vegetation, earthen berms, pastureland, and man-made structures. In addition, burrowing owl burrows are the most important component to burrowing owl habitat. Burrowing owls do not typically create their own burrows but utilize burrows made by fossorial mammals like ground squirrels and badgers. Man-made structures such as rock piles, debris piles, agricultural ditches, and culverts also provide suitable burrows for burrowing owls.

A burrowing owl habitat assessment was conducted the morning of February 10, 2010, to evaluate the site's potential to support burrowing owls. The subject property and adjacent 100-foot buffer area was systematically searched for burrowing owl habitat and any burrows potentially suitable for burrowing owl. The 100-foot buffer area was visually inspected for signs of burrowing owls with binoculars since access to adjacent parcels was not obtained. The project site is dominated by steep sage scrub habitat that has been subject to different levels of disturbance.

This site supports poor nesting habitat for burrowing owl due to a lack of suitable burrows and squirrel activity. The few small mammal burrows observed on site were significantly undersized, approximately 2" in diameter, and likely only support small burrowing rodents. The site does not contain suitable habitat for nesting thus additional focused surveys are not required. **Plant Species**

The study area is located within an area identified by the WRCMSCHP as requiring a habitat assessment for Nevin's barberry (*Berberis nevinii*), a state and federally-listed endangered species provisionally covered by the WRCMSHCP, round-leaved filaree (*California macrophylla*), and smooth tarplant (*Centromadia pungens* ssp. *laevis*), both CNPS listed species provisionally covered by the WRMSHCP. None of the species were observed within the study area. Suitable habitat for Nevin's barberry was observed on the study area; however, no Nevin's barberry was observed on or in the vicinity of the study area. Nevin's barberry is a large, perennial plant species that is readily identifiable and easily visible outside of the species' blooming period. Therefore, no impacts to Nevin's barberry will occur. Additionally, no suitable habitat for round-leaved filaree or smooth tarplant was observed on or adjacent to the study area and no impacts to the species will occur.

CONCLUSION:

The proposed project would not preclude MSHCP Reserve Design and would have very limited impacts on surrounding conservation lands. The site does not currently support suitable habitat for burrowing owl (*Athene cunicularia*), smooth tarplant (*Centromadia pungens*), or round-leaved filaree (*Erodium macrophyllum*). Additionally, Nevin's barberry (*Berberis nevinii*) was not observed and is considered absent from the project site. While the project vicinity does support Riparian/Riverine features, these areas will be avoided and therefore the project is consistent with Section 6.1.2 of the MSHCP.

Based on the habitat assessment and the analysis contained herein, the proposed project is consistent with the WRCMSHCP and no further surveys and/or additional mitigation measures beyond payment of MSHCP Mitigation Fees are required.

Development of the proposed project will not prevent the County of Riverside from achieving the conservation goals of the MSHCP.

CERTIFICATION:

I hereby certify that the statements furnished above and in the attached exhibits present the information required for this biological evaluation and the statements provided are true and correct to the best of my knowledge and belief.

DATE: 3/1/16

SIGNED: 

REFERENCES:

California Department of Fish & Game. 2009. California Natural Diversity Data Base

Clarke, Oscar. 2007. Flora of the Santa Ana River & Environs. Heyday Books

Dudek & Associates. 2003. Western Riverside County Multiple Species Habitat Conservation Plan

Natural Resources Conservation Service Web Soil Survey. 2008.
<http://websoilsurvey.nrcs.usda.gov/app/>

National Geographic. 1999. National Geographic Field Guide to the Birds of North America (3rd Edition)

APPENDIX A – Project Site

San Timoteo Communication Site



Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

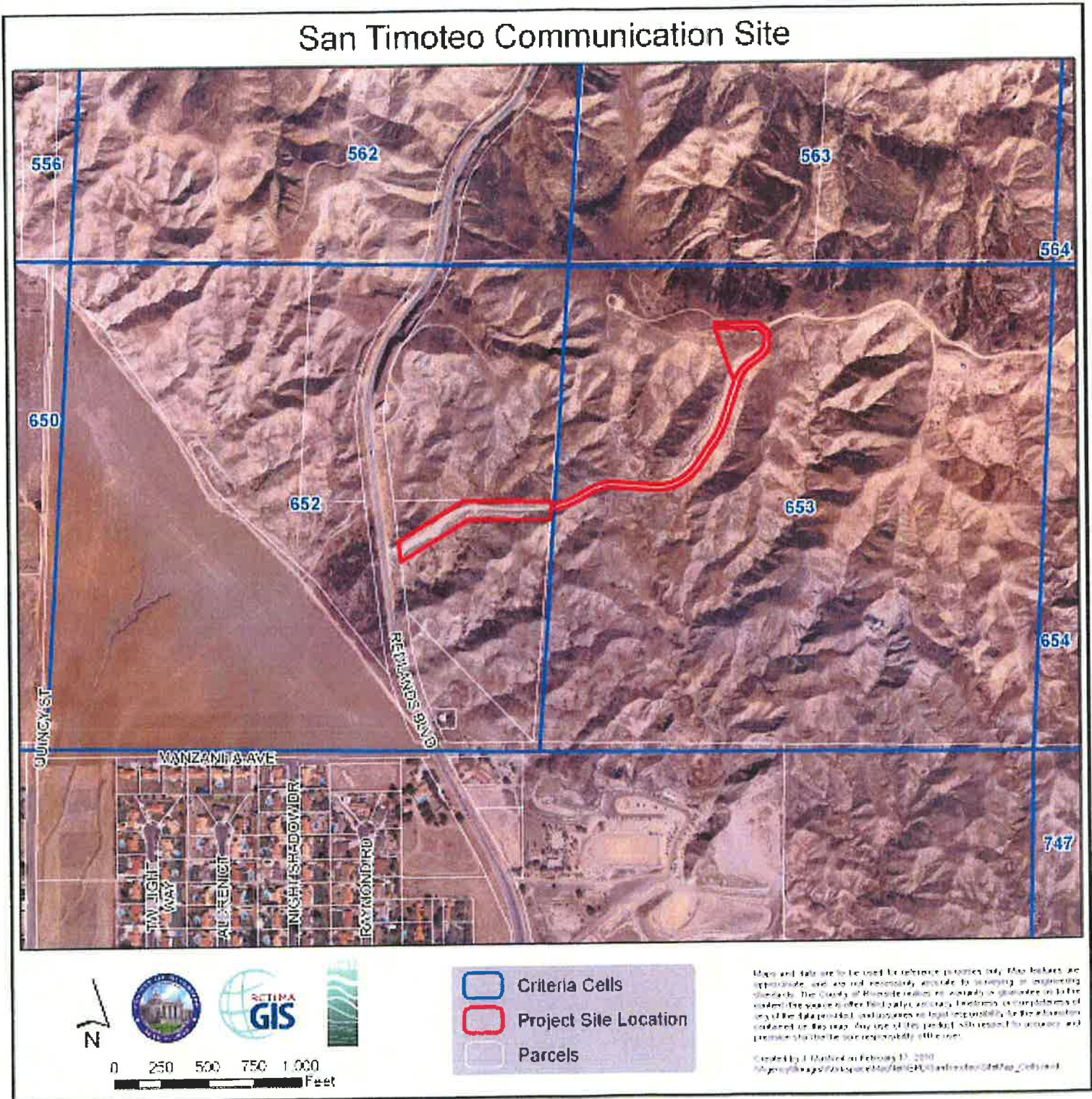
Created by J. Madril on February 17, 2010
\\Agency\l\magis\Workspace\Map\Neil\EPD\SanTimoteo\Site\Map.mxd

APPENDIX B – Riparian/Riverine Mapping

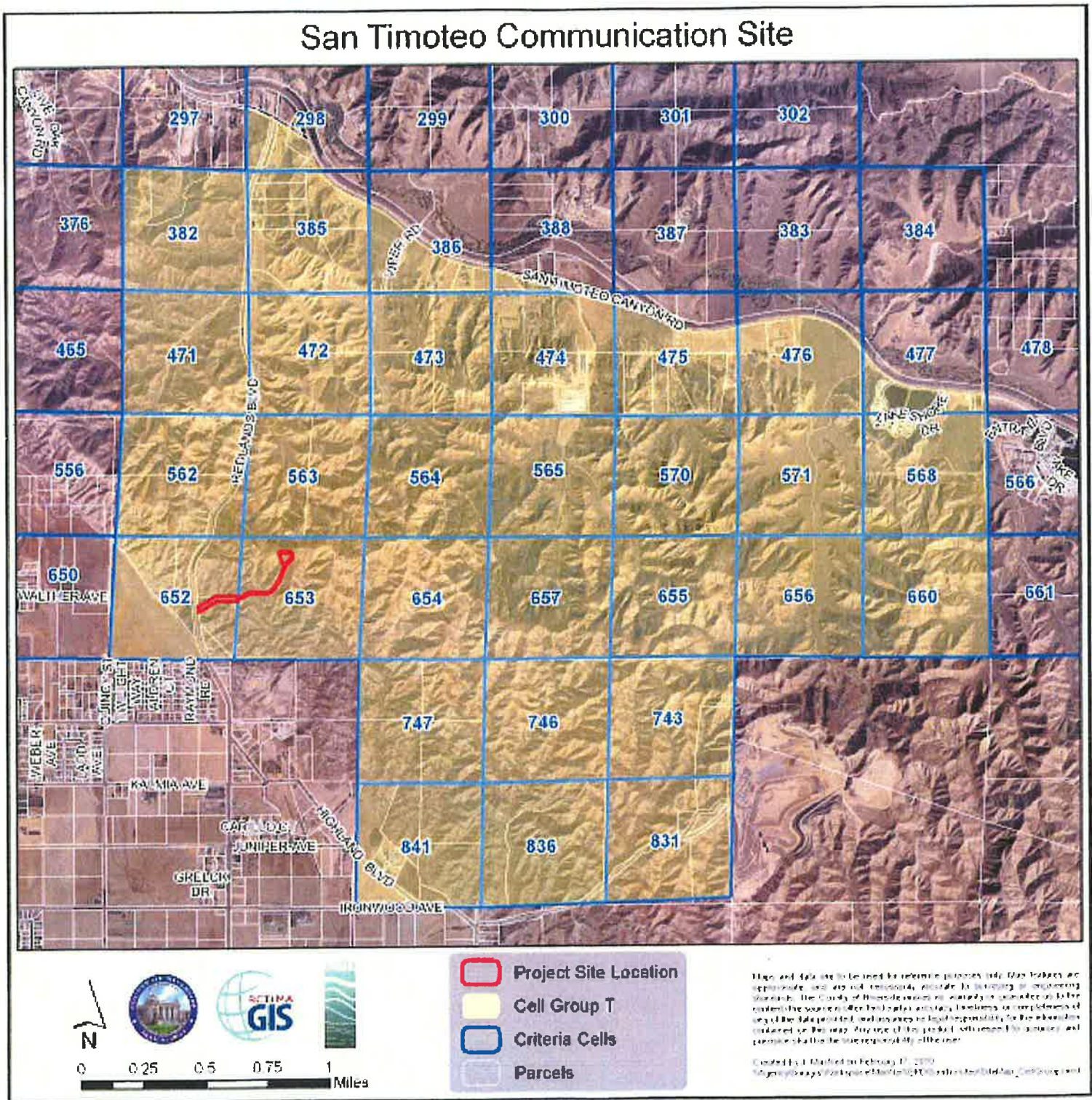
San Timoteo Communication Site



APPENDIX C – Project Site and Criteria Cells



APPENDIX D – Project Site and Cell Group T



APPENDIX E – Site Photos

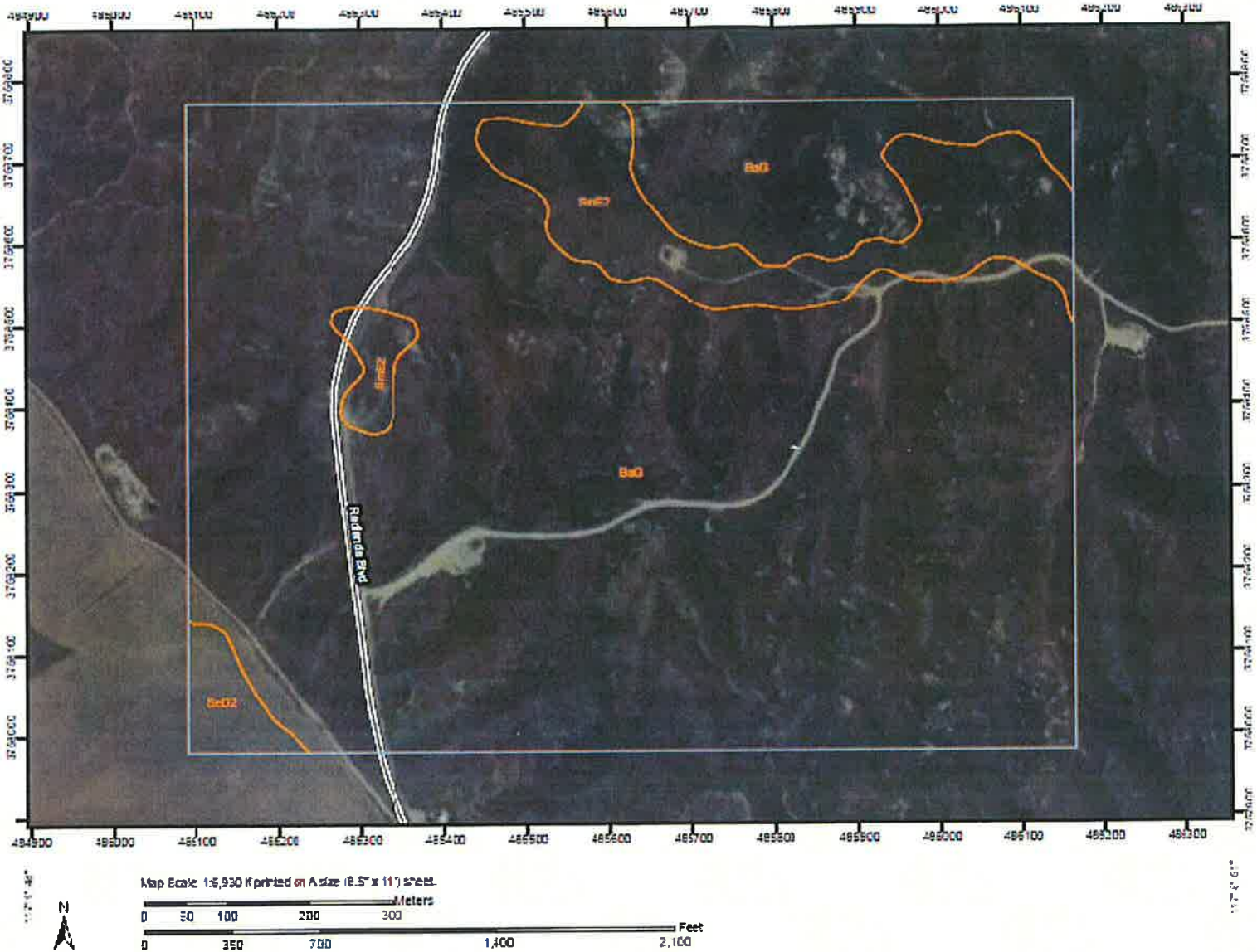


Photo 1: Taken looking west along the drainage just south of the access road.



Photo 2: Taken looking south at the proposed pad location

APPENDIX F – Soil Map



Western Riverside Area, California (CA679)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BaG	Badland	185.4	88.2%
SeD2	San Emigdio fine sandy loam, 8 to 15 percent slopes, eroded	3.3	1.6%
SmE2	San Timoteo loam, 8 to 25 percent slopes, eroded	21.6	10.3%
Totals for Area of Interest		210.3	100.0%



Board of Directors

Chairman
Bob Buster
County of Riverside

Vice Chairman
Gary Thomasian
City of Murrieta

Marion Ashley
County of Riverside

William Batey
City of Moreno Valley

Larry Dressel
City of Beaumont

Maryann Edwards
City of Temecula

Jordan Ehrenkranz
City of Canyon Lake

Frank Hall
City of Norco

Jim Hyatt
City of Calimesa

Robin Lowe
City of Hemet

John Machisic
City of Banning

Melissa Melendez
City of Lake Elsinore

Andy Melendrez
City of Riverside

Eugene Montanez
City of Corona

James Potts
City of San Jacinto

Jeff Stone
County of Riverside

John Tavaglione
County of Riverside

Gary Thomasian
City of Murrieta

Roy Wilson
County of Riverside

Mark Yarbrough
City of Perris

Executive Staff

Charles Landry
Executive Director

March 15, 2010

Claudia Steiding
County of Riverside
Dept. of Facilities Management
3133 Mission Inn Avenue
Riverside, California 92507

Dear Ms. Steiding:

Please find the following JPR attached:

JPR 10-03-03-01. The Local Identifier is PSEC Tower – San Timoteo Communication Site. The JPR file attached includes the following:

- RCA JPR Review Form
- Exhibit A, Vicinity Map with MSHCP Schematic Cores and Linkages
- Exhibit B, Criteria Area Cells with MSHCP Vegetation and Project Location
- Exhibit C, Criteria Area Cells with Aerial Photograph and Proposed Project Impacts
- Regional Map.

Thank you,

Stephanie Standerfer
Western Riverside County Regional Conservation Authority

cc: Ken Corey
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92009

Leslie MacNair
California Dept. of Fish and Game
3602 Inland Empire Blvd. #C220
Ontario, California 91764

3403 10th Street, Suite 320
Riverside, California 92501

P.O. Box 1667
Riverside, California 92502-1667

Phone: (951) 955-9700
Fax: (951) 955-8873
www.wrc-rca.org



RCA Joint Project Review (JPR)

JPR #: 10-03-03-01

Date: 3-15-10

Project Information

Permittee:	Riverside County – Facilities Management
Case Information:	PSEC Tower – San Timoteo Communication Site
Site Acreage:	2.5 acres
Portion of Site Proposed for MSHCP Conservation Area:	0

Criteria Consistency Review

Consistency Conclusion: The project is consistent with both the Criteria and other Plan requirements.

Data:

Applicable Core/Linkage: Proposed Core 3
 Area Plan: Reche Canyon/Badlands

APN	Sub-Unit	Cell Group	Cell
Portions of: 473-120-010 473-140-001	SU3 – Badlands North	T	652
			563
			564
			653
			654
			657

Comments:

- a. Proposed Core 3 (Badlands/Potrero) is located in the northeast region of the Plan Area. This Core consists mainly of private lands but also contains a few Public/Quasi-Public parcels including De Anza Cycle Park. The Core is connected to Proposed Linkage 12 (north San Timoteo Creek), Proposed Linkage 4 (Reche Canyon), Proposed Constrained Linkage 22 (east San Timoteo Creek), Existing Core H (Lake Perris), Existing Core K (San Jacinto Mountains), Proposed Linkage 11 (Soboba/Gilman Springs), and Proposed Constrained Linkage 21. The Core also functions as a Linkage, connecting the San Bernardino National Forest to the southwest with San Bernardino County and other conserved areas to the north of the Core. With a total acreage of approximately 24,920 acres, Proposed Core 3 is one of the largest MSHCP Core Areas.
- b. The project site is located within Cell Group T. Conservation within this Cell Group will contribute to assembly of Proposed Core 3. Conservation within this Cell Group will focus on chaparral, coastal sage scrub, grassland, Riversidean alluvial fan sage scrub, and water habitat. Areas conserved within this Cell Group will be connected to chaparral, coastal sage scrub, and grassland habitat proposed for



RCA Joint Project Review (JPR)

JPR #: 10-03-03-01

Date: 3-15-10

conservation in Cell Group S to the west; to chaparral and grassland habitat proposed for conservation in Cell Group U to the east; to chaparral, coastal sage scrub, and Riversidean alluvial fan sage scrub habitat proposed for conservation in Cell 661 also to the east; and to grassland habitat adjacent to San Timoteo Creek proposed for conservation in Cell 298 and 385 and Cell Groups E, F, G, and H in the Pass Area Plan to the north. Conservation within this Cell Group will range from 80% to 90% of the Cell Group, focusing in the central portion of the Cell Group.

- c. The proposed project site includes grading of 0.98 acre that would support a 100-foot communications tower and a 12-foot-by-26-foot prefabricated equipment shelter. The constructed tower and equipment shelter will ultimately be contained within a fenced area measuring 65 feet by 65 feet. The project also includes utilizing an existing dirt access road to install power poles along the southern road easement boundary. The project area is in an undeveloped area. Vegetation on site is sparse with scattered shrubs, ruderal forbs, and non-native grasses. The project area was subject to a fire several years ago. The access road is not proposed to be developed further, or widened as a result of the project; however, power poles will be strategically placed along the southern roadway easement boundary. The 0.98-acre pad for the communications tower is the only new area of disturbance proposed by the project. Although the project site is located in the central portion of the Cell Group, which is targeted for Conservation, given the relatively small area of disturbance of the project itself, and given the low intensity of the use, the project would not significantly affect or prevent Reserve Assembly in and around the site. Additionally, since the proposed disturbance and use of the site would not preclude Conservation targets being met for this Cell Group, the project would not conflict with Reserve Assembly goals.

Other Plan Requirements

Data:

Section 6.1.2 – Was Riparian/Riverine/Vernal Pool Mapping or Information Provided?

Yes. There are no riparian/riverine areas on the project site. There are no vernal pools and other fairy shrimp habitat on the project site.

Section 6.1.3 – Was Narrow Endemic Plant Species Survey Information Provided?

No. The project site is not located within a narrow endemic plant species survey area (NEPSSA).

Section 6.3.2 – Was Additional Survey Information Provided?

Yes. The project site is located in a Criteria Area Species Survey Area (CASSA) for Nevin's barberry, smooth tarplant, and round-leaved filaree. The project site is also located in an Additional Survey Area for burrowing owl.



RCA Joint Project Review (JPR)

JPR #: 10-03-03-01

Date: 3-15-10

Section 6.1.4 – Was Information Pertaining to Urban/Wildland Interface Guidelines Provided?

Yes. The property is located near future and existing Conservation Areas.

Comments:

- a. Section 6.1.2: According to the report prepared by Environmental Programs Department (EPD) dated February 11, 2010, there are riparian/riverine resources near the project site, but none are proposed to be impacted by the project (see Appendix B of the EPD report). The Permittee shall ensure that culverts or drainage crossings associated with the access road are maintained and undisturbed as a result of project implementation. The soils on the site are reported to be coarse and easily drained; therefore, no suitable conditions exist for vernal pools and fairy shrimp habitat. Based on the information provided by EPD, the project demonstrates compliance with Section 6.1.2 of the MSHCP.
- b. Section 6.3.2: The project site is located in a Criteria Area Species Survey Area (CASSA) for Nevin's barberry, smooth tarplant, and round-leaved filaree. EPD performed a habitat assessment for the CASSA species on February 10, 2010. No suitable habitat for round-leaved filaree or smooth tarplant was reported to be on site. Suitable habitat was observed on site for the Nevin's barberry, since the Nevin's barberry is a perennial shrub, it can be identified outside its blooming season. EPD reports that no Nevin's barberry are within the project footprint. The project site is also located in an Additional Survey Area for burrowing owl. EPD conducted a habitat assessment for the burrowing owl on February 10, 2010, and determined there were no suitable burrows on site. Therefore, EPD determined no focused surveys for burrowing owl were warranted. Based on the information provided by EPD, the project demonstrates consistency with Section 6.3.2 of the MSHCP.
- c. Section 6.1.4: Future and existing Conservation Areas are located in close proximity to the project site. To preserve the integrity of areas dedicated as MSHCP Conservation Areas, the guidelines contained in Section 6.1.4 related to controlling adverse effects for development adjacent to the MSHCP Conservation Area should be considered by the Permittee in their actions relative to the project. Specifically, the Permittee should include as project conditions of approval the following measures:
 - i. Incorporate measures to control the quantity and quality of runoff from the site entering the MSHCP Conservation Area. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into MSHCP Conservation Areas.
 - ii. Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bioproducts, such as manure, that are potentially toxic or may adversely affect wildlife species, Habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to the MSHCP Conservation Area. The greatest risk is from landscaping fertilization overspray and runoff.



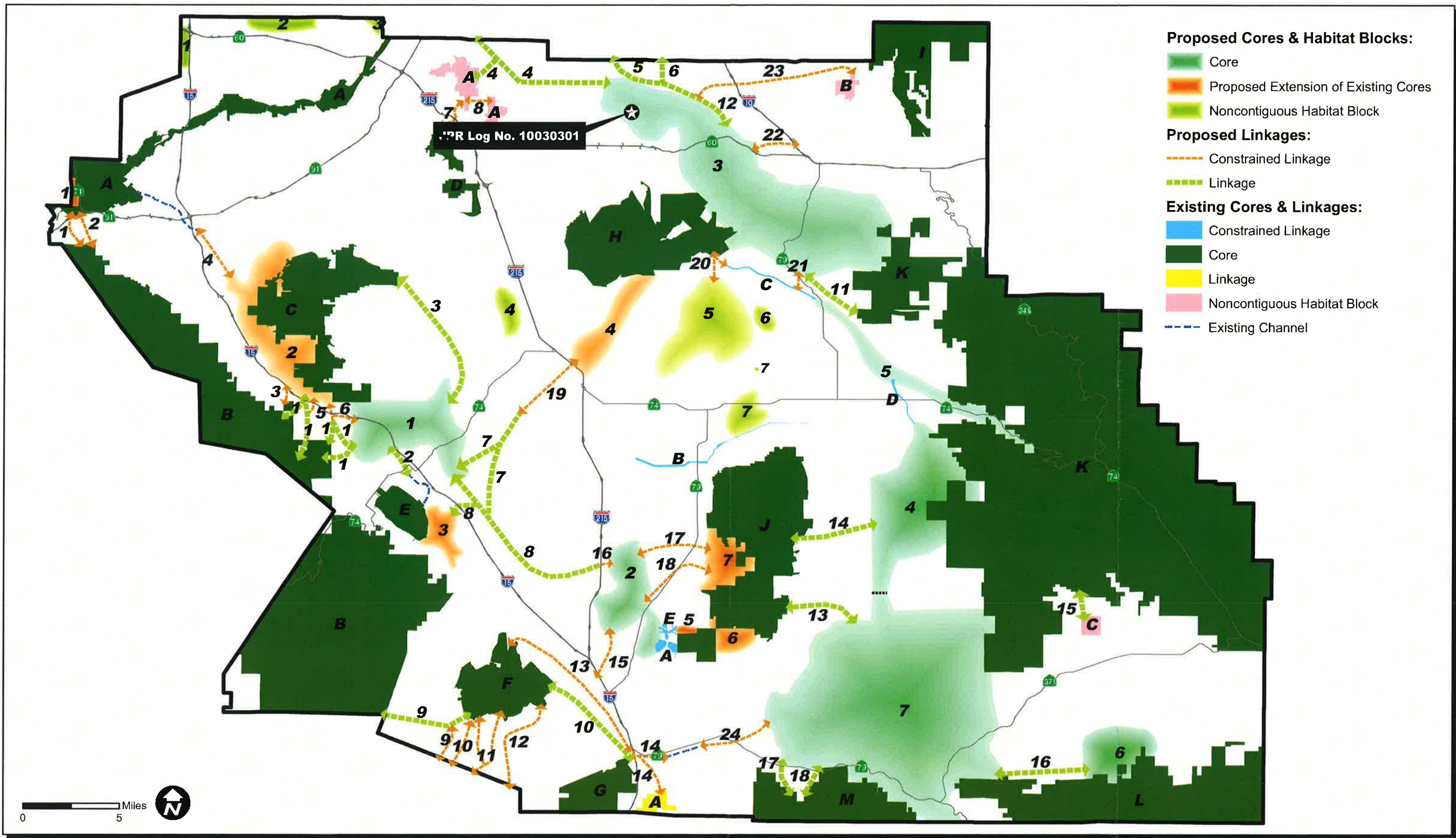
RCA Joint Project Review (JPR)

JPR #: 10-03-03-01

Date: 3-15-10

- iii. Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased.
- iv. Proposed noise-generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms, or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations, and guidelines related to land use noise standards.
- v. Consider the invasive, non-native plant species listed in Table 6-2 of the MSHCP in approving landscape plans to avoid the use of invasive species for the portions of the project that are adjacent to the MSHCP Conservation Area. Considerations in reviewing the applicability of this list shall include proximity of planting areas to the MSHCP Conservation Areas, species considered in the planting plans, resources being protected within the MSHCP Conservation Area and their relative sensitivity to invasion, and barriers to plant and seed dispersal, such as walls, topography, and other features.
- vi. Proposed land uses adjacent to the MSHCP Conservation Area shall incorporate barriers, where appropriate, in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping into the MSHCP Conservation Areas. Such barriers may include native landscaping, rocks/boulders, fencing, walls, signage, and/or other appropriate mechanisms.
- vii. Manufactured slopes associated with the proposed site development shall not extend into the MSHCP Conservation Area.

SNS



JPR Log No. 10030301
 Vicinity Map with MSHCP Schematic Cores and Linkages

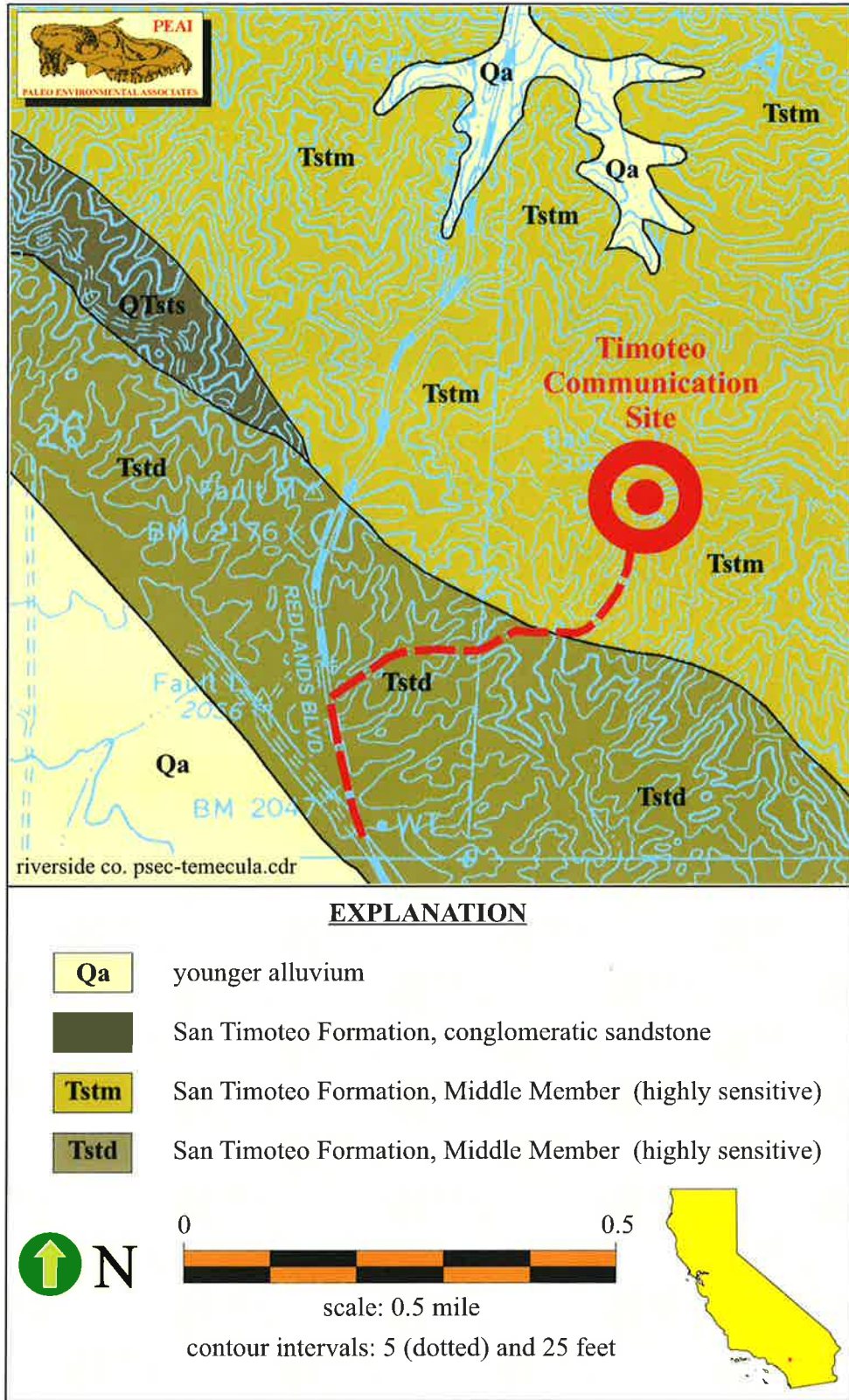


Figure 1.—Paleontologic resource impact sensitivity map, County of Riverside Public Safety Enterprise Communication Project, Timoteo Communication Site, Riverside County, California. Base map: United States Geological Survey Sunnymead Quadrangle California—Riverside Co., 7.5-Minute Series (Topographic) (1967, photoinspected 1973, photorevised 1980). Geology after Morton and Matti (2001) and Dibblee (2003).

✓

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Paul Cliff

Address: 1325 Spruce Street Suite 300
(only if follow-up mail response requested)

City: Riverside **Zip:** 92507

Phone #: 951-788-9410

Date: 8/29/10 **Agenda #** 912

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support Oppose Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support Oppose Neutral

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Paul Cliff

Address: 1325 Spruce Street #300
(only if follow-up mail response requested)

City: Riverside **Zip:** 92506

Phone #: 951-788-9400

*Being Cont'd
To 9/29/10*

Date: 6/15/10 **Agenda #** 9.12

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support Oppose Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support Oppose Neutral

I give my 3 minutes to: _____

6-29-10

9.12