

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

225



FROM: Economic Development Agency / Facilities Management

SUBMITTAL DATE:
March 31, 2011

SUBJECT: Public Safety Enterprise Communications Project Ground Lease, Timoteo

RECOMMENDED MOTION: That the Board of Supervisors:

1. Consider the attached Addendum along with the Final Program Environmental Report (SCH 2008021126) for the County of Riverside's Public Safety Enterprise Communication (PSEC) Project;
2. Find that use of the lease area referenced herein will not result in any new significant environmental effects, will not substantially increase the severity of previously identified significant effects, and will not necessitate new mitigation measures;
3. Approve the attached ground lease and authorize the Chairman of the Board to execute the same on behalf of the County of Riverside; and

(Continued)
FISCAL PROCEDURES APPROVED
PAUL ANGULO, CPA, AUDITOR-CONTROLLER
BY Samuel Wong 4/4/11
SAMUEL WONG

Robert Field
Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 15,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010/11

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

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

C.E.O. RECOMMENDATION: APPROVE

BY: Jennifer L. Sargent
Jennifer L. Sargent

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: April 12, 2011
xc: 1-2 UJ EDA, RCIT, Auditor

Kecia Harper-Ihem
Clerk of the Board
By: Kecia Harper-Ihem
Deputy

Prev. Agn. Ref.: 3.37 of 12/18/07; 3.52 of 9/2/08

District: 1

Agenda Number:

3.13

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL
BY: Synthia M. Gunzel 3-30-11
DATE: 3-30-11
SYNTHIA M. GUNZEL
Deputy, Municipal Concurrence

By: Nathan Colodney
Nathan Colodney, Chief Info. Officer
Riverside County Information Technology

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

RECOMMENDED MOTION: (Continued)

4. Authorize the Assistant County Executive Officer/EDA, or designee, to execute any other documents and administer all actions necessary to complete this transaction.

BACKGROUND:

The County of Riverside's existing law enforcement and emergency first responder voice communication network is lacking in coverage and functionality. As currently configured, the county's system of approximately 20 communication sites provides voice coverage to only about 60% of the county. The PSEC project will construct approximately 65 new communication sites to remedy this deficiency, and will ultimately provide communication coverage to approximately 95% of the county. The new system is urgently needed to ensure the safety of the public, Sheriff's deputies, and firefighters.

The Board of Supervisors approved a Program Environmental Impact Report (PEIR) for the project on September 2, 2008. 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 assessed and/or surveyed as part of the PEIR. This programmatic approach was adopted to allow modifications and expansion of the project's design without the need for recirculation of the PEIR. Specific measures prescribed in the PEIR required the county to determine if the impacts associated with the proposed modification/addition were consistent with the analysis and findings of the PEIR. Specific performance measures were adopted to identify the analysis necessary to make this determination.

Since adoption of the PEIR in September 2008, it has been determined that two sites that had been evaluated in the PEIR had to be relocated due to acquisition issues and communication coverage deficiencies. As such, the county undertook to implement the mitigation prescribed in the PEIR that was required in the event of site relocation and/or network expansion. Pursuant to CEQA Section 15164, an addendum to the PEIR was prepared.

The addendum (included as Attachment A) evaluates two relocated sites: one of which is Timoteo. This site was not specifically evaluated in the PEIR. The purpose and need of this site is summarized below, and is presented in greater detail in the attached addendum. The analysis for this site is also presented in the attached addendum, and incorporates the findings from the biological and cultural resources studies that were required as per the PEIR mitigation measures.

Since adoption of the PEIR in September 2008, it has been determined that the originally proposed Timoteo Communication Site location is not available for acquisition. As such, the proposed Timoteo site had to be relocated to an area that could still meet the site's critical radio coverage objectives. The alternative site is located approximately 0.25 miles south of the original proposed Timoteo site. The site is located on the eastern side of Redlands Boulevard. This proposed site would provide emergency services communication coverage to areas in Moreno Valley and along Redlands Boulevard. Emergency responders working in this area currently do so without reliable communication coverage to summon backup or needed resources. The construction of the Timoteo Communication Site is intended to supplement the coverage in this area and remedy the deficiency.

(Continued)

BACKGROUND: (Continued)

The Public Safety Enterprise Communications (PSEC) project utilizes long-term ground leases in those situations where the site owner will not sell the small land parcel required for the wireless communication site. The proposed site called Timoteo is situated adjacent to Redlands Boulevard between Moreno Valley and Timoteo Canyon Road, providing coverage to areas flanking the Badlands.

The Ground Lease is summarized below:

Location: Located on Assessor's Parcel Numbers 473-120-009
Lessor: The Frank Paul Elardi Separate Property Trust Dated July 1, 2010
Size: 25.49 acres
Term: Twenty five years commencing February 1, 2011
Rent: Paid monthly, starting at \$3,000 per month, fixed for five years.
Rent Adjustments: Beginning in the 6th year, increases 3% annually
Utilities: By County
Interior/Exterior Maintenance: By County

The attached Ground Lease has been reviewed and approved by County Counsel as to legal form.

FINANCIAL DATA:

All associated costs for this Ground Lease will be fully funded through the PSEC budget. Riverside County Information Technology's (RCIT) annual budget will carry operating costs. RCIT will reimburse the Economic Development Agency for all associated lease costs. Any necessary budget adjustments will come under separate cover to the Board.

The county will be responsible for weed abatement and property taxes/assessments. The current annual property taxes are less than \$300.00.

Notice of Determination

Appendix D

To:

Office of Planning and Research
For U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St.
Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
County of: Riverside
Address: 4080 Lemon Street, 1st Floor
Riverside, CA 92502-2204

From:

Public Agency: County of Riverside
Address: 3403 10th Street, 4th Floor
Riverside, CA 92501
Contact: Claudia Steiding
Phone: (951) 955-8174

Lead Agency (if different from above):
Address: Original Negative Declaration/Notice of
Determination was routed to County
Contact: Clerks for posting on.
Phone: 4/13/11 Date kb Initial

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2008021126

Project Title: Public Safety Enterprise Communication (PSEC) project, Phase 2 Communication Sites Addendum #4

Project Location (include county): One relocated communication site in Riverside County, one relocated communication site in Orange County.

Project Description:

Addendum #4 to Program EIR for construction of two relocated communication sites. Sites will consist of emergency services communication towers and equipment shelters within standard 100' by 100' fenced compounds.

This is to advise that the County of Riverside has approved the above described project on April 12, 2011 and has made the following determinations regarding the above described project:
(Lead Agency or Responsible Agency)

- 1. The project [X]will []will not] have a significant effect on the environment.
2. [X] An Environmental Impact Report and Addendum were prepared for this project pursuant to the provisions of CEQA.
[] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [X]were []were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [X] was [] was not] adopted for this project.
5. A statement of Overriding Considerations [X] was [] was not] adopted for this project.
6. Findings [X]were []were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: http://psec.co.riverside.ca.us/notice-deir.html

Signature (Public Agency) [Handwritten Signature] Title Board Assistant

Date April 12, 2011 Date Received for filing at OPR

Authority cited: Sections 21083, Public Resources Code. Reference Section 21000-21174, Public Resources Code.

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: PSEC
Project Number: FM0417400010

Accounting String: 525440 - 47220 - 7200400300 - 6340 - 26000 - FM0417400010 -
FM6200302

- **ADMIN FILING FEES ONLY - \$64.00**

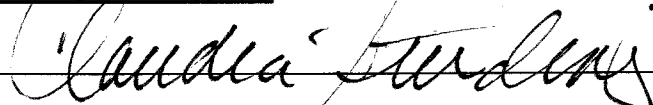
DATE: April 4, 2011

AGENCY: Riverside County Economic Development Agency

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO BILL FOR FILING AND HANDLING FEES FOR THE ACCOMPANYING DOCUMENT(S).

NUMBER OF DOCUMENTS INCLUDED: One (1)

AUTHORIZED BY: Claudia Steiding, Senior Environmental Planner, Economic Development Agency

Signature: 

PRESENTED BY: Claudia Steiding, Senior Environmental Planner, Economic Development Agency

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: -

DATE: -

RECEIPT # (S) -

COMMUNICATIONS SITE LEASE

This Lease is made this 5th day of April, 2011 by and between the **County of Riverside**, a political subdivision of the State of California (hereinafter "Lessee"), and **FRANK PAUL ELARDI, Trustee of THE FRANK PAUL ELARDI SEPARATE PROPERTY TRUST DATED JULY 1, 2010**, hereinafter "Lessor".

RECITALS

A. Lessor is the owner of that certain real property consisting of 25.49 acres of vacant land (hereinafter "the Property") situated near the City of Moreno Valley, County of Riverside, State of California, identified as Assessor's Parcel Number 473-120-009, more particularly depicted on Exhibit "A" (assessors' parcel map), attached hereto and incorporated herein.

B. Lessee desires to lease the Property from Lessor, for the purpose of constructing, installing, operating, and maintaining a communications facility, tower and related equipment and structures to house such facilities and equipment.

NOW, THEREFORE, the parties agree as follows:

1. Recitals. The Recitals set forth hereinabove are an integral part of this Lease and they are therefore, incorporated herein by this reference thereto.

2. Premises. Subject to the following terms and conditions, Lessor hereby leases to Lessee exclusive use of the Property to construct a communication facility and install certain equipment and fixtures (hereinafter "the Leased Premises").

3. Initial Term. The Term of this Lease shall be for a period of twenty five years, commencing on February 1, 2011 ("Commencement Date"). Any holding over by Lessee after the expiration of said term shall be deemed a month to month tenancy upon the same terms and conditions in this Lease.

4. Rent. Lessee shall pay the sum of Three Thousand Dollars (\$3,000.00) per month to Lessor as rent. Rent shall be due on the 1st day of each month and considered late, if not received by the 10th day of each month. Lessor and Lessee agree that the rental rate shall remain at \$3,000.00 per month for the first five (5) years (the first 60 months) of the lease. Thereafter, the rental rate shall increase by 3% per annum for the remaining life of this Lease.

5. Use. The Leased Premises shall be used by Lessee for the purpose of installing operating electronic communication equipment by the Riverside County Information Technology Department (RCIT) County Fire and/or County Sheriff. Lessee shall have exclusive possession of the Leased Premises.

6. Utilities. Lessor shall grant any necessary utility easements across the Property to the appropriate utility company, at no cost to either Lessee or the utility company, so long as the easement is reasonably necessary for Lessee's performance of this Lease. Lessee shall be responsible for paying for all utilities it establishes under this Lease.

1 7. Acceptance of Premises. Lessor hereby leases the Premises in its "as-is, where-is"
2 condition, and Lessee shall make all determinations regarding the conditions of the Premises
3 including whether or not it has hazardous substances, whether or not it is suitable for the
4 Lessee's use, whether or not there are any material defects, faults, or issues in any way
5 associated with the condition of the Property or in its use caused by adjoining landowners as
6 all shall be the sole responsibility of Lessee to determine. To the best of Lessor's actual
7 knowledge, without any duty of inquiry, there have been no hazardous material spills or
8 underground fuel storage tanks on the Property, nor does he have knowledge of septic or
9 drain fields or buried wastes on or within the Leased Premises or Property. Lessee, at
10 Lessee's option and sole cost, may conduct a Phase I Hazardous materials study and Lessor
11 agrees to cooperate in completion of such study. Lessor shall inform Lessee of any present or
12 future underground utilities placed by Lessor or Lessor's tenants so that Lessee may protect
13 such improvements during construction and operation. Otherwise, Lessee accepts the Leased
14 Premises "as is" and acknowledges that Lessor has made no representation whatever
15 concerning the fitness of the Leased Premises for the use intended by Lessee. Lessee agrees
16 to keep the Leased Premises free of hazardous materials contamination and shall store and
17 use fuels, lubricants, batteries and other similar materials in a safe and code complaint
18 manner and assumes full responsibilities for such materials use within the Leased Premises.
19 Lessee further agrees to remove any hazardous material contaminant produced by Lessee's
20 operations at the Leased Premises in a legally acceptable manner.

21 8. Improvements by Lessee. Upon the full execution of this Lease Lessor's
22 acceptance of Lessee's program of self-insurance as described in Section 9 herein, Lessee
23 shall have the right (but not the obligation) at any time following the full execution of this Lease
24 and prior to the Commencement Date, to enter the Leased Premises for the purpose of
25 making necessary inspections and engineering surveys (and soil tests where applicable) and
other reasonably necessary tests (collectively "Tests") to determine the suitability of the
Leased Premises for Lessee's Facilities (as defined herein) and for the purpose of preparing
for the construction of Lessee's Facilities. Lessee has the right to construct, maintain, install,
repair and operate on the Leased Premises radio and microwave communications facilities,
including but not limited to, radio frequency transmitting and receiving equipment, batteries,
backup generators, utility lines, transmission lines, radio and microwave frequency transmitting
and receiving antennae and supporting structures and improvements ("Lessee's Facilities") as
shown on Exhibit "A" attached hereto and incorporated herein. In connection therewith,
Lessee has the right to do all work necessary to prepare, add, maintain and alter the Leased
Premises for Lessee's communications operations and to install utility lines and transmission
lines connecting antennas to transmitters and receivers. Lessee shall have the right to install
any warning signs on or about the Leased Premises required by federal, state or local law. All
of Lessee's construction and installation work shall be performed at Lessee's sole cost and
expense and in a good and workmanlike manner in accordance with all laws and regulations
required by any governmental authority or entity.

Any subsequent alterations, improvements or installation of fixtures shall require prior
written consent of Lessor, which consent shall not be unreasonably withheld, conditioned or
delayed, however written notice of such improvement or upgrade shall be provided to Lessor
prior to commencement of construction, and Lessor shall have thirty (30) days after confirmed
receipt thereof, to submit any comments, suggestions, criticisms or questions and any such
improvement or upgrade shall comply with Section 12 and Lessor's reasonable requests

1 related thereto. Lessee may install additional radio or electronic equipment in its structure, on
 2 the Leased Premises or on its tower without consent of the Lessor. All alterations and
 3 improvements made and fixtures installed by Lessee shall remain Lessee's property and may
 4 be removed by Lessee at or prior to the expiration of this Lease; provided, however, that such
 5 removal does not cause injury or damage to the Leased Premises, or in the event it does,
 6 Lessee shall restore the Leased Premises to good condition. Lessee hereby agrees that it has
 7 the obligation to restore the Leased Premises to as good or better condition than it was before
 8 the lease commenced.

9 9. Insurance. Lessee is a local government entity created under the laws of the State
 10 of California, and maintains a program of self-insurance for any third party liability loss.
 11 Lessee shall cause Lessor to be treated as additional insured's under Lessee's self-insurance
 12 program, as if an insurance policy had been issued to Lessee for this Lease, shall maintain its
 13 self-insurance program in full force during the term, and shall provide proof of self-insurance if
 14 requested by Lessor.

15 10. Hold Harmless. Lessee shall indemnify, defend and hold Lessor, harmless from
 16 and against any loss, liability, claim, damage or expense (including attorneys' fees) arising
 17 from or in any manner related to the use or occupancy of the Leased Premises or the access
 18 thereto, except to the extent such loss, liability, claim, damage or expense is caused by the
 19 sole negligence or willful misconduct of the Lessor.

20 11. Option to Terminate. Lessee shall have the right to terminate this Lease with
 21 twelve months advance written notice to Lessor. Upon termination of this Lease, Lessee at its
 22 sole cost shall remove all improvements from the Leased Premises and leave the site free of
 23 debris in as a good a condition as it was before the term of the Lease started.

24 12. Interference. Lessee shall operate the Leased Premises in compliance with all
 25 Federal Communications Commission ("FCC") requirements and in a manner that will not
 cause interference to Lessor or other tenants of the Property. In the event interference occurs
 Lessee agrees to use best efforts to eliminate such interference within a reasonable time
 period.

13. Notices. Any notices required or desired to be served by either party upon the
 other shall be addressed to the respective parties as set forth below or to such other
 addresses as from time to time shall be designated by the respective parties:

Lessee:	Lessor:
County of Riverside	Frank P. Elardi
Economic Development Agency	2780 Mountain Avenue
3403 10 th Street, Suite 500	Upland, CA 91784
Riverside, California 92501	

14. Taxes. Notice is hereby given pursuant to Revenue and Taxation Code section
 107.6 that this Communications Site Lease may create a taxable possessory interest in the
 Leased Premises. If personal property taxes are assessed, Lessee shall pay any portion of
 such taxes directly attributable to Lessee's facilities. Lessee shall pay all real property taxes,
 assessments and deferred taxes on the Property.

1
2 15. Quiet Enjoyment. Lessee hereby covenants that it has reviewed the Property and
3 the general area around it and is fully aware of all operations, uses and easements related
4 thereto; and that the existing condition of the Property is suitable for its use. Lessor
5 covenants that Lessee shall at all time during the term of this Lease peaceably and quietly
6 have, hold and enjoy the use of the Leased Premises so long as Lessee shall fully and
7 faithfully perform the terms and conditions that it is required to perform under this Lease.

8
9 16. Binding on Successors. The terms and conditions herein contained shall apply to
10 and bind the heirs, successors in interest, executors, administrators, representatives and
11 assigns all of the parties hereto.

12
13 17. Severability. The invalidity of any provision in this Lease as determined by a court
14 of competent jurisdiction shall in no way affect the validity of any other provision hereof.

15
16 18. Venue. Any action at law or in equity brought by either of the parties hereto for the
17 purpose of enforcing a right or rights provided for by this Lease shall be tried in a court of
18 competent jurisdiction in the County of Riverside, State of California, and the parties hereto
19 waive all provision of law providing for a change of venue in such proceedings to any other
20 county.

21
22 19. Attorneys' Fees. In the event of any litigation or arbitration between Lessor and
23 Lessee to enforce any of the provisions of this Lease or any right of either party hereto, the
24 unsuccessful party to such litigation or arbitration agrees to pay to the successful party all
25 costs and expenses, including reasonable attorney's fees incurred therein by the successful
party, all of which shall be included in and as a part of the judgment rendered in such litigation
or arbitration.

20
21 20. Entire Lease. This Lease is intended by the parties hereto as a final expression of
22 their understanding with respect to the subject matter hereof and as a complete and exclusive
23 statement of the terms and conditions thereof and supersedes any and all prior and
24 contemporaneous leases, agreements and understandings, oral or written, in connection
25 therewith. This Lease may be changed or modified only upon the written consent of the
parties hereto.

20
21 21. Interpretation. The parties hereto have negotiated this Lease at arm's length and
22 with advice of their respective attorneys, and no provision contained herein shall be construed
23 against either party solely because it prepared this Lease in its executed form.

20
21 22. Right to Purchase. Lessor shall not mortgage or encumber the Property without
22 the written consent of Lessee, which shall not be unreasonably withheld, conditioned or
23 delayed.

24
25 At any time after the fifteenth year of the term of this Lease, Lessee shall have the right
to purchase the Property for the "appraised market value."

24
25 In the event of a bonafide written offer to purchase from a third party, that is acceptable
to Lessor, Lessee shall have the option to purchase the Property at an amount equal to 105%

1 of the offered price, provided Lessee exercises such option to do so within thirty days of
2 receipt of notice from Lessor of such bonafide offer. Lessor agrees to provide reasonable
notice to Lessee of any such written offers to purchase that Lessor is willing to accept.

3 In the event of the death of Frank Paul Elardi, Lessee shall have the option, to be
4 exercised within 180 days of receipt of notice by the successor Lessor of such occurrence, to
purchase the Property for the appraised market value.


5 In the event Lessor and Lessee disagree on the appraised market value, each party may
6 choose their own appraiser and if the value conclusions of the two appraisals are substantially
7 different (defined as a difference of 10% or more), the two appraisers shall agree on a referee
8 (a third appraiser) to review the appraisals and rule on which appraisal is more
appropriate. The cost of the third appraisal shall be split 50-50 between Lessee and Lessor. In
the event the difference between the two appraisals is less than 10%, the purchase price shall
be deemed to be that of the higher appraisal.

9 23. Weed Abatement. Lessee shall be responsible during the term of this Lease for
10 any weed abatement or general cleanup of the Property.

11 ///
12 ///
13 ///

24. Approval. Anything to the contrary notwithstanding, this Lease shall not be binding or effective until its approval and execution by the Chairman of the Board of Supervisors for the County of Riverside.

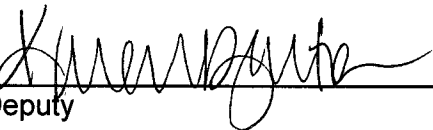
**LESSOR: THE FRANK PAUL ELARDI
SEPARATE PROPERTY TRUST DATED
JULY 1, 2010**

By: 
Frank Paul Elardi, Trustee
1-19-11


LESSEE: COUNTY OF RIVERSIDE

By: 
Bob Buster, Chairman
Board of Supervisors

ATTEST:
Kecia Harper-Ihem
Clerk of the Board

By: 
Deputy

APPROVED AS TO FORM:
Pamela J. Walls
County Counsel

By: 
Synthja M. Gunzel
Deputy County Counsel

JRF:ra
102710
042IT
13.689

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT

Receipt # 200800885

Lead Agency: COUNTY OF RIVERSIDE DEPT. OF FACILITIES MGMT Date: 09/02/2008

County Agency of Filing: Riverside Document No: 200800885

Project Title: PUBLIC SAFETY ENTERPRISE COMMUNICATION (PSEC) PROJECT

Project Applicant Name: COUNTY OF RIVERSIE DEPT. OF FACILITIES MGMT Phone Number:

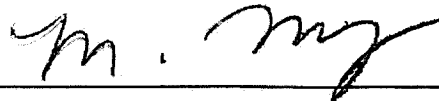
Project Applicant Address: 3133 MISSION INN AVE RIVERSIDE, CA 92507-4138

Project Applicant: Local Public Agency

CHECK APPLICABLE FEES:

<input checked="" type="checkbox"/> Environmental Impact Report	2606.75
<input type="checkbox"/> Negative Declaration	
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only)	
<input type="checkbox"/> Project Subject to Certified Regulatory Programs	
<input checked="" type="checkbox"/> County Administration Fee	\$64.00
<input type="checkbox"/> Project that is exempt from fees (DeMinimis Exemption)	
<input type="checkbox"/> Project that is exempt from fees (Notice of Exemption)	
Total Received	2670.75

Signature and title of person receiving payment:



Notes:

Notice of Determination

Appendix D

To:

Office of Planning and Research
For U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St.
Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
County of: Riverside
Address: 4080 Lemon Street, 1st Floor
Riverside, CA 92502-2204

From:

Public Agency: County of Riverside Dept. of Facilities Mgt.
Address: 3133 Mission Inn Avenue, Riverside, CA 92507-4138

Contact: Claudia Steiding, Senior Planner
Phone: 951-955-8174

Lead Agency (if different from above):
Address:
Contact:
Phone:
SEP 02 2008
ARRY W WARD CLERK

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2008021126

Project Title: Public Safety Enterprise Communication (PSEC) Project

Project Location (include county): Multiple Jurisdictions, Riverside, San Bernardino, and San Diego Counties

Project Description:

The project entails the upgrading of the County of Riverside's emergency services communication network. This network will serve fire and law enforcement personnel and will allow expanded interoperability with other agencies and jurisdictions. Approximately 50 telecommunication facilities will be constructed throughout Riverside County and in several locations in San Bernardino County and one location in San Diego County. The typical facility will be composed of a communication tower and equipment shelter, all located within a fenced compound

This is to advise that the County of Riverside has approved the above described project on SEPTEMBER 2, 2008 and has made the following determinations regarding the above described project.
COUNTY CLERK
Negative Declaration No Determination
per PRC 21152
POSTED
SEP 02 2008

- 1. The project [X] will [] will not have a significant effect on the environment.
2. [X] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
[] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [X] were [] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [X] was [] was not adopted for this project.
5. A statement of Overriding Considerations [X] was [] was not adopted for this project.
6. Findings [X] were [] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: Department of Facilities Management, 3133 Mission Inn Avenue, Riverside, CA 92507-4138

Signature (Public Agency) Sandi Schlemmer Title Deputy Clerk
Sandi Schlemmer for NANCY ROMERO, Clerk of the Board
Date SEPTEMBER 2, 2008 Date Received for filing at OPR

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2005

SEP 2 2008 3 52



COUNTY OF RIVERSIDE

**Public Safety Enterprise Communication (PSEC) Project
Program Environmental Impact Report
Addendum No. 4
Communication Site Relocations**

Prepared for
County of Riverside
Economic Development Agency
Claudia Steiding, Senior Environmental Planner
(951) 955-8174

Section 1 – Background..... 1

Section 2 – Allowance for Modification and Expansion..... 3

Section 3 – Site Evaluations and Consistency with the PEIR 7

 3.1 – Caspers Park Communication Site Relocation..... 7

 3.1.1 – Biological Resources (Caspers Park Communication Site Relocation)
 8

 3.1.2 – Cultural Resources (Caspers Park Communication Site Relocation) 14

 3.1.3 – Paleontological Resources (Caspers Park Communication Site
 Relocation)..... 14

 3.1.4 – Determination of Findings (Caspers Park Communication Site
 Relocation)..... 14

 3.2 – Timoteo Communication Site Relocation 15

 3.2.1 – Biological Resources (Timoteo Communication Site Relocation) ... 17

 3.2.2 – Cultural Resources (Timoteo Communication Site Relocation)..... 17

 3.2.3 – Paleontological Resources (Timoteo Communication Site Relocation)
 18

 3.2.4 – Determination of Findings (Timoteo Communication Site Relocation)
 18

Tables

Table 1: PEIR Mitigation Applicable to the Caspers Park Communication Site..... 8

Table 2: PEIR Mitigation Applicable to the Timoteo Communication Site 16

Appendices (included on CD in back inside cover of this addendum)

Appendix A – Communication Site Exhibits 20

 Appendix A.1 – Caspers Park Communication Site 21

 Appendix A.2 – Timoteo Communication Site..... 22

Appendix B – Biological Resources Assessments 23

 Appendix B.1 – Caspers Park Communication Site..... 24

 Appendix B.2 – Timoteo Communication Site 25

Appendix C – Cultural Resources Assessments..... 26

 Appendix C.1 – Caspers Park Communication Site..... 27

 Appendix C.2 – Timoteo Communication Site 28

Appendix D – Paleontological Resources Assessment 29

List of Acronyms

CAGN	Coasta California Gnatcatcher
CDFG	California Department of Fish and Game
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
PEIR	Program Environmental Impact Report
FESA	Federal Endangered Species Act
NEPA	National Environmental Policy Act
PSEC	Public Safety Enterprise Communication
RCA	Regional Conservation Authority
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WRCMSHCP	Western Riverside County Multiple Species Habitat Conservation Plan

Section 1 – 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 prescription of a number of standard mitigation measures. These mitigation 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

The mitigation measures for biological and cultural resources included requirements for actions to be taken if a site were to change location, or if additional sites not previously identified in the PEIR were proposed to be included as part of the overall PSEC project.

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.

Section 2 – Allowance for Modification and Expansion

The PEIR imposed a number of standard mitigation measures that were applicable to all PSEC sites. As noted previously, mitigation measures related to air quality, hydrology and water quality were intended to apply to all sites, regardless of location. Mitigation measures related to biological and cultural resources were intended to be more site and area specific, and included requirements for actions to be taken if a site were to change location or if additional sites not previously identified in the PEIR were proposed to be included as part of the overall PSEC project.

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 assessed and/or surveyed 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 modification/addition 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 applicable to the sites assessed in this addendum, as follows:

Biological Resources

BR-1b If a proposed site is located in an area of close proximity to suitable habitat for a species listed under the federal Endangered Species Act or the California Endangered Species Act as threatened or endangered, then pre-construction surveys of the area shall be performed by a qualified and/or USFWS permitted biologist to determine presence or absence of the species in the area. If it is determined that no listed species are present in the area, then development may commence without further impediment. If it is determined that a listed species is present in the area, then appropriate avoidance measures shall be implemented to avoid inadvertent take of the listed species. Avoidance measures may include, but may not be limited to: 1) Postponement of construction until the species has vacated the area; 2) The installation of exclusion fencing or other barriers to assure that the species does not enter the construction area; or 3) other avoidance measures as recommended by the biologist.

- 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 County Multiple Species Habitat Conservation Plan (WRCMSHCP). 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 WRCMSHCP 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 WRCMSHCP is intended to provide full mitigation under CEQA, National Environmental Policy Act (NEPA), California Endangered Species Act, and Federal Endangered Species Act for impacts to the species and habitats covered by the WRCMSHCP.
- MM BR-5b** If a site is located within a Criteria Cell as defined in the WRCMSHCP, 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 WRCMSHCP 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 (RCA) 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 PEIR 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.

Since adoption of the PEIR in September 2008, it has been determined that two of the proposed sites will need to be relocated in order to adequately provide emergency services communication coverage to certain portions of the County. As such, the County undertook to implement the mitigation prescribed in the PEIR that was required in the event of site relocation or network expansion.

This addendum evaluates two relocated sites [Caspers Park (formerly known as Rancho Carrillo) and Timoteo] that were not specifically evaluated in the PEIR. These two sites share similar characteristics of the original sites they are replacing, in that they possess the same vegetation, habitat and visual characteristics of the other sites. Additionally, these sites will generally disturb and occupy the same amount of space as the previously approved PSEC sites. As per the PEIR, the PEIR mitigation measures relating to air quality and hydrology and water quality were generic and standard in nature and were intended to be applied to all sites regardless of location. Therefore, further analysis for air quality and hydrology and water quality is not required for purposes of this addendum. For biological and cultural resources, the analysis for each site is presented individually below, and incorporates the findings from the biological and cultural resources studies required as per the PEIR mitigation measures outlined above.

Section 3 – Site Evaluations and Consistency with the PEIR

3.1 – Caspers Park Communication Site Relocation

This site would replace a previously approved site that was formerly known as the Rancho Carrillo Communication Site. When the PEIR was certified in September, 2008, the Rancho Carrillo site was proposed to be located adjacent to the community of Rancho Carrillo. The site was intended to provide communication coverage to the adjacent community, the Santa Ana Mountains, and the Ortega Highway (State Route 74). Shortly after the PEIR was certified, it was determined that the Rancho Carrillo candidate was not available for acquisition due to access easement and entitlement issues. As such, a search was made for a new candidate location. The candidate that was ultimately selected is the subject of this addendum. Based on the new candidates location, the name of the site was changed to the Caspers Park Communication Site.

The principal area to be covered by the Caspers Park Communication Site is similar to that provided by the former Rancho Carrillo site. Even though the area is rural in nature, requests for emergency services are frequent. The Ortega Highway is a narrow and curvy mountain roadway with traffic accidents occurring frequently. In addition, the area is at high risk for wildfire, which contains many homes and other properties scattered throughout the hills. Emergency responders currently working in this area do so without reliable communication coverage. The new Caspers Park Communication Site will remedy this deficiency.

The site is located approximately 0.75 miles south of Ortega Highway, approximately two miles from the Riverside-Orange County line. It is situated approximately 2.9 miles northwest of the original Rancho Carrillo Communication Site location. It shares similar characteristics to the original location in that it is located on an undeveloped hilltop that is surrounded by rolling, scrub-covered hills. It possesses the same vegetation and habitat characteristics and contains similar visual features. The site provides excellent coverage to the Ortega Highway, which represents the primary coverage objective for this site. The site will be leased by the County from a private party and is located on Section 9, Township 7 South, Range 6 West on the USGS Cañada Gobernadora, California, 7.5-minute topographic quadrangle. The site is located in an area of chaparral-covered hills approximately 8.5 miles northeast of San Juan Capistrano. A dirt access road travels to the site from an adjacent quarry mining operation, and commercial electric power is available nearby. The site has been subject to disturbance associated with off-highway-vehicle (OHV) activity and the construction and maintenance of a fire road. Exhibits are included within Appendix A.1 of this addendum that show the site's location and photographs of the site and surrounding area.

Since this relocated site was not assessed in the PEIR, the County has implemented the mitigation measures that were prescribed in the PEIR for new or relocated sites. **Error! Reference source not found.**1, below, summarizes the PEIR mitigation measures that are relevant to the relocated Caspers Park Communication Site. The table also provides justification as to whether or not the mitigation measures listed above in Section 2 apply to this site.

Table 1: PEIR Mitigation Applicable to the Caspers Park Communication Site

Mitigation Measure	Applicable to Caspers Communication Site?
Biological Resources	
BR-1b: Requirement for surveys and avoidance measures if a site is within suitable habitat for a sensitive species	Yes. A habitat assessment determined that while the Caspers Park construction site itself does not contain suitable habitat for a sensitive species, portions of the areas that surround the site do contain such habitat.
BR-1c: Requirement for additional biological resources surveys if new sites are proposed or if a site changes location.	Yes. The Caspers Park site is at a new location that was not previously assessed for biological resources in the PEIR. A biological resources survey was completed and the findings are summarized below in Section 3.1.1.
BR-5a: Preparation of WRCMSHCP Consistency Analysis for sites within the MSHCP plan area.	No. The site is not located within the WRCMSHCP plan area.
BR-5b: Requirement for additional review for sites located within WRCMSHCP Criteria Cells.	No. The site is not located within a Criteria Cell.
Cultural and Paleontological Resources	
CR-1a: Requirement for additional cultural resources surveys if new sites are proposed or if a site changes location.	Yes. The Caspers Park site is at a new location that was not previously assessed for cultural resources in the PEIR. A cultural resources survey was completed and the findings are summarized below in Section 3.1.2.
CR-2a: Requirement for additional paleontological resources review if new sites are proposed or if a site changes location.	Yes. The Caspers Park site is at a new location that was not previously assessed for paleontological resources in the PEIR. A paleontological resources assessment was completed and the findings are summarized below in Section 3.1.3.
CR-2b: Requirement for paleontological resources records search and field survey if preliminary review required in CR-2a indicates that paleontological resources may be present on the site.	No. The preliminary review that was required in CR-2a indicated that the Caspers Park site is not located in a rock unit that has the potential to hold fossils. As such, additional mitigation effort with respect to paleontological resources is not required.
CR-2c: Requirement for paleontological resources monitoring during construction if the records search and field survey required in CR-2b indicates that paleontological resources may be present on the site.	No. Not applicable. See CR-2b, above.

3.1.1– Biological Resources (Caspers Park Communication Site Relocation)

As per the relevant mitigation measure related to biological resources for this site, and noted above (MM BR-1c) a habitat assessment was prepared for the candidate location. The habitat assessment is attached to this addendum within Appendix B.1.

The habitat assessment found that the construction site itself does not contain suitable habitat for a listed or otherwise sensitive species. The assessment also found that the site is not within U.S. Fish and Wildlife Service (USFWS) designated Critical Habitat for any species. However, the assessment did find that areas surrounding the site do present suitable habitat for the federally threatened coastal California gnatcatcher (CAGN) (*Polioptila californica*

californica). The project footprint is currently disturbed and does not provide suitable habitat for CAGN, so while direct take of the species would not occur as part of project's development, disturbance to the species could occur if appropriate avoidance measures are not taken, especially if construction activities were to take place during CAGN nesting season (typically considered March 15 through June 30). The habitat assessment provided a number of standard mitigation measures to protect against indirect disturbance of CAGN during construction.

The PEIR evaluated the potential for indirect impacts to sensitive species in PEIR Section 4.0, Biological Resources, in which it specifically discussed potential indirect effects to CAGN at a number of sites that contained the same types of habitat, which is present at the Caspers Park site. The PEIR provided for this contingency in PEIR Mitigation Measure BR-1b, in which it was stated:

If a proposed site is located in an area of close proximity to suitable habitat for a species listed under the federal Endangered Species Act or the California Endangered Species Act as threatened or endangered, then pre-construction surveys of the area shall be performed by a qualified and/or USFWS permitted biologist to determine presence or absence of the species in the area. If it is determined that no listed species are present in the area, then development may commence without further impediment. If it is determined that a listed species is present in the area, then appropriate avoidance measures shall be implemented to avoid inadvertent take of the listed species. Avoidance measures may include, but may not be limited to: 1) Postponement of construction until the species has vacated the area; 2) The installation of exclusion fencing or other barriers to assure that the species does not enter the construction area; or 3) other avoidance measures as recommended by the biologist.

Further, the PEIR provided for surveys and implementation of appropriate and updated mitigation for potential impacts to sensitive species in PEIR Mitigation Measure BR-1c, in which it was stated:

*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.*

For the Caspers Park site, the "applicable laws and policies" referred to in the above measure relate specifically to the avoidance of identified potential impacts and the avoidance of inadvertent take of a listed species, as already provided for in PEIR Mitigation Measure BR-1b. The applicable laws and policies in place for avoidance of inadvertent take for CAGN are comprised of standard USFWS and California Department of Fish and Game (CDFG) protocols regarding construction activities in potential CAGN habitat. These protocols call for preconstruction surveys, the installation of temporary construction fencing to clearly delineate

project limits, the training of construction staff, and other measures. To provide for absolute clarity and additional detail, these procedures are presented below in the form of additional requirements that would apply specifically to the Caspers Park Communication Site. The implementation of these types of avoidance measures was foreseen in the PEIR, and is consistent with the analysis and findings contained in the PEIR. Therefore, inclusion of these measures within this addendum is within the parameters of an addendum as prescribed in Public Resources Code Sections 15162 and 15164 of the CEQA Guidelines. Since the inclusion of these measures was foreseen and analyzed in the PEIR (as provided in Mitigation Measures BR-1b and BR-1c), their presentation here does not constitute new or substantially different information that would require recirculation of the PEIR. The measures are as follows:

CP-1: Thirty days prior to clearing/grubbing, grading, and/or construction activities within areas adjacent to coastal sage scrub, the County shall retain a qualified biologist to perform pre-construction surveys and monitor construction activities. The biologist shall be knowledgeable of coastal California gnatcatcher and other listed species' biology and ecology, and shall be permitted by the U.S Fish and Wildlife Service to conduct surveys for these species. The County shall submit the biologist's name, contact information, and work schedule for the project to the U.S Fish and Wildlife Service and California Department of Fish and Game (collectively, Wildlife Agencies). The biologist shall perform the following duties:

- i. Conduct a pre-construction meeting to ensure that construction crews are informed of the approved limits of disturbance and of the sensitive wildlife and habitats in the vicinity.
- ii. Train all contractors and construction personnel on the biological resources associated with the project. At a minimum, training shall include 1) the purpose for resource protection; 2) a description of sensitive species and their habitats; 3) environmentally responsible construction practices; 4) the protocol to resolve conflicts that may arise at any time during the construction process; and 5) the general provisions of the federal Endangered Species Act (FESA) and California Endangered Species Act (CESA), the need to adhere to the provisions of the FESA and CESA, and the penalties associated with violation of the FESA and CESA.
- iii. Be on site during initial clearing/grubbing, grading, and/or construction activities within areas 500 feet of coastal sage scrub habitat to be avoided, and periodically monitor these activities to ensure they do not exceed the fenced construction limits (refer to BR-2). If a violation is observed, then the biologist shall immediately notify the on-site construction superintendent who shall temporarily divert or halt work in the area of impact. Within 24 hours of its occurrence, the County and the biologist shall confer with the Wildlife Agencies to ensure the proper implementation of species and habitat compensation, if required.
- iv. Submit weekly letter reports (including photographs of the impact areas) to the County and the Wildlife Agencies during

clearing/grubbing, grading, and/or construction activities within areas 500 feet of coastal sage scrub habitats to be avoided. The weekly reports shall document that authorized impacts were not exceeded, that work did not occur within sensitive habitat and that general compliance with all conditions occurred. The reports shall also outline the duration of any coastal California gnatcatcher monitoring (refer to CP-3 and CP-4), the location of construction activities, the type of construction which occurred, and equipment used. If coastal California gnatcatcher pre-construction surveys are conducted, then these reports shall specify numbers, locations, and sex of gnatcatchers (if present), observed gnatcatcher behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate potential impacts to the coastal California gnatcatcher. Raw field notes should be available upon request by the Wildlife Agencies.

- v. Submit a final report to the County and the Wildlife Agencies within 60 days of project completion, that includes construction drawings with an overlay of the coastal sage scrub habitat that was avoided, photographs of habitat areas that were to be avoided and other relevant summary information documenting that authorized impacts were not exceeded, and that general compliance with all conditions were achieved.

CP-2: Prior to clearing/grubbing, grading, and/or construction activities adjacent to coastal sage scrub, the County shall retain a qualified biologist to supervise the installation of temporary construction fencing along the approved limits of disturbance, including construction staging areas and access routes, to prevent sensitive habitat impacts and prevent the spread of silt from the construction zone into adjacent habitats to be avoided. Fencing shall be installed in a manner that does not impact habitats to be avoided.

Within 24 hours after installation of fencing, the County shall submit the final plans for initial clearing/grubbing and grading of habitat and project construction limits to the Wildlife Agencies. These final plans shall include photographs that show the fenced limits of disturbance and adjacent sensitive habitats to be avoided.

The biologist shall check the fencing weekly to ensure that fenced construction limits are not exceeded. If work occurs beyond the fenced or demarcated limits of disturbance, then the biologist shall immediately notify the on-site construction superintendent who shall temporarily divert or halt work in the area of impact. Within 24 hours of its occurrence, the County and the biologist shall confer with the Wildlife Agencies to ensure the proper implementation of species and habitat compensation. The biologist shall verify that all fencing has been removed upon completion of construction activities.

CP-3: Fourteen days prior to clearing/grubbing, grading, and/or construction activities adjacent to coastal sage scrub that are scheduled to occur between July 1 and March 14 (outside of the coastal California gnatcatcher breeding season), the County shall retain a biologist qualified and permitted by the U.S. Fish and Wildlife Service to conduct coastal California gnatcatcher surveys, and shall notify the Wildlife Agencies of the impending pre-construction surveys. At that time, the biologist shall also coordinate with the Wildlife Agencies on appropriate bird "flushing" procedures, if necessary. Seven days prior to clearing/grubbing, grading, and/or construction activities, the biologist shall perform a minimum of three focused surveys, on separate days, to determine the presence of gnatcatchers in the project impact footprint and adjacent coastal sage scrub. The last of the surveys shall be conducted on the day immediately prior to the land disturbance. If any gnatcatchers are found within the project impact footprint, the biologist shall notify the on-site construction superintendent who shall redirect work to areas that are located approximately 500 feet from the gnatcatcher(s). In addition, the biologist shall walk ahead of the clearing/grading equipment to flush birds toward coastal sage scrub outside of the project impact footprint. Documentation of the gnatcatcher surveys and any follow-up bird flushing activities, as necessary, shall be provided to the County and the Wildlife Agencies within 10 days of completing the final survey or flushing activity.

The biologist shall also record the number and location of any gnatcatchers disturbed by vegetation clearing/grubbing, grading, and/or construction activities. Within 24 hours, the County and the biologist shall confer with the Wildlife Agencies to ensure the proper implementation of species and habitat compensation.

CP-4: Fourteen days prior to clearing/grubbing, grading, and/or construction activities adjacent to coastal sage scrub that are scheduled to occur between March 15 and June 30 (during the coastal California gnatcatcher breeding season), the County shall retain a biologist qualified and permitted by the U.S. Fish and Wildlife Service to conduct coastal California gnatcatcher surveys, and shall notify the Wildlife Agencies of the impending pre-construction surveys. Seven days prior to clearing/grubbing, grading, and/or construction activities, the biologist shall perform a minimum of three focused surveys, on separate days, to determine the presence of coastal California gnatcatchers, nest building activities, egg incubation activities, or brood rearing within 500 feet of the proposed construction site. The last of the surveys shall be conducted on the day immediately prior to the land disturbance. Additional surveys shall be conducted once a week during project construction throughout the breeding season. These additional surveys may be suspended as approved by the Wildlife Agencies.

If a coastal California gnatcatcher nest is found on, or within 500 feet of, the proposed construction site, then the biologist shall notify the on-site construction superintendent who shall postpone work within 500 feet of the nest or redirect work to areas that are located approximately 500 feet from the nest. Within 24 hours, the County and the biologist shall confer with the Wildlife Agencies to determine the best approach to avoid/minimize impacts to nesting birds (e.g., sound walls) and to develop a nest monitoring program acceptable to the Wildlife Agencies. Subsequent to these discussions, work may be initiated subject to implementation of the agreed upon avoidance/minimization measures and nest monitoring program. Nest success or failure shall be established by regular and frequent trips to the site, as determined by the biologist and through a schedule approved by the Wildlife Agencies. If the biologist determines that the bird activity is being disrupted, then the on-site construction superintendent shall be notified and shall postpone work within 500 feet of the nest. Within 24 hours, the County and the biologist shall coordinate with the Wildlife Agencies to review the avoidance/minimization measures. Upon agreement as to the necessary revisions to the avoidance/minimization measures, work may resume subject to implementation of the revised measures and continued nest monitoring. Nest monitoring shall continue until fledglings have dispersed or the nest is determined to be a failure, as approved by the Wildlife Agencies. Documentation of the gnatcatcher surveys and any follow-up monitoring, as necessary, shall be provided to the County and the Wildlife Agencies within 10 days of completing the final survey or monitoring event.

Construction activity that has commenced prior to the breeding season shall be allowed to continue without interruption. The contractor(s) should maintain continuous construction activities adjacent to coastal sage scrub located within 500 feet, until the work is completed. If gnatcatchers move into an area within 500 feet of ongoing construction noise levels and attempt to nest, then it can be deduced that the noise is not great enough to discourage gnatcatcher nesting activities. In addition, if construction activities are initiated prior to, and extend into, the breeding season, but cease for a period longer than three weeks and the contractor then wishes to restart work within the breeding season window, then updated pre-construction surveys are necessary, as specified above.

- CP-5: If construction is proposed to commence during the general bird breeding season (approximately February 1 through August 31), a pre-construction nesting bird survey of the site shall be conducted by a qualified biologist no more than thirty days prior to construction activities. This survey shall be conducted in addition to any pre-construction surveys or monitoring specifically required for the coastal California gnatcatcher. If active nests are found onsite, they shall be avoided by an appropriate buffer until any young birds have fledged and the nest has completed its cycle, as determined by a qualified biologist. If construction occurs outside of the general bird breeding season, then construction may occur with proper implementation of any additional mitigation requirements for the coastal California gnatcatcher.

Implementation of the above measures would fulfill the requirements of the biological resources mitigation measures presented in the PEIR, and would avoid inadvertent take of a

sensitive species during construction of the Caspers Park Communication Site. Further action regarding biological resources would not be required.

3.1.2– Cultural Resources (Caspers Park Communication Site Relocation)

As per the mitigation measure (MM CR-1a), a records search and a pedestrian cultural resources survey was conducted for the proposed site. A report that outlines the results of these efforts is included within Appendix C.1 of this addendum. The results of the records search indicated that no previously recorded cultural resources are located within the project area, but that 24 resources have been recorded within one mile. However, those resources are all further than 0.5 miles from the project area and would not be affected by construction. During the pedestrian survey, no prehistoric archaeological resources were observed, and no historic-age sites were detected.

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.

3.1.3– Paleontological Resources (Caspers Park Communication Site Relocation)

As per the mitigation measure (MM CR-2a), a preliminary assessment was made concerning the project site's potential for containing paleontological resources. The project site is located on rock units that are of igneous derivation. These types of rock units have a very low probability of containing fossils or other paleontological resources. Therefore, per the terms of the mitigation contained in the PEIR, further mitigation or assessment relating to paleontological resources is not required.

3.1.4 – Determination of Findings (Caspers Park Communication Site Relocation)

Based on the analysis contained in the above assessment, the County finds that the impacts of the proposed Caspers Park 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.

3.2 – 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 testing at the site determined that the onsite soils 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.

The Timoteo site is located within the San Timoteo Badlands, which is an area of broken terrain north of the City of Moreno Valley. Finding an adequate location for the Timoteo site is challenging due to the rugged terrain in the area. The complex topography makes meeting coverage objectives very difficult, and road access into the Badlands is limited. These constraints have placed limitations on where the site can be located while still meeting critical emergency services communication coverage. The PSEC development team has evaluated a total of 18 different locations for the Timoteo site. With the exception of the candidate presented in this addendum, all were abandoned due to a number of factors, including the inability to meet critical coverage requirements, lack of access, lack of constructability, or acquisition constraints. Of the approximately 65 sites that will eventually be constructed as part of the overall PSEC project, the Timoteo site has presented the greatest challenge in finding a location that was feasible to construct and that met the project's coverage requirements.

The principal requirement for the Timoteo site is to provide reliable emergency service communication coverage to the portion of Redlands Boulevard that passes through the San Timoteo Badlands. This roadway has become a heavily-used commuter route, with over 16,000 vehicles traveling through the Badlands corridor daily. The corridor is a narrow and curvy two-lane roadway that is subject to frequent traffic accidents. Emergency responders working within the corridor currently do so without reliable communication coverage. Providing coverage in this area is critical to meeting the needs of emergency service providers and the public.

The Badlands themselves are subject to near-annual wildfire events which have the potential to spread into the adjacent neighborhoods of Moreno Valley to the south and to semi-rural residential areas to the north. Firefighters responding to incidents in the Badlands area are

currently unable to communicate effectively. The City of Moreno Valley lies to the south of the site. The City contracts with the County for both fire and law enforcement services. The Timoteo site would also provide enhanced and more reliable coverage into those portions of the City where current levels of coverage are unreliable.

The alternative site is located approximately 750 feet east of Redlands Boulevard within the San Timoteo Badlands. It is located approximately 0.35 miles south of the original Timoteo location. The site will be leased by the County from a private party and is located on Section 26, Township 2 South, Range 3 West on the USGS Sunnymead, California, 7.5-minute topographic quadrangle. 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:

Table 2: PEIR Mitigation Applicable to the Timoteo Communication Site

Mitigation Measure	Applicable to Timoteo Communication Site?
Biological Resources	
BR-1b: Requirement for surveys and avoidance measures if a site is within suitable habitat for a sensitive species	No. A habitat assessment determined that there is no suitable habitat for any sensitive species in or around the Timoteo site.
BR-1c: Requirement for additional biological resources surveys if new sites are proposed or if a site changes location.	Yes. The Timoteo site is at a new location that was not previously assessed for biological resources in the PEIR. A biological resources survey was completed and the findings are summarized below in Section 3.2.1.
BR-5a: Preparation of WRCMSHCP Consistency Analysis for sites within the MSHCP plan area.	Yes. The site is located within the WRCMSHCP plan area. A WRCMSHCP Consistency Analysis was prepared and the findings are summarized below in Section 3.2.1.
BR-5b: Requirement for additional review for sites located within WRCMSHCP Criteria Cells.	Yes. The site is located within a Criteria Cell. A joint Project Review process was undertaken by the Riverside Conservation Authority and the findings are summarized below in Section 3.2.1
Cultural and Paleontological Resources	
CR-1a: Requirement for additional cultural resources surveys if new sites are proposed or if a site changes location.	Yes. The Timoteo site is at a new location that was not previously assessed for cultural resources in the PEIR. A cultural resources survey was completed and the findings are summarized below in Section 3.2.2.
CR-2a: Requirement for additional paleontological resources review if new sites are proposed or if a site changes location.	Yes. The Timoteo site is at a new location that was not previously assessed for paleontological resources in the PEIR. A paleontological resources assessment was completed and the findings are summarized below in Section 3.2.3.

<p>CR-2b: Requirement for paleontological resources records search and field survey if preliminary review required in CR-2a indicates that paleontological resources may be present on the site.</p>	<p>Yes. The preliminary review that was required in CR-2a indicated that a records search and field survey was required for the relocated Timoteo site. A paleontological resources survey was completed and the findings are summarized below in Section 3.2.3.</p>
<p>CR-2c: Requirement for paleontological resources monitoring during construction if the records search and field survey required in CR-2b indicates that paleontological resources may be present on the site.</p>	<p>Yes. The records search and field survey that was required in CR-2b indicated that a paleontological resources monitoring program is required during construction at the relocated Timoteo site.</p>

3.2.1 – Biological Resources (Timoteo Communication Site Relocation)

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 Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP) Consistency Analysis was prepared and submitted to the Regional Conservation Authority (RCA) for review and approval. The Consistency Analysis and the RCA’s Consistency Determination are attached to this addendum as Appendix B.2.

The RCA found that the proposed action at the relocated Timoteo Communication Site was consistent with WRCMSHCP requirements and that development of the proposed project would not prevent the County of Riverside from achieving the conservation goals of the WRCMSHCP. No adverse environmental effects from project implementation were identified. WRCMSHCP 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.

3.2.2 – Cultural Resources (Timoteo Communication Site Relocation)

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.2. The results of the records search indicated that no known and previously recorded cultural resources are located within the project area, and three resources are known within one mile. However, those resources are located some distance from the construction footprint and will not be affected by construction. During the pedestrian survey, no prehistoric archaeological resources or historic-age resources were observed.

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.

3.2.3 – Paleontological Resources (Timoteo Communication Site Relocation)

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. Paleontological resources monitoring was also required for the original Timoteo Communication Site, based on its position in a similar, fossil-bearing rock unit. 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.

3.2.4 – Determination of Findings (Timoteo Communication Site Relocation)

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.

**Public Safety Enterprise Communication (PSEC) Project
Program Environmental Impact Report
Addendum No. 4
Communication Site Relocations
Page 19**

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

Appendix A – Communication Site Exhibits

A.1 – Caspers Park Communication Site

A.2 – Timoteo Communication Site

All appendices are included on CD in the back inside cover of this addendum

Appendix A.1 – Caspers Park Communication Site

Appendix A.2 – Timoteo Communication Site

Appendix B – Biological Resources Assessments

- B.1 – Caspers Park Communication Site
- B.2 – Timoteo Communication Site

All appendices are included on CD in the back inside cover of this addendum

Appendix B.1 – Caspers Park Communication Site

Appendix B.2 – Timoteo Communication Site

Appendix C – Cultural Resources Assessments

C.1 – Caspers Park Communication Site

C.2 – Timoteo Communication Site

All appendices are included on CD in the back inside cover of this addendum

Appendix C.1 – Caspers Park Communication Site

Appendix C.2 – Timoteo Communication Site

Appendix D – Paleontological Resources Assessment

D.1 – Timoteo Communication Site

All appendices are included on CD in the back inside cover of this addendum