

Public Hearing on October 20, 2015

James Ramos [Chairman and Supervisor]: Now we move on to item 82. Item 82 on the agenda on discussion calendar is to conduct a public hearing on the appeal of a planning commission action. I will now ask the clerk to state the...

Laura Welch [Clerk]: Thank you Mr. Chairman. This is an appeal of the Planning Commission's action to approve a Conditional Use Permit for establishment of a wireless telecommunications facility in the community of Mt. Baldy in the second district. The applicant is Verizon Wireless, the joint appellants are Keep Baldy Wild and Gabrieleno Band of Mission Indians Kizh Nation.

The order proceedings on this matter will be as follows. Terri Rahhal, Planning Director, will make the staff presentation. Following Ms. Rahhal's presentation, the appellants Keep Baldy Wild and Gabrieleno Band of Mission Indians Kizh Nation, or their respective representatives, will have the opportunity to make a presentation not exceeding 15 minutes total. Next, the applicant Verizon Wireless, or its representative will be invited to make a presentation not exceeding 15 minutes in length.

Following this presentation the board will accept public testimony on this matter. Individuals choosing to address the board will have three minutes to present their testimony. In the interest of time, individuals addressing the board are asked to avoid redundant testimony. When public testimony is concluded, the applicant, Verizon Wireless, will be given the opportunity to offer closing remarks not exceeding five minutes in length. The appellants will then be given the opportunity to offer closing remarks not to exceed five minutes in length.

Finally, Ms. Rahhal will be invited forward to offer comments and respond to questions the Board of Supervisors may have, and at that point, the chairman will close the public hearing and bring the matter back to the board for action. Thank you Mr. Chairman.

James Ramos [Chairman and Supervisor]: Thank you Madam Clerk. She's read the order... the role of order of this item. Now we will open the hearing. Staff presentation, Ms. Terri Rahhal.

Terri Rahhal [Director]: Thank you Mr. Chairman, board members.

This item is an appeal hearing, as stated by the clerk. The appellants request reversal of a Planning Commission decision, to approve a Conditional Use Permit for a telecommunications tower in the community of Mt. Baldy.

The project site is located near Mt. Baldy Village adjacent to Mt. Baldy Road. And here we have an aerial view of the site, the parcel is outlined in blue, it's seventeen and a half acres, with the arrow indicating the portion of the site, the northerly and highest portion of the site where the monopine is proposed to be constructed. The site is zoned Resource Conservation, and it is partially developed now with trout ponds at . . . on the lower area of the site for fishing, and several accessory structures also.

The development proposal is for a false pine tree called a monopine, it's disguised as a pine tree that would blend with the vegetation in the surrounding area. The height is 45 feet which is actually not very tall for one of these facilities. And the purpose being only to make it as tall as it has to be and to help it blend in with surrounding trees. The proposal also includes a two hundred square foot block building that would house the equipment for the site. In total, the lease area for this facility would be nine hundred square feet, again at that northerly portion of the seventeen acre project site.

Now here we have a couple of site photos taken from the site, looking north and south. Mt. Baldy Road is not visible because it is quite a bit lower from this portion of the site. There is an existing access road on the project site that leads to where the cell tower would be constructed. That's not proposed to be modified. This is a photo simulation of a photo taken from Mt. Baldy Road with the proposed facility added in as it would be seen and as you can see it would blend very well with the height and type of surrounding vegetation.

The Planning Commission approved this project, the Conditional Use Permit, on June 18th of 2015. Prior to that approval, the Planning Commission held three other public hearings to consider the item. The first public hearing in January of this year was continued because it resulted in a tied vote of two to two. At the Planning Commission. And then the item was continued by a unanimous vote of the commission. Partly so that a vacancy on the Planning Commission could be filled in the meantime.

The hearing dates scheduled in . . . subsequent hearing dates that were sched-

uled in April and May were continued to allow time for additional geotechnical analysis and review by the county geologist. Based on some concerns that were brought up about history of landslides in the area and to ensure that the project is engineered appropriately, to avoid any further landslides. The final review by the Planning Commission on June 18th resulted in approval of the project with a vote of four to one, with Commissioner Smith opposed.

An initial study and mitigated negative declaration was proposed for this project, prepared and proposed, in compliance with the California Environmental Quality Act. Technical studies, were prepared to support this analysis, including biological resources, evaluations, archaeological and cultural resources reports, and the geotechnical report that was referenced and completed last. These reports all support the environmental conclusions of the mitigated negative declaration being adopted, and the findings for approval of the project. The requirements in the geotechnical study to ensure stability of the monopine foundation and some additional changes to the Conditions Of Approval relative to protection of Native American cultural resources, were added to the project Conditions Of Approval at the final Planning Commission hearing on June 18th.

When the project was appealed, and during the Planning Commission hearings, the main points of opposition that were heard in the hearings and afterwards, had to do with the site selection itself, many community members were questioning the site selection and thought that it might be better at another location. And then also there were several individuals representing the Kizh Nation of the Gabrieleno Band of Mission Indians who were concerned about cultural resources that might be impacted. Specifically related to a spring that exists on the project site.

Josie Gonzales [Supervisor]: I'm sorry, please repeat that again.

Terri Rahhal [Director]: There's a spring on the project site.

Josie Gonzales [Supervisor]: A stream?

Terri Rahhal [Director]: A natural water spring.

Josie Gonzales [Supervisor]: A Stream? Oh, okay.

Terri Rahhal [Director]: Spring.

Josie Gonzales [Supervisor]: All right, okay.

Terri Rahhal [Director]: A spring, where water comes from the ground.

Josie Gonzales [Supervisor]: Spring.

Unknown Speaker: Spring.

Josie Gonzales [Supervisor]: Spring, not a stream?

Unknown Speaker: Spring.

Terri Rahhal [Director]: Right.

Unknown Speaker: Spring.

Unknown Speaker: Spring.

Josie Gonzales [Supervisor]: All right, thank you. Okay.

Terri Rahhal [Director]: However, that spring is on the lower portion of the site, and the cell tower site is proposed at the highest elevation of the site, about two to three hundred feet away from the spring.

The applicant will be making a presentation to explain their process of site selection, so I will leave that, but we have had some additional work and evaluation of the issue of Native American cultural resources. Based on additional information and guidance from the Native American Heritage Commission, staff is recommending an addition to the Conditions Of Approval, related to the Native American cultural resources.

Our existing Condition Of Approval, number 42, which was recommended and approved by the Planning Commission, provides for protection of Native American resources or Native American remains, if they should be encountered on the site. Staff is proposing to amend that Condition with a number 42a which has been included in your agenda packets for today. As a revised item. Condition 42a also requires that a qualified archaeologist be present on the site during any ground disturbing activities. And that purpose would be to monitor for any materials that might be encountered that could have a potential value as a Native American cultural resource. The applicant has agreed to this requirement. Condition 42a, as we submitted, also elaborates on the various materials that may be found during an excavation, that could be evidence of Native American use of the property. It also specifies the appropriate evaluation procedures, including steps to be undertaken in the event that any human remains are encountered on the site. And these are

already covered in state law in the public resources code. The Native American Heritage Commission has also sent count... the county an updated list of Native American contacts that should be consulted in the event that any Native American cultural resources are encountered on the site to be included in decisions about disposition, or treatment of such resources. This list contains 19 contacts, including the Chairman of the Kizh Nation, who is one of the appellants of this application.

With regard to cultural resources, of any kind, avoidance is always the first priority. When you're planing a project. And it is staff's understanding that the greatest concern for Native American cultural resources on this site is the spring that I mentioned earlier, which is two to three hundred feet from the site that would be disturbed to install the cell tower. And we do believe that our standard requirements related to erosion control, and construction site management, will prevent any pollution or impact to that spring. With these safeguards, in conjunction with the monitoring by an expert during any disturbance of the ground, we believe that this will ensure that the construction of the proposed facility would not impact any cultural resources.

So with that, our staff recommendation is that the board conduct a public hearing, that the appeal be denied, and that the board approve the Conditional Use Permit for the telecommunications facility based on the findings and subject to the Conditions Of Approval that were adopted by the Planning Commission, with the addition of Condition 42a that we're proposing to add today. And that the board direct the clerk of the board to file a notice of determination. And that concludes the staff report.

James Ramos [Chairman and Supervisor]: Thank you for your presentation. We have any board discussion at this time? Any board discussion? Supervisor Gonzales? No? All right. Thank you. At this time, the appellant will make their presentations. You have up to 15 minutes.

All right, on the appellant area I have Catherine Hertel and Victoria Jones, who will be speaking on behalf of Keep Baldy Wild and the Gabrieleno Band of Mission Indians. Is that correct?

Catherine Hertel: Yes.

James Ramos [Chairman and Supervisor]: Okay.

Catherine Hertel: Victoria Jones will be speaking in the five minutes at the end. Is that...

James Ramos [Chairman and Supervisor]: You mean closing remarks?

Catherine Hertel: Yes, closing remarks.

James Ramos [Chairman and Supervisor]: Okay. At this point, in the agenda, you do have... your presentation could take... you have up to 15 minutes.

Catherine Hertel: Okay. May I begin?

James Ramos [Chairman and Supervisor]: Yes.

Catherine Hertel: Honorable Supervisors, My name is Catherine Hertel, I'm a resident at Mt. Baldy Village. Thank you for meeting with us today. I ask that this presentation along with all materials from the Planning Commission hearings of January 22nd and June 18th 2015 be made part of the administrative record for this hearing.

I am speaking today on behalf of Keep Baldy Wild. Together with the Gabrieleno Band of Mission Indians Kizh Nation, we are jointly appealing both the approval of the project and the Planning Commission's decision to adopt a mitigated negative declaration.

Keep Baldy Wild is a group of residents, hikers, and visitors to Mt. Baldy, in coalition with businesses, labour, faith-based, and community organizations, all interested in projects that impact the pristine area of Mt. Baldy.

Can you hear me okay?

James Ramos [Chairman and Supervisor]: Yeah.

Catherine Hertel: Keep Baldy Wild supports the installation of a cell phone tower in Mt. Baldy, in a location that will improve emergency communications to high-risk areas, and that will have a minimal adverse impact, as required by county code.

However, we do not support Verizon's choice to locate a tower at the trout pools. To date, we have a growing list of 125 Mt. Baldy residents and 33 organizations who are in agreement with us, and in support of an alternative tower location. In this small mountain community of approximately 283 homes, this amount of support represents a strong voice.

Our position is that, given the wide impact this tower will have on the mountain, all voices concerned about this project should be heard, including the voices of the people who have ancestral roots in Mt. Baldy, and the voices that speak on behalf of the wildlife in Mt. Baldy.

Today, we are submitting reports based on facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts, authored by the following six professionals:

- Gerald Braden, Wildlife Ecologist.
- Raymond Johnson, Environmental Attorney and former County Planner.
- Dr. Gary Stickel, Archaeologist, who is here today.

Andrew Campanelli. . . also Braden, Gerald Braden, is here today also.

- Andrew Campanelli, Attorney.
- Dr. Anthony Miller, MD.
- Pavel Dvorak, Wireless Network Administrator.

Collectively, the reports conclude that an approval of the project is unjustified and imposes numerous adverse impacts on our community. These impacts and issues include, but are not limited to, the following. And you have the list, in case you want to refer back to it.

1. Improvements to the access road and their consequences.
2. Impacts on plants and wildlife including the endangered southwestern willow flycatcher.
3. Inconsistent description of the scope of the project.
4. Insufficient evidence and documentation on the investigation of alternative locations.
5. Incomplete cultural assessment and its failure to address the concerns of the Gabrieleno Band of Mission Indians Kizh Nation.
6. Unresolved safety issues.
7. Unsatisfactory visual impact analysis.

I'll address the main issues, and more details are present in the submitted reports, and in... during the public comment.

Item number one. Improvements to the access road and their consequences. Numerous geological issues have been raised over the past few months. In particular, the applicant's geologist has stated that any possible grading to widen the road along the side of the hill should be avoided, as this could adversely impact the existing springs and hydrogeological regime in the area. However, as observed by former County Planner Raymond Johnson, the Planning Commission did not incorporate any condition prohibiting widening of the access road, to prevent impacts to the existing spring, and hydrogeologic regime. Potential direct and indirect impacts to the local water supply, plants, and wildlife, from access road improvements are unaddressed, and remain unresolved.

CEQA requires that all potential direct and indirect impacts be identified and mitigated. This was not done for the project, despite many of the issues being raised prior to adoption of the mitigated negative declaration by the Planning Commission.

Item number two. Impacts on plants and wildlife. The biological assessment fails to provide focused studies. It reports that reconnaissance-level surveys were conducted on February 6th, 2013, from 11 AM to 1 PM. A reconnaissance-level survey should in no way be confused with a focused animal, plant, or archaeological survey. The latter relies on specific goals, objectives, and methodologies, whereas the former is a euphemism for a first look at a site in the field. Although the bio-assessment acknowledges this, it fails to follow up with the focused surveys necessary to determine what is or is not potentially at risk for the project. One hour... One two-hour site visit in February does not adequately represent a complete sampling of conditions of wildlife. Times of day and seasons are critical to a complete analysis. The same shortcomings apply to the project impact on plant life. There are specific methodologies relevant to flowering period of time of year for plant surveys. The reconnaissance surveys were carried out on February 6th, well outside of the flowering period for four sensitive plants. Reliance on identification and description without the flower characteristics can lead to misidentification of closely related species. Therefore, there is no credible basis for either the bio-assessment or the mitigated negative declaration to determine the presence or absence of significant impact on these plants, because

the appropriate plant surveys at the right time of year were never undertaken. The bio-assessment used the California Natural Diversity Database, and the County of San Bernardino Biotic Resources and Cultural Sensitivity Overlay Maps to identify biological and cultural areas of interest around the project site. This is standard practice and a useful tool in examining sensitive resources. However, the bio-assessment went further to mis-use these tools by using them as a basis to dismiss the occurrence of sensitive plants, wildlife, and/or cultural sites on or adjacent to the project without actually looking for the sensitive plants, wildlife, or cultural resources. According to wildlife ecologist Gerald Braden, potential impacts to a federal and state endangered species, the southwestern willow flycatcher, were neither recognized nor addressed by the mitigated negative declaration, or bio-assessment for this project.

Item number three. Inconsistent description of the scope of the project. Following the 2012 Mt. Baldy Town Hall meeting, where Spectrum representative Randi Newton answered questions regarding the proposed tower at the trout pools, Ms. Newton was asked about possible additional towers for the Mt. Baldy area. In response, Ms. Newton provided a map, which I've...you've had handed to you. A map identifying the proposed tower at the Mt. Baldy trout pools, and future towers in San Antonio Heights, Upland, and Evie Canyon, Claremont. But no additional towers in Mt. Baldy. In the January 22nd hearing Ms. Newton reinforced that no additional towers were planned for Mt. Baldy.

Yet in the June 18th hearing, Verizon consultant Douglas McAllister presented the Mt. Baldy single-tower project differently – portraying the tower as a keystone and a lynchpin to a larger network of towers, by stating that the site by itself is a big piece of the puzzle, but it can't be the only piece. So subsequently, in communications with Land Use Services, McAllister referred to multiple phases of the project, involving additional towers. As documented by Gerald Braden, CEQA requires that a project be considered in its entirety. Clearly, the single tower being proposed by the project is only part of a larger cell tower network. In other words, future towers are dependent on the single tower being considered for the project. Under CEQA, the project is the entire cell tower network, and not just the single keystone tower. CEQA requires potential environmental impacts from the entire cell tower network be examined, reviewed, and if necessary, mitigated as a single project. The piecemeal approach to project impact analysis has been soundly rejected by

CEQA. To date, the public record contains no documentation regarding a cell tower network in Mt. Baldy, but rather, the proposal for a single tower at the trout pools.

Item number four. Insufficient evidence and documentation on the investigation of alternative locations.

In the June hearing, Mr. McAllister referred to the RV park as an alternative site for the project that was explored, but ultimately rejected due to technical and property-owner issues. To date, no written report on the unsuitability of the RV park site or any other alternative site has been submitted for public review and comment. Without documented proof, Verizon cannot meet the legal requirement of establishing through sufficient evidence a lack of reasonable alternative sites. Granting this permit without proof that no less-intrusive sites exist will violate the letter and spirit of both the County's Code and its General Plan. Gerald Braden stated in his report that without identifying and credibly examining alternative tower locations in the CEQA review, which was not done, the environmental review for the project is incomplete.

Item number five. Incomplete cultural assessment, and its failure to address the concerns of the Gabrieleno Band of Mission Indians Kizh Nation.

According to Dr. Gary Stickel, Tribal Archaeologist, the cultural report and the studies it is based on are not adequate and appropriate as to the determination of whether significant cultural resources are present on the subject property or not. Thus, the question of the presence of significant cultural resources on the property remains undetermined.

Item number six. Unresolved safety issues.

Pavel Dvorak, expert hiker, and wireless network administrator, states that the tower will not serve as a safety net for hikers, or provide reliable service for firefighters in areas outside of the village, or useful to drivers who need assistance on most of Mt. Baldy's road. Another safety concern is the chronic exposure of humans and wildlife in the vicinity of the tower to radio-frequency radiation. These details will be addressed in two subsequent presentations. Other safety issues include flooding, landslides, and fire prevention. For example, former County Planner Raymond Johnson stated that if the project is developed with a pad-type foundation, while potentially addressing the site's landslide risk, the project would then fail to comply with the anchoring

or elevation on-fill requirement of the municipal code for flood risk within the FP1 overlay. This issue has nowhere been addressed.

Number seven. Unsatisfactory visual impact analysis.

According to attorney Andrew Campanelli, a provision in the Middle Class Tax Relief and Job Creation Act of 2012, allows the tower height to be increased from 45 feet to 65 feet without zoning approval. The alternative visual analysis provided by Campanelli demonstrates that the tower *does* have significant visual impact, contrary to the findings of the applicant. Moreover, former County Planner Raymond Johnson concluded that there is simply no factual basis or proof provided showing the project would have a less-than-substantial adverse effect on a scenic vista. In addition, siting this telecommunication facility project on a ridgeline is non-compliant with municipal code 84.27.050c, which requires telecommunication facilities in areas of high visibility within sensitive viewsheds to be sited below the ridgeline, as viewed from a distance, and designed to minimize their profile. We've raised the issue of non-compliance with this municipal code at the January 22nd hearing. However, the Planning Commission never made a formal determination on the matter. The Planning Commission recommended that Verizon work together with the Gabrieleno Band of Mission Indians Kizh Nation, and the residents of Mt. Baldy Village.

In summary, given unresolved CEQA issues, inappropriate adoption of a flawed mitigated negative declaration, and the complexities of unresolved issues, it is unlikely that a revised negative declaration would have the depth and scope to comply with CEQA. Moreover, the sanctity of the proposed project site to the Gabrieleno Band of Mission Indians Kizh Nation is unmitigatable, and requires further investigation. Therefore, we respectfully ask that you deny this project, and decline to adopt a mitigated negative declaration. Thank you.

James Ramos [Chairman and Supervisor]: Thank you for your presentation. Does that conclude your opening remarks and your presentation? Thank you.

Next, the applicant will make their presentation, you have up to 15 minutes, I have down for the applicant, Doug McAllister, Randi Newton, Mary Robbins Wade.

Doug McAllister [Applicant]: Which button do I push to...

Unknown Speaker: Left arrow, and right arrow.

Doug McAllister [Applicant]: Right here? Thank you.

Doug McAllister [Applicant]: Thank you Mr. Chair, board members, and good morning. My name is Doug McAllister. I'm a consultant representing Verizon, and I have with me as you've noted Randi Newton. I also have Todd Fisher, and then Mary Robbins Wade, who will be available for questions as well. Thanks for taking the time to consider this application today. I prepared a presentation that we're going to go through, that hopefully will answer the questions that you might have, with regard to all of this that we're going to be discussing today, and...but...note that this presentation was originally prepared for the Planning Commission, and as such, it, some of it, I'm going, some of this presentation today, I'm going to skip through rather quickly for the sake of time, and because I want to really deal with some of the objections and the questions you might have. And hopefully provide some answers for you as well. So we're going to go through that as quickly as we can.

The basis for this is that this kind of began back in June of 2011, so we've been look...working at this for quite some time. And in the process we've gone through quite a few steps. We're not going to go through all these steps. There's 32 of them there, that takes to get from the first request for a cell site to the time you get to the Planning Commission, and then beyond that are other steps, when we come to you folks. The main things I want to point out here is that, there's quite a bit that goes on through the process of any of these projects as you all know. And it all costs time and money for both the county as well as for Verizon. In this case it's been quite expensive for both sides. But the main thing I want to point out here is the cost of a finished tower is in the neighbourhood of about a million dollars. And the only reason I point that out, is that the industry itself, and Verizon in particular, will...they're very particular about where they put these sites, because they're not going to spend that kind of money if it doesn't work. And so part of the issue of what we're going to be talking about throughout this presentation, is it's gotta go where it works. And I hope we really make...establish that for you all today.

One of the objections we've dealt with, and came across, was the lack of opportunity in the process to have all the voices heard. We went through quite a bit, I'm just going to skip over to this slide here, and when it comes

to the tribe itself, and this exhibit here from Tetratex, is an exhibit that shows, I can't read it on this screen, I hope you can read it on that one. That we spoke to, and contacted Anthony Morales and Sam Dunlap on two separate occasions about this, thinking that based on the list that we were given about who to contact, that they were the appropriate ones to do so.

It wasn't until much further, and I didn't come on to this process until much much later, that we became aware of the Kizh Nation, and we were finally able to get together with them, in the rain, at the top of the mountain, this past Friday, and we came there, and they had about ten to fifteen folks there, as well, and they're troopers, we... in spite of the rain, we were able to look at where the spring was, and in relationship to the actual site, and hopefully got more of a feeling of the reality on the ground there. And forgive me, I think I came back down the mountain with a cold, so I'm kind of dealing with that right now.

One thing seems... some of the things that we discussed, was the legitimate need to protect the spring. We don't have a problem with that. While we were looking at that, we looked at the reality that the project site, and relative to where the spring is, is quite distant. It's about 300 feet, but it's beyond that, it's up the hill and around a corner, and so forth and so on, it's quite a bit distant from the spring, so the impact of any construction of the site, which is minimal in itself, is such that it's virtually impossible for it to affect the... impact the spring.

We looked at the road itself, and there was a legitimate concern about, well, you... if you're going to grade that road, it might have impacts on the spring. We're not grading the road. There's no need to. The... There will be no large trucks or such, be going up and down that road that it's sufficient for what it's going to be used, the larger equipment, excuse me, that may need to go up there, will be either craned in from below, or helicoptered in, and so there will be no need to grade the road, and that won't impact the spring whatsoever.

The... we... with regard to... the first thing we discussed with the tribe was their understanding that the entire area carries a spiritual significance, and I'm... we respect that, their sincerely held belief along those lines, though. In fact, we quite enjoyed our time with them up there, on the hill, in spite of the rain, but we... we're... we find ourselves caught in between here, there's a private property owner on the one hand, and then there's the concerns of

the Nation on the other. That the best we can do, is mitigate as best we can. Try to find a way to mitigate some of those issues for them, because the private property has his rights, and then the Kizh Nation have their concerns, and we want to find a way to try to help get everybody to meet in the middle along those lines.

Some things we've...we're looking to doing. There was an understanding that there will be some boring that would happen to create the slab, or create the foundation, and in fact it won't be boring down into the hill, it will be a very large slab that will...it's about six feet under the ground, and so forth, and we understand that that was sufficient based on the engineers, to...for the site as well. We looked at the idea of adding the condition, and we fully agree with adding the condition of having a qualified monitor there. During any time where the grounds are being disturbed, and so...and to follow those rules. If something gets excavated and such, then we will follow the rules that are very appropriate. That I feel like is a very very appropriate, very appropriate addition to the Conditions of Approval.

We discussed their concern that...about the radiation, how it will impact their water, and subsequently the plants and wildlife. Once again, I don't question their sincerely held beliefs on that. I'm not, and I would be remiss if I did. Or anyone else as well, as far as I am concerned. The reality for us, is that the feds have mandated that we comply with the standards determined by the science they accept. Which this project does. And the science they accept say that their concerns will not happen, it will not impact the water, it will not impact the plants up there. And so, the best that we can do, is try to...you know, we have to live within the rules of what the feds have said we need to go forward with. One of the things I think is important that we...that came out of this, as we were talking to these folks, is it's extremely important, and I know the county has already taken steps for this, but I believe is extremely important, for all the carriers, as well as Verizon, to going forward, any time that there is a site that is going to be in the jurisdiction of the Gabrieleno Kizh Nation, that they be on the list to be notified. They simply weren't on any list that we had, and had they been, just like we notified the others we would have reached out to them as well. And so going forward, I'm hoping that will never be a problem again. Today we have Mary Robbins Wade, I'm not asking her to come forward now, will probably come...have her do later on, but she will...she's specifically the expert when it comes to much of the cultural things that we are going to be

dealing with here, archaeology as well. She may be able to answer some of your questions.

Verizon needs to look at other sites. We looked at several here, the issue that we run into, is that... the issue we keep running into is that the... what they call RF, the RF folks, the folks who run the science to figure out what will work and what won't, have told us that the only site that will work RF, not the others, is the one that we're talking about today. There was some discussion, I'm going to get ahead of myself, in case I run out of time, about the additional sites. The two additional sites are not in this jurisdiction, and they are not currently officially planned. They are sites that if in fact this site is able to go in, and then at that time Verizon maybe will go and look at those other sites. One is in LA county, it already exists, it needs just to put some equipment on there, and then the other will be in the area of ski lift, which I understand is forest land. And, so... but those sites are not part of this project at this point. But those sites don't work, if we ever do get that far, without this project, that's... and that's what the RF folks are telling us very clearly.

The impact on views you've seen, the photo sims, and how they are, it's very minimal impact, in some cases you have to look very hard to see where the tower is. And I'm clicking.

Violates city corridor ridgeline standards. The response we have to that basically is what's in the report there, and finally it says the project would not introduce any significant structures, it would not... and would... that would deteriorate the natural or visual qualities of the area, and would not have any adverse impact on the scenic vista. That is the finding that we're working on at this point.

Negative impact of birds and other wildlife – the Initial Study found that to be not significant, and we have... that is the study that we have been working based on.

6409 allows for an increase in height, it does allow for a 10 percent increase, but that, and it's up the county, whether you have that come before you or not. And such. And to my knowledge, Verizon has no intention whatsoever to increase that height. As we understand right now, it's high enough for even the co-location that we're... we hope to see happen.

Reduction of property values – that's a subjective debate, there are some

folks who sincerely believe it will, other folks who sincerely believe it won't have any effect on property values. Some folks believe that if you walk in some place and you don't have cell coverage that will negatively impact your property values, and that debate goes on and on, but I would submit that it's probably a subjective debate.

Road may be on adjacent property – I'll skip through this pretty quick, because that hasn't come up. There was one question about whether the road to get up there was completely on the parcel, and it in fact is, and here is the map, with the engineer's stamp on there.

The objection of the water stream, at risk, we talked about that already, so let me skip through that. The county geologist had questions as well, and all those questions and concerns were resolved through the process, which is why we continued the hearing a couple of times.

Here's the question when it comes to robust public safety coverage. One site, I agree, one site will not handle it by itself. This is the first step and if this first step happens, then perhaps the others can follow along.

To do this, you know, right now we have a dead zone we're working with up there that's very very hit and miss and from the standpoint of public safety, both with regard to cell phones, but also with regard to the hope to colocate with the county facilities up there as well, on the site, to make sure that there's both public safety equipment as well as cell phone equipment to provide solutions for these dead zones.

This is what it might look like at some point. We have...in the middle here we have the site that...in question. And then we have...the other site is... a potential future site is Sunset Ridge which already has a tower. And that's in LA county I understand, and then we'll be working with them to put equipment on there that will talk to the current site. And then the third site would be at the other end, which would be the...around the ski area, and once again, what has to happen here, because of all the hills and, it's the topography, itself. These three have got to talk to each other, and without the one in the middle, this is the only site that we could look at that was in a position to talk to both, to make the whole system work at some point.

And so the goal here is robust public safety for both cell coverage for those folks who need their cells to call out when they need help, but also for the public safety folks who find themselves in dead zones more times than not.

In summary, this process was initiated as a county request in support of public safety. Verizon agreed to the request. Based on public safety, this... and accelerated the priority of the site. It was methodically chosen from among several options, and then use of the normal science in place to determine what site is worth putting a million dollar project on. Sufficient noticing repeatedly gave residents the opportunity to speak, and then, and unfortunately, the Kizh Nation got left out, we took care of that on Friday this last week. And once again, I'm... I significantly enjoyed... we enjoyed the time with them out there as well. And hope to put in place with Verizon such that they're never left out again. The invitation to meet with those in opposition, we extended that out in writing, and once again, we got, we finally got... were able to do that this last Friday.

We responded to the county's request for... to look at this project in good faith. Site satisfies all the requirements of the county, and we agree with all the Conditions of Approval. We feel like they're reasonable, all things considered. It's an integral piece of the coverage puzzle, in order to provide robust service for both public and private needs. We believe that the objections of, that, you know, that the objections that are legitimate have been heard, they're either mitigated or answered, or shown to be satisfied by law. That was for the Planning Commission, so we'll skip that one right there. But we agree with staff's findings for and Conditions for Approval, and our request is that the board would make findings for approval and support staff's recommendation for approval in order to start resolving the public safety issues that currently exist.

Now I'm going to close at this point, I'm going to give the folks a chance to talk, but we will remain here and answer any questions you have. Probably with more specificity, because I have the experts here behind me. They know a lot more about this than I do. So unless you have any questions now, I will stop.

James Ramos [Chairman and Supervisor]: Does that conclude your opening remarks...

Doug McAllister [Applicant]: It does.

James Ramos [Chairman and Supervisor]: ... the 15 minute period?

Doug McAllister [Applicant]: Yes it does.

James Ramos [Chairman and Supervisor]: Thank you. At this time we will move forward to public comment. The first speaker in public comment is Mr. Joe Flores.

Joe Flores: Good afternoon Mr. Chairman and members of the board. My name is Joe Flores, I am the captain and commander of the California Highway Patrol's Rancho Cucamonga area office, which has jurisdictional responsibility in this area here in Mt. Baldy area, San Antonio Heights and other unincorporated county areas in the Angeles National Forest.

I am here to speak in favour of, and to support, the establishment of the wireless network in this area. As you all know, California, and specifically Southern California, is constantly challenged with emergency incidents relating to fires, floods, earthquakes, etcetera. The current drought condition has created a fire danger in that area, and what is happening, and has happened here in recent days, in the Mohave area, kind of foreshadows what the El Nino issue will bring to us in emergency response in this area.

All of us in law enforcement and fire, we adhere to a standardized emergency management system that is a systematic approach to mitigating incidents like the ones that we are speaking of. One of the major components of that system is communication. A lot of people in California I think are unaware that emergency law enforcement agencies, we are unable to speak with each other over the radio. I think most people are under the impression that I can pick up the radio and talk to the fire department, or talk to a Sheriff's department or a police agency, and that is not true.

Our agency, the California Highway Patrol has recently completed a radio inter-operability program that will allow for that to occur, and the hardware aspect of that system is complete, however, memorandums of understanding need to be completed so that we may be using the airspace and the frequency with the various agencies throughout the State of California. In this particular arena, or this area, the issue of concern for us is definitely the ability to communicate. We currently face challenges even communicating with our own dispatch centers, via the radio, so we are forced to sometimes use a cellular phone to communicate with our dispatch, and other allied agencies, so it's imperative that we establish a system, and I think this is a step in the right direction, that will allow us to better communicate during times of emergency. The...

Laura Welch [Clerk]: That's time.

Joe Flores: Okay.

James Ramos [Chairman and Supervisor]: Thank you for your comments. Next speaker is Captain Horace Boatwright.

Horace Boatwright: Good morning Mr. Chair, board members. [inaudible]having me today. My name is Horace... Captain... Horace Boatwright, the Captain of the Fontana station. I'm the command of that station, and Mt. Baldy falls under the jurisdiction of Fontana.

We respond to over 400 calls for service annually in that area. On average, 41 of these calls are search and rescue calls. Which require reliable communication to safely rescue lost hikers, as well allowing the lost hikers to be able to use his or her cell phone to call for assistance. The intermittent cellular service poses a communication and also safety issue. Challenge for the deputies and citizens that live and frequent that beautiful area. In current... In the current state, if a deputy has a need to use a cell phone, or the mobile data computer in the patrol unit, because of intermittent cell service, he or she will have to drive down to the nearest fire station and use a landline. Any project that will enhance the communication will be an asset to the safety of the deputy as well the community at large. Thank you.

James Ramos [Chairman and Supervisor]: Thank you for your comments. Next I have Captain Jon Schuler, San Bernardino County Sheriff.

Jon Schuler: Good morning. My name is Jon Schuler, I'm a captain with the San Bernardino County Sheriff Department. And I'm in charge of our records division, dispatch division, high-tech crime division, and technical services. Part of my job includes making sure the computers work in the car, and hence me being here to talk about this. I think Verizon put it very well when they showed the long-term plan about having the three antennas and be able to talk to each other. And it's important for us as been mentioned by the other first responders here that communication, you know, that's the major part of our job. The MDCs in the car, I've mentioned before, at a previous hearing here, the deputy really relies on that, you know, whether it's a deputy or a highway patrol, or whoever's responding up to that area. You know, the call for that area shows up on the mobile data computer in the car. It shows who called, it shows what their address is, it shows what their phone number is, it gives the responding deputy a map of the location.

It also has protocol on there, and it's vital for us to continue to have that and increase the footprint that we need up there on the mountain to do our job. That's all I have. Thank you.

James Ramos [Chairman and Supervisor]: Thank you for your comments. Next speaker I have is Graham Hendrickson.

Graham Hendrickson: Good afternoon Supervisors. My name's Graham Hendrickson, I've been a resident of Mt. Baldy for 39 years, and a member of the Mt. Baldy Volunteer Fire Department for 32 years. I'm currently the Fire Chief.

Thousands of hours are spent every year by emergency personnel and responses in the community of Mt. Baldy. Our response times in remote areas have been consistently hampered by the fact that those in need are often unable to call 9-1-1 for help. It's not uncommon for it to take an hour or longer for someone to hike out of the wilderness to call for help. For a serious injury, that amount of time can mean the difference between life and death.

Approximately eight years ago we began a quest to bring cellular coverage to Mt. Baldy to enhance 9-1-1 coverage, for our community and the thousands of visitors we get every year. For many years, we were unable to get a cellular provider to even consider the idea. With the help of Supervisor Rutherford and her staff, we finally convinced Verizon Wireless to take on the project. The FCC now estimates that 70 percent of all 9-1-1 calls are made from cell phones. The public has an expectation that in an emergency their cell phone will deliver them the services they need. Most mountain communities in San Bernardino County already have cellular 9-1-1 coverage. But in Mt. Baldy this is not the case, and many people suffer from the lack of this basic service that is now expected.

In my paid profession, I supervise a police communication center. On a daily basis, I see the benefits of cellular 9-1-1, and in fact I have taken many 9-1-1 calls over the years for emergencies in Mt. Baldy, where the caller was fortunate enough to get a signal from the valley. Several times I have directed a Sheriff's helicopter straight to the victim based on GPS coordinates that we automatically receive from the caller's phone. What could have been a lengthy search and rescue operation was successfully handled in minutes versus hours thanks to the cell phone. And just on the horizon you may or may not be aware, San Bernardino County is about to become the first county

in the state to accept text 9-1-1 calls. One more option to citizens that are unable to make a voice 9-1-1 call. A secondary benefit that I see from this project, is that San Bernardino County may be able to form a partnership with Verizon Wireless to house its digital 800 megahertz radio system upgrade. Mt. Baldy currently has very poor 800 megahertz radio coverage and thus we rely solely on VHF coverage in the fire service. The current 800 megahertz coverage comes from a radio site in Chino Hills, and as you can imagine, provides limited availability. Time and time again, I've witnessed Sheriff's deputies try to radio their dispatch center to no avail. And this is an officer safety issue that may...that must be fixed. The planning...The planned digital radio upgrade in San Bernardino County will greatly improve public safety radio coverage in our community, and coexisting with Verizon Wireless will most likely save the county thousands of dollars by not having to install a separate tower.

In conclusion, there is no doubt in my mind that cellular coverage in Mt. Baldy will save lives, improve emergency response times and save thousands of taxpayers' dollars. Quick reporting of medical emergencies or fire can mean the difference between saving a life, or an entire community. I urge you to deny this appeal, so that...

Laura Welch [Clerk]: That's time.

Graham Hendrickson: Mt. Baldy can become a safer community to live in and visit. Thank you.

James Ramos [Chairman and Supervisor]: Thank you for your comments. Next speaker I have is Chris Brookhart.

Chris Brookhart: Thank you Board of Supervisors, and members of public. My name is Chris Brookhart. I have lived in Mt. Baldy for the last 44 years. I am currently the Assistant Chief of the Mt. Baldy Fire Department. I come to you as a representative of local public safety as well as a long-time community resident. I've lived in and around many of the people who have come to you in opposition of this proposal, and I respect their opinions on this topic. I am here to urge you to deny the appeal for the proposed cell site, for many reasons. It is time to bring this life-saving technology into the canyon. The addition of cell service to the area would increase resident and public access to this vital portion of technology that most of the rest of the country takes for granted. This is both for convenience and for public

safety. On the public safety side of things this addition would increase access by hikers, motorists, and residents, who increasingly need it, to call for help in some form or another, whether it be to call AAA to unlock their car for the keys inside, or to call 9-1-1 to report an emergency of some sort. We are constantly responding to lost or injured hikers, who, if they can get a signal, just... get just enough of a signal to notify us that they are in trouble. But because of the lack of a strong signal, the canyon quickly gets... the call quickly gets disconnected. Many times leaving us with a very large needle in a haystack situation. Or for the worried significant other, who has not heard from their loved one, who went hiking in the area, and has not been heard from, and is overdue. This situation many times needlessly involves the activation of a long list of agencies who begin to mobilize resources, resources that are in increasingly short supply, due to our tight and limited budgets, in many cases, we are notified hours later that their loved one has arrived home safely. I could cite many more examples of situations where this cell site would be helpful, but I think you get the idea. The ability to quickly and accurately get the details of someone's location and type of emergency, will ultimately save lives. In the name of public safety, I ask that you deny this appeal. Thank you very much for your time.

James Ramos [Chairman and Supervisor]: Thank you for your comments. Next speaker is Tamara Hanson.

Tamara Hanson: Honorable Supervisors, My name is Tamara Hanson, [ADDRESS REDACTED]. Today I will be reading excerpts from a letter written by Dr. Anthony B. Miller, MD, Professor Emeritus at the Dalla Lana School of Public Health, at the University of Toronto, Canada.

I am a physician and epidemiologist, specializing in cancer etiology, prevention, and screening. I have conducted research on ionizing radiation, and electromagnetic fields and cancer, and other aspects of cancer causation. I have served on many committees assessing the carcinogenicity of various exposures, including working groups of the International Agency for Research on Cancer.

In recent years, there have been a number of studies that have reported risks from radio-frequency fields. These studies re-inforce the evidence that radio-frequency fields are a probable human carcinogen. It would be impossible to ignore such a hazard in regulatory approaches. The only way to avoid the carcinogenic risk, is to avoid exposure all together. This is why we ban

carcinogens from the environment. Asbestos is one particular example, and also why much effort is taken to get people, particularly young people, not to smoke.

It is in my view extremely important to adopt a precautionary approach to the exposure of humans, particularly children, to radio-frequency fields. An individual, if appropriately informed, can reduce their exposure to radio-frequency fields from devices that use WiFi, but in the case of cell towers, the exposure they receive is outside their control.

Siting a cell phone tower close to residential neighbourhoods will expose many people to unacceptably high levels of radio-frequency fields. Instead, Verizon should re-consider its proposal, and propose other means to bring cell phone communication to the population of Mt. Baldy Village. At this time, to try and avoid a potential future catastrophe, we must apply the precautionary principle, and reduce human exposure to radio-frequency fields to the minimum.

We are not asking that there be no tower in Mt. Baldy, we are asking for a properly placed tower. Thank you.

James Ramos [Chairman and Supervisor]: Thank you for your comments. The next speaker is David Mix.

David Mix: Good morning. Honorable Commissioners. The potential impacts to a federal and state endangered species, the southwestern willow flycatcher, were neither recognized nor addressed by the mitigated negative declaration or bio-assessment for this project. I want to just re-state that. The willow flycatcher was not recognized or addressed by the mitigated negative declaration.

We have four major actors in the brief statement I'm going to discuss. We have Scott Crawford from First Carbon Solutions, we have Gerald Braden, a Wildlife Ecologist of over 24 years who wrote a review of Mr. Crawford's bio report, we have William Wirtz, who did the only thirty-year study on the avifauna of the area.

On December 6th 2013, Scott Crawford responded to questions and comments posed by Keep Baldy Wild's Steve Sacks in a memo to San Bernardino County. I have that memo with me today. In that memo, Crawford states that the willow flycatcher was not addressed included in his report because

it is a common species. He's mis-stating the fact that the willow flycatcher is an endangered species, sir. Ladies and gentlemen.

From Mr. Wirtz' 30-year study, we know the only type of willow flycatcher that breeds in the Angeles Forest is the southwestern willow flycatcher. In other words, Mr. Crawford assumed it was perhaps another sub-species, but there's only one in the Angeles Forest. No other sub-species occurs in the region. In Wirtz' 30-year study of the area surrounding the project site, Mr. Wirtz observed and reported willow flycatchers as breeding, or probably breeding on or near the site. The Wirtz study is the only comprehensive long-term study of the project area surrounding the site that is 30 years.

We should also note that Mr. Braden's study that comments on Scott Crawford's study, which probably only amounted to a very limited few hours of observation on the site, it was a reconnaissance, it was not a complete study. We know the habitat bordering the project area is ideal for the southwestern willow flycatcher, an endangered species, based on habitat as identified in two studies: a seven-year study by the San Bernardino County Museum, and a nine-year study by Gerald Braden.

Braden comments that the omission of the southwestern willow flycatcher in the bio-assessment, and Crawford's response to Mr. Sacks is more than troublesome, and that Crawford apparently did not recognize the high-quality southwestern willow flycatcher habitat when he came to the area . . .

Laura Welch [Clerk]: That's time.

David Mix: . . . March 20th.

James Ramos [Chairman and Supervisor]: Thank you for your comments. The next speaker is Amanda Gatlin. Gatlin? I Apologize.

Amanda Gatlin: Hi, good morning. Myname is Amanda Gatlin, I'm a resident of Mt. Baldy, and I'm here to talk about the spotted owl, also a endangered species in Baldy.

The bio-assessment for this project by First Carbon Solutions failed to fully research the California spotted owl, a federal sensitive species, and state species of concern. Due to its classification, this bird has a level of protection under CEQA that must be addressed.

Contrary to claims by First Carbon that there are no records of California

spotted owl within three miles, the official database currently documents a nest about a half a mile from the Mt. Baldy cell tower site. Once established, California spotted owl nest trees are used repeatedly, sometimes for decades.

The bio-assessment also claimed that suitable habitat does not occur on the project site. Wildlife ecologist Gerald Braden describes spotted owls as highly mobile, travelling long distances on a nightly basis for food and demonstrating extreme flexibility in habitat use. Their territories are large. Furthermore, there is a grove of bigcone Douglas-fir approximately 500 feet east of the project site. Bigcone Douglas-fir is a common nesting material. The database lists bigcone Douglas-fir and canyon live oak, riparian forest as having highest habitat value for California spotted owl. The habitat directly surrounding the project site fits this description exactly.

When local resident Steve Sacks wrote First Carbon in December of 2013, with questions about the spotted owl, the response was to dismiss the 30-year study of the spotted owl in the vicinity of the project site and any impacts of the species. According to Braden, the Wirtz report still represents the best available information on occurrence of this bird on or near the project site. If for no other reason than that, the Wirtz study spent 30 years, while First Carbon Solutions did not even look for the bird. In fact, there are no surveys done for any species. So please re-consider this project. Thanks so much.

James Ramos [Chairman and Supervisor]: Thank you for your comments. Next speaker is Christy Catalano. Go ahead.

Christy Catalano: Good afternoon. Can you hear me?

My name is Christy Catalano, and I'm a resident in Mt. Baldy. In front of you is a map that I'd like you to take a look at. It's an enlargement of a segment of a topographic map that I brought for you. There is a key on the top left hand corner if you need some help understanding it. There is a red circle, and in the center... and there in the center of that circle is a tiny X where the cell phone tower is planned to go in.

This area is unique to all of the mountain, because unlike any other place on the mountain, this location is near three water sources. A creek, a vernal pool, and a spring. On your map, you can see Mt. Baldy road going through the center of the circle. To the north of the road, is San Antonio Creek. South-east of the X, about four o'clock, if you look to, below the X, slightly

to the right, is a meadow with a vernal pool that is sometimes as large as a small lake. This was once known as mirror lake. To the southwest, at about seven o'clock, are two blue marks that designate springs. Those are below the X and to the left.

One of the springs has serviced Mt. Baldy Village probably since the 1930s. It now also serves the kindergarden through eighth grade school in the Mt. Baldy Village. This spring is at risk if this tower is built at this location. It is located just about 40 feet below the access road to the proposed site. Not 300 feet from the actual site, but actually below the road that will be servicing that site.

Once the tower goes in, county fire code requires that this access dirt jeep trail will be surfaced, as it states in the Conditions of Approval. The county's and Verizon's geologist advise against this. This area is where families picnic, and where, when it is quiet, the big horn sheep come down the canyon cliff face to water. It is a very beautiful area. I want you to understand that a three story metal tower tree is not going to blend in here.

With thousands of acres available, it is not credible that this is the only spot on the mountain that a cell tower can be located. A location... another location can be found that will better serve our need for safety, without destroying the beauty that brought us all to the mountain. Thank you.

James Ramos [Chairman and Supervisor]: Thank you for your comments. The next speaker is Stephen Sacks.

Stephen Sacks: My name is Stephen Sacks, and Ladies and Gentlemen, Pavel Dvorak could not be here. I'm reading his report.

In the next few minutes, I will explain and show with computer-generated evidence why the cell tower should not go in at the trout pool location. My point will be: lost and injured hikers need a re-located cell tower.

First, my qualifications. I have hiked virtually every day since I moved to Mt. Baldy eighteen years ago. I have rescued about two dozen hikers in various states of health, and located one dead body. Rescues are usually requested by a companion hiker, who reports the loss or injury at the lodge or fire station. I am the local expert. I am in the computer business running a network utilizing wireless technology extensively. Please pull out the ten photos stapled together in your colored envelope. In your colored envelope,

there are ten... packet of ten photos stapled together.

Thank you. Please look at the first photo. The red line here shows that there is not a clear line of sight between the approved tower at the trout pools and the upper part of Good Canyon. You can see in the upper right corner a profile of the line and the mountain that prevents a potential cell communication. I chose Good Canyon because a majority of rescues are from this area. I chose the upper portion of the canyon because the signal would be more likely to clear the mountain. Lower parts of the canyon would have even less chance of cell coverage. For this line of sight analysis, the software was set up for a cell tower antenna height at 40 feet, and a cell phone height at ten feet above ground. Although a line of sight does not perfectly represent a potential cell connection, it serves pretty well in areas with deep canyons. My research has emphasized areas where most rescues have occurred. My experience and research indicates the approved tower location at the trout pools is a mistake, it will not serve as a safety net for hikers, provide reliable service for firefighters in areas outside the village, or even be useful to drivers who need assistance on most of Mt. Baldy roads. I recommend that the cell tower be placed at a higher elevation where it will serve the needs of residents, visitors, and emergency personnel. Substantiating my findings is the document produced by Verizon itself, showing that the project cell coverage of the approved tower is limited almost entirely to the village. There are thousands of acres surrounding Mt. Baldy to find an alternate location. Thank you for your time.

James Ramos [Chairman and Supervisor]: Thank you for your comments. Next speaker is Sally Thomas.

Honorable Supervisors, my name is Sally Thomas, and I live on Mt. Baldy. According to former County Planner Raymond Johnson, the project poses a significant fire risk, where it proposes to store fuel in a high fire risk area without adequate emergency access and water supply access. Fuel is needed to power a 30 kilowatt generator. The presence of this fuel triggers additional road and water supply requirements not disclosed as part of the project. The Conditions of Approval evidently anticipate these fire safety requirements would be met. For example, Condition 52 states, in part, and I quote:

‘Prior to combustibles being placed on the project site, an improved paved road with curb and gutter and fire hydrants with an acceptable fire flow shall be installed.’

Moreover, Condition 56 requires the access road be of adequate width, vertical clearance, and turnouts if required for fire vehicles. So, either the roadway expansion, paving, and installation of hydrants will occur at the site and was not disclosed in the initial study, or, there is inadequate fire protection for the project. Without adequate site access and fire hydrants, the placement of fuel on this vulnerable site poses a significant fire and hazard risk to the existing environment, including persons and property near the site.

On the other hand, if construction is adequate – access roads, hydrants, and fire flow is proposed, new environmental review is needed to evaluate the impacts of such construction, especially in this moderate to high risk landslide area. In any event, the initial study and mitigated negative declarations are deficient. Thank you.

Robert Lovingood [Supervisor]: Thank you very much. Our next speaker is Roberto De La Cruz. Mr. De La Cruz. No, not there? All right. Next we have Karen May. Karen?

Karen May: Good afternoon. My name is Karen May. And my presentation discusses the potential impact that a specific federal law may have on the aesthetic impact of the cell tower as it is currently proposed. Yesterday you received an email from Patricia Lynch, addressed to all of the supervisors within an attached report prepared by attorney Andrew Campanelli, describing this law, its definitions, and its potential effects in greater detail, along with three photographic exhibits which I have submitted one copy of here for the record. I don't have copies but you have them in the email materials. Note that these photographic exhibits contain visual simulations that significantly differ from those provided by Verizon. The visual impact, according to these simulations prepared by a physicist, are significantly greater impact. The first three pages of this report include over a hundred names of residents in Mt. Baldy who have signed a statement that they object to the currently planned location, of the cell phone tower. Not the existence of a cell phone tower, but this particular location. We would also like to reiterate that there is broad community support for this appeal. The Middle Class Tax Relief and Job Creation Act of 2012, known as the Spectrum Act, and the accompanying rules described in the acceleration of broadband deployment, by improving wireless facilities siting policies, known as the 2014 infrastructure order, require a state or local government to approve any "eligible facility's" request, for a modification of an existing tower unless the

modification would substantially change the physical dimensions of the base station. In other words, the height of an approved cell phone tower could increase by up to 20 feet without any additional approvals from local government. Verizon Wireless could potentially add a 20 foot antenna to the 45 foot tower in Mt. Baldy, increasing the height to 65 feet. This would cause a substantial aesthetic impact, and yet there would be no review or input procedure that would allow local government to comply with existing codes, much less involve local residents whose viewsheds would be dramatically affected. This law allows telecom companies essentially to circumvent democratic procedures designed to protect public interest. The three exhibits attached to the report show the potential impact of a modification eligible for pass-through approval.

Exhibit A shows a 34 foot telephone pole near the proposed site. Adjacent is a simulation of a monopine tower at the currently-proposed height of 45 feet. Should Verizon ever choose to increase the height of the tower, it could be increased to 65 feet tall as shown in the simulation on the right. Exhibit B shows the view of the proposed location from Mt. Baldy Road. This is what differs from what Verizon provided. Above the horizontal yellow line the telephone pole and the two simulated cell towers, 45 feet and 65 feet, are extremely visible from this county-designated scenic route. The tower, as it is currently proposed, is already an eye sore. The Spectrum Act could drastically exacerbate the negative impact of this beautiful view. Sugar Loaf, the name of the mountain. . .

Laura Welch [Clerk]: That's time.

Karen May: . . .in the background, behind the approved ugly tower is a favourite view of residents. . .

James Ramos [Chairman and Supervisor]: Thank you for your comments.

Karen May: . . .and has an alpine glow in the moonlight.

James Ramos [Chairman and Supervisor]: Thank you for your comments. Next speaker is Dr. Gary Stickel. Stickel.

Dr. Gary Stickel: May I address you down there?

James Ramos [Chairman and Supervisor]: We have both those for public comment, that's for staff presentations.

Dr. Gary Stickel: Well, good afternoon now. Ladies and gentlemen, Supervisors of the County of San Bernardino. I have been to several meetings, my name is Dr. Gary Stickel. I'm tribal archaeologist for the original people of this area, who have been living here for thousands of years. Their traditional ethnic name is Kizh. And I have a map that each of you hopefully will get, tribal territory map, showing their tribal territory, and showing that Mt. Baldy area is clearly within their tribal territory. I have a PhD from UCLA and I taught there as well, and I've been studying these people for about a half century. I know that they have been good custodians of this land for thousands of years. *Joat*, which is their name of Mt. Baldy, means snow mountain, it's sacred to them. And the animals upon it, such as the big horn sheep, which probably none of you have seen, but they still survive on Mt. Baldy. Those animals are sacred to the Kizh. They have a special regard for this landscape. And because of it, they've preserved it for thousands of years. And now it's being threatened by this irresponsible project. There is many studies have been presented to you, and Mr. Stephen Sacks, who presented earlier, presented. . . has presented alternative locations for the cell tower that would be acceptable to the tribe, and yet Verizon has continually ignored the pleas of the majority of the inhabitants of this area, we're supposed to be a democracy, and yet they're being ignored, and then the Indians, who have been ignored for 250 years, are still being ignored. Only last Friday, did we have a meeting with them. After I've repeatedly said this at several other meetings, with your Planning Commission, who, by the way, directed them many months ago, Verizon contact the tribe, the real tribe, and contact the citizens of Mt. Baldy, and work out a suitable alternative location. That has not happened. And unless you vote for the will of the people today, and the will of the people who have been preserving this landscape for thousands of years, it's not going to happen. And if you don't vote the right way, you're going to have a legacy of destruction that will be remembered. And I'll give you an example. The same arguments have been presented for the Santa Susana. . .

Laura Welch [Clerk]: That's Time.

Dr. Gary Stickel: Okay.

James Ramos [Chairman and Supervisor]: Thank you for your comments. Next speaker, Will Wright.

Will Wright: Good afternoon, I want to thank you for the opportunity to

have this kind of forum to share some thoughts, personal thoughts, and as part of a group, and I've been to a couple of meetings here, so I feel I have a bit of history of what has been taking place in the different hearings. I just want to remind the board here that this is not, this group is not about turning down a cell tower. We are in total agreement of that, it's all about location. But I'd like to share something. As a resident myself, and having grown up in Mt. Baldy, there's two incidents that affected my mom and also my neighbour, and they were both... my mom was coming home late one night in a snowstorm and had the... was unable to make it up the road, she had a cell phone which was the old school which was much stronger than what we carry around in our hip pockets, and it was not able to work. My neighbour was involved in an accident where a motorcyclist crossed the southbound lane and collided and was killed and again they were not able to use cell tower. So I want to have the board think about this. Assume that all five of you are residents, either owners or renters, at Mt. Baldy. If you were to come to work this morning you have to drive down the road, and back up the road. Verizon pointed out there was three cell towers that were to make up this sort of a trifecta. My question to you board members, and as a resident myself, if the cell tower on Sunset Peak is the most effective to give us cell coverage from the village to San Antonio Heights, would you not all agree that driving down, up, and down the road every day to your jobs here, that you would like to be able to have your cell phone in the event of an emergency, would you all agree, because I certainly would agree, I would like to have that cell tower be available to me. First and foremost. If it is a part of an integrated trifecta, then we put the one in that has the most amount of traffic that impacts the greatest amount of people, in the village, and all of our law enforcement and public safety people who have to address accidents, road conditions, on a daily basis, let's give them that cell tower so that they can work the San Antonio Heights, to the Mt. Baldy Village. You, if you were all residents, and driving to your job, you have the coverage. I myself as a resident have the coverage. Then, we address the next tower, then we address the next tower. It sounds to me that what we're doing is we're providing a cell tower that will take care of hikers, maybe. Let's talk about the villagers and anyone that continually has to drive up and down the mountain for work. It is a bedroom community, we do have to commute. Thank you very much for the opportunity.

James Ramos [Chairman and Supervisor]: Thank you for your com-

ments. Next speaker is Robbie Ellingson. Ellingson. I apologize for mis...

Robbie Ellingson: Hello. Hello. When the topic of a cell tower came up, to Mt. Baldy, my first... when it was first introduced, I found myself instinctually, rejecting the idea. As a 30 year resident of the mountain, I have felt nostalgic about living in such a remote beautiful place. And the thought of a cellular service didn't seem to align with that. But after some critical thought, and witnessing the rise of illegal activity in the mountain, I believe rejecting the communication improvements being offered to our community is the wrong decision. Grew up in Mt. Baldy, hearing stories of dead bodies being dumped along the road, go back as far as I can remember. And has happened as recently as this past spring in April. Just this summer alone I have personally witnessed a burglary at my place of work, and have been woken up in the middle of the night to... numerous times to street racers and just recently gunshots. This past weekend there was a robbery at gunpoint, just a short distance from the Mt. Baldy Village on Glendora Ridge Road, where many villagers take morning and evening walks. Unfortunately our rural community isn't so isolated. Mt. Baldy is less than one hour from over ten million people, and all the crime that comes with a population that size. While I grew up feeling comfortable to roam about, where I like, when I like, I have become hesitant to do so, and I fear that the canyon is becoming a destination for illegal activity. I believe rejecting the communications infrastructure that our policing and emergency response agencies will use to keep the canyon safe is the wrong decision. Thank you.

James Ramos [Chairman and Supervisor]: Thank you for your comments. Next speaker is Ron Ellingson.

Ron Ellingson: Hello Supervisors and thank you for this moment in front of you. I represent Mt. Baldy Ski Lifts and also a business owner in the village, Mt. Baldy Lodge. We have at the ski lifts now, we have so much traffic up there, it's very imperative that we have good communications. We have over a hundred thousand visitors a year, coming to Mt. Baldy. And it's very important that those people that come up there and go hiking, taking risks of hiking on trails in the forest have the opportunity to be able to communicate in emergencies as you've already heard from most of the law enforcement agencies. And the fire department. We would definitely love to see this tower go in, because it's important to the trifecta as they call it, and so Mt. Baldy Ski Lifts is very supportive. As well as the Mt. Baldy Lodge.

Thank you.

James Ramos [Chairman and Supervisor]: Thank you for your comments. Next speaker, Karen Sked.

Karen Sked: Yes, thank you Honorable Supervisors. I wasn't certain what the appellants might be presenting today. My name is Karen Sked, I'm a 33 year resident of Mt. Baldy and President of San Antonio Canyon Mutual Service Company. And we are the ones that have the spring, it is one of our primary sources of drinking water. So I wasn't certain what the appellants might say today and I have heard nothing that would make me feel that the decision made in June by the Planning Commission should be overridden. I believe that with the additional conditions with the recognition of the spring that all due care is going to be taken and I appreciate everyone's concerned and the sanctity of the water, and I feel we will be in good hands. Thank you.

James Ramos [Chairman and Supervisor]: Thank you for your comments. Next speaker, Mr. Ron Sellers.

Ron Sellers: This idea about having no tower [inaudible] up in Baldy reminds me of oak glen a few... a couple of years ago. Some people were concerned that it might ruin my view. That time they were talking about a 45 foot tower. If you put a hundred foot tower up in those mountains you're not going to see it. If people don't like it up there, why did they... want to go back and clear the area where they were from? Why... it doesn't make sense to deny this tower. Even a hundred foot would be just fine. The... They worry about... some people worry about the kangaroo rat. The willow flycatcher. The [inaudible] out there in the San Joaquin Valley and the suckerfish and so forth. The EPA is here mostly for one reason. Not all entirely, but they can do some good but a lot of times they just make things more and more expensive, it keeps the bureaucracy growing bigger and bigger, and that's part of the reason they want to control. So spotted owl notwithstanding, big horn sheep and so forth, they'll do quite well. The Kizh Indian tribe, and so forth, I don't think they really care. They're probably like many people, who don't know their own history, for even one hundred years. Two thousand years? I kind of doubt that they have been here during that time. Or six thousand particularly? No. So just remember, we're making... we're living here in an area and this used to be rather pristine where we live. We're here. Thank you.

James Ramos [Chairman and Supervisor]: Thank you for your comments. I guess there was a name called and wasn't in the audience, checking one more time, Roberto De La Cruz. Roberto De La Cruz? Going once...

Unknown Speaker: Can we substitute a different person?

James Ramos [Chairman and Supervisor]: Not unless you filled out a slip.

Unknown Speaker: Can we do that quickly?

James Ramos [Chairman and Supervisor]: Before I... well yeah, you could do it. What's the name? You can go ahead and address and then fill out the slip afterwards.

Unknown Speaker: All right.

James Ramos [Chairman and Supervisor]: What's your name?

Greg Gardner: Hi, my name is Greg Gardner.

James Ramos [Chairman and Supervisor]: Greg Gardner, are you... so Roberto De La Cruz isn't here?

Unknown Speaker: Correct.

James Ramos [Chairman and Supervisor]: Okay, so we're going to mark that out as not present. Go ahead, and then after you're done, fill out a slip.

Greg Gardner: Sure. If a trifecta is needed, then isn't a status for a network, shouldn't that be applied for, instead of one cell phone tower? Shouldn't they apply for all of them, and...at once, instead of doing one every time?

And also I want to address one thing. I'm Greg Gardner, I lived in Baldy, I think fifty some odd years, I think I got more than any you guys. And...I...you know the basic argument isn't the cell phone tower safety, the law enforcement, the local guys, highway patrolmen, I mean we're all in agreement with that, but the placement of the tower is the argument here, don't want it there, want it at...I mean the tower is down low, versus alternative site where the tower's high. It seems like it's common sense, just to get where you want it, where it gets better coverage than down low in a hole, I don't get that, I

mean that's the basic argument. I mean it's not the safety argument at all. Thank you.

James Ramos [Chairman and Supervisor]: Thank you for your comments, please fill out a slip so we can get that... your name and documentation correct there. I have no other speaker slips on public comment. Is that correct Madam Clerk?

Laura Welch [Clerk]: That's correct.

James Ramos [Chairman and Supervisor]: All right. Anything from the high desert? Nothing? All right, that concludes public comment on this item. We'll be moving now for closing remarks, the applicant will be first in closing remarks. Applicant, I have Doug McAllister, Randi Newton, Mary Robbins Wade. You have five minutes for closing remarks.

Doug McAllister [Applicant]: Thank you Mr. Chair. I'm just going to kind of go through some of the things that we heard, and address them as best as we can, and once again, we have some folks here who are the experts, should you have questions going forward, they're here to be available as well.

There was discussion about the addition of the other sites. They are possible sites. The issue of doing them all at once, you see what it's taken to do one site, to do three at once is prohibitive. We... This is the keystone, and if this one doesn't fly, the other two don't work. But the reason that this came up through the process, is we listened. There were folks talking about wanting to cover the whole area, staff as well as residents, and we looked for a way to do that, and it looks this is the way that..this is the way that our RF engineers tell us is it will work.

With regard to the health issues that were brought up several times, we only can be basing this on federal law, and the carrier is, is mandated to do so, and according to that, the science that the feds mandate, these issues, according to that science, are not something that we can consider.

The studies that have been talked about being... whether they are sufficient or not, it's my understanding that the studies that we have here were mandated by the process, here at the county, and everything that was mandated for us to look at, the studies did cover. And so, much of this, we are hearing for the first time, with regard to all of this, and so I can't speak to specifics on that, but I just know that, having been involved with this kind of process

for a long time, your staff is very good at pointing out which studies need to be had, and we have fulfilled those studies.

With regard to the waters, there's three – the creek, the pool, and the spring, all of which are a great distance from this site, and it is, we believe, a stretch, to think that there is going to be some sort of impact to any one of those.

With regard to the access road being surfaced, that was a bit of a surprise, I had them look up their Conditions of Approval real quick, because we thought that had been pulled out, for these very reasons. The...because of the sensitivity to the spring, and such, and since we are not going to be needing that for any large vehicles to go up there. So that is a question that we have, that we understood that that Condition of Approval had been removed, and...

James Ramos [Chairman and Supervisor]: What Condition was that one?

Doug McAllister [Applicant]: I think it's 52. Condition 52.

James Ramos [Chairman and Supervisor]: 52, Okay, we'll clarify....

Doug McAllister [Applicant]: We just found it. And we thought it was gone. So that was a bit of a surprise to us.

Unknown Speaker: [inaudible]56.

Doug McAllister [Applicant]: 56...

James Ramos [Chairman and Supervisor]: Hold on. Let's get this... let this... the applicant close off.

Doug McAllister [Applicant]: Yeah, so that was an issue that probably needs to be discussed. When it comes to the theories about what other sites might work, I know you folks can look, and you can, you know, do the sight of line discussed everywhere else, and when you put a million dollar facility at some place, they rely on... they're looking at the science of it, and doing the testing, to see what works and what doesn't work, and so all as I can tell you as I sit here is this is what those scientists are telling us. Those engineers are telling us. Is that this is the site that works, with the potential of connecting the other two sites that make this a robust coverage for the area.

The increased height discussion – we discussed that briefly in the earlier presentation. But with regard to Verizon’s plan, there’s no need for increased height at that point. There’s. . . It’s sufficient to what Verizon needs as well as the co-location hopefully with the county as well, for the public safety issues. And so while that’s a possibility, there is no need for it, from our understanding. On top of that, you as a county can decide how that gets processed as well. And so it’s not as simple as Verizon saying we’re going to do it. It has to still go through all of you.

Unless you have other questions, or, team do you have anything else that I need to. . . that I’ve missed? Okay. Unless you have any other questions, now, once again, we have Mary here, from. . . who is the archaeologist, if you have any questions with regard to the specifics with regard to how it affects, from her professional view, the tribe as well, she’s here to answer your questions. We have Randi Newton here from the standpoint of talking about maybe some of the more technical sides of things, but we’re here to be available to answer any questions you might have.

James Ramos [Chairman and Supervisor]: Thank you. And. . . [inaudible] I want to get some clarification from Terri Rahhal on some of these items first. Go ahead Terri. Well the Condition 52, is that. . . we going to still have that in there, I mean, if. . . is that the road, or what is that?

Terri Rahhal [Director]: Mr. Chairman, I have been in contact with our representatives from county fire department, and Conditions number 52 and number 56 were not intended to apply to the on-site access road. And in order to avoid any confusion they’re standard conditions that apply to many projects, but in order to satisfy and be more specific, they’ve asked that those two Conditions be deleted in your action, and that we substitute another requirement in place of Condition number 52.

James Ramos [Chairman and Supervisor]: So you want to substitute Condition 52?

Terri Rahhal [Director]: Yes.

James Ramos [Chairman and Supervisor]: Okay.

Terri Rahhal [Director]: And the requirement would be to provide a. . . an FM200 protection system for building protection prior to commencement of construction.

James Ramos [Chairman and Supervisor]: Okay. Now the board's clear that we're amending item 52, to change out the wording, for the wording that was just read, correct?

Janice Rutherford [Supervisor]: Can we ask the applicant if that works for them?

James Ramos [Chairman and Supervisor]: Yeah. Where is the applicant? Are we good with the applicant?

Randi Newton [Applicant]: It wouldn't be final to, or prior to construction that FM200 system is installed in the building during construction so it will be fire-proof. Part of the final[inaudible]I thought it was going to be [inaudible]

Terri Rahhal [Director]: For it to be completed, yes, but we require verification prior to construction of the plans, and that they're incorporated on the plans.

Randi Newton [Applicant]: Okay, yes, that's right.

James Ramos [Chairman and Supervisor]: Verification prior to the plans?

Terri Rahhal [Director]: Yes.

Unknown Speaker: Mr. Chair.

Unknown Speaker: Mr. Chair.

Unknown Speaker: For the interested parties can we have staff explain what FM200 fire protection is?

Unknown Speaker: Yeah.

Unknown Speaker: Thank you.

Unknown Speaker: What is that? In layman's terms.

Terri Rahhal [Director]: You've caught me unaware, but I know that it is a system that's in place on site, to protect the building. I don't know the specifications.

Unknown Speaker: [inaudible].

James Ramos [Chairman and Supervisor]: FM, you could go 99.9, I'm just kidding.

Unknown Speaker: All right, all right.

James Ramos [Chairman and Supervisor]: Do we have someone that could speak to that [inaudible]...

Terri Rahhal [Director]: We do have our expert here, Mr. Jeff Stinson from the county fire department.

James Ramos [Chairman and Supervisor]: Okay.

Jeff Stinson: Good afternoon. That system that we're speaking of is a system that protects the equipment that's inside of that building. It's not a sprinkler system, it's a dry system that protects the system, that protects the equipment in the building.

Unknown Speaker: Okay.

Jeff Stinson: It's a fire suppression system.

James Ramos [Chairman and Supervisor]: Do you have any other questions on the amendment that's being offered from board members?

Josie Gonzales [Supervisor]: No...just clarification, it...so it's a fire suppression system?

Jeff Stinson: Yes m'am.

Josie Gonzales [Supervisor]: So is this like an ansul system?

Jeff Stinson: It is considered an ansul system.

Unknown Speaker: All right. Okay. Thank you.

Unknown Speaker: Sure.

James Ramos [Chairman and Supervisor]: Supervisor Hagman?

Curt Hagman [Supervisor]: Thank you, just real briefly, I think, just, again, we have a lot of folks here, want to know what's going on with this. So basically, generally what the rules of the county are, is, you want fire access to the structure. So you can get your fire apparatus there, you can turn it around, you can do things like that to hopefully address any kind of fire. And we can't do that when the roads are eroding away, and it's dirt roads.

So the county has a standard language that goes in and correct me if I'm wrong on this, most of these type of developments, since we don't want to put the paving on the access road, and leave it a dirt road, the county fire is wanting to have a internal fire suppression system for the apparatus or the structure there, so if there is anything that goes on, it kicks in and helps put it out.

Jeff Stinson: That is correct. It's an alternative measure for our protection.

Unknown Speaker: Thank you.

James Ramos [Chairman and Supervisor]: Thank you. So that amendment is actually 52 that we're making here now. Right?

Terri Rahhal [Director]: It would be a...

Unknown Speaker: It will be part of a motion...

Terri Rahhal [Director]: ...a replacement for Condition 52, and then delete Condition 56.

James Ramos [Chairman and Supervisor]: Okay. Okay. And delete 56. All right. Thank you Ms. Rahhal. How much time did the applicant still have?

Laura Welch [Clerk]: 48 seconds. Did you wish to comment any more?

Doug McAllister [Applicant]: No.

James Ramos [Chairman and Supervisor]: No?

Doug McAllister [Applicant]: No sir.

James Ramos [Chairman and Supervisor]: Thank you for your comments. We will now move to the appellant, who will make closing comments, you have up to five minutes. The appellants that I have here are Catherine Hertel and Victoria Jones. Go ahead.

Victoria Jones: Good afternoon. On behalf of the Gabrieleno Band of Mission Indians Kizh Nation I am Victoria Jones, Cultural Resources Coordinator. I am here today to read a statement that was reviewed and approved by the tribal council to convey to the San Bernardino Board of Supervisors and to Verizon that the tribe is not opposed to Verizon expanding its communication network in the Mt. Baldy region for public safety, but we are

opposed to installing a cell tower at their current proposed location. Which is a sacred site.

On October 16th, we met with Verizon for a site visit with. . . for the proposed cell tower and discussed our concerns regarding the cultural significance that this site must be protected. We informed them about how in ancient times the site was an important stopping point for our people to fill up for water before travelling over the hills to Mojave, to barter their unique goods which were traded far and wide. We informed them about how this location not only supplied essential water for thousands of generations of our families, but also still houses a multitude of very strong medicinal plants such as the California Bay, and Yerba Santa. The Yerba Santa plant was named by the Spanish, but the English means a saint's herb, or the herb of the saints, which was held in high respect by the Spanish because even they knew the value and ability of our native plants for healing like that of a saint.

We then discussed our concerns about the radio frequency radiation that will be moving through the area and how science is reporting negative effects to living organisms, both in tissues, and in the life processes which are metabolism and reproduction. The Verizon representatives indicated that our concerns were valid, and additional cell site locations could be used to replace the single location. But that option would probably not be acceptable to Verizon, due to the increased time and the cost for an alternative.

Please understand, our tribal traditions of oral literature, where our people remembering long stories of. . . and orations word for word, passing it from generation to generation, through memorization, has helped to protect and preserve both sacred and secular knowledge for our tribal territory. And areas like this proposed site, this specialized art form and sacred gift of recounting historical tribal history is still retained by individuals living today. Our intention with sharing this information with Verizon is to help them make an informed decision that will help protect culturally significant sites and preserve sensitive biological habitats like those surrounding all springs for future generations. This generation cannot afford to keep making misinformed decision that always lead to irreversible destruction of land. The American culture has always taken our wisdom for granted, and continually ignores the fact that this land, including the natural springs at this location, has helped support the health and spirit of our ancient families for thousands of generations. However, in just a couple of generations of American steward-

ship, and land management, we have lost the majority of our sacred springs in southern California, and our tribe is continually struggling to preserve any remnant of springs that still remain. We are here to help you. Not to stop the projects. We want you to understand why we preserve and protect our natural resources, and that we are. . . we're entrusted to this from generations of our ancestors. However, in today's environmental process, our information is simply recorded and filed away with other CEQA documents to let future generations know what used to be here. We are. Excuse me. There are other alternatives possible, as admitted by the Verizon representatives. However, the American dollar is getting to make the final decision in this project. Have we not learned the negative effects of making decisions with regard to only money and short-time goals? In closing, I want to express my gratitude for the opportunity to offer our sincere help to work together to reconsider an. . .

Laura Welch [Clerk]: That's time.

Victoria Jones: . . . alternative cell site.

James Ramos [Chairman and Supervisor]: Thank you for your comments. That concludes the closing remarks, closing comments, correct? Thank you. At this time we return to the board for any further discussion or clarification or questions. Do we have any?

Janice Rutherford [Supervisor]: Yes.

James Ramos [Chairman and Supervisor]: Supervisor Rutherford?

Janice Rutherford [Supervisor]: Mr. McAllister? Could you run through us real quickly, I know it's in your presentation, you've touched on it, but Verizon did consider other locations. . .

Doug McAllister [Applicant]: Yes.

Janice Rutherford [Supervisor]: Tell us briefly how you arrived at this location.

Doug McAllister [Applicant]: Could I call Randi up, because she was here during that process, and have her answer that question? Randi? You caught me with a cough drop in my mouth, I'm sorry.

Janice Rutherford [Supervisor]: Okay.

Randi Newton [Applicant]: Hi. The original location for this project

was actually at the fire station, but that property is part of the HOA in that area. When a vote was put up for the site, any non-votes were counted as no votes, so it was turned down. So we had to move outside of that HOA area, which brought us to the trout ponds. We had previously also looked at the RV park, at the time we were unable to get a . . . in touch with the owners, but it . . . that didn't matter, because when we took the RF engineer up there, that location did not give them the line of sight that they needed. To provide the coverage that they were looking for. Those are a couple of the options.

Janice Rutherford [Supervisor]: So this is the best line of sight location for the village location and to triangulate with the other two locations that are ultimately needed for the fullest coverage?

Randi Newton [Applicant]: Correct.

Janice Rutherford [Supervisor]: Okay.

Doug McAllister [Applicant]: And one point to be added to that as well, is . . . and this is to tag along to what was just said, the possibility of putting alternate sites up there, the . . . what was said, that, you know, on Friday, was if you . . . you could do that, if you wanted to have more cell sites. In other words, it would take two or three cell sites to accomplish the same thing as this one would. And our sense is, on top of what it would cost, to do three cell sites instead of one, the problem with having that many cell sites up there, and getting those approved, to . . . it would . . . and it would have to have all of them to make it work, we didn't believe that was really reasonable, and so we're . . . that's why we've stuck with just the one site.

Janice Rutherford [Supervisor]: And how far is this site from the spring?

Randi Newton [Applicant]: It's about 300 feet. 250 to 300 feet from the spring. It's on the . . . the site's here up on the ledge there, and then the spring is actually pretty far on the other side of the property. And it's also down lower.

Janice Rutherford [Supervisor]: And the spring is on the property of the water company that we heard from earlier?

Randi Newton [Applicant]: It's on the . . . the property is owned by the . . .

Janice Rutherford [Supervisor]: The Bescoby property . . .

Randi Newton [Applicant]: Yes.

Janice Rutherford [Supervisor]: . . . but the water company has its source?

Randi Newton [Applicant]: Has access to that, yes.

Janice Rutherford [Supervisor]: Okay. I don't think there's any more questions for you, thank you.

Randi Newton [Applicant]: Thank you.

James Ramos [Chairman and Supervisor]: Thank you. Any other members?

Janice Rutherford [Supervisor]: I have a question for someone else.

James Ramos [Chairman and Supervisor]: Oh.

Janice Rutherford [Supervisor]: Is Chief Hartwig still around from our fire department? Well, close enough. One chief as good as the other. We heard from several public safety agencies including the volunteer fire department up there, but we didn't hear from county fire, and I wondered if you could take a moment to tell us how you think that this . . . the absence of cell coverage currently affects the emergency services you provide, and what if any benefit you believe this would add.

Jim Johnstone: Thank you Supervisor. Jim Johnstone, I'm the deputy chief for county fire. And so we've had numerous incidents, obviously most recently the floods, just over a year ago in Mt. Baldy. Always. And the floods are just one example, we've had numerous fires up there as well. Always the communication is certainly an issue for us. You've heard that loud and clear from the CHP, from the Sheriff, from the fire chief of Mt. Baldy, so just at the sake of not being redundant, both the cell coverage and the 800 radio coverage is critical for improvements there, and really that's going to be a big help, you've probably heard, that we have one landline phone at the fire station, and notoriously there is a line of six or seven people lined up to make critical communications at that phone during these major emergencies. So we're big proponents of improving the system there.

Janice Rutherford [Supervisor]: I've been in that line, chief.

Jim Johnstone: I'm sure you have.

Janice Rutherford [Supervisor]: Right. Thank you very much.

Jim Johnstone: You're welcome.

Janice Rutherford [Supervisor]: Could I have one more please, Mr. Chair?

James Ramos [Chairman and Supervisor]: Yes.

Janice Rutherford [Supervisor]: I'm not sure if Captain Schuler is the best for this, or someone from the Sheriff's Department, but I just wondered if I could get a story verified that I heard on more than one ride along, from more than one deputy, but just want to make sure it's legit, that when a deputy is going in to the village, to respond to a 9-1-1 call, at some point they radio in and say 'I'm heading into the village, if you don't hear from me within 20 minutes, send backup or send assistance.' And then they try to find a land line at someone's home, perhaps the home of the person who's dialed 9-1-1, to call in to verify they're safe.

James Ramos [Chairman and Supervisor]: When you guys decide which one is going to answer the question, you can move to the podium there.

Unknown Speaker: [inaudible].

Unknown Speaker: Mr. Chairman, board, Lieutenant Fampis from the Sheriff's Department. I'm in charge of our BOA right now, Bureau of Administration. To address your question, having worked in unincorporated areas, from time to time, we do let them know when we're going into areas where there's no radios. So I don't know if it's every time that they go into the Baldy area that can happen, but there are times we have to, there are areas where we get in where our MDCs, our computers don't work, where we can't receive information, or we can't make cell phone calls, so that is something that we have to do from time to time, I couldn't say that's verified that every time they go to Baldy, because there are phones, there are access, but obviously in an emergency, you can't just run up to a house and say hey, can I use your phone, we're in the middle of something. The radios are very important for us. The tower is going to be important for the cell phone, but it's the 800 that's really going to be big for us. And then obviously in emergencies the phones. We have probably on average one hiker usually a week, that we're going up there for. . . [inaudible]going up there for to rescue, it seems like on average right now, so it's becoming a bigger issue as we go along. And more and more people are going into Baldy. So.

Janice Rutherford [Supervisor]: So it's both the hiker safety, the person who might be calling, the resident might be calling, but also for officer safety and making sure there is a full spectrum of coverage to get help if needed?

Unknown Speaker: Most definitely. Obviously there's been concerns because, is a hiker going to be able to get out in a canyon? There's no way of saying for sure, but if there's an option, and it could work, obviously it's better than nothing. We also have quite a few systems of spot systems that are satellites, all kinds of different stuff, but if it's even a chance of them getting out, it's better than not having it. I know there's other concerns, but it's definitely going to help us.

Janice Rutherford [Supervisor]: Thank you Lieutenant. Thank you Mr. Chair. Those are my questions.

James Ramos [Chairman and Supervisor]: Thank you Supervisor Rutherford. Any other questions? Supervisor Gonzales?

Josie Gonzales [Supervisor]: Thank you very much Mr. Chair. Just... and I don't know, to whom I would address this question, I can only think maybe Terri you might be able to help me, although I do not believe you were with the county at the time that my question is going to be directed to, but yet I am a bit... at a bit of a loss here. How did Southern California Edison mitigate the installation of all of those utility poles up the mountain? I mean, there certainly are a number, I can't count how many here, because I've got limited views, but in the pictures I see, I see a minimum of three, maybe more. So how did... how... can... do we know how this takes place? And what was the mitigation that in this case is different in making a decision?

Terri Rahhal [Director]: If you're referring to the existing poles, for power poles, bringing power to the canyon...

Josie Gonzales [Supervisor]: Right, the existing installation, the disturbing of the pristine environment, I mean this... I presume, by looking, at the poles, this was done many years ago.

Terri Rahhal [Director]: Many years ago...

Josie Gonzales [Supervisor]: Yes.

Terri Rahhal [Director]: ... the homes in Mt. Baldy Village, are quite old, I don't know from when, they first dated, or when they first had electricity,

but for many many years.

Josie Gonzales [Supervisor]: Well, then, the only reason I bring it up, is that because of their age and knowing that these poles deteriorate, at least what we go through, out here, not only after storms, but after years, there is going to be in my humble opinion an effort at some point to replace damaged poles in order to maintain the utilities to deliver them to the residences. So I'm hoping that from this experience we are able to look forward and see what kind of mitigation is going to be needed at that time so that we can tread as carefully moving forward as possible. In acknowledging all of our responsibilities in wanting to be as respectful and mindful of people's environment.

Also I had one other question just for clarity. We deleted Condition 56. However I didn't hear clarity on 52. Was 52 deleted? And then replaced with another Condition? I didn't hear a number for that Condition. In order for it to be identified, maybe I missed it.

Terri Rahhal [Director]: Yes, thank you for allowing me to clarify. Our request was to delete number 56, and to replace Condition 52 with the new Condition for the fire suppression system.

Josie Gonzales [Supervisor]: So then 52 becomes the FM200 protection system?

Terri Rahhal [Director]: Exactly.

Josie Gonzales [Supervisor]: All right. And I think those were all my questions.

James Ramos [Chairman and Supervisor]: Is that it?

Josie Gonzales [Supervisor]: Thank you.

James Ramos [Chairman and Supervisor]: Thank you Supervisor Gonzales. Supervisor Hagman, any questions?

Unknown Speaker: [inaudible].

Curt Hagman [Supervisor]: Yeah, I've...in my volunteer capacity and other positions in the state, we had many fires in our area and the communications...sometimes the planning could be really good in theory but in actuality isn't. When I was on city council when we had the Yorba Linda fires

come through the city, the... AQMD mandated all the generators go from gas to electrical at the time. The problem is when the fire came through, it burned all the electrical lines, so they didn't have power to [inaudible]the pumps, we didn't have water, so it expanded the fire. And I know with the areas that we have, and for our droughts and fires, that this essential communication can really protect the habitat much more than hurt it. What you're going to be doing is a very quick installation, and I have property with a tower on it, or access to the tower on it, and they're there maybe once a year, to check up on things [inaudible]access very often, and for the communications [inaudible]both to the VHF and the cell, the benefits to help stop a fire, help stop an emergency getting people life saving stuff far outweighs the initial encroachment into the area in my opinion.

Also I looked a lot up of the... while we're waiting in here, [inaudible]the testimony the southwestern willow flycatcher. I mean, according to the forest service, it's in like five, six different states including California so it's just not the only habitat, and most of the time what that... when they have been endangered is because of lack of the trees and brushes and the water, marsh-like lands that... where they usually breed in. And obviously if there are fires and droughts in the mountains, that's the main cause for that and hopefully with better communications we can eliminate those fires a little bit more. And no more questions Mr. Chair, I'll entertain a motion whenever you're ready.

James Ramos [Chairman and Supervisor]: Once we've closed the hearing we'll bring it back to the board. Supervisor Lovingood?

Robert Lovingood [Supervisor]: No, I'm fine.

James Ramos [Chairman and Supervisor]: All right. Well, with regards to the Native American resources and cultural, we did work with Land Use Services to put in Condition 82a, that I feel addresses a lot of those concerns, we did actually put in there as far as monitoring the area, we put processes to follow in case of a reburial and remains that are there, and I just want to be clear that item 82a is a step that San Bernardino County is moving forward in, because the language is there, it's pretty strong on our part, to hold people accountable for the cultural resources here in San Bernardino County. So working with land use on those I want to give everybody and the developer, you know, really to let you know that you've been open to address those areas because when you start to dig into the ground you don't know

what you're going to find, but being able to have the archaeologist on site and then be able to come back and talk to the Native American representatives goes a long way. There's other areas where projects like this do move forward where there's not even a component that addresses any of those things. But here, moving forward with 82a, we did help to work on that, and we feel that it does address the concerns that are there. Now in case something does move forward and in an inadvertent discovery that's there at least at this point. So, thank you for that.

Any further discussion from the board?

Hearing none, we'll close the hearing. And county counsel, we just want to be clear, that we are replacing item 52 with new language and eliminating item. . . Condition 56.

Bart Brizzee [County Counsel]: Yes, plus the addition of the written Conditions that were given to the board earlier.

James Ramos [Chairman and Supervisor]: Okay. So the revised agenda that was presented to us with the Conditions of 82a and those different revisions, that's where we're moving forward and item 52 now has been replaced with a new language that Ms. Rahhal presented to us, and item. . . Condition 56 now is eliminated. Correct?

Bart Brizzee [County Counsel]: Yes, I believe that's the proposal.

James Ramos [Chairman and Supervisor]: So a motion to approve with amendments would be. . . would suffice the motion?

Bart Brizzee [County Counsel]: Yes, I think the record is clear on that, Mr. Chairman.

James Ramos [Chairman and Supervisor]: Okay, thank you. Any further discussion from the board? Hearing none, I'll entertain a motion at this time.

Janice Rutherford [Supervisor]: Mr. Chair, I want to thank you. . .

James Ramos [Chairman and Supervisor]: Supervisor Rutherford?

Janice Rutherford [Supervisor]: I want to thank you for your input and your work with Land Use Services to get the additional items in 82 under there, hope that will address the concerns of the tribal people of the area.

With that, and having heard from so many residents of the community who were not able to be here today, but who have been in contact with me since I took office, in 2010, and with the concerns of public safety, I would like to move that we deny the appeal, uphold the approval of the Conditional Use Permit, based on the findings subject to the Conditions of Approval adopted by the Planning Commission and amended here and today.

James Ramos [Chairman and Supervisor]: Thank you Supervisor Rutherford. Is there a second?

Robert Lovingood [Supervisor]: I'll second.

James Ramos [Chairman and Supervisor]: Seconded by Supervisor Lovingood. Any further discussion from the board? Hearing none. All in favour?

Janice Rutherford [Supervisor]: Aye.

Curt Hagman [Supervisor]: Aye.

Josie Gonzales [Supervisor]: Aye.

James Ramos [Chairman and Supervisor]: Aye.

Robert Lovingood [Supervisor]: Aye.

James Ramos [Chairman and Supervisor]: Any oppose, any abstention? Motion carries 5-0-0, unanimously the Board of Supervisors voting in favour. Thank you. That concludes item 82.

At this time we will move forward, this meeting is adjourned, the Board of Supervisors' next meeting will be November 3rd, 2015. Thank you for attending.