

## **Katy's Presentation at Public Hearing before San Bernardino County Board of Supervisors on October 20<sup>th</sup>, 2015**

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 22<sup>nd</sup> and June 18<sup>th</sup> 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.

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, who is here today.
- Raymond Johnson, Environmental Attorney and former County Planner.

- Dr. Gary Stickel, Archaeologist, who is here today.
- 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 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 6<sup>th</sup>, 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 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 6<sup>th</sup>, well outside of the flowering period for four sensitive plants. Reliance on identification and description without the flower characteristics can lead to mis-identification 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 repre-

sentative 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 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 22<sup>nd</sup> hearing Ms. Newton reinforced that no additional towers were planned for Mt. Baldy.

Yet in the June 18<sup>th</sup> 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 22<sup>nd</sup> 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.