THE INFORMATION IN THIS BOX IS NOT A PART OF THE CONTRACT AND IS FOR COUNTY USE ONLY

SAN BERNARDINO COUNTY

ORIGINAL

Contract Number
22-61

SAP Number

Real Estate Services Department

Department Contract Representative	Terry W. Thompson, Director, Real Estate Services Department
Telephone Number	(909) 387-5000
Contractor	**United States of America-Department of Agriculture-Forest Service**
Contractor Representative	**Heidi Hogan, Realty Specialist**
Telephone Number	**(760) 285-9950**
Contract Term	1/1/2020 – 12/31/2049
Original Contract Amount	$0.00
Amendment Amount	$0.00
Total Contract Amount	$0.00
Cost Center	1200304020
GRC/PROJ/JOB No.	**54004097**
Internal Order No.	

Briefly describe the general nature of the contract:

This Special Use Permit is for a term of 30 years for the period of January 1, 2020 through December 31, 2049 providing authorization for the installation and operation of a diesel back-up generator on a constructed concrete slab at Keller Peak Communication Site. There is no rental cost to the County for the use of approximately 15 square feet of federal land. The generator space is also authorized for use under the provisions of License Agreement No. 05-33, With American Towers, Inc. under which the County is obligated for a rental cost included with the license fee payable for antenna and rack space

FOR COUNTY USE ONLY

Approved as to Legal Form	Reviewed for Contract Compliance	Reviewed/Approved by Department
► SEE SIGNATURE PAGE	►	►
Agnes Cheng, Deputy County Counsel		Lyle Ballard, Real Property Manager, RESD
Date	Date	Date 1/22/22

Authorization ID: MTD960
Contact Name: County of San Bernardino
Expiration Date: 12/31/2049
Use Code: 831

FS-2700-4 (VER. 03/17)
OMB 0596-0082

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

SPECIAL USE PERMIT

Authority: FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976

County of San Bernardino of 385 North Arrowhead Avenue, San Bernardino, California 92415 (hereinafter "the holder") is authorized to use or occupy National Forest System lands in the San Bernardino National Forest, Mountaintop Ranger District of the National Forest System, subject to the terms and conditions of this special use permit (the permit).

This permit covers 0.01 acres Sec. 1, T. 1 N., R. 2 W., San Bernardino Meridian, ("the permit area"), as shown on the map in the **Keller Peak Communications Site Management Plan**, dated 10/26/2020 attached as **Appendix A**. This and any other appendices to this permit are hereby incorporated into this permit.

This permit issued for the purpose of:
Installing, operating, and maintaining a diesel generator with belly tank.
Access as shown or described in **Appendix A**.

TERMS AND CONDITIONS

I. GENERAL TERMS

A. AUTHORITY. This permit is issued pursuant to the Federal Land Policy and Management Act, As Amended October 21, 1976 and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.

B. AUTHORIZED OFFICER. The authorized officer is the Forest or Grassland Supervisor or a subordinate officer with delegated authority.

C. TERM. This permit shall expire at midnight on 12/31/2049, 30 years from the year of issuance.

D. CONTINUATION OF USE AND OCCUPANCY. This permit is not renewable. Prior to expiration of this permit, the holder may apply for a new permit for the use and occupancy authorized by this permit. Applications for a new permit must be submitted at least 6 months prior to expiration of this permit. Issuance of a new permit is at the sole discretion of the authorized officer. At a minimum, before issuing a new permit, the authorized officer shall ensure that (1) the use and occupancy to be authorized by the new permit is consistent with the standards and guidelines in the applicable land management plan; (2) the type of use and occupancy to be authorized by the new permit is the same as the type of use and occupancy authorized by this permit; and (3) the holder is in compliance with all the terms of this permit. The authorized officer may prescribe new terms and conditions when a new permit is issued.

E. AMENDMENT. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, directive, the applicable forest land and resource management plan, or projects and activities implementing a land management plan pursuant to 36 CFR Part 215.

F. COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS. In exercising the rights and privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

G. NON-EXCLUSIVE USE. The use or occupancy authorized by this permit is not exclusive. The Forest Service reserves the right of access to the permit area, including a continuing right of physical entry to the permit area for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation. The Forest Service reserves the right to allow others to use the permit area in any way that is not inconsistent with the

holder's rights and privileges under this permit, after consultation with all parties involved. Except for any restrictions that the holder and the authorized officer agree are necessary to protect the installation and operation of authorized temporary improvements, the lands and waters covered by this permit shall remain open to the public for all lawful purposes.

H. ASSIGNABILITY. This permit is not assignable or transferable.

I. TRANSFER OF TITLE TO THE IMPROVEMENTS.

1. Notification of Transfer. The holder shall notify the authorized officer when a transfer of title to all or part of the authorized improvements is planned.

2. Transfer of Title. Any transfer of title to the improvements covered by this permit shall result in termination of the permit. The party who acquires title to the improvements must submit an application for a permit. The Forest Service is not obligated to issue a new permit to the party who acquires title to the improvements. The authorized officer shall determine that the applicant meets requirements under applicable federal regulations.

II. IMPROVEMENTS

A. LIMITATIONS ON USE. Nothing in this permit gives or implies permission to build or maintain any structure or facility or to conduct any activity, unless specifically authorized by this permit. Any use not specifically authorized by this permit must be proposed in accordance with 36 CFR 251.54. Approval of such a proposal through issuance of a new permit or permit amendment is at the sole discretion of the authorized officer.

B. PLANS. All plans for development, layout, construction, reconstruction, or alteration of improvements in the permit area, as well as revisions to those plans must be prepared by a professional engineer, architect, landscape architect, or other qualified professional based on federal employment standards acceptable to the authorized officer. These plans and plan revisions must have written approval from the authorized officer before they are implemented. The authorized officer may require the holder to furnish as-built plans, maps, or surveys upon completion of the work.

C. CONSTRUCTION. Any construction authorized by this permit shall commence by N/A and shall be completed by N/A.

III. OPERATIONS.

A. PERIOD OF USE. Use or occupancy of the permit area shall be exercised at least 365 days each year.

B. CONDITION OF OPERATIONS. The holder shall maintain the authorized improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this permit. Standards are subject to periodic change by the authorized officer when deemed necessary to meet statutory, regulatory, or policy requirements or to protect national forest resources. The holder shall comply with inspection requirements deemed appropriate by the authorized officer.

C. MONITORING BY THE FOREST SERVICE. The Forest Service shall monitor the holder's operations and reserves the right to inspect the permit area and transmission facilities at any time for compliance with the terms of this permit. The holder shall comply with inspection requirements deemed appropriate by the authorized officer. The holder's obligations under this permit are not contingent upon any duty of the Forest Service to inspect the permit area or transmission facilities. A failure by the Forest Service or other governmental officials to inspect is not a justification for noncompliance with any of the terms and conditions of this permit.

IV. RIGHTS AND LIABILITIES

A. LEGAL EFFECT OF THE PERMIT. This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license. The benefits and requirements conferred by this authorization are reviewable solely under the procedures set forth in 36 CFR 214 and 5 U.S.C. 704. This permit does not constitute a contract for purposes of the Contract Disputes Act, 41 U.S.C. 601. The permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.

B. VALID EXISTING RIGHTS. This permit is subject to all valid existing rights. Valid existing rights include those derived under mining and mineral leasing laws of the United States. The United States is not liable to the holder for the exercise of any such right.

C. ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS. The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit.

D. SERVICES NOT PROVIDED. This permit does not provide for the furnishing of road or trail maintenance, water, fire protection, search and rescue, or any other such service by a government agency, utility, association, or individual.

E. RISK OF LOSS. The holder assumes all risk of loss associated with use or occupancy of the permit area, including but not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), avalanches, rising waters, winds, falling limbs or trees, and other forces of nature. If authorized temporary improvements in the permit area are destroyed or substantially damaged, the authorized officer shall conduct an analysis to determine whether the improvements can be safely occupied in the future and whether rebuilding should be allowed. If rebuilding is not allowed, the permit shall terminate.

F. DAMAGE TO UNITED STATES PROPERTY. The holder has an affirmative duty to protect from damage the land, property, and other interests of the United States. Damage includes but is not limited to fire suppression costs and damage to government-owned improvements covered by this permit.

1. The holder shall be liable for all injury, loss, or damage, including fire suppression, prevention and control of the spread of invasive species, or other costs in connection with rehabilitation or restoration of natural resources resulting from the use or occupancy authorized by this permit. Compensation shall include but not be limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney's fees), and other costs. Such costs may be deducted from a performance bond required under clause IV.J.

2. The holder shall be liable for damage caused by use of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees to all roads and trails of the United States to the same extent as provided under clause IV.F.1, except that liability shall not include reasonable and ordinary wear and tear.

G. HEALTH AND SAFETY. The holder shall take all measures necessary to protect the health and safety of all persons affected by the use and occupancy authorized by this permit. The holder shall promptly abate as completely as possible and in compliance with all applicable laws and regulations any physical or mechanical procedure, activity, event, or condition existing or occurring in connection with the authorized use and occupancy during the term of this permit that causes or threatens to cause a hazard to the health or safety of the public or the holder's employees or agents. The holder shall as soon as practicable notify the authorized officer of all serious accidents that occur in connection with these procedures, activities, events, or conditions. The Forest Service has no duty under the terms of this permit to inspect the permit area or operations of the holder for hazardous conditions or compliance with health and safety standards.

H. ENVIRONMENTAL PROTECTION.

1. For purposes of clause IV.H and section V, "hazardous material" shall mean (a) any hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws.

2. The holder shall avoid damaging or contaminating the environment, including but not limited to the soil, vegetation (such as trees, shrubs, and grass), surface water, and groundwater, during the holder's use and occupancy of the permit area. Environmental damage includes but is not limited to all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees on, or related to, the lands, property, and other interests covered by this permit. If the environment or any government property covered by this permit becomes damaged in connection with the holder's use and occupancy, the holder shall as soon as practicable repair the damage or replace the damaged items to the satisfaction of the authorized officer and at no expense to the United States.

3. The holder shall as soon as practicable, as completely as possible, and in compliance with all applicable laws and regulations abate any physical or mechanical procedure, activity, event, or condition existing or occurring in connection with the authorized use and occupancy during or after the term of this permit that causes or threatens to cause harm to the

environment, including areas of vegetation or timber, fish or other wildlife populations, their habitats, or any other natural resources.

I. **INDEMNIFICATION OF THE UNITED STATES**. The holder shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder in connection with the use or occupancy authorized by this permit. This indemnification provision includes but is not limited to acts and omissions of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees in connection with the use or occupancy authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous materials, pollutant, contaminant, oil in any form, or petroleum product into the environment. The authorized officer may prescribe terms that allow the holder to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in addition to or as an alternative to monetary indemnification

J. **BONDING**. The authorized officer may require the holder to furnish a surety bond or other security for any of the obligations imposed by the terms and conditions of this permit or any applicable law, regulation, or order.

V. RESOURCE PROTECTION

A. **COMPLIANCE WITH ENVIRONMENTAL LAWS**. The holder shall in connection with the use or occupancy authorized by this permit comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., the Oil Pollution Act, as amended, 33 U.S.C. 2701 et seq., the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., CERCLA, as amended, 42 U.S.C. 9601 et seq., the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq., the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq.

B. **VANDALISM**. The holder shall take reasonable measures to prevent and discourage vandalism and disorderly conduct and when necessary shall contact the appropriate law enforcement officer.

C. **PESTICIDE USE**.

1. Authorized Officer Concurrence. Pesticides may not be used outside of buildings in the permit area to control pests, including undesirable woody and herbaceous vegetation (including aquatic plants), insects, birds, rodents, or fish without prior written concurrence of the authorized officer. Only those products registered or otherwise authorized by the U.S. Environmental Protection Agency and appropriate State authority for the specific purpose planned shall be authorized for use within areas on National Forest System lands.

2. Pesticide-Use Proposal. Requests for concurrence of any planned uses of pesticides shall be provided in advance using the Pesticide-Use Proposal (form FS-2100-2). Annually the holder shall, on the due date established by the authorized officer, submit requests for any new, or continued, pesticide usage. The Pesticide-Use Proposal shall cover a 12-month period of planned use. The Pesticide-Use Proposal shall be submitted at least 60 days in advance of pesticide application. Information essential for review shall be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time a Pesticide-Use Proposal was submitted.

3. Labeling, Laws, and Regulations. Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers. No pesticide waste, excess materials, or containers shall be disposed of in any area administered by the Forest Service.

D. **ARCHAEOLOGICAL-PALEONTOLOGICAL DISCOVERIES**. The holder shall immediately notify the authorized officer of all antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered in connection with the use and occupancy authorized by this permit. The holder shall follow the applicable inadvertent discovery protocols for the undertaking provided in an agreement executed pursuant to section 106 of the National Historic Preservation Act, 54 U.S.C. 306108; if there are no such agreed-upon protocols, the holder shall leave these discoveries intact and in place until consultation has occurred, as informed, if applicable, by any programmatic agreement with tribes. Protective and mitigation measures developed under this clause shall be the responsibility of the holder. However, the holder shall give the authorized officer written notice before implementing these measures and shall coordinate with the authorized officer for proximate and contextual discoveries extending beyond the permit area.

E. NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT (NAGPRA). In accordance with 25 U.S.C. 3002(d) and 43 CFR 10.4, if the holder inadvertently discovers human remains, funerary objects, sacred objects, or objects of cultural patrimony on National Forest System lands, the holder shall immediately cease work in the area of the discovery and shall make a reasonable effort to protect and secure the items. The holder shall follow the applicable NAGPRA protocols for the undertaking provided in the NAGPRA plan of action or the NAGPRA comprehensive agreement; if there are no such agreed-upon protocols, the holder shall as soon as practicable notify the authorized officer of the discovery and shall follow up with written confirmation of the discovery. The activity that resulted in the inadvertent discovery may not resume until 30 days after the forest archaeologist certifies receipt of the written confirmation, if resumption of the activity is otherwise lawful, or at any time if a binding written agreement has been executed between the Forest Service and the affiliated Indian tribes that adopts a recovery plan for the human remains and objects.

F. PROTECTION OF THREATENED AND ENDANGERED SPECIES, SENSITIVE SPECIES, AND SPECIES OF CONSERVATION CONCERN AND THEIR HABITAT.

1. Threatened and Endangered Species and Their Habitat. The location of sites within the permit area needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA) of 1973, 16 U.S.C. 1531 et seq., as amended, or within designated critical habitat shall be shown on a map in an appendix to this permit and may be shown on the ground. The holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on listed species or designated critical habitat affected by the authorized use and occupancy. Discovery by the holder or the Forest Service of other sites within the permit area containing threatened or endangered species or designated critical habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

2. Sensitive Species and Species of Conservation Concern and Their Habitat. The location of sites within the permit area needing special measures for protection of plants or animals designated by the Regional Forester as sensitive species or as species of conservation concern pursuant to FSM 2670 shall be shown on a map in an appendix to this permit and may be shown on the ground. The holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on sensitive species or species of conservation concern or their habitat affected by the authorized use and occupancy. Discovery by the holder or the Forest Service of other sites within the permit area containing sensitive species or species of conservation concern or their habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

H. CONSENT TO STORE HAZARDOUS MATERIALS. The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include, or in the case of approval provided after this permit is issued, shall be amended to include specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

I. CLEANUP AND REMEDIATION.

1. The holder shall immediately notify all appropriate response authorities, including the National Response Center and the authorized officer or the authorized officer's designated representative, of any oil discharge or of the release of a hazardous material in the permit area in an amount greater than or equal to its reportable quantity, in accordance with 33 CFR Part 153, Subpart B, and 40 CFR Part 302. For the purposes of this requirement, "oil" is as defined by section 311(a)(1) of the Clean Water Act, 33 U.S.C. 1321(a)(1). The holder shall immediately notify the authorized officer or the authorized officer's designated representative of any release or threatened release of any hazardous material in or near the permit area which may be harmful to public health or welfare or which may adversely affect natural resources on federal lands.

2. Except with respect to any federally permitted release as that term is defined under Section 101(10) of CERCLA, 42 U.S.C. 9601(10), the holder shall clean up or otherwise remediate any release, threat of release, or discharge of hazardous materials that occurs either in the permit area or in connection with the holder's activities in the permit area, regardless of whether those activities are authorized under this permit. The holder shall perform cleanup or remediation immediately upon discovery of the release, threat of release, or discharge of hazardous materials. The holder shall perform the cleanup or remediation to the satisfaction of the authorized officer and at no expense to the United States. Upon revocation or termination of this permit, the holder shall deliver the site to the Forest Service free and clear of contamination.

VI. LAND USE FEE AND DEBT COLLECTION

A. LAND USE FEES. The holder shall pay in advance an annual land use fee in accordance with the fee schedule for communications sites in Forest Service Handbook 2709.11, Chapter 90. The annual land use fee shall be adjusted annually using the Consumer Price Index-Urban (CPI-U).

B. MODIFICATION OF THE LAND USE FEE. The land use fee may be revised whenever necessary to reflect the market value of the authorized use or occupancy or when the fee system used to calculate the land use fee is modified or replaced.

C. FEE PAYMENT ISSUES.

1. Crediting of Payments. Payments shall be credited on the date received by the deposit facility, except that if a payment is received on a non-workday, the payment shall not be credited until the next workday.

2. Disputed Fees. Fees are due and payable by the due date. Disputed fees must be paid in full. Adjustments will be made if dictated by an administrative appeal decision, a court decision, or settlement terms.

3. Late Payments

(a) Interest. Pursuant to 31 U.S.C. 3717 et seq., interest shall be charged on any fee amount not paid within 30 days from the date it became due. The rate of interest assessed shall be the higher of the Prompt Payment Act rate or the rate of the current value of funds to the United States Treasury (i.e., the Treasury tax and loan account rate); as prescribed and published annually or quarterly by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. Interest on the principal shall accrue from the date the fee amount is due.

(b) Administrative Costs. If the account becomes delinquent, administrative costs to cover processing and handling the delinquency shall be assessed.

(c) Penalties. A penalty of 6% per annum shall be assessed on the total amount that is more than 90 days delinquent and shall accrue from the same date on which interest charges begin to accrue.

(d) Termination for Nonpayment. This permit shall terminate without the necessity of prior notice and opportunity to comply when any permit fee payment is 90 calendar days from the due date in arrears. The holder shall remain responsible for the delinquent fees.

4. Administrative Offset and Credit Reporting. Delinquent fees and other charges associated with the permit shall be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. and common law. Delinquencies are subject to any or all of the following:

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

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

(c) Offset by the Secretary of the Treasury of any amount due the holder, as provided by 31 U.S.C. 3720 et seq.

(d) Disclosure to consumer or commercial credit reporting agencies.

VII. REVOCATION, SUSPENSION, AND TERMINATION

A. REVOCATION AND SUSPENSION. The authorized officer may revoke or suspend this permit in whole or in part:

1. For noncompliance with federal, state, or local law.

2. For noncompliance with the terms of this permit.

3. For abandonment or other failure of the holder to exercise the privileges granted.

4. With the consent of the holder.

5. For specific and compelling reasons in the public interest.

Prior to revocation or suspension, other than immediate suspension under clause VII.B, the authorized officer shall give the holder written notice of the grounds for revocation or suspension and a reasonable period, typically not to exceed 90 days, to cure any noncompliance.

B. IMMEDIATE SUSPENSION. The authorized officer may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The suspension decision shall be in writing. The holder may request an on-site review with the authorized officer's supervisor of the adverse conditions prompting the suspension. The authorized officer's supervisor shall grant this request within 48 hours. Following the on-site review, the authorized officer's supervisor shall promptly affirm, modify, or cancel the suspension.

C. APPEALS AND REMEDIES. Written decisions by the authorized officer relating to administration of this permit are subject to administrative appeal pursuant to 36 CFR Part 214, as amended. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

D. TERMINATION. This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. Examples include but are not limited to expiration of the permit by its terms on a specified date and termination upon change of control of the business entity. Termination of this permit shall not require notice, a decision document, or any environmental analysis or other documentation. Termination of this permit is not subject to administrative appeal and shall not give rise to any claim for damages by the holder against the Forest Service.

E. RIGHTS AND RESPONSIBILITIES UPON REVOCATION OR TERMINATION WITHOUT ISSUANCE OF A NEW PERMIT. Upon revocation or termination of this permit without issuance of a new permit, the holder shall remove all structures and improvements, except those owned by the United States, within a reasonable period prescribed by the authorized officer and shall restore the site to the satisfaction of the authorized officer. If the holder fails to remove all structures and improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all costs associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

VIII. MISCELLANEOUS PROVISIONS

A. MEMBERS OF CONGRESS. No member of or delegate to Congress or resident commissioner shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.

B. CURRENT ADDRESSES. The holder and the Forest Service shall keep each other informed of current mailing addresses, including those necessary for billing and payment of land use fees.

C. SUPERSEDED PERMIT. This permit supersedes a special use permit designated N/A.

D. SUPERIOR CLAUSES. If there is a conflict between any of the preceding printed clauses and any of the following clauses, the preceding printed clauses shall control

E. Communications Site - Management Plan (X-49).
All development, operation, and maintenance of the authorized facility, improvements, and equipment located in the permit area shall be in accordance with the applicable communications site management plan approved by the Authorized Officer. If required by the Authorized Officer, all plans for development, layout, construction, or alteration of improvements in the permit area as well as revisions to those plans must be prepared by a licensed Engineer, Architect, or Landscape Architect. These plans must have written approval from the Authorized Officer before commencement of any work. After work is completed, as-built plans, maps, surveys, and other similar documentation must be provided to the Authorized Officer and appended to the communications site plan.

F. Communications Site - Equipment Interference (X-51).
The holder shall ensure that the holder's equipment operates in a manner which will not cause harmful interference with the operation of existing equipment at or adjacent to the communications site identified in this permit. If the Authorized Officer or authorized FCC official determines that the holder's use interferes with existing equipment, the holder shall promptly take the necessary steps to eliminate or reduce the harmful interference to the satisfaction of the Authorized Officer or FCC official.

COUNTERPARTS: This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same agreement. For the purposes of this Agreement only, the parties shall be entitled to sign and transmit an electronic signature of this Agreement (whether by facsimile, PDF or other email transmission), which signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to execute and deliver to the other party an original signed Agreement upon request.

KELLER PEAK COMMUNICATIONS SITE MANAGEMENT PLAN

SAN BERNARDINO NATIONAL FOREST
MOUNTAINTOP RANGER DISTRICT
FAWNSKIN, CALIFORNIA

Submitted By: MARC STAMER Digitally signed by MARC STAMER Date: 2020.10.23 15:13:29 -07'00'
District Ranger — Date

Approved By: JODY NOIRON Digitally signed by JODY NOIRON Date: 2020.10.26 12:54:44 -07'00'
Forest Supervisor — Date

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I. DEFINITIONS

Authorization. A Special Use Permit or Communications Use Permit ("Permit") or Communications Use Lease ("lease").

Authorization Holder. An individual, business, organization, or an agency that has been issued a Communications Use Lease or Special Use Permit which allows occupancy, use, rights, or privileges of National Forest System land.

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

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

Communications Site. An area of National Forest System lands approved for telecommunications uses in the applicable land management plan or separate National Environmental Policy Act decision document. A communications site may be limited to a single communications facility, but most often encompasses more than one. Each site is identified by name, usually denoting a local prominent landmark.

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

Facility Manager. The holder of a Forest Service authorization who (1) owns a communications facility on National Forest System lands, (2) provides space in or on their facility to other communications users, but (3) does not own or operate their own communications equipment and they do not directly provide communications services to third parties. Persons or entities that manage a communications facility on National Forest System lands for a Facility Owner or a Facility Manager are not considered Facility Managers for purposes of this Communications Site Management Plan.

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

Multiple-Use Facility. A communications facility that has multiple communications users operating in or on the facility.

Occupant. An individual or entity that is co-located in or on a facility.

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

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

Single-Use Facility. A communications facility that only involves the communications use of the facility owner and has no occupant uses in or on the facility.

II. NARRATIVE

A. Site Description

Keller Peak Communications Site is located on the Mountaintop Ranger District, San Bernardino National Forest, San Bernardino County, State of California, in the SW1/4 of Section 1, T. 1 N., R. 2 W., San Bernardino Meridian, at approximately Latitude 34° 11' 46" North, Longitude -117° 2' 58" West. The elevation at Keller Peak Communications Site is approximately 7885 feet above mean sea level (msl). The area for development is approximately 2.0 acres in size. Keller Peak Communications Site is road accessible.

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

The most senior use at this site is two-way radio and the site is designated as Low Power. This designation was established in the San Bernardino National Forest Land Management Plan (LMP) approved in September 2005 within prescriptions which allow communications sites. The maximum power output for the Keller Peak Communications Site is based on the maximum output allowed for two-way radio under the Federal Communications Commission's rules at Title 47, Code of Federal Regulations, Part 90.

This Communications Site Management Plan supersedes the Keller Peak Communications Site Management Plan approved July 8, 2019.

B. Existing Site Development

Keller Peak Communications Site was first developed for communications purposes in 1958 under special use authorization to Pacific Telephone and Telegraph for a microwave repeater station. Later, this facility transferred ownership to American Towers Corporation.

In 1964, Big Bear Lumber Company built a radio repeater facility at the site. It later was operated by Sigma, then Lodestar and then American Tower Corporation.

Also in 1964, the Forest Service established a remote base and repeater at the lookout tower. This was later expanded to a separate building. In 2020 the Civil Air Patrol was authorized to co-locate equipment in the Forest Service facilities.

In 1986, the California Highway Patrol was authorized to construct a facility for radio repeater and microwave use. In 2019 they were authorized to replace their tower.

In 1987, an amateur group constructed a facility on the site.

In 1992, Falcon Cablevision was authorized for a new facility to relay audio/video signals via a microwave system. Falcon has since removed this facility.

In 2007, UNAVCO installed a GPS seismic monitoring device.

In 2020, The County of San Bernardino was authorized for back-up generator adjacent to the large American Tower facility.

Also in 2020, Verizon was authorized for a propane fuel tank adjacent to the large American Tower facility.

Current facilities appear to have adequate space for additional compatible uses for the foreseeable future. If future demand for compatible uses exceeds the reasonable capacity of the existing facilities, they must be considered through the appropriate NEPA analysis and decision as defined in this plan.

See Appendix B for a current list of authorized facilities.

C. Objectives

The primary objectives of the Keller Peak Communications Site Management Plan are to:

1. Document site management policy, procedures and standards, which are not already specified in the authorization(s).

2. Manage for low power communications uses only. The maximum power output expressed as Effective Radiated Power (ERP) is typically based on height above average terrain (HAAT) to set the maximum radiated power levels allowed for two-way radio under the Federal Communications Commission's (FCC) rules at Title 47, Code of Federal Regulations, Part 90. As of the 2003 regulation, Part 90 levels are limited to 500 watts ERP. Each use must operate at or below the power level authorized by their respective FCC license as long as it does not exceed the site limitation of 500 watts ERP. Cellular Mobile Data Service is exempt from this site ERP limitation as long as the use does not exceed the ERP limitations as described in the applicable FCC regulations at Title 47, Code of Federal Regulations, Part 22, Subpart H or Part 27, Subpart C. In addition, point to point microwave (FCC Part 101) is exempt from this site ERP limitation as long as non-occupational human radiation exposure levels do not exceed limits set by FCC regulation. Continuously transmitting use (other than FCC Part 101) shall be limited to 500 watts ERP.

3. All uses must be designed, operated and maintained so as not to physically or electronically interfere with the senior uses. If new uses deteriorate the receiving/transmitting operation of existing uses, the new uses shall be required to institute at their expense: additional studies, equipment upgrades, frequency isolation, or physically separate themselves from the existing uses.

4. Help fulfill the public need for adequate communications services.

5. Protect the interests of authorization holders and site users by preserving a safe and an electronically "clean" environment.

6. Encourage the efficient development and use of space and facilities within the designated communications site, subject to the Forest Service goal to provide the best possible public service at a reasonable cost.

7. Maintain visual resource objectives by requiring design standards that are unobtrusive and by utilizing earth tone colors and non-reflective surface material consistent with the standards in the applicable land management plan.

8. Amend this Communications Site Management Plan as necessary to be consistent with future land management plan. The Forest Service will provide authorization holders with proposed amendments to this Communications Site Management Plan and will allow a reasonable period of time for the authorization holders to review and comment on the proposed changes. Authorization holders are responsible for coordinating the requirements of this Communications Site Management Plan with occupants in or on their communications facilities.

III. AUTHORITY AND JURISDICTION

A. Authority

Forest Service authority to authorize and manage communications uses on National Forest System (NFS) lands derives from section 501(a)(5) of the Federal Land Policy and Management Act, 43 U.S.C. 1761(a)(5) and Title 36, Code of Federal Regulations (CFR), part 251, subpart B (36 CFR 251, subpart B); Forest Service Manual (FSM) 2700; and Forest Service Handbook (FSH) 2709.11, Chapter 90.

B. Jurisdiction

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

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

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

The Forest Service has jurisdiction over resolution of conflicts associated with the occupancy and use of NFS lands, such as those involving location and re-radiation. The FCC and NTIA are not responsible for resolving conflicts associated with the occupancy and use of NFS lands or the resolution of other conflicts when entities are operating

within the limits of their FCC license or NTIA authorization. However, the FCC or the NTIA may be useful in assisting in the resolution of interference problems or other frequency conflicts.

IV. RIGHTS AND RESPONSIBILITIES

A. The Forest Service

The Forest Service retains the responsibility for issuing and amending authorizations. The issuance of an FCC license, or frequency assignment, does not authorize occupancy and use of NFS lands. Granting occupancy and use of NFS lands rests exclusively with the Forest Service. This includes:

1. Amending or modifying this Communications Site Management Plan as deemed appropriate.

2. Approving new facilities and ancillary improvements.

3. Approving an assignment of a Communications Use Lease.

4. Providing authorization holders with a minimum 30 days' notice of all new proposed frequencies and an opportunity to comment. A completed FS-2700-10 shall be sent with the 30 day notice to allow for comment of potential interference.

5. Determining whether or not a proposed use is consistent with this Communications Site Management Plan and compatible with existing uses.

B. Authorization Holders Are Responsible for:

1. Complying with the terms and conditions of their authorization and this Communications Site Management Plan.

2. Ensuring that all new facilities, expansions, or improvements are consistent with the San Bernardino National Forest Land Management Plan, environmental documentation and decisions affecting the use of this site, and the provisions of this Communications Site Management Plan.

3. Submitting to the Forest Service a completed FS-2700-10, Technical Data for Communication Type Land Use form, for any new frequencies proposed in or on their facility.

4. Providing building and tower space to occupants without written approval from the Forest Service, as long as that occupant use is determined to be consistent with the management objectives of this Communications Site Management Plan and does not interfere with other existing uses at the site. Form FS-2700-10, Technical Data for Communication Type Land Use, must be completed by prospective occupants seeking to co-locate in or on an existing communications facility and submitted by the authorization holder to

the Forest Service for coordination with other site users. If there is a reply to the request for comments that suggests that there may be physical interference, electronic incompatibility, or potential radio frequency interference to existing uses, the authorization holder must address those concerns with a sufficiently detailed response that the existing user will withdraw its objections to the new use, or special terms and conditions must be created to address those concerns.

5. Not placing any unreasonable restrictions on potential or existing occupants.

6. Ensuring that facilities and equipment not complying with Federal, State, and local laws, regulations, and ordinances will be removed or modified within one year of approval of this Communications Site Management Plan. Modifications require prior approval of the authorized officer.

7. Keeping all improvements within the established limits of the authorization. The authorization holder may not, for itself or for an occupant, authorize construction of any equipment shelter (e.g., building, cabinets, etc.), tower, or other ancillary improvement or manipulate the site or vegetation in any way.

8. Providing the authorized officer the name, address, and telephone number of a local contact. The authorization holder and the local contact person may be the same individual. The local contact shall be available for emergencies and shall have the authority to make decisions about construction issues, facility maintenance, and all equipment in or on the facility.

9. Notifying the authorized officer as soon as practicable, but no later than 24-hours, after the following incidents occur on NFS lands covered by their authorization:

    a. An incident resulting in death, permanent disability, or personal injuries that are life-threatening or that are likely to cause permanent disability;

    b. A structural, mechanical, or electrical malfunction or failure of a component of a facility or any operational actions that impair the function or operation of such a facility in a way that could affect public safety;

    c. Any incident that has high potential for serious personal injury or death or significant property, environmental, or other natural resource damage, including, landslides, flooding, fire, structural failures, and release of hazardous materials.

    The authorization holder must promptly abate as completely as possible and in compliance with all applicable laws and regulations any physical or mechanical procedure, activity, event, or condition that causes or threatens to cause a hazard to workers' safety or to public health or safety or harm to the environment.

The authorization holder must notify the authorized officer of any such incident by calling the San Bernardino National Forest Emergency Communication Center at **Federal Interagency Communication Center (FICC) 909-383-5653** and providing detailed information, including when, where, and how the incident occurred and who was present or affected by the incident. In addition, a point of contact must be provided in the incident report.

10. Ensuring that all communications facilities and equipment are properly installed, operated, and maintained in accordance with industry standards such as Motorola R-56. These standards may be waived by the Forest Service authorized officer when recommended by a Site Association or similar technical committee or upon request of an authorization holder when equivalent measures would achieve similar results.

11. Treating and controlling noxious weeds on and immediately adjacent to their authorized area, and access and parking areas. Treatment requirements and standards must be according to applicable regulations. Standards and application procedures may be obtained from the authorized officer.

12. Notifying the authorized officer of any hazard trees and obtaining Forest Service approval prior to felling.

13. Providing to the authorized officer (c/o National Billing Team) by October 15 of each year, a completed FS-2700-10a form listing their type(s) of communications uses they provide and the business names of all occupants and their type(s) of communications uses in or on the facility on September 30 of that year.

C. Occupants:

May co-locate in or on an existing facility after the Forest Service has determined that the proposed use is (1) consistent with the management objectives for this communications site and (2) compatible with existing uses (see section IV. B.). Occupants who co-locate in or on a Forest Service administratively controlled facility must obtain a special use permit from the authorized officer.

V. USE OF THE SITE

A. Multiple-Use Facilities

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

New facilities or major modifications to existing facilities shall be designed to accommodate additional users even if other users are, or could be, competitors.

Authorization holders are not required to provide facility space to others if they can demonstrate to the authorized officer that:

1. Space is not available;
2. The use is incompatible with the existing communications uses at the site.
3. Additional space is needed by the authorization holder; or
4. Additional users would compromise security of the facility or communications systems located in that facility.

VI. RENTAL FEES

The Forest Service shall charge all authorization holders and occupants in or on a Forest Service administratively controlled facility, an annual rental fee based on the current year fee schedule for communications uses posted at https://www.fs.fed.us/specialuses/special_comm.shtml. Rent shall be adjusted annually using the Consumer Price Index for All Urban Consumers, and the population figures are adjusted annually based on the 2010 Rand McNally Commercial Atlas and Marking Guide (for RMAs) or the Rand McNally Road Atlas for non-RMA communities.

Fees that authorization holders may charge occupants shall be:

1. Reasonable and commensurate with the occupancy and use of the facilities and services provided to the occupant; and
2. Consistent with other fees charged for similar facilities.

VII. CONDITIONS FOR NEW CONSTRUCTION AND MODIFICATION OR EXPANSION OF A FACILITY

A. New Construction, Modification, and Expansion Responsibilities

Construction space at the site is extremely limited and additional facilities may not be authorized. If new facilities are proposed, or if existing facilities need modification, the following guidelines shall apply.

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

1. Submitting a complete proposal/application to the authorized officer prior to any new construction, modification, or expansion of a facility. The proposal/application shall include:

a. A copy of the approved site plan base map showing all of the proposed new, modified, or expanded facilities, including structures, towers, and auxiliary equipment;

b. Completed drawings or plans prepared by a professional engineer or architect;

c. Identification of any proposed point-to-point microwave paths, a plot of their azimuth, and their proposed elevation on the tower; and

d. Documentation showing that the proposed facilities or proposed modification to an existing facility, will not obstruct or interfere with any existing uses, including fixed point-to-point antennas, omni-directional radiating antennas, or point-to-point microwave paths.

2. Demonstrating that the proposed facility or proposed modification to an existing facility, will make the most efficient use of the limited amount of space at the site and will provide for future uses without additional construction.

3. Providing engineering and geotechnical investigations for development of specific foundation designs and grading plans.

4. Providing an erosion control plan prior to construction. At a minimum, the erosion control plan shall include sediment control; stipulations that cut and fill slopes will be graded and contoured to prevent erosion and excessive runoff, and recommendations for temporary erosion control measures, such as netting, silt fences, swales, sediment collection areas, and so forth.

5. Coordinating with other Federal and local governments and securing all pertinent permits and approvals from those agencies.

B. Construction Methods and Resource Protection

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

During construction, modification, or expansion of facilities, authorization holders shall, at a minimum:

1. Identify, avoid, and protect sensitive resource areas as directed by the Forest Service.

2. Comply with the erosion control plan.

3. Notify the authorized officer prior to commencing any approved ground-disturbing activities.

4. During construction and/or maintenance, paintbrushes will not be cleaned off on rocks. No marks of any kind, including survey marks, will be permitted on rocks.

5. Minimize, to the greatest extent possible, ground disturbance and vegetation removal.

6. Re-vegetate extensive cut and fill slopes with native vegetation as soon as possible after construction. All re-vegetation must have prior written approval of the authorized officer.

7. Not cast off grading material. Excess soil can be used as fill material for roads, buildings and towers or disposed of at an approved off-site facility.
8. Obtain prior written approval of the authorized officer for temporary, on-site storage of construction materials.

9. Not leave hazardous materials, including fuels, oils, and lubricants unattended at the communications site at any time. Hazardous materials shall be removed from the communications site at the end of each workday or temporarily stored inside a locked and posted building until the following workday. Construction materials and supplies other than hazardous materials may be left unattended at the construction site at the end of each workday at the owner's risk.

10. Remove surplus construction materials and waste debris from the NFS lands no later than 30 days after construction has been completed.

11. Prevent the spread of noxious weeds into the area, by power washing any earth-moving or heavy equipment, such as dozers, graders, cranes, backhoes, and so forth, before it is brought onto NFS lands.

C. Construction Inspection

1. All new construction, modification, and expansion of facilities shall conform to established technical standards and accepted engineering practices, such as the International Building Code (IBC), Occupational Safety & Health Administration (OSHA), National Fire Protection Association (NFPA), National Electrical Code (NEC), Electronic Industries Alliance/Telecommunication Industries Association (EIA/TIA) codes and standards, and state regulations.

2. Any construction inspections required by other agencies are the responsibility of the authorization holder. Copies of completed inspections shall be provided to the authorized officer, either as they occur or as part of the final as-built

plan. Inspection information shall become a permanent part of the Forest Service's file.

3. Corrective work required as a result of Forest Service or other agency inspections shall be completed by the date specified in the inspection report to the satisfaction of the inspecting official.

4. A final set of as-built plans shall be submitted to the authorized officer within 90 days of acceptance of a structure (if the construction was contracted) or of its completion date (if the construction was not contracted).

D. New or Remodeled or Expanded Buildings

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

2. Building height will be restricted to a single story unless specifically authorized for two stories or with a snow vestibule. The roof shall be non-reflective metal, concrete, corrosion resistant metal (if painted to eliminate shiny surfaces), or other non-reflective fire resistant material approved by the Forest Service. Roofs can be equipped with antenna support structures, such as poles and railings that can extend up to 25 feet above ground level.

3. Facility owners are encouraged to construct the interior of their buildings in a modular fashion, so that they can:

   a. Provide space to others;

   b. Provide occupants with internal separation and security;

   c. Reduce physical interference; and

   d. Increase management effectiveness.

4. The following materials are approved for construction of new buildings:

   a. Floors: Concrete slab with drainage or as part of a non-flammable pre-fabricated structure.

   b. Walls: Concrete block, metal, or pre-fabricated fiberglass, aggregate, or stick frame with fire resistant covering.

   c. Roofs: Concrete, corrosion resistant metal (if painted to eliminate shiny surfaces), or other fireproof material approved by the authorized officer. Proposals for wooden roofs will not be approved.

   d. Partitions: Fire resistant material, such as reinforced concrete block, framed walls with studs and sheetrock, or properly grounded chain link cages.

e. Color: Color used on all exterior building surfaces must have prior written approval of the authorized officer. The goal of color selection is to make buildings as inconspicuous as possible when viewed from a distance. The intent is to reduce or eliminate glare from reflective and/or illuminated surfaces such as windowpanes, sheeting and reflective paints. Non-reflective, Forest Service approved dark gray to green or brown colors shall be used on equipment buildings.

f. Building entry lights must:

   i. Only light the immediate area in the vicinity of the door;
   ii. Be motion-activated and have a limited time duration of 3 to 5 minutes; and
   iii. Have a shielded beam that is pointed at the building door.

   Requests for all-night (dusk-to-dawn) lighting or entry lighting that would be visible from outside the site will not be approved.

E. New or Remodeled/Expanded Towers

1. All construction, modification, and expansion of towers shall have the prior written approval of the authorized officer.

2. It is the applicant or authorization holder's responsibility to ensure that new, modified, or expanded towers will not unduly interfere electronically or physically with any existing equipment at the site. Towers shall be spaced so as to prevent ground level radiation and interference problems. Compliance with these requirements shall be demonstrated in writing to the authorized officer prior to issuance of an authorization or amendment to an authorization.

3. All new towers shall comply with current structural and safety specifications and design standards, including safety-climbing devices. Towers should be as narrow and "open" as safety and structural integrity allow. New towers should be designed using maximum wind, snow, and tower loading anticipated for the site.

4. All new towers shall not exceed 100 feet. All new towers shall be self-supporting unless specifically authorized.

5. To avoid possible impacts to birds or bats, structures under this section must comply with the most current version of the U.S. Fish & Wildlife Service's Guidelines on the Siting, Construction, Operation and Decommissioning of Communication Towers (available at http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/guidance-documents/communication-towers.php)

6. All towers shall be left unpainted if they are made of dull, galvanized steel. Paint is required only if the tower has a shiny or reflective surface. Non-

reflective, Forest Service approved dark gray to green colors will be used unless the FAA requires red and white tower striping.

7. No lights, beacons, signs or strobes shall be allowed on new towers unless specifically required by the FCC/FAA.

VIII. GENERAL OPERATION AND MAINTENANCE

A. Special Environmental and/or Biological Considerations

This section contains resource protection measures that are applicable during all activities including construction, maintenance, operation, and decommissioning. There are unique environmental or resource coordination requirements at this site. If additional issues arise in the future, this Communications Site Management Plan will be amended in accordance with the applicable decision or direction.

1. If any unrecorded cultural resources (artifacts, features or sites, including areas of traditional use, concern or significance for the local Native Americans) are encountered as a result of project operations, all activities in the vicinity of such finds will immediately cease pending an examination by the Forest or District Archaeologist. The heritage resources would be recorded, clearly delineated, and protected.

2. Use of rodenticides and insecticides will be in strict conformance with prescribed regulations, label directions and Forest Service Manual (FSM) - Environmental Management direction. Pesticides that could adversely affect secondary consumers will not be permitted. Placement of bait and traps outside buildings is not permitted.

3. Disturbance of soil, vegetation, and wildlife will be minimized to the greatest extent possible.

4. Holders and their personnel will not bring pets to the communications site, unless they are kept on a leash no more than 6 feet long.

5. Feeding of all wildlife is prohibited. Collecting of any wildlife or plants is prohibited. Crews will not intentionally injure or kill wildlife species (including snakes). Instead, animals will be allowed to leave the work area before work resumes.

6. Nighttime (after dusk and before dawn) O&M work that would require outdoor flood lighting will be avoided unless the Forest Service authorized officer determines it to be necessary. Exceptions to the night-time outdoor lighting are allowed for emergency maintenance/repairs. In those situations, the outdoor lighting will be used for the shortest time possible and focused in the work area and the holder will notify the Forest Service within 24 hours after the emergency is addressed.

7. Holders will not disturb active nests on the tower or buildings. If nests interfere with tower operations or maintenance, the holder will work with the Forest Service to determine the proper course of action.

8. The Forest Land Management Plan's *Appendix G: Guidelines for Protection and Conservation of Bird Species at Mountain Top Communications Sites* (see *Appendix G* of this document) will be followed as applicable. Consultation with the Forest Service will occur prior to implementing these guidelines to ensure that they are carried out in an appropriate manner. Authorization holders are responsible for providing the Forest Service with documentation of agreed-upon anti-perching treatments applied to their facilities.

9. Vegetation management activities (including hazard tree felling, but excluding road brushing (see *Appendix E Road Maintenance*)) require coordination and approval from the Forest Service. The Forest Service will work with holders to identify the extent of the fuel reduction/vegetation management needed for defensible space based on site specific conditions and in compliance with CA Resource Code 4291. Fuels reduction activities that result in removal of bushes or shrubs or trees will be conducted outside the migratory bird nesting season (March 1st through August 31st). If treatment must occur during this time period, the holder will coordinate with the Forest Service to determine any alternative methods to reduce impacts to breeding birds. Removal of grasses/forbs can be conducted at any time.

10. When feasible, annual "weed-whipping" clearances should be timed to coincide with when non-native species (such as cheatgrass and mustard) have emerged but prior to their seed development. Over time, this will help reduce/deplete the seedbank of the non-native grass. A Forest Service botanist can provide information about timing, depending on site.

11. Holders and their personnel will be instructed to avoid moving or disturbing existing downed log and rock outcrops in order to protect small animal habitats. If disturbance is unavoidable, coordination with a Forest Service biologist is needed.

12. To the greatest extent possible, destruction of active animal dens, shelters, including woodrat nests/middens, burrows, and nests will be avoided. Where destruction is unavoidable, a Forest Service biologist will be contacted and will develop protection measures.

Rare Species/Habitats

1. Holders will be provided training and identification information on rare species within project areas and provided direction for what to do if those species are encountered. Observations of any rare species during project activities will be conveyed to the Forest Service permit administrator as soon as possible after observation. Include date, time, observations details, and photos if possible (see *Appendix H: Rare Animals of the San Bernardino National Forest* pages).

California Condor

1. To increase awareness of site personnel, the SBNF will provide a California condor informational sign for the holder to post at the authorized communications facility (see *Appendix H: Condor Identification* page).

2. The holder will notify the Forest Service to report the sighting along with any identification information observed, such as wing tag number and color. The Forest Service will notify USFWS.

3. Hazing of California condors to encourage them to leave the site is not permitted.

Rare Plants

1. For sites identified as having rare plants, any work outside of the existing disturbance footprint or access roadbed requires Forest Service Botanist coordination.

2. Holders will be made aware of the locations of rare plants within the communication site area so they can be avoided; on-the-ground barriers or flagging can be arranged, if needed.

B. Wiring and Grounding

1. All equipment shall be installed in metal cabinets or open frame equipment racks that are grounded. Grounding is to be installed in accordance with manufacturer's recommendations and accepted industry standards.

2. All building electrical wiring and grounding shall meet the NEC and applicable state and local codes. All permanent wiring shall be installed in metallic conduit and shall include a separate safety ground conductor. Electrical metallic tubing (EMT) raceway in and of itself shall not be used as a ground return. Exception: If galvanized rigid conduit (GRC) is employed, it shall be acceptable for use as a ground return.

3. Every effort shall be made to protect the equipment from lightning damage. Lightning protectors should be used on all coaxial cable connections to equipment enclosures. Inert gas gap or metal oxide varistor (MOV), silicon avalanche diode (SAD), or transient voltage surge suppressor (TVSS) should be used on all control, audio, and power lines. Failsafe modes shall be employed in the TVSS to protect wiring and shelter from fire damage. All TVSS equipment shall be UL1449 listed or approved.

4. All new building or tower structures shall have its own separate station ground mat system for all users in that site and be solidly bonded (such as exothermic weld, not brazing) to the electrical service entrance grounding conductor or grounding electrode. With any new grounding systems that are buried on the

site, interconnection of individual station ground mats and/or the simultaneous placement of large sized copper ground wire, shall be encouraged, wherever practical.

5. Grounding shall be installed in accordance with accepted practices and standards, such as but not limited to, Motorola, Inc. "Standards and Guidelines for Communications Sites R-56 Issue B", and NEC Articles 250, 810, and 820. Ground enhancement materials using bentonite clay is currently the only approved method for chemical grounding. Other types of chemical grounding shall require completion of NEPA documentation by the applicant prior to consideration for approval by the authorized officer.

C. Communications Equipment

1. Equipment Ownership

   All equipment shall be labeled with:

   a. The owner's name;

   b. Applicable transmitter frequencies;

   c. The applicable FCC license or NTIA authorization;

   d. Transmitting power outputs; and

   e. A current 24-hour telephone contact number.

2. Transmitting Equipment

   All transmitters shall have protective devices built into them or externally installed to prevent interference with other uses. All transmitters shall meet FCC/NTIA requirements and be FCC type accepted for use in the licensed (or license exempt) application.

   The re-radiation of intercepted signals from any unprotected transmitter and its associated antenna system shall be prevented by the use of appropriate filters, typically bandpass filters, circulators (isolators), and/or 2nd harmonic filters.

   The direct radiation of out-of-band emissions (noise or spurious harmonics) shall be reduced to a level such that it may not be identified as a source of interference as defined in Title 47 of the FCC Telecommunication regulations. If site noise (electromagnetic noise) becomes an issue, noise threshold limits shall be established, and amended into this Communications Site Management Plan.

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

Where duplexing is used, a notch-type filter device by itself shall be avoided. In situations where a notch-type device is used, a bandpass filter shall be used on both the receiver and transmitter. Transmitter multi-channel hybrid combining equipment should be avoided unless additional protection is provided to ensure hybrid balance and minimize the chance for intermodulation products being produced. A post combining bandpass or lowpass filter is required after the basic hybrid combiner to block undesired 2nd harmonics from being radiated.

3. Receiving Equipment

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

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

4. Antennas

a. Microwave (dish) antennas and other than ground-mounted satellite dishes shall not exceed 10 feet in diameter, unless specifically authorized to meet path performance and reliability criteria.

b. All antennas shall meet all OSHA safety standards. All facilities must operate in accordance with the Federal Communications Commission (FCC) radio frequency exposure regulations. Facilities discovered to allow exposure in excess of applicable public or occupational limits will be remediated within 24 hours to bring it into compliance. Ground measurements of Radio Frequency Radiation (RFR) levels will be taken before mitigation measures are implemented. All radiating antenna must be located on a tower or other structure at a height which does not violate on-the ground RFR levels that exceed appropriate FCC standards. This includes antenna mounted on structures utilized by occupants or the public. These situations include but are not limited to lookout towers, railings on buildings, walls and roofs.

c. Colors for dish antennas or covers shall be pre-approved by the authorized officer. White dish antennas and covers will not be approved. Existing white dishes and covers shall be repainted or replaced as repairs or replacement become necessary.

d. Antennas shall be treated to reduce or eliminate reflected glare.

5. Interference

The responsibility for correcting interference problems lies with the authorization holder, the user causing the interference, and the affected parties. Generally, the first users at a site have seniority with respect to resolution of interference complaints. Senior users have an obligation to maintain their equipment to current industry standards, to operate their systems in accordance with the terms of their FCC license or Director of Telecommunications Management/Interdepartmental Radio Advisory Committee (DTM/IRAC) authorization, and to comply with the terms and conditions of their Forest Service authorization. New users at a site shall correct, at their expense, interference problems that they create. If it can be demonstrated that the senior user's equipment is at fault because of poor technical performance (does not meet, for instance, current Association of Public-Safety Communications Officials (APCO) or EIA/TIA technical standards for receiver performance), it will be necessary for the senior user to bring the poor performing receiving equipment up to current standards. The new user, in any event, shall cease operation of the suspect equipment until the problem is corrected, or as in the case of a poorly performing senior user receiver, the senior user must formulate an action plan, which is acceptable to all parties, for correcting the deficiency as soon as possible. If interference problems cannot be resolved or corrected within a reasonable time, the new use that is causing the interference shall be terminated and the equipment removed.

All users shall cooperate with the Forest Service in the identification and correction of any interference. The Forest Service does not have any responsibility for correcting interference problems, but can act as a mediator to help all affected parties. Interference problems, whether theoretical, calculated, or measured (before and after licenses are granted) should be coordinated and resolved with the FCC or NTIA, as appropriate.

Interference with Public Safety, Critical Infrastructure, and any other emergency communications use shall be corrected immediately. Operation of equipment covered by this Communications Site Management Plan shall not interfere with any federal government radio or electronic operations already in existence on NFS lands within two miles of the Keller Peak Communications Site. The user causing this interference shall, at their own expense, take all actions necessary to prevent or eliminate the interference. If they do not eliminate the interference within ten (10) days after receipt of notice from the authorized officer to do so, their use will be terminated.

If electromagnetic noise becomes an issue, noise thresholds shall be established and incorporated as an amendment to this Communications Site Management Plan. The cost of such analysis is the responsibility of the authorization holders.

D. Cables and Transmission Lines

All new outdoor cabling shall be jacketed and 100 percent shielded and shall either be flexible or semi-rigid. Cables shall be properly installed, strapped, and fastened down. Cable runs should be consistent with applicable engineering standards when attaching cables onto a tower.

All transmission lines (including wave guide) shall be supported in accordance with manufacturer's specifications. Unjacketed transmission lines or unjacketed cables of any type are prohibited. No transmission lines shall be left unterminated. Lightning protection down conductors on towers shall be insulated from the tower steel and considered no different than transmission lines. Bonding of this down conductor to tower steel shall be done with NEC approved connectors that are also galvanically compatible (bronzed or tin plated) with the structural galvanized steel of the tower.

Double-shielded braided (98 percent or better) or solid-shielded cable shall be used inside of buildings. No RG-8 or RG-58 type class of cable is permitted. No connector-type adapters shall be used on transmitter lines. Only correct connectors that will mate to connected devices may be used.

Conduits shall be shared, as allowed for under the NEC, when they service common areas and shall be buried where possible.

Existing cables and transmission lines that do not meet the above requirements shall be upgraded as repairs or replacement become necessary.

E. Radio Frequency Radiation

All communications uses shall meet FCC, NTIA, and OSHA regulations, policy, guidelines, and standards concerning radiation limitations.

Radio frequency radiation (RFR) warning or alerting signs should be used to provide information on the presence of RF radiation or to control exposure to RF radiation within a given area. Standard radiofrequency hazard warning signs are commercially available from several vendors. Appropriate signs should incorporate the format recommended by the Institute for Electrical and Electronics Engineers (IEEE) and as specified in the IEEE standard: IEEE Std C95.2-1999 (Web address: http://www.ieee.org). Guidance concerning the placement of signs can be found in the IEEE Standard: IEEE Std C95.7-2005 (available for free through the IEEE Get Program). When signs are used, meaningful information should be placed on the sign advising affected persons of: (1) the nature of the potential hazard (e.g., high RFR fields), (2) how to avoid the potential hazard, and (3) whom to contact for additional information. In some cases, it may be appropriate to also provide instructions to direct individuals as to how to work safely in the RF environment of concern. Signs should be located prominently in areas that will be readily seen by those persons who may have access to an area where high RF fields are present.

All antenna radiation zones shall meet OSHA safety standards. If an antenna radiation zone is operating in excess of FCC public or occupational standards, steps will be taken,

within 24 hours to bring the zone into compliance such as fencing, posting of signs, relocation, or lowering of power levels. Ground measurements of RFR levels will be taken before mitigation measures are implemented. It is required that each authorization, in accordance with FCC regulations 47 CFR sections 1.1307(b), 1.1310 and 2.1093, properly monitor Maximum Permissible Exposure (MPE) to electromagnetic fields for their facility.

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

Security fences with RFR notice signs are required around areas that exceed public use levels. All fencing location and designs requires prior approval by the authorized officer.

Any identified RFR problems that are, or could be, a public health hazard must be corrected within 24 hours after measurement tests have been completed or be removed from the site by the site user(s). If the proposed corrective action involves any new ground disturbance, it must be pre-approved by the Forest Service.

F. Utilities

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

1. Commercial Electrical Power

   Commercial power is provided by Southern California Edison.

2. Telephone Service

   Commercial telephone lines do not service this communications site.

3. Fiber

   Fiber optic lines service this communications site and are provided by Freedom Telecommunications LLC DBA Wilcon.

4. Fuel Storage

   Fuel storage facilities on this site must be designed, installed and maintained according to applicable NFPA standards, federal, state and local laws and ordinances. All fuel storage tanks shall be grounded to the station ground mat.

   Due to the hazardous nature of oil products (e.g., diesel fuel, gasoline or oil), storage and containment of these products is regulated by the Environmental Protection Agency and the Spill Prevention, Control and Countermeasure standards. These rules require containment of hazardous materials so that they do not contaminate surrounding areas or waterways.

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

G. Sanitary Facilities

Limited sanitation facilities exist at this site. If needed, any new sanitary facilities shall be pre-approved by the authorized officer. If it is determined by the authorized officer that the user needs such facilities, they will be provided by the authorization holder in a manner and location satisfactory to the authorized officer and the requirements of the local health department.

H. Security and Law Enforcement

The Forest Service and the San Bernardino County Sheriff's Department are the principal law enforcement agencies for the area in which the Keller Peak Communications Site is located. In general the County Sheriff is responsible for civil and criminal law enforcement. The Forest Service is responsible for enforcing Federal laws applicable to NFS lands, such as resource protection. Patrol and policing for security purposes is the responsibility of the authorization holders.

Several of the facilities at Keller Peak Communications Site are fenced. If additional fencing is deemed necessary at the communications site, it must meet the following criteria:

1. All fences must meet health and safety requirements.

2. All fence locations and designs require Forest Service pre-approval.

3. The standard fencing type will be chain-link (i.e. cyclone).

4. The standard fence height will be eight (8) feet.

5. Fencing will be designed, maintained, and of a type to minimize interference issues. All fencing materials shall be hot-dip galvanized coated to minimize corrosion and dissimilar metal contacts.

6. Fencing shall be grounded to the station ground mat at regular intervals not to exceed 20 feet. The purpose of this requirement is to lower its conductivity to RF signals and shunt those RF signals to the ground and prevent re-radiation.

7. Fences will be signed with RFR notices as required in Section VIII., E. Radio Frequency Radiation above.

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

I. Site Maintenance

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

Miscellaneous debris remaining after any construction, installation, removal or modification of equipment is not only a hazard but can cause interference or intermodulation problems. All loose debris must be removed from the site within 30 days after completing construction, reconstruction, or other activities. In particular, all loose wire or metal objects shall be removed from the site.

Site users shall remove graffiti within 10 working days of finding it. If graffiti is on natural features, such as rocks and trees, site users will remove graffiti using a method approved by the authorized officer.

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

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

J. Inspections

Unless waived in writing by the authorized officer, the authorization holder shall have a certified inspection conducted annually of the facilities and equipment covered by the authorization. The inspection shall include a technical review that ensures that all equipment is operating in accordance with requirements of this Communications Site Management Plan, the applicable FCC license or NTIA authorization, ANSI standards, and the manufacturer's specifications. In addition, the inspection shall ensure that the equipment is secure, free of rust, properly grounded, and otherwise properly operated and maintained. A copy of the inspection report, certified by a telecommunication specialist, shall be provided to the authorized officer within 30 days of completion of the inspection.

The Forest Service may also conduct periodic reviews to monitor for compliance with the authorization.

K. Fire Prevention and Hazard Reduction Requirements

Authorization holders will be required to control vegetation within the fenced or immediate area around their facilities. ***See Appendix F - Fire Plan for more details.*** Identified threatened, endangered, or sensitive plant species must remain within the minimum clearance areas.

Smoking is prohibited in flammable vegetation areas.

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

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

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

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

Any fire will be immediately reported to 911.

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

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

For new construction, the Forest Service may provide the authorization holder with a separate Construction Fire Plan. State and local laws and regulations must be followed for any fuel tank installation.

L. Access

1. Road

   Site users who damage the access road, or any of its associated improvements, such as ditches, culverts, roadside vegetation, signs, gates and underground utilities and facilities, shall be required to repair the road to conditions equal to or superior to those prior to any damage or disturbance. Access road and gate maintenance is the individual and collective responsibility of each authorization holder. As required, actual maintenance will be done to the standards as specified in ***Appendix E – Road Maintenance***.

   Directions to Keller Peak Communications Site are from Running Springs going east on Highway 18 for approximately 1.2 miles; turn right on Forest Service Road 1N96 (Keller Peak Road) and proceed 5.8 miles to Keller Peak Lookout.

   Winter access is limited due to snow conditions. A gate exists on Forest Service Road 1N96. The general public can only access the site via vehicle during the Fire Lookout hours of operation.

The Keller Peak Communications Site is located approximately 3.5 air miles south of the town of Running Springs, CA and driving time is approximately 30 minutes.

2. Internal Roads and Parking Areas

   Internal roads and parking areas within the communications site are the responsibility of the site users. Interior roads and parking areas shall be planned and approved by the authorized officer in conjunction with establishment of new facilities. Interior roads shall be maintained so as to allow only one entrance to the site. The intent is to discourage off-road vehicle use in and around the communications site. Off-road vehicle use outside of designated roads and parking areas within the site is not permitted.

3. Road Closures

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

IX. SITE ASSOCIATION AND ADVISORY GROUP

A Site Association is recommended at the Keller Peak Communications Site. The objective of a sanctioned Site Association would be to maximize the effective use of the communications site and to represent all site users as a group when dealing with the Forest Service on matters relating to the overall management of the communications site. If formed, leadership would need to come from one of the site users and all authorization holders would be encouraged to join the association. The goal of the Site Association would be to:

1. Coordinate access, and perform maintenance and upkeep of the access road, internal roads, and parking areas.

2. Ensure cooperation between users for on-tower access.

3. Identify a Safety Officer within the Site Association.

4. Develop a Radio Frequency Radiation Plan/Agreement and recommend measures to reduce interference issues.

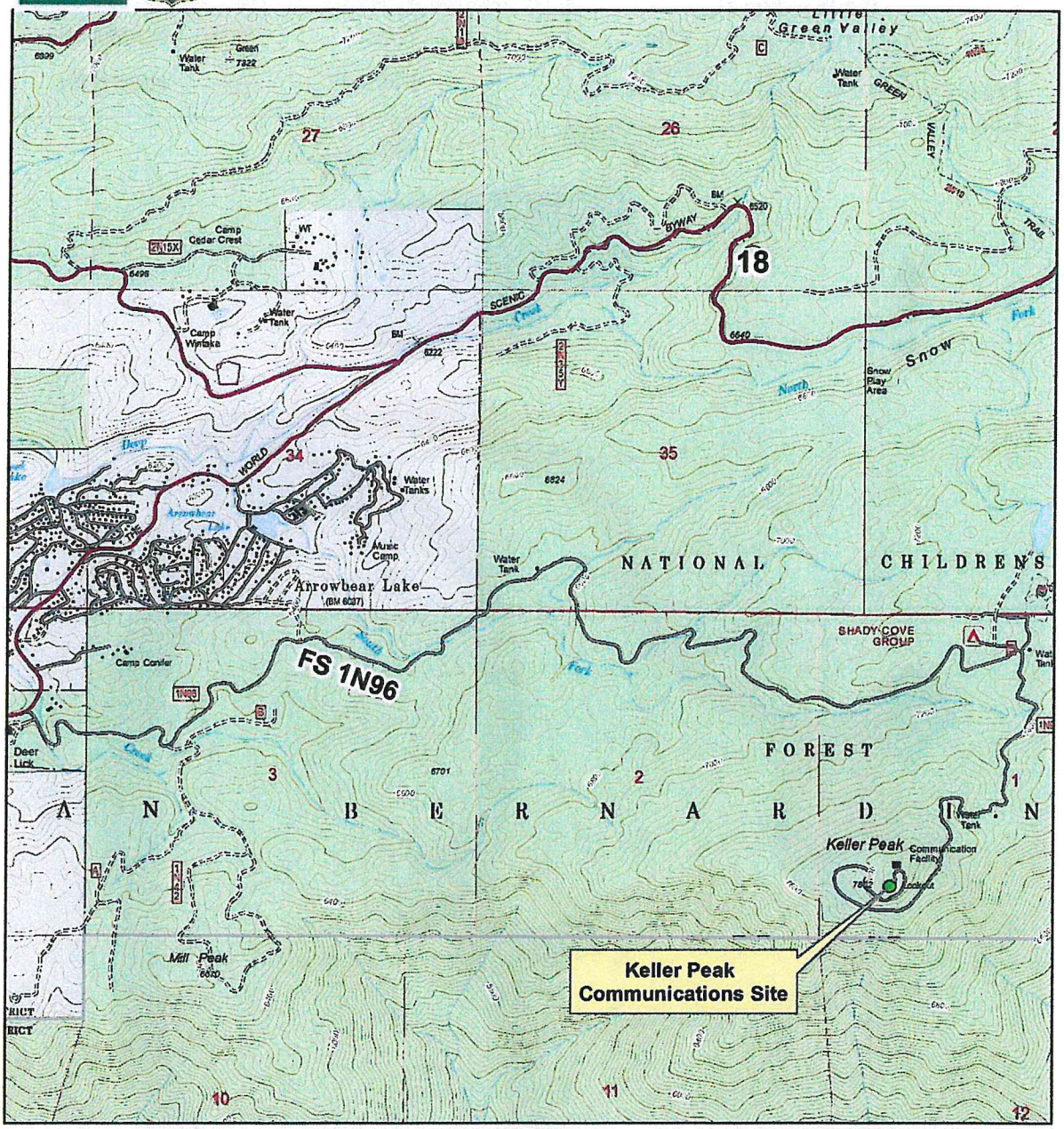
The Site Association would be able to work in cooperation with the Forest Service to identify problems or opportunities and make recommendations to the Forest Service for any changes in management strategies at the communications site. The Site Association could also provide input to the Forest Service regarding the future addition of equipment and facilities at the communications site. While the advice and recommendations of the Site Association would not be binding on the Forest Service, the Forest Service could use the input for administration of the communications site. The Forest Service would be a member of such a group and would help jointly develop the charter (i.e., the ground rules).

X. APPENDICES

APPENDIX A – Location Map

Keller Peak Communications Site

San Bernardino National Forest



CALIFORNIA
San Bernardino County

0 0.125 0.25 0.5 0.75 1 Miles

1:26,500

Section 1, T. 1 N., R. 2 W., SBM

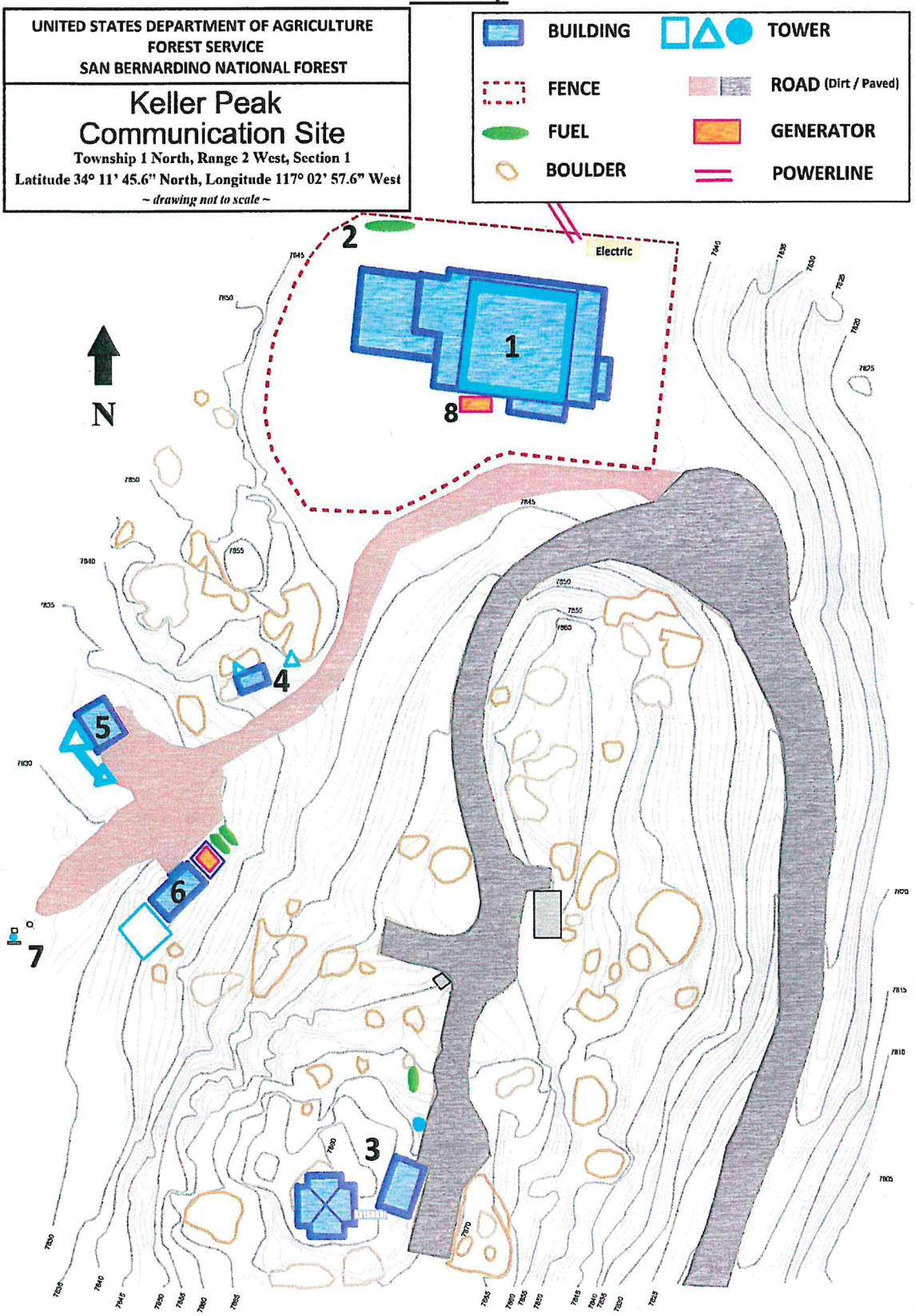
Latitude 34.195972° North,
Longitude -117.049583° West

Map Author: hhoggan; Map Creation Date: 5/27/2020

Disclaimer

The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.

Site Map

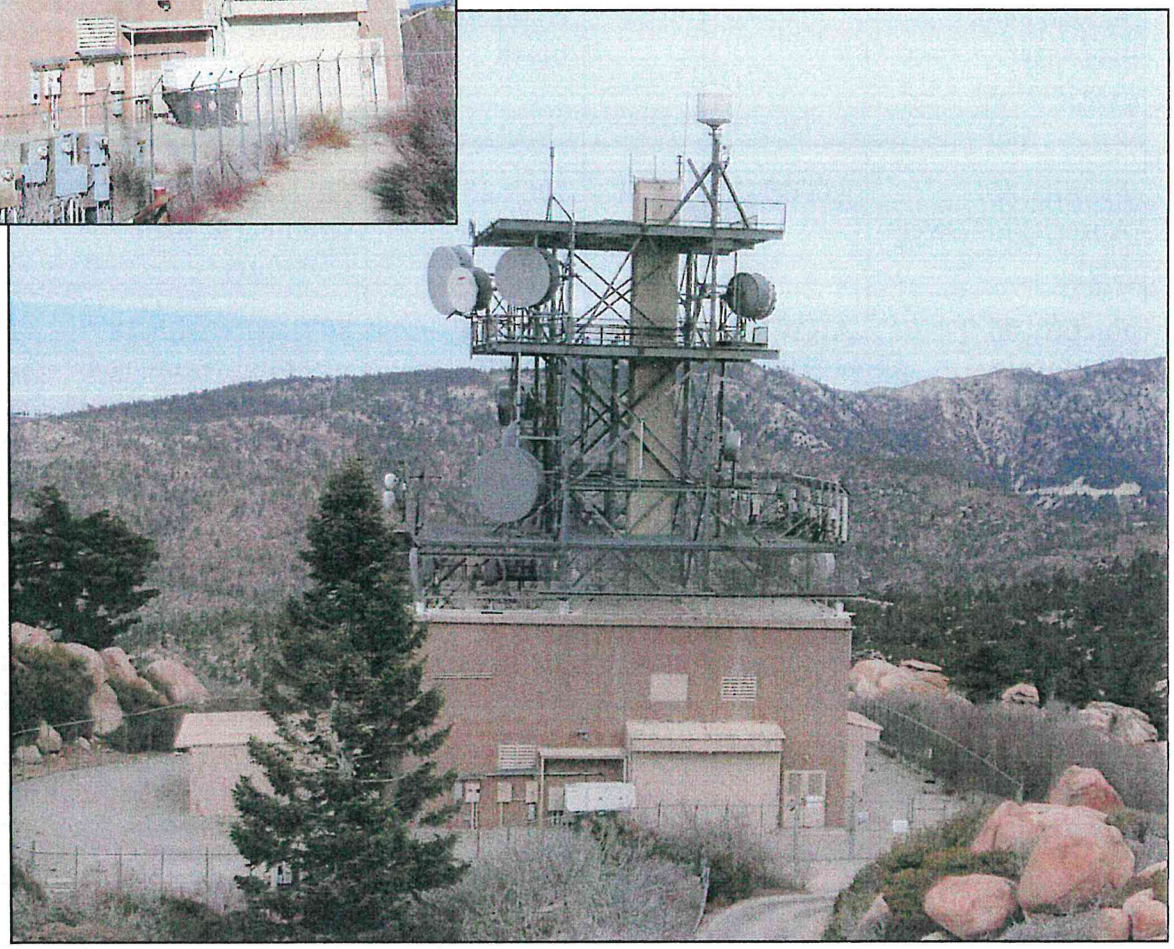

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SAN BERNARDINO NATIONAL FOREST
Keller Peak
Communication Site
Township 1 North, Range 2 West, Section 1
Latitude 34° 11' 45.6" North, Longitude 117° 02' 57.6" West
~ drawing not to scale ~
BUILDING
TOWER
FENCE
ROAD (Dirt / Paved)
FUEL
GENERATOR
BOULDER
POWERLINE
Electric
N
1
2
3
4
5
6
7
8

APPENDIX B – Authorized Facilities

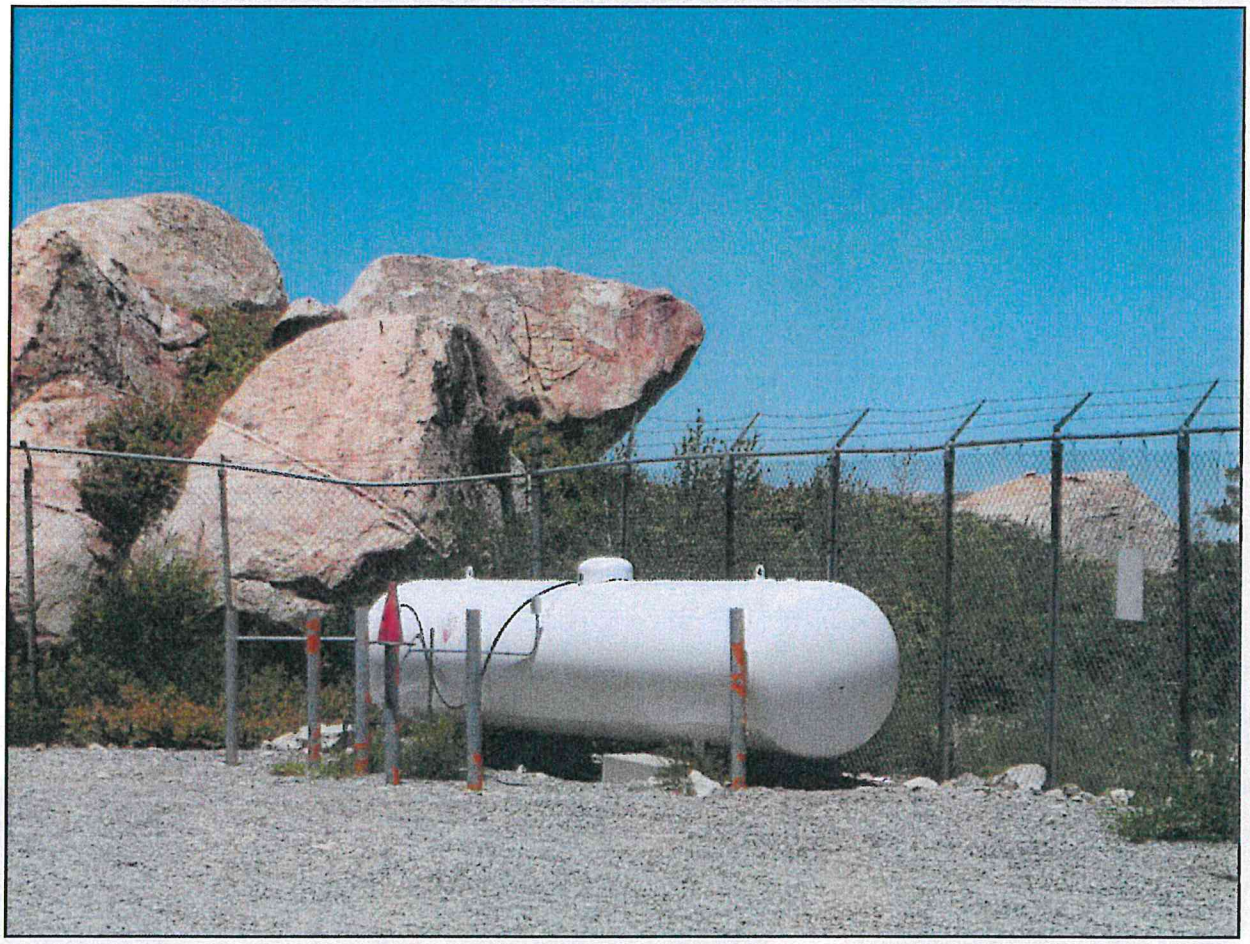
Facility	Auth ID	Use	Building	Tower	Other
Facility #1 American Towers LLC	MTD941	FAM	40' x 85' brick/stucco two-story	(4) lattice platforms on roof: (3) 40' x 40', (1) 45' x 60'. 100' total height	~530' chain link perimeter fence
Facility #2 Verizon Wireless	MTD959	OT	N/A	N/A	2000-gallon propane tank (inside facility #1 fence)
Facility #3 U.S. Forest Service	N/A	PMRS	8' x 14' concrete block; fire lookout structure	40' wooden pole; Some equipment co-located on fire lookout	N/A
Facility #4 Keller Peak Repeater Association	MTD889	OT	8' x 11' concrete block	85' lattice; 10' lattice attached to building	Solar panels (on roof); 7kw generator (on roof); 180 gallon propane tank
Facility #5 American Towers LLC	MTD942	FAM	10' x 15' concrete block	50' lattice; 60' lattice (connected with crossbar)	N/A
Facility #6 California Highway Patrol	ARW200	PMRS	12' x 20' prefab	80' lattice with 28' mast/lightening rod on ~30' x 30' foundation	(2) 500-gallon propane tanks; generator under shelter; 56' long 6' tall retaining wall
Facility #7 UNAVCO	BBD20	OT	N/A	N/A	GPS seismic sensor on tripod; solar panels and equipment on 6' pole
Facility #8 County of San Bernardino	MTD960	OT	N/A	N/A	Diesel generator with belly tank (inside facility #1 fence)

APPENDIX C – Facility Photographs

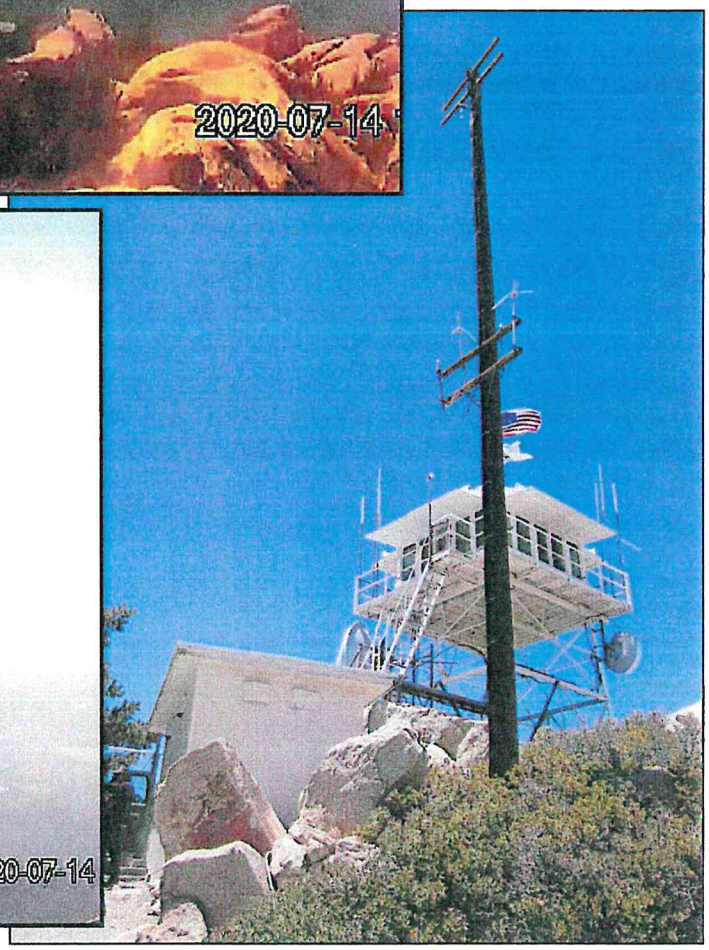
Facility #1 –American Towers LLC



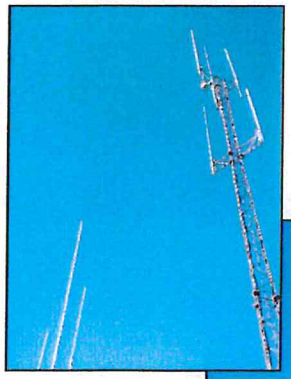
Facility #2 – Verizon Wireless

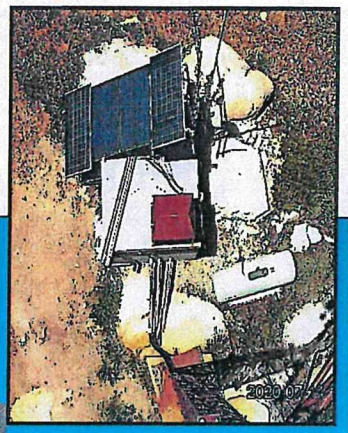


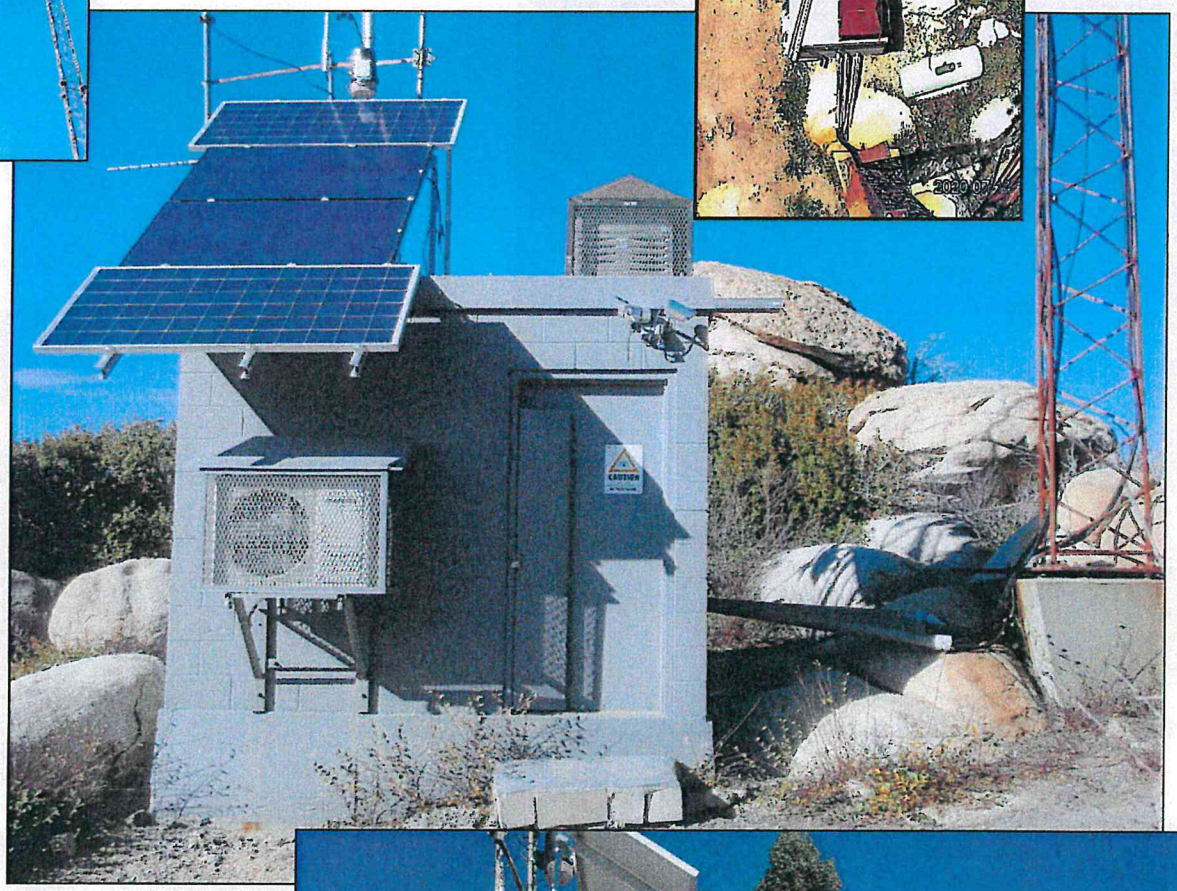
Facility #3 – U.S. Forest Service

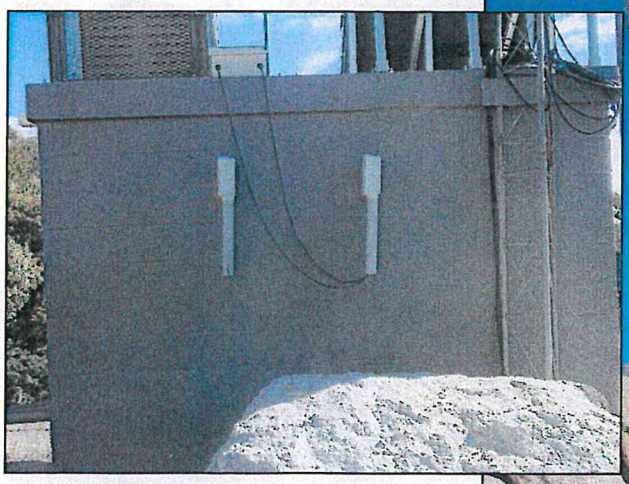


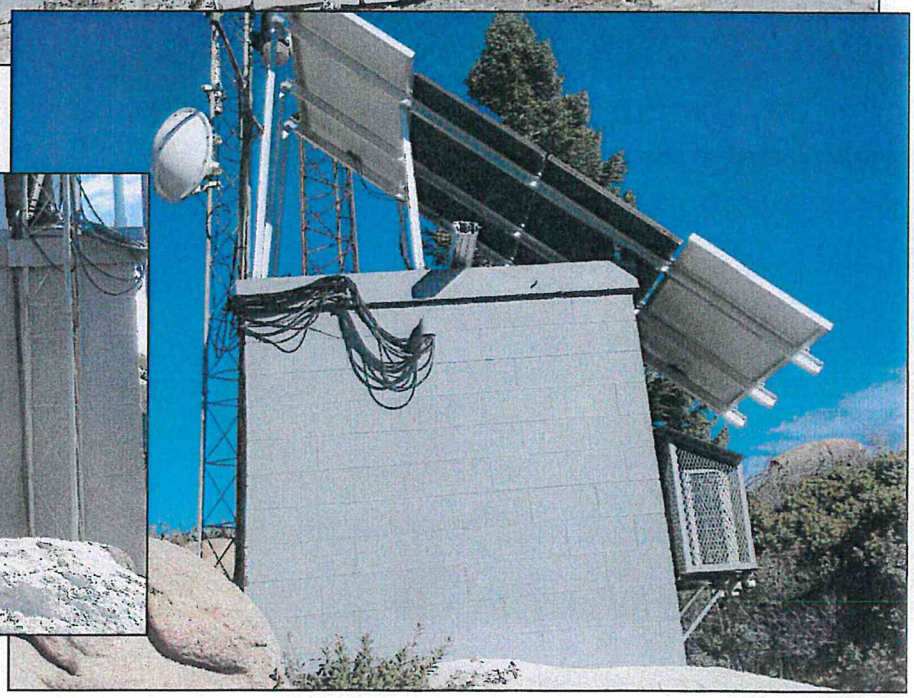
Facility #4 – Keller Peak Repeater Association



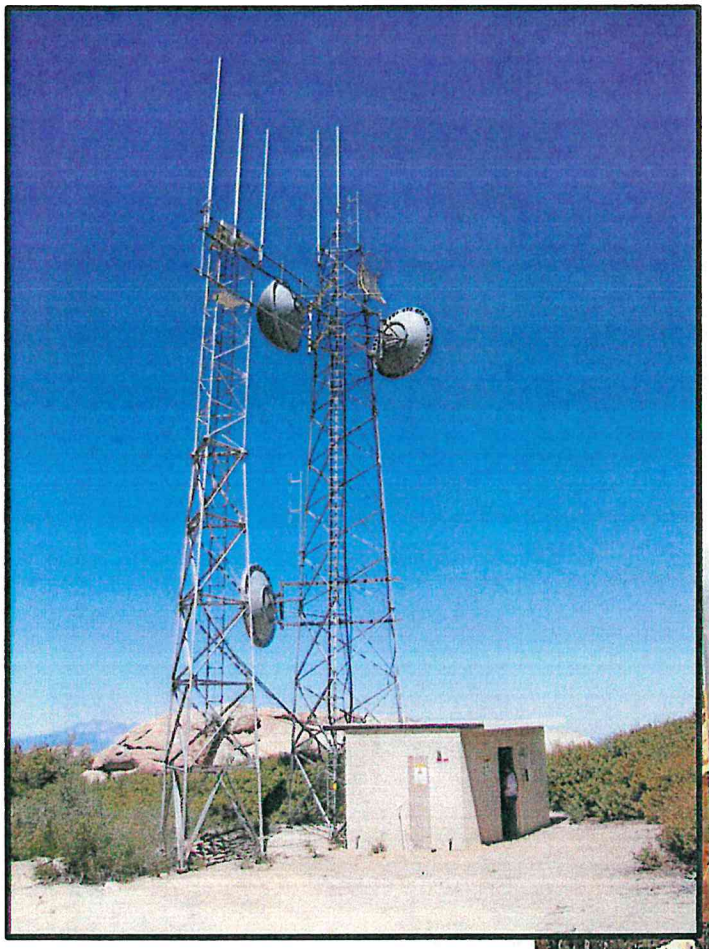


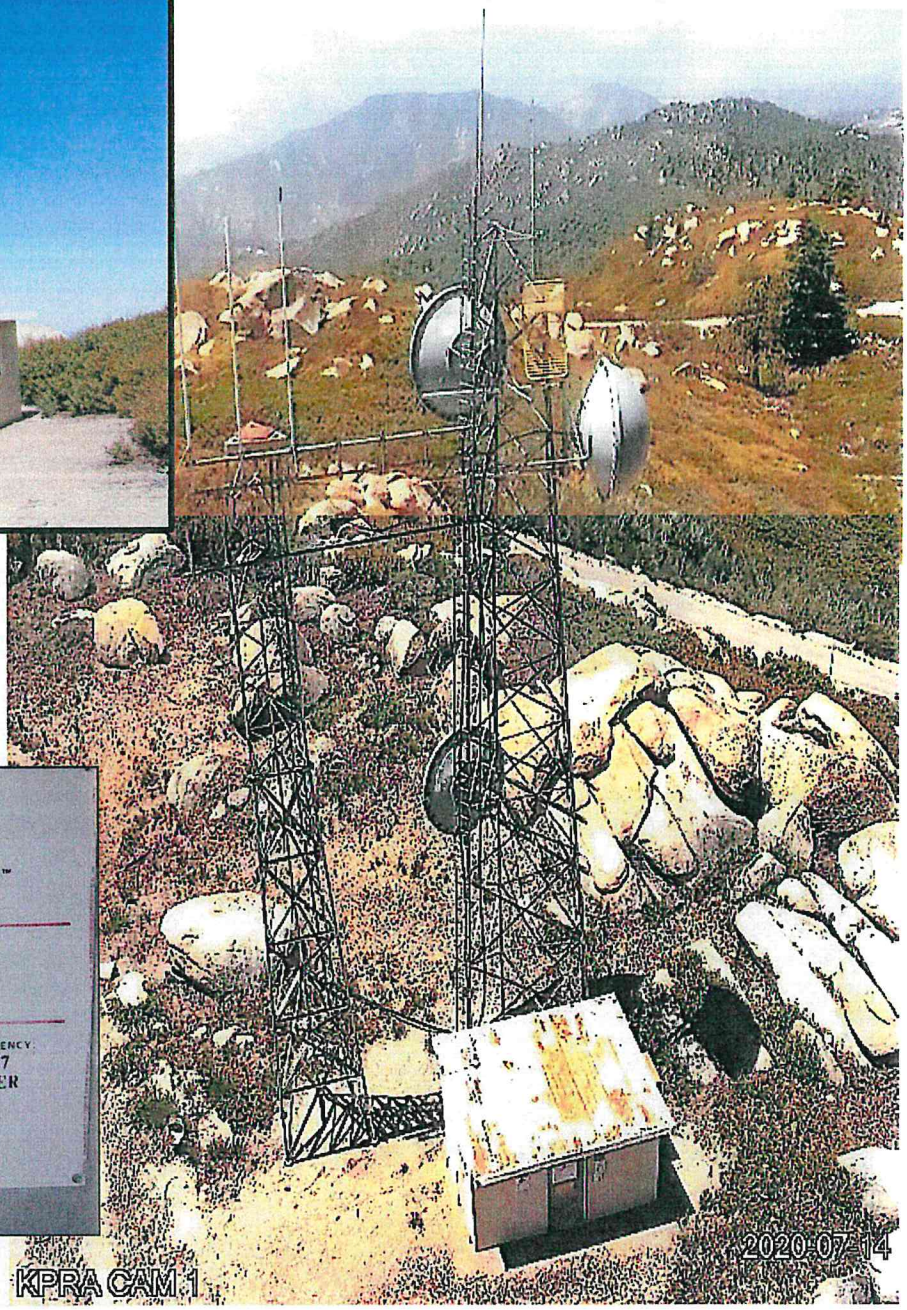




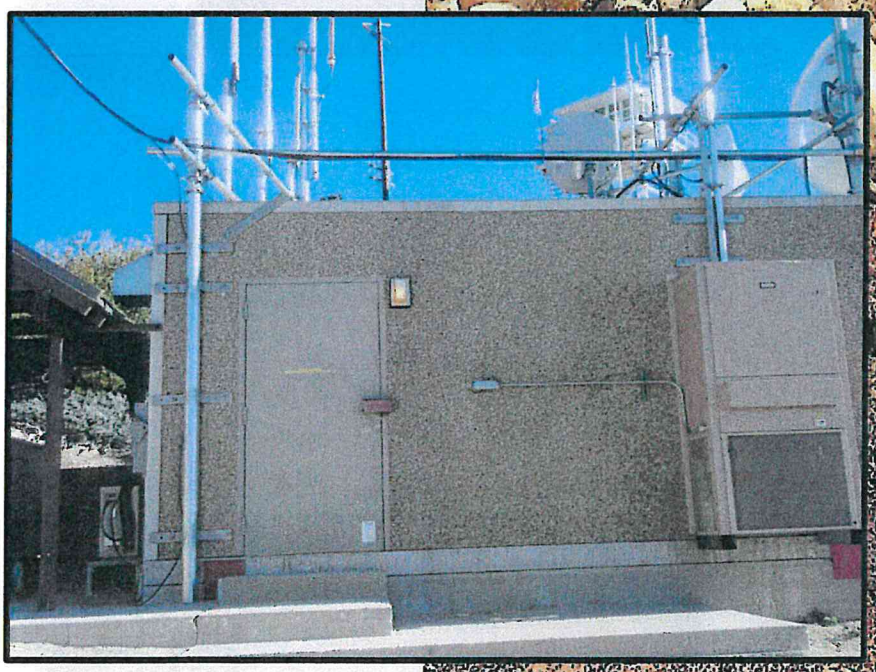


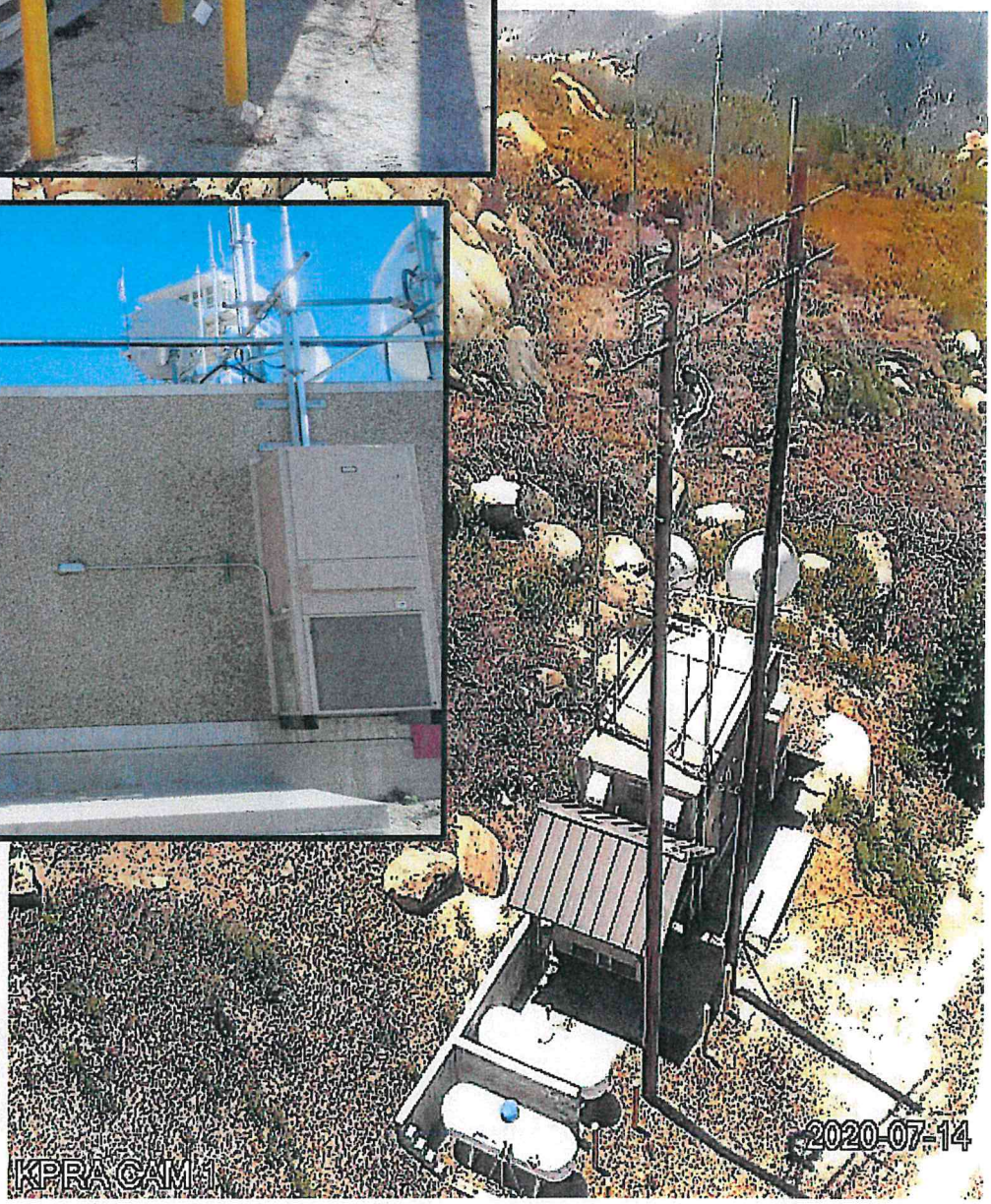
Facility #5 – American Towers LLC



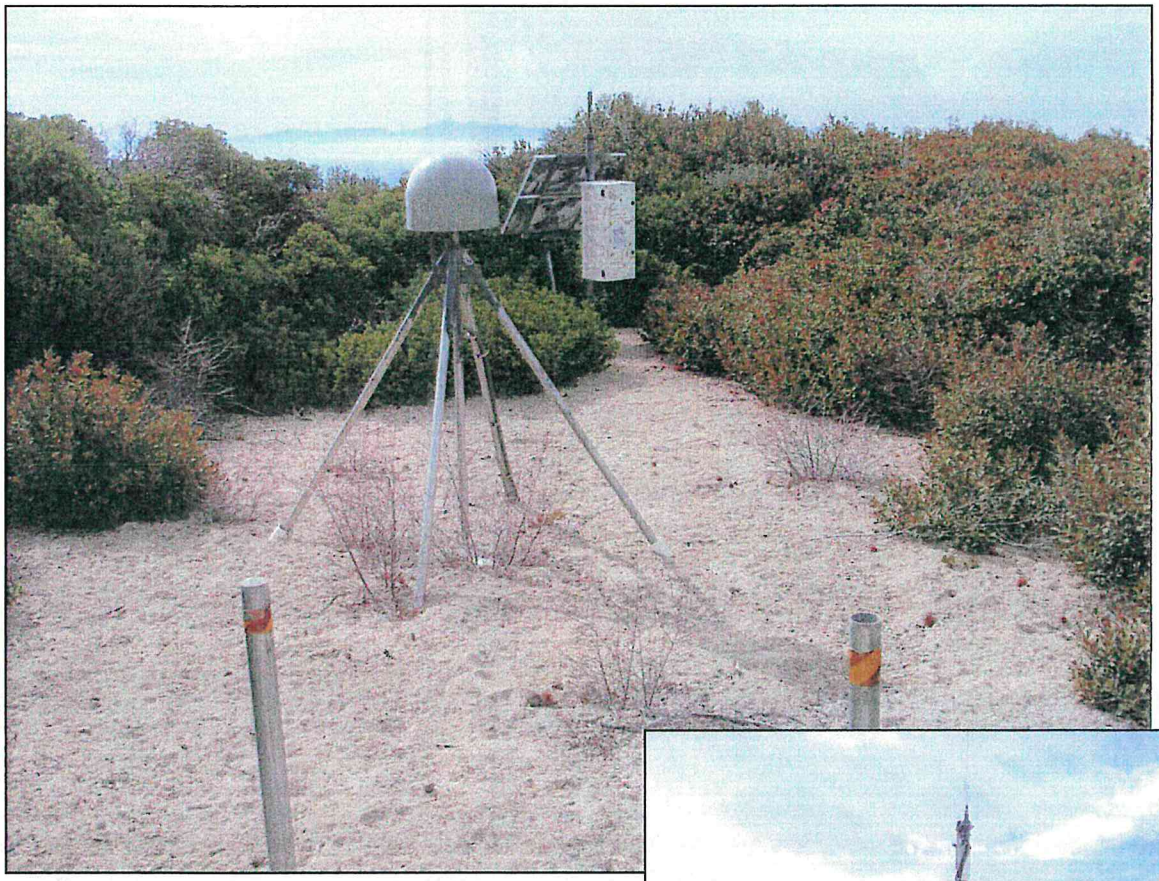


Facility #6 – California Highway Patrol

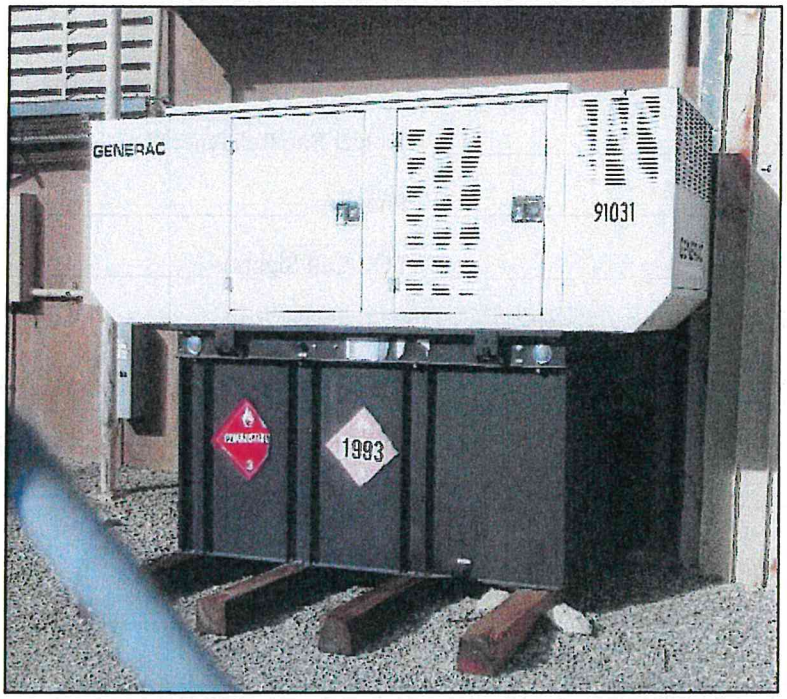




Facility #7 – UNAVCO



Facility #8 – County of San Bernardino



APPENDIX D – Inspection Checklist

"Keller Peak Annual Technical Inspection"

Date Inspected: _____ Authorization Holder: _____

Authorization ID: _____ Holder Site Reference ID: _____

Site Technician: _____ Phone #: _____

Number of Transmitters _____ FCC Call Sign(s): _____

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

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

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

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

Please mark the following Items as Yes (Y) or NO (N) or (N/A)

Isolators ---------- (Y) (N) (N/A) Circulators ---------- (Y) (N) (N/A)

Cavities ---------- (Y) (N) (N/A) Terminators ---------- (Y) (N) (N/A)

Filters ---------- (Y) (N) (N/A) Lightning Protection ---------- (Y) (N) (N/A)

FCC License or NTIA Authorization Posted ..... (Y) (N)

Equipment Labeled with (*please check all that apply*):

Owner's Name _____ Transmitter Frequencies _____ Transmitting Power Outputs _____
Current 24-hour Telephone Number _____

Comments: _____

_____

Recommended Corrective Action: _____

_____

Corrective Action To Be Taken (***may require prior approval from the Forest Service***): _____

_____

I certify that to the best of my knowledge the information provided is true, correct, and complete.

_____ _____
Site Technician Signature Date

All corrective actions must be completed within 120 days of this site inspection, unless otherwise agreed to in writing by the Forest Service.

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

This form is just one option that may be used, it outlines basic items that should be covered in any inspection. The authorization holder, inspector or the Forest Service may utilize a different form if desired.

APPENDIX E – Road Maintenance

For dedicated communications site only access roads (i.e., roads that do not serve another Forest or public purpose besides access to the communications site, and exist solely for use by the holder(s), and Forest Service administration of the use).

1. Holder(s) is authorized to use and, with prior written approval from the Forest Service, perform routine maintenance (e.g., surface blading, cleaning of drainage structure inlets, pothole repair, etc.) of the road(s) that access the communications site. Holder(s) will maintain the road(s) to a standard that is compatible and commensurate with the authorized use. Holder(s) will perform periodic maintenance to ensure road surface and road drainage structures operate effectively during the life of the authorization. Holder(s) will accept responsibility for any road maintenance necessary for their employees, contractors, tenants and customers to access the site.
    a. Holder(s) will obtain written approval from the Forest Service prior to conducting any routine maintenance activities, at which time the Forest Service will identify specific road(s) where maintenance activities may occur. Forest Service personnel may need to monitor maintenance. Holder(s) will ensure maintenance activities are done according to the standards as outlined below under Requirements for Conducting Maintenance.

For Forest Service System Roads (i.e., they have an assigned road number and are listed in the Forest Service database):

1. Forest System roads are subject to Forest Service discretion and funding to maintain, however, if a system road is necessary to access holder(s) authorized facilities, the holder(s) is authorized to use and, with prior written approval from the Forest Service, perform routine maintenance of Forest Service system roads. Holder(s) will maintain the roads to a standard that is compatible and commensurate with the authorized use.
    a. Holder(s) will obtain written approval from the Forest Service prior to conducting any routine maintenance activities, at which time the Forest Service will identify specific road(s) where maintenance activities may occur. Forest Service personnel may need to monitor maintenance. Holder(s) will ensure maintenance activities are done according to the standards as outlined below under Requirements for Conducting Maintenance.

Emergency repairs of roads may be conducted if roads have been damaged such that access is not possible and access is necessary to restore communications services or a loss of services is imminent. The holder(s) shall notify the authorized officer as soon as possible of any emergency repairs.

TRAFFIC RULES AND USE RESTRICTIONS

1. The holder(s) and its agents, employees, and contractors shall comply with all traffic rules and use restrictions imposed by the Forest Service.

REQUIREMENTS FOR CONDUCTING MAINTENANCE

A. IN GENERAL. When maintenance is performed, it shall be conducted in accordance with the following requirements:

1. The holder(s) shall perform maintenance on the roads authorized by their authorization that is necessary to protect and repair the roadbed, road surface, and associated transportation facilities.
2. The holder(s) shall resurface the roads authorized to the extent loss of surfacing is caused by the use authorized.

B. SNOW REMOVAL. Snow removal shall be conducted in a manner that protects roads, ensures safe and efficient transportation of materials, and prevents erosion damage to roads, streams, and adjacent lands.

The holder(s) shall:

1. Remove snow from the entire width of the road surface, including turnouts.
2. Remove snow slides, earth slides, fallen timber, and boulders that obstruct the road surface.
3. Remove snow, ice, and debris from ditches and culverts so that the drainage system will function efficiently at all times.
4. Deposit all debris, except snow and ice, removed from the road surface and ditches at locations approved by the responsible official and away from stream channels.
5. Leave at least 3 inches of snow on native surface roads to protect the road.
6. Restore any damage resulting from snow removal in a timely manner.

The holder(s) shall not:

7. Undercut constructed slopes or remove gravel or other surfacing material from the road surface.
8. Leave snow berms on the road surface. Berms on the shoulder of the road shall be removed or drainage holes shall be opened and maintained. Drainage holes shall be spaced as necessary to obtain satisfactory surface drainage without discharge on erodible fills.
9. Use equipment with cleats or other tracks to plow snow without prior written approval of the responsible official.

C. Maintenance Requirements

1. **Clearing** – Routine road maintenance activities (e.g., grading) will be confined to the existing roadbed. Exceptions for road reconstruction and repairs that extend outside the roadbed will require SBNF Engineering approval and specialist review.
    a. Within the clearing limits and roads prism holder(s) may clear brush, downed timber, vegetation, large rock and other debris within 3-5 feet of the edge of the road prism.

b. Clearing of vegetation to trim branches that extend over the road surface is limited to attain a clear height of 20 feet. Trim according to accepted tree surgery practices. Treat wounds with tree wound dressing.

2. **Linear Grading** – this work consists of constructing materials within the specified alignment grade tolerances.
   a. Grading Tolerances – Do not encroach on stream channels, impact wetlands, or extend beyond right of way or easement limits. Do not make alignment or profile grade adjustments that adversely affect drainage.

3. **Cleaning, Reconditioning, and Repairing Existing Drainage Structures** – This work consists of cleaning, reconditioning, and repairing existing culverts and appurtenant structures.
   a. Removing and Cleaning Culverts – Carefully remove the culvert and clean all foreign materials from within the barrel and jointed ends.
   b. Cleaning Culverts in Place – Remove and dispose of all foreign material within the barrel and appurtenances by any method that does not damage the culvert. All or part of a culvert designated to be cleaned in place may be removed, cleaned and relayed. Protect any damage to the drainage inlets and starter sections.
   c. Reconditioning Drainage Structures – Remove all debris from structures designated to be reconditioned. Repair all leaks and structural damage and replace missing or broken metalwork.
   d. Rolling Dip/Water Bar – must be maintained and installed with proper grading at each location where overside drain exists to maintain adequate drainage and proper functionality of drainage structure.
   e. Outlets – must be maintained with proper energy dissipation to prevent rills and gullies from forming at the bottom of overside drains.

4. **Disposing of Material** – If necessary dispose of debris and unsuitable and excess material as follows:
   a. Remove from project – Recycle or dispose of material legally off National Forest System lands. Furnish a statement documenting the nature and quantity of material processed or sold for recycling.

APPENDIX F – Fire Plan

1. SCOPE

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

2. RESPONSIBILITIES

A. Holder

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

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

3. TOOLS AND EQUIPMENT

A. The Holder shall comply with the following requirements:

a. Shall equip all diesel and/or gasoline-operated engines, both stationary and mobile, with spark arresters that meet Forest Service standards set forth in the National Coordinating Group publication for Multi-position Small Engines, #430-4, or General Purpose and Locomotive, #430-2. Spark arresters are not required on equipment powered by exhaust-driven turbo-charged engines or motor vehicles equipped with a maintained muffler as defined in California Public Resources Code (CPRC), Section 4442 and 4443.
b. Shall furnish and have available within each building hand tools and/or equipment as follows (CPRC 4427 and 4431) for emergency use:

i. One shovel, one axe (or Pulaski) and a fully charged fire extinguisher U.L. rated at 4 B:C or more.
ii. One shovel and one backpack 5 gallon water-filled tank with pump with each welder.
iii. One shovel and one chemical pressurized fire extinguisher (fully charged) for each gasoline-powered tool, including but not restricted to chain saws, soil augers, weed whips, etc. Fire extinguishers shall be of the type and size set forth in the California Public Resources Code Section 4431.

c. All tools and equipment required in a. and b. above shall be in good workable condition. Shovels shall be size "O" or larger and be not less than 46 inches in overall length. Axes or Pulaski's shall have 2-1/2 pound or larger heads and be not less than 28 inches in overall length.

4. GENERAL

A. State Law. The Holder shall comply with all applicable laws of the State of California. In particular, see California Public Resource Codes 4291, 4423, 4427, 4431 (Clause 6).

B. County Law. The Holder must abide by county laws concerning hazard reduction around buildings and all other improvements at the communications site.

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

a. Burning/welding/cutting Permits. (Issued by Forest Service)
b. Air Pollution. (Issued by State or County Air Pollution Control Districts)
c. Construction. New construction may require a separate Construction Fire Plan. Construction cannot begin until the Authorized Officer determines that fire conditions (project activity level) are suitable for proposed activities. Precautionary measures may include the presence of a fire patrol person whose responsibility shall be to patrol the operation for prevention and detection of fires and to take suppression action where necessary. Precautionary measures may also include the presence of an engine crew for initial attack and/or water tender for dust abatement.

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

E. Building, Storage and Parking Areas. Equipment service areas, parking areas, and building areas shall be cleared of all flammable material for a radius of at least 30 feet. Small mobile or stationary engine (e.g. generator, air compressor, etc.) sites shall be cleared of flammable material for a radius of at least 15 feet from such engine. Areas of the type described above must be approved in writing by the authorized officer.

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

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

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

5. REPORT ALL WILDFIRES

Holder and/or his/her employees shall report all fires to 911 **or** the Federal Interagency Communication Center (FICC) **909-383-5653**.

6. CALIFORNIA PUBLIC RESOURCE CODES

A. CPRC 4291 (Division 4, Part 2, Chapter 3) states:
(a) A person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material, shall at all times do all of the following:

1) Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line except as provided in paragraph (2). The amount of fuel modification necessary shall take into account the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This paragraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation. The intensity of fuels management may vary within the 100-foot perimeter of the structure, the most intense being within the first 30 feet around the structure. Consistent with fuels management objectives, steps should be taken to minimize erosion. For the purposes of this paragraph, "fuel" means any combustible material, including petroleum-based products and wildland fuels.
2) A greater distance than that required under paragraph (1) maybe required by state law, local ordinance, rule, or regulation. Clearance beyond the property line may only be required if the state law, local ordinance, rule, or regulation includes findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. Clearance

on adjacent property shall only be conducted following written consent by the adjacent landowner.

3) An insurance company that insures an occupied dwelling or occupied structure may require a greater distance than that required under paragraph (1) if a fire expert, designated by the director, provides findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. The greater distance may not be beyond the property line unless allowed by state law, local ordinance, rule, or regulation.
4) Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.
5) Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood.
6) Maintain the roof of a structure free of leaves, needles, or other vegetative materials.

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

a. At any time in Zone A. "Zone A" includes Mono, Inyo, San Bernardino, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial Counties (PRC 4413).
b. At any time in Zone B between May 1st and the date the director declares, by proclamation, that the hazardous fire conditions have abated for that year, or at any other time in Zone B during any year when the director has declared, by proclamation, that unusual fire hazard conditions exist in the area.

The issuing agency may require the permittee to contact the agency to determine permit suspension status prior to burning.

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

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

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

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

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

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

a. The area, within 10 feet of the exterior of the incinerator is maintained free and clear of all flammable material and vegetation.
b. A screen constructed of a nonflammable material, with no greater than 1/4 inch mesh, or metal doors, close or cover each opening in the exterior of an incinerator to prevent the escape of flames, sparks, ashes or other burning material which might cause an uncontrolled fire.
c. A permit is obtained prior to burning for the use of the incinerator pursuant to Section 4423 and all other applicable provisions of law.

NO INCINERATORS ARE PERMITTED AT
KELLER PEAK COMMUNICATIONS SITE

APPENDIX G - Guidelines for Protection and Conservation of Bird Species at Mountain Top Communications Sites, USDA Forest Service

(Forest Land Management Plan, Design Criteria for the Southern California National Forests, Part 3, Appendix G, page 69)

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

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

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

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

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

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

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

Stand pipes and/or open pipes should be covered or screened to prevent avian entrapment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For guidance on markers and other anti-perching devices, see *Avian Power Line Interaction Committee (APLIC). 2006. Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006. Public Interest Energy Research Program (PIER) Final Project Report CEC-500-2006-022. Edison Electric Institute, APLIC, and the California Energy Commission. Washington D.C. and Sacramento, California. Avian Power Line Interaction Committee (APLIC). 2012. Reducing Avian Collisions with Power Lines: The State of the Art in 2012. Edison Electric Institute and APLIC, Washington D.C.* APLIC's website is http://www.aplic.org/.

APPENDIX H - Rare Animals of the San Bernardino National Forest

The *San Bernardino National Forest* is home to a number of rare plants and animals. Our biologists are trying to learn more about these unique species and *we would like to enlist your help* as our eyes and ears. If you should ever encounter any of the species described below, *please report sightings of these animals to us as soon as possible after observation,* including information about *what you saw*, *when you saw it*, and *where*. Photographs would be greatly appreciated.
All of these animals are protected species—so *please do not handle them, collect them, or harm them* in any way. All or some of these animals may be found in your area.

←Coast mountain kingsnake: This colorful snake has declined in numbers due to over-collecting by people who want to keep them as pets. These snakes are between 20 – 40 inches long. This snake is not venomous but may bite if it is bothered. **FOREST SERVICE PROTECTED**

San Bernardino ring-necked snake→: This two-toned snake flashes its orange belly when intimidated or scared, to scare off predators. These snakes are between 10 – 16 inches long. This snake is not venomous and is unlikely to bite (but could).
FOREST SERVICE PROTECTED

←Coast horned lizard: Like the San Bernardino Mountain kingsnake, coast horned lizards have been over-collected. These little "dinosaurs" generally freeze when scared because their camouflaged patterns make them blend into the background. These lizards are about 2 – 4 inches long. **FOREST SERVICE PROTECTED**

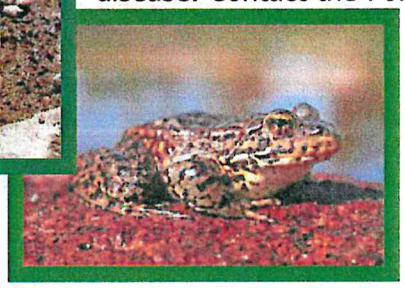
Southern rubber boa →: This small docile snake looks like an overgrown earthworm. It is active at dawn and dusk, especially during rainy periods. The southern rubber boa is extremely rare and lives in downed logs and rocky outcrops.
FOREST SERVICE PROTECTED

← Rosy boa: Like its cousin the rubber boa, the rosy boa can constrict and climb branches. This docile snake is usually found in drier habitats at lower elevations. **FOREST SERVICE PROTECTED**

Large-blotched, Monterey and slender salamanders→: These salamanders are nocturnal and most active during wet periods and found under logs or in moist areas. They are about 2 –3 inches long and cannot bite and should not be harmed in anyway. **FOREST SERVICE PROTECTED**

← Mountain yellow-legged frog: This frog was once our most common frog; now it is very rare. Part of its decline is due to an increase in non-native predators, habitat loss, water pollutants, and disease. Contact the Forest immediately if this animal is seen.

FEDERALLY ENDANGERED
FOREST SERVICE PROTECTED



Arroyo toad →: This rare toad looks like it's more common cousin, the western toad, but lacks the dorsal stripe down its back. These amphibians are able to survive dry spells by burrowing into the ground and aestivating for months at a time. Aestivating is similar to hibernating, but it's done during hot dry periods instead of during the winter. Contact the Forest Service immediately if this animal is seen.

FEDERALLY ENDANGERED FOREST SERVICE PROTECTED

←Bighorn sheep: Bighorn sheep occur in both the San Gabriel, San Bernardino, San Jacinto & Santa Rosa Mountains. Typically, they move in herds and prefer steep, rocky areas where they can escape from predators. Bighorn sheep are threatened by predation by feral dogs, habitat loss and human disturbances. Please enjoy these animals from a distance.
FOREST SERVICE PROTECTED in the San Gabriel Mts.
FEDERALLY ENDANGERED - Santa Rosa & San Jacinto Mts.

San Bernardino flying squirrel →: This mammal is a subspecies of the northern flying squirrel and it is only known to occur in the San Bernardino and San Jacinto Mountains. They don't actually fly - instead, they glide on thick pieces of skin spread between their legs. These animals like to den in cavities at the top of dead trees. Flying squirrels are much smaller than the common gray squirrel; they're closer in size to our local chipmunks. **FOREST SERVICE PROTECTED**

Ringtail →: This nocturnal carnivore is known to live in hollow trees, logs, and cavities on our forest. They stick close to streams and riparian areas but may be found on open ground near bushes and rocky out-crops. Ringtails may be confused with raccoons because of their striped tail; however, they are much smaller, averaging between 24—32 inches long with the tail being more than half the length of their body.
FOREST SERVICE PROTECTED

←American badger: Active mainly at night during all seasons, the badger has a triangular face with distinctive black and white pattern, and brown or blackish "badges" marking the cheeks. It also has a white stripe extending from the nose to the base of the head. Badgers can be aggressive in defending their territory. They use their distinctively long front claws to excavate lengthy tunnel systems and to dig prey out of holes in the ground.
FOREST SERVICE PROTECTED

Western spotted skunk →: The spotted skunk is much smaller than its more common relative the striped skunk. With an average size ranging between 14 – 22 inches, this small omnivore forages mainly at night in brushy, rocky, and riparian areas. They den in cavities, burrows, brush piles and under buildings. Like other skunks, these animals will spray an obnoxious scent when threatened. **FOREST SERVICE PROTECTED**

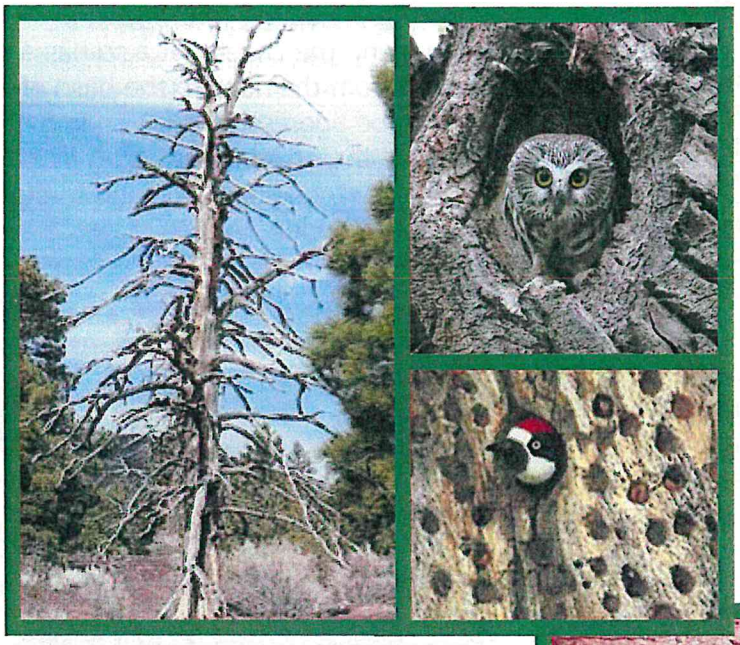
←Porcupine: Historically, the porcupine occurred on the SBNF. This plant-eater nibbles on tree bark and young branches. They burrow in rock crevices, and hollow trees. They move slowly and have poor eyesight. They do not throw their quills - they erect them and back towards a predator giving them a snout-full of quills (especially dogs). Please report sightings to the Forest Service.
FOREST SERVICE PROTECTED

Animal Signs and Avoidance Areas

Listed on this page are several examples of important habitat features that many of our rare animals use. It is critical to their survival that we try our best to reduce the damage caused to these areas. If possible, try to limit the disturbance of your project in and around these important features.

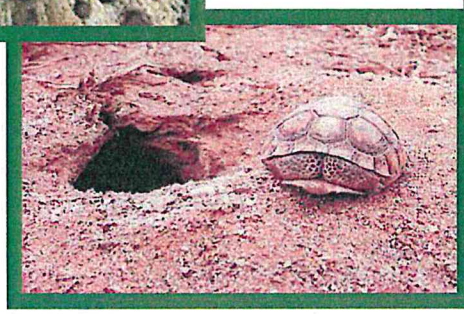
←Bird Nests→ : Birds don't just nest in trees. Some species nest on the ground in shallow scrapes in the dirt; others nest in or under bushes. It is important to look for active nests in bushes or other vegetation before disturbing the plants. Nests with eggs or chicks must be avoided. If there are adult birds in the immediate area that seem to be upset by your presence, it is likely that an active nest is present. Old inactive nests will look like they are falling apart and may have spider webs across them. It is okay to disturb or destroy inactive nests. When moving through grassy areas, it is important to watch where you step so that ground nests are not disturbed or crushed.

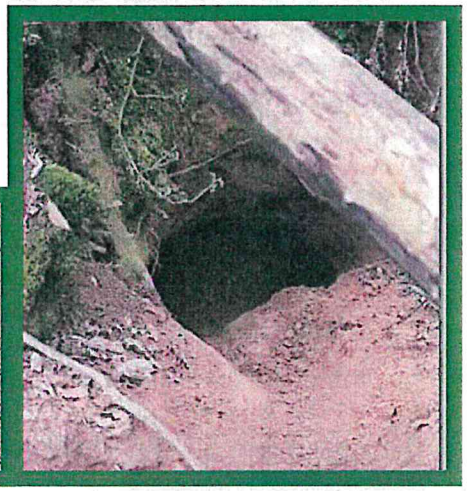
Woodrat Nests →: Woodrats are an important rodent in the forest ecosystem. They are the main prey item for the California Spotted owl and their nests offer shelter for reptiles including the mountain kingsnake and rubber boa. The nests are typically built around the base of a shrub or downed tree. They are constructed of sticks and other woody material.



←Snag Trees: Dead trees are also called snags. Not all snags are a hazard. Snags serve as food cache sites for many animals. The food reserves help some animals make it through the colder months. Cavities in the tree offer shelter for birds, squirrels, raccoons, and bats. Sloughing bark offers day roost sites for bats. Snags are also habitat in the life cycle of many insects.

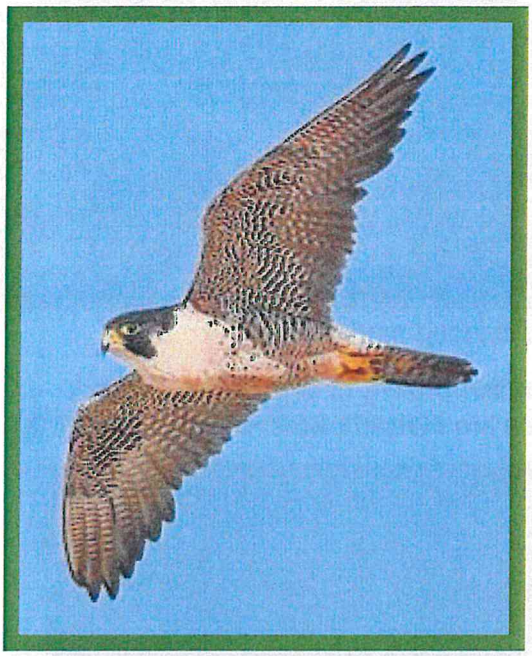
Burrows →:
Bears, foxes, rabbits, desert tortoise, badger, rodents, snakes, lizards and many other animals use burrows for shelter. It is important to avoid walking over a burrow site to avoid collapsing the tunnel.





If any birds of these are observed, disturbance should be minimized until they leave the area and the Forest Service should be notified. Photographs are appreciated.

Golden Eagle →:
Wingspan: 80″
Length: 31″

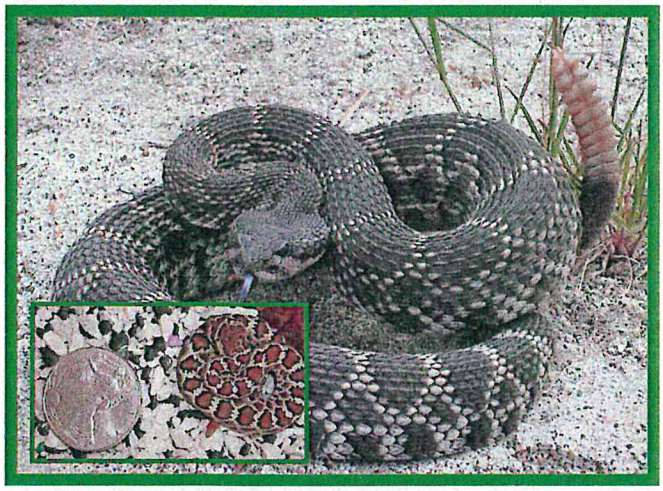


←Peregrine Falcon:
Wingspan: 45-50″
Length: 20-23″

Adult Bald Eagle →:
Wingspan: 83″
Length: 31″

←Sub-adult Bald Eagle:
Wingspan: 83″
Length: 31″

Adult Bald Eagle with Sub-adult Bald Eagle →:



Rattlesnakes: Other than rattlesnakes, **there are no other native venomous snakes in California.**

There are several species of rattlesnakes found on the San Bernardino National Forest. The most common rattlesnake you will find on the San Bernardino National Forest is the **southern Pacific rattlesnake** (left).

The inset photograph above is a juvenile southern Pacific rattlesnake next to a silver dollar for scale reference.

The **southwestern speckled rattlesnake** is also found on the SBNF (above right). It can be recognized by a vague diffused pattern across its body consisting of dark speckled banded markings.

The **red diamond rattlesnake** is beautiful pink, reddish-tan, reddish-brown, or brick red with black and white rings before its rattle (below). Red diamond rattlesnakes are **FOREST SERVICE PROTECTED.**

Many people are not sure how to identify a rattlesnake. They usually have a powerful body, thin neck, and a well-defined triangular or arrow-shaped head. Looking for the characteristic rattle on the tail is a good method, but sometimes these rattles are lost or broken, if it is the tail will appear blunt-tipped. Using the snake's color or pattern is NOT a reliable method of identification.

In comparison, a non-venomous snake tends to look more like a snake a rolled out of clay - generally, the head, neck and body have more-or-less the same diameter. They do not share the distinct skinny neck of the rattlesnake and their tail comes to a complete point. (*Note: This is true only of snakes that are native to California and does not apply to exotic snakes or those imported from elsewhere.*)

Procedures/Contact info:

- Not all protected animals found within the San Bernardino National Forest are shown on these pages. Therefore, please do not harm, handle, or collect **any** of our forest animals.
- If you observe any of the protected species identified above, please contact your **Forest Service Permit Administrator** or local **Ranger Station**:

Lytle Creek Ranger Station - (909) 382-2936 / 1209 Lytle Creek Road, Lytle Creek, CA 92358
Big Bear Ranger Station - (909) 382-2850 / 41397 North Shore Drive, Fawnskin, CA 92333
Idyllwild Ranger Station – (909) 382-2921 or 2922 / 54270 Pinecrest Avenue; Idyllwild, CA 92549

Condor Identification

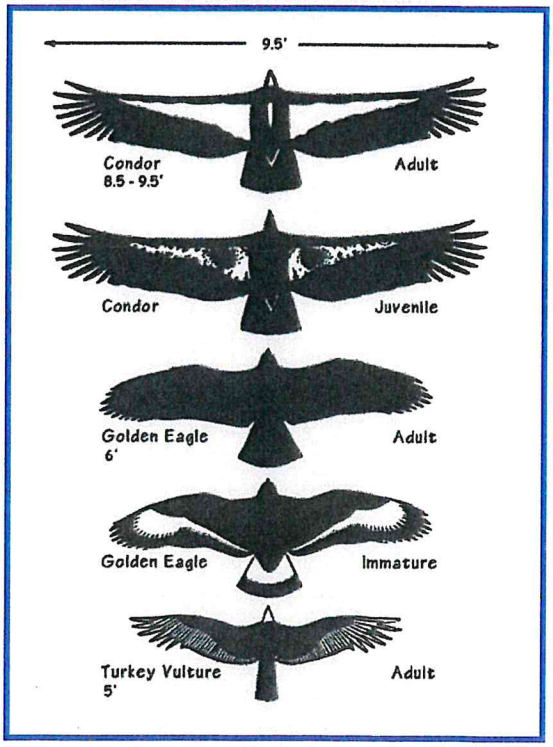
Post this page at communications facilities on the Mountaintop & Front Country Ranger Districts.

Notify the Forest Service permit administrator or local Ranger Station immediately to report any sightings, along with any identification information observed, such as tag color and number and try to note if the # has dots or a line below it.
Photos are appreciated.

Condors are the largest North American bird. Most have wing tags. They have long flat wings and soar without flapping for long periods. They will perch on towers, trees, cliffs, and on the ground. They eat dead animals but can become very ill after ingesting tiny amounts of trash like broken glass, pieces of wire and metal (like bolts), plastic (like cut zip-ties), and other litter.

The photo to the left shows the difference in size between a condor and a turkey vulture, as well as the differences in their color patterns. Adult condors have large triangular white patches under their wings (above), juveniles have mottled patches (as in photo on left). Adults have bare pink/orange heads and necks and red eyes with a whitish beak. Juveniles have black heads and dark eyes.

SIZE COMPARISION



CONTACT:

Lytle Creek Ranger Station
- **(909) 382-2936**

Big Bear Ranger Station
- **(909) 382-2850**

Idyllwild Ranger Station
- **(909) 382-2921**

or

(909) 382-2922

THIS PERMIT IS ACCEPTED SUBJECT TO ALL ITS TERMS AND CONDITIONS.

BEFORE ANY PERMIT IS ISSUED TO AN ENTITY, DOCUMENTATION MUST BE PROVIDED TO THE AUTHORIZED OFFICER OF THE AUTHORITY OF THE SIGNATORY FOR THE ENTITY TO BIND IT TO THE TERMS AND CONDITIONS OF THE PERMIT.

COUNTY OF SAN BERNARDINO

Curt Hagman, Chairman Board of Supervisors

Date: FEB 08 2022

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIR OF THE BOARD

Lynna Monell, Clerk of the Board of Supervisors

By: _____ Deputy

Date: FEB 08 2022

Approved as to Legal Form:

Steven O'Neill, Interim County Counsel
San Bernardino County, California

By: _____
Agnes I. Cheng, Deputy County Counsel

Date: 12/22/2021

APPROVED:

Danelle Harrison
FOREST SUPERVISOR

NAME AND TITLE OF AUTHORIZED OFFICER SIGNATURE DATE

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