



MOUNTAIN SPRINGS CITIZENS ADVISORY COUNCIL

FINAL MEETING MINUTES

Wednesday, March 09, 2011
7:00 p.m.

MOUNTAIN SPRINGS FIRE DEPARTMENT
State Highway 160
Mountain Springs, NV 89161

MEMBERS PRESENT: David Berg, Chair
Bob Monaco, Vice-Chair
Richard Draper
Paul Whissel
Tanya Harrah
Carol Hignite, Secretary

I. CALL TO ORDER

- A. This meeting was legally noticed and posted in conformance with the Nevada Open Meeting Law.
- B. The meeting was called to order at approximately 7:02 p.m. by Berg. The pledge of allegiance was recited.

II. ORGANIZATIONAL ITEMS

- A. The February 09, 2011 agenda was unanimously approved as written. Motion by Draper; second by Harrah.
- B. The Draft meeting minutes for January 12, 2011 were unanimously tabled. Motion by Whissel; second by Monaco.

BOARD OF COUNTY COMMISSIONERS

SUSAN BRAGER, Chair – STEVE SISOLAK, Vice Chair
LAWRENCE L. BROWN, III – TOM COLLINS – LAWRENCE WEEKLY – CHRIS GIUNCHIGLIANI – MARY BETH SCOW
DONALD G. BURNETTE, County Manager

Meeting Location: Mountain Springs Fire Station

State Route 160

Mountain Springs, NV 89161

III. COMMUNITY CONCERNS

The following representatives were present to discuss the Communication Tower Project (CC Public Works #CL2010-422):

Stephanie Phillips, Deputy Forest Supervisor, U.S. Forest Service
Chuck James, Manager of Design & Construction, Clark County Real Property Management
Lester Lewis, Clark County Network/Telecommunications Manager
Roxane Unverrich, Caseworker for Congressman Joe Heck, District 3, Nevada
Commissioner Susan Brager, Chair for Clark County Board of County Commissioners

Attachments to these minutes include: a diagram of the Communication Tower Project and replies/responses from Clark County and NFS regarding our submitted request of information letter.

Paul started the discussion by thanking Commissioner Brager for all her support on this issue. The board expressed great appreciation for all those in attendance for their support as well. Discussion over the communication tower project continued tonight. Various questions were presented to Clark County representatives Chuck James and Lester Lewis, Stephanie Phillips USFS, and Commissioner Brager and they responded to those questions and concerns. Many questions were repeated throughout the meeting, and responses were given. Among these concerns/questions are the following.

Can this tower be brought down in size to 50' with just two antennas (Metro and CCFD) and still meet the requirements necessary for the Homeland Security issued grant? Bob Monaco asked if it could be relocated to the NDOT maintenance yard. Resident Nancy Whissel questioned if there are towers in the valley in close proximity to private property as this one is here? Paul wondered why the diagram of the tower wasn't included in the original documentation we received. Why is this diagram presented to us now? Is this structure leading the way for multiple dishes which make for unsightly esthetics? Does the FAA have approval for all designated proposed antennas? Resident Pam Gang stated that the tower looks like it was a hasty project pushed through in order to get completed so that the County did not lose the grant money. Was any impact study done on the ill effects the power lines/grids have on the residents? Who allows for the approval of additional antennas to be placed on this tower versus the original plan for the tower with just Metro and CCFD antennas? Why were the residents of the community not notified prior to starting this project and how will this tower help our VFD? Tanya Harrah questioned that if this was a mandatory project, how would the County lose the grant money? Resident Mark Baxter stated that this tower should be taken down and relocated to a site more acceptable with the community, so that the County does not get away with not consulting CAC/TAB beforehand. Resident Bill Gang stated that his property abuts the tower and that he has lost value due to this tower, that the original 12' tower seemed sufficient. Resident Tim Burk brought up the issue of the responses we received on our submitted questions. He takes exception to the replies, believing they lack substance and are meant to pacify to the community. Not acceptable or clear in regards to the tower height, site location, vandalism concerns, public traffic access with nowhere to turn around, and road maintenance responsibility, yet thanked those responsible for turning off the existing lights at the tower. Resident John Isaacs questioned who this tower is

going to help when all emergencies start with an initial phone call? Resident Jim Hrudika stated that he was fine and felt safe enough with the original 12' tower. Dave Berg expressed his concerns over wilderness areas at the boundary of private property land. Commissioner Brager questioned whether there were any funds left if disassembly of this tower were possible.

The following representative's responses/answers are as follow:

Lester indicated that there are towers in the valley such as these, but building sites are usually used. No lights are required for this tower. MSVFD radios will be tied into this tower for emergency communications. This project was planned for connecting all rural sites for better communication. Gathering all future antenna sites for this tower was done in order to prevent any future tower structures. Chuck indicated that all documents were included in the original documentation that the board received; however, the diagram of the tower was inadvertently missed. The project survey and study was done to provide better communication and interlink emergency first responder teams together. Homeland Security grant funds have been spent for all other, similar towers throughout rural Clark County. Commissioner Brager indicated that she would look into whether funds were available to assist in purchasing updated radios for the MSVFD. Volunteer Fire Chief/CAC member, Richard Draper stated that the purchase of four new radios for communication would cost approximately \$1,600.00.

As a result of tonight's town board meeting, Commissioner Brager will order a 'hold' be placed upon this project until further information is acquired and information on whether the tower can be relocated to a new site, or lowered in accordance with the Homeland Security requirements. This issue will continue over to the April CAC meeting, and all representatives are invited back to further this discussion.

IV. PLANNING AND ZONING

None

V. DISCUSSION ITEMS

None

VI. CORRESPONDENCE

None

VII. COMMITTEE REPORTS

None

VIII. REPORTS BY STAFF

Chris Munhall, Rural Town Liaison

No reports noted at this time.

IX. PUBLIC COMMENTS

None

X. NEXT MEETING DATE

Wednesday, April 13, 2011 at 7:00 p.m.

Mountain Springs Volunteer Fire Department

XI. ADJOURNMENT

The meeting was adjourned at approximately 8:41 p.m.

ATTACHMENT A

February 18, 2011

Carol Hignite
Mountain Springs Secretary

**RE: RP.F0910109 - MOUNTAIN SPRINGS COMMUNICATIONS TOWER
INSTALLATION**

Dear Carol:

Regarding the Mountain Springs C.A.C. meeting night of (Feb. 9, 2011), we want to emphasize the project improves public safety communications for the Clark County and State of Nevada. This project was not an ordinary optional improvements project. This project was born out of necessity to meet the community's emergency communications needs as a whole. The successful construction completion of the project is vital to implementing a reliable and technically sound emergency communications systems for Mountain Springs and the surrounding areas. The construction project is substantially complete.

We've reviewed the C.A.C.'s concerns and offer the following:

- **Determine if there are other suitable, less intrusive locations for the tower:**

The existing USFS communications right-of-way easement near Mountain Springs was the only site that would meet all of the criteria for building an emergency communications microwave site for this remote community. Multi agency access agreements are pre-existing to this site.

- **Re-evaluate the height of the tower and lower it if possible:**

Tower is engineered for best coverage of two-way radio for emergency response, microwave path to Mt. Potsi, and reliability of emergency communications system. A lesser tower height will not satisfy line of site functional requirements.

- **Preventing unnecessary noises from the air conditioners and generator on site:**

A/C operation is minimal due to building insulation characteristics. Generator is an emergency backup power supply. Generator noise will be from periodic exercises scheduled for once per week for approximately one hour starting at 8:00 a.m. and ending 9:00 a.m. We can adjust the exercise time.

- **Refilling and access to the existing propane tank:**

Propane is an alternative power source and will require only periodic refills. Periodic maintenance of generator is scheduled monthly.

- **Preventative measures from theft, trespassing, vandalism of all equipment:**

The chain link fencing with privacy screening, locked gate, barbed wire and razor wire and facility entrance crash gate prevent unauthorized vehicles and unauthorized personnel from committing vandalism of equipment and facilities.

- **FAA regulated, and/or required lights:**

This vital emergency communications link for the Mountain Springs community conforms to all applicable FAA and FCC requirements.

- **Any and all area lighting:**

Night time area lighting has been deactivated per Mountain Springs Citizens Advisory Committee. The exterior light will be turned on occasionally to facilitate maintenance activities.

- **Moving the gate to the bottom of the road:**

The existing location of security entrance gate is in approved right-of-way and serves its intended purpose to prevent vandalism and unauthorized vehicle site access.

- **Maintenance of the road leading to the tower:**

The condition of the access road will be assessed periodically.

- **Protecting the surrounding wilderness area:**

To protect the Rainbow Mountain Wilderness Area near the communication site the following measures will be taken:

1. Re-survey the wilderness boundary adjacent to the communication site;
2. Place additional signs on the actual Rainbow Mountain Wilderness Boundary that can be easily seen; and
3. Place additional boulders at the Rainbow Mountain Wilderness Boundary to prohibit vehicle access.

- **Determine if the contractor encroached into Wilderness Area and if so, what the consequences are:**

The USFS installed several boulders at the end of the road near the Mt. Springs Communication tower to prohibit motorized vehicle access into the Rainbow Mountain Wilderness. These boulders were placed within the wilderness Area boundary at the best location to prohibit vehicle access. Contractors operated machinery within the wilderness area during construction of the new Clark County Communication Tower but did not go beyond where USFS placed boulders. No citations will be issued due to the confusion regarding the location of the wilderness signs and the placement of the boulders. The Forest Service will place additional boulders or other barricades at the wilderness boundary to ensure that there is no further encroachment into the wilderness.

- **A more complete survey of any sensitive, threatened, and endangered species impacted by this project:**

Before tower construction began 100 percent of the project area was surveyed by a qualified botanist. The botanist walked 10 transects 20 feet apart across the length and width of the project area plus a 100-foot buffer surrounding the tower. A transect around the perimeter of the project area was also completed approximately 20 feet from each side. Plants were also surveyed up to 20 feet off the access road leading to the site. These surveys were performed at the end of May and the beginning of June, which is the optimal time for observing and identifying sensitive plant species in this area of the Mountain Springs.

In June a qualified wildlife biologist searched the entire project area for signs of desert tortoise (a threatened species), sensitive reptile species, and western burrowing owl. No live tortoises or signs (e.g. burrows, scat, or carcasses) were found. The Forest Service determined that there was no suitable habitat for desert tortoise based on the vegetation communities present at the site. United States Fish and Wildlife Service (USFWS) concurred with the determination that the project would have no effect desert tortoise. No other sensitive reptiles or western burrowing owls were encountered during the surveys.

To analyze the impacts of tower construction to “species of concern” (Conservation Agreement species, Region 4 Sensitive Species, Clark County Multiple Species Habitat Conservation Plan Species, Management Indicator Species, Migratory Bird Treaty Act of 1918 and Executive Order 13186) a Biological Evaluation was prepared. This report concluded that there would be no impact to federally listed threatened or endangered species or to 32 species listed on the Conservation Agreement.

A determination that the project may impact individuals but is not likely to cause a trend to Federal listing or loss of viability was made for the following 17 species listed in the Conservation Agreement: Townsend’s big-eared bat (*Corynorhinus townsendii pallescens*), spotted bat (*Euderma maculatum*), Allens’s big-eared bat (*Idionycteris phyllotis*), western small-footed myotis (*Myotis ciliolabrum*), long-eared myotis (*Myotis evotis*), fringed myotis (*Myotis thysanodes*), long-legged myotis (*Myotis volans*), Yuma myotis (*Myotis yumanensis*), northern goshawk (*Accipiter gentilis*), western burrowing owl (*Athene cunicularia hypugaea*), peregrine falcon (*Falco peregrines anatum*), Spring Mountains comma skipper (*Hesperia Colorado mojavensis* [=*H. comma mojavensis* ssp.]), Nevada admiral (*Limenitis weidemeyerii nevadae*), Halfring milkvetch (*astragalus oophorus*), and Spring Mountains milkvetch (*astragalus remotes*). USFWS concurred with this finding.

Please note that the bat species are not listed as threatened or endangered under the Endangered Species Act (ESA). There is no bat habitat (mines, caves, or rock crevices) in the area. Bats may pass through the area foraging, but due to the lack of water they would not stay in the area. Conservation measures are directed to minimize the impacts from the lighting on the tower on the bat foraging behavior.

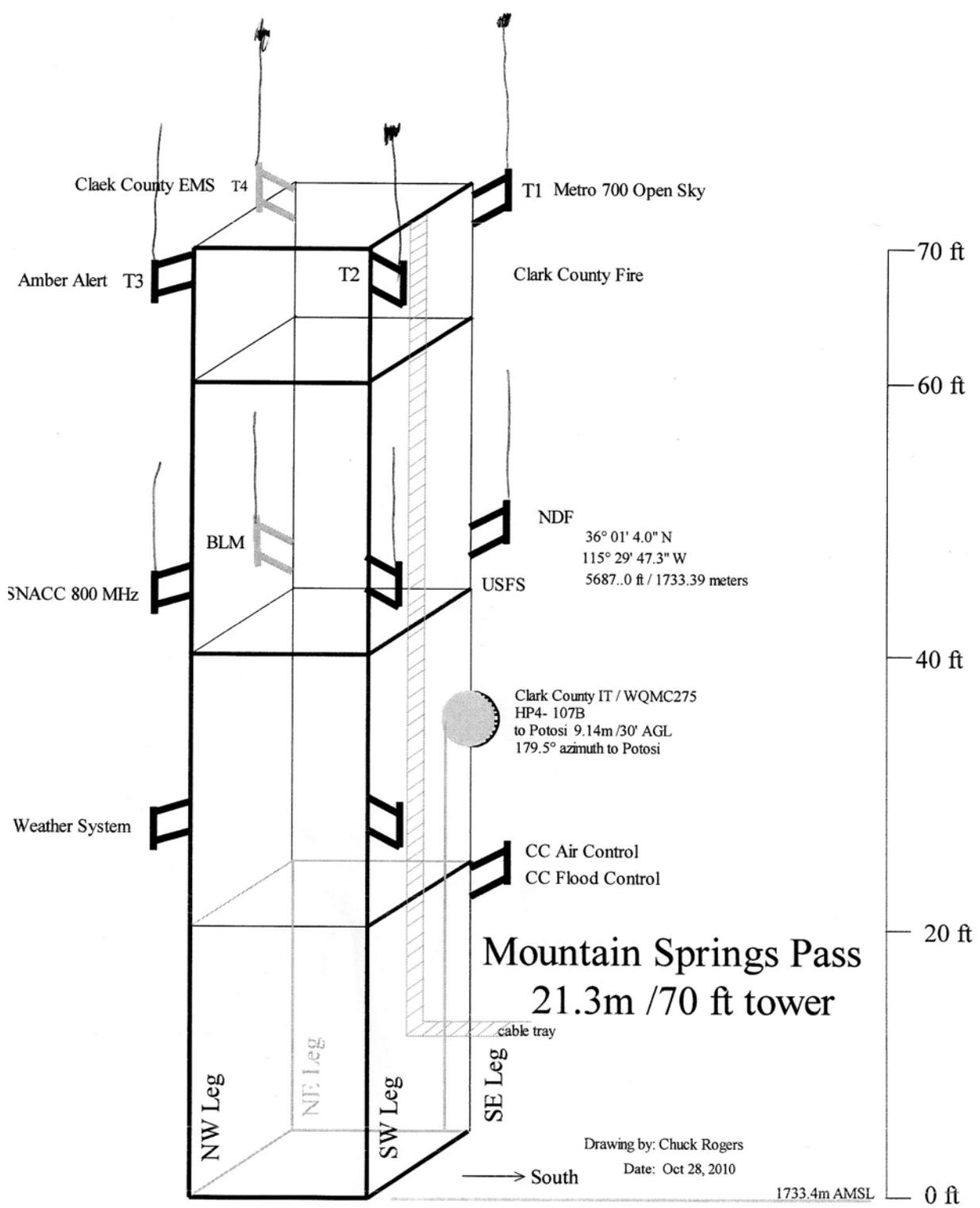
Based on the thoroughness of the original surveys and the lack of impacts to threatened and endangered species we do not see the need for additional studies.

- **Would Commissioner Brager be willing to take steps to adopt a new policy whereby all projects of this nature, whether on private property, county property, or federal property, all follow the same guidelines to include public outreach and a town board recommendation:**

Commissioner Brager has requested staff to consider a process change whereby all building projects, including those on County, BLM and Forest Service lands, have a public outreach component to include a town board meeting and their recommendation.

As a community which has been greatly affected by this project, we would like to know what Clark County and the Forest Service, is going to do regarding.

ATTACHMENT B



Mountain Springs Pass
21.3m /70 ft tower