

County of Santa Clara

Office of the County Executive

Communications Department
2700 Carol Drive
San Jose, California 95125-2032
(408) 977-3200 FAX 408-279-2666



Notice of Intent to Adopt a Mitigated Negative Declaration

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et sec.) that the following project will not have a significant effect on the environment.

File Number	TAZ	APN(s)	Date
n/a	n/as	Multiple	02/05/2010
Project Name		Project Type	
ECOMM Digital Microwave Project, Phase II		Communications	
Owner		Applicant	
County of Santa Clara Communications Department		County of Santa Clara Communications Department	
Project Location			
Thirty-four existing communications sites throughout Santa Clara County.			
Project Description			
<p>The County of Santa Clara Communications Department, in partnership with 19 other public agencies in Santa Clara County, operates the existing County-wide digital microwave interoperability communications network ("ECOMM"), which currently provides emergency communications between law enforcement, fire protection, and emergency medical services throughout Santa Clara County. The County proposes to connect more emergency facilities, such as hospitals, fire stations, and police and municipal facilities, to the ECOMM system. The individual project sites are located throughout Santa Clara County. Connecting these facilities to the ECOMM network would require the installation of microwave dishes and radio equipment at these sites and upgrades of ECOMM system facilities that would link to them.</p> <p>There are 34 sites. At 10 sites, radio equipment would be upgraded. At 2 sites, existing microwave dishes would be replaced. At 18 sites, new microwave dishes would be added to existing structures. At 4 existing communications sites in Morgan Hill and Gilroy, new antenna support structures and shelters would be built. At all but three sites, there would be no ground disturbance. Impacts associated with ground disturbance at the three remaining sites would be reduced to less than significant by mitigation measures included in the document. Installations would take one to several days at each individual site.</p> <p>The project would be funded via a grant from the National Telecommunications and Information Agency, an agency in the U.S. Department of Commerce that serves as the executive branch agency principally responsible for advising the President on telecommunications and information policies.</p>			
Purpose of Notice			
<p>The purpose of this notice is to inform you that the County of Santa Clara Communications Department has recommended that a Mitigated Negative Declaration be approved for this project. County of Santa Clara Communications Department has reviewed the Initial Study for the project, and based upon substantial evidence in the record, finds that, with the implementation of the included mitigation measures, the proposed project could not have a significant effect on the environment.</p> <p>No public hearing is scheduled for the EA/IS and MND.</p>			

It should be noted that the approval of a Mitigated Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project will be made separately.

Public Review Period:

Begins: 02/05/2010

Ends: 02/25/2010

Public Comments regarding the correctness, completeness, or adequacy of this negative declaration are invited and must be received on or before February 25, 2010. Such comments should be based on specific environmental concerns. Written comments should be addressed to the County of Santa Clara Communications Department, 2700 Carol Drive, San Jose, CA 95125, Tel: (408) 977-3209, Fax: (408) 279-2666. For additional information regarding this project and the Mitigated Negative Declaration, please contact ECOMM Project Manager at (408) 977-3209.

The Mitigated Negative Declaration and Initial Study may be viewed at the following locations:

- (1) Santa Clara County Communications Department, 2700 Carol Drive, San Jose, CA
- (2) Communications Department website: <http://www.sccgov.org/portal/site/911>
- (3) Morgan Hill Library, 660 West Main Avenue, Morgan Hill, CA
- (4) City of Gilroy Community Development Department, Planning Division, 7351 Rosanna Street, Gilroy

Responsible Agencies sent a copy of this document

None.

Mitigation Measures included in the project to reduce potentially significant impacts to a less than significant level:

Air Quality

Mitigation Measure 3-1 (at Gilroy Reservoir D, Woodland Acres, and Lakeview Court sites only): During all phases of construction at Category 3 sites, the following dust control procedures shall be implemented:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent paved streets.

Mitigation Measure 3-2 (at Gilroy Reservoir D, Woodland Acres, and Lakeview Court sites only). All Construction vehicles, equipment and delivery trucks shall have a maximum idling time of 5 minutes. Engines shall be shut off if construction requires longer idling time unless necessary for proper operation of the vehicle.

Biological Resources

Mitigation Measure 4-1 (at all sites): If microwave utility construction or vegetation removal must be performed in the bird nesting season (February 1st through August 31st), a qualified biologist will be retained to survey the project area for nesting raptors and other birds and verify the presence or absence of nesting birds or raptors no more than 14 days prior to construction activities. If active nests are

observed, buffer zones will be established around trees/shrubs with nests, with a buffer size established by the qualified biologist through consultation with the appropriate regulatory agency (e.g., CDFG). Buffered zones will be avoided during construction activities until young have fledged or the nest is otherwise abandoned.

Mitigation Measure 4-2 (at Gilroy City Hall Annex Site):

At the Gilroy City Hall Annex site, daytime visual markers, such as brightly colored plastic sheaths, shall be installed on the guy wires used to support the 20-foot roof-top tower, to prevent daytime bird or raptor collisions.

Mitigation Measure 4-3 (at all sites): Pursuant to the Santa Clara County Code, Division C16-Tree Preservation and Removal (County of Santa Clara, 1998), the County requires a permit for any tree, regardless of size, within road rights-of-way and easements of the County, whether within or without the unincorporated territory of the County. One criterion the County uses to determine permit approval is whether the tree interferes with vital public utilities or if it will be replaced by approved plantings.

Therefore, any person desiring to remove any tree under an Administrative Permit shall file an application with the County Planning Office not less than 10 days prior to the date of such planned removal. Removal of any tree, regardless of size, located within a County road right-of-way shall require an Encroachment Permit from the Department of Roads & Airports not less than 60 days prior to planned removal. The following information shall be included in applications for tree removal:

- A brief statement of the reasons for removal of the tree.
- A photograph of the tree(s) proposed for removal.
- A tree survey (map) with the accurate location, number, species, size (diameter measured four and one-half feet above ground, approximate height, and approximate canopy diameter), general health, and approximate age, if known.
- Location of property lines, names of the streets fronting the property and edge of any street right-of-way.
- A replanting and/or revegetation plan for all trees to be removed. Replacement trees shall be of a like kind and species of tree removed, if native and feasible, or of a kind and species to be determined by the Planning Department. Replacement tree planting shall utilize at least five (5) gallon size stock.

Additionally, depending on the location of the removed tree, local tree ordinances may apply to removal or replacement of protected significant trees. Removal of any trees shall require a tree removal permit from Santa Clara County as well as tree removal permits from applicable city planning agencies.

Cultural Resources

Mitigation Measure 5-1 (at Gilroy Reservoir D, Woodland Acres, and Lakeview Court sites only): If any prehistoric or historic-era subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources will be halted and the responsible public agency will consult with a qualified archaeologist to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, the project proponent and the archaeologist will meet to determine the appropriate avoidance measures or other appropriate mitigation. The responsible public agency (as applicable) will make the final determination. All significant cultural materials recovered will be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional

standards.

In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the responsible public agency will determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) will be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.

Mitigation Measure 5-2 (at Gilroy Reservoir D, Woodland Acres, and Lakeview Court sites only): The responsible public agency shall notify a qualified paleontologist of unanticipated discoveries, who shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the CEQA Guidelines. In the event of an unanticipated discovery of a bryozoan, true, and/or trace fossil during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995]). The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the responsible public agency determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The paleontologist shall submit the excavation plan to the responsible public agency for review and approval.

Mitigation Measure 5-3 (at Gilroy Reservoir D, Woodland Acres, and Lakeview Court sites only): If human skeletal remains are uncovered during project construction, the project proponent (depending upon the project component) will immediately halt work, contact the Santa Clara County coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the CEQA Guidelines. If the County coroner determines that the remains are Native American, the project proponent will contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

Hazards and Hazardous Materials

Mitigation Measure 7-1 (at Gilroy Reservoir D, Woodland Acres, and Lakeview Court sites only): During construction, the excavation or exposure of soil in areas suspected of containing soil or groundwater contamination shall be monitored by the contractor and overseen by the authorized personnel of the local jurisdiction for subsurface contamination in compliance with the California Department of Occupational Safety and Health Administration (Cal/OSHA). The monitoring, at a minimum, would include visual observation by personnel with appropriate hazardous materials training. The ECOMM system construction contractor and the local jurisdiction will follow all federal, state and local regulations with regards to the disposal of all materials involved with the decommission of the wireless telecommunication structures for each affected jurisdiction. Therefore, impacts resulting in significant hazards to the public or environment through transport or disposal would be less than significant.

A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Mitigated Negative Declaration is approved, in accord with the requirements of section 21081.6 of the Public Resources Code.

Approved by:
Bert Hildebrand,
Communications Director


Signature

2/3/10
Date