



BIGHORN-DESERT VIEW WATER AGENCY

"To provide a high quality supply of water and reliable service to all customers at a fair and reasonable rate."

BOARD OF DIRECTORS' MEETING AGENDA

**BOARD MEETING OFFICE
1720 N. CHEROKEE TR.
LANDERS, CALIFORNIA 92285**

**May 11, 2021
Time – 6:00 P.M.**

**PUBLIC AND BOARD WISHING TO PARTICIPATE REMOTELY
TELECONFERENCE LINE THRU ZOOM 669-900-6833
OR**

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88504867336?pwd=MCswcTEwUDM2czR3U2U3R0JTV1p5Zz09>

Passcode: 611345

Or Dial:

1-669-900-6833

Webinar ID: 885 0486 7336

Passcode: 611345

Please note that all requirements of the Brown Act requiring the physical presence of the board or staff have been waived per Executive Order N-29-20

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

Discussion and Action Items - The Board of Directors and Staff will discuss the following items and the Board will consider taking action, if so inclined. The Public is invited to comment on any item on the agenda during discussion of that item. When giving your public comment, please have your information prepared. If you wish to be identified for the record, then please state your name. Due to time constraints, each member of the public will be allotted three-minutes to provide their public comment.

1. **Consideration of Adoption of a Mitigated Negative Declaration (MND) Pertaining to the Potable Water System Improvements and Consolidation of Water Systems for the Bighorn-Desert View Water Agency**
2. **Fiscal Year 2021/22 Property and Casualty Insurance and Workers' Compensation Insurance Program: Recommendation to Join CalMutuals /JPRIMA-Allied Risk; and to Join CalMutuals as a condition of JPRIMA; and engage Liebert Cassidy Whitmore as Special Counsel to the Agency on Personnel/Human Resource Matters; and to Notify Special Districts Risk Management Authority of the Intent to Withdraw from Coverage Effective July 1, 2021**
3. **Resolution No. 21R-XX Rescinding Resolution NO. 21R-01 and Adopting an Increased Basic Facilities Charge (Water Capital Fee) for Water Meters Size ¾-inch to 10-inch**
4. **Resolution No. 21R-XX Application by the Board of Directors of the Bighorn-Desert View Water Agency Requesting the Local Agency Formation Commission to Initiate Proceedings for the Annexation of Assessor Parcel Number 0631-051-28 (550 Landers Lane, Landers, CA) to the Bighorn-Desert View Water Agency**
5. **Formation of an Ad Hoc Committee to Review Water Consumption Trends Following Adoption of New Customer Classifications and Consumption Tiers in Accordance with Resolution No. 20R-08 Policy for Establishing Standing Committees, Other Appointments and Authorizing Creation of Ad Hoc Committees**
6. **Board to Discuss: The Brown Act and the Perils of Electronic Communication – Information and Discussion Purposes Only**
7. **Consent Items** – The following items are expected to be routine and non-controversial and will be acted on by the Board at one time without discussion, unless a member of the Public or member of the Board requests that the item be held for discussion or further action.
 - a. Regular Board Meeting Minutes for April 13, 2021
 - b. Receive and File PLEGS Committee Meeting Minutes for February 16, 2021
 - c. Receive and File FPREP Committee Meeting Minutes for March 17, 2021
 - d. Financial Statements April 2021
 1. Balance Sheet
 2. Budget Sheet
 - e. Receive and File Disbursements for April 2021
 - f. Quarterly Investment Report for the period ending March 31, 2021 (Q1)
 - g. Service Order Report for April 2021
 - h. BDV Production Report for April 2021
 - i. Goat Mountain Production Report for April 2021

- j. Authorize Director Attendance to BIA 2021 Southern California Water Conference, August 12, 2021 at an Estimated Cost Not to Exceed \$390 per Director
- k. Authorize Filing a CEQA Notice of Determination for the Potable Water System Improvements and Consolidation of Water Systems Project (SCH No. 2021020354) and Payment of CA Department of Fish and Wildlife filing fee (\$2,480.25)

Recommended Action:

Approve as presented (Item a-k):

8. Matters Removed from Consent Items

9. Public Comment Period

Any person may address the Board on any matter within the Agency's jurisdiction on items not appearing on this agenda. When giving your public comment, please have your information prepared. If you wish to be identified for the record, then please state your name. Due to time constraints, each member of the public will be allotted three minutes to provide their public comment. State Law prohibits the Board of Directors from discussing or taking action on items not included on the agenda.

10. Verbal Reports - Including Reports on Courses/Conferences/Meetings.

1. General Manager Report
2. Director Reports

11. Adjournment

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the Bighorn-Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, CA not less than 72 hours if prior to a Regular meeting, date and time above; or in accordance with California Government Code Section 54956 this agenda has been posted not less than 24 hours if prior to a Special meeting, date and time above. As a general rule, agenda reports or other written documentation have been prepared or organized with respect to each item of business listed on the agenda. Copies of these materials and other disclosable public records in connection with an open session agenda item, are also on file with and available for inspection at the Office of the Agency Secretary, 622 S. Jemez Trail, Yucca Valley, California, during regular business hours, 8:00 A.M. to 4:30 P.M., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Bighorn-Desert View Water Agency.

Internet: Once uploaded, agenda materials can also be viewed at www.bdvwa.org

Public Comments: You may wish to submit your comments in writing to assure that you are able to express yourself adequately. Per Government Code Section 54954.2, any person with a

disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, should contact the Board's Secretary at 760-364-2315 during Agency business hours.

Calendar Reminder - Upcoming Director Meetings

- Mojave Water Agency Board of Directors Meeting – May 13, 2021 at 9:30AM – Director Dicht
- Mojave Water Agency Board of Directors Meeting – May 27, 2021 at 9:30AM – President Burkhart
- ASBCSD Monthly Meeting (tentative) – June 21, 2021 6:00PM – President Burkhart
- Homestead Valley Community Council Meeting – May 17, 2021 at 3:00PM – Director Close-Dees

Item # 1

Notice of Intent to Adopt a Mitigated
Negative Declaration (MND) Pertaining to
the Potable Water System Improvements
and Consolidation of Water Systems for the
Bighorn-Desert View Water Agency

**BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL**

Meeting Date: May 11, 2021

To: Board of Directors

Budgeted: N/A

Budgeted Amount: N/A

Cost: CEQA costs thru 100% Prop. 1 Grant

From: Marina D. West

General Counsel Approval: Consulted

CEQA Compliance: N/A

Subject: Notice of Intent to Adopt a Mitigated Negative Declaration (MND) Pertaining to the Potable Water System Improvements and Consolidation of Water Systems for the Bighorn-Desert View Water Agency

SUMMARY

The Initial Study / Mitigated Negative Declaration (February 2021) was filed in February. As part of the Notification, “public workshops” were scheduled on March 9 and April 13th to review the document and accept public input. The public comment period ended on April 20, 2021 with no public comments being submitted by that deadline.

The next step is for the Board to conduct a public hearing to consider adoption of the proposed Potable Water System Improvements and Consolidation of Water Systems for the Bighorn-Desert View Water Agency and then to make a decision to adopt the Mitigated Negative Declaration or not.

RECOMMENDATION

That the Board considers taking the following action(s):

1. Board to discuss and if desired, Action to either
 - a. Adopt Resolution NO. 21R-XX for a Mitigated Negative Declaration (MND) pertaining to the Potable Water System Improvements and Consolidation of Water Systems Project (SCH No. 2021020354); OR
 - b. Decline to adopt Resolution No. 21R-XX for a Mitigated Negative Declaration pertaining to the Potable Water System Improvements and Consolidation of Water Systems Project (SCH No. 2021020354) and direct staff how to proceed with Water Infrastructure Improvement Project.

BACKGROUND/ANALYSIS

The attached Final Initial Study/Mitigated Negative Declaration is the basis for further background/analysis on this topic.

If adopted, the Prop. 1 Planning Grant work will be essentially complete. Engineering designs for individual projects will be up to 90% complete and the process of seeking grant funding for construction activities can begin.

PRIOR RELEVANT BOARD ACTION(S)

04/13/2021 Information Only – April 13, 2021 Noticed Public Workshop – Overview of Initial Study/Mitigated Negative Declaration - February 2021 for Potable Water System Improvements and Consolidation of Water Systems (Prop. 1 Planning Grant) (Workshop No. 4).

03/09/2021 Information Only - March 9, 2021 Noticed Public Workshop – Overview of Initial Study/Mitigated Negative Declaration - February 2021 for Potable Water System Improvements and Consolidation of Water Systems (Prop. 1 Planning Grant) (Workshop No. 3).

02/16/2021 Public Workshop No. 2: Overview of Initial Study/Mitigated Negative Declaration - February 2021 for Potable Water System Improvements and Consolidation of Water Systems (Prop. 1 Planning Grant).

02/09/2021 Motion No. 21-XX Authorize filing of Initial Study/Mitigated Negative Declaration – February 2021 for Potable Water System Improvements and Consolidation of Water Systems (Prop. 1 Planning Grant). Workshop No. 1.

6/25/2019 Motion No. 19-030 Motion to Authorize General Manager to execute Professional Services Agreement(s) with Paleo West Archeology, following finalization of scope and fee, to provide paleontological, cultural and biological survey services to support the CEQA/NEPA (California Environmental Quality Act/National Environmental Policy Act) efforts related to Proposition 1 Planning Grant activities at a cost of \$73,000.

3/22/2019 Annual Board Workshop: Engineer Mr. James Owens from NV5 presented projects outlined in the draft preliminary engineering report (Prop. 1 Planning Grant).

2/26/2019 Motion No. 19-008 Authorize General Manager to issue new Task Order to the Master Agreement with NV5 to perform Scope of Services dated February 21, 2109 in connection with the Master Services Agreement integral to the Proposition 1 Planning Grant (Agreement No. 17-02022/3610009-002P); and Acknowledge that all invoiced costs associated with the execution of the Scope of Services to be paid by the Agency and submitted for reimbursed to the CA Department of Finance.

9/27/2016 Motion No. M16-042 Authorize the California Environmental Quality Act Class 1 Categorical Exemption for the CSA 70, W-1 Consolidation and HDWD Interconnection at Existing Bighorn-Desert View Water Agency Facilities required for the Grant Application.

8/23/2016 Motion No. 16M-039 Resolution 16R-12 (F4a) Authorizing GM to Cause the Necessary Data to be Prepared and Application to be Signed and Filed with the State of California’s State Water Resources Control Board, Division of Drinking Water for the Project Identified as “Integration of Bighorn-Desert View and Improvement District Goat Mountain and Interconnections with Hi Desert Water District”

12/15/2015 Motion No. M15-047 Receive and File the “Technical, Managerial and Financial Tune-Up for Public Water Systems” required by the State Water Resources Control Board.

5/26/2015 Motion No. 15-022 Adopt Resolution No. 15R-09 Authorizing General Manager to sign and file a financial assistance application for financing agreement from the State Water Resources Control Board for the project identified as “BDV/W1 System Integration”; and Adopt Resolution No. 15R-10 Authorizing General Manager to sign and file a financial assistance application for financing agreement from the State Water Resources Control Board for project identified as “Hi Desert Water District Interconnections”

4/28/2015 Motion No. 15-016 Adopt Resolution No. 15R-03 Authorizing General Manager to cause the necessary data to be prepared and application to be signed and filed with the state of California's State Water Resources Control Board, Division of Drinking Water for the project identified as "Hi Desert Water District Interconnections"; and Adopt Resolution No. 15R-06 Authorizing General Manager to cause the necessary data to be prepared and application to be signed and filed with the state of California's State Water Resources Control Board, Division of Drinking Water for the project identified as "BDVWA and W1 System Integration".

7/22/2014 Motion No. 14-037 Adopt Resolution 14R-12 Adopting the Mojave Water Agency Integrated Regional Water Management Plan Pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Prop. 84).

RESOLUTION NO. 21R-XX
RESOLUTION OF THE BOARD DIRECTORS OF THE
BIGHORN-DESERT VIEW WATER AGENCY
ADOPTION OF A MITIGATED NEGATIVE DECLARATION (MND) PERTAINING TO THE POTABLE
WATER SYSTEM IMPROVEMENTS AND CONSOLIDATION OF WATER SYSTEMS PROJECT

WHEREAS, the Agency has been granted \$500,000 (Prop. 1 Water Bond Planning Grant No. D17-02022) to develop a long-term plan to physically interconnect the Improvement District Goat Mountain water system with the Bighorn-Desert View water system, provide interties with Hi-Desert Water District, design a blending pipeline to reduce uranium levels and other associated improvement projects; and

WHEREAS, among the project components is the definition of all the relevant improvement projects envisioned and documentation of them in a Preliminary Engineering Report that was finalized in January 2019.; and

WHEREAS, the California Environmental Quality Act (CEQA) statute, California Public Resources Code § 21000 et seq., codifies a statewide policy of environmental protection requiring that all state and local agencies must give major consideration to environmental protection in regulating public and private activities, and should not approve projects for which there exist feasible and environmentally superior mitigation measures or alternatives; and

WHEREAS, a Draft Initial Study (IS) was prepared and concluded that a Mitigated Negative Determination (MND) was justified; and

WHEREAS, the Draft IS/MND was subjected to a 30-day review period resulting in no public comments; and

WHEREAS, on May 11, 2021 the Board held a Public Hearing to consider additional public input prior to the close of the hearing.

NOW, THEREFORE, BE IT RESOLVED that the Board adopt the Mitigated Negative Declaration (MND) pertaining to the Potable Water System Improvements and Consolidation of Water Systems Project (Prop. 1 Planning Grant); and

PASSED, APPROVED, AND ADOPTED by the Board of Directors to Bighorn-Desert View Water Agency this 11th day of May 2021.

By _____
John Burkhart, President of the Board

ATTEST,

By _____
JoMarie McKenzie, Board Secretary

Official Seal

FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION POTABLE WATER SYSTEM IMPROVEMENTS CONSOLIDATION OF WATER SYSTEMS

MAY 2021

State Water Resources Control Board
DFA Project Number 3610009-002P
DFA Funding Agreement Number No. D17-02022
State Clearinghouse Number: 2021020354

Prepared For:

Bighorn-Desert View Water Agency
622 South Jemez Trail
Yucca Valley, CA 92284



15092 Avenue of Science
Suite 200
San Diego, CA 92128

NV5 PROJECT NUMBER 226815-000025.07

:

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Project Title: Potable Water System Improvements and Consolidation of Water Systems
Date: 11 May 2021
Lead Agency: Bighorn-Desert View Water Agency
Contact Person: Marina D. West, PG

Project Location and Description

The Bighorn-Desert View Water Agency (BDVWA) encompasses the unincorporated communities in the county known as Flamingo Heights, Landers, and Johnson Valley. Landers is the largest of these communities, including 2,982 residents and an average elevation of 3,084 feet above sea level (asl).

Water service is provided to approximately 2,000 active residential customers, 460 inactive customers, and 102 bulk-hauling customers within its fifty-two (52) square-mile service area, located in the eastern desert area of San Bernardino County. BDVWA operates three (isolated) separate water systems made up of nine groundwater wells in the Ames-Means Valley Groundwater Basin and one well in the Johnson Valley Groundwater Basin, including the Goat Mountain (GM) system.

Hi-Desert Water District (HDWD) currently has approximately over 10,000 active service connections. With a total service area of 57-square miles, the District operates 16 storage tanks, 13 wells, and maintains over 297 miles of pipeline. It provides potable water services to the Town of Yucca Valley and a portion of the unincorporated area of San Bernardino County with an average elevation of elevation 3,369 feet asl. Yucca Valley is the primary community in the HDWD service area and has a population of 21,748 (2017).

The Potable Water System Improvements and Consolidation of Water Systems project (Project) consists of the system consolidation of the BDVWA and GM water systems, interconnections with HDWD, and pipelines, wells, and associated infrastructure. The Project is proposed by BDVWA and benefits the communities served by BDVWA and HDWD. BDVWA anticipates receiving funding assistance to implement the Project from the Division of Financial Assistance of the State Water Resources Control Board and/or the United States Department of Agriculture.

Declaration

The State Water Resources Control Board, Division of Financial Assistance has determined that the above project, with mitigation measures, would have no significant impact on the environment and is therefore exempt from the requirement of an environmental impact report. The determination is based on the attached Final Initial Study and the following findings:

1. The Project will not degrade environmental quality, substantially reduce habitat, cause a wildlife population to drop below self-sustaining levels, reduce the number or restrict the range of special-status species, or eliminate important examples of California history or prehistory.
2. The Project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
3. The Project will not have impacts that are individually limited but cumulatively considerable.

4. The Project will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.
5. No substantial evidence exists that the Project will have a negative or adverse effect on the environment.
6. The Project incorporates all applicable mitigation measures or environmental commitments identified in the Final Initial Study (attached).
7. This final Mitigated Negative Declaration reflects the independent judgment of the lead agency.

Public Review

The public comment period extended from 11 February 2021 until 5:00 pm on 20 April 2021. Due to Covid precautions, the Draft Initial Study and Mitigated Negative Declaration was available only online using this link: <https://bdvwa.org/board-and-governance/public-works-projects/>

Comments were accepted:

by mail,
 Bighorn-Desert View Water Agency
 622 South Jemez Trail
 Yucca Valley, CA 92284
 Attn: Marina D. West, PG, General Manager

by email,
info@bdvwa.org
 Please include "BDVWA CEQA Review
 Comment" in the Subject line

Public Workshops

Public workshops was held as part of Board of Directors meetings on March 9th and April 13th 2021. During this presentation, the proposed project and the anticipated mitigation measures to address potential impacts was presented.

Public Hearing

On 11 May 2021 the Board of Directors of the Bighorn-Desert View Water Agency conducted a public hearing to consider adoption of the proposed Potable Water System Improvements and Consolidation of Water Systems for the Bighorn-Desert View Water Agency and the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act (CEQA). The hearing was held at 6:00 pm at the Bighorn-Desert View Water Agency's office, located at 622 South Jemez Trail, Yucca Valley CA 92284. Public and board wishing to participate remotely due to Covid precautions and were instructed to contact Bighorn-Desert View Water Agency for teleconference links.

<https://bdvwa.org/board-and-governance/public-works-projects/>

Please note that all requirements of the Brown Act requiring the physical presence of the board or staff were waived per Executive Order N-29-20.

Public Comments

No responses were received during the public comment period.

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1.0 INTRODUCTION

Bighorn-Desert View Water Agency (BDVWA) has prepared this Final Initial Study/Mitigated Negative Declaration (IS/MND) to provide the public, responsible agencies, and trustee agencies with information about the potential environmental effects of construction and operation of the proposed Potable Water System Improvements and Consolidation of Water Systems for the Bighorn-Desert View Water Agency (Project). The Project is described in depth in Chapter 2. This document was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) of 1970 (as amended) and the CEQA Guidelines (14 California Code of Regulations (CCR) § 15000 et seq.).

1.1 INTENT AND SCOPE OF THIS DOCUMENT

This IS/MND has been prepared in accordance with CEQA, under which the Project is evaluated at a project level (CEQA Guidelines § 15378). The Bighorn-Desert View Water Agency, as the Lead Agency under CEQA, will consider the project's potential environmental impacts when considering whether to approve the project. This IS/MND is an informational document to be used in the planning and decision-making process for the Project and does not recommend approval or denial of the Project.

The site plans for the Project included in this IS/MND are conceptual. BDVWA anticipates that the final design for the Project would include some modifications to these conceptual plans, and the environmental analysis has been developed with conservative assumptions to accommodate some level of modification.

This IS/MND describes the Project; its environmental setting, including existing conditions and regulatory setting, as necessary; and the potential environmental impacts of the Project on or with regard to the following topics:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology / Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities/Service Systems
- Wildfire

Public Involvement Process

Public disclosure and dialogue are priorities under CEQA. CEQA Guidelines § 15073 and § 15105(b) require that the lead agency designate a period during the IS/MND process when the public and other agencies can provide comments on the potential impacts of the Project. Accordingly, the Bighorn-Desert View Water Agency circulated this document for a 60-day public and agency review period.

The public comment period was from 11 February 2021 5:00 pm on 20 April 2021. Due to Covid precautions, the Draft Initial Study and Mitigated Negative Declaration was available only online using this link:

<https://bdvwa.org/board-and-governance/public-works-projects/>

Bighorn-Desert View Water Agency
622 South Jemez Trail
Yucca Valley, CA 92284

Comments were submitted:

by mail,

Bighorn-Desert View Water Agency
622 South Jemez Trail
Yucca Valley, CA 92284
Attn: Marina D. West, PG, General Manager

by email,

info@bdvwa.org

Please include "BDVWA CEQA Review
Comment" in the Subject line

Public Hearing

On 11 May 2021 the Board of Directors of the Bighorn-Desert View Water Agency conducted a public hearing to consider adoption of the proposed Potable Water System Improvements and Consolidation of Water Systems for the Bighorn-Desert View Water Agency and the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act (CEQA). The hearing was held at 6:00 pm at the Bighorn-Desert View Water Agency's office, located at 622 South Jemez Trail, Yucca Valley CA 92284. Public and board wishing to participate remotely due to Covid precautions and were instructed to contact Bighorn-Desert View Water Agency for teleconference links.

<https://bdvwa.org/board-and-governance/public-works-projects/>

Please note that all requirements of the Brown Act requiring the physical presence of the board or staff were waived per Executive Order N-29-20.

Public Comments

No responses were received during the public comment period.

1.2 ORGANIZATION OF THIS DOCUMENT

This IS/MND contains the following components:

Chapter 1, Introduction, provides a brief description of the intent and scope of this IS/MND, the public involvement process under CEQA, and the organization of and terminology used in this IS/MND.

Chapter 2, Project Description, describes the Project, including its purpose and goals, the Project site where the Project would be constructed, the construction approach and activities, operation-related activities, and related permits and approvals.

Chapter 3, Environmental Checklist, presents the environmental checklist used to assess the Project's potential environmental effects, which is based on the model provided in Appendix G of the CEQA Guidelines. This chapter also includes a brief environmental setting description for each resource topic and identifies the Project's anticipated environmental impacts, as well as any mitigation measures that would be required to reduce potentially significant impacts to a less-than-significant level.

Chapter 4, Comment Letters, The comments received during the public review period and responses thereto.

Chapter 5, List of Preparers, Contributors to this IS/MND.

Chapter 6, Mitigation Monitoring and Reporting Program, A description of the mitigation measures to be followed during the implementation of the Project and the methodology for reporting compliance with these procedures.

Chapter 7, References, provides a bibliography of printed references, websites, and personal communications used in preparing this IS/MND.

1.3 IMPACT TERMINOLOGY

This IS/MND uses the following terminology to describe the environmental effects of the Project:

- A finding of no impact is made when the analysis concludes that the Project would not affect the particular environmental resource or issue.
- An impact is considered less than significant if the analysis concludes that no substantial adverse change in the environment would result and that no mitigation is needed.
- An impact is considered less than significant with mitigation if the analysis concludes that no substantially adverse change in the environment would result with the implementation of the mitigation measures described.
- An impact is considered significant or potentially significant if the analysis concludes that a substantial effect on the environment could result.
- Mitigation refers to specific measures or activities that would be adopted by the lead agency to avoid, minimize, rectify, reduce, eliminate, or compensate for an otherwise significant impact.
- A cumulative impact refers to one that can result when a change in the environment would result from the incremental impacts of a Project along with other related past, present, or reasonably foreseeable future projects. Significant cumulative impacts might result from impacts that are individually minor but collectively significant. The cumulative impact analysis in this IS/MND focuses on whether the Project's incremental contribution to significant cumulative impacts caused by the Project in combination with past, present, or probable future projects is cumulatively considerable.
- Because the term "significant" has a specific usage in evaluating the impacts under CEQA, it is used to describe only the significance of impacts and is not used in other contexts within this document. Synonyms such as "substantial" are used when not discussing the significance of an environmental impact.

2.0 PROJECT DESCRIPTION

2.1 BACKGROUND AND NEED FOR THE PROJECT

The Potable Water System Improvements and Consolidation of Water Systems project (Project) consists of the system consolidation of the BDVWA and Goat Mountain (GM) water systems, interconnections with Hi-Desert Water District (HDWD), and pipelines, wells, booster stations, storage tank, and associated infrastructure. The Project is proposed by BDVWA and benefits the communities served by BDVWA and HDWD.

Separate Potable Water Systems

BDVWA operates two separate water systems (BDVWA and GM). The operational reliability and economy of two systems that share a border and have facilities separated by only 1,000-feet in some locations would be greatly improved with a consolidated system on a long-term basis. Consolidation of the two systems by connecting existing facilities would allow BDVWA to provide enhanced levels of service to the customers of both systems by improving water supply reliability, quality, sustainability, and efficiency.

Interconnection with Nearby Systems

BDVWA has one active interconnection with a neighboring water system, HDWD, located at the southeast corner of the intersection of State Route 247 and Luna Vista Road (Florida) (APN 0629-181-01). This interconnection was dormant for several years and resumed intermittent operation in 2019. This interconnection allows BDVWA to transfer water to HDWD.

Existing Facility Deficiencies

The BDVWA and Goat Mountain systems have water supply, quality, efficiency, and reliability deficiencies that would be addressed through system consolidation and other improvements proposed herein. Some existing storage and pumping facilities are aging, and are in need of repair and replacement. Some portions of the BDVWA system cannot receive water supplied to the area through the existing recharge basin. These deficiencies include:

1. Operability of only two sources of water (Well Nos. 3 and 8) for the BDVWA system's Zones A and B; one of these sources (Well No. 3) has elevated concentrations of uranium. Well Nos. 2 and 4, located within Zone B, are not active due to elevated concentrations of uranium. The system does not currently have means of proper blending or treatment for reducing the concentration of uranium below drinking water standards in Zones A and B.
2. Systems' current configurations do not allow conveyance of water from BDVWA's C and D Zones to Zones A or B, or between GM and BDVWA systems. Wells serving BDVWA's Zones A and B are not capable of receiving water from BDVWA's existing groundwater recharge basin (Pipes Wash at Winters Road). BDVWA's current system configuration is not capable of providing water to customers within BDVWA's Zones A and B that originates from the recharge basin.
3. Systems' current configurations do not allow conveyance of water from BDVWA's Zone B to BDVWA's Zone C.

4. Structural and coating deficiencies in some of the B1 and B2 storage tanks within the BDVWA system.
5. Failure of the Goat Mountain system's Well No. 2 (steel casing deterioration).
6. Inefficient operation, configuration, and condition of pumps/motors at production wells and booster pump stations.
 - o Oversized horsepower and production rates at wells within the BDVWA system.
 - o Deterioration of the A-Booster Pump Station (APN after several decades of service. Reconfiguration of yard piping at A-Booster Station and B Reservoir site.
 - o Reconfiguration of the C-Booster Pump Station to allow for more flexible and efficient operation.
7. Vulnerability to damage to wells and pipeline segments from flooding, vandalism, and other hazards.

2.2 PROJECT PURPOSE AND OBJECTIVES

The purpose of the Project is to correct the deficiencies listed above by:

- Replacing the A-Booster Pump Station (APNs 0629-062-20 and 0629-062-21), recoating and other repairs to the existing B-1 and B-2 Reservoirs, yard piping reconfiguration, and minor electrical improvements.
- Raising wellheads and reducing the horsepower and flow rates at most of BDVWA's active wells.
- Enclosing BDVWA's Well No. 8 in a building to attenuate hazard risk
- Consolidating the BDVWA and GM water systems
 - o Installation of pipelines to connect the two systems, improve redundancy, and remove dead-ends
 - o Adjustments to the extents of current pressure zones, including installation and removal of pressure reducing stations
 - o Installation of a pump and motor within an existing pump station (APN 0630-021-50) to convey water from GM's Zone E-1 to BDVWA's Zone D-1
- Constructing a new booster pump station and associated conveyance/interconnection Facilities
 - o Constructing a pump station that would transfer water from proposed BDVWA Zone D-1 (hydraulic grade line (HGL) 3360) to Zone B (HGL 3680) (APN 0631-041-25), including a new electrical service to the parcel.
 - o Construct a new second interconnection with HDWD at the pump station location
 - o Construct new distribution pipelines within BDVWA Zone D-1 to the proposed pump station
- Installing a transmission pipeline to convey water directly from BDVWA's Zone D-1 to the Zone B Reservoir Site (APNs 0629-062-20 and 0629-062-21)
 - o Includes pipeline installation beneath Pipes Wash along Winters Road/Tracy Blvd Connecting the proposed transmission pipeline to deliver water from BDVWA system Well Nos. 2, 3, 4, and 8, and from the existing interconnection with HDWD directly to the B Reservoir site, following permitted resumption of operation of Well Nos. 2 and 4 for potable purposes.

- Resuming operation of BDVWA's Well Nos. 2 and 4 as potable water sources
- Destroying and replacing Goat Mountain system's Well No. 2

The objective of the project will be to design, construct, and operate these improvements with minimal impact upon the public and the environment.

2.3 PROJECT LOCATION AND SETTING

The Bighorn-Desert View Water Agency (BDVWA) encompasses the unincorporated communities in the county known as Flamingo Heights, Landers, and Johnson Valley. Landers is the largest of these communities, including 2,982 residents. BDVWA's service area is located at the northeastern base of the San Bernardino Mountains and slopes generally to the north and east, ranging in elevation from approximately 3,500 feet to 2,900 feet. Pipes Wash runs generally south to north through the eastern portion of BDVWA's service area.

Water service is provided to approximately 2,000 active residential customers, 460 inactive customers, and 102 bulk-hauling customers within its fifty-two (52) square-mile service area, located in the eastern desert area of San Bernardino County. BDVWA operates two (isolated) separate water systems made up of nine active groundwater wells in the Ames-Means Valley Groundwater Basin and one well in the Johnson Valley Groundwater Basin, including the Goat Mountain (GM) system.

BDVWA's service area encompasses approximately 51 square miles in eastern San Bernardino County and includes the unincorporated communities of Flamingo Heights, Landers, and Johnson Valley. State Route 247 (SR-247, Old Woman Springs Road) travels a primarily north/south route along BDVWA's western border. The Town of Yucca Valley is located approximately 1-mile to the south of BDVWA's southern border. San Bernardino is located approximately 48-miles to the southwest. Vicinity and location maps of BDVWA's service area are provided in Figure 1 and Figure 2.

Public water systems located adjacent to BDVWA include Hi-Desert Water District (HDWD), PWS No. CA3610073, to the south and Joshua Basin Water District, Public Water System (PWS) No. CA3610025, to the southeast. CSA 70, Zone W4 (Pioneertown), PWS No. CA3600196, is located approximately 4-miles south of BDVWA's service area. Locations of these local water purveyors relative to BDVWA's service area are provided in Figure 2.

HDWD currently has approximately over 10,000 active service connections. With a total service area of 57-square miles, the District operates 16 storage tanks, 13 wells, and maintains over 297 miles of pipeline. It provides potable water services to the Town of Yucca Valley and a portion of the unincorporated area of San Bernardino County with an average elevation of elevation 3,369 feet asl. Yucca Valley is the primary community in the HDWD service area and has a population of 21,748 (2017).

2.4 PROJECT CHARACTERISTICS

2.4.1 Project Facilities

Potable Water Supplies

BDVWA owns and operates eight potable wells within the BDVWA system, of which six are active. These wells are the sole source of potable water for the BDVWA system. Five of the active wells (Well Nos. 3, 6, 7, 8, and 9) pump into the BDVWA's system. Well No. 10 only delivers water to Reservoir JV, which is distributed to customers in the JV zone by customer water hauling.

BDVWA owns and operates three potable wells within the Goat Mountain system, of which two are active (Well Nos 1 and 3). Well No. 2 is inactive due to damage to its steel casing. These wells are the sole sources of potable water for the Goat Mountain system. The Goat Mountain system's wells pump directly to the system's R1 Reservoir.

BDVWA Well No. 2, 3, 4, 6, 7, 8, 9 are located in the Ames Valley Groundwater Basin which covers 110,000 acres (169.7 square miles) of the High Desert Region (DWR, 2003). The basin overlies the Pioneertown, Pipes, Reche and Giant Rock subbasins of the greater Morongo Groundwater Basin.

BDVWA Well Nos. 2, 3 and 4 are located in the Pipes subbasin which receives inflow from the Pioneertown subbasin. This subbasin is known to contain elevated levels of uranium. BDVWA Well No. 8 is also in the Pipes subbasin but receives inflow from Hondo Wash area and shows no detectable level of uranium. BDVWA Well Nos. 6, 7, 9 and Goat Mountain Well Nos. 1 and 3 are located in the Reche subbasin. The Goat Mountain service area overlies the Goat Mountain subbasin but no active production wells exist in that area. The Ames/Reche Groundwater Storage Facility (i.e. recharge basin) is located in the Reche subbasin.

BDVWA Well No. 10 is located outside the project area defined by this Final Initial Study/ Mitigated Negative Declaration as it is located in the Johnson Valley Groundwater Basin.

Storage Tanks

The BDVWA system has nine existing potable water storage tanks (reservoirs). The BDVWA system's tanks are in generally good condition, with the exceptions of Reservoirs B1, B2, and C1. Reservoirs B1 and B2 are welded steel tanks that are approaching the end of their useful life (approximately 50 years).

The Goat Mountain system has three existing potable water storage tanks (reservoirs). Potable water produced from Well Nos. 1 and 3 is delivered to Reservoir R1. The site's R1 Booster Station then delivers the water through the GM distribution system to Reservoirs R2A and R2B, from which water is conveyed by gravity to Zone A South. Water delivered to Zone A North is conveyed directly from Reservoir R1. Well Nos. 1 and 3 and Reservoir R1 are located at APNs 0630-021-50 and 0630-021-66, located southwest of the intersection of Landers Lane and Reche Road, just south of the post office.

Booster Pumps

The BDVWA system operates two booster pump stations: the A-Booster Station and the C-Booster Station. Each pump station has two pumps, however only one pump from each pump station can operate at a time due to electrical supply limitations. The A-Booster Station delivers water from the Reservoirs B1 through B4 to Zone A. The C-Booster Station delivers water from Zone D to Zone C and Reservoirs C1 and C2.

The Goat Mountain system operates one booster pump station, Pump Station R1. The pump station has two pumps, which utilize lead-lag operation. Pump Station R1 delivers water from Reservoir R1 to Reservoirs R2A and R2B. Pump Station R1 has a vacant third pump can.

Distribution System

The BDVWA system has approximately 108-miles of distribution pipelines. The majority of the BDVWA system pipeline is 6-inches in diameter. Diameters of 8, 10, 12, and 20-inch are also present. Pipeline materials include asbestos cement (AC) and PVC. The 20-inch pipeline is cement mortar lined and coated steel. Pressure is regulated between the system's pressure zones by 14 pressure-reducing stations located throughout the system.

The Goat Mountain system has approximately 50 miles of distribution pipelines. The majority of the Goat Mountain system pipeline is 6-inches in diameter. Diameters of 8- and 12-inch are also present. All of the pipelines are AC pipe. Pressure is regulated between the system's pressure zones by four pressure-reducing stations located throughout the system.

2.4.2 Construction

Proposed projects are divided into three components:

- Projects to be implemented by BDVWA using BDVWA funds
- Projects in Phase 1 of improvements to be implemented by BDVWA using funds from DFA, USDA, and/or the Integrated Regional Water Management Plan.
- Projects in Phase 2 of improvements to be implemented by BDVWA using funds from DFA and/or USDA

Projects proposed to be implemented by BDVWA with BDVWA funds generally involve rehabilitation, replacement, and/or minor improvements to existing BDVWA and Goat Mountain system facilities be implemented directly by BDVWA in the near future or as part of BDVWA's capital improvements program. These improvements include the following:

- Resuming operation of the existing interconnection between the HDWD and BDVWA water systems, located southeast of the intersection of SR-247 and Luna Vista Road (northwest corner of APN 0629-181-01). The site receives power from the grid, and also has a manual transfer switch that would be used during system testing and during some extended power outages.
- Reduction of horsepower and flow rates at most of BDVWA's Well Nos. 6, 7, 8, 9, and 10, including minor electrical and site piping improvements.

- Raise wellhead elevations at existing BDVWA Well Nos. 6, 7, 8, and 9.
- Enclose existing BDVWA Well No. 8 in a block wall building with a reinforced concrete foundation (APN 0629-451-03)
- Modify existing BDVWA pressure reducing stations (PRV) Nos. 1, 2, 3, and/or 6 to allow a metered and controlled flow from BDVWA's B Zone to BDVWA's C Zone.
- Install a pump to waste feature at BDVWA's Well No. 3 (APNs 0629-421-26 and 0629-421-09, with associated mechanical piping, yard piping, and sump excavation.
- Replace existing A Booster Station at the same site (APNs 0629-062-20 and 0629-062-21) modify yard piping and electrical facilities at the site. The new A Booster Station to have comparable capacities to existing station. The new, aboveground station will be enclosed in a building with a reinforced concrete foundation, replacing the existing below-grade installation.

Projects proposed to be implemented as part of Phase 1 are primarily focused on improvements to existing facilities and/or projects that are located on BDVWA-owned properties. These projects include improvements to existing wells, tanks, and booster station sites in the BDVWA and Goat Mountain systems. It also includes the addition of a third pump in the existing R-1 Booster Station. The Phase 1 improvements would consist of the following tasks:

- Destroying GM Well No. 2 (APN 0630-021-66) and replacing it with a new at the same site on an adjacent parcel (APN 0630-021-50), including yard piping, a new well-house, and electrical improvements on-site. The new well will have a commensurate pumping rate as existing Well No. 2, approximately 175 gallons per minute (gpm). A pump to waste feature will be added to Well Nos. 1 and to the new well for maintenance and water quality, resulting in intermittent discharge to an on-site sump. The new well house will consist of a blockwall building with a reinforced concrete foundation, located on the western portion of the property and generally obscured from public view by other existing buildings on site. The proposed well will have a finished depth of approximately 500 feet below ground surface (bgs). During drilling, exploratory drilling could extend to approximately 800 feet bgs. The well destruction and well drilling and equipping are addressed in a Notice of Exemption filed by BDVWA (SCH No. 2020050052). The project intends to utilize funds from the Integrated Regional Water Management Plan (IRWM). This project is presented here as these improvements correlate to the overall operation of the BDVWA and GM systems, and as all piping and site improvements may not be completed with IRWM funding.
- Installation of a third pump inside the existing R1 booster pump building located at APN 0630-021-50, which is southwest of the intersection of Landers Lane and Reche Road, just south of the post office. The new pump and motor will be located within an existing, vacant pump can, and will discharge to an existing pipeline located along Landers Lane, in the D-1 pressure zone. This pump and motor installation will allow water to be transferred from the GM system's wells and R1 storage tank to the BDBWA D Zone, and also supply water to BDVWA's A and B zones through the transmission pipeline and pump station proposed in Phase 3 (see below). This pump station will allow water from GM's wells, which can receive water supplied by the existing recharge basin to be conveyed to the BDVWA system. This will

increase the groundwater sustainability and system reliability of the BDVWA system, better utilize the recharge basin. Initially, the new pump and motor will allow conveyance to BDVWA's Zones C and D. Following the installation of the Phase 3 improvements, water from the new pump and motor can be conveyed to BDVWA's Zones A and B. The pump station improvements also include replacing three valves immediately upstream of the existing pump station. Make coating and structural improvements to the existing R1 Reservoir, located at APN 0630-021-50, which is southwest of the intersection of Landers Lane and Reche Road, just south of the post office.

Phases 2 would encompass the remaining components of the consolidation of BDVWA and GM systems that are not completed in Phase 1. This would include the improvements to consolidate the distribution systems, including pipelines and pressure reducing stations, as well as the administrative and permitting processes that will be a part of system consolidation. The various elements of Phase 2 of the Project will include the following tasks:

- Consolidation of BDVWA and GM Systems
 - 1,000 linear foot 8-inch interconnecting pipeline proceeding east from an existing 6-inch pipeline in Ira Avenue, crossing Yucca Mesa Road, and connecting to an 8-inch pipeline running north/south east of Yucca Mesa Road.
 - 1,000 linear foot 8-inch interconnecting pipeline proceeding east along Stearman Road from an existing north/south 8-inch pipeline in Becker Road and connecting to an 8-inch pipeline running north/south east of Gibraltar Street.
 - The Goat Mountain system has two pipelines that run parallel to each other for a 650-foot length along Yucca Mesa Road. As currently configured, these pipelines are on separate pressure zones. Under the proposed configuration, both pipelines would operate on the expanded Zone E-1. Proposed improvements to this area would connect the two adjacent pipes at two locations and abandon one of the existing pipelines.
 - Five 1,300 linear foot pipeline loops along Alta Avenue and Kuna Avenue would be installed to loop distribution system piping along the border of existing Zones E-1 and F. Three of the loops would be in Zone E-1, with the remaining two in Zone F. The proposed loops would prevent dead-ends in the two pressure zones while avoiding having areas with parallel pipelines on separate pressure zones.
 - Two new pressure reducing stations between expanded Zone E-1 and the renamed Zone F, located near the intersections of Lorraine Road and Alta Avenue, and Philippi Lane and North Kuna Avenue.
 - New pressure reducing station between the renamed Zone D-1 and expanded Zone E-1, located near on Yucca Mesa Road, north of Reche Road.
- Following consolidation, BDVWA will relinquish its water supply permit for the Goat Mountain system, and will apply for/receive a revised or renewed permit from the Division of Drinking Water of the State Water Resources Control Board for the enlarged BDVWA system that encompasses the existing service areas of BDVWA and GM.

Phases 3 would focus on pumping and conveyance systems to transport water from the current GM system and from the D-1 zone directly to Zone B, and indirectly to Zones A, C, and D; and also on the development of a second interconnection with HDWD. The various elements of Phase 3 of the Project will include the following tasks:

- Construction of a pump station and second interconnection with HDWD located at APN 0631-031-25, located south of the intersection of Winters Road and Rainbow Road
 - The pump station would be located within a new blockwall building, enclosed by a chainlink fence and gate. The site would normally be visited daily by BDVWA operators, and more frequently and by more people during repairs. A new power supply from Southern California Edison (SCE) would be brought to the site. Some nearby power poles would need to be replaced or upgraded to improve the service from single phase power to three phase power. New yard piping would connect the pump station building with water from the nearby HDWD and BDVWA pressure zones. The pump station would transfer water between the proposed BDVWA Zone D-1 (HGL 3360) to Zone B (HGL 3680). A duplex pumping system would be installed within the building to convey water to BDVWA's Zone B. Each pump would have 20hp motors and would operate at a constant speed. Normal operation would have one pump operating most of every day. The duty/standby pump designations would changer periodically (e.g. daily, weekly)
 - The second interconnection with HDWD (Second Location) would also be located within the pump station building. The interconnection would connect BDVWA's Zone D and HDWD's Pressure Zone 3495E. Pressure reducing valves and a booster pump would enable water transfers between HDWD and BDVWA. In the initial years, the transfers between BDVWA and HDWD will be limited, and may only occur during system testing and emergencies. The use of the intersystem transfer may increase over time.
 - Removal and recycling of existing, abandoned concrete pads.
 - New manual transfer switch for portable generator, which will generally be used during system testing and during extended grid power outages.
 - HDWD's distribution system in the vicinity of the proposed second interconnection area has limited conveyance capacity and minimal demand to receive water delivered by BDVWA. Pump(s) would be required to deliver water to HDWD. Pressure-reducing facilities) would be required at this location (to deliver water to BDVWA's Zone D due to pressure zone HGL differences.
- BDVWA Distribution system improvements
 - Installation of approximately 5,000 linear feet of pipeline to connect the existing BDVWA D-1 distribution system to the proposed pump station. This would would remove up to three dead ends at this portion of the BDVWA system (Boo Lane, Warren Vista Avenue, Rainbow Drive). Some right of way acquisition may be required along these alignments.
- Installation of a transmission/blending pipeline to convey water on a nearly continuous basis from the BDVWA D-1 Zone to the BDVWA Zone B. From Zone B, the water could be conveyed to any other zone in the consolidated BDVWA/GM system.
- Installation of a transmission pipeline along Winters Road, crossing Pipes Wash and State Route 247, and continuing north and east to BDVWA's Zone B Reservoirs. The proposed pipeline would be installed in most areas using a cut and cover trenching method. Typical water pipeline depths would be no more than five feet bgs. Across Pipes Wash, the pipeline will be installed using horizontal directional drilling or a similar trenchless installation method. Some intermediate surface excavations will be temporarily made to allow the trenchless pipeline installation to continue across the wash. Excavations will return to pre-surface contours.

- A new pipeline will be installed to deliver water directly from the existing interconnection with HDWD and from BDVWA system Well Nos. 2, 3, 4, and 8 directly to the B Reservoir site. This pipeline will connect to the proposed transmission pipeline from the new pump station on the east side of Pipes Wash. This new pipeline will allow blending between the GM system's wells, BDVWA's Zone D-1, the interconnections with HDWD, and from BDVWA's Well Nos. 2, 3, 4, and 8.
- As a result of the pipeline and booster station installations, the use of BDVWA's Well Nos. 2, 3, 4, and 8 will reduce. This will reduce the volume of groundwater extracted from BDVWA's Zone B. Groundwater extraction from the GM wells, and from BDVWA's Well Nos. 6, 7, and 9 will increase.

2.4.3 Project Operations

Best Management Practices

Project construction would include a range of environmental Best Management Practices (BMPs), to avoid adverse effects on people and the environment. BMPs are developed to address anticipated effects from various construction activities and would be implemented pre-construction, during construction, and post-construction, as specified in Table 1.

Table 1. Best Management Practices to be Implemented for the Project

Number	Title	BMP Description
BMP-1	Best Management Practices for Construction Air Quality	The contractor will use construction equipment that minimizes air emissions to the extent feasible such that overall fleet emissions are equal to or less than emissions compared to the most recent CARB fleet average. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.
BMP-2	Best Management Practices for Construction Emissions, Including Fugitive Dust Emissions	The implementation of construction BMPs to limit construction emissions, particularly fugitive dust emissions, includes the following actions: <ul style="list-style-type: none"> • All exposed areas of bare soil (e.g., parking areas, staging areas, soil piles) should be watered twice per day to minimize fugitive dust emissions. • All haul trucks transporting soil, sand, or other loose material off-site should be covered or maintain at least two feet of free board space. Any haul trucks traveling along freeways or major roadways should be covered. • All visible mud or dirt track-out onto adjacent public roads should be removed using wet power-vacuum street sweepers at least once per day. The use of dry power sweeping should be prohibited. • All vehicle speeds on unpaved roads should be limited to 15 miles per hour (mph). • Idling times should be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13 CCR § 2485). Clear

Number	Title	BMP Description
		<p>signage regarding this requirement should be provided for construction workers at all access points.</p> <ul style="list-style-type: none"> All construction equipment should be maintained and properly tuned in accordance with manufacturer's specifications. All equipment should be checked by a certified visible emissions evaluator and determined to be running in proper condition before it is operated. <p>The project would implement these measures as required.</p>
BMP-3	<p align="center">Best Management Practices for Sediment Control</p>	<p>BDVWA and GM and/or its contractor(s) will implement site specific BMPs to control sediments during construction activities, which may include but not be limited to:</p> <ul style="list-style-type: none"> Install, implement, and maintain BMPs consistent with the California Storm Water Quality Association Best Management Practice Handbook (California Storm Water Quality Association (CASQA) 2015) or equivalent to minimize the discharge of pollutants, consistent with the requirements of the National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit 2009-0009-DWQ, as amended by 2010-0014-DWQ & 2012-0006-DWQ applicable to the State of California. Implement practices to reduce erosion of exposed soil, including stabilization of soil stockpiles, watering for dust control, establishment of perimeter silt fences, and/or placement of fiber rolls. Minimize soil disturbance area. Implement other practices to maintain water quality, including use of silt fences, stabilized construction entrances, and storm-drain inlet protection. Where feasible, limit construction to dry periods. Revegetate or repave disturbed areas. BMPs will be regularly monitored for effectiveness using appropriate methods (visual observation, sampling) at appropriate intervals (e.g., daily or weekly) and corrected immediately if determined to not be effective.
BMP-4	<p align="center">Best Management Practices for Hazardous Materials</p>	<p>BDVWA and GM and/or its contractor(s) will implement site-specific hazardous materials BMPs during construction activities, which may include but not be limited to:</p> <ul style="list-style-type: none"> Develop (before initiation of construction activities) and implement (during construction and operational activities) a spill prevention and emergency response plan to handle potential spills of fuel or other pollutants. Install, implement, and maintain BMPs consistent with the California Storm Water Quality Association Best Management Practice Handbook (California Storm Water Quality Association (CASQA) 2015) or equivalent to minimize the discharge of pollutants, consistent with the requirements of the National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit 2009-0009-DWQ, as amended by 2010-0014-DWQ & 2012-0006-DWQ applicable to the State of California.

Number	Title	BMP Description
		<ul style="list-style-type: none"> • Implement practices to minimize the contact of construction materials, equipment, and maintenance supplies with stormwater. • Limit fueling and other activities involving hazardous materials to designated areas only; provide drip pans under equipment and conduct daily checks of vehicle condition. • Require the proper disposal of trash and any other construction-related waste. • Ensure that any dewatered groundwater is not polluted prior to discharging into the local stormwater infrastructure or use; if dewatered groundwater becomes polluted, dispose of it off-site at an appropriate facility.

2.5 PERMITS AND APPROVALS

- Bureau of Land Management
 - Change in right-of-way agreement with a Department of Interior, National Environmental Policy Act (NEPA) Categorical Exemption
- United States Department of Agriculture, Rural Development
 - Project financing approval
- State Water Resources Control Board, Division of Drinking Water
 - Permit renewal for Bighorn-Desert View Water Agency, with consolidation of Goat Mountain system
 - Relinquishment of permit for Goat Mountain
- State Water Resources Control Board, Division of Financial Assistance
 - Project financing approval
- State Water Resources Control Board, Division of Water Quality
 - General Stormwater Permit enrollment
- California Department of Transportation (Caltrans)
 - Encroachment permits for crossings of SR-247
- California Department of Fish & Wildlife
 - Lake or Streambed Alteration (LSA) Notification for Pipes Wash crossing
- Regional Water Quality Control Board (No. 7, Colorado River Region)
 - Waste Discharge Requirement for Pipes Wash crossing
 - Surface discharge waiver for percolation discharge of well pumping during construction and testing
- County of San Bernardino Public Works Department: Encroachment Permit for pipelines within County right-of-way (ROW)
- San Bernardino County Department of Public Health, Environmental Health Services
 - Well destruction permit (GM Well No. 2)
 - Well drilling permit for proposed well site (GM replacement well)
- San Bernardino County Flood Control District: Pipes Wash crossing (if there is encroachment upon APN 0629-152-12, located at western side of Pipes Wash at Tracy Blvd.)
- Mojave Desert Air Quality Management District (MDAQMD)
 - Portable Generator Permit to Operate or Portable Equipment Registration Program registration by California Air Resources Board

3.0 ENVIRONMENTAL CHECKLIST

- | | |
|---|--|
| 1. Project title | Potable Water System Improvements and Consolidation of Water Systems |
| 2. Lead agency name and address | Bighorn-Desert View Water Agency
622 South Jemez Trail
Yucca Valley, CA 92284 |
| 3. Contact person and phone number | Marina D. West, P.G., General Manager |
| 4. Project location | Flamingo Heights, Landers, and Johnson Valley |
| 5. Project sponsor's name and address | Bighorn-Desert View Water Agency
622 S. Jemez Trail
Yucca Valley, CA 92284 |
| 6. General plan designation | General Commercial (CG), Institutional (IN), Neighborhood Commercial (CN), Resource Conservation (RC), Rural Commercial (CR), Rural Living (RL), Service Commercial (CS), and Special Development (SD) |
| 7. Zoning | Homestead Valley/General Commercial (HV/CG), Homestead Valley/Institutional (HV/IN), Homestead Valley/Neighborhood Commercial (HV/CN), Homestead Valley/Resource Conservation (HV/RC), Homestead Valley/Rural Commercial (HV/CR), Homestead Valley/Rural Living (HV/RL), Homestead Valley/Service Commercial (HV/CS), and Homestead Valley/Special Development (HV/SD) |
| 8. Description of project | See Chapter 2, Project Description |
| 9. Surrounding land uses and setting | The main land uses are residential and small commercial |
| 10. Other public agencies whose approval is required | San Bernardino County, State Water Resources Control Board, Division of Drinking Water, State Water Resources Control Board, Division of Financial Assistance - Funding Agency, Bureau of Land Management - Property Owner |
| 11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? | Yes |

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology /Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities/Service Systems
- Wildfire

DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required

Signature

Date

3.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

3.1.1 Regulatory Setting

State Laws, Regulations, and Policies

In 1963, the California State Legislature established the California Scenic Highway Program, a provision of the Streets and Highways Code, to preserve and enhance the natural beauty of California (California Department of Transportation (Caltrans) 2015). The state highway system includes designated scenic highways and those that are eligible for designation as scenic highways.

Local Laws, Regulations, and Policies

The San Bernardino County General Plan (SBC 2007) contains goals and policies to protect the aesthetic values of the County, including the protection of its scenic corridors and highways, and recommends incorporating Project design elements that improve visual aesthetics.

3.1.2 Environmental Setting

The Project area is in a semi-rural community in western San Bernardino County. Residential and commercial developments in the local communities dominates the visual setting of the Project. Lands surrounding the developed areas are broad desert slopes and playas that offer a scenic vista around the community. Distant views of the San Bernardino Mountains provide a background. The

visual quality of most of the Project area is variously affected by the existing developments, such as housing developments and roads to be less than scenic.

Visual Character and Quality of the Site

Residential neighborhoods, open desert, dirt roads, and small agricultural areas adjoin the Project corridor.

Light and Glare

Nighttime lighting is necessary to provide and maintain safe, secure, and attractive environments. Light that falls beyond the intended area of illumination is referred to as “light trespass.” The most common cause of light trespass is spillover light, which occurs when a lighting source illuminates surfaces beyond the intended area, such as when building security lighting or parking lot lights shine onto neighboring properties. Spillover light can adversely affect light-sensitive uses, such as residences, at nighttime. Both light intensity and fixtures can affect the amount of any light spillover. Modern, energy-efficient fixtures that face downward, such as shielded light fixtures, are typically less obtrusive than older, upward-facing light fixtures.

Glare is caused by light reflections from pavement, vehicles, and building materials such as reflective glass, polished surfaces, or metallic architectural features. During daylight hours, the amount of glare depends on the intensity and direction of sunlight.

The most intense lighting in or near the Project sites is from the surrounding residential and commercial buildings. These structures are continuous light sources, including the nighttime hours. Parking lot lighting and vehicle headlights illuminate the surrounding roadways.

3.1.3 Discussion of Impacts

- a) **Less Than Significant Impact.** The Project would not permanently alter views of scenic vistas around the local communities or surroundings. The pipelines would be installed underground and would not be visible after construction. Building surfaces will be painted to blend with the desert surroundings.
- b) **No Impact.** The Project would not permanently damage scenic resources. There are no state scenic highways or resources within, adjacent, or near the Project area.
- c) **Less Than Significant Impact.** The Project would have minimal effect on the visual character in a portion of the Project area, generally focused at and near the new pump station to be located at Winters Road and Rainbow Drive (APN 0631-031-25). At this site, a new building and fence will be located on generally vacant land. The site is located within a rural residential area. Existing electrical power to the area is via overhead wiring and poles, which have already partially obstructed views. Electrical power will be extended to the building, and nearby SCE wiring and poles may be improved or replaced to improve the quality of power delivered to the site (i.e. single phase to three phase power). The new building will be equipped with a thin, yagi-type pole for communication with other BDVWA facilities. The yagi-type pole may extend up to 8 feet above the top of the building’s roofline. The building’s roof

may be equipped with solar panels as part of its initial construction or as a follow-up improvement.

At the GM well, reservoir, and booster station site southwest of the intersection of Reche Road and Landers Lane (APNs 0630-021-66 and 0630-021-50), the existing GM Well No. 2 well house and concrete cradles for the already-removed pneumatic tank will be removed. A new well house will be constructed on the southwest portion of the site, which will be located approximately 200 feet west of Landers Lane, and mostly obscured by the existing R-1 reservoir, existing R-1 booster station, existing office building, and existing equipment building. The post office immediately north of the site will further obscure the site. Other improvements on this site (R-1 Booster Station Improvements) will occur within the existing building and will have a de minimis change on exterior visual character. Exterior lighting will be limited to emergency periods, vehicle lighting for rare, after hours personnel visits, and photocell operated lighting for security.

At the existing A-Booster station, B-Reservoir, and BDVWA office site (Kickapoo and Mesa Vista Street (APNs 0629-062-20 and 0629-062-21), the recoated reservoirs will have a similar exterior appearance pre- and post-construction. The existing A-Booster station is located underground. The replacement booster station will be above-ground. The booster station site is surrounded by existing storage tanks on the north, east, and south sides. To the west is BLM lands. The new pump station would not further any visual impairment that the existing tanks have already created.

For the overall Project, construction activities would result in temporary visual effects due to the presence of equipment and staged materials in the Project area and vegetation removal and ground disturbance activities, which would be visible from some residences and commercial areas and for travelers along nearby roads. These activities would take place in a developed area and are similar to other construction activities that periodically occur. No long-term visual changes would take place because the pipelines would be underground and the surface would be restored to its current, or better, condition.

- d) Less Than Significant Impact. The Project would not create a substantial new source of light or glare. Most project improvements involve installation of underground pipelines, which do not produce glare or light. Improvements to and replacements of existing storage tanks and pump stations will not change their already negligible light emissions and glare. No nighttime construction would take place.

The construction of new pump station at APN 0631-031-25 would normally have no exterior lighting or a glare that would affect a nearby dwelling, although night time inspections or repairs could be needed during emergencies, which would produce light. The closest residences or otherwise occupied buildings are approximately 150 feet away from the proposed pump station building.

3.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

3.2.1 Regulatory Setting

State Laws, Regulations, and Policies

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is a non-mandated State program for counties and cities to preserve agricultural land, and discourage the premature conversion of agricultural land to urban uses.

The California Department of Conservation (CDC) provides Williamson Act maps and maps of important farmland for counties in California, including San Bernardino County. Each map indicates areas of urban/built-up land in addition to illustrating the locations of various agricultural-related (Williamson Act or farmland designation) categories (CDC 2016b).

Local Laws, Regulations, and Policies

The San Bernardino County General Plan (SBC 2007) contains goals and policies to protect the agricultural use of the County, including the zoning of land for such purposes.

3.2.2 Environmental Setting

Project is not located in area covered by San Bernardino County Important Farmland 2016 survey. No Soil Survey Geographic Database (SSURGO) coverage available for project area. The main soil types for the area are Cajon-Arizo and Wasco-Helendale-Bryman with small areas of Rock outcrop-Gullied land-Bull Trail-Avawatz-Arrastre, Trigger-Rock outcrop-Calvista, and Upspring-Sparkhule-Rock outcrop in State Soil Geographic (STATSGO) dataset. All excavation will be made in the existing BDVWA property, easements and public right-of way (ROW) or on land not categorized as prime farmland, farmland of statewide importance or unique farmland.

3.2.3 Discussion of Impacts

- a) No Impact. The Project area is located on existing BDVWA and GM properties, BLM easements and public ROWs and public/semi-public facilities land not used for agriculture. Therefore, it would not convert farmland.
- b) No Impact. The Project area is located on existing BDVWA and GM properties, BLM easements and public ROWs and public/semi-public facilities land. It would not conflict with existing zoning for agricultural use, or a Williamson Act contract.
- c) No Impact. The Project area is located on existing BDVWA and GM properties, BLM easements and public ROWs and public/semi-public facilities land. No forest land is located within the Project area.
- d) No Impact. The Project would not affect forest land or uses and would not convert forest land.
- e) No Impact. The Project would not cause other changes to the environment that could convert farmland or forest lands to non-farmland or non-forest uses. It is not considered a growth-inducing Project because the new pipeline has been designed to meet pressure, fire flow, and redundancy requirements and would not accommodate an unplanned increase in growth in or near the local communities.

3.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors affecting a substantial number of people?			X	

3.3.1 Regulatory Setting

Federal and State Laws, Regulations, and Policies

The Clean Air Act (CAA) is implemented by the U.S. Environmental Protection Agency (USEPA) and sets ambient air limits, the National Ambient Air Quality Standards (NAAQS), for six criteria pollutants: particulate matter of aerodynamic radius of 10 micrometers or less (PM₁₀), particulate matter of aerodynamic radius of 2.5 micrometers or less (PM_{2.5}), carbon monoxide (CO), nitrogen dioxide (NO₂), ground-level ozone, and lead. Of these criteria pollutants, particulate matter and ground-level ozone pose the greatest threats to human health.

The California Air Resources Board (CARB) sets standards for criteria pollutants in California that are more stringent than the NAAQS and include the following additional contaminants: visibility-reducing particles, hydrogen sulfide, sulfates, and vinyl chloride. The Project is located in the desert portion of San Bernardino County (Figure 1). The Mojave Desert Air Quality Management District (MDAQMD) manages air quality and the General Conformity Rule within this area.

General Conformity Rule

Section 176(c) of the CAA provides that federal agencies cannot engage, support, or provide financial assistance for licensing, permitting, or approving any project unless the project conforms to the applicable State Implementation Plans (SIP). Under CAA Section 176(c) requirements, USEPA promulgated 40 Code of Federal Regulations (CFR) Part 51, Subpart W, and 40 CFR Part 93, Subpart B, "Determining Conformity of General Federal Actions to State or Federal Implementation Plans"

(see 58 Federal Register (FR) 63214 (November 30, 1993), as amended; 75 FR 17272 (April 5, 2010) and 75 FR 17274.) These regulations, commonly referred to as the General Conformity Rule, apply to all federal actions except for those federal actions that are specifically excluded from review (e.g., stationary-source emissions) or are related to transportation plans, programs, and projects under Title 23 U.S. Code (USC) or the Federal Transit Act, which are subject to Transportation Conformity.

In states that have an approved SIP revision adopting General Conformity regulations, 40 CFR Part 51, Subpart W, applies; in states that do not have an approved SIP revision adopting General Conformity regulations, 40 CFR Part 93, Subpart B, applies. The Project sites are located in an area of California with approved SIPs adopting General Conformity regulations.

The General Conformity Rule is used to determine if federal actions meet the requirements of the CAA and the applicable SIP by ensuring that air emissions related to the action do not:

- Cause or contribute to new violations of a NAAQS;
- Increase the frequency or severity of any existing violation of a NAAQS; or
- Delay timely attainment of a NAAQS or interim emission reduction.

A conformity determination under the General Conformity Rule is required if the federal agency determines that the action would occur in a nonattainment or maintenance area; no specific exemptions apply to the action; the action is not included in the federal agency's "presumed to conform" list; emissions from the proposed action are not within the approved emissions budget for an applicable facility; and the total direct and indirect emissions of a pollutant (or its precursors) are at or above the de minimis levels established in the General Conformity Rule (75 FR 17274). Applicable de minimis levels are shown in Table 2.

Table 2. Attainment Status of the State and Federal Ambient Air Quality Standards

Ambient Air Quality Standard	MDAQMD
One-hour Ozone (Federal) – standard has been revoked, this is historical information only	Proposed attainment in 2014; historical classification Severe-17 (portion of MDAQMD outside of Southeast Desert Modified based on information reported by local authorities for 2018 Air Quality Management Areas (AQMA) is unclassified/attainment)
Eight-hour Ozone (Federal 84 ppb (1997))	Subpart 2 Nonattainment; classified Severe-15 (portion of MDAQMD outside of Western Mojave Desert Ozone Nonattainment Area is unclassifiable/attainment)
Eight-hour Ozone (Federal 75 ppb (2008))	Nonattainment, classified Severe-15
Eight-hour Ozone (Federal 70 ppb (2015))	Expected nonattainment; classification to be determined
Ozone (State)	Nonattainment; classified Moderate
PM₁₀ 24-hour (Federal)	Nonattainment; classified Moderate
PM_{2.5} Annual (Federal)	Unclassified/attainment
PM_{2.5} 24-hour (Federal)	Unclassified/attainment
PM_{2.5} (State)	Nonattainment (portion of MDAQMD outside of Western Mojave Desert Ozone Nonattainment Area is unclassified/attainment)
PM₁₀ (State)	Nonattainment
Carbon Monoxide (State and Federal)	Unclassifiable/Attainment

Ambient Air Quality Standard	MDAQMD
Nitrogen Dioxide (State and Federal)	Unclassifiable/Attainment
Sulfur Dioxide (State and Federal)	Attainment/unclassified
Lead (State and Federal)	Unclassifiable/Attainment
Particulate Sulfate (State)	Attainment
Hydrogen Sulfide (State)	Unclassified (Searles Valley Planning Area is nonattainment)
Visibility Reducing Particles (State)	Unclassified

Source: MDAQMD 2016

Six methods are available for demonstrating conformity:

1. Document that the emissions from the action are identified and accounted for in the SIP;
2. Obtain a statement from the applicable state or local air quality agency indicating that the emissions from the action, along with all other emissions in the area, would not exceed the budget for those emissions in the SIP;
3. Obtain from the local Metropolitan Planning Organization a statement indicating that the emissions are included in transportation plan modeling;
4. Obtain agreement from the state to include the emissions in the SIP;
5. Conduct air quality modeling to demonstrate that the emissions would not cause or contribute to a violation of the NAAQS; this modeling option is not available for areas in nonattainment for ozone or NO₂ and some PM_{2.5} areas; or
6. Mitigate or offset the increase in emissions; offset emissions must be offset to zero for ozone precursors, nitrogen dioxide and PM, not to the de minimis levels.

In addition, federal activities may not cause or contribute to new violations of air quality standards, exacerbate existing violations, or interfere with timely attainment or required interim emissions reductions toward attainment. The Project is subject to review under the General Conformity Rule. At this time a formal General Conformity determination is not presented, but a comparison to de minimis thresholds is discussed as an indication of the potential General Conformity applicability and/or determination which will need to occur prior to the start of construction.

Table 3. Applicable Significance Thresholds

Criteria Pollutant	Annual Threshold (tons)	Daily Threshold (pounds)
Greenhouse Gases (CO _{2e})	100,000	548,000
Carbon Monoxide (CO)	100	548
Oxides of Nitrogen (NO _x)	25	137
Volatile Organic Compounds (VOC)	25	137
Sulfur Oxides (SO _x) _h	25	137
Particulate Matter (PM ₁₀)	15	82
Particulate Matter (PM _{2.5})	12	65
Hydrogen Sulfide (H ₂ S)	10	54
Lead (Pb)	0.6	3

Source: MDAQMD 2016

Toxic Air Pollutants

USEPA and CARB regulate various stationary sources, area sources, and mobile sources. USEPA has regulations involving performance standards for specific sources that may release toxic air contaminants (TACs), known as hazardous air pollutants (HAPs) at the federal level. In addition, USEPA has regulations involving emission criteria for off-road sources such as emergency generators, construction equipment, and vehicles. CARB has been granted permission to establish emission standards for vehicles sold in California and for other emission sources, such as consumer products and certain off-road equipment. CARB also establishes passenger vehicle fuel specifications. Airborne Toxic Control Measures (ATCMs), including the following relevant measures, are implemented to address sources of TACs:

- ATCM for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower (hp) and Greater.

Local Laws, Regulations, and Policies

The MDAQMD has adopted several plans to address ozone and particulate matter issues in the planning area (Table 4).

Table 4. MDAQMD Attainment Plans

Name of Plan	Date of Adoption	Standard(s) Targeted	Applicable Area	Pollutant(s) Targeted	Attainment Date*
Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)	9-Jun-08	Federal eight hour ozone (84 ppb)	Western Mojave Desert Nonattainment Area (MDAQMD portion)	NO _x and VOC	2019 (revised from 2021)
2004 Ozone Attainment Plan (State and Federal)	26-Apr-04	Federal one hour ozone	Entire District	NO _x and VOC	2007
Triennial Revision to the 1991 Air Quality Attainment Plan	22-Jan-96	State one hour ozone	Entire District	NO _x and VOC	2005
Mojave Desert Planning Area Federal Particulate Matter Attainment Plan	31-Jul-95	Federal daily and annual PM ₁₀	Mojave Desert Planning Area	PM ₁₀	2000
Post 1996 Attainment Demonstration and Reasonable Further Progress Plan	26-Oct-94	Federal one hour ozone	Southeast Desert Modified AQMA	NO _x and VOC	2007
Reasonable Further Progress Rate-Of-Progress Plan	26-Oct-94	Federal one hour ozone	Southeast Desert Modified AQMA	NO _x and VOC	2007
1991 Air Quality Attainment Plan	26-Aug-91	State one hour ozone	San Bernardino County portion	NO _x and VOC	1994

The MDAQMD maintains a set of Rules and Regulations to implement these plans. During construction, for example, “The owner or operator of any Construction/Demolition source shall:

- a) Use periodic watering for short-term stabilization of Disturbed Surface Area to minimize visible fugitive dust emissions. For purposes of this Rule, use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes shall be considered sufficient to maintain compliance;
- b) Take actions sufficient to prevent project-related track out onto paved surfaces;
- c) Cover loaded haul vehicles while operating on Publicly Maintained paved surfaces;
- d) Stabilize graded site surfaces upon completion of grading when subsequent development is delayed or expected to be delayed more than thirty days, except when such a delay is due to precipitation that dampens the disturbed surface sufficiently to eliminate Visible Fugitive Dust emissions;
- e) Cleanup project-related track out or spills on Publicly Maintained paved surfaces within twenty-four hours; and
- f) Reduce non-essential Earth-Moving Activity under High Wind conditions. For purposes of this Rule, a reduction in Earth-Moving Activity when visible dusting occurs from moist and dry surfaces due to wind erosion shall be considered sufficient to maintain compliance.”

-Rule 403a – The San Bernardino County General Plan (SBC 2007) contains goals and policies to protect and improve air quality in the plan area through cost-effective and sustainable means, while also assuring county’s compliance with state and federal air quality standards.

3.3.2 Environmental Setting

The primary pollution sources in the vicinity of the Project area are vehicles and nearby residential and commercial activities. The nearest sensitive receptors are residences in the community, which are scattered throughout the Project vicinity. The Project area does not contain ultramafic soils and is not in an area known to contain naturally occurring asbestos (Van Gosen and Clinkenbeard 2011).

3.3.3 Discussion of Impacts

- a) Less Than Significant Impact. The Project would not conflict with or obstruct implementation of the applicable air quality plan. Minimal and temporary air emissions, as discussed under item b) below, would be consistent with applicable air quality plans and regulations for the region. In order to limit the production of fugitive dust during implementation of the Project, construction activities will be conducted in accordance with MDAQMD Rules 403 - Fugitive Dust and 403.2 - Fugitive Dust Control for the Mojave Desert Planning Area. This includes using water trucks to minimize the production of visible dust emissions to 20 percent opacity in areas where grading, blasting or vegetation removal occurs, within the staging areas, and on any unpaved roads utilized during Project construction. The proposed booster station will only operate under extended emergency or maintenance events.

Less Than Significant Impact. The Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which

exceed quantitative thresholds for ozone precursors). As discussed under item a), the Project would result in temporary minor construction-related emissions. It would not result in a cumulatively considerable net increase of any criteria pollutant. The Project would cause short-term air quality effects as a result of construction activities.

The proposed booster station located at Winters Road and Rainbow Drive, would be equipped with a manual transfer switch, which would enable a portable generator to power the site when grid power is unavailable for an extended period, and during system testing. The manual transfer switch at the existing interconnection between HDWD and BDVWA would also be used more frequently, but would also be used only during some extended grid power outages and during system testing.

Overall, the Project would not result in significant long-term or cumulatively considerable increases in air quality pollutant emissions.

- b) **Less Than Significant Impact.** The Project would not expose sensitive receptors to substantial pollutant concentrations. The interconnection locations, where portable generators would be used from time to time, are not located near sensitive receptors, such as a school, hospital, or park.
- c) **Less Than Significant Impact.** The Project would not create objectionable odors affecting a substantial number of people. Temporary construction activities would involve the use of gasoline or diesel-powered equipment that emits exhaust fumes and asphalt paving, which has a distinctive odor during application. These activities would take place intermittently throughout the workday during the construction period, and the associated odors are expected to dissipate within the immediate vicinity of the work area. Persons near the work area may find these odors objectionable. However, the infrequency of the emissions, rapid dissipation of the exhaust into the air, and short-term nature of the construction activities would ensure a substantial number of people are not affected by odors generated during construction. The portable generators will only operate if no power is available from the electrical grid during extended periods. The usage of the existing generator at the R-1 site will generally be unchanged as a result of the Project.

3.4 BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

3.4.1 Regulatory Setting

Federal Laws, Regulations, and Policies

Endangered Species Act

The Endangered Species Act (ESA) (16 USC § 1531 et seq.; 50 CFR Parts 17 and 222) provides for conservation of species that are endangered or threatened throughout all or a substantial portion of their range, as well as protection of the habitats on which they depend. The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) share responsibility for implementing the ESA. In general, USFWS manages terrestrial and freshwater species, whereas NMFS manages marine and anadromous species.

Section 9 of the ESA and its implementing regulations prohibit the “take” of any fish or wildlife species listed under the ESA as endangered or threatened, unless otherwise authorized by federal regulations. The ESA defines the term “take” to mean “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 USC § 1532). Section 7 of the ESA (16 USC § 1531 et seq.) outlines the procedures for federal interagency cooperation to conserve federally-listed species and designated critical habitats. Section 10(a)(1)(B) of the ESA provides a process by which nonfederal entities may obtain an incidental take permit from USFWS or NMFS for otherwise lawful activities that incidentally may result in “take” of endangered or threatened species, subject to specific conditions.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 USC Chapter 7, Subchapter II) protects migratory birds. Most actions that result in take, or the permanent or temporary possession of, a migratory bird, or the parts, nests, or eggs of such a bird, constitute violations of the MBTA. The MBTA also prohibits destruction of occupied nests. USFWS is responsible for overseeing compliance with the MBTA.

Executive Order 11990, Protection of Wetlands

Executive Order (EO) 11990 provides for protection of wetlands from federal or federally approved projects when a practicable alternative is available. If impacts on wetlands cannot be avoided, all practicable measures to minimize harm must be included. US Army Corps of Engineers (COE) is the administering agency. **State Laws, Regulations, and Policies**

California Fish and Game Code

The California Fish and Game Code (F&G) includes various statutes that protect biological resources, including the Native Plant Protection Act of 1977 (NPPA) and the California Endangered Species Act (CESA). The NPPA (F&G §§ 1900-1913) authorizes the Fish and Game Commission to designate plants as endangered or rare and prohibits take of any such plants, except as authorized in limited circumstances.

CESA (F&G §§ 2050–2098) prohibits state agencies from approving a project that would jeopardize the continued existence of a species listed under CESA as endangered or threatened. F&G § 2080 prohibits the take of any species that is state listed as endangered or threatened, or designated as a candidate for such listing. The California Department of Fish and Wildlife (CDFW) may issue an

incidental take permit authorizing take of listed and candidate species if that take is incidental to an otherwise lawful activity, subject to specified conditions. F&G §§ 3503, 3513, and 3800 protect native and migratory birds, including their active or inactive nests and eggs, from all forms of take. In addition, F&G §§ 3511, 4700, 5050, and 5515 identify species that are fully protected from all forms of take. F&G Section 3511 lists fully protected birds, § 5515 lists fully protected fish, § 4700 lists fully protected mammals, and § 5050 lists fully protected amphibians.

Local Laws, Regulations, and Policies

The Conservation Element of the San Bernardino County General Plan (SBC 2007) outlines many goals and polices pertinent to biological resources. General themes of include preservation and management of terrestrial and aquatic habitats, and riparian corridors; adaptive management of special status species; conservation and management of mature trees; and restoration of natural ecological functions. The General Plan constructs a framework of policies to achieve these goals through pre-project design considerations, the use of biotechnical alternatives, established setbacks and work exclusionary-zones, removal of invasive species and promotion of native species, and compensatory mitigation measures (SBC 2007).

3.4.2 Environmental Setting

The project area consists of four natural vegetation communities: desert scrub, desert wash, Joshua tree, and urban (Ironwood Consulting, Inc. 2020). Sensitive species are known to have habitat within the project area including desert tortoise and burrowing owl. Wildlife surveys were completed between April 20, 2020 and July 15, 2020 by qualified wildlife biologists and ecologists (Appendix A).

Protected Plants

The Project site contains many types of native desert plants, including Joshua trees, which are protected under the County of San Bernardino Development Code Desert Native Plant Protection Ordinance (Ironwood Consulting Inc. 2020). The Project would be required to comply with the County of San Bernardino Desert Native Plant Protection Ordinance. The removal of any trees listed under Section 88.01.060 would be required to comply with Section 88.01.050, which requires the project applicant to apply for a Tree or Plant Removal Permit prior to removal from the Project site.

Sensitive Species

Desert tortoise sign was documented during the desert tortoise survey. Observations include two desert tortoise scats, one desert tortoise scute, and one recently dead tortoise from predation.

Migratory Birds and Raptors

Prior to any brushing, clearing and/or grading activities during the breeding season of nesting migratory birds and raptors (January 1st and August 31st), a survey must be performed by a qualified biologist that documents that no actively nesting migratory birds or raptors would be affected. If active migratory bird or raptor nests are detected, an area 300 ft. from the nest shall be staked and posted to prohibit all clearing, grubbing and construction work within the perimeter until the qualified biologist determines that the nests are no longer occupied. See mitigation measure BR-1 below.

3.4.3 Discussion of Impacts

- a) Less than Significant Impact. The Project is not expected to have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or status species.
- b) Less than Significant Impact. Joshua trees are present throughout the project area. Joshua trees will be avoided where possible. If avoidance is not possible, trees will be salvaged for transplantation at a nursery or restoration site.
- c) No Impact. The Project will not have a substantial adverse effect on any federally protected wetlands. No wetlands and/or areas where water would pool were observed within or near the Project site.
- d) No Impact. The Project will not interfere with the movement of fish or wildlife species or impede the use of native wildlife nursery sites. No sensitive habitats or wildlife movement corridors were noted in the Project area during general biological resources assessment. The Project is primarily within roadway right-of-ways, transportation corridors, or existing tank, well, pump station, and office sites that are already disturbed, fenced, and in operation.
- e) No Impact. The Project is not likely to affect biological resources and would not conflict with any local policies or ordinances protecting biological resources. Joshua Trees will be protected in place and not removed in compliance with the County of San Bernardino Development Code Desert Native Plant Protection Ordinance. Construction and maintenance of the proposed Project would not result in the immediate loss of habitat or vegetation, nor would it displace any wildlife immediately.
- f) No Impact. No local, regional, state, or federal habitat conservation plans have been adopted for the Project area.

BDVWA will confirm this through the implementation of three mitigation measures, BR-1 through BR-3, described in Section 6 of this document.

3.5 CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				X
c) Disturb any human remains, including those interred outside of dedicated cemeteries?				X

3.5.1 Regulatory Setting

Federal Laws, Regulations, and Policies

If federal funding in the form of State Revolving Funds are applied to this project, the National Environmental Policy Act requires that the National Historic Preservation Act and the Archeological and Historic Preservation Act (AHPA) applies to this project.

The National Historic Preservation Act (NHPA) embodies a long-standing national policy to preserve historic sites, buildings, structures, districts and objects of national, state, tribal, local, and regional significance and, among other things, to protect such historic properties from adverse impacts caused by activities undertaken or funded by federal agencies. The NHPA is administered by the Department of the Interior (DOI) and the Advisory Council on Historic Preservation (the Council). The Council implements section 106 of the NHPA and has promulgated regulations for consultation regarding how to determine the effects of federal agency undertakings on historic properties. 36 C.F.R. Part 800. Although under certain circumstances the Council may become directly involved in such consultations, the procedures generally call for consultation between the federal agency and relevant state or tribal historic preservation officers (SHPOs and THPOs) and other interested parties.

The intent of the AHPA is to limit the loss of important historical data that would result from federal, or federally authorized, construction activities. Unlike section 106 of the NHPA, which principally addresses adverse effects to historic properties identified within a project area prior to project initiation, the requirements of the AHPA are typically invoked when historic properties are discovered after the project has begun and potential adverse effects may occur.

State Laws, Regulations, and Policies

CEQA and CEQA Guidelines

Section 21083.2 of the California Public Resources Code (Public Resources Code) requires that the lead agency determine whether a project may have a significant effect on unique archaeological resources. A unique archaeological resource is defined in the Public Resources Code as an archaeological artifact, object, or site about which it can be clearly demonstrated that there is a high probability that it:

- Contains information needed to answer important scientific research questions, and there is demonstrable public interest in that information;
- Has a special or particular quality, such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Measures to avoid, conserve, preserve, or mitigate significant effects on these resources are also provided under Public Resources Code § 21083.2.

Section 15064.5 of the CEQA Guidelines notes that “a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Substantial adverse changes include physical changes to the historical resource or to its immediate surroundings, such that the significance of the historical resource would be materially impaired. CEQA lead agencies are expected to identify potentially feasible measures to mitigate significant adverse changes in the significance of a historical resource before they approve such projects. Historical resources are those that are:

- Listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR) (Public Resources Code §5024.1[k]);
- Included in a local register of historic resources (Public Resources Code §5020.1) or identified as significant in an historic resource survey meeting the requirements of Public Resources Code §5024.1(g); or
- Determined by a lead agency to be historically significant.

CEQA Guidelines § 15064.5 also prescribes the processes and procedures found under Health and Safety Code § 7050.5 and Public Resources Code § 5097.95 for addressing the existence of, or probable likelihood of, Native American human remains, as well as the unexpected discovery of any human remains within the Project site. This includes consultation with the appropriate Native American tribes.

CEQA Guidelines § 15126.4 provides further guidance about minimizing effects to historical resources through the application of mitigation measures. Mitigation measures must be legally binding and fully enforceable.

California Register of Historical Resources

Public Resources Code § 5024.1 establishes the CRHR. The register lists all California properties considered to be significant historical resources. The CRHR includes all properties listed as or determined to be eligible for listing in the National Register of Historic Places (NRHP), including properties evaluated under Section 106 of the National Historic Preservation Act (NHPA). The criteria for listing are similar to those of the NRHP. Criteria for listing in the CRHR include resources that:

- Are associated with the events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Are associated with the lives of persons important in our past;
- Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or
- Have yielded, or may be likely to yield, information important in prehistory or history.

The regulations set forth the criteria for eligibility as well as guidelines for assessing historical integrity and resources that have special considerations.

Local Regulations and Policies

The San Bernardino County General Plan Update for 2007 (SBC 2007) contains policies related to cultural and paleontological resources under the Conservation Element. The Plan contains an overarching goal to protect and interpret the cultural resources within the County. There are two objectives of the goal: to maintain an inventory of the cultural resources within the county, and to conduct a cultural resources review of new projects to ensure that known or previously unidentified cultural and paleontological resources are protected. There are, furthermore, three policies to support the goal. The policies include the involvement of Native American tribes when ancestral sites are found within a development project; requiring that cultural resources are taken into account when new planning documents are prepared; and requiring appropriate review, protection, and mitigation of impacts to cultural and paleontological resources. A key component of the goal is the establishment of a Cultural Resources Committee to help with implementing the policies and ensure that cultural resources are protected.

3.5.2 Environmental Setting

A Phase I Cultural Resources Assessment and Paleontological Resources Assessment for the Project area were conducted by PaleoWest (Appendices B & C, respectively¹). The study included a records search of the California Historical Resources Information System, tribal outreach, and a field survey. The field survey resulted in the finding of eighteen historic period cultural resources within the area of potential effects (APE). The observed cultural resources include one building remnant, one refuse scatter, four isolated finds, and twelve historic period road segments. None of the eighteen identified cultural resources within the APE are recommended eligible for listing on the National Register of Historic Places (PaleoWest 2020).

¹ In conformity to BLM policy, reports of cultural resource investigations that involve public land are not distributed without specific permission.

3.5.3 Discussion of Impacts

- a) No Impact. No historical resources as defined in § 15064.5 of the CEQA Guidelines were identified within or adjacent to the Project sites. Therefore, the project would not cause a substantial adverse change to a historical resource. If previously undocumented cultural resources are identified during earthmoving construction activities, a qualified archaeologist must be contacted to assess the nature and significance of the find. Construction activities shall be diverted if necessary.
- b) No Impact. No archeological resources as defined in § 15064.5 of the CEQA Guidelines were identified within the Project site. Therefore, the Project would not cause a substantial adverse change to an archeological resource.
- c) No Impact. No human remains were identified in the Project footprint and there was no evidence found in the course of preparing the cultural resources assessment that the area has been used as a cemetery or burial ground in the past. The Project is not expected to disturb human remains. Regardless, it is always possible that human remains may be present at subsurface levels.

State law prescribes measure that must be taken in the event that any human remains are discovered. Section 7050.5 of the California Health and Safety Code requires that the County Coroner shall be immediately notified of the discovery and no further excavation or disturbance of the site or nearby area may occur (100-foot buffer) until the County Coroner has determined, within two working days of notification of the discovery, the nature of the remains. If the Coroner determines that the remains are, or are believed to be, Native American, he or she is required to notify the NAHC in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The MLD would then determine, in consultation with the property owner, the disposition of the human remains. Compliance with state and federal law would ensure that no impacts occur to any human remains that may be discovered on site.

Although no cultural resources are anticipated to be impacted by the Project, BDVWA has, at the request of the San Manuel Band of Mission Indians, included mitigation measure CR-1 to the project regarding resource discovery. See Section 3.18 for this mitigation measures.

3.6 ENERGY

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				X
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				X

3.6.1 Regulatory Setting

State Laws, Regulations, and Policies

CEQA and CEQA Guidelines

The goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include:

1. decreasing overall per capita energy consumption,
2. decreasing reliance on fossil fuels such as coal, natural gas and oil, and
3. increasing reliance on renewable energy sources.

In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy (see Public Resources Code section 21100(b)(3)). Energy conservation implies that a project's cost effectiveness be reviewed not only in dollars, but also in terms of energy requirements. For many projects, cost effectiveness may be determined more by energy efficiency than by initial dollar costs. A lead agency may consider the extent to which an energy source serving the project has already undergone environmental review that adequately analyzed and mitigated the effects of energy production.

3.6.2 Environmental Setting

During construction, equipment operators would limit idling time to five-minutes which would minimize inefficient fossil fuel use. For normal operations, there would be three impacts that would partially offset each other. Overall, the Project will result in an increase in energy consumption. As part of the BDVWA funded improvements, the sizes of the pumps and motors in most of BDVWA's wells would be reduced. This would attenuate instantaneous power demands (kW), but would result

in those pumps and motors operating for more hours during the day. Overall system efficiency would improve slightly.

The proposed booster station and the expansion of the R-1 booster station would involve new demands for electricity. The new station, located at Winters Road and Rainbow Drive, would include new pumps and motors, each with approximately 20hp. Typical pump station operation would have one pump operating during most hours of the day. This booster station would also be supplied water from the proposed third pump at the existing R-1 site. This pump would be supplied by a 20hp motor. Water pumped from the proposed booster station aims to commensurately reduce water pumped from the wells in the BDVWA B Zone. The water to be pumped would be extracted from the GM wells and from the BDVWA Well Nos. 6, 7, and 9, where groundwater has a lower surface elevation than the wells in the BDVWA Zone B. Therefore, the energy required to supply water to the A and B Zones would increase.

3.6.3 Discussion of Impacts

- a) No Impact. The Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
- b) No Impact. The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

3.7 GEOLOGY/SOILS

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X

3.7.1 Regulatory Setting

Federal Laws, Regulations, and Policies

The National Earthquake Hazards Reduction Act

The National Earthquake Hazards Reduction Act of 1977 (Public Law 95-124) and creation of the National Earthquake Hazards Reduction Program (NEHRP) established a long-term earthquake risk reduction program to better understand, predict, and mitigate risks associated with seismic events. Four federal agencies are responsible for coordinating activities under NEHRP; U.S. Geological Survey (USGS); National Science Foundation (NSF); Federal Emergency Management Agency (FEMA); and National Institute of Standards and Technology (NIST). Since its inception, NEHRP has shifted its focus from earthquake prediction to hazard reduction. The current program objectives (NEHRP 2016) are as follows:

- Developing effective measures to reduce earthquake hazards;
- Promoting the adoption of earthquake hazard reduction activities by federal, state, and local governments, national building standards and model building code organizations, engineers, architects, building owners, and others who play a role in planning and constructing buildings, bridges, structures, and critical infrastructure or “lifelines”;
- Improving the basic understanding of earthquakes and their effects on people and infrastructure through interdisciplinary research involving engineering, natural sciences, and social, economic, and decision sciences; and
- Developing and maintaining the USGS seismic monitoring system (Advanced National Seismic System); the NSF-funded project aimed at improving materials, designs, and construction techniques (George E. Brown Jr. Network for Earthquake Engineering Simulation); and the global earthquake monitoring network (Global Seismic Network).

Implementation of NEHRP objectives is accomplished primarily through original research, publications, and recommendations and guidelines for state, regional, and local agencies in the development of plans and policies to promote safety and emergency planning.

State Laws, Regulations, and Policies

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code § 2621 et seq.) was passed to reduce the risk to life and property from surface faulting in California. The Alquist-Priolo Act prohibits construction of most types of structures intended for human occupancy on the surface traces of active faults and strictly regulates construction in the corridors along active faults (earthquake fault zones). It also defines criteria for identifying active faults, giving legal weight to terms such as “active,” and establishes a process for reviewing building proposals in and adjacent to earthquake fault zones. Under the Alquist-Priolo Act, faults are zoned and construction along or across them is strictly regulated if they are “sufficiently active” and “well defined.” Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings would not be constructed across active faults.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act of 1990 (Public Resources Code §§ 2690–2699.6) establishes statewide minimum public safety standards for mitigation of earthquake hazards. While the Alquist-Priolo Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including strong ground shaking, liquefaction, and seismically induced landslides. Its provisions are similar in concept to those of the Alquist-Priolo Act: The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other seismic hazards, and cities and counties are required to regulate development within mapped seismic hazard zones. In addition, the act addresses not only seismically induced hazards but also expansive soils, settlement, and slope stability. Under the Seismic Hazards Mapping Act, cities and counties may withhold the development permits for a site within seismic hazard zones until appropriate site-specific geologic and/or geotechnical investigations have been carried out and measures to reduce potential damage have been incorporated into the development plans.

California Building Standards Code

Title 24 CCR, also known as the California Building Standards Code (CBC), specifies standards for geologic and seismic hazards other than surface faulting. These codes are administered and updated by the California Building Standards Commission. The CBC specifies criteria for open excavation, seismic design, and load-bearing capacity directly related to construction in California.

Local Laws, Regulations, and Policies

The San Bernardino County General Plan (SBC 2007) contains a number of goals related to geology and soils, including measures related to minimizing risks associated with seismic and geologic hazards, and measures to reduce erosion and soil transport.

3.7.2 Environmental Setting

The Project site is located in San Bernardino County at the southern end of the Mojave Desert geomorphic province. The Mojave Desert province is a broad interior region of isolated mountain ranges separated by expanses of desert plains. It has an interior enclosed drainage and many playas. There are two important fault trends that control topography, a prominent NW-SE trend and a secondary east-west trend (apparent alignment with Transverse Ranges is significant). The Mojave Desert province is wedged in a sharp angle between the Garlock fault (southern boundary of the Sierra Nevada geomorphic province) and the San Andreas Fault, where it bends west from its northwest trend. The northern boundary of the Mojave Desert is separated from the prominent Basin and Range geomorphic province by the eastern extension of the Garlock fault. Typical stratigraphy includes pre- Mesozoic and Mesozoic (between approximately 250 and 65 million years old) igneous intrusive and metamorphic rocks, Cenozoic (less than 65 million years old) marine and non-marine sedimentary units, and Quaternary (less than approximately 2 million years old) sedimentary deposits (NV5 2018a).

BDVWA service area is located on Old Woman Springs, Emerson Lake, and Joshua Tree USGS 7.5 minute quadrangles. Surrounding features include Emerson Fault and Emerson Lake located to the northeast, Metamorphic gneissic Parlett Mountains located to the east, and Pipes Wash located on

eastern side of BDVWA's service area. Johnson Valley Fault runs along Old Woman Springs Road (SR-247) in the Project area.

Cajon-Arizo soils have moderate to high hazard of blowing, slight to moderate water erosion. Wasco-Helendale-Bryman soils have slight to high hazard of blowing, slight to high water erosion.

3.7.3 Discussion of Impacts

- a) Less than Significant Impact. The Project area is located within an Alquist-Priolo Fault Zone issued by the State Geologist (CGS 2019). The Project would not include any habitable structures. However, the design of the proposed pipelines and buildings will incorporate measures to accommodate potential seismic activity. Specific standards that may be used for the Project include proper fill compositions and compaction, and use of appropriate pipeline materials, dimensions, and flexible joints. Based on the incorporation of applicable standards into construction and design, potential impacts associated with strong seismic ground shaking will be less than significant. The Project would not expose people to seismic-related soil or geologic hazards.
- b) Less than Significant Impact. The Project would not result in substantial soil erosion or the loss of topsoil. Construction activities would result in temporary soil disturbance throughout the Project area. The majority of soil disturbance would occur in previously disturbed areas without native topsoil. Along the pipeline alignments, excavated soil would be used to backfill the trenches and to restore disturbed areas to pre-disturbance conditions (contours and vegetation). The Project is not expected to result in the loss of topsoil because very little native topsoil is present, and topsoil would be used along the pipeline alignment to restore disturbed areas to pre-disturbance conditions.
- c) No Impact. The Project is located in areas that are unlikely to experience liquefaction, landslide, or slope instability (NV5 2019).
- d) No Impact. The project site is underlain predominantly by granular alluvial soils with gravel and rock fragments. These materials are generally considered to have very low to low expansion potential (NV5 2019).
- e) No Impact. The Project does not involve construction of septic tanks or alternative wastewater disposal systems.
- f) No Impact.

3.8 GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

3.8.1 Regulatory Setting

Federal Laws, Regulations, and Policies

At the federal level, USEPA has developed regulations to reduce greenhouse gas (GHG) emissions from motor vehicles and has developed permitting and reporting requirements for large stationary emitters of GHGs. On April 1, 2010, USEPA and the National Highway Traffic Safety Administration (NHTSA) established a program to reduce GHG emissions and improve fuel economy standards for new model year 2012–2016 cars and light trucks. On August 9, 2011, USEPA and the NHTSA announced standards to reduce GHG emissions and improve fuel efficiency for heavy-duty trucks and buses.

On October 5, 2009, EO 13514, Federal Leadership in Environmental, Energy, and Economic Performance, was issued by the Council on Environmental Quality (CEQ). The EO required federal agencies to set a 2020 GHG emissions reduction target within 90 days, increase energy efficiency, reduce fleet petroleum consumption, conserve water, reduce waste, support sustainable communities, and leverage federal purchasing power to promote environmentally responsible products and technologies.

On December 18, 2014, the CEQ released revised draft guidance on the consideration of GHG emissions and climate change in National Environmental Policy Act (NEPA) review. This is an update to guidance issued in draft form in February 2010. The guidance encourages agencies to include a quantitative assessment of GHG emissions for projects expected to have direct GHG emissions of 25,000 metric tons (MT) or more on an annual basis. The guidance states that the assessment of direct and indirect climate change effects should account for upstream and downstream emissions and includes guidance on biogenic sources of GHG emissions from land management actions. The guidance provides recommendations that projects conducting a cost-benefit analysis should include the federal social cost of carbon estimates.

State Laws, Regulations, and Policies

In recent years, California has enacted a number of policies and plans to address GHG emissions and climate change. In 2006, the California State Legislature enacted AB 32, the Global Warming Solutions Act, which set the overall goals for reducing California's GHG emissions to 1990 levels by 2020. EOs S-3-05 and B-16-2012 further extend this goal to 80 percent below 1990 levels by 2050. CARB has completed rulemaking to implement several GHG emission reduction regulations and continues to investigate the feasibility of implementing additional GHG emission reduction regulations. These include the low carbon fuel standard, which reduces GHG emissions associated with fuel usage, and the renewable portfolio standard, which requires electricity suppliers to increase the amount of electricity generated from renewable sources to 33 percent by 2020. The CBC (Title 24) governs construction of buildings in California. Parts 6 and 11 of Title 24 are relevant for energy use and green building standards, which reduce the amount of indirect GHG emissions associated with buildings.

CARB approved the First Update to the AB 32 Scoping Plan on May 22, 2014 (CARB 2014). This update defines climate change priorities for the next 5 years and also sets the groundwork to reach long-term goals set forth in EOs S-3-05 and B-16-2012. The update also highlights California's progress toward meeting the near-term 2020 GHG emission reduction goals and evaluates how to align the State's longer term GHG reduction strategies with other state policy priorities for water, waste, natural resources, clean energy, transportation, and land use. The update outlines that the Water Board will implement measures to maintain water supply reliability and reduce GHG emissions.

In April 2015, Governor Brown issued EO B-30-15 which established a GHG reduction target of 40 percent below 1990 levels by 2030. This is a target between previously established targets of achieving 1990 levels by 2020 and 80 percent below 1990 levels by 2050. The executive order also directs the state to incorporate climate change impacts in the Five-Year Infrastructure Plan, updating the state's climate adaptation strategy, and implement measures under existing agency and departmental authority to reduce GHG emissions.

Local Laws, Regulations, and Policies

San Bernardino County Regional Greenhouse Gas Reduction Plan

In San Bernardino County, San Bernardino Council of Governments (SBCOG) develops guidance for conforming to State GHG targets. In 2014 SBCOG (then called San Bernardino Associated Governments), issued the San Bernardino County Regional Greenhouse Gas Reduction Plan (SBC 2014). This Reduction Plan summarizes the actions that each city has selected in order to reduce GHG emissions, state-mandated actions, GHG emissions avoided in 2020 associated with each local and state action, and each city's predicted progress towards their selected GHG reduction goal.

3.8.2 Environmental Setting

Climate change results from the accumulation in the atmosphere of GHGs, which are produced primarily by the burning of fossil fuels for energy. Because GHGs (carbon dioxide (CO₂), methane (CH₄), and nitrous oxide) persist and mix in the atmosphere, emissions anywhere in the world affect the climate everywhere in the world. GHG emissions are typically reported in terms of carbon dioxide

equivalents (CO₂e) which converts all GHGs to an equivalent basis taking into account their global warming potential compared to CO₂.

Anthropogenic (human-caused) emissions of GHGs are widely accepted in the scientific community as contributing to global warming. Temperature increases associated with climate change are expected to adversely affect plant and animal species, cause ocean acidification and sea level rise, affect water supplies, affect agriculture, and harm public health.

Global climate change is already affecting ecosystems and societies throughout the world. Climate change adaptation refers to the efforts undertaken by societies and ecosystems to adjust to and prepare for current and future climate change, thereby reducing vulnerability to those changes. Human adaptation has occurred naturally over history; people move to more suitable living locations, adjust food sources, and more recently, change energy sources. Similarly, plant and animal species also adapt over time to changing conditions; they migrate or alter behaviors in accordance with changing climates, food sources, and predators.

Many national, as well as local and regional, governments are implementing adaptive practices to address changes in climate, as well as planning for expected future impacts from climate change. Some examples of adaptations that are already in practice or under consideration include conserving water and minimizing runoff with climate-appropriate landscaping, capturing excess rainfall to minimize flooding and maintain a constant water supply through dry spells and droughts, protecting valuable resources and infrastructure from flood damage and sea level rise, and using water-efficient appliances. In 2014, the USEPA adopted a Climate Change Adaptation Plan, which identifies vulnerabilities from climate change, and provides guiding principles for adaptation and performance measures, California has an adopted statewide Climate Adaptation Strategy and its update, the Safeguarding California Plan, which combined summarize climate change impacts, recommend adaptation strategies, and make realistic sector-1 specific recommendations for the nine sectors identified in the plans, including water and energy sectors.

In 2013, the transportation sector of the California economy was the largest source of emissions, accounting for approximately 37 percent of the total emissions. On-road vehicles accounted for more than 90 percent of emissions in the transportation sector. The industrial sector accounted for approximately 20 percent of the total emissions, and emissions from electricity generation were about 20 percent of the total. The rest of the emissions are made up of various sources (CARB 2017).

3.8.3 Discussion of Impacts

- a) Less Than Significant Impact. The Project would not generate greenhouse gas emissions, either directly or indirectly that would have a significant effect on the environment. The Project would not increase the generation of emissions after construction is complete because water production and distribution operations would be similar to the current operations. The replaced pipeline could improve distribution operations and potentially reduce the long-term operational emissions, which could result in a slight decrease in GHG emissions over the long term. GHG emissions resulting from construction activities would be short term and minor. The emergency power generator would only be operated during extended power outages and scheduled maintenance and testing.

- b) No Impact. The Project would not generate significant emissions of GHGs and, therefore, would not conflict with any applicable plans, policies, or regulations adopted for the purpose of reducing the emission of greenhouse gases.

3.9 HAZARDS & HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X

3.9.1 Regulatory Setting

Hazardous materials and hazardous wastes are subject to extensive federal, state, and local regulations to protect public health and the environment. These regulations provide definitions of hazardous materials, establish reporting requirements, set guidelines for handling, storage, transport, and disposal of hazardous wastes, and require health and safety provisions for workers and the public. The major federal, state, and regional agencies enforcing these regulations are

USEPA; Occupational Safety and Health Administration (OSHA); California Department of Toxic Substances Control (DTSC); California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA); California Governor's Office of Emergency Services (Cal OES); State Water Resources Control Board (SWRCB); Central Valley Regional Water Quality Control Board (Central Valley RWQCB); and MDAQMD.

Federal Laws, Regulations, and Policies

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also called the Superfund Act; 42 USC § 9601 et seq.) is intended to protect the public and the environment from the effects of past hazardous waste disposal activities and new hazardous material spills. Under CERCLA, USEPA has the authority to seek the parties responsible for hazardous materials releases and to ensure their cooperation in site remediation. CERCLA also provides federal funding (through the "Superfund") for the remediation of hazardous materials contamination. The Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499) amends some provisions of CERCLA and provides for a Community Right-to-Know program.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act of 1976 (RCRA; 42 USC § 6901 et seq.), as amended by the Hazardous and Solid Waste Amendments of 1984, is the primary federal law for the regulation of solid waste and hazardous waste in the United States. These laws provide for the "cradle-to-grave" regulation of hazardous wastes, including generation, transportation, treatment, storage, and disposal. Any business, institution, or other entity that generates hazardous waste is required to identify and track its hazardous waste from the point of generation until it is recycled, reused, or disposed of.

USEPA has primary responsibility for implementing RCRA, but individual states are encouraged to seek authorization to implement some or all RCRA provisions. California received authority to implement the RCRA program in August 1992. DTSC is responsible for implementing the RCRA program in California, in addition to California's own hazardous waste laws, which are collectively known as the Hazardous Waste Control Law.

Spill Prevention, Control, and Countermeasure Rule

USEPA's Spill Prevention, Control, and Countermeasure (SPCC) Rule (40 CFR, Part 112) apply to facilities with a single above-ground storage tank (AST) with a storage capacity greater than 660 gallons, or multiple tanks with a combined capacity greater than 1,320 gallons. The rule includes requirements for oil spill prevention, preparedness, and response to prevent oil discharges to navigable waters and adjoining shorelines. The rule requires specific facilities to prepare, amend, and implement SPCC Plans.

Occupational Safety and Health Administration

OSHA is responsible at the federal level for ensuring worker safety. OSHA sets federal standards for implementation of workplace training, exposure limits, and safety procedures for the handling of

hazardous substances (as well as other hazards). OSHA also establishes criteria by which each state can implement its own health and safety program.

State Laws, Regulations, and Policies

Safe Drinking Water and Toxic Enforcement Act of 1986 - Proposition 65

The Safe Drinking Water and Toxic Enforcement Act of 1986, more commonly known as Proposition 65, protects the state's drinking water sources from contamination with chemicals known to cause cancer, birth defects, or other reproductive harm. Proposition 65 also requires businesses to inform the public about exposure to such chemicals in the products they purchase, in their homes or workplaces, or that are released into the environment. In accordance with Proposition 65, the California Governor's Office publishes, at least annually, a list of such chemicals. The Office of Environmental Health Hazard Assessment (OEHHA), an agency under the California Environmental Protection Agency (CalEPA), is the Lead Agency for implementation of the Proposition 65 program. Proposition 65 is enforced through the California Attorney General's Office; however, district and city attorneys and any individual acting in the public interest may also file a lawsuit against a business alleged to be in violation of Proposition 65 regulations.

California Occupational Safety and Health Administration

Cal/OSHA assumes primary responsibility for developing and enforcing workplace safety regulations in California. Cal/OSHA regulations pertaining to the use of hazardous materials in the workplace (CCR Title 8) include requirements for safety training, availability of safety equipment, accident and illness prevention programs, warnings about exposure to hazardous substances, and preparation of emergency action and fire prevention plans. Hazard communication program regulations that are enforced by Cal/OSHA require workplaces to maintain procedures for identifying and labeling hazardous substances, inform workers about the hazards associated with hazardous substances and their handling, and prepare health and safety plans to protect workers at hazardous waste sites. Employers also must make material safety data sheets available to employees and document employee information and training programs. In addition, Cal/OSHA has established maximum permissible radiofrequency (RF) radiation exposure limits for workers (Title 8 CCR § 5085(b)) and requires warning signs where RF radiation may exceed the specified limits (Title 8 CCR § 5085(c)).

California Accidental Release Prevention

The purpose of the California Accidental Release Prevention (CalARP) program is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-know laws. In accordance with this program, businesses that handle more than a threshold quantity of regulated substance are required to develop a risk management plan (RMP). This RMP must provide a detailed analysis of potential risk factors and associated mitigation measures that can be implemented to reduce accident potential. Certified Unified Program Agencies (CUPAs) implement the CalARP program through review of RMPs, facility inspections, and public access to information that is not confidential or trade secret.

Local Laws, Regulations, and Policies

The San Bernardino County General Plan (SBC 2007) contains a Hazardous Materials Element, which specifies a variety of goals and policies related to the appropriate handling, storage, and transport of hazardous materials, hazardous waste disposal, and protection of soils and water quality from hazardous materials.

3.9.2 Environmental Setting

The general geographic and site description of the Project are provided in Section 2.3, Project Location and Setting.

The San Bernardino County Operational Area Multi-Jurisdictional Multi-Hazard Mitigation Plan is a countywide plan that identifies risks and ways to minimize damage by natural and manmade disasters.

Existing Hazards and Hazardous Materials

No potential or confirmed state or federal Superfund sites are located in or within a 1-mile radius or immediately adjacent to the Project sites. There are no Formerly Used Defense Sites (FUDS) within a 1-mile radius of the Project sites.

3.9.3 Discussion of Impacts

- a) Less Than Significant Impact. The Project would not create a substantial hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Small amounts of hazardous materials would be used during construction activities for equipment maintenance (e.g., fuel and solvents) and re-paving roads and parking areas where needed. Hazardous materials may also be stored in staging areas, which would be located in paved areas or previously disturbed areas along easements.

Use of hazardous materials would be limited to the construction phase and would comply with applicable local, state, and federal standards associated with the handling and storage of hazardous materials. Generators and pumps would use fuels and lubricants; however, a HMRP plan would be written to address any potential release of these materials.

- b) Less Than Significant Impact. The Project would not create a substantial hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The Project will comply with applicable local, state, and federal standards associated with the handling and storage of hazardous materials.
- c) Less Than Significant Impact. The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. Although a school and day care center is within a half mile of the pump station, any spills of hazardous materials would be contained on site in compliance with the HMRP plan.

- d) No Impact. The Project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, therefore, would it not create a significant hazard to the public or the environment.
- e) No Impact. The Project area is not located within an airport land use plan or near a public or private airport.
- f) No Impact. The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Construction activities would require temporary lane or road closures and detours around the work areas. Adequate road access would be available in the event of an emergency to allow vehicles to drive around the work area, which would ensure the Project does not prevent emergency access to the residences or conflict with an emergency response or evacuation plan.
- g) No Impact. The Project would not expose people or structures to a substantial risk of loss, injury or death involving wildland fires over the long term. The fire hazard rating of the area would not be altered by the Project. Water supply reliability and storage capacity would be improved in the area. The specific improvements of the project (increased storage volume, interconnections and hydrants) would results in more water available for use for extinguishing wildland fires.

3.10 HYDROLOGY / WATER QUALITY

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?				X
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	
i) result in substantial erosion or siltation on- or off-site;				X
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;				X
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or				X
iv) impede or redirect flood flows?				X
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				X

3.10.1 Regulatory Setting

Federal Laws, Regulations, and Policies

Clean Water Act

The CWA is the primary federal law that protects the quality of the nation's surface waters, including lakes, rivers, and coastal wetlands. The key sections pertaining to water quality regulation for the Project are CWA § 303 and § 402.

Section 303(d) - Listing of Impaired Water Bodies

Under CWA § 303(d), states are required to identify "impaired water bodies" (those not meeting established water quality standards), identify the pollutants causing the impairment, establish priority rankings for waters on the list, and develop a schedule for development of control plans to improve water quality. USEPA then approves the state's recommended list of impaired waters or adds and/or removes water bodies.

Section 402 - National Pollutant Discharge Elimination System (NPDES) Permits for Stormwater Discharge

CWA § 402 regulates construction-related stormwater discharges to surface waters through the NPDES. The NPDES is officially administered by USEPA. In California, USEPA has delegated its authority to the SWRCB; the SWRCB in turn delegates implementation responsibility to the nine RWQCBs, as discussed with regard to the Porter-Cologne Water Quality Control Act below.

The NPDES program provides for both general permits (those that cover a number of similar or related activities) and individual (activity- or project-specific) permits.

Municipal Separate Stormwater Sewer System (MS4) Permitting Program

The SWRCB regulates stormwater discharges from MS4s through its Municipal Storm Water Permitting Program. Permits are issued under two phases depending on the size of the urbanized area/municipality. Phase I MS4 permits are issued for medium (population between 100,000 and 250,000 people) and large (population of 250,000 people or more) municipalities, and are often issued to a group of co-permittees within a metropolitan area. Phase I permits have been issued since 1990. In 2003, the SWRCB issued the first statewide Phase II MS4 General Permit, which applies to smaller municipalities (generally population less than 100,000 but greater than 50,000, or as specified by SWRCB).

Section 404, 401 - Dredge and fill permits

Pipes Wash has been the subject of an Approved Jurisdictional Determination (File Nos. SPL-2010-00824-MAS, dated July 14, 2010 and SPL-2010-00824-VN dated April 30, 2019) by the Los Angeles District of US Army COE and has been found to not be Waters of the United States. This indicates that there is no need for a Section 404 permit or 401 certification.

Waste Discharge Requirements

Pipes Wash may be considered a Waters of the State of California. The Project would therefore require a Waste Discharge Requirements approval from the Regional Water Quality Control Board (R7, Colorado River Region).

Federal Emergency Management Agency

FEMA produces flood insurance rate maps that identify special flood hazard areas. The maps further classify these areas into “zones” that broadly characterize the potential risk of an area being inundated by a 100-year or 500-year flood in any given year.

Wild and Scenic Rivers Act

In 1968, Congress created the National Wild and Scenic Rivers System Act to designate and preserve certain rivers in a free-flowing condition for the enjoyment of present and future generations. Designated wild and scenic rivers have outstanding natural, cultural, and recreational values and are administered by a federal or state agency. Rivers are classified as wild, scenic, or recreational with the wild classification indicating river areas that are not impounded, only accessible by trail, and have unpolluted waters and essentially primitive watersheds or shorelines. The scenic and recreational classifications indicate rivers with perhaps more development or accessibility and/or past impoundment or diversion.

State Laws, Regulations, and Policies

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (known as the Porter-Cologne Act), passed in 1969, dovetails with the CWA (see discussion of the CWA above). It established the SWRCB and divided the state into nine regions, each overseen by an RWQCB. The SWRCB is the primary state agency responsible for protecting the quality of the state’s surface water and groundwater supplies. However, much of the SWRCB’s daily implementation authority is delegated to the nine RWQCBs, which are responsible for implementing CWA §§ 401, 402, and 303(d). In general, the SWRCB manages water rights and regulates statewide water quality, whereas the RWQCBs focus on water quality within their respective regions.

The Porter-Cologne Act requires the RWQCBs to develop water quality control plans (also known as Basin Plans) that designate beneficial uses of California’s major surface water bodies and groundwater basins and establish specific narrative and numerical water quality objectives for those waters. Beneficial uses represent the services and qualities of a water body - i.e., the reasons why the water body is considered valuable. Water quality objectives reflect the standards necessary to protect and support those beneficial uses. Basin Plan standards are primarily implemented by regulating waste discharges so that water quality objectives are met. Under the Porter-Cologne Act, Basin Plans must be updated every 3 years.

Local Laws, Regulations, and Policies

The San Bernardino County General Plan (SBC 2007) contains a number of goals related to hydrology and water quality, including conservation of surface and ground water supplies; safeguard and maintenance of natural waterways, levees, and drainage facilities to ensure water quality; and reduction of flood hazards.

3.10.2 Environmental Setting

The Project area has no integrated natural drainage other than constructed stormwater conveyance structures.

A flood map search (FEMA 2011) for Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel ID numbers 06071C6650H, 06071C7375H, 06071C7400H, 06071C7425H, 06071C8105H, 06071C8110H, and 06071C8130H confirms the area has not been mapped by FEMA for flood zone hazards, and is therefore classified as an “Area of Undetermined Flood Hazard.” The County of San Bernardino also has no flood zone hazard mapping for this area.

The Project area is not situated over a U.S. Environmental Protection Agency sole source aquifer (USEPA 2016).

3.10.3 Discussion of Impacts

- a) No Impact. The Project would not violate any water quality standards or waste discharge requirements. The Project would improve system reliability.
- b) No Impact. The Project would not affect groundwater recharge and groundwater supplies because the Project would obtain its water from the same sources as the existing systems and not additionally deplete groundwater supplies. The project is located within an adjudicated basin and will operate within permitted pumping rates.
- c) Less Than Significant Impact. The Project would not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. The Project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff and would not impede or redirect flood flows. The pipelines would be located underground. Minor increases of impervious surfaces at the pump stations and pump station would slightly
- d) No Impact. The Project is not within a tsunami, or seiche zones and therefore the Project would not risk release of pollutants due to project inundation.
- e) No Impact. The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

3.11 LAND USE / PLANNING

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or adopted for the purpose of avoiding or mitigating an environmental effect?				X

3.11.1 Regulatory Setting

Local Laws, Regulations, and Policies

San Bernardino County General Plan

The San Bernardino County General Plan, which was adopted in 2007 guides development in unincorporated San Bernardino County (SBC 2007). The general plan land use designation for the Project sites and immediate vicinity are General Commercial (CG), Neighborhood Commercial (CN), Rural Commercial (CR), Service Commercial (CS), Institutional (IN), Resource Conservation (RC), Rural Living (RL), and Special Development (SD). All of these land use designations are rural designations, indicating that the area is intended to support rural uses and have public services and infrastructure provided during the General Plan's planning period. See Figure 6 for locations of land uses.

San Bernardino County Zoning Code

The San Bernardino County Zoning Code (SBC 2018) establishes land use zones and standards and regulations for development in those zones, within unincorporated San Bernardino County. Figure 7 shows zoning of the Project sites and immediately adjacent areas. Zoning types are located within the following zoning districts: General Commercial (CG), Institutional (IN), Neighborhood Commercial (CN), Resource Conservation (RC), Rural Commercial (CR), Rural Living (RL), Service Commercial (CS), and Special Development (SD) (SBC 2018).

3.11.2 Environmental Setting

The main land uses in the vicinity of the Project are residential and resource conservation. Land ownership in and adjacent to the Project area is mostly either private or government owned land. The Project area is not in a Coastal Zone Management Area or near a Wild and Scenic River (or its watershed area), Designated National Monument, or National Park.

3.11.3 Discussion of Impacts

- a) No Impact. The Project would not physically divide an established community. The Project generally involves construction of underground pipelines under existing roads and would, excluding limited temporary construction phase impacts, not impact housing or transportation systems. Two adjacent water systems would be consolidated into one.
- b) No Impact. The Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or adopted for the purpose of avoiding or mitigating an environmental effect. The use of public land for the purposes of this project are fully compatible with the BLM, Desert Renewable Energy Conservation Plan (2019).

3.12 MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

3.12.1 Regulatory Setting

State Laws, Regulations, and Policies

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Mining and Geology Board identify, map, and classify aggregate resources throughout California that contain regionally significant mineral resources. Designations of land areas are assigned by the CDC and CGS following analysis of geologic reports and maps, field investigations, and using information about the locations of active sand and gravel mining operations (Miller 1993). Local jurisdictions are required to enact planning procedures to guide mineral conservation and extraction at particular sites, and to incorporate mineral resource management policies into their general plans.

Local Laws, Regulations, and Policies

The Conservation Element of the San Bernardino County General Plan (SBC 2007) provides goals and policies related to the conservation, development, and utilization of mineral resources.

3.12.2 Environmental Setting

The Project area does not contain any known mineral resources or locally important mineral resource recovery sites. It is in a rural developed area.

3.12.3 Discussion of Impacts

- a) No Impact. The Project is not in an area of known mineral resource potential. There are no mineral resource recovery sites delineated in a land use plan within the project area (San Bernardino County 2007).

- b) No Impact. Most excavations would be backfilled with excavated soil. If the Project would require the use of additional soil for backfilling trenches and re-paving roads, these resources would come from local sources and native materials, not resulting in the loss of availability of a valuable mineral resource.

3.13 NOISE

Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance,			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?				X
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

Noise

In the CEQA context, noise can be defined as unwanted sound. Sound is characterized by various parameters, including the rate of oscillation of sound waves (frequency), the speed of propagation, and the pressure level or energy content (amplitude). In particular, the sound pressure level is the most common descriptor used to characterize the loudness of an ambient sound level, or sound intensity. The decibel (dB) scale is used to quantify sound intensity. Because sound pressure can vary enormously within the range of human hearing, a logarithmic scale is used to keep sound intensity numbers at a convenient and manageable level. The human ear is not equally sensitive to all frequencies in the spectrum, so noise measurements are weighted more heavily for frequencies to which humans are sensitive, creating the A-weighted decibel (dBA) scale.

Different types of measurements are used to characterize the time-varying nature of sound. Below are brief definitions of these measurements and other terminology used in this chapter.

- Decibel (dB) is a measure of sound on a logarithmic scale that indicates the squared ratio of sound pressure amplitude to a reference sound pressure amplitude. The reference pressure is 20 micro-pascals.
- A-weighted decibel (dBA) is an overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.
- Maximum sound level (L_{max}) is the maximum sound level measured during a given measurement period.
- Minimum sound level (L_{min}) is the minimum sound level measured during a given measurement period.

- Equivalent sound level (L_{eq}) is the equivalent steady-state sound level that, in a given period, would contain the same acoustical energy as a time-varying sound level during that same period.
- Day-night sound level (L_{dn}) is the energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels during the period from 10:00 p.m. to 7:00 a.m. (typical sleeping hours). This weighting adjustment reflects the elevated sensitivity of individuals to ambient sound during nighttime hours.
- Community noise equivalent level (CNEL) is the energy average of the A-weighted sound levels during a 24-hour period, with 5 dB added to the A-weighted sound levels between 7:00 p.m. and 10:00 p.m. and 10 dB added to the A-weighted sound levels between 10:00 p.m. and 7:00 a.m.

In general, human sound perception is such that a change in sound level of 3 dB is barely noticeable, a change of 5 dB is clearly noticeable, and a change of 10 dB is perceived as doubling or halving the sound level. Table 5 presents approximate noise levels for common noise sources, measured adjacent to the source.

Table 5. Examples of Common Noise Levels

Common Outdoor Activities Noise Level (dBA)	Noise Level (dBA)
Jet flyover at 1,000 feet	110
Gas lawnmower at 3 feet	100
Diesel truck at 50 feet traveling 50 miles per hour	90
Noisy urban area, daytime	80
Gas lawnmower at 100 feet, commercial area	70
Heavy traffic at 300 feet	60
Quiet urban area, daytime	50
Quiet urban area, nighttime	40
Quiet suburban area, nighttime	30

Source: Caltrans 2009

Ground-borne vibration propagates from the source through the ground to adjacent buildings by surface waves. Vibration may be composed of a single pulse, a series of pulses, or a continuous oscillatory motion. The frequency of a vibrating object describes how rapidly it is oscillating, measured in Hertz (Hz). Most environmental vibrations consist of a composite, or “spectrum,” of many frequencies. The normal frequency range of most ground-borne vibrations that can be felt generally starts from a low frequency of less than 1 Hz to a high of about 200 Hz. Vibration information for this analysis has been described in terms of the peak particle velocity (PPV), measured in inches per second, or of the vibration level measured with respect to root-mean-square vibration velocity in decibels (VdB), with a reference quantity of 1 micro-inch per second.

Vibration energy dissipates as it travels through the ground, causing the vibration amplitude to decrease with distance away from the source. High-frequency vibrations reduce much more rapidly than do those characterized by low frequencies, so that in a far field zone distant from a source, the vibrations with lower frequency amplitudes tend to dominate. Soil properties also affect the propagation of vibration. When ground-borne vibration interacts with a building, a ground-to-foundation coupling loss usually results but the vibration also can be amplified by the structural resonances of the walls and floors. Vibration in buildings is typically perceived as rattling of windows, shaking of loose items, or the motion of building surfaces. In some cases, the vibration of building

surfaces also can be radiated as sound and heard as a low-frequency rumbling noise, known as ground-borne noise.

Ground-borne vibration is generally limited to areas within a few hundred feet of certain types of industrial operations and construction/demolition activities, such as pile driving. Road vehicles rarely create enough ground-borne vibration amplitude to be perceptible to humans unless the receiver is in immediate proximity to the source or the road surface is poorly maintained and has potholes or bumps. Human sensitivity to vibration varies by frequency and by receiver. Generally, people are more sensitive to low-frequency vibration. Human annoyance also is related to the number and duration of events; the more events or the greater the duration, the more annoying it becomes.

3.13.1 Regulatory Setting

Federal Laws, Regulations, and Policies

No federal laws, regulations, or policies for construction-related noise and vibration apply to the Project. However, the Federal Transit Administration (FTA) Guidelines for Construction Vibration in Transit Noise and Vibration Impact Assessment state that for evaluating daytime construction noise impacts in outdoor areas, a noise threshold of 90 dBA L_{eq} should be used for residential areas (FTA 2006).

For construction vibration effects, the FTA guidelines use an annoyance threshold of 80 VdB for infrequent events (fewer than 30 vibration events per day) and a damage threshold of 0.3 inch per second (in/sec) PPV for engineered concrete and masonry structures and 0.12 in/sec PPV for buildings extremely susceptible to vibration damage (FTA 2006).

State Laws, Regulations, and Policies

California requires each local government entity to implement a noise element as part of its general plan. California Administrative Code, Title 4, presents guidelines for evaluating the compatibility of various land uses as a function of community noise exposure. The state land use compatibility guidelines are listed in Table 6.

Table 6. State Land Use Compatibility Standards for Community Noise Environment

Land Use Category	Community Noise Exposure - L_{dn} or CNEL (db)						
	50	55	60	65	70	75	80
Residential – Low Density Single Family, Duplex, Mobile Homes	■	■	■	■	■	■	■
Residential - Multi-Family	■	■	■	■	■	■	■
Transient Lodging – Motels, Hotels	■	■	■	■	■	■	■
Schools, Libraries, Churches, Hospitals, Nursing Homes	■	■	■	■	■	■	■

Land Use Category	Community Noise Exposure - L _{dn} or CNEL (db)							
	50	55	60	65	70	75	80	
Auditoriums, Concert Halls, Amphitheaters	[Bar chart showing noise exposure levels for Auditoriums, Concert Halls, Amphitheaters]							
Sports Arenas, Outdoor Spectator Sports	[Bar chart showing noise exposure levels for Sports Arenas, Outdoor Spectator Sports]							
Playgrounds, Neighborhood Parks	[Bar chart showing noise exposure levels for Playgrounds, Neighborhood Parks]							
Golf Courses, Riding Stables, Water Recreation, Cemeteries	[Bar chart showing noise exposure levels for Golf Courses, Riding Stables, Water Recreation, Cemeteries]							
Office Buildings, Business Commercial and Professional	[Bar chart showing noise exposure levels for Office Buildings, Business Commercial and Professional]							
Industrial, Manufacturing, Utilities, Agriculture	[Bar chart showing noise exposure levels for Industrial, Manufacturing, Utilities, Agriculture]							
Normally Acceptable	Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.							
Conditionally Acceptable	New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.							
Normally Unacceptable	New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.							
Clearly Unacceptable	New construction or development generally should not be undertaken.							

Local Laws, Regulations and Policies

San Bernardino County Noise Ordinance

The San Bernardino County Noise Ordinance (San Bernardino County Code, General Performance Standards) provides daytime and nighttime noise standards, and identifies exemptions to these noise standards. Construction-related noise would occur between the hours of seven a.m. and seven p.m. Monday through Saturday. In addition, any mechanical device, apparatus or equipment related to or connected with emergency activities or emergency work would be exempt from the noise ordinance. The daytime exterior noise standard in residential areas is an hourly L_{eq} of 55 dB. The nighttime residential area exterior noise standard for L_{eq} is 45 dB. (SBC 2007).

San Bernardino County General Plan

The San Bernardino County General Plan (SBC 2007) contains a number of goals and policies related to noise, including to protect citizens of San Bernardino County from exposure to excessive noise; to control and abate environmental noise; and to protect existing noise-producing industries from encroachment by noise-sensitive land-uses. The General Plan establishes detailed noise thresholds based on land use, indoor vs. outdoor, and day vs. night. Construction noise within the County is subject to San Bernardino County Code requirements, specifically in General Performance Standards, as described above.

3.13.2 Environmental Setting

The Project area is in a rural developed setting with some noise sources typical of residential and commercial uses and local roads. Generally, the noise levels in the Flamingo Heights, Landers, and Johnson Valley region are relatively low compared to urbanized areas, with pockets of higher noise such as in the commercial areas. Vehicles using nearby roads and day-to-day residential and commercial activities are the primary noise sources. In addition, periodic noise sources such as construction activities are present in the communities. Residences near the Project area may be sensitive to high noise levels.

3.13.3 Discussion of Impacts

- a) **Less Than Significant Impact.** The Project would not create a de minimis increase in ambient noise levels in the Project vicinity above existing levels. Permanent noise impacts would be associated with improvements to the existing R-1 booster station (Reche Road/Landers Lane) and the development of the new booster station at Winters Road/Rainbow Drive. Both pump stations will be fully enclosed block wall buildings, and will not be located near sensitive receptors.

At the R-1 Booster Station, the pump will be submerged and will this not make noise. The motor will be a constant, above grade motor whose noise will be attenuated by the existing block wall structure and distance to the parcel's property line.

At the proposed booster station at Winters Road/Rainbow Drive, one pump will normally operate. The noise generated will be 75 dB at 5 feet. However, with building enclosure, the noise level will be approximately 25dB just outside the building. The building will be located approximately 25' to 40' to property lines. During extended power outages, a portable generator would generate noise. Noise would also increase due to operator visits, which would be approximately once daily. During emergency or repair periods, the visit frequency would increase.

- b) **No Impact.** The Project would not result in the generation of excessive ground-borne vibration or ground-borne noise levels.
- c) **No Impact.** The Project is not in located the vicinity of a private airstrip.

3.14 POPULATION / HOUSING

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

3.14.1 Regulatory Setting

Local Laws, Regulations, and Policies

The San Bernardino County General Plan (SBC 2007) contains goals and policies related to the provision of adequate housing in the County; promotion of infill developments; and revitalization of neighborhoods through public facility improvements, including water supply.

3.14.2 Environmental Setting

BDVWA lies within Block Groups 1, 2, and 3 of Census Tract 104.23 and Block Groups 1 and 2 of Census Tract 104.24. BDVWA currently serves approximately 1,977 active residential customers, 507 infrequent/inactive customers, and 102 bulk-hauling customers within its service area.

Near term future growth in the greater Flamingo Heights, Landers, and Johnson Valley region is not expected to be significant. There are no anticipated projects, such as a housing development, that would cause a large growth in the number of customers for BDVWA. With the population projected as relatively stable, a growth rate of approximately 0.5% per year is anticipated.

This annual growth rate was also used to project population within BDVWA's service area through 2047. Table 7 summarizes the projected population through 2047.

Table 7. Population Growth Projection

Year	2017	2027	2037	2047	Annual Growth
Population	5,328	5,355	5,381	5,408	0.5%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

3.14.3 Discussion of Impacts

- a) No Impact. The proposed pipelines, booster station improvements, storage tank repairs, and other improvements would improve existing water service, quality, reliability, and sustainability in the area. It is not designed to encourage new, unplanned development. The Project would not induce growth.
- b) No Impact. The Project would not displace existing people or housing.

3.15 PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

3.15.1 Regulatory Setting

State Laws, Regulations, and Policies

California Fire Code

The California Fire Code (Title 24 CCR Part 9) establishes minimum requirements to safeguard the public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. Chapter 33 of the code contains the following requirements for fire safety during construction and demolition:

3304.4 Spontaneous ignition. Materials susceptible to spontaneous ignition, such as oily rags, shall be stored in a listed disposal container.

3308.1 Program superintendent. The owner shall designate a person to be the fire prevention program superintendent who shall be responsible for the fire prevention program and ensure that it is carried out through completion of the Project. The fire prevention program superintendent shall have the authority to enforce the provisions of this chapter and other provisions as necessary to secure the intent of this chapter. Where guard service is provided, the superintendent shall be responsible for the guard service.

3308.2 Prefire plans. The fire prevention program superintendent shall develop and maintain an approved prefire plan in cooperation with the fire chief. The fire chief and the fire code official shall be notified of changes affecting the utilization of information contained in such prefire plans.

3310.1 Required access. Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided by either temporary or permanent roads, capable of support vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

3316.1 Conditions of use. Internal-combustion-powered construction equipment shall be used in accordance with all of the following conditions:

- Equipment shall be located so that exhausts do not discharge against combustible material.
- Equipment shall not be refueled while in operation.
- Fuel for equipment shall be stored in an approved area.

3.15.2 Environmental Setting

The Flamingo Heights, Landers, and Johnson Valley region is served by various public facilities in and near the community. No public facilities are located within the Project area. Local facilities include Landers Elementary School (located approximately 1.6 miles from the Project area), Yucca Mesa Elementary School (located approximately 2.3 miles from the Project area), and Yucca Valley Fire Station (located approximately 2.3 miles from the Project area).

3.15.3 Discussion of Impacts

- a) No Impact. The Project would not affect public services in the local communities, increase the demand for public services, or require construction of new governmental facilities.

3.16 RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

3.16.1 Regulatory Setting

Local Laws, Regulations, and Policies

The San Bernardino County General Plan (SBC 2007) contains goals and policies for protection of open areas and greenbelts for enjoyment by residents; promotion of development and preservation of adequate recreational facilities and parks; and maintenance of trails and parkways.

3.16.2 Environmental Setting

No recreational facilities are located in or near the Project area, although pedestrians, bicyclists, four-wheel-drive vehicles, and quads may use the local roads for recreation or other travel purposes.

3.16.3 Discussion of Impacts

- a) No Impact. The Project would not affect the use of or access to parks or other recreational facilities in the local communities or affected unincorporated areas. Local roads affected during construction will be returned to a pre-construction equivalent or better surface condition.
- b) No Impact. The Project does not involve construction or expansion of recreational facilities.

3.17 TRANSPORTATION

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d) Result in inadequate emergency access?			X	

Following are definitions of key traffic and transportation terms used in this section, based on the San Bernardino County General Plan (San Bernardino County 2007) and the San Bernardino County General Plan Final Environmental Impact Report (San Bernardino County 2007), which in turn refer to the Highway Capacity Manual, 4th edition (Transportation Research Board 2000).

Level of Service – A qualitative measure describing operational conditions within a traffic stream, based on service measures such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, and convenience. Roadway level of service (LOS) is defined according to methodologies presented in the Highway Capacity Manual (Transportation Research Board 2000). Using the Highway Capacity Manual procedures, the quality of traffic operation is graded using six designations, LOS A through F (See Table 8).

Table 8. Level of Service Definitions

Level of Service	Description
A	Primarily free-flow operations at average travel speeds, usually 90 percent of the freeflow speed for the given street class. Vehicles are completely unimpeded in their ability to maneuver within the traffic stream. Control delay at signalized intersections is minimal.
B	Reasonably free-flow operations at average travel speeds, usually 70 percent of the freeflow speed for the given street class. The ability to maneuver within the traffic stream is only slightly restricted and control delay at signalized intersections are not significant.
C	Stable operations; however, ability to maneuver and change lanes in midblock locations may be more restricted than at LOS B and longer queues, adverse signal coordination, or both may contribute to lower average travel speeds of about 50 percent of the free-flow speed for the street class.
D	Borders on a range in which small increases in flow may cause substantial increases in delay and decreases in travel speed. LOS D may be due to adverse signal progression, inappropriate signal timing, high volumes, or a combination of these factors. Average travel speeds are about 40 percent of the free-flow speed.
E	Characterized by significant delays and average travel speeds of 33 percent or less of the free-flow speed. Such operations are caused by a combination of adverse progression, high signal delay, high volumes, extensive delays at critical intersections and inappropriate signal timing.
F	Characterized by urban street flow at extremely low speeds, typically one-third to one fourth of the free-flow speed. Intersection congestion is likely at critical signalized locations, with high delays, high volumes and extensive queuing.

Source: San Bernardino County General Plan Final EIR (2007)

Delay - The additional travel time experienced by a vehicle or traveler that results from the inability to travel at optimal speed, and stops due to congestion or traffic control.

Volume-to-capacity ratio - The ratio of traffic flow rate (usually expressed as vehicles per hour) to capacity for a transportation facility. For example, a volume-to-capacity ratio of 1.00 indicates the roadway facility is operating at its capacity.

Thoroughfares - provide for mobility within the County, carrying through traffic on continuous routes and providing transportation links between major residential, employment, commercial, and retail areas. Access to abutting private property and intersecting local streets is generally restricted.

Local streets - These roads provide direct access to abutting property and connect with other local streets and collectors. Local streets are typically developed as two-lane, undivided roadways and provide access to abutting private property and intersecting streets.

3.17.1 Regulatory Setting

State Laws, Regulations, and Policies

Caltrans manages the state highway system and ramp interchange intersections. The state agency is also responsible for highway, bridge, and rail transportation planning, construction, and maintenance.

Local Regulations and Policies

The Circulation Element of the San Bernardino County General Plan (SBC 2007) provides the framework for San Bernardino County decisions concerning the countywide transportation system. It also provides for coordination with the cities and unincorporated communities within the county, with the Metropolitan Transportation Plan adopted by the San Bernardino Area Council of Governments, and with State and Federal agencies that fund and manage transportation facilities within the county.

3.17.2 Environmental Setting

Construction schedules will be limited to minimize traffic effects in major areas of concern, such as schools or churches. There are several school bus stops located along the proposed route. In school bus stop areas, construction hours will be limited to avoid effects to student transportation.

3.17.3 Discussion of Impacts

- a) Less Than Significant Impact. The project could potentially temporarily increase traffic in construction areas. Traffic effects to existing roads during construction will be minimal. The proposed pipelines will be constructed at a proper schedule to avoid minimize disturbance to school and transit bus routes, and during traditional church services.
- b) Less than Significant Impact. Vehicle miles traveled in the project area will not be affected by the construction phase of the Project. The Project does not involve creating or altering existing roadways. Vehicle miles traveled would temporarily increase during construction due to construction activity, i.e. crews and materials entering and leaving work areas
- c) No Impact. The Project would not involve activities that could increase hazards due to a design feature or incompatible uses.
- d) Less Than Significant Impact. Construction activities would not result in inadequate emergency access. No road construction or permanent modifications are proposed as part of the project. Some construction activities would require temporary lane or road closures and detours around the work areas. Adequate road access would be available in the event of an emergency to allow vehicles to drive around the work area, which would ensure the Project does not prevent emergency access to the residences or conflict with an emergency response or evacuation plan. Local (San Bernardino County Department of Public Works) and state (Caltrans) encroachment permits would be obtained for the work within public rights of way.

3.18 TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

3.18.1 Regulatory Setting

State Laws, Regulations, and Policies

CEQA and CEQA Guidelines

Assembly Bill (AB) 52, which was approved in September 2014 and which went into effect on July 1, 2015, requires that state lead agencies consult with any California Native American tribe that is traditionally and culturally affiliated with the geographic area of a project, if so requested by the tribe. The bill, chaptered in Public Resources Code § 21084.2, also specifies that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource (TCR) is a project that may have a significant effect on the environment.

TCRs are further defined under Public Resources Code § 21074 as follows:

- A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape; and
- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as

defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Mitigation measures for TCRs must be developed in consultation with the affected California Native American tribe pursuant to newly chaptered § 21080.3.2 of the Public Resources Code, or according to § 21084.3. Section 21084.3 of the Public Resources Code identifies mitigation measures that include avoidance and preservation of TCRs and treating TCRs with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource.

3.18.2 Environmental Setting

The Native American Heritage Commission (NAHC) was contacted regarding the Project and a Sacred Lands File Search was completed. No Sacred Lands were identified in the Project area. The NAHC also provided a list of potentially interested and affiliated Native American individuals and groups. All of these groups were contacted for further information and potential concerns regarding cultural resources within the Project area.

BDVWA offered consultation in compliance with AB52 to three Native American tribes: San Manuel Band of Mission Indians, Morongo Band of Mission Indians, and the Twenty-nine Palms Band of Mission Indians. The San Manuel Band of Mission Indians (SMBMI) was the only tribe to request consultation with BDVWA on the project. As requested by SMBMI, BDVWA provided the SMBMI copies of the Project's cultural resources report (PaleoWest), geotechnical investigation report (NV5), and preliminary design drawings (NV5). The consultation efforts included several telephonic discussions between BDVWA staff and consultants and SMBMI cultural resources staff. At the request of SMBMI, BDVWA (PaleoWest) conducted a shovel-test pit field investigation to explore the potential for cultural resources in the vicinity of the existing B Reservoir/A-Booster Station/ and BDVWA office site located at Kickapoo Trail and Mesa Vista Street (APNs 0629-062-20 and 0629-062-21) No cultural resources were identified and the results were shared with SMBMI. BDVWA offered SMBMI a resource discovery mitigation measure as part of the consultation process. SMBMI edited the proposed measure, resulting in the mitigation measure CR-1 proposed below. On 02 December 2020, SMBMI (R. Nordness) notified BDVWA (M. West) that SMBMI believed the AB52 consultation process to be satisfactorily complete.

3.18.3 Discussion of Impacts

- a) i) No Impact. The Project site is not listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).
- ii) Less than Significant with Mitigation Incorporated. Tribal cultural resources listed or eligible for listing on the California Register of Historical Resources were not identified in the Project area (See Section 3.18.2 for additional information on identification efforts). However, in the unlikely event that cultural or tribal cultural resources are encountered during Project construction, Mitigation Measure CR-1 contained in Section 6.0 shall be implemented. This mitigation measures was reviewed with and incorporates edits from the San Manuel Band of Mission Indians as part of BDVWA's AB52 consultation efforts.

3.19 UTILITIES/SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				X
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				X
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				X
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				X

3.19.1 Regulatory Setting

State Laws, Regulations, and Policies

The Division of Drinking Water (DDW) of the State Water Resources Control Board regulates drinking water standards throughout California, utilizing and augmenting federal standards. DDW is the regulatory agency of BDVWA and issues State drinking water permits. DDW has issued water supply permits to BDVWA for the BDVWA system (PWS No. CA361009), and the Goat Mountain system (PWS No. CA3610060).

Local Laws, Regulations, and Policies

The San Bernardino County General Plan (SBC 2007) contains goals and policies generally to ensure adequate quality and quantity of water is delivered to residents, and that adequate sewer and other

services are provided to residents, and encourages waste reduction to decrease the amount of solid waste disposed in landfills.

San Bernardino County's Department of Public Health (Environmental Health Services) permits well drilling and destruction. Such permits will be sought in the implementation of this project for the replacement of GM Well No. 2.

3.19.2 Environmental Setting

BDVWA is a special district of the state of California formed in 1969 to provide potable water service to its customers. BDVWA currently serves approximately 1,977 active residential customers, 507 infrequent/inactive customers, and 102 bulk-hauling customers within its service area. BDVWA serves two separate potable water systems within its service area: the BDVWA system (Public Water System (PWS) No. CA361009), and the Goat Mountain system (PWS No. CA3610060). The State Water Resources Control Board's Division of Drinking Water, District 13 (DDW), is the regulatory agency for both water systems.

3.19.3 Discussion of Impacts

- a) No Impact. The Project involves installation of a new water pipelines in existing road ROWs, BDVWA and GM -owned property, easements and public land (BLM), which would involve temporary construction impacts. The water tank improvements are proposed to address deterioration of coating systems and structural concerns. The well and booster station improvements are designed to increase system reliability, water quality, redundancy, and sustainability. Existing utilities in the roads and other areas would be avoided, to the extent feasible, and if relocation is needed, BDVWA and GM will coordinate with the appropriate provider to ensure minimal disruptions to other services.
- b) No Impact. Water supply for the BDVWA and GM system would come from existing sources and not require any new resources. If water supply is needed for dust control, it would be provided by existing service providers and would not exceed allotted limits. The proposed Project would enable BDVWA to better utilize the existing recharge basin located at Winters Road and Pipes Wash. Reliance on localized groundwater sources that are not supplied by the recharge basin (i.e. BDVWA Zones A and B) will be diminished through the construction of the transmission/blending pipeline, booster station improvements, and well replacement. The ability to use existing sources (BDVWA Well Nos. 2 and 4) could resume following the installation of the blending pipeline. The resumption of use of the existing interconnection with HDWD and the development of the second interconnection with HDWD will increase water supply reliability for both systems.

The proposed pipelines and pump stations have been sized to accommodate existing and planned water supply requirements of the BDVWA and GM water system. Although water supply demand may increase as new development increases in the community, the Project is not designed to accommodate unplanned growth. The pipelines and pump stations would improve the service capability of the BDVWA, GM, and HDWD systems, and ensure its water distribution system meets the pressure, fire flow, and redundancy requirements necessary for operation.

- c) No Impact. The project area is not currently served by a community wastewater collection, treatment or disposal system. Wastewater is treated and disposed of at septic tanks and leach lines on individual lots. Wastewater generation rates and disposal methods will not change as a result of the Project.
- d) No Impact. Solid waste generated during construction would be properly disposed or recycled in a nearby landfill or disposal facility with capacity to receive the waste. Some materials removed during construction and demolition (e.g. concrete, steel, wood) will be diverted to a certified recycling center. During operation, there would be no measurable increase in solid waste generation. The project does not include processes that would generate solid waste.
- e) No Impact. Any hazardous materials used during construction would be properly disposed in accordance with California Department of Resource Recycling and Recovery. In most Project locations, existing infrastructure will be abandoned in place. The project does not include processes that would generate or utilize hazardous waste.

3.20 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				X
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				X
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				X

3.20.1 Regulatory Setting

State Laws, Regulations, and Policies

CAL FIRE Wildland Fire Management

The Office of the State Fire Marshal and the California Department of Forestry and Fire Protection (CAL FIRE) administer state policies regarding wildland fire safety. Construction contractors must comply with the following requirements in the Public Resources Code during construction activities at any sites with forest-, brush-, or grass-covered land:

- Earthmoving and portable equipment with internal combustion engines must be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code § 4442).
- Appropriate fire-suppression equipment must be maintained from April 1 to December 1, the highest-danger period for fires (Public Resources Code § 4428).
- On days when a burning permit is required, flammable materials must be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the

construction contractor must maintain the appropriate fire suppression equipment (Public Resources Code § 4427).

- On days when a burning permit is required, portable tools powered by gasoline23 fueled internal combustion engines must not be used within 25 feet of any flammable materials (Public Resources Code § 4431).

CEQA and CEQA Guidelines

Senate Bill 1241 (Kehoe, 2012) required the Office of Planning and Research, the Natural Resources Agency, and CalFire to develop “amendments to the initial study checklist of the [CEQA Guidelines] for the inclusion of questions related to fire hazard impacts for projects located on lands classified as state responsibility areas, as defined in section 4102, and on lands classified as very high fire hazard severity zones, as defined in subdivision (i) of section 51177 of the Government Code.”

3.20.2 Environmental Setting

Wildfire Hazards

Fire Hazard Severity Zone

The region surrounding the Project site is zoned as having moderate to high fire hazard severity. The nearest fire station within BDVWA’s service area is the San Bernardino County Fire Station 42 Yucca Valley located at 58612 Aberdeen Dr, Yucca Valley, CA 92284.

Fire Threat

The region surrounding the Project site is classified as having moderate to high fire threat.

3.20.3 Discussion of Impacts

- a) No Impact. The Project would not substantially impair an adopted emergency response plan or emergency evacuation plan.
- b) No Impact. The Project would not exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.
- c) Less Than Significant Impact. The Project does not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. The Project does include the use of permanently placed and temporary electricity generators to ensure the operability of pump stations and wells during power outages. A new SCE power service will be supplied to the proposed booster station at Winters Road/Rainbow Drive. Nearby existing poles may be upgraded to provide three phase power to the site, which could reduce the potential for fire slightly. The proposed interconnections HDWD and other facilities will improve water service reliability and redundancy. The fire suppression capacities of the consolidated water system will not diminish as a result of the project.

- d) No Impact. The Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

3.21.1 Discussion

- a) Less than Significant Impact. Based upon the analysis performed in this Final Initial Study, the Project does not have the potential to significantly affect biological or cultural resources or degrade the quality of the environment. To ensure no unanticipated impacts to biological or cultural resources occur, mitigation measures are proposed in the enclosed Mitigation Monitoring and Reporting Program. See Section 6.0.
- b) No Impact. Based upon the analysis, performed in this Final Initial Study, the Project is not expected to have a cumulatively considerable impact to past, present, or future projects. No projects are proposed for the area that would cumulatively contribute to the short term, less than significant effects expected from the Project.
- c) Less than Significant Impact. Based upon the analysis, performed in this Final Initial Study, the construction phase of the Project would result in several temporary effects to human beings including temporary increases in air pollutants and noise. No long-term negative impacts are anticipated. The Project is expected to improve the overall water supply reliability, quality, redundancy, and sustainability for BDVWA, GM, and HDWD.

4.0 COMMENT LETTERS AND RESPONSES

5.0 LIST OF PREPARERS

- Mark Murphy, R.G., Ph.D., Senior Water Resources Scientist, NV5, Inc.
- Rebecca Davey, Environmental Specialist, NV5, Inc.
- James F. Owens, P.E., Associate, NV5, Inc.

- Tiffany Clark, PaleoWest Archaeology
- Gloriella Cardenas, PaleoWest Archaeology

- Ironwood Consulting, Inc.

6.0 MITIGATION MONITORING AND REPORTING PROGRAM

6.1 PURPOSE OF PROJECT

The purpose of the Project is to correct the deficiencies listed in Section 1 by:

- Replacing the A-Booster Pump Station (APNs 0629-062-20 and 0629-062-21), recoating and other repairs to the existing B-1 and B-2 Reservoirs, yard piping reconfiguration, and minor electrical improvements.
- Raising wellheads and reducing the horsepower and flow rates at most of BDVWA's active wells.
- Enclosing BDVWA's Well No. 8 in a building to attenuate hazard risk
- Consolidating the BDVWA and GM water systems
 - Installation of pipelines to connect the two systems, improve redundancy, and remove dead-ends
 - Adjustments to the extents of current pressure zones, including installation and removal of pressure reducing stations
 - Installation of a pump and motor within an existing pump station (APN 0630-021-50) to convey water from GM's Zone E-1 to BDVWA's Zone D-1
- Constructing a new booster pump station and associated conveyance/interconnection Facilities
 - Constructing a pump station that would transfer water from proposed BDVWA Zone D-1 (hydraulic grade line (HGL) 3360) to Zone B (HGL 3680) (APN 0631-041-25), including a new electrical service to the parcel.
 - Construct a new second interconnection with HDWD at the pump station location
 - Construct new distribution pipelines within BDVWA Zone D-1 to the proposed pump station
- Installing a transmission pipeline to convey water directly from BDVWA's Zone D-1 to the Zone B Reservoir Site (APNs 0629-062-20 and 0629-062-21)
 - Includes pipeline installation beneath Pipes Wash along Winters Road/Tracy Blvd Connecting the proposed transmission pipeline to deliver water from BDVWA system Well Nos. 2, 3, 4, and 8, and from the existing interconnection with HDWD directly to the B Reservoir site, following permitted resumption of operation of Well Nos. 2 and 4 for potable purposes.
- Resuming operation of BDVWA's Well Nos. 2 and 4 as potable water sources
- Destroying and replacing Goat Mountain system's Well No. 2

6.2 REGULATORY FRAMEWORK

California Public Resources Code Section 21081.6 and California Code of Regulations Title 14, Chapter 3, Section 15097 require public agencies to adopt mitigation monitoring or reporting plans when they approve projects under an MND. The reporting and monitoring plans must be adopted when a public agency makes its findings pursuant to CEQA so that the mitigation requirements can be made conditions of project approval.

6.3 FORMAT OF THIS PLAN

The MMRP describes the construction phase measure included in the proposed project and identified in the IS/MND. This MMRP also includes a summary statement of the impact discussed in the IS/MND to correspond with the mitigation measure. The mitigation measure is followed by an implementation description, the criteria used to determine the effectiveness of the mitigation, the timeframe for implementation, and the party responsible for monitoring implementation of the measure.

Implementation of each mitigation measure is ultimately the responsibility of the CEQA Lead Agency; during construction, the delegated responsibility is shared by BDVWA and construction contractors. The mitigation measure in this plan contains a “Verified By” signature line, which will be signed by BDVWA when the measure has been fully implemented and no further actions or monitoring are necessary for the implementation or effectiveness of the measure.

6.4 IMPACTS AND ASSOCIATED MITIGATION MEASURES

6.4.1 BR-1 – Preconstruction Burrowing Owl and Nesting Bird Survey

If vegetation removal or ground disturbance activities occur during the nesting season (January 1st to August 31st), a pre-construction nesting survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the work area. The survey shall be conducted no more than two weeks prior to the initiation of construction. If construction activities are delayed or suspended for more than two weeks after the preconstruction survey, the site shall be resurveyed.

If nesting birds are found, the nest sites shall not be disturbed until after the young have fledged, as determined through additional monitoring by a qualified biologist. Further, to prevent nest abandonment and mortality of chicks and eggs, no construction activities shall occur within 300 feet of an active nest unless a smaller buffer zone is authorized by a qualified biologist in consultation with the CDFW and the USFWS (the size of the construction buffer zone may vary depending on the species of nesting birds present). A qualified biologist shall delineate the buffer zone with construction tape or pin flags that shall remain in place until the young have fledged, as determined through additional monitoring by a qualified biologist.

The qualified biologist shall monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. If any active nests associated with migratory bird species or raptors are encountered during Project construction, construction activities within the 300-foot zone will be delayed until nesting activities have ceased as determined by a focused survey to be performed by the qualified biologist. Guidance from CDFW shall be requested if the nestlings within an active nest appear disturbed. The qualified biologist shall have the authority to stop any work determined to be adversely affecting the nesting activity. The qualified biologist shall report any “take” of active nests to CDFW.

Implementation: Prior to initiating construction activity, BDVWA will retain a qualified biologist to perform pre-construction surveys for burrowing owls and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code. A qualified biologist shall monitor nests during construction. Should listed species be encountered, authorization from the USFWS and CDFW shall be obtained.

Timing: Within two weeks of the start of construction activity and during construction activity.

Effectiveness Criteria: The biologist’s report(s) on pre-construction surveys. Reports shall be maintained in the project file.

Monitoring: BDVWA will prepare and keep on file documentation verifying the implementation of the above-referenced measure. These files shall be provided to the State Water Resources Control Board following completion of construction upon request.

Verified By:

BDVWA

Project Manager

Date:

6.4.2 BR-2 – Preconstruction Desert Tortoise Survey

Pre-construction surveys for desert tortoise shall be conducted by a qualified biologist no more than two weeks prior to the commencement of Project-related ground disturbance. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the Project, as well as a reasonable buffer around these areas. Should desert tortoise be encountered, CDFW and USFWS shall be contacted to discuss additional mitigation measures which may be required.

Implementation: Prior to initiating construction activity, BDVWA will retain a qualified biologist to perform pre-construction surveys for desert tortoise.

Should listed species be encountered, authorization from the USFWS and CDFW shall be obtained.

Timing: Within two weeks of the start of construction activity.

Effectiveness Criteria: The biologist's report(s) on pre-construction surveys. Reports shall be maintained in the project file.

Monitoring: BDVWA will prepare and keep on file documentation verifying the implementation of the above-referenced measure. These files shall be provided to the State Water Resources Control Board following completion of construction upon request.

Verified By:

BDVWA

Project Manager

Date:

6.4.3 BR-3 – Construction Phase Desert Tortoise Best Management Practices

Clearing of the Project area including blading of new access or work areas shall be minimized to the extent possible. Disturbance to shrubs shall be avoided if possible. If shrubs cannot be avoided during equipment operation or vehicle use, wherever possible they should be crushed rather than excavated or bladed and removed.

Construction workers shall participate in a pre-construction desert tortoise awareness training.

Project features that might trap or entangle desert tortoises, such as open trenches, pits, open pipes, etc. shall be covered at the end of each work day or modified to prevent entrapment through the installation of escape ramps or sloped at the ends at a 3:1 ratio.

After completion of the Project, trenches, pits, and other features in which tortoises could be entrapped or entangled, shall be filled in, covered, or otherwise modified so they are no longer a hazard to desert tortoises.

Unleashed dogs shall be prohibited in Project areas.

Temporary fencing, such as chicken wire, snow fencing, chain link, and other suitable materials shall be used in designated areas to reduce encounters with tortoises.

In potential desert tortoise habitat project-related vehicles shall not exceed 15 miles per hour on unpaved roads.

Implementation: The construction contractor shall be responsible for implementing these measures.

Timing: During construction activity.

Effectiveness Criteria: The biologist's report(s) on pre-construction surveys. Provision and construction crew attendance at pre-construction desert tortoise awareness training(s). Reports shall be maintained in the project file.

Monitoring: BDVWA will prepare and keep on file documentation verifying the implementation of the above-referenced measure. These files shall be provided to the State Water Resources Control Board following completion of construction upon request.

Verified By:

BDVWA

Project Manager

Date:

6.4.4 CR-1 – Resource Discovery

1. In the event that pre-contact cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians' Cultural Resources Department (SMBMI) and other affiliated Native American groups shall be contacted. If any such find occurs, SMBMI and other affiliated Native American groups shall be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to allow tribal input with regard to significance and treatment.
2. If significant Native American resources are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan. The drafts of the Monitoring and Treatment Plan shall be provided to SMBMI and other affiliated Native American groups for review and comment. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.
 - o The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code § 5097.98.
 - o Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.
 - o It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

Implementation: Prior to initiating construction activity, BDVWA will retain a qualified archeologist to assist when potentially significant Native-American historical

resources are discovered during earthmoving and excavation activities. The archeologist shall be prepared to respond immediately to the construction site when potentially significant Native American historical resources are discovered.

Prior to initiating construction activity, BDVWA shall inform the construction contractor that if cultural resources are encountered, the contractor is to immediately stop construction activity within a 60-foot buffer and is to inform BDVWA immediately upon the discovery.

Should potentially significant Native American historical resources be discovered, the discovering party shall immediately notify the Project's archeologist. All construction activity within a 60-foot buffer shall cease until receiving approval to resume work by the archeologist.

Timing: During construction activities that involve excavation or earth moving.

Effectiveness Criteria: The archeologist's report(s) on potentially significant Native American Historical Resources. Reports shall include any related correspondence or documentation received from a Native American Tribe or public agency. Reports shall be maintained in the project file.

Monitoring: BDVWA will prepare and keep on file documentation verifying the implementation of the above-referenced measure. These files shall be provided to the State Water Resources Control Board upon request and following completion of construction.

Verified By:

Bighorn-Desert View Water Agency

Project Manager

Date:

7.0 REFERENCES

US Army COE, United States Army Corps of Engineers

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_____2003. California's Ground Water. 265 p. Bulletin 118. Update 2003. Sacramento, CA.

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Item # 2

Fiscal Year 2021/22 Property and Casualty Insurance and Workers' Compensation Insurance Program

**BIGHORN-DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL**

Meeting Date: May 11, 2021

To: FPREP Committee Members

Budgeted: TBD

FY2020/21 Budgeted Amount:

Property Liability \$53,454

Worker's Compensation \$12,606

From: Marina D. West

General Counsel Approval: Pending

CEQA Compliance: N/A

Subject: Fiscal Year 2021/22 Property and Casualty Insurance and Workers' Compensation Insurance Program: Recommendation to Join CalMutuals /JPRIMA-Allied Risk; and to Join CalMutuals as a condition of JPRIMA; and engage Liebert Cassidy Whitmore as Special Counsel to the Agency on Personnel/Human Resource Matters; and to Notify Special Districts Risk Management Authority of the Intent to Withdraw from Coverage Effective July 1, 2021

SUMMARY

The FPREP Committee received detailed presentations by JPRIMA-Allied Risk representative Paul R. Fuller at the March 17, 2021 and April 20, 2021 FPREP Committee and Special Committee meetings concerning renewal of Agency Property Liability and Workers' Compensation insurance coverages.

Staff presented all relevant information and cost comparisons to inform the Committee of its recommendation to obtain Property Liability and Workers' Compensation coverage from JPRIMA-Allied Public Risk (Allied Community Insurance Services, LLC) for a three-year term beginning July 1, 2021.

Staff as well as the Finance Committee recommend the Board take action to obtain coverage from JPRIMA beginning July 1, 2021 for a minimum three-year period. The cost savings to the Agency in the first year is approximately \$30,000. The premiums are anticipated to escalate at a rate of approximately 5% per year thereafter but actual increases would be based on a number of factors to be evaluated prior to each renewal period.

RECOMMENDATION

That the Board considers taking the following action(s):

1. Authorize General Manager to execute *Member Agreement to become a Party to the Amended Joint Powers Agreement Creating the California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority* for the purposes of enrolling in the JPRIMA Property Liability and Workers' Compensation Insurance Programs underwritten by Allied Community Insurance Services, LLC and

2. Authorize General Manager to complete the necessary forms to become a member of the California Association of Mutual Water Companies as a condition of the Joint Powers Agreement; and
3. Authorize General Manager to engage Liebert Cassidy and Whitmore as special counsel on matters related to personnel and human resources management and to sign an engagement letter with LCW to that effect; and
4. Notify Special Districts Risk Management Authority of the “Intent to Withdraw” from their Property/Liability and Workers’ Compensation Programs.

BACKGROUND/ANALYSIS

Background information included in full Agenda packet.

PRIOR RELEVANT BOARD ACTION(S)

April 20, 2021 – Finance Committee presentation on Property and Casualty Insurance by CalMutuals JPRIMA Representative Paul R. Fuller, CEO, Allied Public Risk, LLC.

March 17, 2021 Finance Committee presentation on Property and Casualty Insurance by CalMutuals JPRIMA Representative Paul R. Fuller, CEO, Allied Public Risk, LLC.



**CALIFORNIA ASSOCIATION OF MUTUAL WATER COMPANIES
JOINT POWERS RISK AND INSURANCE MANAGEMENT AUTHORITY (JPRIMA)**

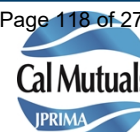
**COVERAGE PROPOSAL
Bighorn-Desert View Water Agency**

**COVERAGE PERIOD
7/1/2021 - 4/1/2022**

**PRESENTED BY:
Allied Community Insurance Services**



**Insurance Administrator
www.alliedpublicrisk.com
Allied Community Insurance Services, LLC
CA License Number: 0L01269
National Producer Number: 17536322**



PREMIUM SUMMARY

NOTE: This proposal is prepared from information supplied to us on the application submitted by you or insurance broker. It may or may not contain all terms requested on the application. Coverage is provided by the JPRIMA Memorandum of Coverage (MOC) and subject to its terms, exclusions, conditions and limitations. A specimen MOC is available for your review, as is the JPRIMA Member Agreement. Enrollment in the JPRIMA requires execution of the JPRIMA Member Agreement as well as membership in the California Association of Mutual Water Companies (Cal Mutuals).

PAGE	COVERAGE SECTION		PREMIUM
3-7	SECTION 1. PROPERTY (Property, Equipment Breakdown & Mobile Equipment)	\$	2,914.00
8	SECTION 2. COMMERCIAL CRIME	\$	563.00
9-10	SECTION 3. COMMERCIAL GENERAL LIABILITY	\$	7,418.00
11	SECTION 4. PUBLIC OFFICIALS & MANAGEMENT LIABILITY (Wrongful Acts, Employment Practices & Employee Benefits, Privacy and Network Risk)	\$	10,330.00
12	SECTION 5. BUSINESS AUTO	\$	9,346.00
13	SECTION 6. COMMERCIAL EXCESS LIABILITY	\$	5,859.00
		MEMBER CONTRIBUTION	\$ 36,430.00
		JPRIMA ADMINISTRATION FEES	\$ 3,744.00
		TOTAL AMOUNT DUE*	\$ 40,174.00
*Payment is due within thirty (30) days of binding.			

NOTES:

The JPRIMA MOC has a common anniversary date of April 1, 2021.
Your proposal is being pro-rated from your current effective date to April 1, 2022.
Annual Contribution: \$48,504 + \$4,950 (Fees) = \$53,454
Terrorism coverage is automatically included for Property and General Liability.

SECTION 1. PROPERTY*

***PROPERTY IS INCLUDED IN THE PROPOSAL: Yes**

ISSUER:

- California Association of Mutual Water Companies
Joint Powers Risk and Insurance Management Authority (JPRIMA)
- No Joint and Several Liability for Members
- 100% Reinsured

REINSURER:

- Allied World Insurance Company or affiliate
- A XV (Excellent) A.M. Best Rating

FORM:

- Proprietary & Integrated

LIMITS:

Blanket Property: (Real Property & Business Personal Property)	\$1,282,479
Blanket Coverage Extension: A separate blanket limit that applies to the following coverages: Business Income, Extended Business Income, Commandeered Property, Civil Authority, Extra Expense, Tenant Leasehold Interest, Electronic Data, Preservation of Property.	\$500,000
Equipment Breakdown / Boiler & Machinery:	Included
Mobile Equipment (scheduled):	\$724,288
Mobile Equipment (unscheduled, maximum \$10,000 any one item):	\$100,000
Mobile Equipment (borrowed, rented & leased):	\$100,000
Flood Zone X: (shaded/unshaded)	N/A

DEDUCTIBLES:

- \$2,500** Property
- \$2,500** Mobile Equipment
- \$2,500** Equipment Breakdown (aboveground & less than 50 feet belowground)
- \$2,500** Equipment Breakdown (greater than 50 feet belowground)
- N/A** Flood Zone X (per occurrence)

COVERAGE HIGHLIGHTS:

- Blanket Property Limits & Blanket Coverage Extension Limits
- No Coinsurance Penalty
- Equipment Breakdown
- Foundations as Covered Property

VALUATION:

- Replacement Cost: Real Property & Business Personal Property
- Actual Cash Value: Mobile Equipment
- Actual Loss Sustained: Loss of Income & Expenses
- Market Price: Fine Arts

KEY EXCLUSIONS:

- Earthquake & Earth Movement
- Flood (unless coverage is designated above, such coverage would be limited to locations in Zone X only)

COVERAGE PROPOSAL FOR MEMBER: Bighorn-Desert View Water Agency

EFFECTIVE DATE: 7/1/2021 - 4/1/2022

DISCLAIMER: Actual coverage is subject to the language of the MOC as issued.



SPECIAL COVERAGES:

- **New Locations or Newly Constructed Property:**
Pays up to \$1,000,000 for your new real property while being built on or off described premises as well as real property you acquire, lease or operate at locations other than the described premises; and business personal property located at new premises.
- **Utility Services – Direct Damage, Business Income & Expense:**
Pays up to \$250,000 for covered property damaged by an interruption in utility service to the described premises. The interruption in utility service must result from direct physical loss or damage by a Covered Cause of Loss and does not apply to loss or damage to electronic data, including destruction or corruption of electronic data. Separate limits apply to Direct Damage and Business Income/Expense.
- **Pollution Remediation Expenses:**
Pays up to \$100,000 or \$250,000 for remediation expenses resulting from a Covered Causes of Loss or Specified Cause of Loss occurring during the coverage period and reported within 180 days. Covered Causes of Loss means risks of direct physical loss unless the loss is excluded or limited by the Property Coverage Form. Specified Cause of Loss means the following: fire; lightning; explosion; windstorm or hail; smoke; aircraft or vehicles; riot or civil commotion; vandalism; leakage from fire extinguishing equipment; sinkhole collapse; volcanic action; falling objects; weight of snow; ice or sleet; water damage; and equipment breakdown.
- **SCADA Upgrades:**
Pays up to \$100,000 to upgrade your scheduled SCADA system after direct physical loss from a Covered Cause of Loss. The upgrade is in addition to its replacement cost. SCADA means the Supervisory Control and Data Acquisition system used in water and wastewater treatment and distribution to monitor leaks, waterflow, water analysis, and other measurable items necessary to maintain operations.
- **Contract Penalties:**
Pays up to \$100,000 for contract penalties you are required to pay due to your failure to deliver your product according to contract terms solely as a result of direct physical loss or damage by a Covered Cause of Loss to Covered Property.
- **Contamination:**
Pays up to \$250,000 for loss or damage to covered property because of contamination as a result of a Covered Cause of Loss. Contamination means direct damage to real property and business personal property caused by contact or mixture with ammonia, chlorine, or any chemical used in the water and / or wastewater treatment process.
- **Property In Transit:**
Pays up to \$100,000 for direct physical loss or damage to covered property while in transit more than 1000 feet from the described premises. Shipments by mail must be registered for covered to apply. Electronic data processing property and fine arts are excluded.
- **Unintentional Errors:**
Pays up to \$250,000 for any unintentional error or omission you make in determining or reporting values or in describing the covered property or covered locations.

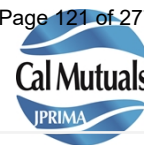
COVERAGE PROPOSAL FOR MEMBER: Bighorn-Desert View Water Agency

EFFECTIVE DATE: 7/1/2021 - 4/1/2022

DISCLAIMER: Actual coverage is subject to the language of the MOC as issued.

Page 4 of 13

The MOC may contain limits, exclusions, and limitations that are not detailed in this proposal.



KEY DEFINITIONS

■ **Real Property:**

The buildings, items or structures described in the Declarations that you own or that you have leased or rented from others in which you have an insurable interest. This includes:

- Aboveground piping;
- Aboveground and belowground penstock;
- Additions under construction;
- Alterations and repairs to the buildings or structures;
- Buildings;
- Business personal property owned by you that is used to maintain or service the real property or structure or its premises, including fire-extinguishing equipment; outdoor furniture, floor coverings and appliances used for refrigerating, ventilating, cooking, dishwashing or laundering;
- Completed additions;
- Exterior signs, meaning neon, automatic, mechanical, electric or other signs either attached to the outside of a building or structure, or standing free in the open;
- Fixtures, including outdoor fixtures;
- Foundations;
- Glass which is part of a building or structure;
- Light standards;
- Materials, equipment, supplies and temporary structures you own or for which you are responsible, on the premises or in the open (including property inside vehicles) within 1000 feet of the premises, used for making additions, alterations or repairs to buildings or structures at the premises;
- Paved surfaces such as sidewalks, patios or parking lots;
- Permanently installed machinery and equipment;
- Permanent storage tanks;
- Solar panels;
- Submersible pumps, pump motors and engines;
- Underground piping located on or within 100 feet of premises described in the Declarations;
- Underground vaults and machinery.

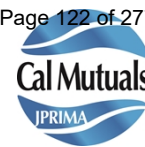
■ **Business Personal Property:**

The property you own that is used in your business including:

- Furniture and fixtures;
- Machinery and equipment;
- Computer equipment;
- Communication equipment;
- Labor materials or services furnished or arranged by you on personal property of others;
- Stock;
- Your use interest as tenant in improvements and betterments.
- Leased personal property for which you have a contractual responsibility to insure.

■ **Pollution Conditions:**

The discharge, dispersal, release, seepage, migration, or escape of any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, minerals, chemical elements and waste. Waste includes materials to be recycled, reconditioned or reclaimed.



KEY DEFINITIONS *(continued)*

■ Remediation Expenses:

Expenses incurred for or in connection with the investigation, monitoring, removal, disposal, treatment, or neutralization of pollution conditions to the extent required by: (1) Federal, state or local laws, regulations or statutes, or any subsequent amendments thereof enacted to address pollution conditions; and (2) a legally executed state voluntary program governing the cleanup of "pollution conditions."

■ Outdoor Property:

Fixed or permanent structures that are outside covered real property including but not limited to:

- Historical markers or flagpoles;
- Sirens, antennas, towers, satellite dishes, or similar structures and their associated equipment;
- Exterior signs not located at a premises;
- Fences or retaining walls;
- Storage sheds, garages, pavilions or other similar buildings or structures not located at a premises;
- Dumpsters, concrete trash containers, or permanent recycling bins; or
- Hydrants.

■ Equipment Breakdown:

Direct damage to mechanical, electrical or pressure systems as follows:

- Mechanical breakdown including rupture or bursting caused by centrifugal force;
- Artificially generated electrical current, including electrical arcing, that disturbs electrical devices, appliances or wires;
- Explosion of steam boilers, steam piping, steam engines or steam turbines owned or leased by you, or operated under your control;
- Loss or damage to steam boilers, steam pipes, steam engines or steam turbines; or
- Loss or damage to hot water boilers or other water heating equipment;
- If covered electrical equipment requires drying out as a result of a flood, we will pay for the direct expenses for such drying out.
- None of the following are covered objects as respects to equipment breakdown:
 - a. Insulating or refractory material;
 - b. Buried vessel or piping;
 - c. Sewer piping, piping forming a part of a fire protection system or water piping other than:
 - (1) Feed water piping between any boiler and its feed pump or injector;
 - (2) Boiler condensate return piping; or
 - (3) Water piping forming a part of refrigerating and air conditioning vessels and piping used for cooling, humidifying or space heating purposes;
 - d. Structure, foundation, cabinet or compartment containing the object;
 - e. Power shovel, dragline, excavator, vehicle, aircraft, floating vessel or structure, penstock, draft tube or well-casing;
 - f. Conveyor, crane, elevator, escalator or hoist, but not excluding any electrical machine or electrical apparatus mounted on or used with this equipment; and
 - g. Felt, wire, screen, die, extrusion, late, swing hammer, grinding disc, cutting blade, cable chain, belt, rope, clutch late, brake pad, non-metallic part or any part or tool subject to frequent, periodic replacement.

**PROPERTY SUBLIMITS:**

Coverage				Limit		
Accounts Receivable	X	\$500,000	<input type="checkbox"/>	\$1,000,000	<input type="checkbox"/>	\$2,000,000
Valuable Papers and Records	X	\$500,000	<input type="checkbox"/>	\$1,000,000	<input type="checkbox"/>	\$2,000,000
Contamination	X	\$250,000				
Tools and Equipment Owned by Your Employees	X	\$5,000	<input type="checkbox"/>	\$10,000	<input type="checkbox"/>	\$25,000
Personal Effects and Property of Others	X	\$5,000	<input type="checkbox"/>	\$10,000	<input type="checkbox"/>	\$25,000
New Locations or Newly Constructed Property		\$1,000,000				
Business Personal Property at New Locations		\$1,000,000				
Backup/Overflow of Water from Sewer, Drain, Sump		\$250,000				
Utility Services - Direct Damage		\$250,000				
Utility Services –		\$250,000				
Business Income and Extra Expense						
Dependent Business Premises		\$250,000				
Property at Other Locations		\$250,000				
Pollution Remediation Expense (specified cause of loss)		\$250,000				
Outdoor Property (unscheduled)		\$100,000				
Contract Penalties		\$100,000				
Pollution Remediation Expense (covered cause of loss)		\$100,000				
Property in Transit		\$100,000				
SCADA Upgrades		\$100,000				
Indoor and Outdoor Signs (unscheduled)		\$50,000				
Limited Coverage for “Fungus”, Wet Rot or Dry Rot		\$50,000				
Fine Arts		\$25,000				
Fire Department Service Charge		\$25,000				
Fire Protection Devices		\$25,000				
Key and Lock Replacement Expenses		\$25,000				
Trees, Shrubs & Plants (maximum \$1,000 any one item)		\$25,000				
Arson Reward		\$10,000				
Rental Reimbursement – Mobile Equipment		\$10,000				
Cost of Inventory or Adjustment		\$5,000				
Non-Owned Detached Trailers		\$5,000				
Water Contamination Notification Expenses		\$5,000				
Patterns, Dies, Molds, Forms		\$2,500				
Debris Removal		25% of scheduled limit plus \$250,000				
Ordinance or Law Provision		100% of scheduled limit plus 25%				

NOTES:

Contribution is calculated from attached property schedule; review property schedule for coverage and limit adequacy.

Flood and Earthquake coverages are excluded.

COVERAGE PROPOSAL FOR MEMBER: Bighorn-Desert View Water Agency

EFFECTIVE DATE: 7/1/2021 - 4/1/2022

DISCLAIMER: Actual coverage is subject to the language of the MOC as issued.

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The MOC may contain limits, exclusions, and limitations that are not detailed in this proposal.



SECTION 2. COMMERCIAL CRIME*

***COMMERCIAL CRIME IS INCLUDED IN THE PROPOSAL: Yes**

ISSUER:

- California Association of Mutual Water Companies
Joint Powers Risk and Insurance Management Authority (JPRIMA)
- No Joint and Several Liability for Members
- 100% Reinsured

REINSURER:

- Allied World Insurance Company or affiliate
- A XV (Excellent) A.M. Best Rating

FORM:

- Proprietary & Integrated

RATING BASIS:

- On file with underwriter
- Non auditable

LIMITS:

COVERAGE GROUP SELECTED	EMPLOYEE THEFT	FORGERY OR ALTERATION	INSIDE THE PREMISES Theft of Money and Securities	INSIDE THE PREMISES Robbery or Safe Burglary or Other Property	OUTSIDE THE PREMISES	COMPUTER FRAUD	FUNDS TRANSFER FRAUD	MONEY ORDERS & COUNTERFEIT PAPER CURRENCY
	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
X	\$500,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
	\$1,000,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
	\$2,000,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000

DEDUCTIBLE:

\$1,000 each claim

DESIGNATED EMPLOYEE BENEFIT PLAN(S):

COVERAGE HIGHLIGHTS:

- Separate Limits Apply to Each Coverage
- Coverage Extended to Directors and Authorized Volunteers
- Faithful Performance

NOTES:

COVERAGE PROPOSAL FOR MEMBER: Bighorn-Desert View Water Agency

EFFECTIVE DATE: 7/1/2021 - 4/1/2022

DISCLAIMER: Actual coverage is subject to the language of the MOC as issued.



SECTION 3. GENERAL LIABILITY*

***GENERAL LIABILITY IS INCLUDED IN THE PROPOSAL: Yes**

ISSUER:

- California Association of Mutual Water Companies
Joint Powers Risk and Insurance Management Authority (JPRIMA)
- No Joint and Several Liability for Members
- 100% Reinsured

REINSURER:

- Allied World Insurance Company or affiliate
- A XV (Excellent) A.M. Best Rating

FORM:

- Occurrence
- Defense Costs Outside the Limit
- Proprietary & Integrated

RATING BASIS:

- On file with underwriter
- Non auditable

LIMITS:

Per Occurrence	\$ 1,000,000
General Aggregate	\$10,000,000
Products & Completed Operations Aggregate	\$10,000,000
Personal & Advertising Injury Limit	\$ 1,000,000
Damage to Premises Rented to You	\$ 1,000,000
Medical Payments	\$ 10,000

DEDUCTIBLE:

N/A

COVERAGE HIGHLIGHTS:

- Duty to Defend
- Broad Definition of Enrolled Named Member
- Blanket Additional Enrolled Named Member
- Water & Wastewater Testing Errors & Omissions
- Expanded Pollution Liability
- Failure to Supply (no ISO limitation)
- Lead (potable water)
- Waterborne Asbestos (potable water)
- Product Recall
- Impaired Property
- Fungi & Bacteria

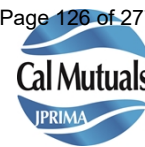
OPTIONAL COVERAGES:

- Hired & Non Owned Automobile Liability
- Employee Benefits Liability
- Dam, Levee & Dike Structural Failure

COVERAGE PROPOSAL FOR MEMBER: Bighorn-Desert View Water Agency

EFFECTIVE DATE: 7/1/2021 - 4/1/2022

DISCLAIMER: Actual coverage is subject to the language of the MOC as issued.



SPECIAL COVERAGES:

- **Water & Wastewater Testing Errors & Omissions:**
Coverage is provided for damages arising out of an act, error or omission which arises from your water or wastewater testing.
- **Failure To Supply:**
Coverage is provided for bodily injury or property damage arising out of the failure of any Enrolled Named Member to adequately supply water.
- **Waterborne Asbestos:**
Coverage is provided for bodily injury or property damage from waterborne asbestos arising out of potable water which is provided by you to others.
- **Contractual Liability - Railroads:**
Coverage is provided for any contract or agreement that indemnifies a railroad for bodily injury or property damage arising out of construction or demolition operations, within 50 feet of any railroad property and affecting any railroad bridge or trestle, tracks, road-beds, tunnel, underpass or crossing.
- **Pollution:**
Coverage is provided for bodily injury or property damage which occurs or takes place as a result of your operations and arises out of the following:

 - Potable water which you supply to others;
 - Chemicals you use in your water or wastewater treatment process;
 - Natural gas or propane gas you use in your water or wastewater treatment process;
 - Urgent response for the protection of property, human life, health or safety conducted away from premises owned by or rented to or regularly occupied by you;
 - Your application of pesticide or herbicide chemicals if such application meets all standards of any statute, ordinance, regulation or license requirement of any federal, state or local government;
 - Smoke drift from controlled or prescribed burning that has been authorized and permitted by an appropriate regulatory agency.
 - Fuels, lubricants or other operating fluids needed to perform the normal electrical, hydraulic or mechanical functions necessary for the operation of mobile equipment or its parts
 - Escape or back-up of sewage or waste water from any sewage treatment facility or fixed conduit or piping that you own, operate, lease, control or for which you have the right of way, but only if property damage occurs away from land you own or lease.
 - Sudden and accidental events that are neither expected nor intended by an Enrolled Named Member. However, no coverage is provided under this exception for petroleum underground storage tanks.
- **Damage to Impaired Property or Property Not Physically Injured**
Coverage is provided for bodily injury or property damage arising from your potable water, nonpotable water, or wastewater as well as any loss of use of other property arising out of sudden and accidental physical injury to “your product” or “your work” after it has been put to its intended use.
- **Fungi or Bacteria**
Coverage is provided for bodily injury or property damage arising from any “fungi” or bacteria that are, are on, or are contained in a good or product intended for consumption; or to any injury or damage arising out of or caused by your water, irrigation, or wastewater intake, outtake, reclamation, treatment and distribution processes.
- **Recall of Products, Work or Impaired Property**
Coverage applies to any injury or damage arising out of or caused by your potable water, nonpotable water, or wastewater for the loss of use, withdrawal, recall, inspection, repair, replacement, adjustment, removal or disposal of: “Your product”; “Your work”; or “Impaired property”; if such product, work, or property is withdrawn or recalled from the market or from use by any person or organization because of a known or suspected defect, deficiency, inadequacy or dangerous condition in it.

NOTES:

COVERAGE PROPOSAL FOR MEMBER: Bighorn-Desert View Water Agency

EFFECTIVE DATE: 7/1/2021 - 4/1/2022

DISCLAIMER: Actual coverage is subject to the language of the MOC as issued.

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The MOC may contain limits, exclusions, and limitations that are not detailed in this proposal.



SECTION 4. PUBLIC OFFICIALS & MANAGEMENT LIABILITY*

***PUBLIC OFFICIALS & MANAGEMENT LIABILITY IS INCLUDED IN THE PROPOSAL: Yes**

ISSUER:

- California Association of Mutual Water Companies
Joint Powers Risk and Insurance Management Authority (JPRIMA)
- No Joint and Several Liability for Members
- 100% Reinsured

REINSURER:

- Allied World Insurance Company or affiliate
- A XV (Excellent) A.M. Best Rating

FORM:

- Proprietary & Integrated
- Occurrence
- Defense Costs Outside the Limits

RATING BASIS:

- On file with underwriter
- Non auditable

LIMITS:

Wrongful Acts	\$1,000,000 per act
Employment Practices (including third party discrimination)	\$1,000,000 per offense
Employee Benefit Plans	\$1,000,000 per act
Injunctive Relief	\$5,000 per act
	\$10,000,000 aggregate limit

PRIVACY LIABILITY AND NETWORK RISK¹:

Privacy & Network Security Wrongful Acts	1,000,000 per act
Breach Consultation Services	1,000,000 per offense
Breach Response Services	100,000 per offense
Public Relations & Data Forensics	100,000 per act

¹Coverage provided for Privacy Liability & Network Risk Coverage is issued on a claims made basis with defense inside the limit of liability. Privacy Retroactive Date:7/1/2010. Privacy Deductible: None.
*\$1,000,000 maximum annual aggregate applies per Enrolled Named Member, with a \$2,000,000 coverage form aggregate applicable to all participating Enrolled Named Members.

SPECIAL COVERAGE:

- Inverse Condemnation

RETROACTIVE DATE:

N/A

DEDUCTIBLE:

\$50,000 each claim including expenses

COVERAGE HIGHLIGHTS:

- Duty To Defend
- Broad Definition of Enrolled Named Member including Past and Future Employees
- Outside Directorship

NOTES:

COVERAGE PROPOSAL FOR MEMBER: Bighorn-Desert View Water Agency

EFFECTIVE DATE: 7/1/2021 - 4/1/2022

DISCLAIMER: Actual coverage is subject to the language of the MOC as issued.



SECTION 5. BUSINESS AUTO*

***BUSINESS AUTO IS INCLUDED IN THE PROPOSAL: Yes**

ISSUER:

- California Association of Mutual Water Companies
Joint Powers Risk and Insurance Management Authority (JPRIMA)
- No Joint and Several Liability for Members
- 100% Reinsured

REINSURER:

- Allied World Insurance Company or affiliate
- A XV (Excellent) A.M. Best Rating

FORM:

- Proprietary & Integrated
- Occurrence
- Defense Costs Outside the Limits

PORTFOLIO:

Coverage	Symbol	Limit
Combined Single Limit for Bodily Injury & Property Damage (each accident)	1	\$1,000,000
Hired Auto Liability	8	\$1,000,000
Non-Owned Auto Liability	9	\$1,000,000
Medical Payments	2	\$5,000
Uninsured / Underinsured Motorists	2	\$1,000,000
Hired Physical Damage	8	\$100,000
Owned Physical Damage – Comprehensive	2	ACV
Owned Physical Damage – Collision	2	ACV
Towing & Rental Car Reimbursement (covered accident)		\$75 per Day up to 30 Days
Fleet Automatic		Included

DEDUCTIBLE:

Liability: None
 Comprehensive: \$1,000
 Collision: \$1,000

NOTES:

Please refer to auto terms provided for per unit coverage.



SECTION 6. EXCESS LIABILITY*

***EXCESS LIABILITY IS INCLUDED IN THE PROPOSAL: Yes**

ISSUER:

- California Association of Mutual Water Companies
Joint Powers Risk and Insurance Management Authority (JPRIMA)
- No Joint and Several Liability for Members
- 100% Reinsured

REINSURER:

- Allied World Insurance Company or affiliate
- A XV (Excellent) A.M. Best Rating

FORM:

- Following Form
- Occurrence
- Defense Costs Outside the Limits

LIMITS:

\$4,000,000/\$4,000,000

SCHEDULED UNDERLYING POLICIES:

Commercial General Liability - Yes
 Hired and Non-Owned Auto Liability - Yes
 Owned Auto Liability - Yes
 Public Officials & Management Liability - Yes
 Wrongful Acts - Yes
 Employment Practices - Yes
 Employee Benefit Plans - Yes
 Employers' Liability: *(minimum underlying limit requirement of \$500,000 / \$500,000 / \$500,000)* - Yes
 Other:

NOTABLE EXCLUSION:

- Workers' Compensation
- Uninsured Motorists / Underinsured Motorists
- Underlying Limits < \$1,000,000 except for Employers' Liability

NOTES:

Employers' Liability subject to JPRIMA security requirements.

**AGREEMENT TO BECOME A PARTY TO THE
AMENDED JOINT POWERS AGREEMENT
CREATING THE
CALIFORNIA ASSOCIATION OF MUTUAL WATER COMPANIES
JOINT POWERS RISK AND INSURANCE MANAGEMENT AUTHORITY**

_____ [insert name of company or district]
(referred to as "Member") hereby agrees to become a party to the Amended Joint Powers Agreement Creating the California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority (the "Authority"), in the form attached hereto as Exhibit A, and agrees to abide by the terms and conditions of that agreement.

Member hereby represents that its action to become a party to the above-referenced agreement and to participate in the Authority has been duly authorized by action of its governing board taken at a duly called and noticed meeting.

Executed this _____ day of _____, 201__ at
_____, California.

[Company or District name]

By _____

Printed Name: _____

Title: _____

**Amended Joint Powers Agreement
Creating the
California Association of Mutual Water Companies
Joint Powers Risk and Insurance Management Authority**

THIS AGREEMENT is made and entered into in the County of Los Angeles, State of California, by and among the Companies and Districts, as defined herein, organized and existing under the laws of the State of California, which are parties signatory to this Agreement and listed in Appendix "A," which is attached hereto and made a part hereof. Said Companies and Districts are sometimes referred to herein as "parties" or "Members."

RECITALS

WHEREAS, subdivision (a) of California Government Code Section 6525 authorizes a mutual water company and a public agency to enter into a joint powers agreement for the purpose of jointly exercising any power common to those contracting parties, and, effective January 1, 2016, subdivision (b)(1) of California Government Code Section 6525 provides that a mutual water company and a public agency may enter into a joint powers agreement for the purpose of risk-pooling in accordance with Government Code Section 990.8; and

WHEREAS, California Government Code Section 990 authorizes the self-insurance against tort liabilities and inverse condemnation by public entities and California Labor Code Section 3700 provides for self-insurance of liabilities imposed by Labor Code Section 3200, et seq.; and

WHEREAS, California Government Code Section 990.8 states that a mutual water company and a public agency may, by a joint powers agreement, provide coverage for any purpose by any one or more of the methods specified in Government Code Section 990.4; and

WHEREAS, the parties desire to establish a structure to provide such coverage products at contributions competitive with the insurance market and in a manner that alleviates risk through coverage products that are reinsured; and

WHEREAS, the parties to this Agreement desire to join together for the purpose of purchasing insurance or reinsurance at reduced rates and to provide technical support, continuing education, safety engineering, and operational and managerial advisory assistance to said parties in order to reduce risk liabilities and further the technical, managerial and financial capacity of those parties; and

WHEREAS, it appears economically feasible and practical for the parties to this Agreement to do so;

NOW THEREFORE, for and in consideration of all of the mutual benefits, covenants and agreements contained herein, the parties hereto agree as follows:

Article 1 — Definitions

The following definitions shall apply to the provisions of this Agreement:

- (a) **"Association"** shall mean the California Association of Mutual Water Companies.
- (b) **"Auditor/Controller"** shall mean that person, designated by the Board of Directors who is required to draw, or cause to be drawn, checks, warrants, and electronic payments on behalf of the Authority.
- (c) **"Authority"** shall mean the California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority (CAMWC-JPRIMA) created by this Agreement.
- (d) **"Board of Directors" or "Board"** shall mean the governing body of the Authority.
- (e) **"Chief Executive Officer"** shall mean that employee or other agent of the Authority who is so appointed by the Board of Directors.
- (f) **"Company"** shall mean a mutual water company, as defined in California Corporations Code Section 14300, which is a "Regular Member" of the Association, as defined in Article III, Section 1(a) of the Association's Bylaws; or a ditch company that is formed and operates as a non-profit mutual benefit corporation under California law and is an "Affiliate Member" of the Association, as defined in Article III, Section 1(c) of the Association's Bylaws.
- (g) **"Director"** shall mean an individual elected by the Members to serve on the Authority's Board of Directors.
- (h) **"District"** shall mean any public agency that is an "Associate Member" or "Affiliate Member" of the Association, as defined in the Association's Bylaws.
- (i) **"Duly Constituted Board Meeting"** shall mean any Board of Directors meeting noticed and held in the required manner and at which a quorum was determined to be present at the beginning of the meeting.
- (j) **"Finance and Audit Committee"** shall mean the committee of the Authority composed of financial staff of Members appointed by the Board President and ratified by the Board of Directors.
- (k) **"Fiscal Year"** shall mean the calendar year.
- (l) **"Insurance"** shall mean any Program of the Authority providing

coverage against losses to Members who are participants in the Program, regardless of the exact nature of the coverage to be provided by or on behalf of the Authority.

(m) **"Insurance Program Administrator"** shall mean the individual or firm retained by the Board of Directors to administer the Authority's Programs.

(n) **"Member"** shall mean any **"Company"** or **"District"** which is a signatory to this Agreement.

(o) **"Program"** or **"Programs"** means the specific type of Insurance as set forth in the terms, conditions and exclusions of any coverage documents for Insurance provided to a Member.

(p) **"Re-Insurance"** shall mean that insurance or reinsurance which may be purchased on behalf of the Authority and/or the Members to protect the funds of the Members against catastrophic losses.

(q) **"Secretary"** shall mean the person appointed by the Board of Directors to record or cause to be recorded, and keep or cause to be kept, at the principal executive office or such other place as the Board of Directors may order, a book of minutes of actions taken at all meetings of the Board of Directors.

(r) **"Services"** shall mean various services and programs offered from time to time or on an ongoing basis by or on behalf of the Authority to increase Members' technical, managerial and financial capacity, and to reduce risks of losses.

(s) **"Treasurer"** shall mean the person appointed by the Board of Directors to keep and maintain, or cause to be kept and maintained, adequate and correct financial records of the Authority and who will act as a liaison with the Authority's outside auditor in preparing the Authority's annual audit.

Article 2 — Purposes

This Agreement is entered into by the Members pursuant to the provisions of California Government Code sections 990, 990.4, 990.8 and 6500 *et seq.*, in order to provide comprehensive and economical general liability, public liability, property damage, auto liability, boiler and machinery, directors' and officers' errors and omissions, employment practices, employee dishonesty, employee benefits liability coverage, workers' compensation coverage, and coverage for such other risks as the Board of Directors may determine from time to time; and to allow the Authority to undertake necessary administrative actions pursuant to Government Code Section 6525(a) in advance of the effective date of AB 656 on January 1, 2016.

Additional purposes are to reduce the amount and frequency of losses, to decrease the cost incurred by Members in the handling and litigation of claims and to assist the Members through the Services in building their technical, managerial and financial capacity. These purposes shall be accomplished through the exercise of the powers of such Members jointly in the creation of the Authority as a separate entity in accordance with applicable law.

It is also the purpose of this Agreement to provide, to the extent permitted by law, for the inclusion at a subsequent date of such additional Members organized and existing under the laws of the State of California as may desire to become parties to the Agreement and members of the Authority, subject to approval by the Board of Directors as set forth herein.

Article 3 — Parties to Agreement

Each party to this Agreement certifies that it intends to and does contract with all other parties who are signatories to this Agreement and, in addition, with such other parties as may later be added as parties to and signatories to this Agreement pursuant to Article 18. Each party to this Agreement also certifies that the deletion of any party from this Agreement, pursuant to Article 19 or Article 20, shall not be considered the completion of the purpose of this Agreement or affect this Agreement or such party's intent to contract as described above with the other parties to the Agreement then remaining. All parties to this Agreement must be either a Company or a District.

Article 4 — Term of Agreement

This Agreement became effective January 1, 2016, and it shall continue until terminated as hereinafter provided. This Agreement shall become effective as to each new Member upon: (i) approval of its membership by the Board of Directors, (ii) the execution of this Agreement by the Member, and (iii) upon payment by the Member of any initial contribution as the Board of Directors may determine. Any subsequent amendments to the Agreement shall be in accordance with Article 27 of this Agreement.

Article 5 — Creation of Authority

Pursuant to Section 6500 *et seq.* of the California Government Code, there is hereby created a public entity separate and apart from the parties hereto, to be known as the California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority. Pursuant to Government Code Section 6508.1, the debts, liabilities and obligations of the Authority shall be solely its own, no District member shall be responsible for the underlying debts or liabilities of the Authority, and such debts, liabilities or obligations of the Authority shall not constitute debts, liabilities or obligations of any party to this Agreement or of any Company or District. Such Company and District Members shall be fully indemnified by the Authority against such debts, liabilities or obligations, to the extent permitted by law, specifically including Government Code Section 6525(b)(1). The Authority exists separately and apart from the Member Agencies.

The Authority is not an insurer, and the Programs offered by or on behalf of the Authority are to be interpreted in conformance with Government Code sections 990, 990.4, 990.8 and 6500 *et seq.* and contract law. The laws of insurance shall not apply.

Article 6 — Powers of Authority

(a) The Authority shall have the powers common to Members and the powers set forth in Government Code Section 6525(b), and is hereby authorized to do all acts necessary for the exercise of said powers, including, but not limited to, any or all of the following:

- (1) To make and enter into contracts;
- (2) To incur debts, liabilities or obligations as necessary, including to finance any Programs and Services offered to Members;
- (3) To receive grants and donations of property, funds, services and other forms of assistance from persons, firms, corporations and governmental entities;
- (4) To acquire, hold, lease or dispose of property, contributions and donations of property, funds, services and other forms of assistance from persons, firms, corporations and governmental entities;
- (5) To employ agents and employees, and/or to contract for services rendered by such agents and employees;
- (6) To sue and be sued in its own name;
- (7) To exercise all powers and perform all acts as otherwise provided for in the Bylaws; and
- (8) To exercise all powers necessary and proper to carry out the terms and provisions of this Agreement, or otherwise authorized by law.

(b) Said powers shall be exercised pursuant to the terms hereof and in the manner provided by law. In accordance with Government Code Section 6509, the foregoing powers shall be subject to the restrictions upon the manner of exercising such powers applicable to North of the River Municipal Water District.

Article 7 — Board of Directors

(a) Subject to the limitations of this Agreement and the laws of the State of California, the Authority shall be governed by a Board of Directors which is hereby established and designated to administer this Agreement pursuant to Government Code Section 6506. The powers of the Authority shall be exercised through the Board of Directors, who may, from time to time, adopt and modify bylaws and other policies and procedures for that purpose and for the conduct of its meetings as it may deem proper.

(b) The Board of Directors shall be composed of between five (5) and nine (9) directors, as determined upon the formation of the Authority by the initial Members and thereafter determined by the Board of Directors from time to time. The initial Board of Directors shall be appointed by the original Members and upon expiration of that initial term, the directors shall be elected by the Members who have executed this Agreement, as it

may be amended. The terms of directors, procedures for election of directors and procedures for meetings shall be as set forth in the Bylaws. Each Member of the Board of Directors shall have one vote. Each Member of the Board shall serve as set forth in the Bylaws.

(c) The Board of Directors shall meet as specified in the Bylaws. All meetings of the Board of Directors, including, without limitation, regular, adjourned regular and special meetings, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act, California Government Code Sections 54950 *et seq.*

Article 8 — Powers of the Board of Directors

The Board of Directors of the Authority shall have the powers and functions as set forth in the Bylaws.

Article 9 — Officers of the Authority

The officers of the Authority shall be a President, Vice President, Chief Executive Officer, Secretary, Treasurer and Auditor/Controller, whose duties shall be as set forth in the Bylaws or as prescribed by applicable provisions of law. The position of Treasurer and Auditor/Controller may be held by the same person concurrently.

Article 10 — Standing Committees

The Bylaws shall establish standing committees deemed necessary for the management of the Authority. In addition to those standing committees established in the Bylaws, the Board of Directors may establish other standing or temporary committees from time to time, as provided in the Bylaws.

Article 11 — Insurance Program Administrator and Other Staff

(a) **Insurance Program Administrator.** The Board of Directors shall appoint an Insurance Program Administrator who shall be responsible for the general administration of the Authority's Programs and related activities as directed by the Board of Directors.

(b) **Legal Counsel.** The Board of Directors shall appoint an attorney at law who shall serve as general Legal Counsel to the Authority.

(c) **Other Staff.** The Board of Directors shall provide for such other staff of the Authority, to be hired by the Chief Executive Officer, as may be necessary for the efficient and productive administration and operation of the Authority.

Article 12 — Insurance Coverage

(a) The Authority shall provide for such types and levels of coverage for Programs as the Board of Directors, with the advice of the Authority's Advisory Committee, shall determine.

(b) The Programs provided for Members by or on behalf of the Authority may include protection for comprehensive and economical general liability, public liability, property damage, directors' and officers' errors and omissions, auto liability, boiler and machinery, employment practices, employee benefits liability coverage, workers' compensation, and/or coverage for other risks which the Board of Directors may determine to be advisable. The Board of Directors may arrange for the purchase of insurance or Reinsurance.

Article 13 — Accounts and Records

(a) **Annual Budget.** The Board shall annually adopt an operating budget. As deemed appropriate by the Board of Directors, that budget may include separate budgets for individual Programs and individual types of Services to be provided to the Members.

(b) **Funds and Accounts.** The Treasurer shall establish and maintain such funds and accounts as required by the Board of Directors and as required by generally accepted accounting principles. Books and records of the Authority shall be open to any inspection at all reasonable times by authorized representatives of Members as otherwise required by law. Quarterly unaudited financial statements shall be produced and distributed to all Members. The Authority shall adhere to the standard of strict accountability set forth in Government Code Section 6505.

(c) **Financial Reports.** The Auditor-Controller shall present a complete written report of all financial and investment activities of the Authority for the most recently completed fiscal year to the Board of Directors and to all Members no later than ninety (90) days after completion of the Authority's fiscal year, and shall prepare quarterly reports as required under Government Code Section 53646, and such reports as are required by law.

(d) **Annual Audit.** The Auditor/Controller shall cause to be made by an outside certified public accountant experienced in local governmental agency auditing an annual audit of the accounts and records of the Authority, which audit shall conform to generally accepted auditing standards. Such report shall be presented to the Board of Directors for approval and concurrence. Costs of the audit shall be considered a general expense of the Authority.

Article 14 — Responsibility for Monies

(a) The Auditor-Controller shall have the authority to delegate the signatory function of the Auditor-Controller to such persons as are authorized by resolution of the Board of Directors.

(b) The Auditor-Controller shall perform, and to the extent allowed by law, may cause to be performed, all duties set forth in Government Code Section 6505.5.

(c) A bond in an amount determined adequate by the Board of Directors shall be required of all officers and personnel authorized to disburse funds of the Authority. The premium for such bond shall be paid for by the Authority.

(d) The Treasurer of the Authority shall assume the duties described in California Government Code Section 6505.5, including:

- (1) Receive and acknowledge receipt for all money of the Authority and place it in the treasury of the Authority;
- (2) Be responsible upon his or her official bond for the safekeeping and disbursement of all of the Authority's money so held by him or her;
- (3) Pay, when due, out of money of the Authority so held by him or her, all sums payable on any outstanding bonds or other liabilities of the Authority;
- (4) Pay any other sums due from Authority money only upon checks, warrants, or electronic payments approved by the Chief Executive Officer or his or her designee. The checks, warrants, or electronic payments shall be reviewed by the President of the Board and either the Treasurer or the Chair of the Finance and Audit Committee.

Article 15 — Services Provided by the Authority

The Authority may provide, at the sole discretion of the Board of Directors, the following services to the Members:

- (a) Establish Programs through which Members shall procure coverage as necessary.
- (b) Assist each Member's designated risk manager with the implementation of that risk management function as it relates to risks faced by Members in their ordinary course of business.
- (c) Provide, or cause to be provided, the Services to Members, as well as loss prevention and safety consulting services, as required.
- (d) Review Member contracts to determine sufficiency of indemnity and Insurance provisions when requested.
- (h) Conduct risk assessments for each Member.
- (i) The Authority shall provide such other services and have such other responsibilities as deemed necessary by the Board of Directors.

Article 16 — Responsibilities of Members

Members shall have the following responsibilities:

- (a) Each Member shall appoint an employee or other representative of the Member to be responsible for the risk management function within that Member and to serve as a liaison between the Member and the Authority as to risk management.
- (b) Each Member shall maintain an active safety program through a designated safety officer.
- (c) Each Member shall timely pay its contributions for any Programs.
- (e) Each Member shall cooperate fully with the Authority and any insurer or reinsurer under any Program in determining the causes of losses, in the settlement of losses and in any other matters relating to this Agreement.
- (f) Each Member shall provide the Authority with such other information or assistance as may be necessary for the Authority to carry out the Programs under this Agreement.
- (g) Each Member shall comply with all Bylaws and policies and procedures adopted by the Board of Directors.
- (h) Each Member shall remain a “Regular Member,” “Affiliate Member” or “Associate Member,” as defined in the Association’s Bylaws and as applicable in relation to that Member’s entity status, in good standing of the Association.

Article 17 - Programs and Services

The Authority may develop and implement Programs and provide Services the Authority deems necessary, advisable and beneficial to Members. The Authority, through the Board of Directors, shall use its best efforts to develop outside funding sources to avoid imposing on the Members any monetary obligations other than contributions to be paid as consideration for participation in the Programs. Each Member may apply for membership and participation in any Program conducted by the Authority and to receive any Service provided by the Authority, but acceptance in any Program shall be subject to the approval of the Insurance Program Administrator or the Board of Directors.

Article 18 — New Members

The Authority shall allow new Members to join the Authority and participate in the Programs and receive the Services upon approval by the Board of Directors, and upon any conditions or limitations that the Board deems appropriate. Members entering under this Article may be required to pay their share of the Authority’s organizational expenses as determined by the Board of Directors. Any such new Member must be a “Regular

Member,” “Associate Member” or “Affiliate Member” of the Association, as may be applicable. Any new Member of the Authority must commit to membership for an initial term of three (3) years, subject to earlier withdrawal only in accordance with the provisions of Article 19, below.

Article 19 — Withdrawal

(a) A Member may withdraw as a party to this Agreement upon thirty (30) days' advance written notice to the Authority if it has never been a participant in any Program, or if it has withdrawn from all Programs in which it was a participant in accordance with subdivision (b), below; provided, however, that no Member may withdraw before the expiration of its initial three (3) year membership term unless: (i) there is an increase of fifteen percent (15%) or more in any single year in that Member's contribution(s) for any particular Program(s) that does not result from the Member's actions or misconduct; or (ii) the Insurance Program Administrator in place at the time the Member joined the Authority separates from the Authority for any reason, including, but not limited to, the Authority's termination of the Insurance Program Administrator's engagement with the Authority or the Insurance Program Administrator's resignation from the Authority.

(b) Subject to the provisions of subdivision (a), above, after becoming a participant in a Program, a Member may withdraw from that Program only at the end of a coverage year, or as may otherwise be allowed by the Board of Directors; and only if the Member has given the Authority at least six (6) months' advance written notice of that proposed withdrawal.

(c) A former Member who again desires to participate in an Authority Program after having withdrawn from that Program must again join the Authority as a new Member before it may participate in that Program. The terms of each Program shall determine whether any benefits will be held over from that Member's former status as a previous Program participant.

(d) A Member may not withdraw as a party to this Agreement nor as a member of the Authority until it has withdrawn from all of the Programs of the Authority.

(e) Notwithstanding any other provision of this Article 19, a District that is the only District that is a Member of the Authority at a particular time may not withdraw from the Authority until the first of the following occurs: (i) six (6) months have elapsed since that District has given the Authority written notice of its desire to withdraw; or (ii) the Authority has secured a written commitment from another District to join the Authority.

Article 20 — Cancellation by Authority of Membership or Participation

(a) Notwithstanding the provisions of Article 19, the Authority shall have the right to cancel any Member's participation in any Program upon a two-thirds vote of the Directors present at any Duly Constituted Board Meeting, provided that a reasonable time shall be afforded, at the discretion of the Board of Directors, to place coverage

elsewhere before that cancellation shall be effective. For purposes of this subdivision, a reasonable time shall consist of at least ninety (90) days' prior written notice, unless the cancellation results from a material increase in hazard as a result of the Member's operations, in which case at least ten (10) days' written notice shall be provided. Such cancellation shall not relieve the Member or former Member of its responsibilities as provided for in Article 21(b).

(b) Notwithstanding any other provisions of this Agreement, the participation of any Member of the Authority, including participation in any of the Authority's Programs and receiving any of the Services, shall cease and be canceled automatically at the end of the next complete coverage year for each Program and Service whenever such Member's membership in the Association ceases. Such automatic cancellation shall not relieve the Member or former Member of its responsibilities as provided for in Article 21(b).

(c) Notwithstanding any other provisions of this Agreement, the participation of any Member, including participation in any of the Authority's Programs and Services, may be canceled at the discretion of the Board of Directors whenever such Member is dissolved, consolidated, merged or annexed. A reasonable time shall be afforded, in the discretion of the Board of Directors, to place coverage elsewhere. Any such cancellation shall not relieve the Member or former Member of its responsibilities as provided for in Article 21(b).

Article 21 — Effect of Withdrawal or Cancellation

(a) The withdrawal or cancellation of any Member from this Agreement shall not terminate the Agreement and a Member by withdrawing or being canceled shall not be entitled to payment or return of any contribution, consideration or property paid, or donated by the Member to the Authority, or to any distribution of assets, except as provided in Article 22(c).

(b) The withdrawal or cancellation of any Member after the effective date of any Program shall not terminate its responsibility to pay its share of the costs of that Program until all claims, or other unpaid liabilities, covering the Program period any part of which the Member was signatory thereto have been finally resolved

Article 22 — Termination and Distribution

(a) This Agreement may be terminated at any time by the written consent of three-fourths (3/4) of the Members, provided, however, that this Agreement and the Authority shall continue to exist for the purpose of disposing of all claims, distributing assets and all other functions necessary to wind up the affairs of the Authority. This Agreement shall also terminate if a District that is the only District then a Member of the Authority withdraws in accordance with Section 19(e), above, and no other District becomes a Member of the Authority before that withdrawal becomes effective.

(b) The Board of Directors is vested with all powers of the Authority for the purpose of winding up and dissolving the business affairs of the Authority.

(c) Upon termination of this Agreement, all properties and cash of the Authority shall be distributed only among the Members that have been signatories hereto, including any of those Members which previously withdrew pursuant to Article 19(d) or were canceled pursuant to Article 20 of this Agreement, in accordance with and proportionate to their cash contributions (including payments and property contributions at market value when received) made during the term of this Agreement. The Board of Directors shall determine such distribution within six (6) months after satisfaction of the last remaining liability of the Authority.

(d) In the absence of a Board of Directors, the Chief Executive Officer shall exercise all powers and authority under this Article. The decision of the Board of Directors or, in the absence of a Board of Directors, the Chief Executive Officer under this Article shall be final.

Article 23 -- Enforcement

The Authority is hereby granted authority to enforce this Agreement. In the event action is instituted to enforce the terms of this Agreement, the Bylaws and/or any policies and/or procedures of the Board of Directors and the nondefaulting party(s) should employ attorneys or incur other expenses for the collection of moneys or the enforcement or performance or observance of any obligation or agreement on the part of the defaulting party(s) herein contained, the defaulting party agrees that it will on demand therefore pay to the nondefaulting party(s) the reasonable fees of such attorneys and such other expenses so incurred by the nondefaulting party(s).

Article 24 – Non-liability of Directors, Officers and Employees

In accordance with Government Code Sections 825 et seq., the Board of Directors, and the officers and employees of the Authority, including former Directors, officers and employees, shall not be liable to the Authority, to any Member or former Member, or to any other person, for actual or alleged breach of duty, mistake of judgment, neglect, error, misstatement, misleading statement, or any other act or omission in the performance of their duties hereunder; for any action taken or omitted by any employee or independent contractor; for loss incurred through the investment or failure to invest funds; or for loss attributable to any failure or omission to procure or maintain insurance; except in the event of fraud, gross negligence, or intentional misconduct of such Director, officer or employee. The Authority shall defend and shall indemnify and hold harmless its Directors, officers and employees, including former Directors, officers and employees, from any and all claims, demands, causes of action, and damages arising out of their performance of their duties as such Directors, officers or employees of the Authority except in the event of fraud, gross negligence, corruption, malice or intentional misconduct, and the funds of the Authority shall be used for such purpose. The Authority may purchase conventional insurance to protect the Authority, and its participating Members or former Members, against any such acts or omissions by its Directors, officers and employees, including former Directors, officers and employees.

Article 25 — Provision for Bylaws and Mission Statement

As soon as practicable after the first meeting of the Board of Directors, the Board shall cause to be developed Authority Bylaws and a Mission Statement.

Article 26 — Notices

Notices to Members hereunder shall be sufficient if delivered to the principal office of the respective Member.

Article 27 — Amendment

This Agreement may be amended at any time by a majority vote of the Members, and any such amendment shall be binding on the Members to the extent allowed by law.

Article 28 — Prohibition against Assignment

No Member may assign any right, claim or interest it may have under this Agreement, and no creditor, assignee or third party beneficiary of any Member shall have any right, claim or title or any part, share, interest, fund, contribution or asset of the Authority.

Article 29 -- Counterparts

This Agreement may be executed in one or more counterparts and shall be as fully effective as though executed in one document.

Article 30 -- California Law

This Agreement shall be governed by and construed under the laws of the State of California.

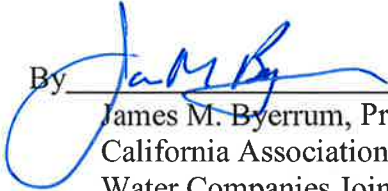
Article 31 -- Severability

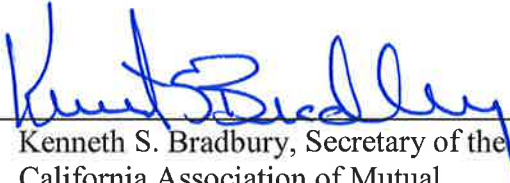
Should any part, term or provisions of this Agreement be determined by any court of component jurisdiction to be illegal or in conflict with any law of the State of California or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby.

Article 32 — Agreement Complete

The foregoing constitutes the full and complete Agreement of the parties. There are no oral understandings or agreements not set forth in writing herein.

IN WITNESS WHEREOF, this Amended Joint Powers Agreement Creating the California Association of Mutual Companies Joint Powers Risk and Insurance Management Authority was unanimously approved pursuant to Article 27 of the original Joint Powers Agreement Creating the California Association of Mutual Companies Joint Powers Insurance Authority (the "Authority") by the Authority's Board of Directors, by action taken at a duly noticed and held public meeting on January 28, 2016.

By  _____
James M. Byerrum, President of the
California Association of Mutual
Water Companies Joint Powers Risk
and Insurance Management Authority

By  _____
Kenneth S. Bradbury, Secretary of the
California Association of Mutual
Water Companies Joint Powers Risk
and Insurance Management Authority

APPENDIX A

**INITIAL MEMBERS OF THE
CALIFORNIA ASSOCIATION OF MUTUAL WATER COMPANIES
JOINT POWERS RISK AND INSURANCE MANAGEMENT AUTHORITY**

North of the River Municipal Water District (public agency member)

Bellflower-Somerset Mutual Water Company (mutual water company member)

California Domestic Water Company (mutual water company member)

Covina Irrigating Company (mutual water company member)

Montebello Land & Water Company (mutual water company member)

Oildale Mutual Water Company (mutual water company member)

Rubio Cañon Land and Water Association (mutual water company member)

South Mesa Water Company (mutual water company member)

Sunny Slope Water Company (mutual water company member)

Valencia Heights Water Company (mutual water company member)

The Premier Workers' Compensation Specialist

Proposal # R0ANZLA

Date: 04/07/2021

Bighorn Desert View Water Agency
622 Jemez Trl
Yucca Valley CA 92284-1440

MIA GARZA

ALLIED COMMUNITY INSURANCE SERVICES LLC
Prod Cd: 093499A 7
(717) 657-9671
11452 EL CAMINO REAL
SUITE 250
SAN DIEGO CA 92130

This is an indication only. A change is pending that may impact rating factors or eligibility requirements for: California

Workers' Compensation Proposal

Policy Period:	07/01/2021 at 12:01 a.m. to 05/01/2022 at 12:01 a.m.	Estimated Payroll :	\$547,088
Employer's Liability Limits:	1,000,000/1,000,000/1,000,000	Total Estimated Premium (without fees):	\$10,096
Group Membership:	WATER INDUSTRY GROUP >= \$10,000	Total State Fees & Assessments:	\$400
		Total Estimated Premium Incl Charges:	\$10,496

Selected Payment Plan

Selected Payment Option:	Installment Plan	Zenith Insurance Company and its wholly owned subsidiary ZNAT Insurance Company (together, "Zenith") offer flexible payment options and there is never a charge for installments. You will be billed directly by Zenith Insurance Company.
Billing Type:	Direct Bill	
Frequency:	Monthly	
Deposit Premium:	\$1,515 / 15%	
State Fees & Assessments:	\$60	
Total Due Up Front:	\$1,575	

The remaining amount due will be paid in 8 installments of \$1,115.

Dividend Plan for WATER INDUSTRY GROUP >= \$10,000

This proposal is based on the employer's membership in the WATER INDUSTRY GROUP >= \$10,000, and if accepted, will make the insured member eligible for future dividends which may be declared by the Zenith Insurance Company Board of Directors. Under California workers' compensation insurance, a dividend is a refund to the policyholder that represents a portion of the premium that the insurer did not need to pay claims or meet expenses.

Under California law it is unlawful for an insurer to promise the future payment of dividends under an unexpired workers' compensation policy or to misrepresent the conditions for dividend payment. Dividends are payable only pursuant to conditions determined by the Board of Directors or other governing board of the Zenith Insurance Company following policy expiration. Forfeiture of a right to, reduction in the amount of, or delay in the payment of a policyholder's dividend due to the policyholder's failure to accept renewal of the policy or subsequent policies issued by the same insurer is illegal and constitutes an unfair practice.

It is a misdemeanor for any insurer or officer or agent thereof, or any Insurance broker or solicitor, to promise the payment of future workers' compensation dividends. Past dividend performance is no guarantee of an insurer's future dividend performance.

This proposal is good until 07/01/2021 at 12:01 a.m. and is subject to the terms and conditions of the policy for which this proposal is given, including any special conditions and/or exclusions that may apply. This proposal does not constitute an insurance policy.

- * This proposal is based on information given to us. Please verify the information contained in this proposal and read the Proposal Disclaimer carefully.
- * This proposal was issued by: Zenith Insurance Company, 7440 N. Palm Avenue Suite #103, Fresno, CA 93711 Phone: (559) 449-4715, Underwriter: Lori Henson

California Premium Calculation
Zenith Insurance Company

Indication Only. Change Pending

STATE COVERAGE									
State	From	Through	Class Code	Description	No. of Emp FT/PT	Est. Payroll	Manual Rate	Est. Manual Premium	Est Net Rate*
CA	07/01/21	05/01/22	7520-0	WATER COMPANIES--ALL EMPLOYEES--INCLUDING CONSTRUCTION OR EXTENSION OF LINES.	5/0	271,518	3.85	10,453	2.81
CA	07/01/21	05/01/22	8742-0	SALESPERSONS--OUTSIDE.	0/5	21,093	0.88	186	0.64
CA	07/01/21	05/01/22	8810-0	CLERICAL OFFICE EMPLOYEES--N.O.C.	3/0	124,505	0.59	735	0.43
CA	07/01/21	05/01/22	9410-0	MUNICIPAL, STATE OR OTHER PUBLIC AGENCY EMPLOYEES--NOT ENGAGED IN MANUAL LABOR,DIRECT SUPERVISION OF CONSTRUCTION OR ERECTION WORK -- N.O.C.	1/0	129,972	1.89	2,456	1.38

*Est. Net Rate is the manual rate modified by an experience modification factor (if applicable) and other adjustments.

California Adjustments and Calculation Details

07/01/21 to 05/01/22

State Manual Premium			\$13,830
Employers Liability Limits 1,000,000 Per Accident 1,000,000 Per Disease 1,000,000 Policy Limit		(.00%)	\$0
Risk Adjustment		(-27.00%)	\$-3,734
Ciga Charges		0	\$0
State Regulatory Assessment		.034856	\$352
State Regulatory Fraud Assessment		.004734	\$48
Total State Assessments			\$400
Total Estimated Policy Premium & Fees			\$10,496

Notices and Disclaimers

PROPOSAL DISCLAIMER: *This proposal is subject to the information provided by you and/or the insurance agent, verification of this information and the applicable rates and underwriting guidelines applicable at the time. All proposals are for illustration purposes only; the actual premiums and coverage will be based on certain underwriting criteria, manuals, rates, rating plans and classifications. We reserve the right to change our manuals and apply the changes to the policy if authorized by law or a governmental agency regulating this insurance. The premium calculation details shown are estimates. The final premium will be determined after the policy ends by using the actual, not the estimated, premium basis and the proper classifications and rates that lawfully apply to the business and work covered by the policy. The final premium may also be affected by certain state legislative and/or regulatory changes. If the final premium is more than the premium you paid to us, you must pay us the balance. If the final premium is less, we will refund the balance to you. The final premium will not be less than the highest minimum premium for the classifications covered by this policy. You may be subject to a cancellation penalty in the event you cancel the policy prior to the policy expiration date. In the event any provision of this proposal and any provision of the policy, including endorsements, if any, are inconsistent or conflicting, the inconsistent or conflicting provision of the policy shall control.*

POLICYHOLDER DISCLOSURE NOTICE OF TERRORISM INSURANCE COVERAGE: *Coverage for acts of terrorism is included in the proposal. You are hereby notified that under the Terrorism Risk Insurance Act, as amended in 2015, the definition of act of terrorism has changed. As defined in Section 102(1) of the Act: The term "act of terrorism" means any act or acts that are certified by the Secretary of the Treasury - in consultation with the Secretary of Homeland Security, and the Attorney General of the United States - to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property, or infrastructure; to have resulted in damage within the United States, or outside the United States in the case of certain air carriers or vessels or the premises of a United States mission; and to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion. Under the coverage, any losses resulting from certified acts of terrorism may be partially reimbursed by the United States Government under a formula established by the Terrorism Risk Insurance Act, as amended. However, your policy may contain other exclusions which might affect your coverage, such as an exclusion for nuclear events. Under the formula, the United States Government generally reimburses 85% through 2015; 84% beginning on January 1, 2016; 83% beginning on January 1, 2017; 82% beginning on January 1, 2018; 81% beginning on January 1, 2019, and 80% beginning on January 1, 2020 of covered terrorism losses exceeding the statutorily established deductible paid by the insurance company providing the coverage. The Terrorism Risk Insurance Act, as amended, contains a \$100 billion cap that limits United States government reimbursement as well as insurers' liability for losses resulting from certified acts of terrorism when the amount of such losses exceeds \$100 billion in any one calendar year. If the aggregate insured losses for all insurers exceed \$100 billion, your coverage may be reduced. The portion of the annual premium that is attributable to coverage for acts of terrorism is CA \$0.00 per \$100 of payroll and does not include any charges for the portion of losses covered by the United States government under the Act.*

NOTICE OF MEDICAL PROVIDER NETWORK/PANEL: *Our medical management team maintains a comprehensive medical provider network or panel depending on the region, that includes a full range of health care providers, primary, and specialty care physicians, as well as hospitals and associated services. The health care service providers in our network have been selected based on their geographic location, specialty and credentials. All workers' compensation medical treatment provided under the policy will be administered by appropriately credentialed providers according to nationally accepted evidence-based treatment guidelines.*

CALIFORNIA EXECUTIVE OFFICER, PARTNER, MANAGING MEMBER EXCLUSIONS: *Any Officer, Director, Partner or Managing Member that desires to be excluded from coverage must complete the attached waiver (one signed waiver per excluded individual) - the law strictly prohibits our ability to exclude these individuals from coverage until we have received and accepted a signed waiver. Please return any/all signed waivers with binding order or instructions to your local Zenith underwriting office.*

California Short-Rate Cancellation Disclosure Notice

**IMPORTANT NOTICE ABOUT THE POLICY OF INSURANCE FOR WHICH YOU HAVE APPLIED
 PLEASE READ THE FOLLOWING INFORMATION CAREFULLY**

The policy for which you have applied contains a cancellation provision that permits us to refund premium on a basis other than the pro rata when you cancel the policy. Under the policy for which you have applied, if you cancel the policy, your final premium will be calculated based on the time your policy was in force with us, increased by the percentage specified in the short-rate cancellation table listed below.

Short Rate Cancellation Table

Short Rate Cancellation Table FOR TERM OF ONE YEAR								
Days Policy In Force	Percent of One Year Premium	Days Policy In Force	Percent of One Year Premium	Days Policy In Force	Percent of One Year Premium	Days Policy In Force	Percent of One Year Premium	
1	5%	95-98	.....	37%	219-223	.....	69%
2	6%	99-102	.....	38%	224-228	.....	70%
3-4	7%	103-105	.....	39%	229-232	.....	71%
5-6	8%	106-109	.....	40%	233-237	.....	72%
7-8	9%	110-113	.....	41%	238-241	.....	73%
9-10	10%	114-116	.....	42%	242-246	(8 mos.)	74%
11-12	11%	117-120	.....	43%	247-250	.....	75%
13-14	12%	121-124	(4 mos.)	44%	251-255	.....	76%
15-16	13%	125-127	.....	45%	256-260	.....	77%
17-18	14%	128-131	.....	46%	261-264	.....	78%
19-20	15%	132-135	.....	47%	265-269	.....	79%
21-22	16%	136-138	.....	48%	270-273	(9 mos.)	80%
23-25	17%	139-142	.....	49%	274-278	.....	81%
26-29	18%	143-146	.....	50%	279-282	.....	82%
30-32	(1 mo.)	19%	147-149	.....	51%	283-287	.....	83%
33-36	20%	150-153	(5 mos.)	52%	288-291	.....	84%
37-40	21%	154-156	.....	53%	292-296	.....	85%
41-43	22%	157-160	.....	54%	297-301	.....	86%
44-47	23%	161-164	.....	55%	302-305	(10 mos.)	87%
48-51	24%	165-167	.....	56%	306-310	.....	88%
52-54	25%	168-171	.....	57%	311-314	.....	89%
55-58	26%	172-175	.....	58%	315-319	.....	90%
59-62	(2 mos.)	27%	176-178	.....	59%	320-323	.....	91%
63-65	28%	179-182	(6 mos.)	60%	324-328	.....	92%
66-69	29%	183-187	.....	61%	329-332	.....	93%
70-73	30%	188-191	.....	62%	333-337	(11 mos.)	94%
74-76	31%	192-196	.....	63%	338-342	.....	95%
77-80	32%	197-200	.....	64%	343-346	.....	96%
81-83	33%	201-205	.....	65%	347-351	.....	97%
84-87	34%	206-209	.....	66%	352-355	.....	98%
88-91	(3 mos.)	35%	210-214	(7 mos.)	67%	356-360	.....	99%
92-94	36%	215-218	.....	68%	361-365	(12 mos.)	100%

PRIVACY NOTICE FOR CALIFORNIA RESIDENTS

This Privacy Notice for California Residents supplements the information contained in Zenith's Privacy Statement (<https://www.thezenith.com/zenith/privacy-center/privacy-statement>), Zenith's Privacy Policy for California Residents (<https://www.thezenith.com/zenith/privacy-center/privacy-policy-for-california-residents>), and any other privacy notices previously provided to you. This notice applies solely to natural persons who are residents in the State of California ("consumers" or "you"). We adopt this notice to comply with the California Consumer Privacy Act of 2018 ("CCPA") and any terms defined in the CCPA have the same meaning when used in this notice.

Information We Collect

As insurance companies that write workers' compensation insurance and commercial property and casualty insurance, we collect personal information about you when it is necessary to conduct the business of insurance.

When you or a business you are associated with applies for workers' compensation insurance or you or a business you are associated with is a workers' compensation insurance policyholder, we may collect the following information: 1) your name; 2) your physical and mailing address; 3) your email address; 4) your telephone number; 5) your signature; 6) your Social Security number, federal employer identification number or other federal or state identification number; 7) your date of birth; 8) your and your employees' driver's license numbers; 9) salaries and compensation paid by the business to you, other owners and your employees; 10) prior insurance policy numbers, loss runs and insurance experience and history; 11) information about your financial assets; 12) education, employment, and employment history and/or professional employment information to verify your eligibility or those of other owners for exclusion from coverage under the workers' compensation law; 13) your marital status and 14) your bank account number and details, credit card number and details, and other financial information to process premium payments and refunds.

Some of the items listed above may be considered personal information subject to the CCPA. In general, we will have collected the following categories of personal information from consumers similar to you within the last twelve (12) months (please see Zenith's Privacy Policy for CCPA referenced above for a complete list of categories Zenith will have collected):

Category	Examples	Business Purpose
A. Identifiers	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	<ul style="list-style-type: none"> • Communicating with you • Underwriting your policy • Administering or investigating a claim • Making payments to you • Honoring our contractual obligations • Improving our products and services • Security Purposes • Complying with law
B. Personal information categories described in the California Customer Records Statute (Cal. Civ. Code § 1798.80(e))	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information.	<ul style="list-style-type: none"> • Communicating with you • Underwriting your policy • Administering or investigating a claim • Making payments to you, taking payments from you • Honoring our contractual obligations • Improving our products and services • Security Purposes • Complying with law
C. Characteristics of protected classifications under California or federal law	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	<ul style="list-style-type: none"> • Underwriting your policy • Administering or investigating a claim • Making payments to you, taking payments from you • Honoring our contractual obligations • Complying with law • Improving our products and services • Security Purposes
D. Commercial Information	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	<ul style="list-style-type: none"> • Underwriting your policy • Administering or investigating a claim • Honoring our contractual obligations • Complying with law • Improving our products and services
E. Internet or other electronic network activity information	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	<ul style="list-style-type: none"> • Administering or investigating a claim • Improving our products and services • Underwriting your policy

I. Professional or employment-related information	Current or past job history or performance evaluations, income and salary details, credentialing information.	<ul style="list-style-type: none"> • Underwriting your policy • Administering or investigating a claim • Complying with law
J. Education information that is not publicly available and that is personally identifiable information as defined in the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g)	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	<ul style="list-style-type: none"> • Underwriting your policy • Administering or investigating a claim • Complying with law

Personal information does not include:

- Publicly available information from federal, state or local government records.
- Deidentified or aggregated consumer information.
- Information excluded from the CCPA's scope such as personal information collected, processed, sold or disclosed pursuant to the Gramm-Leach-Bliley Act and implementing regulations ("GLBA"), the California Financial Information Privacy Act ("CFIPA"), and the Driver's Privacy Protection Act of 1994 ("DPPA").

When information is subject to an exclusion, your rights under the CCPA are limited.

Use of Personal Information

We may use or disclose the personal information we collect for one or more of the following business purposes:

- To fulfill or meet the reason you provided the information. For example, if you applied for Workers' Compensation insurance, we will collect your bank account details if you wish to pay your premium by electronic funds transfer.
- To review, investigate, process and pay claims.
- To provide you with support and respond to your inquiries, including investigating and addressing your concerns and monitoring and improving our responses.
- To create, maintain, customize, and secure your account with us, including detecting security incidents and debugging to identify and repair errors that impair existing functionality.
- To process your requests, premium payments transactions, and other payments to and from you and prevent transactional fraud.
- For testing, research, analysis, and product development, including to develop and improve our Website, products, and services.
- To respond to law enforcement requests, regulatory agency requests and as required or allowed by applicable laws, court order, rules or regulations.
- As described to you when collecting your personal information or as otherwise set forth in the CCPA or as otherwise set forth in this Privacy Policy and any other CCPA Privacy Notice (for example, the business purposes set forth in the chart above).
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Zenith's assets in which personal information held by Zenith is among the assets transferred.
- To conduct fraud investigations and report fraud pursuant to applicable laws, court order, rules or regulations.

Zenith will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice. The business purposes listed above may also apply to the categories of personal information in the chart above.

Your Rights and Choices

Effective January 1, 2020, the CCPA provides consumers (California residents) with specific rights regarding their personal information. You have the right to know about personal information collected, disclosed or sold. In addition, you have the right, subject to certain exceptions, to request deletion of personal information. You can learn more about your CCPA rights and how to exercise them by visiting our Privacy Policy for California Residents at <https://www.thezenith.com/zenith/privacy-center/privacy-policy-for-california-residents>.

CCPA WC PN (Ed. 01/20)

Insured Name : Bighorn Desert View Water Agency	Policy No:
Insurer/Company No :	Producing Branch: 004

WAIVER OF WORKERS' COMPENSATION COVERAGE

Pursuant to California Labor Code Sections 3351 and 3352, I hereby certify, under penalty of perjury, that I am: [check one box only]

If the Insured is a Corporation:

- An officer or member of the board of directors of the above-named insured, which is a **quasi-public or private corporation**, and that I own at least **ten percent (10%)** of the issued and outstanding stock of the above-named insured corporation. As a qualifying officer or director, I elect to be excluded from the corporation's workers' compensation insurance policy with the above-referenced insurer.
- An officer or member of the board of directors of the above-named insured, which is a **quasi-public or private corporation**, and: 1) I own at least **one percent (1%)** of the issued and outstanding stock of the above-named insured corporation; and 2) my parent, grandparent, sibling, spouse or child owns at least ten percent (10%) of the issued and outstanding stock of the above-named insured corporation; and 3) I am covered by a health insurance policy or a health care service plan. As a qualifying officer or director, I elect to be excluded from the corporation's workers' compensation insurance policy with the above-referenced insurer.
- An owner of a **professional corporation**, as defined in Section 13401 of the Corporations Code, and: 1) I am a practitioner rendering the professional services for which the professional corporation is organized; and 2) I am covered by a health insurance policy or a health care service plan. As a qualifying owner, I elect to be excluded from the corporation's workers' compensation insurance policy with the above-referenced insurer.
- An officer or member of the board of directors of the above-named insured which is a **cooperative corporation** organized pursuant to the Cooperative Corporation Law, as set forth in Part 2 (commencing with Section 12200) of Division 3 of Title 1 of the Corporations Code, and I am covered by both: 1) a health insurance policy or a health care service plan; and 2) a disability insurance policy that is comparable in scope and coverage, as determined by the Insurance Commissioner, to a workers' compensation insurance policy. As a qualifying officer or director, I elect to be excluded from the corporation's workers' compensation insurance policy with the above-referenced insurer.

If the Insured is a Partnership:

- A general partner of the above-named insured which is a **partnership**. As a qualifying general partner, I elect to be excluded from the partnership's workers' compensation insurance policy with the above-referenced insurer. If the Insured is a Limited Liability Company:
- A managing member of the above-named insured which is a **limited liability company**. As a qualifying managing member, I elect to be excluded from the limited liability company's workers' compensation insurance policy with the above-referenced insurer.

Applicable to All:

By signing this waiver, I understand and agree to the following:

- I am providing a sworn statement regarding my ownership interests in the above-named insured and my eligibility to choose to waive workers' compensation coverage for myself.
- Neither the insurer nor the producer will be required to investigate, verify or confirm the accuracy of the facts contained in this waiver.
- I will not be entitled to benefits under the policy even if the facts contained in the waiver are inaccurate. There will be a conclusive presumption that I will not be covered under the insured's workers' compensation policy with the above-referenced insurer if an employment-related injury occurs.
- The waiver shall be effective upon the date of receipt and acceptance by the above-referenced insurer.
- I consent to backdating the date of receipt and acceptance of the waiver to the policy inception date or up to 15 business days prior to the date of actual receipt by the insurer, whichever is less.
- The waiver shall remain in effect until I provide a written withdrawal of the waiver.

If none of these categories apply to the structure of your business, please consult your agent for guidance.

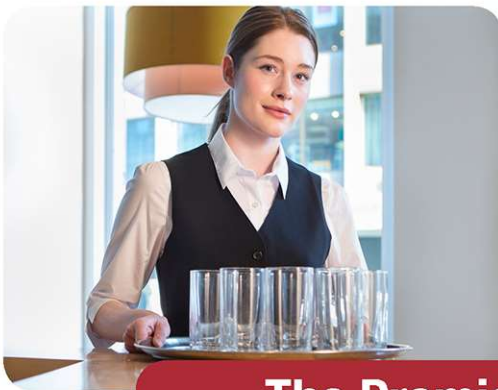
PRINT INDIVIDUAL'S FULL NAME	TITLE
SIGNATURE	DATE

ACCEPTED:

ZENITH AUTHORIZED REPRESENTATIVE	DATE
----------------------------------	------

NOTE TO EMPLOYER: The exclusion will be endorsed to the policy upon our receipt and acceptance of a signed and properly completed form. The person electing exclusion must sign this form. Company representatives may not sign on behalf of the individual. One exclusion per form. Submit additional forms if needed.

Please return any/all signed waivers to your local Zenith underwriting office.



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Zenith is the premier specialist in workers' compensation nationally. We combine depth of expertise with a forward-thinking approach to achieve the highest level of service and outcomes for our clients. We foster strong relationships with our valued independent agents and brokers. Together, we're able to explore solutions and address your business needs. We believe insurance is a long-term investment in your employees and the success of your business. Great businesses become even better when they invest in the best.

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- Put your employees first, helping anyone injured on the job get the medical care they need
- Fight fraud, so you can protect what you've built
- Provide attentive and responsive service, so you can focus on your business
- Help you strengthen your business reputation, so you can compete for talent

Your business challenges are unique, and a one-size-fits all solution rarely works.

Our commitment to you includes a focus on helping you reduce claims and their costs, which can lead to a lower experience modification over time. The proof is in the numbers: Zenith's loss ratios are consistently 20 to 30 points better than the industry average.*

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*Source: Industry data is from NCCI's 2016 Calendar-Accident Year Underwriting Results and WCIRB Quarterly Experience Report as of 2017, weighting by Zenith's premium distribution by state.

Quality Insurance, Technical Support,
& Investment in Small Systems



What We Offer You



Quick and easy 24/7 claim reporting



Online access to account information



Flexible ways to pay your workers' compensation premium



Policies over \$1,000 are eligible for automatic payments through electronic funds transfer



Complimentary access to Zenith Solution Center



You Can Expect Us To



Help you reduce workplace injuries and claims, so your business stays productive



Put your employees first, helping anyone injured on the job get the medical care they need



Fight fraud, so you can protect what you've built



Provide attentive and responsive service, so you can focus on your business



Help you strengthen your business reputation, so you can compete for talent

Your Insurance Partner Beyond the Policy.



WORKERS' COMPENSATION

ELIGIBILITY

- Mutual Water Companies
- Public Water / Sewer Districts
- Irrigation / Drainage Districts
- Reclamation / Levee Districts
- Community Services Districts
- Other Special Districts

HIGHLIGHTS

- Workers Compensation
 - Statutory Benefits for the State of CA
- Employers' Liability
 - \$1M Policy Limit
 - Per Accident / Per Disease
- Twelve Month Policy (unless pro-rated)
 - Auditable
- Rates per \$100 of payroll
 - Adjustments based on:
 - Experience Modification Factor
 - Premium Size Credit
 - Scheduled Credits & Debit
 - Territorial Factor
- Flexible Payment Plans (annual to monthly)
 - Direct Bill & EFT Options
 - \$750 Minimum Premium

SPECIAL FEATURE

- Dividend Plan
 - 100% Proceeds to JPRIMA / Members

VALUE ADDED SERVICES

- Zenith Claims Handling & Loss Prevention
- In House Examiners & Nurses
- In House Safety & Health Engineers
- 24 / 7 Concierge Service
- Website Portal
- Video & Online Training Library
- Onsite Visits
- Specialized Services

0251

Irrigation, Drainage, or Reclamation Works Operation

This classification is applicable to all work incidental to maintenance and operation of irrigation or drainage systems, pumps, valves, and control gates. This classification does not contemplate the construction of these systems. The cleaning of mains, ditches, lateral flow lines, and the spreading or spraying of oil performed in connection with mosquito control is included in this classification. Examples of operations are water districts and other public agencies.

7520

Waterworks

This classification applies to the operations of publicly or privately operated water companies that supply potable water to communities. This classification includes but is not limited to the construction of water mains and lateral lines, the treatment of water, the operation and maintenance of pumping stations and the installation and repair of water meters. Repair, maintenance and installation of water mains, taps, meters and fire hydrants are included in this classification.

7580

Sanitary or Sanitation Districts Operations

This classification shall apply to all work incidental to the maintenance and operation of sewer systems or sewage disposal plants. Additions to, alterations or construction of sewer lines or sewage disposal plants shall be separately classified.

8742

Salespersons

Outside salespersons are defined as those employees (1) who are engaged exclusively in sales or collection work away from the premises of the employer or (2) who are engaged in such work for any portion of their time and devote the balance of their time to clerical office duties. The statement of payroll shall include the entire remuneration of all outside salespersons, including those whose duties take them outside the State of California. When salespersons are required to pay their own traveling expenses out of their remuneration, not less than two-thirds of such remuneration shall be included as payroll.

8810

Clerical Office Employees

Clerical office employees are those employees engaged exclusively in bookkeeping, in record keeping, in correspondence, or in other office work where books and other records are kept or correspondence is conducted. This classification applies only to employees who work in areas physically separated from other operations by structural partitions and in which work of clerical office employees as defined in this rule is performed exclusively. If such an employee has any other duty, the total payroll of that employee shall be assigned to the highest rated classification of operations to which the employee is exposed.

Your Insurance Partner Beyond the Policy.



PROPERTY & CASUALTY

Page 161 of 277

JPRIMA provides high quality and cost-effective Property & Casualty insurance to protect and enhance assets and operations and reduce overall risk management costs.

Technical Support, Resources & Investment in Small Systems



Efficient and effective claims, underwriting, distribution and risk control services.



Technical support, continuing education, safety engineering and operational and managerial assistance.



Resources to further technical, managerial, and financial capacity.



Residuals from CalMutuals JPRIMA insurance proceeds are invested in programs and services to support small systems and disadvantaged communities.

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PROPERTY & CASUALTY COVERAGE CHECKLIST

Page 162 of 277

JPRIMA THEM

- Property policy includes Blanket protection without a coinsurance penalty for all your scheduled locations and separate Blanket protection for key coverages such as business income and extra expense.
- Property policy includes special extensions such as Unintentional Errors, Off Premises Utility Services, SCADA Upgrades (above replacement cost), Property in Transit, Contract Penalties, Rental Reimbursement – Mobile Equipment, and Water Contamination Notification Expense.
- Property policy includes Contamination for \$100,000 (not limited to just ammonia), Pollution Remediation Expense for either \$250,000 (Specified Cause of Loss)* or \$100,000 (Covered Cause of Loss), Outdoor Property (w/ windstorm) for \$100,000, and \$50,000 for Fungus, Wet Rot or Dry Rot.
- Crime policy provides minimum limits of \$100,000 for Employee Dishonesty, Theft of Money & Securities, Computer Fraud, Funds Transfer Fraud, and Money orders.
- General Liability policy includes aggregate limits of **\$10,000,000** as well as special coverage for Water & Wastewater Testing E&O, Waterborne Asbestos, Lead, Fungi & Bacteria, Product Recall, and Impaired Property.
- General Liability policy includes Failure to Supply Water and Dam Failure Liability as well as Pollution for your potable water, treatment chemicals, natural gas, hostile fire, smoke drift, sewer or wastewater backup/line breaks, and any pollution event that is sudden & accidental.
- Public Officials & Management Liability policy includes aggregate limits of **\$10,000,000** for Wrongful Acts, Employment Practices, and Employee Benefit Plans as well as inverse condemnation and outside directorship.
- Automobile policy includes \$100,000 Hired Physical Damage, \$75 per Day Rental Reimbursement/Towing, and Fleet Automatic.
- Excess Liability insurance policy follows the coverages in your underlying policies.
- Cyber Liability policy includes Credit Monitoring Costs for **\$1,000,000** without a deductible or retention.

*180 day reporting period required

This flyer is only a brief illustration of our program and may contain unintentional inaccuracies, outdated material or coverages not included in our quotations. You must refer to the actual Memorandum of Coverage (MOC) for a description of coverages, exclusions and conditions. Specimen MOCs are available for review and analysis.

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PROPERTY

Proprietary Policy Form

- Property, Equipment Breakdown & Mobile Equipment
- No Coinsurance Penalty

Blanket Policy Limit

- Real Property
- Business Personal Property

Blanket Coverage Extension Limit

- A separate limit applies to the following:
 - Business Income
 - Extended Business Income
 - Civil Authority
 - Commandeered Property
 - Extra Expense
 - Tenant Leasehold Interest
 - Electronic Data
 - Preservation of Property

Coverages Specific to Water Related Entities

- Property in Transit
- Mobile Equipment
- Pollution Remediation Expenses
- Fungus, Wet Rot or Dry Rot
- SCADA Upgrades
- Contamination

Additional Coverages

- Accounts Receivable
- Arson Reward
- Backup/Overflow of Water from Sewer, Drain, Sump
- Water Contamination Notification Expenses
- Lock and Key Replacement
- Rental Reimbursement - Mobile Equipment
- Business Personal Property at New Locations
- Collapse
- Contract Penalties
- Debris Removal
- Indoor & Outdoor Signs (unscheduled)
- New Locations or Newly Constructed Property
- Ordinance or Law Provision
- Outdoor Property (unscheduled)
- Patterns, Dies, Molds, Forms
- Personal Effects & Property of Others
- Tools & Equipment Owned by Your Employees
- Trees, Shrubs & Plants
- Unintentional Errors & Omissions
- Utility Services
- Valuable Papers & Records



CRIME

Proprietary Policy Form

- Faithful Performance
- Employee Benefit Plans
- Available Coverage for Designated Agents

Coverages

- Employee Theft
- Forgery or Alteration
- Inside The Premise - Theft of Money & Securities
- Inside The Premise - Robbery or Safe Burglary
- Outside The Premise
- Computer Fraud
- Funds Transfer of Fraud
- Money Orders & Counterfeit Paper Currency



GENERAL LIABILITY

Proprietary Policy Form

- Duty to Defend
- Nonauditable
- Broad Definition of Insured
- Blanket Additional Insured
- \$10M Aggregate Limit

Coverage Extensions

- Failure to Supply Water (no sublimit)
- Water & Wastewater Testing E&O
- Medical Payments
- Sewage from Backups & Breaks (no sublimit)
- Fire Damage Legal Liability
- Pollution Liability
- Contractual Liability-Railroads
- Dam, Levee & Dike Structural Failure & Existence Hazard
- Lead from Potable Water
- Product Recall Exceptions
- Impaired Property Exceptions
- Waterborne Asbestos from Potable Water
- Watercraft
- Nonowned Aircraft



BUSINESS AUTO

Coverages

- Combined Single Limit
- Uninsured Motorists
- Hired & Non Owned Auto Liability
- Medical Payments/ Personal Injury Protection
- Hired Physical Damage
- Comprehensive & Collision
- Fleet Automatic
- Towing & Rental Car Reimbursement



PUBLIC OFFICIALS & MANAGEMENT LIABILITY

Proprietary Policy Form

- Duty to Defend
- Nonauditable
- Broad Definition of Insured
- \$10M Aggregate Limit

Coverages

- Wrongful Acts
- Employment Practices
- Employee Benefit Plans

Coverage Extensions

- Inverse Condemnation
- Outside Directorship
- Third Party Discrimination



PRIVACY LIABILITY & NETWORK RISK

Coverages

- \$1M Privacy & Network Security
- \$1M Notification & Credit Monitoring Costs
- \$100K Data Forensic & Public Relations



EXCESS LIABILITY

Proprietary Policy Form

- Following Form
- \$10 Million Capacity

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Item # 3

Resolution No. 21R-XX Rescinding
Resolution NO. 21R-01 and Adopting an
Increased Basic Facilities Charge (Water
Capital Fee) for Water Meters Size $\frac{3}{4}$ -inch to
10-inch

**BIGHORN-DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL**

Meeting Date: May 11, 2021

To: Board of Directors

Budgeted: N/A

Budgeted Amount: N/A – Meter sales are driven by Customer demand

Cost: See Text of Resolution

From: Marina D. West

General Counsel Approval: Obtained

CEQA Compliance: N/A

Subject: Resolution No. 21R-XX Rescinding Resolution NO. 21R-01 and Adopting an Increased Basic Facilities Charge (Water Capital Fee) for Water Meters Size ¾-inch to 10-inch

SUMMARY

Following adoption of Resolution No. 21R-01 Basic Facilities Charge (Water Capital Fee) for Water Meters Size ¾-inch to 10-inch staff inadvertently made the effective date immediately which resulted in a conflict with Government Code Section 66017. This section provides that such water capacity fees shall be effective no sooner than 60 days following the final action adopting such fees.

The most effective and lasting remedy, recommended by legal counsel with concurrence from staff, is for the Board to adopt a new resolution rescinding Resolution No. 21R-01 and reestablishing the Basic Facilities Charge to be effective no sooner than Monday, July 12, 2021.

RECOMMENDATION

That the Board considers taking the following action(s):

1. Adopt Resolution No. 21R-XX Rescinding Resolution NO. 21R-01 and Adopting an Increased Basic Facilities Charge (Water Capital Fee) for Water Meters Size ¾-inch to 10-inch.

BACKGROUND/ANALYSIS

On November 19, 2020 the Agency’s Finance Committee conducted a Public Workshop and received a presentation from NBS Government Finance Group on the development of a new Water Capacity Fee, based on meter size, otherwise known as the Basic Facilities Charge or “buy-in” charge. The Finance Committee recommended the Capacity fees presented be moved to the full Board for further consideration and possible adoption.

The full Board received a presentation on the long-range financial plan portion of the study on November 10, 2020. The long-range financial plan is the basis for calculating the Water Capacity Fee being considered by the Board for adoption.

The adoption of a Water Capacity Fee is governed by the Mitigation Fee Act (CA Govt. Code Sec. 66000 et seq.). In accordance with this Act, the Agency, on December 30, 2020, posted and distributed via email, draft Resolution No. 21R-XX Modifying Basic Facilities Charge (Water Capital Fee) for Water Meters Sizes ¾-inch to 10-inch at least 14-days prior to the Board's consideration for adoption on January 12, 2021. The Board unanimously adopted Resolution No. 21R-01 adjusting the Basic Facilities Charge.

Following several complaints from incoming/new customers following the January 12th decision by the Board, it was ultimately discovered on April 13, that adoption of fees under the Mitigated Fee Act requires that the Agency wait 60-days to implement the fee (Government Code Section 66017). Staff understood the effective date of such actions was immediately following adoption of the Resolution.

After consultation with legal counsel, it was decided that staff should recommend the Board rescind Resolution No. 21R-01 and then consider adoption of a new Resolution.

Thereafter, the item was brought before the Planning/Legislative/Engineering/Grant/Security Standing Committee (PLEGS) on April 20, 2021 as a first step in pursuing a remedy. The Committee recommended the Board proceed with a new resolution and reset the effective date of the fee. The new Resolution was posted throughout the Agency in accordance with the Act, on April 21, 2021. It was electronically distributed with the PLEGS Agenda Packet on April 19, 2021.

Staff has already refunded the five customers who purchased meters between January 12 and the actual effective date of March 15, 2021. All potential customers who inquired via email about meter fees during the period of January 12 to March 15 have been notified via email of the error and pending action by the Board of Directors on May 11, 2021.

Staff recommends the Board adopt Resolution No. 21R-XX rescinding Resolution No. 21R-01 and reestablishing the Basic Facilities Charge to be effective no sooner than Monday, July 12, 2021.

PRIOR RELEVANT BOARD ACTION(S)

4/20/2021 Planning/Legislative (PLEGS) Standing Committee discuss need to rescind Resolution No. 21R-01 Basic Facilities Charge and readopt due to failure to allow 60-days wait period prior to implementation.

1/12/2021 Motion No. 21-005 Adopt Resolution No. 21R-01 Capacity fees (Basic Facilities Charge) as presented in the Draft Resolution for meter sizes ¾-inch to 10-inch.

11/19/2020 Public Workshop No. 3: Finance Committee Workshop on Water Rate and Capacity Fee (Connection Fee) Study by NBS Government Finance Group.

11/10/2020 Public Workshop No. 2: Full Board of Directors Review Proposed Options for Variable and Fixed Charge Increases Planned for the Prop. 218 Process in Preparation for Fiscal Year 2021/2022 Rate Increase.

10/22/2020 Status Report/Public Workshop No. 1: Finance Committee Workshop on Water Rate and Capacity Fee (Connection Fee) Study by NBS Government Finance Group.

4/28/2020 Motion No. 20-035 Motion made to authorize the General Manager to enter into a Professional Services Agreement with NBS Financial Group to conduct a focused rate and fee study for the Agency at a maximum cost of \$39,590.

7/14/2020 Motion No. M20-051 Motion to adopt Resolution No. 20R-18 Modifying the Basic Facilities Charge and the Service Line Installation Fee for 1-inch Residential Meters.

7/26/2016 Motion No. M16-034 Adoption of Resolution No. 16R-09 – Adjusting the Basic Service Charge and Water Consumption Charges thru Prop. 218 process.

10/28/2008 Resolution No. 08R-10 Modifying Basic Facilities Charge and Service-line Installation Charge.

RESOLUTION NO. 21R-XX

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE BIGHORN-DESERT VIEW WATER AGENCY RESCINDING RESOLUTION NO. 21R-01
AND ADOPTING AN INCREASED BASIC FACILITIES CHARGE (WATER CAPITAL FEE) FOR
WATER METERS SIZE 3/4-INCH TO 10-INCH**

WHEREAS, Bighorn-Desert View Water Agency (“Agency”) is required by law to fix and establish rates, fees and charges which will enable the Agency to cover its debt service payments, operate and maintain its water system, provide for repairs and depreciation, and a reasonable surplus for improvements; and

WHEREAS, the Water Master Plan completed in 2007 by the Agency’s Engineer established a baseline calculation for the 1-Inch Residential Basic Facility Charge or “Capacity Fee” and further defines the charge to be comprised of four (4) components: Water Main Connection Fee, Water Storage Fee, Water Supply Fee and a Development Fee and set that fee at \$4,098; and

WHEREAS, the Board had determined that the 1-Inch Residential Basic Facility Charge should be reviewed annually and should be increased to coincide, at a minimum, with a rate of inflation based on the Consumer Price Index which is generally the best measure for adjusting payments to consumers when the intent is to allow consumers to purchase, at today’s prices, a market basket of goods and services equivalent to one that they could purchase in an earlier period; and

WHEREAS, by Resolution No. 20R-18 adopted by the Board of Directors on July 14, 2020 a Basic Facilities Charge for new connections was set at \$4,930.00 based on the application of the annual Consumer Price Index at that time; and

WHEREAS, new customers desiring to connect to the existing system should be responsible for paying an amount equivalent to their proportionate share of those existing water system facilities development costs which support and are necessary for the new customer to receive service; and

WHEREAS, the Agency had never calculated the capacity fee for a water service demand greater than that served by a 1-inch meter; and

WHEREAS, on April 28, 2020 the Board of Directors authorized completion of a *Rate and Capacity Fee Study* by an outside financial consulting firm, NBS Government Finance, who has developed a long-term financial model for development of the Capacity Fee or Basic Facilities Charge for new water meters with sizes ranging from ¾-inch to 10-inch based on the value of

existing assets and an assessment of future infrastructure needed for the entire distribution system; and

WHEREAS, The Agency determined to use an analysis based on the “Combination Approach” [1] which requires new customers to pay their fair share of existing system assets and planned assets that have capacity to serve new customers. In their simplest form, capital impact fees are calculated by dividing the costs of infrastructure allocated to future development by the number of units of new development anticipated, further defined as follows:

- The cost of existing assets and planned assets that have capacity to serve new development are those that can reasonably be allocated to future development.
- The number of new units (i.e., growth) are those units projected to occur within the timeframe covered by the capital impact fee analysis.

[1] Method of calculating capital impact fees (also known as System Development Fees, Connection Fees, Capacity Fees) are set forth in the American Water Works Association’s *Principles of Water Rates, Fees and Charges* Seventh Edition (2017) pages 311 to 347.

WHEREAS, based on the Replacement Cost model calculations in the NBS Government Finance analysis presented to Finance Committee on November 19, 2020, the full Board of Directors adopted on January 12, 2021, Resolution 21R-01 establishing the new Water Capital Capacity Fees, based on meter size, as shown in Table 1 which are also made part of this Resolution:

TABLE 1 - WATER CAPITAL FACILITY FEE BASED ON METER SIZE

Meter Size	Equivalency Factor		Capacity Fee Per Meter Size
	Maximum Continuous Flow (gpm) 1	Equivalency to 1 inch meter	
3/4 inch	30	1.00	\$14,154
1 inch	50	1.00	\$14,154
1.5 inch	100	2.00	\$28,309
2 inch	160	3.20	\$45,294
3 inch	320	6.40	\$90,588
4 inch	500	10.00	\$141,544
6 inch	1,000	20.00	\$283,087
8 inch	2,800	56.00	\$792,645
10 inch	4,200	84.00	\$1,188,967

1. Source: AWWA M1, Table B-2. Assumes displacement meters for 3/4" through 2", Compound Class I for 3" through 6", and Turbine Class II for 8" through 10".

; and

Page 2 of 3

Resolution No. 21R-XX

XX XX, 2021

WHEREAS, when the Agency adopted Resolution No. 21R-01 it inadvertently made it effective immediately in conflict with Government Code, Section 66017 which provides that such water capital capacity fees shall be effective no sooner than 60 days following the final action adopting such fees.

NOW, THEREFORE, BE IT RESOLVED that, effective immediately, Resolution No. 21R-01 is hereby rescinded and of no further force and effect.

BE IT FURTHER RESOLVED, the new BASIC FACILITIES CHARGES (otherwise referred to as the "Water Capital Facility Fee") are hereby adopted in the amounts calculated and presented in foregoing Table 1 of this Resolution and shall be based on meter size required and shall be applicable to all new service line installations to parcels within 700 feet of a mainline* (not including bulk accounts), subject to further action by the Board of the Agency. (**the definition of the mainline per Agency Rules and Regulations for Water Service is "pipelines located in highways, streets, alleys, easements, and right of ways, which are used for the transmission and distribution of water"*), and such new BASIC FACILITIES CHARGES shall go into effect sixty (60) days from the date this Resolution is adopted as shown below; and

BE IT FURTHER RESOLVED, that the General Manager and staff of the Agency are hereby authorized and directed to do such things and to take such actions as may be reasonably required to carry out the purpose and intent of this resolution.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 11th day of May 2021.

By _____
John Burkhart, President of the Board

ATTEST,

By _____
JoMarie McKenzie, Board Secretary

Official Seal

Item # 4

Resolution No. 21R-XX Application by the Board of Directors of the Bighorn-Desert View Water Agency Requesting the Local Agency Formation Commission to Initiate Proceedings for the Annexation of Assessor Parcel Number 0631-051-28 (550 Landers Lane, Landers, CA) to the Bighorn-Desert View Water Agency

**BIGHORN-DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL**

Meeting Date: May 11, 2021

To: Board of Directors

Budgeted: N/A

Budgeted Amount: N/A

Cost: N/A

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: **Resolution No. 21R-XX Application by the Board of Directors of the Bighorn-Desert View Water Agency Requesting the Local Agency Formation Commission to Initiate Proceedings for the Annexation of Assessor Parcel Number 0631-051-28 (550 Landers Lane, Landers, CA) to the Bighorn-Desert View Water Agency**

SUMMARY

Assessor Parcel No. 0631-051-28 is located outside the Agency boundaries but within its Sphere of Influence. Ms. Tasconas, owner of this property located at 550 Landers Lane, Landers, CA has asked the Agency to initiate annexation proceedings so that a water meter can be provided to an existing home on the parcel to replace the bulk hauled water she currently uses.

Staff recommends the Board adopt the resolution so that the annexation package can be transmitted to LAFCO for processing.

RECOMMENDATION

That the Board considers taking the following action(s):

1. Adopt Resolution No. 21R-XX A Resolution of application by the Board of Directors of the Bighorn-Desert View Water Agency requesting the Local Agency Formation Commission to initiate proceedings for the annexation of Assessor Parcel Number 0631-051-28 to the Bighorn-Desert View Water Agency.

BACKGROUND/ANALYSIS

Ms. Tasconas became the sole owner of this parcel in 2017. It was her late husband that purchased this 10-acre parcel with the single-family residence in 2009. It was a permitted residential dwelling utilizing bulk hauled water. Ms. Tasconas has only used the property part-time but now is planning to move to Landers full time and began inquiring about service with Bighorn-Desert View Water Agency. She was informed that the parcel is within the Agency's Sphere of Influence and that annexation would be required to obtain access to water service. The landowner has decided it is in their best interest to proceed with the annexation so that water service to the parcel can be secured.

PRIOR RELEVANT BOARD ACTION(S)

4/3/2012 Motion No. 12-026 Local Area Formation Commission Ad Hoc Committee Report and Resolution No. 12R-15 Supporting the Expansion of the BDVWA Sphere of Influence over "Area 2" and encouraging LAFCO to amend its Resolution No. 3155 for LAFCO No. 3148.

RESOLUTION NO. 21R-XX

A RESOLUTION OF APPLICATION BY THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF ASSESSOR PARCEL NUMBER 0631-051-28 (550 LANDERS LANE, LANDERS, CA) TO THE BIGHORN-DESERT VIEW WATER AGENCY AS MORE SPECIFICALLY DESCRIBED BELOW

RECITALS

WHEREAS, the Board of Directors of the Bighorn-Desert View Water Agency desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code for the annexation of Assessor Parcel Number (APN) 0631-051-28 to the Bighorn-Desert View Water Agency for a total of approximately 10 acres; and,

WHEREAS, a description of the area proposed to be annexed to Bighorn-Desert View Water Agency is attached hereto as Exhibit "A" and by this reference incorporated herein; and

WHEREAS, Bighorn-Desert View Water Agency is a special district of the State of California operating under the Bighorn-Desert View Water Agency Law, water appendix 112; and

WHEREAS, the proposed annexation is consistent with the sphere of influence assigned the Bighorn Desert View Water Agency; and

WHEREAS, Bighorn-Desert View Water Agency requests that the proposed annexation be subject to the standard terms and conditions imposed by the Local Agency Formation Commission; and

WHEREAS, the reason for the proposed annexation is to enable Bighorn-Desert View Water Agency to provide water service to APN 0631-051-28, which is located adjacent to the Bighorn-Desert View Water Agency Agency's boundary but within its Sphere of Influence; and

WHEREAS, the property owner has requested that Bighorn-Desert View Water Agency initiate these proceedings and make an application for annexation to the Local Area Formation Commission on their behalf.

WHEREAS, the Bighorn Desert View Water Agency desires that the proposed annexation be subject to the following terms and conditions including the following:

1. Assignment of Assessor Parcel Map No. ("APN") 0631-051-28 any allowable share of the 1% General Ad Valorem property tax to Bighorn-Desert View Water Agency;
2. That the other standard terms and conditions be imposed by the Local Agency Formation Commission regarding annexation to Bighorn-Desert View Water Agency.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY AS FOLLOWS:

Section 1. This Resolution of Application is hereby adopted and approved by the Board of Directors of the Bighorn-Desert View Water Agency, and the Local Agency Formation Commission for San Bernardino County is hereby requested to undertake proceedings for the annexation of territory as described above, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Section 2. The Bighorn-Desert View Water Agency acknowledges and agrees to the Local Agency Formation Commission for San Bernardino County’s requirement for imposing legal indemnification as outlined in Policy 3 of Chapter 2 of the Accounting and Financial Section of its Policy and Procedure Manual.

Section 3. The General Manager of the Bighorn-Desert View Water Agency is hereby directed and authorized to execute, on behalf of the District, the justification for proposal and supplemental form for the annexation which includes the preparation and certification of the Plan for Service and Fiscal Impact Analysis, complete copies of which are on file in the District office.

Section 4. That the Secretary to the Board of Directors shall certify to the passage and adoption of this resolution and is hereby authorized and directed to file, or cause to be filed, a certified copy of this Resolution with the Executive Officer of the Local Agency Formation Commission for San Bernardino County.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 11th day of May 2021.

By _____
John R. Burkhart, President of the Board

ATTEST,

By _____
JoMarie McKenzie, Secretary

Official Seal

LAFCO _____
ANNEXATION TO THE BIGHORN-
DESERT VIEW WATER AGENCY

BEING THE NORTH HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 2 NORTH, RANGE 6 EAST, SAN
BERNARDINO MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA,
ACCORDING TO THE OFFICAL PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID
SECTION 19;

COURSE 1. THENCE ALONG SAID NORTH HALF, NORTH 89° 50' 19" EAST A DISTANCE OF
663.61 FEET TO THE NORTHEAST CORNER OF SAID NORTH HALF;

COURSE 2. THENCE ALONG THE EASTERLY LINE OF SAID NORTH HALF, SOUTH 00° 36'
51" WEST A DISTANCE OF 662.64 FEET TO THE SOUTHEAST CORNER OF SAID NORTH
HALF;

COURSE 3. THENCE ALONG THE SOUTHERLY LINE OF SAID NORTH HALF, SOUTH 89° 50'
44" WEST A DISTANCE OF 662.71 FEET TO THE SOUTHWEST CORNER OF SAID NORTH
HALF;

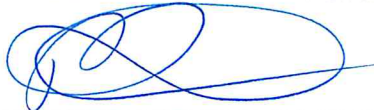
COURSE 4. THENCE ALONG THE WESTERLY LINE OF SAID NORTH HALF, NORTH 00° 32'
10" EAST A DISTANCE OF 662.55 FEET TO POINT OF BEGINNING.

SAID ABOVE DESCRIBED AREA CONTAINS 10.09 ACRES, MORE OR LESS.

SUBJECT TO ALL COVENANTS, RIGHTS, RIGHTS-OF-WAY, AND EASEMENTS OF RECORD.

AS DEPICTED IN EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A
PART HEREOF.

THIS DOCUMENT WAS PREPARED BY
ME OR UNDER MY DIRECTION,
BASED ON RECORD INFORMATION.



PHILLIP K. FOMOTOR, P.L.S.

DATE 4/7/2021

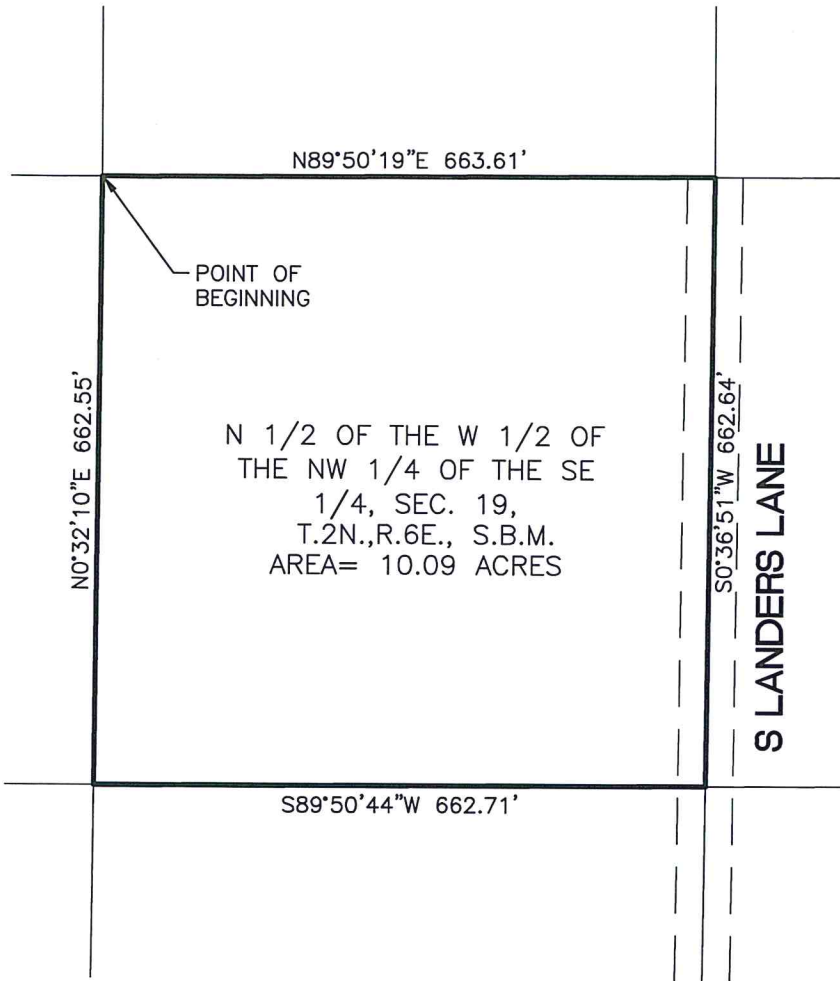


EXHIBIT "B"

N 1/2 OF THE W 1/2 OF THE NW
1/4 OF THE SE 1/4, SEC. 19
T.2N.,R.6E., S.B.M.

NOTE:

1. BEARING AND DISTANCES
SHOWN HEREON ARE CALC'D PER
RS 8/54 AND RS 99/46.



NORTH



0 200' 400'

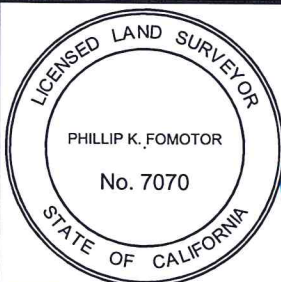
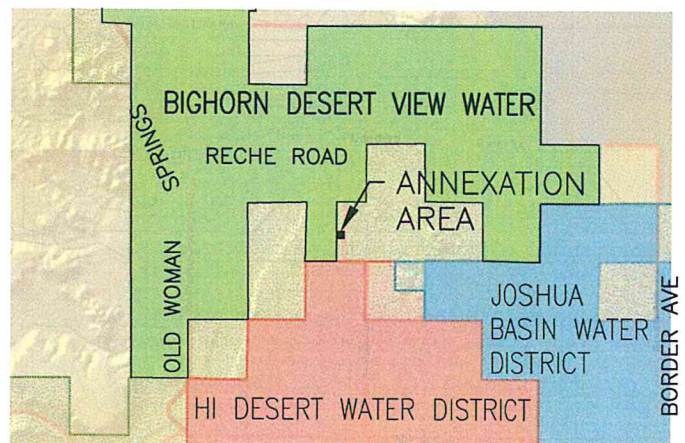
SCALE: 1"=200'

VICINITY MAP

(NO SCALE)



NORTH



THIS DOCUMENT WAS PREPARED
BY ME OR UNDER MY DIRECTION,
BASED ON RECORD INFORMATION.

PHILLIP K. FOMOTOR, P.L.S.

(FOR LAFCO USE ONLY)

SAN BERNARDINO LAFCO APPLICATION AND PRELIMINARY ENVIRONMENTAL DESCRIPTION FORM

INTRODUCTION: The questions on this form and its supplements are designed to obtain enough data about the application to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

GENERAL INFORMATION

- 1. NAME OF PROPOSAL: Annexation APN 631-051-28 (Tsaconas, H. Owner)
- 2. NAME OF APPLICANT: Bighorn-Desert View Water Agency / H. Tsaconas
 APPLICANT TYPE: Landowner Local Agency
 Registered Voter Other _____

MAILING ADDRESS:
622 Jemez Trail, Yucca Valley, CA 92284

PHONE: (760) 364-2315 __
FAX: (760) _364-3412_____
E-MAIL ADDRESS: mwest@bdvwa.org

- 3. GENERAL LOCATION OF PROPOSAL: Ms. Tsaconas owns the 5.0 acres at 550 Landers Lane, Landers, CA. APN 631-051-28.
- 4. Does the application possess 100% written consent of each landowner in the subject territory?
YES X NO If YES, provide written authorization for change.
- 5. Indicate the reason(s) that the proposed action has been requested. Applicant is currently in a permitted residential structure served by hauled water. Applicant desires to connect to the BDVWA water system which is contiguous with the western property boundary.

LAND USE AND DEVELOPMENT POTENTIAL

- 1. Total land area of subject territory (defined in acres): _____ 5.0 ACRES _____
- 2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments) _____ Presume Single-Family Residential _____
- 3. Approximate current population within area: currently 1 part-time resident _____
- 4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):
_____ N/A – not annexing to a city

(FOR LAFCO USE ONLY)

This parcel, as well as those around it, are located within the Sphere of Influence of the Bighorn-Desert View Water Agency as determined by San Bernardino Local Agency Formation Commission. Therefore, given that the sole owner of the parcel desires to annex in order to get access to pressurized water service and to cease "hauled water" service, the annexation process positively PROMOTES environmental justice by providing a pathway to potable water service while meeting all the goals and objectives of SB LAFCO.

This is the primary driver of the request to annex the parcel into the boundaries of Bighorn-Desert View Water Agency.

ENVIRONMENTAL INFORMATION

1. Provide general description of topography. ___ Parcel is generally flat.

2. Describe any existing improvements on the subject territory as % of total area.

Residential	___100___%	Agricultural	_____%
Commercial	_____%	Vacant	_____%
Industrial	_____%	Other	_____%

3. Describe the surrounding land uses:

NORTH ___ vacant land zoned for residential _____

EAST ___ vacant land zoned for residential _____

SOUTH ___ one existing dwelling immediately south and then vacant land zoned for residential _____

WEST ___ vacant land zoned for residential _____

4. Describe site alterations that will be produced by improvement projects associated with this proposed action (installation of water facilities, sewer facilities, grading, flow channelization, etc.).

___ Water meter would be located on Rainbow Drive to the West of the Parcel and customer would have to install a private water line from Rainbow to applicants parcel (approx.. 700 ft). This would involve a single narrow trench be excavated to accommodate an approximate 1-inch diameter service line. No other site alterations have been proposed.

5. Will service extensions accomplished by this proposal induce growth on this site? YES
NO X Adjacent sites? YES NO X Unincorporated X Incorporated

There is no mainline extension required and annexation does not induce any growth as a result of this single action.

(FOR LAFCO USE ONLY)

6. Are there any existing out-of-agency service contracts/agreements within the area? YES NO X If YES, please identify.

7. Is this proposal a part of a larger project or series of projects? YES NOX If YES, please explain.

NOTICES

Please provide the names and addresses of persons who are to be furnished mailed notice of the hearing(s) and receive copies of the agenda and staff report.

NAME Bighorn-Desert View Water Agency _____ TELEPHONE NO. __760-364-2315__

ADDRESS:
_____622 Jemez Trail, Yucca Valley, CA 92284_____

NAME _Ms. Hella Tsaconas _____ TELEPHONE NO. _____

ADDRESS:

NAME _____ TELEPHONE NO. _____

ADDRESS:

CERTIFICATION

As a part of this application, the **Bighorn-Desert View Water Agency** (the applicant) and/or Ms. Hella Tsaconas (real party in interest - landowner of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

This indemnification obligation shall include, but not be limited to, damages, penalties, fines and other costs imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

As the person signing this application, I will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the

(FOR LAFCO USE ONLY)

SUPPLEMENT ANNEXATION, DETACHMENT, REORGANIZATION PROPOSALS

INTRODUCTION: The questions on this form are designed to obtain data about the specific annexation, detachment and/or reorganization proposal to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please identify the agencies involved in the proposal by proposed action:

ANNEXED TO Bighorn-Desert View Water Agency _____ _____	DETACHED FROM N/A _____ _____ _____
---	---

2. For a city annexation, State law requires pre-zoning of the territory proposed for annexation. Provide a response to the following: **N/A**

- a. Has pre-zoning been completed? YES NO
- b. If the response to "a" is NO, is the area in the process of pre-zoning? YES NO

Identify below the pre-zoning classification, title, and densities permitted. If the pre-zoning process is underway, identify the timing for completion of the process.

N/A _____

3. For a city annexation, would the proposal create a totally or substantially surrounded island of unincorporated territory?

YES NO If YES, please provide a written justification for the proposed boundary configuration.

N/A _____

4. Will the territory proposed for change be subject to any new or additional special taxes, any new assessment districts, or fees?

Not to Agency's knowledge.

5. Will the territory be relieved of any existing special taxes, assessments, district charges or fees required by the agencies to be detached?

(FOR LAFCO USE ONLY)

Not to Agency's knowledge.

6. If a Williamson Act Contract(s) exists within the area proposed for annexation to a City, please provide a copy of the original contract, the notice of non-renewal (if appropriate) and any protest to the contract filed with the County by the City. Please provide an outline of the City's anticipated actions with regard to this contract.

N/A

7. Provide a description of how the proposed change will assist the annexing agency in achieving its fair share of regional housing needs as determined by SCAG.

N/A

8. PLAN FOR SERVICES:

For each item identified for a change in service provider, a narrative "Plan for Service" (required by Government Code Section 56653) must be submitted. This plan shall, at a minimum, respond to each of the following questions and be signed and certified by an official of the annexing agency or agencies.

- A. A description of the level and range of each service to be provided to the affected territory.
- B. An indication of when the service can be feasibly extended to the affected territory.
- C. An identification of any improvement or upgrading of structures, roads, water or sewer facilities, other infrastructure, or other conditions the affected agency would impose upon the affected territory.
- D. The Plan shall include a Fiscal Impact Analysis which shows the estimated cost of extending the service and a description of how the service or required improvements will be financed. The Fiscal Impact Analysis shall provide, at a minimum, a five (5)-year projection of revenues and expenditures. A narrative discussion of the sufficiency of revenues for anticipated service extensions and operations is required.
- E. An indication of whether the annexing territory is, or will be, proposed for inclusion within an existing or proposed improvement zone/district, redevelopment area, assessment district, or community facilities district.
- F. If retail water service is to be provided through this change, provide a description of the timely availability of water for projected needs within the area based upon factors

LANDOWNER CONSENT FORM

Local Agency Formation Commission For San Bernardino County

I (We), _____ Hella Tsaconas _____, consent to the annexation/ reorganization of my (our) property located at: 550 Landers Lane, Landers, CA 92285 which is identified as Assessor's Parcel Number(s) 0631-051-28 _____, to the Bighorn-Desert View Water Agency _____ .
(name of agency)

Signature(s): _____ Hella Tsaconas _____
Address: _____ 1625 Scenic Ave. _____
City, State, Zip _____ Berkeley, CA 94709 _____
Date Signed: _____ MARCH 9, 2021 _____

If a corporation or company owns the property, please provide with this form authorization from the entity for the signer to sign on its behalf.



San Bernardino Local Agency Formation Commission

PLAN OF SERVICE REPORT - ANNEXATION OF PARCEL NO. 0631-051-28

May 2021

Prepared by Applicant: Bighorn-Desert View Water Agency

Marina D. West, PG

Bighorn-Desert View Water Agency

622 Jemez Trail, Yucca Valley, CA 92284

SUMMARY:

This *Plan for Service* was prepared in accordance with Government Code Section 56653 and is included as an attachment to the application for annexation of Assessor Parcel No. 0631-051-28 (10-acres located 550 Landers Lane, Landers, CA).

The annexation was requested by the property owner, H. Tasconas. Bighorn-Desert View Water Agency will serve as the applicant on behalf of the landowner.

Ms. Tasconas became the sole owner of this parcel in 2017. It was her late husband that purchased this 10-acre parcel with the single-family residence in 2009. It was a permitted residential dwelling utilizing bulk hauled water. Ms. Tasconas has only used the property part-time but now is planning to move to Landers full time and began inquiring about service with Bighorn-Desert View Water Agency. She was informed that the parcel is within the Agency's Sphere of Influence and that annexation would be required to obtain access to water service. The landowner has decided it is in their best interest to proceed with the annexation so that water service to the parcel can be secured.

The annexation is for one single parcel for one water meter which is the basis for this *Plan for Service* in meeting the minimum requirements for such under the LAFCO guidelines.

A. Level and Range of Service to be Provided: The property owner is seeking access to water service from Bighorn-Desert View Water Agency. To our knowledge, there would be no other entity that would be providing a "service" for which LAFCO would be required to approve (ie. sewer service).

To that end, the level of service would be provision of water through a 1-inch water meter and service line installed west of the property on Rainbow Drive. The property owner would need to extend a private side service line from the meter onto the property. In other words, the meter will be "remote" to the property as are many such installations within the Agency boundaries.

B. Discuss When Service can be Feasibly Extended to the Parcel: No mainline extension or other infrastructure is needed to service this parcel. The parcel lies within 700 feet of an existing transmission mainline which is within the distance allowed by the Agency Rules and Regulations for Water Service. The only additional work needed is to install the service line and meter. Once the annexation proceedings are completed to bring the parcel into the service territory of the Agency, the water meter and service line can be installed within two weeks of that request.

C. Identify any Improvements or Upgrades the Agency would Impose on the Territory: None, no additional infrastructure is required to serve this parcel.

D. Fiscal Impact Analysis: The Agency has sufficient capacity to service this additional parcel. The fiscal impact of adding one additional service connection would not be significant and is within the projected annual growth for the Agency. The Agency has completed a Water Rate Study which advised the Prop. 218 rate setting process. The fees adopted by the Board on April 13, 2021 outlined in the report will adequately fund the Agency's operations going forward. Furthermore, this rate study contemplates water consumption tiers to both encourage conservation but to also fund replacement water for any user that consumes more than the baseline established in the first consumption Tier. The Water Rate Study includes a 20-year financial model which is used here as the fiscal impact analysis. The Water Capacity Fee Study informs the water meter buy-in charge.

The 2021 Water Rate Study and 2021 Water Capacity Fee Study reports and associated appendixes were received and filed by the Board of Directors on February 9, 2021 and are submitted as an Appendix to this report.

E. Annexing Parcel to Existing Improvement District: The project falls within the existing physical infrastructure of the Bighorn-Desert View water system thus assimilating into what is known as Improvement District 1.

F. Water Availability to Parcel: Upon finalization of approvals by LAFCO to annex the territory (a single 10-acre parcel) and payment of fees applicable to initiating water service, the Agency can install the needed improvements within approximately two weeks.

Item # 5

Formation of an Ad Hoc Committee to
Review Water Consumption Trends
Following Adoption of New Customer
Classifications and Consumption Tiers in
Accordance with Resolution No. 20R-08
Policy for Establishing Standing
Committees, Other Appointments and
Authorizing Creation of Ad Hoc Committees

No Staff Report/No Attachments

Item # 6

Board to Discuss: The Brown Act and the
Perils of Electronic Communication –
Information and Discussion Purposes Only

No Staff Report

The Brown Act and the Perils of Electronic Communication

Kara K. Ueda is a partner with the law firm of Best Best & Krieger, LLP, and can be reached at kara.ueda@bbklaw.com or (916) 551-2822.

Local public officials are often frequent and zealous users of technology and social media. Given the rapid speed with which people can now send e-mails and text messages and post comments online, a casual e-mail conversation between two city council members or an offhand comment on a newspaper website may quickly and inadvertently turn into a “meeting” under the Brown Act.

ABOUT THE BROWN ACT

Most members of legislative bodies (including city councils, commissions, boards and committees) soon learn upon taking office that a quorum of their membership may not meet to discuss official business unless the meeting complies with the Brown Act. Often referred to as California’s open meeting law, the Brown Act provides that members of a legislative body may hold a meeting when a majority of them — at the same time and place — “hear, discuss, deliberate or take action on” an item within their subject matter jurisdiction.¹

To hold a lawful meeting under the Brown Act, a local agency must, among other things, provide public notice about the meeting for a certain time period and ensure that the public can access the meeting. Thus, if a city council (for example) has five members, three of the five may not meet at a restaurant to discuss city business unless the city has posted public notice about the meeting and otherwise complies with the Brown Act.

The Brown Act does not prohibit individual members of a legislative body from separately providing their own comments and opinions about a matter. A commissioner may write a newspaper editorial about an item the commission approved, and a city council member may give a speech or tweet about local projects under way in the city. Nor does the Brown Act prohibit

“one-way” communications where, for example, a city manager transmits a communication to the entire council by e-mail.² The “passive receipt” of a document by public officials is different from a commission’s or city council’s collective action or discussion.

E-MAIL EXCHANGES MAY CONSTITUTE SERIAL MEETINGS

Similarly, the Brown Act prohibits public officials from doing in successive steps what they cannot do in one step. More specifically, the Brown Act provides that a majority of a legislative body may not use any series of communications, either directly or through intermediaries, to discuss, deliberate or take action on any item of business that is within the legislative body’s subject matter jurisdiction.³ Serial meetings typically occur by either a “hub and spoke” or a “daisy chain” meeting.

Hub and Spoke Meetings

A hub and spoke meeting occurs when one person acts as the center and communicates with members of the legislative body. For example, Council Member Newman cannot call Council Member Oliver to discuss an item of city business and then call Council Member Peoples to discuss his conversation with council member Oliver. In this meeting Council Member Newman was the hub, and the other two council members were the spokes. Hub and spoke meetings may also occur by e-mail if the individual members e-mail each other instead of calling.

Daisy Chain Meetings

A serial meeting may also occur if Council Member Newman calls Council Member Oliver to discuss an item of city business, and then Council Member Oliver calls Council Member Peoples to discuss the same thing. This type of communication is also called a daisy chain meeting. This type of meeting is particularly likely to occur by e-mail due to the ease of forwarding e-mails.

SERIAL MEETINGS IN CYBERSPACE

The Internet provides numerous opportunities for local officials to post their thoughts and opinions about city issues. Local bloggers report on city news and sometimes provide a running commentary of council and commission meetings as they happen. And most newspapers have websites where members of the public can — and frequently do — comment on the articles. When these entries or articles are especially timely or controversial, they practically invite comments by interested residents and local officials.

As of this writing, no court has specifically ruled on the intersection of comments posted on the Internet and the Brown Act's requirements. However, the same serial meeting rules that apply to e-mail may likely apply to other online conduct such as commenting about online news stories.

The potential danger with the online world is the speed with which a simple comment on a blog, a Facebook status update, a photo or newspaper article may rapidly become a discussion about city business by a quorum of the legislative body. For example, a local blogger may post an entry about an upcoming planning commission agenda item. Proponents and opponents both weigh in on the blog comments. A planning commissioner reads the entry and also posts a comment about the item. A second planning commissioner also decides to post a comment, and then a third planning commissioner responds to the first two commissioners. Thus, a discussion among the three of them ensues electronically on the Internet.

Did the planning commissioners violate the Brown Act? At first glance, it may seem that the planning commissioners did not violate the Brown Act if the blog is available for any member of the public to read. The planning commissioners may believe that basic open government principles were followed because they were not trying to have a secret meeting to discuss official business, and anyone could read their electronic conversation. But the planning commissioners also did not have their electronic conversation pursuant to a noticed meeting under the Brown Act.⁴ Instead, they used a series of communications to discuss and deliberate on an item within their subject matter jurisdiction.

The sheer openness of a conversation is not the critical factor under the Brown Act. For example, the three commissioners could have instead met in one of their living rooms and livestreamed their conversation on the Internet

as it was occurring. That video would also be public and available for everyone to see and possibly to comment on as it was happening. This in-person living room conversation about city business, though, would not comply with the Brown Act.

In addition, an issue may raise particular legal and practical sensitivities where any type of comment may not be wise. For example, if a local agency will consider a matter where a person is owed certain due process rights or if an agency is involved in pending litigation, local officials should first contact their city attorney for advice on whether they should be making any type of comment, regardless of the forum or medium. These considerations are separate and apart from Brown Act issues.

CONCLUSION

While the use of new technology offers important advantages in keeping individuals up to date and informed, the speed with which messages may be sent and comments posted can have drawbacks if public officials inadvertently find themselves in the midst of an e-mail conversation or conversation thread with other members of their commission or city council. The law may eventually catch up to the current technology, but until it does public officials should continue to abide by the general Brown Act principles regardless of whether the communication is in person or online.

An In-Depth Guide to the Brown Act

The League publishes a guide to the Brown Act for the non-lawyer, which is updated periodically. *Open & Public IV: A Guide to the Ralph M. Brown Act* is available free online at www.cacities.org/opengovernment.

FOOTNOTES:

[1] Gov't Code § 54952.2(a).

[2] *See Roberts v. City of Palmdale*, 5 Cal. 4th 363 (1993).

[3] Gov't Code § 54952.2(b)(1).

4 *See also* 84 Ops. Cal. Atty. Gen. 30 (2001) (opinion of the attorney general that the Brown Act does not allow a quorum of a legislative body to discuss agency business over e-mail even if those e-mails are made publicly available and posted to the agency's website).

Item # 7

Consent Items

(a-k)

Item a



BIGHORN-DESERT VIEW WATER AGENCY

"To provide a high quality supply of water and reliable service to all customers at a fair and reasonable rate."

BOARD OF DIRECTORS' MEETING MINUTES

**BOARD MEETING OFFICE
1720 N. CHEROKEE TR.
LANDERS, CALIFORNIA 92285**

**April 13, 2021
Time – 6:00 P.M.**

**PUBLIC AND BOARD WISHING TO PARTICIPATE REMOTELY
TELECONFERENCE LINE THRU ZOOM 669-900-6833
OR**

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83250670601?pwd=T2lVOTgvNEMyM3piWWZlZm44bllwQT09>

Passcode: 997241

Or Dial:

US: +1-669-900-6833

Webinar ID: 832 5067 0601

Passcode: 997241

Please note that all requirements of the Brown Act requiring the physical presence of the board or staff have been waived per Executive Order N-29-20

CALL TO ORDER

Meeting convened by President Burkhart at 6:00 pm

PLEDGE OF ALLEGIANCE

Led by Mark Johannas.

ROLL CALL

Directors present: John R. Burkhart
 Michael McBride
 JoMarie McKenzie
 Megan Close-Dees
 Craig Dicht

Staff present: Marina West

Public Present: 4 member(s) of the public indicated they were participating via teleconference and 5 members of the public were present in the meeting room.

APPROVAL OF AGENDA

Vice President McBride made a motion to approve the agenda as presented. Secretary McKenzie seconded the motion. Unanimously approved.

April 13, 2021 Board of Directors Meeting Minutes

Approved XX

Page 1 of 6

Discussion and Action Items

1. **Public Hearing: Following Proposition 218 Public Notice of Proposed Rate Increases to Basic Service Charge and Water Consumption Rates by Specific Customer Class for a 5-Year Period**

GM West gave the staff report as provided in the Agenda packet but noted that a corrected Resolution has been provided following the recognition of several typos related to the date of past actions of the Board. She continued with a review of the contents of the Prop. 218 Notice and that many customers will actually see a bill reduction in year 1 followed by the adjustment each January. All customers will now be subjected to consumption tiers.

Prop. 218 letters were sent to all property owners and any tenants. At the time of mailing the Agency had a total of 2,650 accounts, active and inactive. She noted that Agency has received one Official notice of protest. The Agency has also received one official letter in favor of the rate changes. There were also 65 letters that continued to “boomerang” back to the office even after several attempts to mail to the address on file with the County of SB. If the Board were to default those to “letters of protest”, the total protests would be 66. There would have to be at least 1,251 letters of protest in order for the Public Hearing to be cancelled and the rate increase proposal to be “set aside”. Absent that, the Board is free to proceed with the Public Hearing to obtain general public comment and also to determine how many additional protests might need to be counted and then to consider the Resolution.

Directors asked questions of staff including the text of the protest, the prior rate increase imposed and clarification on fire meters.

President Burkhart opened the Public Hearing at 6:15 pm.

Public Comment received:

From teleconference, Mr. Jeff Davis, no comment.

Deborah Melford asked for clarification on the vacation meter by-monthly fee currently charged compared to the new rate. GM West answered the question. Upon prompting, Ms. Melford submitted a verbal protest against the rate increase for her property located at 771 Cherokee Trail.

Mike Lipsitz asked for clarification on the “60 count of no votes”. GM West explained that this was the number of notices that could not be delivered (i.e. returned mail/undeliverable). The Agency defaulted these to the “no vote” category.

President Burkhart closed the Public Hearing at 6:20 pm.

GM West reported the total protest to 66 which does not meet the threshold for setting aside the procedure for considering the Resolution before the Board tonight.

Director Dicht's wanted it known to the public about the duration of this task and comments regarding fixed costs to maintain capacity whether or not water is consumed. It's not just the cost of water but the cost to deliver.

One customer chimed in about the connection fee imposed and how that was established. GM West noted that was a different subject matter off agenda and can be brought back up at Public Comment.

Motion No. 21-022

Director Dicht made a motion to adopt Resolution No. 21R-08 – Adjusting the Basic Service Charge and Water Consumption Charges for Specific Customer Classes for a 5-Year Period. Director McBride seconded the motion.

McBride	Y
Burkhart	Y
McKenzie	Y
Close-Dees	Y
Dicht	Y

MSC¹ (Dicht/McBride) unanimously approved.

2. April 13, 2021 Noticed Public Workshop – Overview of Initial Study/Mitigated Negative Declaration - February 2021 for Potable Water System Improvements and Consolidation of Water Systems (Prop. 1 Planning Grant) (Workshop No. 4)

GM West provided a PowerPoint presentation which outlined the second half of the environmental conditions evaluated as part of the Mitigated Negative Declaration document. The schedule was discussed with includes two public workshop to be held on March 9 and April 13, 2021. The public comment period closes on April 20, 2021. Thereafter, all comments will be reviewed and a response generated and incorporated into the document prior to the Board of Directors consideration of its adoption following a Public Hearing on May 11, 2021. Thereafter, staff will seek grant funding for the project.

GM West answered questions from the Board.

Public Comment: None

No Action Required: Information and discussion purposes only.

3. Chapter 8 Sale of Tax-Defaulted Property: Receive and File Application to Purchase Tax Defaulted Property from County of San Bernardino for Properties of Interest to Bighorn-Desert View Water Agency (APN: 454-682-13 and 629-072-40)

GM West gave the staff report as outlined in the Agenda packet.

Motion No. 21-023

Vice President McBride made a motion to Receive and File Application to Purchase Tax Defaulted Property from County of San Bernardino for Properties of Interest to Bighorn-Desert View Water Agency (APN: 454-682-13 and 629-072-40). Secretary McKenzie seconded the motion.

GM West answered questions of the Board.

Public Comment: None

McBride	Y
Burkhart	Y
McKenzie	Y
Close-Dees	Y
Dicht	Y

MSC¹ (McBride/McKenzie) unanimously approved.

4. Consent Items – The following items are expected to be routine and non-controversial and will be acted on by the Board at one time without discussion, unless a member of the Public or member of the Board requests that the item be held for discussion or further action.

- a. Regular Board Meeting Minutes for March 9, 2021
- b. Receive and File PLEGS Committee Meeting Minutes for December 15, 2020
- c. Financial Statements March 2021
 1. Balance Sheet
 2. Budget Sheet
- d. Receive and File Disbursements for March 2021
- e. Service Order Report for March 2021
- f. BDV Production Report for March 2021
- g. Goat Mountain Production Report for March 2021
- h. Authorize Director Attendance to CSDA 2021 Virtual Special Districts Legislative Days May 18-19, 2021 at an Estimated Cost Not to Exceed \$390 per Director

Recommended Action:

Approve as presented (Item a-h):

Motion No. 21-024

Vice President McBride made a motion to adopt the consent calendar. Director Dicht seconded the motion.

Public Comment: none

McBride	Y
Burkhart	Y
McKenzie	Y
Close-Dees	Y
Dicht	Y

MSC¹ (McBride/Dicht) unanimously approved.

5. Matters Removed from Consent Items

None.

6. Public Comment Period

None.

7. Verbal Reports - Including Reports on Courses/Conferences/Meetings.

1. General Manager Report - none

2. Director Reports -

Director Close-Dees - Reported on the Anti-Harassment training she recently completed on-line and as required of all directors.

Director

Director McKenzie - Reported on the Anti-Harassment training she recently completed on-line and as required of all directors. She further reported on the March 25, 2021 Mojave Water Agency meeting noting discussions on Urban Water Management Planning, a contract to update the numerical groundwater modeling for the Mojave River basins and a proposal for updated aerial photography. She asked if Director Ventura could come and provide a report on the Water Master. GM West suggested maybe an update on the recently completed Strategic Plan.

Director Dicht - Reported on the Ethics class he completed as required of all directors. He further reported on the CA Special Districts Governance Foundations class he completed in March 2021. A written report was included in the Agenda packet.

Director McBride – No report but asked about the citizen comments on Facebook regarding Section 35 and the planned development of a campground.

3. President Report

President Burkhart reported on the Anti-Harassment training she recently completed on-line and as required of all directors. He further reported on the Technical Advisory Committee meeting he attended on April 1, 2021.

President Burkhart also noted the increase in production at Well 10 and asked that an Ad Hoc Committee be formed at the next meeting to review the new customer classes and consumption trends.

8. Adjournment

President Burkhart adjourned the meeting at 7:57 pm.

Approved by:

JoMarie McKenzie, Secretary of the Board

MSC¹ – Motion made, seconded and carried

Official Seal

Item b



BIGHORN-DESERT VIEW WATER AGENCY

Our Mission - "To provide a high quality supply of water and reliable service to all customers at a fair and reasonable rate."

Planning/Legislative/Engineering Grant & Security Standing Committee Meeting Minutes

Committee Members: President Burkhart & Director Close-Dees

**BOARD MEETING OFFICE
1720 N. CHEROKEE TR.
LANDERS, CALIFORNIA 92285**

**February 16, 2021
Time – 9:15 A.M.**

**PUBLIC AND BOARD WISHING TO PARTICIPATE REMOTELY
TELECONFERENCE LINE THRU ZOOM 669-900-6833
OR**

Join Zoom Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85427922151?pwd=V3hqdlVVOcURYeDRYMUh5R2VtUzNkQT09>

Passcode: 804950

Or Dial:

1-669-900-6833

Webinar ID: 854 2792 2151

Passcode: 804950

Please note that all requirements of the Brown Act requiring the physical presence of the board or staff have been waived per Executive Order N-29-20

CALL TO ORDER

Director Burkhart called the meeting to order at 9:16 am

PLEDGE OF ALLEGIANCE

Led by John Burkhart

ROLL CALL

Directors: John Burkhart
 Megan Close-Dees

Staff: Marina West

Public present via teleconference - 0. There were 2 members of the public present in the Boardroom.

APPROVAL OF AGENDA

The Committee members approved the agenda. Item on Goat Mountain Replacement Well was moved to first item.

Discussion and Action Items -

- 1. Goat Mountain Replacement Well Prop. 1/Round 1 Grant Award Update**

GM West reported on the proposed schedule for the project. A Categorical Exemption was filed. The project is exempt since it is a replacement well on the same property. The engineering design drawings are nearly complete except for the electrical drawings and some modifications to the originally proposed above ground discharge valve and piping.

Staff will still need to file CEQA for the proposed borings discussed at the last PLEGS meeting. These would also be Categorical Exempt since they are exploratory in nature. Staff will bring this to the March or April Board of Directors meeting once costs estimates can be obtained.

Staff just received word today that the final agreement has been signed. Staff will attend a kickoff meeting held by Department of Water Resources who will provide general guidance and information applicable to all grantees to assist in managing Proposition 1 IRWM Implementation grant agreements.

GM West answered questions of the Committee.

2. Conference Call with Mojave Water Agency's Legal/Legislative and Public Information Committee

The Committee participated via conference call to receive an update on the current status of state and federal legislative issues.

For California, this is the first year of a two year session with the possibility that some could pass in the first year. Some bills are reintroductions of bills from last session which were sidelined due to COVID.

3. Community Water Systems Alliance Update: Proposed Legislation Which Could Affect Agency Operations

GM West gave the staff report adding additional input on certain proposed California bills that the Alliance is watching.

Committee Adjourned to Break at 10:51 am and Reconvened Committee at 11:00 am

4. Public Workshop No. 2: Overview of Initial Study/Mitigated Negative Declaration - February 2021 for Potable Water System Improvements and Consolidation of Water Systems (Prop. 1 Planning Grant)

GM West gave an overview of the CEQA process via a PowerPoint presentation. She further discussed the schedule and then a review of the biological survey report completed as part of the project.

5. Discuss Definition of "Customer Classes" Under New Rate and Fee Alternatives Selected by the Board of Directors

GM West gave the staff report as presented in the Agenda packet noting that the issue of commercial class requires further discussion and input since the February 9, 2021 regular meeting of the Board.

Directors discussed the matter noting that the vacation rental is just an extension of a resident. Another director wanted to return to the business of the Agency focused on water supply not on what is going on behind the front door. Usage is a way to do this. Furthermore, vacation rentals are on/off operations and should be separate from commercial ventures. Perhaps the definition of commercial is what it is not – commercial is not any kind of residence used for short-term rental, vacation rental, home-based business, etc.

A member of the public discussed the building permit process and fire sprinklers which solidifies the commercial status. Another public comment was about variance fees.

6. Consent Items –

a. PLEGS Committee Meeting Minutes, December 15, 2020

Recommended Action:

Approve as presented (Item a):

No Public Comment.

The Committee members approved the minutes as presented.

7. Public Comment Period

No Public Comment.

8. Verbal Reports - Including Reports on Courses/Conferences/Meetings

- 1. Committee Members' Comments/Reports – none.
- 2. General Manager's Report – none.

9. Adjournment – Director Burkhart adjourned the meeting at 12:08 pm.

Approved by:



President John Burkhart, Committee Chair



Official Seal

Item c



BIGHORN-DESERT VIEW WATER AGENCY

"To provide a high quality supply of water and reliable service to all customers at a fair and reasonable rate."

Finance/Public Relations/Education and Personnel Standing Committee Meeting Minutes

Committee Members: Director McBride & Director McKenzie

**BOARD MEETING OFFICE
1720 N. CHEROKEE TR.
LANDERS, CALIFORNIA 92284**

**March 17, 2021
Time – 4:00 P.M.**

**PUBLIC AND BOARD WISHING TO PARTICIPATE REMOTELY
TELECONFERENCE LINE THRU ZOOM 669-900-6833
OR**

Join Zoom Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84689979760?pwd=Q0hQdXVwbGZBd1JBTjhZalp2K05ldz09>

Passcode: 575039

Or Dial:

1-669-900-6833

Webinar ID: 846 8997 9760

Passcode: 575039

Please note that all requirements of the Brown Act requiring the physical presence of the board or staff have been waived per Executive Order N-29-20

CALL TO ORDER

Vice President McBride called the meeting to order at 4:01 pm

PLEDGE OF ALLEGIANCE

Led by John Burkhart.

ROLL CALL

Directors Present: Chairman McBride
Director McKenzie

Staff Present: Marina West

Public Present: 0 member(s) of the public indicated they were participating via teleconference.

3 members of the public were present in the meeting room.

Paul Fuller, JPRIMA, participated by teleconference.

APPROVAL OF AGENDA

Vice President McBride and Director McKenzie approved the Agenda as presented.

Discussion and Action Items -

1. **Presentation on Property and Casualty Insurance by CalMutuals JPRIMA Representative Paul R. Fuller, CEO, Allied Public Risk, LLC**

GM West introduced the timeline and reasoning for seeking an additional quote for Property Liability Insurance. She then introduced Paul Fuller, Allied Public Risk and JPRIMA, representative.

Mr. Fuller provided a background overview of JPRIMA and particulars about liability and litigation in recent times.

He indicated that our account was priced at a level that is sustainable, roughly at \$63,000 and in good conscience adjusted our total liability of \$5M due to our size and background. He further discussed the excess liability. This is a contrast from SDRMA which cannot offer unlimited defense costs it is aggregate.

Mr. Fuller included a \$50,000 deductible for employment practices claims. After further interrogation of staff, he said this deductible can be reduced overtime to a much lower amount. In order to pursue that then JPRIMA would need to be a part of the professional support team as is with CPA and Legal. This would include talking through strategy in hiring and termination activities. In addition, agreeing that Liebert Cassidy Whitmore would be the "human resources" professional partner on the team as well. If we agree to a \$50K deductible (reduce to \$25K next year) and he can lower the quote by approximately \$10K. Basically decide together how issues will be handled. If no claims this year, deductible drops to \$25K then \$10K in year three. This relationship is different than SDRMA in that Mr. Fuller wants to be involved as it relates to insurance (contractor insurance) and human resources.

Mr. Fuller was asked questions by the Committee including whether or not Errors and Omissions for individual directors, deductibles for other claims such as fire (\$2,500) or vehicle (\$1,000). Director McKenzie asked about inverse condemnation as outlined in Mr. Fuller's article from the Agenda Packet.

All claims handed within Allied. Mr. Fuller is also the arbiter.

Public Comment: Mrs. Terry Burkhart stated that she has 35 years of experience in the insurance industry and having reviewed this policy she thinks it is very good.

Directors asked Cindy Byerrum, CPA, additional questions about her experience with JPRIMA and her other clients. Mrs. Byerrum informed the Committee that her husband, Jim Byerrum is the CEO of JPRIMA but he does so for \$0 income. It is as an unpaid volunteer.

There was a short discussion about Worker's Compensation issues as well.

2. 2021 Staff Salary Survey and Recommendations for Fiscal Year 2021/22 Budget

GM West gave the staff report noting that the Committee agreed a salary survey for staff was warranted in April 2020. GM West decided to do this study in-house with the help of our financial consultant, Cindy Byerrum, and not pursue an outside consultant. GM West informed the Committee that the tables were shared with the employees prior to this presentation.

Staff and Committee members discussed the tables and the recommendations noting that the entry level positions are the most underpaid according to the benchmark. The entry level positions are also the most common and similar in job duties across the entities surveyed. That results in eight (8) positions to document a sound benchmark. The proposal provides good earnings potential which is a benefit to the Agency in attracting and retaining employees.

Director McKenzie noted that her understanding is that successful businesses run payroll (pay + benefits) somewhere between 10% and 30%. By her calculations the Agency is at 34%. She asked what the ratio would be under this proposal. Director McKenzie asked additional questions concerning the merit increase potential vs. the Cost-of-Living Adjustment (COLA), employee vs employer contributions to the pension, CalPERS.

Staff conducted some "over-the-shoulder" calculations based on the draft budget, but was not comfortable "standing by" these numbers as the budget includes standby and overtime as well as benefits.

Ms. Byerrum noted her other agencies where it is closer to 30-40% and sometimes higher. For instance, 29 Palms Water District is 50% and Cabazon Water District is closer to 35% but being her "worst paid" district, they have constant turnover which is a problem. Director McBride expressed understanding about turnover and becoming a training ground for folks to move-on after being adequately trained for our needs. He further discussed the importance of certifications and their value which justifies being concerned about the pay scale because the certifications are good statewide. GM West noted the breadth of responsibilities that even our entry level employees have to perform. She further noted that there will be one retirement at April 30th and a second pending in 2 to 3 years. GM West asked for clarification from Director McKenzie on what exactly she is asking staff to calculate as part of this review. The request is for staff to calculate the ratio of salary + benefits vs total expenses.

There was additional discussion regarding the number of "hang tags" and "lock-offs" noted on the Service Order report.

It was noted that the bottom of range from the salary survey would be about \$20/hr. and that minimum wage is currently \$14/hr. and in the city of LA it is \$15/hr. Ms. Byerrum noted that Cabazon Water District is currently working on a benchmark survey because of the excessive turnover in operators over time. Their recommendations are being requested in

the next budget cycle. There were additional questions regarding the relationship between these benchmark adjustments plus COLA vs. merit increases. Director McKenzie reiterated her concern over public perception and her ability to defend any decision to adjust salaries as recommended by the benchmark salary proposal. GM West noted that our benchmark is inclusive of local agencies only and that staff has worked hard resulting in numerous achievements, including annexation of Goat Mountain, and increasing reserves from nearly zero to \$4.5 million so it seems the time is right to reward that by adjusting the range and step scales to conform to the local pay standards. There was additional conversation regarding the proposed Organizational Chart discussed in April 2020.

GM West stated that the item can either be pushed to the full Board for comment or we can form an Ad Hoc Committee to further analyze alternatives if desired or return to Committee to answer some specific questions before making that determination.

Director McBride noted the survey shows the “industry standard” and that is how you explain it to the public. Director McKenzie is requesting that we provide a calculation of ratio of employee costs to total revenue. It was later realized that the better analysis is salary vs. expenses, not revenue.

A special meeting was scheduled for April 20, 2021 at 4pm to continue this discussion.

Public Comment:

Mrs. Terry Burkhart noted that the whole country is pushing \$15/hr. for “flipping burgers” which can then be compared to this \$20/hr. entry level operator which doesn’t seem like a lot of money compared to the duties. Mrs. Burkhart further noted the condition of the Agency when she joined the Board and how far the Agency has come from the time that she joined the Board following a recall effort of three directors as a result of mismanagement and how much the Agency had to “over-come” to get back on track.

Committee adjourned to break at 6:16 pm – Returned from break at 6:32 pm

3. Fiscal Year 2020/21 Mid-Year Budget Review

GM West gave a brief presentation on revenue and expenses to date. Director McKenzie asked about Education budget for current year as well as Other Admin expenses (where will it go).

No Public Comment

4. Review and Provide Feedback on Topics for a Spring 2021 Newsletter Provided to all BDVWA Customers

GM West introduced the draft newsletter focused on “emergency preparedness” that was prepared at Director McKenzie’s request. GM West asked if this is “in-line” with her request.

Director McKenzie's original vision was more "in the moment". For instance, during an outage,

- What do I do to get water? Where am I going to get some? How am I going to get it (for toilet, dishes, etc.) referring to the Texas power outage where people reported they didn't know what to do. For instance, if they know where a water tank is; they will know where to get water. Give information so our folks don't feel abandoned.
- Water treatment methods for home use?
- What you can expect from BDVWA during an emergency? Basic human needs first, how emergency water would be distributed.
- What can we tell people so they are informed?
- What do I do, what can I do, the day the emergency happens?

Public Comment:

Mrs. Terry Burkhart said it's about the need to be prepared and it never hurts to remind the public to be prepared. She mentioned that for example for those that use bleach, they can use the container instead of throwing it away. Fill it with water and label it and it is good for a long time.

5. IRS 115 Pension Stabilization Fund – PARS 115 Trust Financial Report

GM West reviewed the investment statement for the period ending January 2021.

No Public Comment.

6. Consent Items –

- a. FPREP Special Committee Meeting Minutes January 20, 2021

Recommended Action:

Approve as presented (Items a):

No Public Comment.

Committee members approved the minutes as presented.

7. Public Comment Period

None.

8. Verbal Reports - Including Reports on Courses/Conferences/Meetings.

1. Committee Members' Comments/Reports – none.
2. General Manager's Report – GM West reported that the notice of the San Bernardino Tax Sale has been published and if she sees

9. **Adjournment** – Vice President McBride adjourned the meeting at 7:01 pm.

Approved by:


Michael McBride, Committee Chair



Official Seal

Item d

General Ledger

Balance Sheet

User: rsandoval
 Printed: 05/04/2021 - 8:16AM
 Fund: All
 Period: April
 Fiscal Year: 2021

Bighorn – Desert View Water Agency

622 S. Jemez Trail (760) 364-2315
 Yucca Valley, CA 92284-1440

Fund ALFRE

Account Type	Amount
01 - General Fund	
Assets	
CASH & CASH EQUIVALENTS	
01-00-131250 - PACIFIC WESTERN BANK	3,431,055.53
01-00-131300 - CASH DRAWERS BASE FUND	750.00
01-00-134000 - PETTY CASH FUND	800.00
	Total CASH & CASH EQUIVALENTS: 3,432,605.53
INVESTMENTS	
01-00-132000 - PARS IRS 115 TRUST	158,599.77
01-00-133030 - LAIF - CASH ACCOUNT	536,103.18
01-00-133111 - OPEN	0.00
01-00-133112 - OPEN	0.00
	Total INVESTMENTS: 694,702.95
ACCOUNTS RECEIVABLE - WATER	
01-00-137100 - A/R WATER	245,492.19
01-00-137130 - A/R WATER UNBILLED FYE	0.00
01-00-139540 - 2013-14 LIEN REC \$29,632	0.00
01-00-139541 - 2014-15 LIEN REC \$69,492	5,086.20
01-00-139542 - 2015-16 LIEN REC \$43,270	5,876.80
01-00-139543 - 2016-17 LIEN REC \$45,364	7,915.12
01-00-139544 - 2017-18 LIEN REC \$32,464	9,376.13
01-00-139545 - 2018/19 LIEN REC \$52,020	17,621.28
01-00-139546 - 2019/20 LIEN REC \$35,381	22,246.47
01-00-139900 - ALLOW. FOR BAD DEBTS-H2O LIENS	(1,500.00)
	Total ACCOUNTS RECEIVABLE - WATER: 312,114.19
ACCOUNTS RECEIVABLE - OTHER	
01-00-136000 - A/R OTHER (Non-UB AR)	0.00
01-00-136500 - INTEREST RECEIVABLE	0.00
01-00-137110 - 2015&16 IDGM STBY A/R(\$27,455)	(69.85)
01-00-137112 - 2017 IDGM STBY A/R (\$10,353)	5,223.45
01-00-137113 - 2018 IDGM STBY A/R (12,367)	306.10
01-00-137114 - 2019 IDGM STBY A/R (\$10,349)	6,573.50
01-00-138000 - A/R PROPERTY TAXES	0.00
01-00-138030 - ACCRUED RECEIVABLE	0.00
01-00-139000 - A/R CUSTOMER PROJECTS	0.00
01-00-139605 - DUE FROM PROP 1 GRANT	11,898.82
01-00-139608 - DUE FROM DACI	2,500.00
01-00-139901 - ALLOWANCE BAD DEBT - STANDBY	(5,000.00)
	Total ACCOUNTS RECEIVABLE - OTHER: 21,432.02
INVENTORY	
01-00-143010 - INVENTORY-WATER SYSTEM PARTS	75,400.91
01-00-143011 - INVENTORY- AMES WATER	289,830.00
01-00-143012 - INVENTORY CLEARING	1,422.30

Fund ALFRE

Account Type	Amount
	Total INVENTORY:
	366,653.21
PREPAID EXPENSES	
01-00-144010 - PREPAYMENTS W/C INS	3,591.13
01-00-144020 - PREPAYMENTS PL & PD LIAB INS	13,225.68
01-00-144025 - PREPAID EXPENSES	0.00
01-00-144035 - PREPAY CalPERS UAL	11,158.22
	Total PREPAID EXPENSES:
	27,975.03
FIXED ASSETS	
01-00-111300 - FA ORGANIZATION	336,271.36
01-00-111301 - A/D ORGANIZATION	(176,257.98)
01-00-111350 - FA LAND	90,005.43
01-00-111400 - FA BUILDINGS	327,592.81
01-00-111401 - A/D BUILDINGS	(245,822.37)
01-00-111500 - FA YARDS	56,330.15
01-00-111501 - A/D YARDS	(49,559.32)
01-00-111600 - FA FUEL TANKS	18,942.68
01-00-111601 - A/D FUEL TANK	(17,686.90)
01-00-111700 - FA WATER SYSTEM	9,771,658.37
01-00-111701 - A/D WATER SYSTEM	(6,351,361.26)
01-00-111800 - FA SHOP EQUIPMENT	29,960.60
01-00-111801 - A/D SHOP EQUIPMENT	(20,256.15)
01-00-111810 - FA MOBILE EQUIPMENT	768,343.53
01-00-111811 - A/D MOBILE EQUIPMENT	(503,876.23)
01-00-111900 - FA OFFICE EQUIPMENT	182,242.50
01-00-111901 - A/D OFFICE EQUIPMENT	(98,789.06)
	Total FIXED ASSETS:
	4,117,738.16
CONSTRUCTION IN PROGRESS	
01-00-120051 - CIP - MISC	23,627.40
	Total CONSTRUCTION IN PROGRESS:
	23,627.40
PENSION DEFERRED OUTFLOWS	
01-00-120600 - PENSION DEFERRED OUTFLOWS	0.00
	Total PENSION DEFERRED OUTFLOWS:
	0.00
NET PENSION LIABILITY	
01-00-223100 - NET PENSION LIABILITY	(699,595.00)
	Total NET PENSION LIABILITY:
	(699,595.00)
DEFERRED INFLOWS OF RESOURCES	
01-00-225000 - DIR - PENSION RELATED	(28,206.00)
	Total DEFERRED INFLOWS OF RESOURCES:
	(28,206.00)
	Total Assets:
	8,269,047.49
Liabilities	
ACCOUNTS PAYABLE	
01-00-225200 - ACCRUED INTEREST PAYABLE	0.00
01-00-225300 - ACCRUED EXPENSES	0.00
01-00-227000 - ACCOUNTS PAYABLE	3,866.07
01-00-227001 - AP PROP 1 ACC.EXP.	0.00
	Total ACCOUNTS PAYABLE:
	3,866.07
ACCRUED PAYROLL	
01-00-229000 - ACCRUED PAYROLL LIABILITIES	0.00
01-00-229100 - ACCRUED EMP COMP BALANCES	96,378.90
	Total ACCRUED PAYROLL:
	96,378.90
ACCRUED PR LIABILITIES	
01-00-229001 - FEDERAL PR TAX PAYABLE	0.00

Fund ALFRE

Account Type	Amount
01-00-229002 - STATE PR TAX PAYABLE	(127.60)
01-00-229003 - MEDICAL INSURANCE PAYABLE	(8,962.65)
01-00-229004 - 3RD PARTY INS PLAN PAYABLE	132.44
01-00-229005 - CALPERS PAYABLE	(3.96)
01-00-229006 - CALPERS SPEC COMP-UNIFORM ALL	3.96
Total ACCRUED PR LIABILITIES:	(8,957.81)
CUSTOMER DEPOSITS	
01-00-226000 - CUSTOMER DEPOSITS	120,625.67
01-00-226002 - ANNEX SEC. 35 RoBott Land	5,000.00
01-00-226003 - ANNEX NAPA@KUNA 631-071-12	5,000.00
01-00-226004 - ANNEX 631-051-28 (550 Landers)	5,000.00
01-00-226005 - UNEARN REV-UB ACCT CREDITS	10.76
Total CUSTOMER DEPOSITS:	135,636.43
BLUEFIN CC FEES	
01-00-226001 - PORTAL BLUEFIN/SB CC FEES	(3,764.20)
Total BLUEFIN CC FEES:	(3,764.20)
PAYABLE FROM RESTRICTED ASSETS	
01-00-229500 - ACCRUED INT PAYABLE DV ID BNDS	0.00
Total PAYABLE FROM RESTRICTED ASSETS:	0.00
LONG TERM DEBT	
01-00-211010 - REVENUE BONDS PAYABLE - DV	0.00
01-00-211020 - DA01 CoSB REPAYMENT	77,570.03
01-00-211030 - IDM PIPELINE FUTURE DEBT BAL	62,814.00
Total LONG TERM DEBT:	140,384.03
DEFERRED OUTFLOWS OF RESOURCE	
01-00-151000 - DOR - PENSION CONTRIBUTIONS	(142,936.00)
01-00-153000 - DOR - PENSION RELATED	(79,554.00)
01-00-225001 - DEFERRED INFLOW-ADD'L DEFERRAL	0.00
Total DEFERRED OUTFLOWS OF RESOURCE:	(222,490.00)
PENSION DEFERRED INFLOW	
01-00-223110 - PENSION DEFERRED INFLOWS	0.00
Total PENSION DEFERRED INFLOW:	0.00
Total Liabilities:	141,053.42
Fund Balance	
FUND BALANCE	
01-00-301090 - CONTRIBUTED CAPITAL/HUD	0.00
01-00-301110 - FMHA GRANTS	0.00
01-00-310000 - FUND BALANCE	6,988,430.87
01-00-310005 - IMP DIST GOAT MTN FUND BALANCE	293,946.48
01-00-310010 - FUND BALANCE FEMA & OES	0.00
01-00-310011 - DA01 OVERPAYMENT by CoSB	130,183.35
Total FUND BALANCE:	7,412,560.70
Total Fund Balance:	7,412,560.70
Total Liabilities and Fund Balance:	7,553,614.12
Total Retained Earnings:	715,433.37
Total Fund Balance and Retained Earnings:	8,127,994.07
Total Liabilities, Fund Balance, and Retained Earnings:	8,269,047.49
Totals for Fund 01 - General Fund:	0.00

General Ledger

Budget Status

User: rsandoval
 Printed: 5/4/2021 - 8:16 AM
 Period: April 30, 2021

Bighorn – Desert View Water Agency

622 S. Jemez Trail (760) 364-2315
 Yucca Valley, CA 92284-1440

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
Fund 01	General Fund							
Dept 01-00	No Department							
R05	OPERATING REVENUE							
01-00-410000	SERVICE LINE INSTALLATION F	3,590.00	74,805.00	74,805.00	-71,215.00	0.00	-71,215.00	0.00
01-00-410010	BASIC FACILITIES CHARGE	9,190.00	250,950.00	250,950.00	-241,760.00	0.00	-241,760.00	0.00
01-00-411000	INCOME METERED WATER	674,677.00	692,200.94	692,200.94	-17,523.94	0.00	-17,523.94	0.00
01-00-412000	GOAT MTN STANDBY INCOME	55,000.00	53,207.85	53,207.85	1,792.15	0.00	1,792.15	3.26
01-00-413000	BASIC SERVICE CHARGE	940,440.00	809,006.63	809,006.63	131,433.37	0.00	131,433.37	13.98
01-00-414000	INCOME JV BULK WATER SALE	3,500.00	5,284.00	5,284.00	-1,784.00	0.00	-1,784.00	0.00
01-00-417000	INCOME OTHER (OPERATING)	60,000.00	52,006.64	52,006.64	7,993.36	0.00	7,993.36	13.32
01-00-417003	RESTRICTED FROM CSA70/W1	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-00-417004	INCOME REIMBURSEMENT (ID	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-00-419000	AMES BASIN WATER TRANSFER	1.00	0.00	0.00	1.00	0.00	1.00	100.00
01-00-492050	PAC WEST BANK EARNINGS CR	0.00	10,320.46	10,320.46	-10,320.46	0.00	-10,320.46	0.00
	R05 Sub Totals:	1,746,398.00	1,947,781.52	1,947,781.52	-201,383.52	0.00	-201,383.52	0.00
R10	NON-OPERATING REVENUE							
01-00-491000	GA02 GEN LEVY IMP DIST A BH	56,230.00	64,643.16	64,643.16	-8,413.16	0.00	-8,413.16	0.00
01-00-491010	DA01 DEBT SRVC IMP1 (BH BON	1.00	1,654.22	1,654.22	-1,653.22	0.00	-1,653.22	0.00
01-00-491020	GA01 GENERAL TAX LEVY (BVI	55,300.00	65,459.36	65,459.36	-10,159.36	0.00	-10,159.36	0.00
01-00-491030	INCOME REV BONDS DV FMHA	0.00	65.58	65.58	-65.58	0.00	-65.58	0.00
01-00-491040	GA03 ID GM GEN TAX LEVY	24,800.00	30,487.77	30,487.77	-5,687.77	0.00	-5,687.77	0.00
01-00-492000	INTEREST INCOME	16,000.00	10,770.94	10,770.94	5,229.06	0.00	5,229.06	32.68
01-00-496000	INCOME OTHER (NON OPERATI	28,500.00	14,859.13	14,859.13	13,640.87	0.00	13,640.87	47.86
01-00-499991	GRANT FOR HAZARD MITIGATI	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-00-499992	CAPITAL CONTRIBUTION REVE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-00-499996	PROP 1 REV. ACCT.	0.00	122,692.12	122,692.12	-122,692.12	0.00	-122,692.12	0.00
01-00-499997	AWAC GRANT WEF 2019	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-00-499998	DACI REV ACCT.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	R10 Sub Totals:	180,831.00	310,632.28	310,632.28	-129,801.28	0.00	-129,801.28	0.00
	Revenue Sub Totals:	1,927,229.00	2,258,413.80	2,258,413.80	-331,184.80	0.00	-331,184.80	0.00
E25	NON-OPERATING EXPENSE							
01-00-562000	OFFICE EQUIPMENT EXPENSE	10,000.00	10,280.02	10,280.02	-280.02	0.00	-280.02	0.00

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
01-00-563000	CUSTOMER RELATIONS	3,800.00	583.34	583.34	3,216.66	0.00	3,216.66	84.65
01-00-564000	OTHER ADMINISTRATIVE EXPE	7,500.00	10,185.15	10,185.15	-2,685.15	0.00	-2,685.15	0.00
01-00-570000	INTEREST EXPENSE - BH BOND	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-00-571000	DEPRECIATION EXPENSE	0.00	38,938.04	38,938.04	-38,938.04	0.00	-38,938.04	0.00
01-00-571100	AMORTIZATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-00-573500	MWA PIPELINE DEBT	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-00-573501	GOAT MTN - MWA PIPELINE DE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-00-581000	ELECTION COSTS	2,500.00	262.00	262.00	2,238.00	0.00	2,238.00	89.52
01-00-591000	INTEREST EXPENSE - DV BOND	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-00-593000	EXPENSE / INCOME MISC	500.00	-309.35	-309.35	809.35	0.00	809.35	161.87
01-00-594000	GAIN (LOSS) ASSET DISPOSAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00
E25 Sub Totals:		24,300.00	59,939.20	59,939.20	-35,639.20	0.00	-35,639.20	0.00
Expense Sub Totals:		24,300.00	59,939.20	59,939.20	-35,639.20	0.00	-35,639.20	0.00
Dept 00 Sub Totals:		-1,902,929.00	-2,198,474.60	-2,198,474.60	295,545.60	0.00		
Dept 01-01	Administration							
E15	ADMINISTRATIVE EXPENSE							
01-01-560030	ADMINISTRATIVE COMPENSAT	307,871.00	253,500.43	253,500.43	54,370.57	0.00	54,370.57	17.66
01-01-560060	CONTRACTUAL SERV-AUDITOF	21,165.00	12,323.00	12,323.00	8,842.00	0.00	8,842.00	41.78
01-01-560070	CONTRACTUAL SERV-LEGAL	20,000.00	12,863.96	12,863.96	7,136.04	0.00	7,136.04	35.68
01-01-560075	LEGISLATIVE AFFAIRS CWSA	10,000.00	10,140.70	10,140.70	-140.70	0.00	-140.70	0.00
01-01-560080	PERS CONTRIBUTION	100,000.00	75,473.07	75,473.07	24,526.93	0.00	24,526.93	24.53
01-01-560085	GASB 68 EXP (INC)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-01-560090	PAYROLL TAXES	15,703.00	13,312.96	13,312.96	2,390.04	0.00	2,390.04	15.22
01-01-560110	TELEPHONE/FAX/INTERNET/WI	9,085.00	6,010.86	6,010.86	3,074.14	0.00	3,074.14	33.84
01-01-560120	MAILING EXPENSE	1,500.00	989.48	989.48	510.52	0.00	510.52	34.03
01-01-560140	CONTRACTUAL SERV - OTHER	78,500.00	81,158.48	81,158.48	-2,658.48	0.00	-2,658.48	0.00
01-01-560160	PROPERTY/LIABILITY EXPENSE	67,230.00	50,422.59	50,422.59	16,807.41	0.00	16,807.41	25.00
01-01-560170	WORKERS COMP EXPENSE	12,606.00	10,480.43	10,480.43	2,125.57	0.00	2,125.57	16.86
01-01-560180	DUES & SUBSCRIPTIONS	17,850.00	17,059.56	17,059.56	790.44	0.00	790.44	4.43
01-01-560200	POWER/PROPANE OFFICES & Y/	8,200.00	6,632.85	6,632.85	1,567.15	0.00	1,567.15	19.11
01-01-560220	BAD DEBT EXPENSE	1,500.00	1,216.19	1,216.19	283.81	0.00	283.81	18.92
01-01-560221	BAD DEBT-LIENS/UNCOLLECT/	5,000.00	0.00	0.00	5,000.00	0.00	5,000.00	100.00
01-01-560300	OFFICE SUPPLIES/PRINTING	8,500.00	8,744.11	8,744.11	-244.11	0.00	-244.11	0.00
01-01-561000	EMPLOYEE BENEFITS INSURAN	155,000.00	106,533.92	106,533.92	48,466.08	0.00	48,466.08	31.27
01-01-561100	EMPLOYEE EDUCATION/TRAIN	15,000.00	17,156.44	17,156.44	-2,156.44	0.00	-2,156.44	0.00
01-01-561500	PAYROLL FRINGE EXP TO PROJ	0.00	-254.28	-254.28	254.28	0.00	254.28	0.00
01-01-561600	OVERHEAD TO PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-01-561700	COVID-19 FUND	0.00	386.76	386.76	-386.76	0.00	-386.76	0.00
E15 Sub Totals:		854,710.00	684,151.51	684,151.51	170,558.49	0.00	170,558.49	20.96
NON-OPERATING EXPENSE								

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
01-01-564001	PARS TRUST EXPENSES	0.00	489.35	489.35	-489.35	0.00	-489.35	0.00
	E25 Sub Totals:	0.00	489.35	489.35	-489.35	0.00	-489.35	0.00
	Expense Sub Totals:	854,710.00	684,640.86	684,640.86	170,069.14	0.00	170,069.14	19.90
Dept 01-05	Dept 01 Sub Totals:	854,710.00	684,640.86	684,640.86	170,069.14	0.00		
E05	Operations							
	OPERATIONS EXPENSE							
01-05-541020	OPERATIONS COMPENSATION	326,155.00	265,341.84	265,341.84	60,813.16	0.00	60,813.16	18.65
01-05-541030	UNIFORMS	6,750.00	4,627.28	4,627.28	2,122.72	0.00	2,122.72	31.45
01-05-541060	VEHICLE/TRACTOR/EQUIP EXP	30,000.00	15,126.48	15,126.48	14,873.52	0.00	14,873.52	49.58
01-05-541070	VEHICLE EXPENSE-FUEL	36,750.00	24,095.36	24,095.36	12,654.64	0.00	12,654.64	34.43
01-05-541090	FIELD MATERIALS & SUPPLIES	75,000.00	73,408.83	73,408.83	1,591.17	0.00	1,591.17	2.12
01-05-541095	SHRINKAGE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-05-541110	WATER TESTING	12,000.00	19,290.00	19,290.00	-7,290.00	0.00	-7,290.00	0.00
01-05-541120	CONTRACTUAL SRV-ENGINEER	60,000.00	825.00	825.00	59,175.00	0.00	59,175.00	98.63
01-05-541140	WATER SYSTEM REPAIRS	70,000.00	54,904.51	54,904.51	15,095.49	0.00	15,095.49	21.56
01-05-541141	EXCAVATION COUNTY OF SB	500.00	201.00	201.00	299.00	0.00	299.00	59.80
01-05-541150	BUILDING MAINTENANCE/REP/	15,500.00	10,004.61	10,004.61	5,495.39	0.00	5,495.39	35.45
01-05-541190	COMMUNICATIONS EXPENSE	6,700.00	5,296.81	5,296.81	1,403.19	0.00	1,403.19	20.94
01-05-541210	DISINFECTION EXPENSE	15,000.00	10,356.81	10,356.81	4,643.19	0.00	4,643.19	30.95
01-05-541250	POWER WELLS & PUMPS	75,000.00	68,935.99	68,935.99	6,064.01	0.00	6,064.01	8.09
01-05-541300	OTHER OPERATING EXPENSES	11,650.00	10,664.81	10,664.81	985.19	0.00	985.19	8.46
01-05-541700	EQUIPMENT EXP TO CIP	0.00	-1,166.49	-1,166.49	1,166.49	0.00	1,166.49	0.00
01-05-541701	CAPITALIZED LABOR EXPENSE	0.00	-529.77	-529.77	529.77	0.00	529.77	0.00
01-05-542000	AMES WATER	45,000.00	0.00	0.00	45,000.00	0.00	45,000.00	100.00
01-05-560080	PERS CONTRIBUTION - OPS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-05-560085	GASB EXP (INC) - OPS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-05-560090	PAYROLL TAXES - OPS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-05-560170	WORKERS COMP EXPENSE - OP	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-05-561000	EMPLOYEE BENEFIT INSUR - OI	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-05-561100	EE EDUCATION/TRAINING - OP	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	E05 Sub Totals:	786,005.00	561,383.07	561,383.07	224,621.93	0.00	224,621.93	28.58
	Expense Sub Totals:	786,005.00	561,383.07	561,383.07	224,621.93	0.00	224,621.93	28.58
Dept 01-09	Dept 05 Sub Totals:	786,005.00	561,383.07	561,383.07	224,621.93	0.00		
E15	Directors							
	ADMINISTRATIVE EXPENSE							
01-09-560021	DIRECTOR MCBRIDE	9,020.00	3,873.17	3,873.17	5,146.83	0.00	5,146.83	57.06
01-09-560022	DIRECTOR CORL-LORONO	3,000.00	2,698.29	2,698.29	301.71	0.00	301.71	10.06
01-09-560026	DIRECTOR COULOMBE	1,020.00	731.66	731.66	288.34	0.00	288.34	28.27

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
01-09-560027	DIRECTOR J. BURKHART	9,020.00	5,284.87	5,284.87	3,735.13	0.00	3,735.13	41.41
01-09-560028	DIRECTOR MCKENZIE	9,020.00	3,398.15	3,398.15	5,621.85	0.00	5,621.85	62.33
01-09-560029	DIRECTOR CLOSE-DEES	7,000.00	1,775.14	1,775.14	5,224.86	0.00	5,224.86	74.64
01-09-560030	DIRECTOR DICHT	7,000.00	913.70	913.70	6,086.30	0.00	6,086.30	86.95
E15 Sub Totals:		45,080.00	18,674.98	18,674.98	26,405.02	0.00	26,405.02	58.57
Expense Sub Totals:		45,080.00	18,674.98	18,674.98	26,405.02	0.00	26,405.02	58.57
Dept 09 Sub Totals:		45,080.00	18,674.98	18,674.98	26,405.02	0.00		
Dept 01-10	CIP							
E20	CIP EXPENSE							
01-10-056198	LABOR APPLIED TO CIP PROJEC	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-10-056199	LABOR APPLIED TO WIP PROJEC	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-10-0561900	OVERHEAD FOR CIP ONLY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-10-0561904	PROPI BDY/JDGM INTEGR & TIJ	125,557.55	57,758.11	57,758.11	67,799.44	0.00	67,799.44	54.00
01-10-0561929	SAFETY UPGRADES R1, R2A, R2	138,550.00	76,646.65	76,646.65	61,903.35	0.00	61,903.35	44.68
01-10-0561931	C-BOOSTER UPGRADE	35,000.00	1,154.88	1,154.88	33,845.12	0.00	33,845.12	96.70
01-10-0561932	PUMP PROJ (W3, W4)	200,000.00	41,245.70	41,245.70	158,754.30	0.00	158,754.30	79.38
01-10-0561933	ADMIN SOLAR PROJ	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-10-0561934	INTERTIE	0.00	96.98	96.98	-96.98	0.00	-96.98	0.00
01-10-0561936	NBS RATE STUDY (non-FA)	36,432.50	39,902.50	39,902.50	-3,470.00	0.00	-3,470.00	0.00
01-10-0561937	GM REPLACEMENT WELL (Well	500,000.00	0.00	0.00	500,000.00	0.00	500,000.00	100.00
01-10-0561938	PARS 115 TRUST ACCT	100,000.00	0.00	0.00	100,000.00	0.00	100,000.00	100.00
01-10-0561939	ANNEX RoBot LAND SEC.35	5,000.00	877.50	877.50	4,122.50	0.00	4,122.50	82.45
01-10-0561940	SHOP EQUIP	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-10-0561945	ORGANIZATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-10-0561950	LAND	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-10-0561955	OFFICE BUILDING	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-10-0561960	YARDS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-10-0561965	FUEL STORAGE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-10-0561970	WATER SYSTEM	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-10-0561975	VEHICLES - MOTOR VEHICLES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-10-0561980	OFFICE EQUIPMENT	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-10-0562000	ANNEX 631-071-12 (Napa@Kuma)	0.00	660.00	660.00	-660.00	0.00	-660.00	0.00
01-10-0562001	ANNEX 631-051-28 (550 Landers)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
E20 Sub Totals:		1,140,540.05	218,342.32	218,342.32	922,197.73	0.00	922,197.73	80.86
Expense Sub Totals:		1,140,540.05	218,342.32	218,342.32	922,197.73	0.00	922,197.73	80.86
Dept 10 Sub Totals:		1,140,540.05	218,342.32	218,342.32	922,197.73	0.00		
Fund Revenue Sub Totals:		1,927,229.00	2,258,413.80	2,258,413.80	-331,184.80	0.00	-331,184.80	0.00

Account Number	Description	Budget Amount	Period Amount	YTD Amount	YTD Var	Encumbered Amount	Available	% Available
	Fund Expense Sub Totals:	2,850,635.05	1,542,980.43	1,542,980.43	1,307,654.62	0.00	1,307,654.62	45.87
	Fund 01 Sub Totals:	923,406.05	-715,433.37	-715,433.37	1,638,839.42	0.00		
	Revenue Totals:	1,927,229.00	2,258,413.80	2,258,413.80	-331,184.80	0.00	-331,184.80	0.00
	Expense Totals:	2,850,635.05	1,542,980.43	1,542,980.43	1,307,654.62	0.00	1,307,654.62	45.87
	Report Totals:	923,406.05	-715,433.37	-715,433.37	1,638,839.42	0.00		

Item e

Bighorn Desert View Water Agency

Check Register

Check Date Range: 4/1/2021 thru 4/30/2021

Chk Date	Chk No	Payable To	Void	Check Amt
4/1/2021	0	IRS PAYROLL		43.10
4/1/2021	0	IRS PAYROLL		2,726.76
4/1/2021	0	EDD PAYROLL		949.67
4/1/2021	0	CALPERS		4,573.23
4/1/2021	30388	PAYROLL		136.44
4/1/2021	30389	PAYROLL		123.75
4/1/2021	30390	PAYROLL		1,400.93
4/1/2021	30391	PAYROLL		1,995.05
4/1/2021	30392	PAYROLL		1,059.01
4/1/2021	30393	PAYROLL		4,274.23
4/1/2021	30394	PAYROLL		2,009.92
4/1/2021	30395	PAYROLL		1,846.70
4/1/2021	30396	PAYROLL		1,086.12
4/1/2021	30397	PAYROLL		1,589.49
4/1/2021	30398	PAYROLL		2,055.38
4/14/2021	30421	CUSTOMER REFUND		9,224.00
4/14/2021	30422	CUSTOMER REFUND		9,200.21
4/14/2021	30423	CUSTOMER REFUND		9,224.00
4/14/2021	30424	CUSTOMER REFUND		9,224.00
4/14/2021	30425	CUSTOMER REFUND		9,224.00
4/14/2021	30426	CUSTOMER REFUND		9,224.00
4/14/2021	30427	AUTOZONEPARTS		80.91
4/14/2021	30428	BEYOND SOFTWARE SOLUTIONS		1,390.00
4/14/2021	30429	CLINICAL LABORATORY OF SB, INC.		400.00
4/14/2021	30430	EIDE BAILLY LLP		3,987.14
4/14/2021	30431	FEDAK & BROWN LLP		897.00
4/14/2021	30432	HD SUPPLY FAC MAINT LTD		458.87
4/14/2021	30433	BRYAN HEVERON		135.00
4/14/2021	30434	HI-DESERT PROPANE SALES, INC.		384.50
4/14/2021	30435	HI-DESERT STAR		640.00
4/14/2021	30436	HOME DEPOT CREDIT SERVICES		750.63
4/14/2021	30437	INLAND WATER WORKS SUPPLY CO		3,758.09

Bighorn Desert View Water Agency

Check Register

Check Date Range: 4/1/2021 thru 4/30/2021

Chk Date	Chk No	Payable To	Void	Check Amt
4/14/2021	30438	JOHN'S GARAGE,LLC		823.88
4/14/2021	30439	OFFICE DEPOT		72.52
4/14/2021	30440	PARKER'S BUILDING SUPPLY - US LBM, LLC		21.50
4/14/2021	30441	DAVID REWAL		60.00
4/14/2021	30442	SBRK FINANCE HOLDING, INC.		824.00
4/14/2021	30443	SDRMA		29,891.55
4/14/2021	30444	STAPLES, INC.		223.32
4/14/2021	30445	UNDERGROUND SERVICE ALERT OF SO CAL		65.61
4/14/2021	30446	WIENHOFF & ASSOCIATES, INC.		80.00
4/15/2021	0	EDD PAYROLL		937.21
4/15/2021	0	CALPERS		4,573.23
4/15/2021	0	IRS PAYROLL		2,702.10
4/15/2021	30412	PAYROLL		1,236.85
4/15/2021	30413	PAYROLL		1,608.40
4/15/2021	30414	PAYROLL		1,059.01
4/15/2021	30415	PAYROLL		4,219.23
4/15/2021	30416	PAYROLL		1,406.79
4/15/2021	30417	PAYROLL		1,221.86
4/15/2021	30418	PAYROLL		1,485.46
4/15/2021	30419	PAYROLL		2,025.10
4/15/2021	30420	PAYROLL		2,061.30
4/27/2021	30461	CUSTOMER REFUND		18.67
4/27/2021	30462	CUSTOMER REFUND		201.21
4/27/2021	30463	CUSTOMER REFUND		491.09
4/27/2021	30464	CUSTOMER REFUND		67.95
4/27/2021	30465	CUSTOMER REFUND		47.53
4/27/2021	30466	CUSTOMER REFUND		44.30
4/27/2021	30467	CUSTOMER REFUND		2.23
4/27/2021	30468	CUSTOMER REFUND		14.68
4/27/2021	30469	CUSTOMER REFUND		32.00
4/27/2021	30470	CUSTOMER REFUND		66.84
4/27/2021	30471	CUSTOMER REFUND		8.85

Bighorn Desert View Water Agency

Check Register

Check Date Range: 4/1/2021 thru 4/30/2021

Ck Date	Ck No	Payable To	Void	Check Amt
4/27/2021	30472	CUSTOMER REFUND		236.45
4/27/2021	30473	CUSTOMER REFUND		200.00
4/27/2021	30474	CUSTOMER REFUND		42.08
4/27/2021	30475	CUSTOMER REFUND		682.78
4/27/2021	30476	CUSTOMER REFUND		56.70
4/28/2021	30479	ACE ALTERNATORS & STARTERS		343.37
4/28/2021	30480	CLEAN AIR TESTING		1,000.00
4/28/2021	30481	COUNTY OF SAN BERNARDINO REGISTRAR OF VOTERS		262.00
4/28/2021	30482	DON BEHRENS WELDING SERVICE		500.00
4/28/2021	30483	HASA, INC.		730.71
4/28/2021	30484	HI-DESERT STAR		42.00
4/28/2021	30485	INLAND WATER WORKS SUPPLY CO		5,598.77
4/28/2021	30486	JOHN'S GARAGE,LLC		1,820.65
4/28/2021	30487	MOM'S DESERT VALLEY CLEANING		265.00
4/28/2021	30488	NV5 , INC		3,829.00
4/28/2021	30489	OFFICE DEPOT		109.55
4/28/2021	30490	PARKER'S BUILDING SUPPLY - US LBM, LLC		66.09
4/28/2021	30491	STAPLES, INC.		179.76
4/28/2021	30492	VALLEY INDEPENDENT PRINTING		43.50
4/28/2021	30493	DAVID L. WYSOCKI		412.50
4/28/2021	30494	PAUL K BUCK		300.00
4/29/2021	0	XEROX CORPORATION		215.49
4/29/2021	0	IRS PAYROLL		2,750.03
4/29/2021	0	EDD PAYROLL		996.91
4/29/2021	0	CALPERS		4,573.23
4/29/2021	0	AT&T MOBILITY		288.81
4/29/2021	0	BURRTEC WASTE&RECYC		94.58
4/29/2021	0	CINTAS CORPORATION #150		358.68
4/29/2021	0	AMERICAN FIDELITY ASSURANCE COMPANY		1,382.92
4/29/2021	0	FLYERS ENERGY LLC		3,590.30
4/29/2021	0	BLUEFIN PAYMENT SYSTEMS		924.37
4/29/2021	0	SPRINGBROOK ACH		75.43

Bighorn Desert View Water Agency

Check Register

Check Date Range: 4/1/2021 thru 4/30/2021

Ck Date	Ck No	Payable To	Void	Check Amt
4/29/2021	0	IRS PAYROLL		463.26
4/29/2021	0	EDD PAYROLL		8.78
4/29/2021	30447	PAYROLL		529.03
4/29/2021	30448	PAYROLL		406.38
4/29/2021	30449	PAYROLL		506.75
4/29/2021	30450	PAYROLL		257.22
4/29/2021	30451	PAYROLL		473.13
4/29/2021	30452	PAYROLL		1,380.81
4/29/2021	30453	PAYROLL		1,790.84
4/29/2021	30454	PAYROLL		1,353.96
4/29/2021	30455	PAYROLL		4,442.18
4/29/2021	30456	PAYROLL		2,336.16
4/29/2021	30457	PAYROLL		1,514.30
4/29/2021	30458	PAYROLL		1,173.18
4/29/2021	30459	PAYROLL		1,650.42
4/29/2021	30460	PAYROLL		2,631.44
4/30/2021	0	IRS PAYROLL		92.56
4/30/2021	30477	PAYROLL		1,989.92
4/30/2021	30478	PAYROLL		1,155.65
			Total	207,794.03

Item f

BIGHORN-DESERT VIEW WATER AGENCY

To: BOARD OF DIRECTORS
 From: GENERAL MANAGER
 March 31, 2021 Q1



CASH BALANCE DISTRIBUTION

LOCAL AGENCY INVESTMENT FUND; PACIFIC WESTERN BANK and PARS 115 INVESTMENT TRUST

GL ACCOUNT NO.

1	01-00-133030	LAIF CASH ACCOUNT BALANCE	\$	536,103
	01-00-131250	PACIFIC WESTERN BANK	\$	3,382,172
	01-00-132000	PARS 115 TRUST	\$	158,600
		TOTAL CASH	\$	4,076,875

CASH BALANCE DISTRIBUTION - exact

		UNENCUMBERED CASH LAIF & PACIFIC WESTERN BANK	\$	2,986,527
	01-00-226000	CUSTOMER DEPOSITS	\$	121,018
	Fund Goal	EMERGENCY CONTINGENCY FUND	\$	200,000
2	Fund Goal	REPLACEMENT / REFURBISHMENT FUND-FY20/21	\$	300,000
	Budgeted	BALANCE ENCUMBERED FOR PROJECTS-FY20/21 CIP	\$	35,000
	01-00-310005	ID GM RESTRICTED FUND	\$	293,946
	01-10-561938	PARS 115 TRUST - Budget Amt. \$100,000 Paid	\$	-
3	01-00-211030	ID M Debt Restricted for possible FY2021/22 payoff	\$	62,814
	01-00- 211020	TAX LIABILITY - CoSanBernardino Overpayment	\$	77,570
		TOTAL CASH	\$	4,076,875

Date Printed: 5/5/2021

O://OPEN SHARE/BANK and LAIF/LAIF PWB CASH BALANCES

FOOTNOTES

- Statement does reflect Q1 LAIF Interest Paid 4/15/2021
- Replacement/Refurbishment Fund was a fund goal established by Resolution 16R-11 for unexpected equipment failures not projected in current year CIP Budget.
- County overpaid BDVWA \$130,183.35 in Unitary Tax Allocations over a ten year period. CoSB approved a 5-year payback plan which began in FY2019/20.

Item g



To: Marina West
 From: Tracy Beason
 Subject: Service Order Report

SERVICE ORDER REPORT FOR FISCAL YEAR 2020-2021

	J	A	S	O	N	D	J	F	M	A	M	J	YTD
After Hours Call Out	0	0	0	0	0	0	0	2	0	1			3
AirVac Maintenance	0	0	0	0	0	0	0	0	0	0			0
AirVac Replacement	0	0	0	0	0	0	0	1	0	0			1
Booster Repair/Maintenance	0	0	0	0	0	0	0	0	0	0			0
Bulk Stations: Maintenance	0	0	1	1	2	1	0	8	0	2			15
Customer Requested Asst	6	9	7	9	11	13	6	2	7	9			79
Reported Leaks	6	5	5	8	4	5	4	2	5	6			50
Destroy Service Line	0	0	0	1	0	0	0	0	0	0			1
Exchange Meter	2	6	22	3	6	7	2	5	14	10			77
Facility Inspections*	6	6	8	9	7	8	8	7	6	10			75
Fire Flow Test	1	0	0	1	2	2	0	0	2	0			8
Flush Deadend/Blowoffs	0	0	0	0	0	0	0	0	0	0			0
General Maintenance	0	0	0	2	1	0	1	0	0	0			4
Goat Mountain Main Line Repair	0	0	0	0	0	0	0	0	0	0			0
Goat Mountain Service Line Replacement	2	0	1	0	0	0	1	0	2	1			7
Goat Mountain Service Line Repair	1	4	0	1	2	0	1	0	0	1			10
Hangtag	14	18	14	14	9	11	8	28	13	17			146
Hydrant Maint.	0	0	0	0	0	2	0	3	3	0			8
Install New Service	8	10	4	3	4	5	13	0	5	1			53
Lock-Off's	7	18	10	7	5	5	3	35	19	7			116
Miscellaneous	7	10	12	6	5	14	12	20	16	13			115
Open New Service (New Owner or Tenant)	32	26	27	21	20	21	20	27	34	31			259
Pressure Complaint	1	2	1	5	1	2	0	0	2	1			15
Pull Meter	0	0	0	0	0	0	0	0	0	0			0
Repair Mainline	0	0	0	0	0	0	1	0	1	0			2
Repair Service Line	9	6	7	6	3	4	5	0	1	2			43
Replace Service Line	1	1	1	1	1	3	2	1	2	1			14
Reread Meter	96	87	85	49	20	21	27	25	28	19			457
Tamper	0	0	0	0	0	1	0	0	0	0			1
Tank/Reservoir Maintenance/Repairs	0	0	0	0	0	0	0	0	0	0			0
Unlock Service	13	18	14	10	12	11	3	31	27	18			157
Valve Maintenance	0	0	0	0	0	0	0	0	61	75			136
Verify Meter Locked	1	2	1	0	1	0	1	13	2	1			22
Water Quality Issues **	0	0	0	1	1	0	0	0	1	0			3
Well Repairs/Maint. And Water Level	2	0	0	0	0	0	1	0	0	0			3
TOTAL	215	228	220	158	117	136	119	210	251	226	0	0	1880
*Includes Inspections for Fire Extinguishers, Vehicles and Facilities													
** Includes Water Quality (taste, odor, color)													

Item h



DATE: 5/3/2021
 TO: Board of Directors
 FROM: Patrick Nordin
 RE: April 2021 Production

	<u>Cubic Feet</u> <u>Pumped</u>	<u>Total Gallons</u> <u>Pumped</u>	<u>GPM from</u> <u>Hour Meter</u>	<u>GPM</u> <u>Flowmeter</u>	<u>Total</u> <u>Running Time</u>	<u>acre feet</u>
Well 2	Well is "inactive"					
Well 3	252,860	1,891,393	222	230	141.8	5.80
Well 4	Well is "inactive"					
Well 6	90,100	673,948	106	80	105.7	2.07
Well 7	128,900	964,172	136	136	118.4	2.96
Well 8	402,600	3,011,448	367	380	136.6	9.24
Well 9	765,600	5,726,688	433	440	220.3	17.58
Well 10	88,280	660,334	80	92	138.4	2.03
Total	1,728,340	12,927,983	250		861.2	39.68

Well 3 back online 10/20/20 40hp submerisible

A Boosters	88,140	659,287	147	150	74.8	
C Boosters	176,700	1,321,716	305	310	72.3	
Total	264,840	1,981,003				

Item i



DATE: 5/3/2021
 TO: Board of Directors
 FROM: Patrick Nordin
 RE: APRIL 2021 Goat Mountain Production

	<u>Cubic Feet</u> <u>Pumped</u>	<u>Total Gallons</u> <u>Pumped</u>	<u>GPM from</u> <u>Hour Meter</u>	<u>GPM from</u> <u>Flowmeter</u>	<u>Total</u> <u>Running Time</u>	<u>acre feet</u>
Well GMW1	278,740	2,084,975	188	220	184.9	6.40
Well GMW2 *	0	0	#DIV/0!		0	0.00
Well GMW3	481,900	3,604,612	296	320	202.9	11.06
Total	760,640	5,689,587	245		387.8	17.46

* GM Well No. Failed. Grant awarded for Replacement in FY2020/21 (Well No. 13)

GM booster	293,500	2,195,380	218	222	168.1	
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Item j



Southern California Water Conference

Friday, August 13, 2021 from 8:00 AM to 1:00 PM

Ontario DoubleTree Hotel



Why Attend?

The BIA Southern California Water Conference provides a forum for agencies, local government, private industry and the public to collaborate on issues facing the region regarding the ability to deliver safe, clean water to residents and businesses.

Our goal is to increase awareness of the issues water agencies face and showcase how they are responding. The collaborative dialogue between the public and private sectors enables the region to speak with one voice about solutions to State and regulatory agencies.

SOUTHERN CALIFORNIA'S WATER FUTURE

(Partial Program)



WATER & HOUSING

Find out how the building industry is working with local agencies to remain water resilient as we address our housing shortage.



WATER SUPPLY

What are our options in a critically dry year and how can we become less dependent on imports?



WATER AFFORDABILITY

The growing burden of water debt remains a concern. How will water agencies deal with the issue and is the government going to help?



WATER CONSERVATION

Water conservation is a way of life for most in Southern California, but could we be doing more?

Item k

**BIGHORN-DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL**

Meeting Date: May 11, 2021

To: Board of Directors

Budgeted: N/A

Budgeted Amount: Costs covered in Prop. 1
Planning Grant (DFA 361009-002P)

Cost: \$2,480.25 CDFW Filing Fee

From: Marina D. West

General Counsel Approval: Reviewed

CEQA Compliance: Yes (by this action)

Subject: Authorize Filing a CEQA Notice of Determination for the Potable Water System Improvements and Consolidation of Water Systems Project (SCH No. 2021020354) and Payment of CA Department of Fish and Wildlife filing fee (\$2,480.25)

SUMMARY

Presuming the Board has adopted, under separate agenda item, the Mitigated Negative Declaration (MND) pertaining to the Potable Water System Improvements and Consolidation of Water Systems Project a Notice of Determination shall need to be filed with the Clerk of the Board of Supervisors and the State Office of Planning and Research. The filing fee to the CA Department of Fish and Wildlife is \$2,480.25.

Staff recommends the Board authorize filing a Notice of Determination for the project in accordance with the provisions of the California Environmental Quality Act (CEQA) and to pay the required fee.

RECOMMENDATION

That the Board considers taking the following action(s):

1. Authorize filing a CA Environmental Quality Act Notice of Determination for the Potable Water System Improvements and Consolidation of Water Systems Project (SCH No. 2021020354); and
2. Payment of CA Department of Fish and Wildlife filing fee (\$2,480.25)

BACKGROUND/ANALYSIS

The Notice of Determination Form is attached.

PRIOR RELEVANT BOARD ACTION(S)

04/13/2021 Information Only – April 13, 2021 Noticed Public Workshop – Overview of Initial Study/Mitigated Negative Declaration - February 2021 for Potable Water System Improvements and Consolidation of Water Systems (Prop. 1 Planning Grant) (Workshop No. 4).

03/09/2021 Information Only - March 9, 2021 Noticed Public Workshop – Overview of Initial Study/Mitigated Negative Declaration - February 2021 for Potable Water System Improvements and Consolidation of Water Systems (Prop. 1 Planning Grant) (Workshop No. 3).

02/16/2021 Public Workshop No. 2: Overview of Initial Study/Mitigated Negative Declaration - February 2021 for Potable Water System Improvements and Consolidation of Water Systems (Prop. 1 Planning Grant).

02/09/2021 Motion No. 21-XX Authorize filing of Initial Study/Mitigated Negative Declaration – February 2021 for Potable Water System Improvements and Consolidation of Water Systems (Prop. 1 Planning Grant). Workshop No. 1.

6/25/2019 Motion No. 19-030 Motion to Authorize General Manager to execute Professional Services Agreement(s) with Paleo West Archeology, following finalization of scope and fee, to provide paleontological, cultural and biological survey services to support the CEQA/NEPA (California Environmental Quality Act/National Environmental Policy Act) efforts related to Proposition 1 Planning Grant activities at a cost of \$73,000.

3/22/2019 Annual Board Workshop: Engineer Mr. James Owens from NV5 presented projects outlined in the draft preliminary engineering report (Prop. 1 Planning Grant).

2/26/2019 Motion No. 19-008 Authorize General Manager to issue new Task Order to the Master Agreement with NV5 to perform Scope of Services dated February 21, 2109 in connection with the Master Services Agreement integral to the Proposition 1 Planning Grant (Agreement No. 17-02022/3610009-002P); and Acknowledge that all invoiced costs associated with the execution of the Scope of Services to be paid by the Agency and submitted for reimbursed to the CA Department of Finance.

9/27/2016 Motion No. M16-042 Authorize the California Environmental Quality Act Class 1 Categorical Exemption for the CSA 70, W-1 Consolidation and HDWD Interconnection at Existing Bighorn-Desert View Water Agency Facilities required for the Grant Application.

8/23/2016 Motion No. 16M-039 Resolution 16R-12 (F4a) Authorizing GM to Cause the Necessary Data to be Prepared and Application to be Signed and Filed with the State of California’s State Water Resources Control Board, Division of Drinking Water for the Project Identified as “Integration of Bighorn-Desert View and Improvement District Goat Mountain and Interconnections with Hi Desert Water District”

12/15/2015 Motion No. M15-047 Receive and File the “Technical, Managerial and Financial Tune-Up for Public Water Systems” required by the State Water Resources Control Board.

5/26/2015 Motion No. 15-022 Adopt Resolution No. 15R-09 Authorizing General Manager to sign and file a financial assistance application for financing agreement from the State Water Resources Control Board for the project identified as “BDV/W1 System Integration”; and Adopt Resolution No. 15R-10 Authorizing General Manager to sign and file a financial assistance application for financing agreement from the State Water Resources Control Board for project identified as “Hi Desert Water District Interconnections”

4/28/2015 Motion No. 15-016 Adopt Resolution No. 15R-03 Authorizing General Manager to cause the necessary data to be prepared and application to be signed and filed with the state of California’s State Water Resources Control Board, Division of Drinking Water for the project identified as “Hi Desert Water District Interconnections”; and Adopt Resolution No. 15R-06 Authorizing General Manager to cause the necessary data to be prepared and application to be signed and filed with the state of California’s State Water Resources Control Board, Division of Drinking Water for the project identified as “BDVWA and W1 System Integration”.

7/22/2014 Motion No. 14-037 Adopt Resolution 14R-12 Adopting the Mojave Water Agency Integrated Regional Water Management Plan Pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Prop. 84).

Notice of Determination**Appendix D****To:**

Office of Planning and Research
U.S. Mail: _____ *Street Address:* _____
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
 County of: _____
 Address: _____

From:

Public Agency: _____
 Address: _____

 Contact: _____
 Phone: _____

Lead Agency (if different from above): _____
 Address: _____

 Contact: _____
 Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): _____

Project Title: _____

Project Applicant: _____

Project Location (include county): _____

Project Description:

This is to advise that the _____ has approved the above
 (Lead Agency or Responsible Agency)

described project on _____ and has made the following determinations regarding the above
 (date)
 described project.

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

 Signature (Public Agency): _____ Title: _____

Date: _____ Date Received for filing at OPR: _____