

Bighorn-Desert View Water Agency



Board of Directors

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A Public Agency

THE BOARD OF DIRECTORS PLANNING/LEGISLATIVE/ENGINEERING GRANT & SECURITY COMMITTEE REGULAR MEETING AGENDA

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Thursday, April 21, 2011 - 8:45 a.m.

The BDVWA Planning / Legislative / Engineering / Grant & Security Committee meeting is announced as a joint meeting with the Board of Directors for the purpose of strict compliance with the Brown Act. Members of the Board not assigned to this Committee who attend will participate only as observers at the meeting.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF THE AGENDA**
5. **PUBLIC PARTICIPATION**

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 first state your name and have your information prepared. Due to time constraints, a three-minute time limit may be imposed.

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. You may wish to submit your comments in writing to assure that you are able to express yourself adequately.

DISCUSSION AND ACTION ITEMS - The Committee and Staff will discuss the following items and consider taking action, if so inclined.

The Public is invited to comment on any item on the agenda during discussion of that item.

6. CONFERENCE CALL WITH MOJAVE WATER AGENCY'S LEGAL/LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE

Committee to participate via teleconference for an update by the State Advocate of Issues at the State Level, as well as an update by the Federal Advocate of Issues at the Federal Level.

7. JOHNSON VALLEY HYDROGEOLOGIC INVESTIGATION: PROPERTY ACQUISITION OPTIONS FOR CONSTRUCTION OF A MONITORING WELL IN JOHNSON VALLEY

8. CHANGE ORDER NO. 7 TO CANDIDA NEAL, AICP FOR CEQA/NEPA SERVICES RELATED TO THE WATER INFRASTRUCTURE RESTORATION PROGRAM

RECOMMENDED ACTION:

The Committee review Change Order No. 7 with Candida Neal, AICP for CEQA/NEPA Services related to the Water Infrastructure Restoration Program, specifically the Ames/Reche Spreading Grounds Project, in the amount of \$29,400.00., and to direct staff to move the item to the full board for further consideration and approval.

9. CONSENT ITEMS - The following items are expected to be routine and non-controversial and will be acted on by the Committee members at one time without discussion, unless a member or the public or member of the Committee requests that an item be held for discussion or further action.

- a. Special PLEGS Committee Meeting Report, October 20, 2010
- b. Regular PLEGS Committee Meeting Report, December 16, 2010

Recommended Action:

Approve as presented (Items a & b):

10. MATTERS REMOVED FROM CONSENT ITEMS

11. VERBAL REPORTS - Including Reports on Courses/Conferences/Meetings.

- a. COMMITTEE MEMBERS' COMMENTS/REPORTS
- b. GENERAL MANAGER'S REPORT

12. ITEMS FOR NEXT AGENDA

13. 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 prior to the meeting

date and time above. All written materials relating to each agenda item are available for public inspection in the office of the Agency Secretary.

Backup material for the Agenda is available at the Agency offices for public review and can be viewed online at the Agency's website: www.bdvwa.org.

As a general rule, agenda reports or other written documentation has been prepared or organized with respect to each item of business listed on the agenda, and can be reviewed at www.bdvwa.org.

Copies of these materials and other discloseable public records, distributed to all or a majority of the members of the Board of Directors 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.



Legal, Legislative and Public Information Committee

AGENDA

**Mojave Water Agency
Board Room
22450 Headquarters Drive
Apple Valley, CA 92307**

**April 21, 2011
9:00 a.m.**

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- 1. Agenda**
 - 2. Approve Meeting Summary from the Legal/Legislative and Public Information Committee Meeting of March 17, 2011**

Meeting Summary

- 3. Update on State Advocate and Issues at the State Level (teleconference)**
- 4. Update on Federal Advocate and Issues at the Federal Level (teleconference)**

Federal Report

- 5. Public Information Update (oral report)**
- 6. General Manager's Report (oral report)**
- 7. Public Participation**

8. Comments/Discussion Items for Next or Future Agendas

9. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting, should be directed to the Agency's General Manager's office at (760) 946-7008 at least 24 hours prior to said meeting.

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Comprehensive Government Relations

MEMORANDUM

To: Kirby Brill, Kathy Cortner and Mike Stevens
Mojave Water Agency

From: Letitia White and Heather Hennessey

Date: March 31, 2010

Re: March Monthly Legislative Update

March was a crazy, crowded month on Capitol Hill! First and foremost, the month was very busy on the Hill due to the huge number of groups and delegations - - both large and small - - petitioning their federal representatives in the House and Senate. Petitioning our government or “lobbying” for our causes is the right given to each citizen by the First Amendment to the Constitution. Lobbying efforts on Capitol Hill predominantly had to do with health care reform and federal appropriations requests.

Second, there were many important legislative items which were addressed in Congress this month, including much debate and discussion on health care and “jobs” legislation. In addition, discussions surrounding three emergency supplemental appropriations bills - - one for the Federal Emergency Management Agency (FEMA), one for Haiti, and one for the wars in Iraq and Afghanistan - - have been underway. The cost of all these expensive items is very troubling to many budget conscious Members in the House and Senate as well as to the American public.

Healthcare Overhaul

On March 21, after fourteen months of taking up “all the air in the room”, the House passed H.R. 3590, the Patient Protection and Affordable Care Act by a vote of 219-212, with no Republicans supporting the measure. (The Senate had passed the identical bill last December, by a vote of 60-39.) The House sent the bill to the President and he signed it into law with much fanfare on March 22, 2010. It is now known as Public Law 111-148.

Immediately after passing H.R. 3590, the House voted 220-211 to pass H.R. 4872, the Reconciliation Act of 2010, which made changes to the House and Senate-passed health care legislation. After defeating more than 30 Republican amendments, the Senate passed the reconciliation bill by a vote of 56-43 on March 25. But because of a few changes to the bill required by the Senate’s “Byrd Rule”, the House had to pass the bill again, which it did, also on March 25. The President signed the reconciliation bill into law on March 30.

Some of the major provisions in the healthcare reform bill include the following:

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Coverage

The legislation would extend coverage to 94% of all Americans. Those who do not receive health care coverage through their employer will be eligible to purchase coverage at group rates through the new health insurance exchange.

Tax Changes

A middle-class tax cut for health care will provide middle class families with incomes up to \$88,000 for a family of four with tax credits to help pay for coverage in the exchange. Under the legislation, small businesses with 100 employees or less will be able to join the health insurance exchange, benefitting from group rates and a greater choice of insurers. Small businesses with 25 employees or less and average wages of less than \$50,000 will qualify for tax credits of up to 50% of the costs of providing health insurance. The new law will impose a tax on individuals without qualifying coverage of the greater of \$695 per year up to a maximum of three times that amount or 2.5% of household income to be phased-in beginning in 2014. Effective January 1, 2013, the law increases the Medicare Part A (hospital insurance) tax rate on wages by 0.9% (from 1.45% to 2.35%) on earnings over \$200,000 for individual taxpayers and \$250,000 for married couples filing jointly and imposes a 3.8% tax on unearned income for higher-income taxpayers (thresholds are not indexed).

Pre-existing Conditions

Under the bill's insurance reforms, people with pre-existing conditions can not be denied health coverage.

Costs

The bill caps annual out-of-pocket costs at \$6,200 for individuals and \$12,400 for families who purchase insurance through the exchange or who are insured by small businesses. It also eliminates annual and lifetime limits on all insurance coverage.

Medicare

The legislation provides Medicare beneficiaries free preventive and wellness care, improves primary and coordinated care, and enhances nursing home care. The bill also extends the solvency of the Medicare Trust Fund from 2017 to 2026. Additionally, under the legislation, Medicare beneficiaries affected by the donut hole will receive a \$250 rebate in 2010, 50% discounts on brand name drugs beginning in 2011, and complete closure of the "donut hole" within a decade. (The Medicare "donut hole" occurs when a Medicare beneficiary surpasses the prescription drug coverage limit. At that time, the Medicare beneficiary is financially responsible for the entire cost of prescription drugs until the expense reaches the catastrophic coverage threshold level.) A typical beneficiary who enters the donut hole will see savings of over \$700 in 2011 and over \$3,000 by 2020.

Community Health Centers

Nationwide, the legislation would provide \$11 billion in new funding for these centers

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Young Adults

The law allows young adults to remain on their parents' policies until they turn 26. For individuals under age 30, the bill creates new, less expensive policies that allow them to obtain protection from catastrophic health care costs.

Pell Grant Changes

Included in the reconciliation bill (mentioned above) were wide-sweeping changes to the Pell Grant higher education federal loan program. The Student Aid and Fiscal Responsibility Act (SAFRA) comprehensively changes federal student lending by eliminating the use of private companies to write student loans and providing, instead, for direct federal loans. Beginning July 1, 2010, all new federal student loans will be originated through the Direct Loan program, instead of through the federally-guaranteed student loan program. The Direct Loans will be serviced by private lenders in the United States. SAFRA increases the maximum annual Pell Grant scholarship to \$5,550 in 2010 and to \$5,975 by 2017. Starting in 2013, the scholarship amount will also be indexed to the cost-of-living. The \$36 billion over ten years provided by this change includes \$13.5 billion to fund a shortfall in the Pell Grant scholarship program due to increased demand for the scholarship.

FY2011 Appropriations Earmarks

On Wednesday, March 20, David Obey (D-WI) Chairman of the House Appropriations Committee and Norm Dicks (D-WA), the new Chairman of the House Defense Appropriations Subcommittee, announced that the House Appropriations Committee would not consider requests for earmarks in Fiscal Year 2011 appropriations bills that are directed to for-profit entities.

The next day, on March 11, by voice vote in their private Conference meeting, the House Republicans took this "earmark reform" one step further and banned all House Republicans from submitting earmark requests in Fiscal Year 2011. This year-long moratorium includes not only appropriations but authorizing legislation as well.

This is very disappointing news! Yet, as you know, this is an election year and strange things are bound to happen. We expect the issue of earmarks to be revisited following the mid-term elections this November. Also, it is more than likely that many of the FY11 appropriations bills will not pass until *after* the elections.

It is very important to keep in mind that the for-profit and total earmark ban proposals are only in the House. The Senate will continue to earmark appropriations bills; Senate Appropriations Committee Chairman Daniel Inouye (D-HI) and Ranking Member Thad Cochran (R-MS) both came out in strong support of the Congressional privilege and responsibility to earmark legislation. They have both been staunch supporters in the past of the Constitutional right of Congress to allocate federal funds. Thus, we will be working hard to advocate for your projects in the Senate. We will point out to the Senate offices why it is now vital for their Senator to support us.

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We are also working to see how we might be successful through other opportunities to communicate your projects directly to Agencies. Grant opportunities will also be another important focus. We will keep you posted.

Jobs Bill

Creating and retaining jobs is a huge part of the Democratic Majority party's agenda. The House and Senate have been working on a variety of proposals and will no doubt make them top priority now that the health care bills are completed. But, at this point, only one jobs bill - - the Hiring Incentives to Restore Employment (HIRE) Act - - has been signed into law by President Obama. The Hiring Incentives to Restore Employment (HIRE) Act, which was signed on March 18, will do the following:

- 1.) Provide tax cuts for businesses that hire someone who has been out of work for at least two months;
- 2.) Help businesses to invest in their future by permitting them to write off investments in equipment this year;
- 3.) Encourage job creation by expanding investments in schools and clean energy projects; and
- 4.) Maintain investments in roads and bridges.

Please let us know if you have any questions on these items or any other legislation.

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

Meeting Date: April 21, 2011

To: Planning/Engineering/Legislative/Grant
Standing Comm. of Board of Directors

Budgeted: Yes

Budgeted Amount: 100% participation
expected by Mojave Water Agency

Cost: CO7 is \$29,400

Funding Source: MWA (not yet approved)

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: Yes

Subject: Change Order No. 7 to Candida Neal, AICP for CEQA/NEPA Services Related to the Water Infrastructure Restoration Program, Specifically the Ames/Means Reche Recharge Facility, in the Amount of \$29,400.

SUMMARY

Additional efforts have been identified to continue progress on state and federal environmental permitting processes for the Ames/Reche Spreading Grounds and Recovery Project.

Change Order No. 7 is for additional effort to respond to work requirements imposed by the federal permitting authorities, the 60% project design proposal and project management during the long processing review period imposed by the Bureau of Land Management. The attached proposal summarizes the tasks identified for a change order amount of \$29,400. Staff recommends approval of Change Order No. 7 increasing the total contract amount to \$168,546.62.

Still, the total contract amount to date remains approximately \$10,000 less than the second lowest bid received during the competitive bidding process executed in 2007. Furthermore, the encumbrances include tasks not contemplated in those original bids such as "take permits", time delays and requested report revisions from the reviewing authorities.

RECOMMENDATION

That the Committee review Change Order No. 7 with Candida Neal, AICP for CEQA/NEPA services related to the Water Infrastructure Restoration Program, specifically the Ames/Means Reche Spreading Grounds Project, in the amount of \$29,400 and to direct staff to move the item to the full board for further consideration and approval.

BACKGROUND/ANALYSIS

The Ames/Reche Spreading Grounds and Recovery Project has been progressing incrementally through the state and federal environmental permitting processes since the contract for services was originally awarded in 2007 to Candida Neal, AICP.

At this time, there are several areas of the project that require additional effort to complete. Throughout this project, the existing scope of services has consistently been conservative in the estimation of needed services and the changes have been brought before the Board incrementally as they have been discovered.

Change Order No. 7 is for additional effort to respond to work requirements imposed by the federal permitting authorities, document modifications predicated on the 60% project design drawings and project management during the long processing review period imposed by the Bureau of Land Management and other entities. The Change Order No. 7 proposal for a total of \$29,400 is attached. Staff recommends approval of Change Order No. 7 increasing the total contract amount to \$168,546.62.

While Change Order No. 7 adds tasks not previously identified in Candida Neal's original proposal such as the amount of administrative (project management) time needed to monitor and respond to the Bureau of Land Management, US Fish and Wildlife and California Fish and Game engaged in the NEPA process. Document modifications will also be required because there are existing utilities in the right-of-way BDVWA is seeking permission to use from BLM. These tasks could not have been appropriately estimated in 2007 when the project had not yet taken "shape". In addition, prior Change Orders add effort to process needed biological surveys and special permits acknowledged along the way. Each Change Order identifies and assesses required efforts incrementally and because of the incremental project approach the total product is tailored to the specific project needs as they are identified. That being said, the total estimated project cost to date is \$168,546.62. For comparison, the second lowest bid received in 2007 was for \$178,221 and the third was for \$228,593. In hindsight, the Agency has benefitted from the minimum approach adding incrementally for tasks that are identified as necessary along the way.

Staff has notified MWA of the pending budget increase for the project and has no reason to believe that MWA will not fund this work as part of the pledge to fund the project. Staff, therefore recommends that Change Order No. 7 in the amount of \$29,400 be approved.

PRIOR RELEVANT BOARD ACTION(S)

2/8/2011 Approve Change Order No. 6 to Candida Neal, AICP for CEQA/NEPA services related to the water infrastructure restoration program.

12/28/2010 Authorize Change Order No. 5 to Candida Neal, AICP for CEQA/NEPA Services related to the Water Infrastructure Restoration Program, specifically the Ames/Reche Spreading Grounds, in the amount of \$8,250.

12/28/2010 Authorize Change Order No. 4 to Candida Neal, AICP for CEQA/NEPA Services related to the Water Infrastructure Restoration Program, specifically the Ames/Means Reche Recharge facility, in the amount of \$8,350.00.

8/24/2010 Authorize Change Order No. 3 to Candida Neal, AICP for CEQA/NEPA services related to the Water Infrastructure Restoration Program, specifically the Ames/Means Reche Recharge Facility.

6/29/2010 Resolution No. 10R-04 Approving the Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage and Recovery Program and Pipeline Installation/Replacement Program.

6/15/2010 BOD Public Hearing: Notice of Intent to Adopt a Mitigated Negative Declaration (MND) Pertaining to the Water Infrastructure Restoration Program: Ames/Reche Groundwater Storage and Recovery Program; and Pipeline Installation/Replacement Project

2/18/2010 PLEGS Committee California Environmental Quality Act (CEQA) and Water Master Plan Update.

11/17/2009 Board authorization of Change Order No. 2 to Candida Neal, AICP for an amount not to exceed \$37,842.90 for CEQA/NEPA services related to the Water Infrastructure Improvement Program.

8/25/2009 Motion to authorize staff to execute Memorandum of Understanding by and between Mojave Water Agency and Bighorn Desert View Water Agency regarding Project Management of Phases for Phase I and II Planning and Design of the Ames-Means Recharge Project (aka Reche Recharge Facility) and accepting financial participation from Mojave Water Agency in the amount of \$279,495.

5/27/2008 Authorize issuance of Change Order No. 1 to Candida Neal, AICP in the amount of \$32,250.48 for completion of Water Infrastructure Restoration Program CEQA/NEPA documentation which includes Reche Recharge Project.

9/30/2007 Motion to authorize staff to execute a Professional Services Agreement with Candida Neal, AICP in the amount of \$44,193.24 for preparation of the Water Infrastructure Program CEQA/NEPA documentation which includes Reche Recharge Project

3/28/2006 06R-04 Resolution authorizing General Manager to enter Grant Agreement of \$477,000 (EPA STAG).

CANDIDA NEAL, AICP
A LAND USE AND ENVIRONMENTAL PLANNING CONSULTING FIRM

114 N. INDIAN HILL BLVD # 5 // P. O. BOX 1978
CLAREMONT, CALIFORNIA 91711

P: 909 626 9958 // F: 909 626 9958

March 14, 2011

Marina West, General Manager
BIGHORN-DESERT VIEW WATER AGENCY
622 S. Jemez Trail
Yucca Valley, CA 92284

**Subject: CEQA/NEPA FOR THE BIGHORN-DESERT VIEW WATER AGENCY'S
WATER INFRASTRUCTURE RESTORATION PROGRAM:
SCOPE OF WORK AND BUDGET – NEPA Processing and CEQA Addendum
REVISED – March 2011**

Dear Ms. West;

Thank you for continuing to work with our firm on the preparation of the environmental studies for the Bighorn-Desert View Water Agency (BDVWA). In response to changes in the work requirements we need an additional \$29,400 as described below:

- **Project Management.** We understand that the timely completion of this project is extremely important to Bighorn-Desert View Water Agency (BDVWA) and Mojave Water Agency (MWA). Coordination between BDVWA, the US Bureau of Land Management (BLM), and the US Fish and Wildlife Service (USFWS) is critical to ensure that the project is processed as expeditiously as possible. We are willing to assume these responsibilities; however, the additional budget for this task is \$12,800.
- **Environmental Assessment.** The recently prepared survey of the project site dictated a number of changes to the project including realignment of the interconnection pipeline and stabilization of the soils surrounding the outlet structure with riprap. These project changes will require revision of the Environmental Assessment submitted to BLM for review in March. Reimbursement for this task is \$6,400.
- **Biological Assessment.** The BLM is now requiring BDVWA to rewrite the Biological Assessment consistent with USFWS standards. This requirement as well as modifications to the project description will necessitate additional rewrites. The budget for this task is \$7,200.
- **Addendum to the Mitigated Negative Declaration.** As a result of the proposed project revisions, the BDVWA will need to be prepared an Addendum to the Mitigated Negative Declaration. Although not subject to public review, the Addendum will be presented to the BDVWA Board for adoption. The budget for this task is \$3,000.

If you have any questions or need further assistance, please do not hesitate to contact us. We look forward to completing this project.

Sincerely,

Candida Neal, AICP

Bighorn-Desert View Water Agency



Board of Directors

Terry Burkhart, President
J. Larry Coulombe, Vice President
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**THE BOARD OF DIRECTORS
PLANNING/LEGISLATIVE/ENGINEERING
GRANT & SECURITY COMMITTEE
SPECIAL MEETING REPORT**

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Wednesday, October 20, 2010 - 8:45 a.m.

CALL TO ORDER

President Burkhart called the meeting to order at 8:52 a.m.

PLEDGE OF ALLEGIANCE

Led by Larry

ROLL CALL

Directors: David Larson
Terry Burkhart

Staff: Marina West

APPROVAL OF THE AGENDA

Director Larson made a motion to approve the agenda as presented. President Burkhart seconded the motion.

PUBLIC PARTICIPATION

No public comment:

CONFERENCE CALL WITH MOJAVE WATER AGENCY'S LEGAL/LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE

Committee participated via teleconference to an update by the State Advocate of Issues at the State Level, as well as an update by the Federal Advocate of Issues at the Federal Level.

Heather Hennessey reported on the current state of affairs at the Federal Level of Government.

Pilar Onate-Quintana reported on the current state of affairs at the State Level of Government.

Adjourned for a break at 9:58:30 a.m. - Reconvened at 10:08 a.m.

REQUEST FOR WATER SERVICE TO APN: 635-032-16 AT A REDUCED RATE OF \$684.99 AND NO BASIC FACILITIES CHARGE

The committee commented that this customer asked for this item to be put on the agenda. However, he is not present at this time.

The item will be set aside in case the applicant arrives; otherwise, the Committee will send it forward to the next committee meeting.

STATUS OF THE ENVIRONMENTAL PROTECTION AGENCY STATE AND TRIBAL ASSISTANCE GRANT (EPA STAG)

General Manager West reported on the background of the STAG grant.

The grant was obtained back in the 2005 timeframe. The agency received additional monies in 2006 once the Water Master Plan was completed.

There was a lag in time for several years when the Board believed that CEQA (California Environmental Quality Act) and NEPA (National Environmental Policy Act) was progressing, but in reality there was no progress. The next challenge became the fact that the grant required a 45% match and the Agencies budget (financial situation) was unable to accommodate that match.

In 2008, the Agency secured the necessary match funding after approval of the "Strawman" document which summarized many years of verbal negotiations regarding the construction and operation of a recharge facility for State Water Project; how water would be recharged, who wanted to participate in use of the facility, what approximate quantities the interested parties intended to recharging over time, how would we implement a new groundwater management plan, and ultimately to modify the Stipulated Judgment, designed to sustainably manage the Ames Valley Water Basin with Hi-Desert Water District (and others).

The original concepts included Hi-Desert Water District, Bighorn-Desert View Water Agency and Lander's CSA 70 W1. Then in 2008 County Special District's circulated a CEQA (Initial Study) for a Pioneertown water supply project which basically stated that

they were simply going to take extra capacity they had in W-1 and move the water out of the Ames Basin wheel it through Hi-Desert Water District's system and get it up to Pioneertown through a new pipeline. BDVWA argued that that was inappropriate and they would challenge any exportation of water from the Ames Basin, especially through HDWD. However, the Agency offered inclusion in the Ames/Reche Groundwater Spreading and Recovery project as an alternative solution to the water supply problems existing in Pioneertown.

The project then focused on Ames/Reche which proposes to use Pipe's Wash in a manner that promotes as little disturbance as possible; hopefully taking no habitat from the tortoise so eliminate mitigation requirements. This keeps the project design in tune with the goals and objectives of the Morongo Basin Open Space Group to protect wildlife corridors and preserve them for low impact recreation.

General Manager West gave a slide presentation discussing the Agency's planned activity.

In conclusion, GM West explained that the EPA Work Plan describes one last project Johnson Valley Hydrogeologic investigation. The plan would be to further the Conceptual Model studies from 2007. The Agency needs to confirm whether or not production capacity does exist and the quality of the water needed to meet the Agency's objectives long term. General Manager West is optimistic that we would be able to get at least some, if not all, of the \$45000.00 match needed to exhaust the grant balance.

Public comment:

An unknown private citizen, commented about hauled water.

Committee directed staff to bring this item to the full board for further consideration including financial participation in order to proceed with the Johnson Valley Hydrogeologic Investigation.

WATER INFRASTRUCTURE RESTORATION PROGRAM/EPA STAG GRANT: TODD ENGINEERS CHANGE ORDER NO. 2 AND BUCKNAM & ASSOCIATES CHANGE ORDER NO. 1

General Manager West reported since we began the work in the field, Todd Engineers ran into some out of scope items; mainly related to the two monitoring wells, the difficult drilling conditions, and then further delays that kept staff in the field longer. We also had to abide by the Bureau of Land Management (BLM) protocols which caused out of scope items related to tortoise monitoring, awareness training, and the tortoise fencing.

In addition, for Task 3.6, Todd Engineers Original proposal did not include water quality testing of MW2, the well located adjacent to Well No. 24 however, staff feels it is critical to have a background sample

The total amount of change order No. 2 to \$63,900.00.

General Manger West also reported Bucknam and Associates is a simple change order that relates to a one-year time extension.

Committee directed staff to bring these items to the full board to allow the General Manager to execute Change Order No. 2 with Todd Engineers for Water Infrastructure Restoration Program/ EPA STAG Feasibility Study, Project Management and Groundwater Management Plan Services related to the Ames/Reche recharge facility in the amount of \$63,900; and

Authorize the General Manager to execute Change Order No. 1 with Bucknam & Associates for Water Infrastructure Restoration Program/ EPA STAG grant administrative services for the period November 30, 2010 through November 30, 2011 in the amount of \$20,500.

RESOLUTION NO. 10R-XX - A RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY INCORPORATING BY REFERENCE THE STANDARD CONFLICT OF INTEREST AND DISCLOSURE CODE ADOPTED BY THE FAIR POLITICAL PRACTICES COMMISSION

President Burkhart reported this item was pulled from a Board meeting to go to committee because there was no indication of what the changes were to from the previous document to the new document.

The new document as presented today "tracks" the changes so that committee can appropriately evaluate the document.

General Manager West reported that the Agency met the letter of the law in that the certification was sent, the Board moved to send the notice which basically says there will be changes. The guidelines allowed us 90 days to complete that process.

Committee reviewed this proposed Resolution and directed staff to send his item to the full Board for adoption of said Resolution incorporating by reference the Standard Conflict of Interest and Disclosure Code adopted by the Fair Political Practices Commission.

VERBAL REPORTS

COMMITTEE MEMBERS' COMMENTS/REPORTS

GENERAL MANAGER'S REPORT

General Manager West reported that Well No. 2 and Well No 3 are sampled quarterly. The Agency uses a four quarter running average. Maximum Contaminant Level is exceeded if the average is 15.5 milligrams/liter or more. No water has been service from these wells during this year so there is no notification required to our customers. However, should Well No. 8 go down, then the Agency would be forced to use Well Nos. 2 & 3 and would then be required to notify the customers that the water does not meet drinking water standards.

She also reported the Morongo Open Space Group met yesterday at their bimonthly meeting. She introduced a topic to the group Executive Committee last month regarding watershed protection. A Department of Conservation grant opportunity

could assist with this effort. Stephanie Weigel, facilitator of the Morongo Open Space Group was very excited about this opportunity which fits well with the goals of the region. However there was a month to prepare for the grant application, and was not enough time to obtain the approval from the individual stake holders such as the Town of Yucca Valley and the other local Water Agencies. In the end the MBOSG Executive Committee decided it is something they continue to work on. General Manager West indicated that she was very interested in the grant as well. She stated it is important to look at watershed protection including conservation and education of the watershed on a regional level. And to do it in concert with the Open Space Group; that we have synergy with their goals so there is a regional effort.

She also reported , the Technical Advisory Committee (TAC) met earlier this month. She was elected to represent the Morongo basin on the Executive Committee.

ITEMS FOR NEXT AGENDA

Committee directed staff to put item 3a, **Request For Water Service To APN: 635-032-16 At A Reduced Rate Of \$684.99 And No Basic Facilities Charge**, on the next Finance Committee agenda. The customer was not able to attend this meeting and the Finance Committee meets before this committee meets again.

The meeting was adjourned at 11:20 a.m.

Bighorn-Desert View Water Agency



Board of Directors

Terry Burkhart, President
J. Larry Coulombe, Vice President
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A Public Agency

PLANNING/LEGISLATIVE/ENGINEERING GRANT & SECURITY COMMITTEE REGULAR MEETING REPORT

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Thursday, December 16, 2010 - 8:45 a.m.

CALL TO ORDER

President Burkhart called the meeting to order at 8:55 a.m.

PLEDGE OF ALLEGIANCE

Led by Terry Burkhart

ROLL CALL

Directors' Present: Terry Burkhart

Directors' absent: David Larson

Staff Present: Marina West

APPROVAL OF THE AGENDA

The agenda was approved by the committee as presented.

PUBLIC PARTICIPATION

No public comment

CONFERENCE CALL WITH MOJAVE WATER AGENCY'S LEGAL/LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE -

Committee participated via teleconference to an update by the State Advocate of Issues at the State Level, as well as an update by the Federal Advocate of Issues at the Federal Level.

Heather Hennessey reported on the current state of affairs at the Federal Level of Government.

Pilar Onate-Quintana reported on the current state of affairs at the State Level of Government.

Adjourned for a break at 9:50 a.m. - Reconvened at 9:56 a.m.

President Burkhart reported that for the record, Mr. Krieger, Agency Chief Engineer, is here from Krieger and Stewart, Inc.

PURSUANT TO JOHNSON VALLEY WATER SUPPLY SURVEY: REVIEW TASK LIST RELATED TO PRELIMINARY ENGINEERING EVALUATION FOR THE DEVELOPMENT OF A PRESSURIZED DISTRIBUTION SYSTEM

Mr. Krieger reported a "road map" was prepared this last month as a preliminary discussion to evaluate the Johnson Valley system. Krieger and Stewart, Inc. did one similar to this for the Copper Mountain Valley Mesa Project (based in Joshua Basin Water District). He prepared a list of necessary tasks but he stated the most important thing to convey from the on-set is we have to get a good idea of the costs; the costs per parcel. The District Boundaries are on the preliminary map; the Agency's boundaries, the county service area boundaries, Hi-Desert Water District boundaries, and the Mojave Water Agency boundaries, Bighorn-Desert View Water Agency's system is on here. Topography is on the preliminary map as well. We are going to have to decide how and where do we want to expand this system. We can cover every parcel within your system; of course, that is a lot of piping and a lot of improvements, but that may be a way to get the unit cost down.

General Manager West- commented – one of the things we have to plot on the basemap is the Bureau of Land Management (BLM) parcels, because it is going to show you all the dead zones (parcels which will neither contribute financially nor be developed in the foreseeable future).

Mr. Krieger continued, we have already done some of the work here and prepared the exhibit for the services. Now this says, "identify parcels to be served". By that, the simplest system would be the pipeline from the Agencies existing system; maybe to the well, or the new wells that might be constructed in Johnson Valley. The Agency would be attending to redundancy in your system.

General Manager West commented the Agency has received notice that we have exceeded maximum contamination levels of gross alpha in Well No. 2. Would it be more beneficial to just treat this water or would it be more beneficial to further develop the water supply in Johnson Valley.

Mr. Krieger commented wellhead treatment is an expensive process. You have to haul the solid (and liquid) waste out of the area because there is no wastewater treatment system in place.

General Manager West commented if you look at a larger viewpoint, you could meet two objectives by looking at this source of water out at the Johnson Valley aquifer that we studied in 2007. Even if these residents did not want any access to pressurized water, it does not mean that the most cost effective solution to the water quality problem in Flamingo Heights is to get a "back bone" transmission line in place. Then wait until a time when the residents do want to connect or at least anyone along the pipeline wants a connection. And maybe portions of that system would not have to be done through the Assessment District. Any kind of service and extension of mainlines to serve the whole populace would be more or less recommended to be constructed via the Assessment District process, so that funding is secured through property tax assessments. And possibly we can combine that with an agency wide "standby fee" that we talked about reinstating at some point for all the remaining unconnected properties.

Mr. Krieger continued, the next thing is to establish a preliminary boundary. He would have to look to the Agency to see what kind of coverage we are considering (what is the concentration of residents that want water). The Agency can do something as expansive as extending the pressure zones and plan on serving every parcel; a mini master plan. This is not a large area, so he does not think it would be very difficult to sketch in those numbers, and it will be budget level estimates in the beginning until everyone gets comfortable with the idea of those costs.

Mr. Krieger asked where will the new production wells might be located?

General Manager West commented in order to give a good answer, the agency would have to sit down and talk about that, but the (2007) Conceptual Model provides us information.

Mr. Krieger continued, after we talk about establishing the preliminary boundary, we go through and expand the pressure zones, sites some wells, then consider where we want to tie into the existing system, and then establish minimum system facility requirements: storage, pipeline diameter, production requirements (including redundancy), maximum service line length, work with staff to establish a unit demand - preliminary facilities plan (draw the pipelines in and pressure zones maybe the pumping plants, reservoirs), and put budget costs estimates to it. Preliminary estimates would be \$100.00/foot for dirt roads. A question the Agency will have to consider is what is the Agency's position on fire storage and fire flow, which has significant impact on reservoirs and pipelines. We would have to make an assessment of this item.

General Manager West commented those that are getting hauled water now are probably paying the equivalent to what a new pressurized system would cost them. The economics, she believes, are there for them. Prices on hauled water are increasing. The county will not allow the building and expansion of property with hauled water any longer. Property will not be able to be developed without drilling a

production well. The cost of drilling a private well is high and the water quality is hit and miss in some locations.

Mr. Krieger continued, his idea is again to put in the "dream system" and compare it to the minimalist system. Put rough cost estimates to both systems (maybe parcel cost). Review these costs with Bighorn-Desert View Water Agency.

The next steps are prepare an engineering report, and then we have to get bond counsel in here (someone who can guide the Agency and the Board through the process on securing the bonds to construct).

General Manager West commented the other really, really, long term objective is that there potentially will be a need for a recharge facility in Johnson Valley.

General Manager West reported right now the agency has been focused on part of the general engineering effort. It is tied to our troubles that we are having with the Flamingo Heights wells. There is an awareness that we have a surplus of water in the Johnson Valley groundwater basin, and that there has been an interest on the Board level as long back as she can remember: to explore this information and determine if it is true. On top of that, the Agency has a the water supply survey results which reflects a strong desire by the respondents (landowners in Johnson Valley) to have a pressurized system. These are the reasons behind using our general funds under the engineering category to engage Krieger and Stewart, Inc. in this exercise. Even the Department of Public Health has recommended in their letter that Bighorn-Desert View Water Agency that an engineering study be completed to evaluate treatment options for Well No. 2 and Well No. 3.

General Manager West read a notice from a customer in Johnson Valley on our mailing list who is on hauled water. She commented, "I am glad the steps moving forward to pressurized water supply in Johnson Valley is finally happening. Please extend my appreciation to committee for their great work in making this goal come true".

General Manager West reported that this issue is not ready to go to the Board so staff will continue to come back to the committee on a routine basis with updates.

CONSIDER ADOPTION OF A WATER SUPPLY ASSESSMENT AND SUBSEQUENT ISSUANCE OF A WILL SERVE LETTER TO HAHM INTERNATIONAL, INC.

General Manager West reported she was approached by Hahm International, Inc. a few months ago. They are interested in reopening an iron ore mine out in the Johnson Valley area.

The mine is located within the Marine Base expansion area outside the Agency boundaries. They are looking for about an 1.3 Acre feet of non-potable water per year. They need this water for dust control which is tied to health and safety issues of the workers. In order to get a Conditional Use Permit from the County of San Bernardino, they are required, due to the size (acreage) of the project, to complete a Water Supply Assessment. The water supply assessment shows there is sufficient water to supply the project. The Agency could supply this project with water from Well No. 10. The Agency is producing less water on Well No. 10 compared to the past (production from Well No.

10 is down from the last several years). Hahm International, Inc. is asking for a Will Serve Letter based on the Water Supply Assessment.

What the committee is reviewing is whether or not you agree that the Water Supply Assessment is acceptable. Staff believes it is. Krieger and Stewart, Inc. has reviewed and commented, and all of our comments have been incorporated in the document. All of these efforts have been paid directly by Hahm International, Inc. The fee the Agency will probably recommend is your standard bulk charge plus a replacement fee, because the water is being exported; it would be considered replacement water and SWP could be replenished through Ames/Reche.

The committee directed staff to move this item to the full Board for further consideration to accept Water Supply Assessment, concur that there is an adequate supply of water for the project based on the Water Supply Assessment and authorize issuance of a Will Serve Letter to Hahm International, Inc. for the proposed Morris Load Mine project.

UPDATE ON "CONSUMPTION VS PRODUCTION" WATER ACCOUNTING

Mr. Krieger reported that staff provided Krieger and Stewart, Inc. with detailed well production readings together with detailed customer consumption readings on their meters for the comparison. Krieger and Stewart, Inc. tries and normalizes the data to average because there are overlaps when the various parts of the system are read when they are billed. Krieger and Stewart, Inc.'s focus is on January and February of last year. The lower number was 17% unaccounted for water and he thinks the upper range was 28%. He stated, each time you can use 12 months of date instead of 1 month of data the anomalies are going to be minimized and you get a much better idea of the true unaccounted for water.

General Manager West commented she was not happy with those numbers. The Agency just put a huge investment out there to replace the meters. The Agency will send staff back out January and February to read all meters at the same time and then reanalyze based on the new data set.

WATER INFRASTRUCTURE RESTORATION PROGRAM/EPA STAG GRANT: CORRECTIONS TO TODD ENGINEERS PROFESSIONAL SERVICE AGREEMENT CHANGE ORDER NO. 1 AND CHANGE ORDER NO. 2

General Manager West reported the Board needs to come back to Change Order No. 1 and No. 2. She believes the staff report is clear on what the issues were.

In January when the Board approved Change Order No.1, the Board was briefed and made aware that Mojave Water Agency felt the agency should fund its own legal fees, but in order to get reimbursed from the grant those fees had to be in one of the contracts that were left. The action by the Board that approved Change Order No. 1 did not clearly authorize \$7,425.00 to be in the Change Order. However that was the intent and that is exactly what was written in the Change Order. So the document itself is correct. The mistake was caught in the annual report to EPA. Staff is asking Board to approve retroactive to the January 26 date.

Regarding Change Order No. 2, after the Board approved the change order for \$63,900.00. General Manager West renegotiated a portion which resulted in a

decrease in the change order of \$1,806.95. That is reflected in the change order document, but that is not what the Board approved, the Board approved a higher number. This mistake came up in the annual report to EPA. Staff is asking the Board to retroactively approve this to the October 25th date.

Committee directed staff to bring this item to the full board for further consideration and approval to correct discrepancies.

WATER INFRASTRUCTURE RESTORATION PROGRAM CHANGE ORDER NO. 4 TO CANDIDA NEAL, AICP FOR NEPA BIOLOGICAL MONITORING AND ENVIRONMENTAL REVIEW SERVICES

General Manager West reported that this particular change order takes you to the end of funding from the grant for Ames/Reche. The grant balance remaining will be for the Johnson Valley project. The commitment to EPA was to complete a NEPA document. In Change Order No. 4, the project had some additional costs that were incurred during construction of the monitoring wells for biological monitoring. There was additional effort in dealing with Bureau of Land Management (BLM) as well. There have been a number of revisions to documents related to the environmental review Change Order No. 4 in the amount of \$8,350.00 will be reimbursed (55% from the EPA and 45% from Mojave Water Agency). There are going to be additional services outlined in change order No. 5. Staff has a verbal from Mojave Water Agency that they will fund these Change Orders for the project.

Committee directed staff to bring this item to the full Board for further consideration and approval of Change Order No. 4.

WATER INFRASTRUCTURE RESTORATION PROGRAM CHANGE ORDER NO. 5 TO CANDIDA NEAL, AICP FOR PROCESSING OF SECTION 2081 "INCIDENTAL TAKE PERMIT" FROM THE CALIFORNIA DEPARTMENT OF FISH AND GAME FOR THE AMES/RECHE SPREADING GROUNDS PROJECT

General Manager West reported what staff has determined is we are ready to go ahead with this State Incidental Take Permit. The Agency knows that it is going to be required and there is a long time frame for these permits. Candida has provided the cost estimate to complete that permit. There is also the possibility that the County of San Bernardino will require some sort of Take Permits for special species (plants). Those have not been identified yet; although everything has been surveyed in the field. It would also involve consulting with the County to determine if there are any additional permits, and that is also included in the change order. This one would not be funded through the EPA grant. Therefore, you are authorizing the whole expenditure – General Manager West commented she does have a verbal commitment from Mojave Water Agency to fund these costs.

Committee directed staff to bring this item to the full Board for further consideration and approval of Change Order No. 5.

VERBAL REPORTS

COMMITTEE MEMBERS' COMMENTS/REPORTS

None

GENERAL MANAGER'S REPORT

General Manager West reported she attended the Executive Technical Advisory Committee of the Mojave Water Agency. She was appointed the Executive Member of the committee to represent the Morongo basin. They had their kick-off meeting: two things that are on our radar for 2011:

With the incident that happened at Barstow with the perchlorate and the shutting down of the entire water system for about a week, the committee recommended that TAC be briefed on other potential water quality issues in the service area such as Perchlorates in Barstow, Chromium 6 in Hinkley, as well as nitrate problems in Hinkley. TAC would like to increase the level of awareness of where potential issues are so that with better awareness response plans can be prepared. Secondly, TAC is moving forward with the Prop 84 grant application. General Manager West supported a motion of the TAC to include the two projects for Hi-Desert Water District (wastewater treatment plant) and Joshua Basin Water District (recharge facility). General Manager West's recollection is they had increased the funding amount slightly and there was now \$4,000,000.00 available for each project. There was a feeling that no other entity in the Colorado Regional Board service area was prepared with an approved Integrated Plan, so HDWD and JBWD may be the only valid applications.

She also reported she attended the Mojave Water Agency Board meeting last week and they approved an expenditure of \$64,000.00 to fund Nolte Engineers to complete the design surveying work for the Ames/Reche pipeline extension. That brings the project total allocated funds from Mojave Water Agency to \$370,000 out of a total minimum pledge of \$1,000,000.00.

ITEMS FOR THE NEXT AGENDA

None

ADJOURNMENT - President Burkhart adjourned the meeting at 11:15 a.m.