



BIGHORN-DESERT VIEW WATER AGENCY

BOARD OF DIRECTORS' REGULAR MEETING AGENDA

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

**FEBRUARY 24, 2009
TUESDAY
6:00 P.M.**

- **CALL TO ORDER**
- **PLEDGE OF ALLEGIANCE**
- **ROLL CALL**
- **APPROVAL OF THE AGENDA**

Public Participation-Public is invited to comment on any item on the agenda during discussion of that item. You may wish to submit your comments in writing to assure that you are able to express yourself adequately. In giving your public comment please 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, please contact the Board Secretary during Agency business hours by calling 760-364-2315.

1. **PUBLIC PARTICIPATION**- Any person may address the Board on any matter within the District's jurisdiction on items not appearing on this agenda.
2. **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 an item be held for discussion or further action.
 - a) Minutes of the December 2, 2008 Public Hearing Special Meeting
 - b) Minutes of the December 16, 2008 Special Meeting
 - c) Consumption & Billing Comparison Report January 2009
 - d) Financial Statements January 2009
 - e) Production Report January 2009
 - f) Service Order Report January 2009
 - g) Back up documentation in support of check # 8872
 - h) Summary of Local Agency Investment Fund (LAIF) Transactions from September 2007 to present

3. **CONSENT ITEMS RECOMMENDED FOR APPROVAL AT THE FINANCE/PUBLIC RELATIONS & EDUCATION/PERSONNEL COMMITTEE MEETING-** No February 2009 meeting held.
4. **CONSENT ITEMS RECOMMENDED FOR APPROVAL AT THE PLANNING & ENGINEERING/LEGISLATIVE/GRANT/SECURITY COMMITTEE MEETING OF FEBRUARY 19, 2009-** No consent items.
5. **MATTERS REMOVED FROM CONSENT ITEMS-**
6. **DISCUSSION AND ACTION ITEMS-** The following items will be discussed by the Board of Directors and Staff, and the Board will consider taking action, if so inclined.
 - a) **PROPOSED AD HOC COMMITTEE ON LEGISLATIVE ISSUES-** Recommended by PLEGS Committee, Board to consider creating Ad Hoc Committee to work on acquisition of State and Federal stimulus dollars.
Requested by: PLEGS Committee
 - b) **PROPOSED AD HOC COMMITTEE ON AMES MEANS PROJECT ISSUES-** Recommended by PLEGS Committee, Board to consider creating Ad Hoc Committee to communicate between interested parties.
Requested by: PLEGS Committee
 - c) **STAND-BY ASSESSMENT FEES-** Board to provide direction to start the staff work to obtain information necessary for the Board to make a future decision on whether or not to pursue water availability assessments this calendar year.
Requested by: Staff
 - d) **ASSOCIATION OF CALIFORNIA WATER AGENCIES 2009 LEGISLATIVE SYMPOSIUM-** Board to consider authorizing attendance of Directors to the Association of California Water Agencies 2009 Legislative Symposium being held at the Sacramento Convention Center, March 18, 2009 at a cost of approximately \$1000.00 per Director.
Requested by: Staff
 - e) **DISBURSEMENTS JANUARY 2009**
Requested by: Staff
 - f) **RESOLUTION NO 09R-XX- A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY SETTING FEE FOR SERVICE FOR ALL BULK STATION ACCOUNTS (BILLING ROUTES 30-33) AT \$8.50 PER UNIT AND \$0 BASIC SERVICE CHARGE-** Board to discuss and consider adoption of Resolution 09R-XX.
Requested by: Staff
 - g) **MAIL BALLOT ELECTION OFFER FROM REGISTRAR OF VOTERS-** Request by the Registrar to consider a "mail ballot election".
Requested by: Staff
 - h) **NOTICE OF AVAILABILITY/INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE PIONEERTOWN WATER SYSTEM IMPROVEMENTS PROJECT-** Board to discuss and consider directing staff to proceed with letter opposing Mitigated Negative Declaration.
Requested by: Staff

i) CUSTOMER REQUEST FOR RELIEF OF BILLING FOR PARCEL 629-405-01
Requested by: Staff

- 7. DIRECTORS' REPORTS/COMMENTS**
- 8. GENERAL MANAGER'S REPORT (ORAL)**
- 9. COMMUNICATION AND INFORMATION ITEMS**
- 10. ITEMS FOR NEXT AGENDA**
- 11. ADJOURNMENT**

Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Bighorn-Desert View Water Agency office at 622 S. Jemez Tr., Yucca Valley, CA during normal business hours.



BIGHORN-DESERT VIEW WATER AGENCY

BOARD OF DIRECTORS' SPECIAL MEETING PUBLIC HEARING MINUTES

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

DECEMBER 02, 2008
TUESDAY
6:00 P.M.

- **CALL TO ORDER-** 6:00 P.M.
- **PLEDGE OF ALLEGIANCE-** Led by Director Corl-Lorono
- **ROLL CALL-** Directors Present: Director Corl-Lorono, Director Burkhart, Director Lisiewski, Director McBride
Staff Present: Marina West, Kim Heller, Richard Estrada (as guest)
Guests Present: Approximately 15
- **APPROVAL OF THE AGENDA-** MSC McBride/Burkhart 4/0

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1. **PUBLIC PARTICIPATION-** Any person may address the Board on any matter within the District's jurisdiction on items not appearing on this agenda- **Jim Hanley commented on an article in the Hi-Desert Star regarding the Basic Service Charge in Johnson Valley and emails between General Manager West and former General Manager Bartz.**
Barbara Renton commented on the grant pursuant of former Board President Johnson asking if those grants could help cover costs. Ms. West explained grants are for a defined purpose and not to cover the costs of operating the Agency. Ms. Renton suggested charging more for new account set up fees instead of raising rates for existing customers. Ms. West explained that is not what the Law allows.
Gerry Kay commented on turning off a customer's water or putting a lien against a property for non-payment of water bill was un-American.
2. **PUBLIC HEARING TO CONSIDER PROPOSED INCREASES TO WATER RATES UNDER PROP. 218 PROCEDURE-**

1. **Receive Staff Report-** Ms. West expressed her thanks to the Board and the public for their attendance at this meeting. Ms. West explained each Resolution on the Agenda giving the background for each Resolution. Ms. West advised that fifty five protest letters were received up until the mailing of the Agenda, none of which were validated. An

additional eleven letters received in the mail after the mailing of the Agenda and five letters received at this meeting, falling far short of the majority written protest required.

2. Questions from Board- Director Lisiewski asked how Ms. West derived the \$7.50 Basic Service Charge Increase. Ms. West explained that the \$7.50 increase was a 37.5% increase that when applied to the Budget, brought the Budget deficit into a positive on July 1 after July 1 everyday the Agency has not had that increase, we've lost that positive (i.e. surplus) in the Budget. The percentage used was to bring the Budget back to zero and pad it slightly for any unknowns. Ms. West points out the charge was explained in the Prop 218 Notice.

3. Opened Public Hearing- 6:26 P.M.

4. Received Public Comments- Mr. Hanley commented basing the increase on a units used factor was unfair. He stated Johnson Valley was getting the short end of the stick.

Ms. Kay asked if the increase would be necessary if the Agency had not spent so much on Strawman.

Vic DiAco stated that at least three of the four board members did not know what was going on, that they rubberstamped everything the General Manager comes up with. Mr. DiAco advised he was going run all this by Howard Jarvis to see if this is all legal.

Kirk Antes commented that a 35.00% increase seemed like a big increase all at once. He stated that as a water hauler it seemed to him that a tiered rate might be a better way to approach the problem, stating he thought it might stress conservation. Mr. Antes asked what research in to tiered rates had been done. Ms. West explained that the ongoing meter replacement program would have an effect on the customers consumption charge, stating that many customers had been getting under billed as a result of an old meter. Ms. West stated she did not want to take on the issue of raising consumption rates until there was a clearer picture of the actual customer consumption, once all the meters have been replaced. Martha Oswalt stated "she could not see how we could be so in debt when every month it shows we run a deficit."

5. Closed Public Hearing- 6:43 P.M.

3. BOARD DISCUSSION AND ACTION

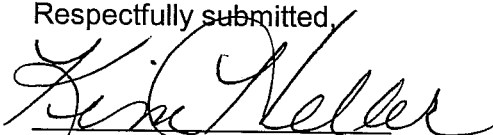
3a Consider Resolution 08R-13- Increasing Basic Service Charge- **MSC McBride/Burkhart 3/1 to approve Resolution 08R-13.**

3b Consider Resolution 08R-14- Increasing Water Consumption Charge At Johnson Valley Well No. 10- **MSC McBride/Burkhart 3/1 to approve Resolution 08R-14, following comments by the board.**

3c Consider Resolution 08R-15- Establishing Miscellaneous Service Charges- **MSC Burkhart/McBride to approve Resolution 08R-15, following comments by the board.**

3. ADJOURNMENT- 6:55 P.M.

Respectfully submitted,



Kim Heller, Board Secretary



BIGHORN-DESERT VIEW WATER AGENCY

BOARD OF DIRECTORS' SPECIAL MEETING MINUTES

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

DECEMBER 16, 2008
TUESDAY
6:00 P.M.

- **CALL TO ORDER-** 6:02 P.M.
- **PLEDGE OF ALLEGIANCE-** Led by John Burkhart
- **ROLL CALL-** Directors Present: Director Cori-Lorono, Director Burkhart, Director Lisiewski, Director McBride
Staff Present: Marina West, Kim Heller
Guests Present: Approximately 13
- **APPROVAL OF THE AGENDA- MSC BURKHART/MCBRIDE 4/0**

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1. **PUBLIC PARTICIPATION-**Any person may address the Board on any matter within the District's jurisdiction on items not appearing on this agenda.
2. **APPROVAL OF MINUTES OF THE NOVEMBER 14, 2008 SPECIAL MEETING-** MSC McBride/Burkhart 4/0 to approve minutes of the November 14, 2008 Special Meeting.
3. **DISCUSSION AND ACTION ITEMS-** The following items will be discussed by the Board of Directors and Staff, and the Board will consider taking action, if so inclined.

a) **AGENCY POLICY FOR DISTRIBUTION OF CORRESPONDENCE BETWEEN GENERAL MANAGER AND ATTORNEY, OR OTHERS TO THE BOARD OF DIRECTORS-** Board to discuss creation of a policy to require General Manager provide all correspondence, written or verbal, between General Manager and attorney, or others, to the Board of Directors for subsequent consideration of further endorsement of General Manager's activities- **Item requested to be Agendized by Director Lisiewski.** Director Lisiewski stated he wanted to know what the Policy of staff was for giving the Directors information received from the attorney and anything that is essential to the Board. He cited two incidents where his mail was missing from his box and asked if he was being left out. Directors' Cori-Lorono and Burkhart explained that his mail had been picked up by mistake because the mail slots had been rearranged by office staff after Mr. Johnson had left the Board and neither incident was intentional. Ms. West verified that Directors' were given the attorney bills and all other correspondence received by the Agency for the Directors. Ms. West suggested looking in to a different mail receptacle for the Directors and staff was so directed.

b) APPOINTMENT TO BOARD MEMBER VACANCY- Board to interview applicants and appoint a new member to the Board of Directors, if so desired- **Larry Coulombe turned in an application at the meeting.** At 6:19 P.M. Director Lisiewski recused himself from this item without explanation citing there could be legal ramifications. In response, Mr. Coulombe withdrew his application. Board President Cori-Lorono advised Mr. Coulombe that his withdrawal was not necessary. Applicants were interviewed, in alphabetical order, while the other applicants agreed to be sequestered until their turn to interview. The applicants were interviewed as follows:

John Burkhart
Larry Coulombe
Barbara Renton

Recess 7:27 P.M.- 7:40 P.M.

Dennis Staley
Warren Strodel

Each applicant was asked to tell the remaining Board about themselves. The Directors then asked a series of previously compiled questions of each applicant. Upon completion of the interviews, the Directors cast the first written vote as follows:

1 vote for Dennis Staley
1 vote for Warren Strodel
1 vote for Larry Coulombe

Ms. West instructed the Directors to cross out applicants eliminated in the first vote, John Burkhart and Barbara Renton.

Directors cast the second written vote as follows:

2 votes for Warren Strodel
1 vote for Larry Coulombe

Ms. West instructed the Directors to cross out applicant eliminated in the second vote, Dennis Staley.

Directors cast third written vote as follows:

3 votes for Warren Strodel

Ms. West confirms from written ballots there is a consensus and roll call vote is taken:

Director McBride: Warren Strodel
Director Cori-Lorono: Warren Strodel
Director Burkhart: Warren Strodel

Ms. West congratulated Mr. Strodel. Director Cori-Lorono expressed gratitude to all the applicants and invited them to attend more meetings.

Director Lisiewski rejoined the board at 8:20 P.M.

4. **GENERAL MANAGER'S REPORT (ORAL)-** Ms. West confirmed with the Board that the December 23, 2008 Regular Board meeting was cancelled.
5. **PROJECT STATUS REPORT-Written.** Ms. West stated she had no comments on the written report unless the Board had questions.
Director Burkhart asked how Well 10 was doing. Ms West advised that the Agency had taken Well 10 down on Monday, 12/08, sampled Well 10 along with two other places, Rock Corral and a private well in Johnson Valley. Well 10 had a high plate count and was chlorinated on Tuesday 12/09. Wednesday 12/10 Well 10 was pumped and re-sampled. Well 10 was put back online Thursday 12/11. The sample came back less than one but the Agency would be re-sampling Well 10 again Wednesday 12/17 to be sure and that Well 10 had been sampled today by USGS under the GAMA Program. Director Burkhart asked about results at Rock Corral. Ms. West advised that Rock Corral tested positive for total coliform bacteria, tested positive for fecal, and the plate count at that facility was one hundred and forty. The private well that was tested the total coliform was negative and the plate count was one hundred and forty. Director McBride asked for clarification on the term 'plate count'. Ms. West explained it was bacteria count, non-coliform and is a water quality testing that is required when you treat surface water.
Director Lisiewski asked Ms. West for a report on the TAC meeting. Ms. West reported the Technical Advisory Committee reviewed Prop 84 and that the State would like to jump start the program. The Water Bond that was proposed by Feinstein and Governor Schwarzenegger never made it through the committee and one of the reasons was they had not yet issued one dollar of the prior Water Bond, the billion dollar Water Bond from two years ago. There was also a presentation by the USGS on the GAMA Program, a water quality-testing program the Agency participates in at no cost to the Agency.
6. **DIRECTORS' REPORTS/COMMENTS-** Director McBride commented on Directors signing their own checks. He stated Directors' refusing to sign their own checks was taking up too much of staff time.
Director Lisiewski asked Director Cori-Lorono not to touch any of his equipment. He also addressed Ms. West regarding a statement he alleged she had made regarding his resignation and whom he should or should not talk to and that he did not take favorably a comment he said Ms. West made regarding an applicant to the vacancy on the board.
Director Cori-Lorono commented on how well she thought the meeting had gone tonight, she congratulated Mr. Strodel, and reported on the TAC meeting.
Director Burkhart reported on the TAC meeting, the Pipeline meeting and congratulated Mr. Strodel.
7. **ADJOURNMENT-** 8:42 P.M.

Respectfully submitted,



Kim Heller, Board Secretary

DATE: FEBRUARY 2009
 TO: MARINA WEST
 FROM: MICHELLE BOWLING
 RE: Consumption & Billing Comparison JANUARY 2009

Consumption

Residential- North- Bighorn

	Meters	Usage (c.f.)
Book 1	151	131,566
Book 2	191	286,833
Book 3	167	133,377
Book 4	161	125,393
Book 5	132	168,145
Book 6	137	208,947
Total	939	1,054,261

Residential- South- Desert View

	Meters	Usage (c.f.)
Book 7	165	33
Book 8	174	0
Book 9	184	8
Book 10	179	0
Book 11	191	126
Total	893	167

Bulk -Kickapoo, Well 4, Cherokee

	Meters	Usage (c.f.)
Book 30	39	27,803
Book 31	4	128
Book 32	5	8,470
Total	48	36,401

Construction Meters

	Meters	Usage (c.f.)
Book 40	0	0
Total	0	0

Bulk - Well 10

	Meters	Usage (c.f.)
Book 33	48	630
Total	48	630

Billed Consumption	1,257,621
Non Billed Usage	3,640
Total Consumption	1,261,261

Active Residential Meters	1,832
Active Bulk Meters	96
Total Active Meters	1,928

Billing Comparison

Statistics

	This Year JAN 2009	Last Year JAN 2008	Difference More (Less)
Total Customer Accounts	1035	825	210
Usage in Cubic Feet	1,091,824	854,233	237,591
Percentage Increase/(Decrease)			28%

Revenues

Water Revenues	32,606.78	26,366.69	6,240.09
Basic Service Charge	50,609.33	30,400.67	20,208.66
Miscellaneous	788.77	114.00	674.77
Delinquent Charges	-	991.72	(991.72)
Total Operating Revenues	84,004.88	57,873.08	26,131.80

Debt Service Revenues (pass through)

FMHA **	22.33	66.52	(44.19)
Total Debt Service Revenues	22.33	66.52	(44.19)

Additional Information Regarding Pass Through Revenues

** FMHA annual debt service of \$41,150 divided over 6 months equals \$6,858

Total Charges (Proof)	84,027.21	57,939.60	
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GENERAL FUND

ASSETS

CASH & CASH EQUIVALENTS

01 13120	CASH UNION BANK OF CA	71,983.97
01 13130	CASH CASH DRAWERS BASE FUND	750.00
01 13400	CASH PETTY CASH FUND	800.00

TOTAL CASH & CASH EQUIVALENTS		73,533.97

INVESTMENTS

01 13303	CASH LAIF	438,737.18

TOTAL INVESTMENTS		438,737.18

ACCOUNTS RECEIVABLE, WATER

01 13710	A/R WATER	28,518.05

TOTAL ACCTS RECEIVABLE, WATER		28,518.05

ACCOUNTS RECEIVABLE, OTHER

01 13712	A/R AVAILABILITY-STANDBY IDB	237.22
01 13800	A/R PROPERTY TAXES	(39,984.46)
01 13801	A/R MISCELLANEOUS	2,301.92

TOTAL ACCTS RECEIVABLE, OTHER		(37,445.32)

INVENTORIES

01 14301	INVENTORY-WATER SYSTEM PARTS	110,712.83
01 14302	INVENTORY-DIESEL FUEL	1,343.63
01 14303	INVENTORY-UNLEADED FUEL	2,242.13

TOTAL INVENTORY		114,298.59

PREPAID EXPENSES

01 14401	PREPAYMENTS WORKERS COMP INSUR	2,250.62
01 14402	PREPAYMENTS PL & PD LIAB INS	15,231.91
01 14403	POSTAGE	7,456.20

TOTAL PREPAID EXPENSES		24,938.73

FIXED ASSETS

01 11130	FA ORGANIZATION	336,271.36
01 11140	FA LAND & BUILDINGS	298,457.41
01 11150	FA YARDS	57,934.48
01 11160	FA FUELS TANKS	16,604.30
01 11170	FA WATER SYSTEM	7,223,519.41
01 11180	FA SHOP EQUIPMENT	99,211.92
01 11181	FA MOBILE EQUIPMENT	424,831.47
01 11190	FA OFFICE EQUIPMENT	139,079.33
01 11400	ACCUMULATED DEPRECIATION	(4,880,224.62)

GENERAL FUND

TOTAL FIXED ASSETS 3,715,685.06

WORK IN PROGRESS (FOR OTHERS)

01 12004	WIP BLUCKER ANNEXATION	111.52
01 12006	WIP FLAMINGO HTS ASSN, SEC35	14,597.53

TOTAL WORK IN PROGRESS(OTHERS) 14,709.05

WORK IN PROGRESS (AGENCY)

01 12005	WIP GRANTS CEQA/NEPA	66,109.04
01 12011	WIP WELL 9 REHAB (NTE\$89K)	99,035.71
01 12014	WIP PRV 7 INTERTIE	796.55
01 12016	WIP WELL 10 REHAB	77,290.99
01 12017	WIP METER REPLACEMENT PROGRAM	25,680.02
01 12020	WIP FUEL SPILL CLAIM	734.40

TOTAL WORK IN PROGRESS(AGENCY) 269,646.71

DEBT ISSUANCE COST

01 15400	BOND ISSUE COSTS	6,836.49
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TOTAL DEBT ISSUANCE COST 6,836.49

TOTAL ASSETS 4,649,458.51
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LIABILITIES

ACCOUNTS PAYABLE

01 22400	CAPITAL LEASE	22,303.26
01 22700	ACCOUNTS PAYABLE	7,438.24

TOTAL ACCOUNTS PAYABLE 29,741.50

ACCRUED PAYROLL

TOTAL ACCRUED PAYROLL 0.00

CUSTOMER DEPOSITS

01 22550	CUSTOMER DEPOSITS PENDING	1,960.00
01 22600	CUSTOMER DEPOSITS	51,024.00

TOTAL CUSTOMER DEPOSITS 52,984.00

WORK IN PROGRESS DEPOSIT

01 23006	WIP DEPOSIT-DANMARK ANNEX	7,500.00
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TOTAL WORK IN PROGRESS DEPOSIT 7,500.00

LIAB PYBL FRM RESTRICTD ASSETS

01 22950	ACCRUED INT PAYABLE DV ID BNDS	280.00
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GENERAL FUND

01 22951	ACCRUED BONDS PAYABLE DV ID	2,000.00

TOTAL LIAB PYBL FRM REST ASSET		2,280.00

LONG TERM DEBT



01 21101	REVENUE BONDS PAYABLE - DV	358,977.05
01 22300	REVENUE BONDS PAYABLE - BH	900,000.00

TOTAL LONG TERM DEBT		1,258,977.05

TOTAL LIABILITIES	1,351,482.55
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EQUITY

01 30109	CONTRIBUTED CAPITAL/HUD	321,142.96
01 30111	FMHA GRANTS	824,236.81
01 31000	FUND BALANCE	1,766,600.27
01 31001	FUND BALANCE FEMA & OES	445,243.98
01 31111	CURR YEAR NET REVENUE/EXPENSE (59,248.06)
TOTAL EQUITY		3,297,975.96
TOTAL LIABILITIES & EQUITY		4,649,458.51
		=====

Prepared By 
Date 2/18/09
Reviewed By 

PERIOD ENDING 01/31/09

GENERAL FUND

		BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
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REVENUE						

OPERATING REVENUE						
01 41000	SERVICE LINE INSTALLATION FEES	4,500.00	0.00	4,920.00	-420.00	109.33%
01 41001	BASIC FACILITIES CHARGE	9,500.00	0.00	9,500.00	0.00	100.00%
01 41100	INCOME METERED WATER	459,500.00	0.00	276,203.03	183,296.97	60.11%
01 41300	BASIC SERVICE CHARGE	508,530.00	0.00	193,194.19	315,335.81	37.99%
01 41600	INCOME REVENUE BONDS DV FMHA	43,189.00	0.00	22,665.13	20,523.87	52.48%
01 41700	INCOME OTHER (OPERATING)	21,600.00	229.12	10,284.98	11,315.02	47.62%
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	TOTAL OPERATING REVENUE	1,046,819.00	229.12	516,767.33	530,051.67	49.37%
NON-OPERATING REVENUE						
01 49100	INCOME GEN TAX ID A 1% BH GA02	49,565.00	3,389.14	19,174.72	30,390.28	38.69%
01 49101	INCOME BOND DEBT BH FMHA DA01	106,315.00	30,535.82	27,217.79	79,097.21	25.60%
01 49102	INCOME GENERAL TAX 1% DV GA01	48,847.00	3,399.18	19,865.62	28,981.38	40.67%
01 49200	INTEREST INCOME	18,500.00	2,660.97	9,445.21	9,054.79	51.06%
01 49600	INCOME OTHER (NON OPERATING)	1,000.00	0.00	233.10	766.90	23.31%
01 49601	INCOME-CONT CAPTL WIP(NONOPER)	0.00	335.32	335.32	0.00	0.00%
01 49999	FEDERAL/STATE GRANTS FEMA/OES	0.00	0.00	41,018.93	0.00	0.00%
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	TOTAL NON-OPERATING REVENUE	224,227.00	40,320.43	117,290.69	106,936.31	52.31%
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	TOTAL REVENUE	1,271,046.00	40,549.55	634,058.02	636,987.98	49.88%
EXPENSE						

OPERATING EXPENSE						
01 54102	OPERATIONS COMPENSATION	185,853.00	22,904.83	111,767.65	74,085.35	60.14%
01 54103	UNIFORMS	2,675.00	216.80	845.95	1,829.05	31.62%
01 54105	AUTO CONTROLS	4,500.00	89.07	2,161.03	2,338.97	48.02%
01 54106	VEHICLE/TRACTOR/EQUIP EXPENSE	9,000.00	760.37	3,883.15	5,116.85	43.15%
01 54107	VEHICLE EXPENSE - FUEL	27,000.00	629.47	14,359.42	12,640.58	53.18%
01 54109	FIELD MATERIALS & SUPPLIES	45,000.00	813.69	15,671.44	29,328.56	34.83%
01 54111	WATER TESTING	10,000.00	779.00	4,775.00	5,225.00	47.75%
01 54112	CONTRACTUAL SERV- ENGINEERING	5,000.00	0.00	0.00	5,000.00	0.00%
01 54114	WATER SYSTEM REPAIRS	12,000.00	897.73	3,027.68	8,972.32	25.23%
01 54115	BUILDING MAINTENANCE/REPAIR	4,750.00	407.03	3,208.47	1,541.53	67.55%
01 54117	AMES BASIN MONITORING	3,000.00	0.00	0.00	3,000.00	0.00%
01 54119	COMMUNICATIONS EXPENSE	3,200.00	213.47	1,366.58	1,833.42	42.71%
01 54121	DISINFECTION EXPENSE	6,500.00	0.00	2,891.48	3,608.52	44.48%
01 54125	POWER WELLS & PUMPS	60,000.00	4,502.48	30,174.89	29,825.11	50.29%
01 54130	OTHER OPERATIONS EXPENSES	12,500.00	3,823.65	11,136.16	1,363.84	89.09%
01 54150	PAYROLL LABOR TO PROJECTS	0.00	-2,909.89	-2,909.89	0.00	0.00%
01 54160	VEH & EQUIP EXPENSE TO PROJECT	0.00	-1,877.88	-1,877.88	0.00	0.00%
01 54170	INVENTORY EXP TO WIP PROJECTS	0.00	-2,149.67	-2,149.67	0.00	0.00%

PERIOD ENDING 01/31/09

GENERAL FUND

	BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
01 56001	DIRECTOR FEES	10,000.00	800.00	4,800.00	5,200.00 48.00%
01 56002	DIRECTOR MEETING EXPENSES	10,000.00	0.00	2,649.68	7,350.32 26.50%
01 56003	ADMINISTRATIVE COMPENSATION	212,550.00	21,438.61	109,319.03	103,230.97 51.43%
01 56005	ADMINISTRATIVE MEETING EXPENSE	1,000.00	0.00	672.45	327.55 67.25%
01 56006	CONTRACTUAL SERV-AUDITOR	9,500.00	0.00	4,717.50	4,782.50 49.66%
01 56007	CONTRACTUAL SERV-LEGAL	70,000.00	0.00	35,319.75	34,680.25 50.46%
01 56008	PERS CONTRIBUTION	33,600.00	668.29	17,211.20	16,388.80 51.22%
01 56009	PAYROLL TAXES	8,800.00	3,048.87	5,950.17	2,849.83 67.62%
01 56011	TELEPHONE/FAX/INTERNET/WEB	6,250.00	604.90	3,513.78	2,736.22 56.22%
01 56012	MAILING EXPENSES	7,500.00	449.74	4,201.44	3,298.56 56.02%
01 56014	CONTRACTUAL SERV-OTHER	25,100.00	3,111.58	33,446.70	-8,346.70 133.25%
01 56016	PROPERTY/LIABILITY EXPENSE	38,000.00	2,946.38	20,624.66	17,375.34 54.28%
01 56017	WORKERS COMP INSURANCE	12,500.00	1,125.34	15,796.68	-3,296.68 126.37%
01 56018	DUES & SUBSCRIPTIONS	6,500.00	-3,222.38	5,814.50	685.50 89.45%
01 56020	POWER OFFICES & YARDS	7,000.00	371.05	3,023.72	3,976.28 43.20%
01 56022	BAD DEBT EXPENSE	6,000.00	0.00	-6.50	6,006.50 - .11%
01 56025	PROPANE	1,750.00	0.00	0.00	1,750.00 0.00%
01 56030	OFFICE SUPPLIES	7,500.00	83.98	1,542.69	5,957.31 20.57%
01 56100	EMPLOYEE BENEFITS INSURANCE	63,358.00	4,938.48	43,804.15	19,553.85 69.14%
01 56110	EMPLOYEE EDUCATION	6,000.00	1,225.50	3,157.00	2,843.00 52.62%
01 56120	GROUNDWATER MGMT PLANNING EXP	0.00	19,018.04	19,018.04	0.00 0.00%
01 56121	NEMER METER UPGRADE EXP	0.00	335.32	335.32	0.00 0.00%
01 56150	PAYROLL FRINGE EXP TO PROJECTS	0.00	-1,047.57	-1,047.57	0.00 0.00%
01 56160	OVERHEAD TO PROJECTS	0.00	-1,159.37	-1,159.37	0.00 0.00%
<hr/>					
TOTAL OPERATING EXPENSE	933,886.00	83,836.91	531,036.48	402,849.52	56.86%
<hr/>					
NON-OPERATING EXPENSE					
01 56200	OFFICE EQUIPMENT EXPENSE	6,000.00	759.63	1,738.12	4,261.88 28.97%
01 56300	CUSTOMER RELATIONS	1,000.00	0.00	458.67	541.33 45.87%
01 56400	OTHER ADMINISTRATIVE EXPENSES	4,000.00	187.33	1,045.26	2,954.74 26.13%
01 57000	INTEREST EXPENSE - BH BONDS	0.00	0.00	22,499.99	0.00 0.00%
01 57100	DEPRECIATION EXPENSE	0.00	18,181.53	127,553.14	0.00 0.00%
01 59100	INTEREST EXPENSE - DV BONDS	0.00	0.00	8,974.42	0.00 0.00%
<hr/>					
TOTAL NON-OPERATING EXPENSE	11,000.00	19,128.49	162,269.60	-151,269.60	1475.18%
<hr/>					
TOTAL EXPENSE	944,886.00	102,965.40	693,306.08	251,579.92	73.37%
<hr/>					
NET REV/EXP GENERAL FUND	326,160.00	-62,415.85	-59,248.06	385,408.06	-18.17%
<hr/>					

Prepared By

Date

Reviewed By

GENERAL ACCOUNT (UNION BANK)

Jan-09

SOURCES OF FUNDS:

SERVICE LINE INSTALLATION FEES	0.00	
BASIC FACILITIES CHARGE	0.00	
A/R - WATER	75,981.26	
MISCELLANEOUS REVENUE	759.60	
1% GENERAL TAX	6,788.32	
BIGHORN ADVALOREM TAX	30,535.82	
EPA GRANT REIM#10	0.00	
CUSTOMER DEPOSITS	<u>1,310.00</u>	
TOTAL		<u><u>115,375.00</u></u>

USE OF FUNDS:

DEBT SERVICE	0.00	
CAPITAL PURCHASES	4,318.93	
CAPITAL LEASE	1,173.89	
INVENTORY PURCHASES	2,644.74	
PREPAYMENTS - INSURANCE & POSTAGE	1.00	
PAYMENTS FOR SALARIES & WAGES	41,622.32	
ADMINISTRATIVE EXPENSE	17,691.87	
OPERATIONS EXPENSES	7,677.32	
TRANSFERS TO INCREASE LAIF	0.00	
MISCELLANEOUS & CUSTOMER REFUNDS	<u>145.48</u>	
TOTAL		<u><u>75,275.55</u></u>

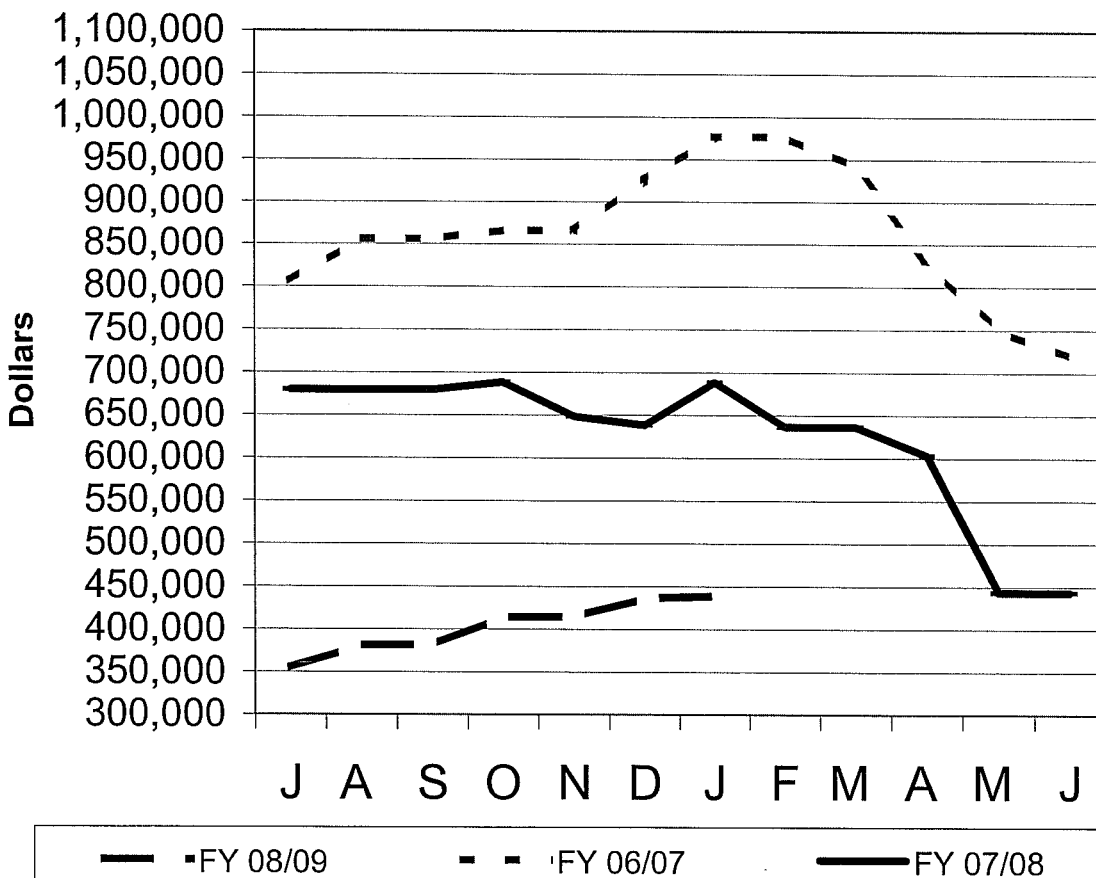
Prepared By

Date 2/18/09

Reviewed By

Local Agency Investment Fund Balance Timeline
Balance as of January 31, 2009

	FY 06/07	FY 07/08	FY 08/09
July	805,315	679,189	354,364
August	855,315	679,189	381,364
September	855,315	679,189	381,364
October	865,621	688,186	414,076
November	865,621	648,186	414,076
December	925,621	638,186	436,076
January	976,800	688,186	438,737
February	976,800	636,402	471,737
March	941,800	636,402	
April	829,004	603,292	
May	749,004	443,292	
June	719,004	443,292	



Prepared By

Date

Reviewed By



DATE: 1/12/2009
TO: Board of Directors
FROM: Kit Boyd
RE: January Production

	<u>Cubic Feet</u> <u>Pumped</u>	<u>Total Gallons</u> <u>Pumped</u>	<u>Average</u> <u>GPM</u>	<u>Total</u> <u>Running Time</u>	<u>acre feet</u>
Well 2	300,240	2,245,795	370	101.1	6.89
Well 3	107,040	800,659	389	34.3	2.46
Well 4	0	0	#DIV/0!	0	0.00
Well 6	520,360	3,892,293	458	141.5	11.95
Well 7	0	0	#DIV/0!	0	0.00
Well 8	140,900	1,053,932	1,098	16	3.23
Well 9	28,700	214,676	369	9.7	0.66
Well 10	0	0	#DIV/0!	0	0.00
Total	1,097,240	8,207,355			25.19

Wells 4 did not run this month

A Boosters	60,030	449,024	141	53
C Boosters	126,800	948,464	299	52.9
Total	186,830	1,397,488		



DATE: JANUARY 2009
 TO: Kim Heller
 FROM: Michelle Bowling
 SUBJECT: Service Order Report July 2008 through June 2009

	J	A	S	O	N	D	J	F	M	A	M	J	YTD
Mainline Leaks:	1	1	1	1	0	0	0						
Service Line Repairs:	2	0	3	1	2	4	5						
Service Line Replacements:	10	7	9	2	2	5	0						
Service Line Installations:	0	0	1	2	1	0	0						
Meter Changeouts*	60	5	51	48	43	19	23						
Water Quality Complaints:**	2	3	2	2	0	1	1						
48 Hour Tags for NSF Checks:	2	0	4	2	1	2	0						
Lock Offs for Non-Payment:	4	9	5	9	10	6	9						
Unlocks After Payment Made:	3	6	0	7	4	2	4						
All Other Miscellaneous:	106	111	94	63	73	108	136						
Total	190	142	170	137	136	147	174						

*Meter replacement program started 6/18/08 with Route 09. Other meter exchanges included in misc.

** High or low pressure complaints fall within this category.

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

Meeting Date: January 27, 2009

To: Board of Directors

Budgeted:

Budgeted Amount:

Cost:

Funding Source:

From: Marina D. West

Staff Contact: MaryJo Cleveland



General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Back-up Documentation in Support of Check No. 8872

SUMMARY

The November 2008 check register indicates that check no. 8872 in the amount of \$636.56 was issued to then Director Phil Johnson. The back-up documentation for this check is attached. The check request was approved by two staff members and two members. This information should satisfy inquiries as to the legitimacy of this disbursement.

RECOMMENDATION

Information Only

BACKGROUND/ANALYSIS

The November 2008 check register indicates that check no. 8872 in the amount of \$636.56 was issued to then Director Phil Johnson. The back-up documentation for this check is attached. In summary, the check covers per diem for Mr. Johnson's attendance at the following events:

- Mojave Water Agency Technical Advisory Committee on October 1, 2008.
- Water Quality and Security Conference on October 15, 16, and 17th approved by the Board on September 30, 2008. Reimbursement included three days per diem, one roundtrip mileage and a meal. Mr. Johnson did not seek reimbursement for lodging.
- Regular Board Meeting October 28, 2008.

PRIOR RELEVANT BOARD ACTION(S)

none

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH PADLOCK SECURITY ICON.

BIGHORN - DESERT VIEW WATER AGENCY

622 S. JEMEZ TRAIL (780) 964-2315
YUCCA VALLEY, CA 92284-1440

UNION BANK OF CALIFORNIA, N.A.

445 S. FIGUEROA ST, 13TH FL
LOS ANGELES, CA 90071

8872

16-49/1220

PAY
TO THE
ORDER OF

11/06/08

8872

PHILLIP JOHNSON

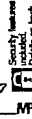
*****636.56

PAY EXACTLY *****636 DOLLARS AND 56 CENTS

PHILLIP JOHNSON
2281 DUSTY MILE ROAD
LANDERS, CA 92285

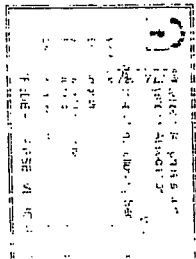
MEMO

Judy Cori-Lorono
Terry Burtshaw
AUTHORIZED SIGNATURE



⑈008872⑈ ⑆122000496⑆ 4330161227⑈

PostngDate:20081117,TransRout:122000496,TranCode:0,Account:4330161227,DIN:47793347,Serial:8872,Amount:63656,



020 16005 691111 22157 102

Philip Johnson

PostngDate:20081117,TransRout:122000496,TranCode:0,Account:4330161227,DIN:47793347,Serial:8872,Amount:63656,

Exhibit A

Request for Compensation and Reimbursement

Meeting Type	Fee	Lodging*	Meals*	Mileage**	Misc*
Date <u>10-1-08</u> <input type="checkbox"/> Regular Meeting \$ <input type="checkbox"/> Special Meeting \$ <input type="checkbox"/> Standing Committee \$ <input type="checkbox"/> Ad Hoc Committee \$ <input checked="" type="checkbox"/> Other <u>MWA/TAC</u>	<u>100.</u> <u>01-56002</u>				
Date <u>10-15/17-08</u> <input type="checkbox"/> Regular Meeting \$ <input type="checkbox"/> Special Meeting \$ <input type="checkbox"/> Standing Committee \$ <input type="checkbox"/> Ad Hoc Committee \$ <input checked="" type="checkbox"/> Other <u>water quality & security</u>	<u>300.</u> <u>01-56002</u>		<u>22.14</u>	<u>Mapquest</u> <u>To O.R.T.</u> <u>195.58</u> <u>mi RT</u>	<u>Attached</u> <u>01-56002</u>
Date <u>10-28-08</u> <input checked="" type="checkbox"/> Regular Meeting \$ <input type="checkbox"/> Special Meeting \$ <input type="checkbox"/> Standing Committee \$ <input type="checkbox"/> Ad Hoc Committee \$ <input type="checkbox"/> Other _____ \$	<u>100.</u> <u>01-56001</u>				
Date _____ <input type="checkbox"/> Regular Meeting \$ <input type="checkbox"/> Special Meeting \$ <input type="checkbox"/> Standing Committee \$ <input type="checkbox"/> Ad Hoc Committee \$ <input type="checkbox"/> Other _____ \$					
Date _____ <input type="checkbox"/> Regular Meeting \$ <input type="checkbox"/> Special Meeting \$ <input type="checkbox"/> Standing Committee \$ <input type="checkbox"/> Ad Hoc Committee \$ <input type="checkbox"/> Other _____ \$					
Date _____ <input type="checkbox"/> Regular Meeting \$ <input type="checkbox"/> Special Meeting \$ <input type="checkbox"/> Standing Committee \$ <input type="checkbox"/> Ad Hoc Committee \$ <input type="checkbox"/> Other _____ \$					
100.00 + 300.00 + 100.00 + 22.14 + 114.42 +			195.58 x 0.585 = 114.42		
005 Total <u>636.56</u>			mileage		

Signature Phillip W. J. L.
 Date 10-28-08

*Receipts required for reimbursement
 ** Number of miles driven

Ven <u>511</u>	Inv <u>102808</u>
Amnt <u>\$636.56</u>	PO _____
CL/Job <u>see dist</u>	Pdck <u>8872</u>
Rev <u>PL</u>	Authorized <u>MWA/TAC</u>
Dir Rev <u>PL</u>	Dir Rev <u>PL</u>
01-56001	01-56002

MWA/TAC, MILEAGE REIM



Sorry! When printing directly from the browser your directions or map may not print correctly. For best results, try clicking the Printer-Friendly button.

START 2281 Dusty Mile Rd
Landers, CA 92285-2523

END Doubletree-Ontario
222 N Vineyard Ave
Ontario, CA 91764
909-937-0900

Total Estimated Time: 1 hour 45 minutes
Total Estimated Distance: 97.79 miles

▼ Directions from A to B:

- | | | |
|--|--|---------|
| | 1: Start out going SOUTH on DUSTY MILE RD toward LINN RD (Portions unpaved). | 0.2 mi |
| | 2: Turn RIGHT onto LINN RD. | 0.8 mi |
| | 3: Turn LEFT onto CA-247/ OLD WOMAN SPRINGS RD. Continue to follow CA-247. | 12.9 mi |
| | 4: Turn RIGHT onto TWENTYNINE PALMS HWY/ CA-62 W. | 20.9 mi |
| | 5: Merge onto I-10 W toward LOS ANGELES. | 61.8 mi |
| | 6: Take the HOLT BLVD exit. | 0.6 mi |
| | 7: Merge onto E HOLT BLVD. | 0.5 mi |
| | 8: Turn RIGHT onto N VINEYARD AVE. | 0.1 mi |
| | 9: End at 222 N Vineyard Ave Ontario, CA 91764 | |

Estimated Time: 1 hour 45 minutes Estimated Distance: 97.79 miles

Total Estimated Time: 1 hour 45 minutes Total Estimated Distance: 97.79 miles

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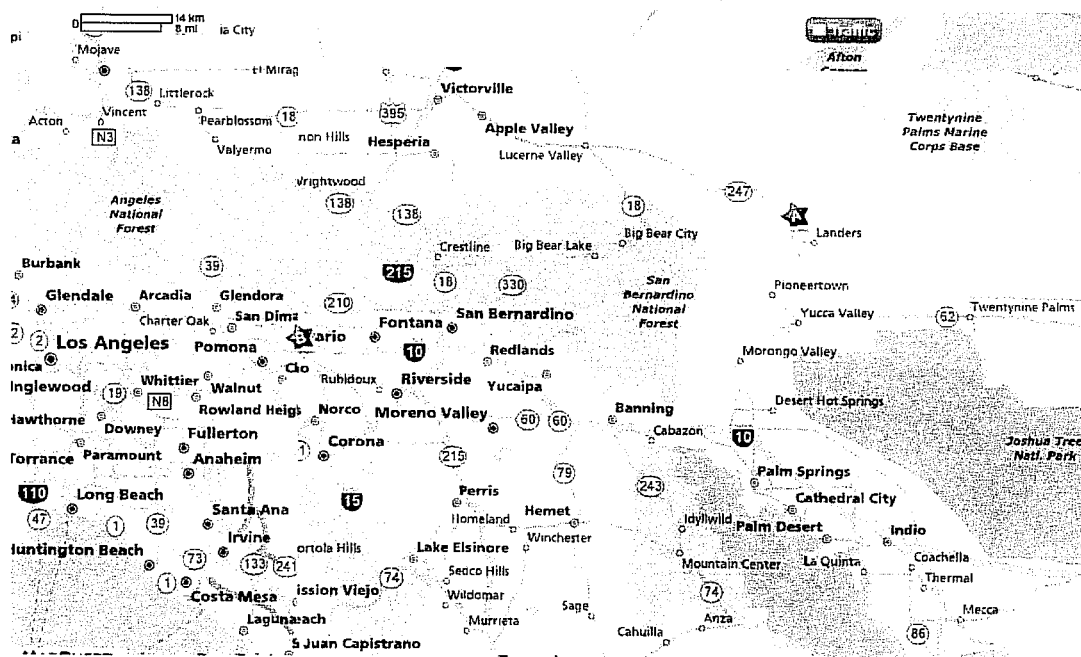
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**BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL**

Meeting Date: January 27, 2009

To: Board of Directors


Budgeted:

Budgeted Amount:

Cost:

Funding Source:

From: Marina D. West

Staff Contact: MaryJo Cleveland 

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Summary of Local Agency Investment Fund (LAIF) Transactions from September 2007 and Present

SUMMARY

Attached is a summary report of all transactions between the Agency and the Local Agency Investment Fund (LAIF) from September 2007 to present. The summary shows all deposits, interest earned and withdraws from LAIF during this period. A description of the purpose of the transaction is provided whenever a withdraw was made from LAIF.

RECOMMENDATION

Information Only

BACKGROUND/ANALYSIS

No further analysis provided.

PRIOR RELEVANT BOARD ACTION(S)

none

Date	Balance	Reg Deposit	Date	Dep from Interest	Date	Withdrawal	Date	Description
SEP, 2007	679189.00	0.00						
OCT, 2007	688186.00							SoCal (\$6k, Booster C-2), Perf Meter \$5k
NOV, 2007	648186.00			8996.77	10/15/07			
DEC, 2007	638186.00	50000.00	12/11/07			40000.00	11/16/07	BH Bond (\$24k)
JAN, 2008	688186.00	50000.00	01/18/08	8215.65	01/31/08	60000.00	12/3/07	
FEB, 2008	636402.00							
MAR, 2008	636402.00					60000.00	2/27/08	SoCal (\$37,237, Well 9)
APR, 2008	603292.00							DV Bond \$31,500
MAY, 2008	443292.00			6890.42	04/30/08	40000.00	4/3/08	SoCal (\$10,463, Well 9)
JUN, 2008	443292.00					160000.00	5/19/08	SoCal (\$74k, Well 10), BH Bond (\$82k), Mojave \$35,665
JUL, 2008				4072.42	06/30/08			SoCal (\$46,491, Well 9)
JUL, 2008	354364.00					23000.00	7/7/08	
AUG, 2008	381364.00	27000.00	08/07/08			70000.00	7/23/08	Mojave (2nd pymt \$35,665), SDRMA \$35,356
SEP, 2008	381364.00							
OCT, 2008	414076.00	30000.00	10/10/08	2711.82	09/30/08			DV Bond (\$9k)
NOV, 2008	414076.00							Perf Meter \$10,600
DEC, 2008	436076.00	22000.00	12/08/08					BH Bond (\$22,499)
JAN, 2009	438737.00			2660.97	01/31/09			
FEB, 2009	471737.00	33000.00	02/13/09					
		212000.00		33548.05		453000.00		

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

Meeting Date: February 24, 2009

To: Board of Directors

Budgeted: N/A

Budgeted Amount: N/A

Cost: N/A

Funding Source: N/A

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Investigation into Applicability of Water Availability Assessment or "Stand-by Charge" Parcels within the Bighorn Desert View Water Agency

SUMMARY

The Agency has not had the benefit of collecting water availability assessments, or "stand-by" charges from parcels within the Agency's service area for at least ten years. In fact it is extremely unusual that the Agency did not pursue the issue once it was determined that doing so was not unlawful because the collection of water availability assessments is one additional revenue stream that is relied upon by all other entities. The Board should at least explore the parameters of pursuing this assessment as the Board continues to balance rates, fees and charges to all property's receiving the benefit of access to water services. At this time, Staff is seeking direction from the Board to obtain information necessary for the Board to make a future decision related to the pursuit of the application of water availability assessments this calendar year.

RECOMMENDATION

That the Board take the following action:

1. Provide direction to start the staff work to obtain information necessary for the Board to make a future decision on whether or not to pursue water availability assessments this calendar year.

BACKGROUND/ANALYSIS

The Agency has not had the benefit of collecting water availability assessments, or "stand-by" charges from parcels within the Agency's service area for at least ten years. In fact it is extremely unusual that the Agency did not pursue the issue once it was determined that doing so was not unlawful because the collection of water availability assessments is one additional revenue stream that is relied upon by all other entities. The Board should at least explore the parameters of pursuing this assessment as the Board continues to balance rates, fees and charges to all properties receiving the benefit of access to water services. At this time, Staff is seeking direction from the Board to obtain information necessary for the Board to make a future decision related to the pursuit of the application of water availability assessments this calendar year.

Nearly all water agency's benefit from the revenue provided by water availability assessments collected on the property tax bill of parcels. The funds derived are used for major upgrading

and rehabilitation of the water system; ie, new water mains, fire hydrants, service laterals, upgrading of storage tanks, etc. Since all properties benefit from an improved water system the application of water availability assessments can be justified to both improved and unimproved properties. Generally, since improved properties (ie. connected property) are paying basic service charges in addition to consumption charges then the water availability assessment is less than it would be for an unimproved property.

The Agency's organic statute allows us to levy a standby charge as outlined in Bighorn Desert View Water Agency Law Section 112-50 - Water Standby or Water Availability Charges. In summary, the Agency can collect assessments as follows:

- Up to \$10 per acre per year (\$10 minimum for parcels under 1 acre) on parcels within the agency or in an improvement district thereof to which water is made available by the agency through underground or by surface facilities, whether the water is actually used or not.
- Up to \$30 per acre per year (\$30 minimum for parcels under 1 acre) for parcels with in Improvement District "B" of the agency or any Improvement District of the agency formed after January 1, 1986.

At this time, Staff is seeking direction from the Board on whether or not the Board desires to pursue more information related to the application of water availability assessments this calendar year. The question of whether or not to actually pursue the assessment can be determined once more information on the process is made available for the Board to consider that action.

PRIOR RELEVANT BOARD ACTION(S)

none



2009

LEGISLATIVE SYMPOSIUM

WEDNESDAY, MARCH 18, 2009

9 a.m. - 3 p.m.

Sacramento Convention Center
1400 J Street, Sacramento, CA 95814



**Association of
California Water Agencies**

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GENERAL INFORMATION

ACWA 2009 Legislative Symposium

This one-day program will provide you with an understanding of the latest issues facing California's state legislative arena.

Hotel Information

A block of rooms has been reserved for ACWA at:
Sheraton Grand Sacramento Hotel
1230 J Street (13th & J Sts.)
Sacramento, CA 95814

For reservations call: (800) 325-3535

Please identify yourself as an Association of California Water Agencies' Legislative Symposium attendee to receive this special rate.

Single / Double Rate: \$189

The cut-off date to receive this special rate is **5 p.m. February 20**. Reservations made after that will be on a space and rate availability basis.

Past Attendees' Comments on ACWA's Legislative Symposium:

"Excellent guidance on what attendees should focus their legislative efforts on."

"An opportunity for close interaction with state legislators and to get a better feel for the administration."



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ACWA's 2009 Legislative Symposium

March 18, 2009

PRELIMINARY AGENDA

9 - 9:30 a.m.
Registration & Continental Breakfast

9:30 - 9:45 a.m.

Welcome

Glen Peterson, ACWA President
Outreach Task Force Representative

9:45 - 10:45 a.m.

New Leadership for Water in the California Legislature: Water Policy Priorities in 2009
The November election brought many new faces to the state capital and shifted the leadership on key water policy committees. Hear from the new leaders of the Assembly and Senate water committees as they discuss their vision for water policy in California. Get insight on the top priorities in water and the legislative strategies for advancing those policies.

10:45 - 11:00 a.m.

Breck

11 a.m. - Noon

Visions Converge on a New

Water Policy Direction - Can a Water

Bond Finally Advance?

The Delta Vision process has outlined a new comprehensive strategy for sustainable water solutions. Will this strategy be enough

to advance a water bond this year? Hear from legislative and policy leaders on the prognosis of getting a comprehensive bond on the ballot and before the voters.

Noon - 1:45 p.m.

Luncheon

Luncheon Speaker (TBD)

All 120 legislators and senior staff will be invited to join us for the lunch program and mingle.

1:45 - 3:00 p.m.

Retrofit on Resale:

Creative Solution or Unrealistic Burden

Panelists will discuss the challenges they faced, the lessons learned and the successes enjoyed in implementing a Retrofit on Resale program in their district. The state is in a water crisis and experiencing decreases in water supply due to climatic and judicial decisions. Water use efficiency and conservation are simply one option available in the water management tool kit, and retrofitting plumbing fixtures is a cost effective option available to the water provider that can yield huge water savings. At a time when the economy and housing market are also in a tailspin, the question - is now the right time? Will it ever be the right time?

PROGRAM SUBJECT TO CHANGE WITHOUT NOTICE

Attendance at this event by a public official may constitute acceptance of a reportable gift.

WHO IS ELIGIBLE FOR ACWA ADVANTAGE PRICING?

The following people are eligible for ACWA Advantage pricing:

- Any ACWA member organization, officer or director
- Any employee of an ACWA public agency member, affiliate or Associate organization sponsor
- Any individual or honorary member
- Any ACWA board member whose fees are paid or paid in kind
- Any state or federal administrative or legislative personnel in executive or legislative positions
- Staff of ACWA/Alpha Water Education Foundation and California Water Awareness Campaign

If you are interested in learning more about joining ACWA, contact Lou Doucette at (916) 441-4545 or email ldoucette@acwa.org.

REGISTRATION FORM

ACWA's 2009 Legislative Symposium
Sacramento Convention Center ♦ March 18, 2009

Name: _____
 Title: _____
 Organization: _____
 Address: _____
 City: _____
 Telephone: () _____ Fax: () _____
 E-mail Confirmation: _____

Your symposium registration fee includes:

Continental breakfast, refreshment breaks, lunch and handout materials.

	Prereg	On Site	Amount
ADVANTAGE	\$190	\$210	_____
STANDARD	\$285	\$315	_____
TOTAL (this registration only)			\$ _____

PAYMENT INFORMATION

☐ Enclosed is my check payable to ACWA

☐ Please charge my fee to my credit card

☐ MasterCard ☐ Visa



Expiration Date: Charged Amount: \$ _____

Credit Card Number:

Authorized Signature: _____

☐ Bill Me Signature: _____

Substitution/Refunds: If you can't attend and would like to send a substitute, just contact us. If you need to cancel, refund requests may be made by phone, but must be confirmed in writing to the ACWA office. A \$50 handling fee will be charged on all registration refunds. **No refunds will be granted after March 2, 2009.**

If you have a disability that may require accommodation to assure your full participation, please contact Ellie Meek of the ACWA staff at (916) 441-4545, or toll free at (888) 666-2292 to discuss your needs.

Your registration form must be received by March 2, 2009.
 After March 2, you will need to register on site.



Association of California Water Agencies
 Leadership Advocacy Information Since 1910
 P.O. Box 2408, Sacramento, CA 95812-2408

(916) 325-2316 FAX
 (916) 441-4545
 (888) 666-2292

Office Use Only
 #LS09
 C _____
 B _____
 Date _____

Kim Heller

From: MMAIL [LoriD@acwa.com]
Sent: Thursday, February 12, 2009 9:23 AM
To: ACWA Members
Subject: ACWA's Legislative Symposium - Hear From the New Leadership in the California Legislature
Attachments: LS09-brochure-Eform.pdf

MARCH 18
2009
LEGISLATIVE
SYMPOSIUM
Sacramento
9 a.m. - 3 p.m.

There's a new leadership for water in the California Legislature. The November election brought many new faces to the state capital and shifted the leadership on key water policy committees. Sign up today for ACWA's Legislative Symposium and hear from the new leaders of the Assembly and Senate water committees as they discuss their vision for water policy in California.

The symposium is set for **March 18, from 9 a.m. - 3 p.m.**, at the Sacramento Convention Center. The deadline to pre-register is **March 2, 2009**.

Specific topics to be addressed include:

- "New Leadership for Water in the California Legislature: Water Policy Priorities in 2009"
- "Visions Converge on a New water Policy Direction - Can a Water Bond Finally Advance?"
- "Retrofit on Resale: Creative Solution or Unrealistic Burden"

There will be a special keynote speaker for the luncheon. Additionally, all 120 California legislators have been invited to attend the luncheon so you may sit and discuss issues of importance to you and your agencies.

Your symposium fee includes a continental breakfast, refreshment breaks, the luncheon and handout materials.

For more specific information on hotel accommodations, fees and the agenda click on:

<http://www.acwa.com/events/LS09/index.asp> or download the brochure attached to this e-mail.

To register online click here:

<http://www3.acwa.com/events/register/>

To download a registration form that you can fill out and fax in, click here:

<http://www.acwa.com/events/LS09/LS09-Reg-EFORM.pdf>

Questions?

You can contact ACWA staff at the numbers listed below.

ACWA Meetings & Membership Dept.
910 K St., Suite 100
Sacramento, CA 95814
(916) 441-4545
(888) 666-2292 - toll free
events@acwa.com

This email and any attachments have been sent to you by the Association of California Water Agencies (ACWA) at the email address you provided for this type of material. If you no longer wish to receive email of this type, please contact ACWA by telephone at 1-888-666-2292 and ask for the Information Technology Department.

UNION BANK OF CALIFORNIA
DISBURSEMENTS JANUARY 2009

Datastream Check Register	<u>32,781.71</u>	<u>32,781.71</u>
EFT for Vendor Services		
Payroll Processing Fee	218.26	
Bank Fees	224.72	
Credit Card Fees	338.64	
Internet Access Fee	<u>89.90</u>	
Total EFT for Vendor Services		<u>871.52</u>
Wages for Paydate 01/02/09		
Wages EFT	5,699.31	
Employee Tax Withholdings	2,105.29	
Employer Tax Expenses	1,164.30	
Wages check #1867-1873	<u>5,491.73</u>	
		<u>14,460.63</u>
Wages for Paydate 01/16/09		
Wages EFT	5,327.05	
Employee Tax Withholdings	1,902.33	
Employer Tax Expenses	1,033.25	
Wages check #1874-17880	<u>5,320.36</u>	
		<u>13,582.99</u>
Wages for Paydate 01/30/09		
Wages EFT	5,856.54	
Employee Tax Withholdings	1,811.67	
Employer Tax Expenses	851.32	
Wages check #1881-1887	<u>5,059.17</u>	
		<u>13,578.70</u>
Transfers to LAIF	<u> </u>	<u>-</u>
Total Disbursements		<u><u>75,275.55</u></u>

Prepared By McCluskey
Date 2/18/09
Reviewed By Musk

BIGHORN-DESERT VIEW WTR AGENCY
CHECK REGISTER
JANUARY 31, 2009

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
8999	01/08/09	AT&T MOBILITY COMMUNICATIONS EXPENSE	213.47
9000	01/08/09	AUTO ZONE 05 F/250 AUTO MAIN	40.92
9001	01/08/09	BARR LUMBER CO INC SUPPLIES	48.79
9002	01/08/09	MICHELLE BOWLING CONTRACTUAL SVC 10209	636.00
9003	01/08/09	BUCKNAM & ASSOCIATES, INC. GRANT CONSULTING FEES	1,252.50
9004	01/08/09	BURRTEC WASTE & RECYCLING SVCS TRASH FEES, JAN	72.71
9005	01/08/09	CALIFORNIA PUBLIC EMPLOYEE'S PERS CONTRIBUTION PPE 10209	2,947.70
9006	01/08/09	CINTAS CORPORATION #150 UNIFORM SVC, DEC	135.50
9007	01/08/09	GRAINGER PART, WELL 10	67.93
9008	01/08/09	INLAND WATER WORKS METER EXCHANGE PROGRAM	587.24
9009	01/08/09	PROTECTION ONE SHOP SEC SVC 12609-22509	39.61
9010	01/08/09	STEVE'S OFFICE SUPPLY OFFICE SUPPLIES	20.43
9011	01/08/09	UNDERGROUND SERVICE ALERT DIG ALERTS, 10 TICKETS	15.00
9012	01/08/09	MARINA WEST GM EDUCATION REIMBURSEMENT	975.50
9013	01/16/09	ACWA-HBA SERVICES CORP. (ASC) ACWA/HEALTH BENEFITS, FEB	5,463.36
9014	01/16/09	BARR LUMBER CO INC WELL 10 BOOSTER PUMP	103.22
9015	01/16/09	TERRY BURKHART TAC, 10709	100.00
9016	01/16/09	CA RURAL WATER ASSN SEMINAR, CARUSO	250.00
9017	01/16/09	CLINICAL LABORATORY OF BAC-T, PLATE COUNT, GEN PHY BAC-T, PLATE COUNT BAC-T, PLATE COUNT, GEN PHY	228.00
9018	01/16/09	CNH CAPITAL AMERICA LLC NEW HOLLAND BACKHOE LEASE PYMT	1,173.89
9019	01/16/09	JUDY CORL-LORONO STANDING CMTE 10709	50.00
9020	01/16/09	DISCOUNT TIRE CENTERS #154 05 F/F250 ROTOR, BRAKE PADS	520.81
9021	01/16/09	GOODSPEED DISTRIBUTING INC UNLEADED FUEL	1,778.61
9022	01/16/09	THE HOME DEPOT #6971 MISC SUPPLIES	291.96
9023	01/16/09	MICHAEL MCBRIDE	

BIGHORN-DESERT VIEW WTR AGENCY

CHECK REGISTER

JANUARY 31, 2009

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
		STANDING CMTE 10709	50.00
9024	01/16/09	PITNEY BOWES PURCHASE POWER	
		POSTAGE	1.00
9025	01/22/09	AVALON URGENT CARE INC.	
		DMV PHYSICAL	65.00
9026	01/22/09	BARR LUMBER CO INC	
		FUEL SPILL	27.64
9027	01/22/09	MICHELLE BOWLING	
		CONTRACTUAL SVC 11609	912.00
9028	01/22/09	TERRY BURKHART	
		STANDING CMTE 11509	50.00
9029	01/22/09	CALIFORNIA PUBLIC EMPLOYEE'S	
		PERS CONTRIBUTION PPE 11609	2,947.70
9030	01/22/09	CANDIDA NEAL	
		ENVIRONMENTAL STUDIES, DEC	225.00
9031	01/22/09	* VOID *	
9032	01/22/09	CYBERSPIKE	
		WEBSITE MAINT	275.00
9033	01/22/09	DESERT ARC	
		CLEANING SVC, DEC	120.00
9034	01/22/09	FIRST BANKCARD	
		MISC ITEMS	695.26
9035	01/22/09	H2O2U	
		WATER DELIVERY	110.00
9036	01/22/09	INLAND WATER WORKS	
		PARTS	102.36
9037	01/22/09	OFFICE DEPOT	
		MISC OFFICE SUPPLIES	63.55
9038	01/22/09	SAFELITE FULFILLMENT, INC.	
		05 F/F250, GLASS	198.64
9039	01/22/09	CYBERSPIKE	
		WEBSITE HOSTING	240.00
9040	01/23/09	KAREN KNAPP	
		BALANCE RFND ACCT# 1105439	33.65
9041	01/23/09	TERRY EDWIN OTIS	
		BALANCE RFND ACCT# 0617551	111.83
9042	01/30/09	VERIZON CALIFORNIA	
		AUTO CONTROLS, 1/13-2/13	44.93
9043	01/22/09	DUANE LISIEWSKI	
		STANDING CMTE 11509	50.00
9044	01/30/09	BARNETT CONSTRUCTION	
		WELL 10	1,395.00
9045	01/30/09	TERRY BURKHART	
		REG MEETING 12709	100.00
9046	01/30/09	BURRTEC WASTE & RECYLING SVCS	
		TRASH FEES, FEB	72.71
9047	01/30/09	CINTAS CORPORATION #150	
		UNIFORM SVC 10709	
		UNIFORM SVC 11409	
		UNIFORM SVC 12109	81.30
9048	01/30/09	CLINICAL LABORATORY OF	
		BAC-T, PLATE COUNT, THM, HAAS	
		BAC-T	551.00
9049	01/30/09	COMPUTER MAINTENANCE&CONCEPTS	

BIGHORN-DESERT VIEW WTR AGENCY
CHECK REGISTER
JANUARY 31, 2009

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
9050	01/30/09	NETWORK REPAIR JUDY CORL-LORONO	119.00
9051	01/30/09	REG MEETING 12709 DESERT IMAGES	100.00
9052	01/30/09	KYOCERA BLK&WHT, ADDTN'L COPIES CHARGE GENEIE'S CLEANING SERVICE	48.43
9053	01/30/09	CLEANING SVC, JAN GOODSPEED DISTRIBUTING INC	102.00
9054	01/30/09	UNLEADED FUEL, PORTION APPLIED TO FUEL SPILL CLAIM H2O2U	904.83
9055	01/30/09	WATER DELIVERY TO ACCT 33 INLAND WATER WORKS	55.00
9056	01/30/09	INVENTORY LANDERS ASSOCIATION, INC.	668.06
9057	01/30/09	LANDERS ASSN NEWSLETTER AD DUANE LISIEWSKI	30.00
9058	01/30/09	REG MEETING 12709 MICHAEL MCBRIDE	100.00
9059	01/30/09	REG MEETING 12709 SOUTHERN CALIFORNIA EDISON	100.00
9060	01/30/09	POWER EXPENSE, DEC WARREN NORMAN STRODEL	4,873.53
9061	01/30/09	REG MEETING 12709 VERIZON CALIFORNIA	100.00
		AUTO CONTROLS, 1/13-2/13	44.14
		TOTAL	32,781.71

Prepared By *McCulld*
Date 2/18/09
Reviewed By *Muler*

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

Meeting Date: February 24, 2009

To: Board of Directors

Budgeted: N/A

Budgeted Amount:

Cost:

Funding Source:

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Proposed Fee Change to \$8.50 per unit with a \$0 Basic Service Charge to be Applied to All Bulk Hauling Customer Accounts (Billing Route Accounts 30- 33)

SUMMARY

The Planning/Legislative/Engineering/Grant/Security Standing Committee met on January 15, 2009 to discuss the bulk hauling and out of agency rate and fee structures. The Committee received a presentation from staff on options for setting a new bulk hauling fee structure (Billing Route Accounts 30-33) that would be consistent throughout the Agency. The Committee recommendation was presented to the full Board on January 24, 2009 and staff was then directed to proceed with implementation of the recommendation to set the fee for Bulk Accounts (Billing Account Routes 30-33) at \$8.50 per unit with a \$0 per month Basic Service Charge. The Agency mailed letters regarding the proposed fee change to all Bulk Account holders on February 3rd. To date, no written correspondence has been received and only one commercial bulk hauler has verbally inquired on the proposed changes.

RECOMMENDATION

That the Board take the following action:

1. Adopt Resolution 09R-XX setting the fee for all Bulk Accounts (Billing Account Routes 30-33) to \$8.50 per unit with a \$0 monthly Basic Service Charge.

BACKGROUND/ANALYSIS

The Planning/Legislative/Engineering/Grant/Security Standing Committee met on January 15, 2009 to discuss the bulk hauling and out of agency fee structures. The Committee received a presentation from staff on options for setting a new bulk hauling fee structure that would be consistent throughout the Agency.

The meeting was attended by a number of bulk hauling customers with meters at the Johnson Valley Well No. 10 bulk hauling station. There were no customers of other bulk hauling stations in attendance.

The Committee, after discussion with staff and the public, concluded that the rate and fee structure for ALL the Agency's bulk accounts (Billing Route Accounts 30-33) be consistent and the bulk hauling stations be treated as one business enterprise of the Agency. This

categorization makes complete sense from the perspective of setting rates, fees and charges since bulk accounts are in essence temporary, do not pay Basic Facilities Charges, and not part of any improvement district supported by surcharges or property tax assessments.

This distinction is also intended to eliminate any further debate that Billing Route Account 33 (Johnson Valley) is somehow unique and separate from the other bulk hauling account holders (Billing Route Accounts 30-32). There was consensus that Johnson Valley Well No. 10 is simply one of four available bulk hauling stations and that a rate and fee structure should capture the total cost to operate, maintain and improve the bulk hauling system. In addition, once staff is able to ascertain the appropriate capital improvement needs of the bulk hauling system then an additional surcharge to fund those improvements can be equally spread to the accounts using that system.

Staff developed three options for the committee to consider, based on customer feedback and committee input, in setting a fee structure for all accounts using the bulk hauling system. The three options are as follows:

- Option 1: Use a 5 unit basis to set a consumption fee only, no Basic Service Charge resulting in a fee of \$8.50 per unit.
- Option 2: Use the calculated annual average unit consumption from 1-in bulk accounts as the unit basis to set a consumption fee only, no Basic Service Charge. The calculated annual average unit consumption for water year 2007/08 was 3.6 units resulting in a fee of \$10.64 per unit.
- Use the current fee structure for Billing Route Accounts 30-32 for 1-in meter accounts only. For commercial accounts prorate the BSC based on a calculation of the number of residential customers a commercial hauler serves (eg. 10 customers = 10X BSC).

Staff reviewed the options with the Board on January 27th and was then directed to proceed with implementation of a new fee for the full Board consider at the February 24, 2009 Board meeting. This fee would essentially be set to enable the Agency to recover the cost of operations and maintenance of the bulk hauling system in a manner comparable to the Billing Route Accounts 1-29 ("on-the-pipe" connected customers).

This fee does not fall under the notification requirements of Prop. 218 but must comply with Government Code Section 66016 (Mitigated Fee Act procedures). This Code section states that a fee or charge must not exceed the estimated reasonable cost, labor and materials, to provide the unique service. The publication of the Board intent was made at the January 27th Board meeting thereby complying with the minimum 14 day public notification period in addition to the notice sent directly to the Bulk Account holders on February 3rd.

PRIOR RELEVANT BOARD ACTION(S)

1/27/09 Bulk Hauling Rate Structure Review: Staff directed to process fee change to all Bulk Hauling Accounts (Billing Account Routes 30-33) in compliance with the Mitigated Fee Act for Board consideration for adoption on February 24, 2009.

1/15/09 (reconvened and concluded 1/20/09) PLEGS Committee: Bulk Hauling Rate Structure and Out of District Rate Structure Review Project – information and discussion.

RESOLUTION NO. 09R-XX
RESOLUTION OF THE BOARD DIRECTORS OF THE
BIGHORN-DESERT VIEW WATER AGENCY SETTING FEE
FOR SERVICE FOR ALL BULK STATION ACCOUNTS (BILLING ROUTES 30-33)

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, operate and maintain its water system, provide for repairs and depreciation, and a reasonable surplus for capital improvements, including matching funds for federal and state grand funding; and

WHEREAS, on December 2, 2008 the Board adopted Resolution 08R-14 to increase the Johnson Valley bulk station (Billing Account Route 33) consumption charge to \$9.62 per unit and \$0 Basic Service Charge per month per account; and

WHEREAS, on December 2, 2008 the Board adopted Resolution 08R-13 to increase Basic Service Charge to all Billing Routes, including Bulk Accounts Billing Routes 30, 31, and 32 by \$7.50 per month (\$27.50 per month) with no increase in the consumption charge of \$3.00 per unit; and

WHEREAS, on January 27, 2009 the Board desired that the fee for all Bulk Accounts should be equal; and

WHEREAS, the Board has determined that it is in the best interests of the Agency, its customers and the public generally, for the Agency to fix the consumption rate to more adequately cover its fixed costs of operating and maintaining its water system, providing for repairs and depreciation, and providing a reasonable surplus for capital improvements, including matching funds for federal and state grant funding.

THEREFORE BE IT RESOLVED, that the rate structure for the all bulk station account holders will be established to go into effect the first full billing cycle following February 27, 2009 as indicated below-

Water Rate at \$8.50 per unit

Basic Service Charge at \$0 per month

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 24th day of February, 2009

I, the undersigned, hereby certify that I am the duly-appointed and acting Secretary of Bighorn-Desert View Water Agency, and that at a Special Meeting of the Board of Directors of said Agency held on February 24, 2009, the foregoing Resolution No. 09R-XX was duly adopted by said Board, and that said Resolution has not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

Kim Heller, Board Secretary

**BIGHORN DESERT VIEW WATER AGENCY STANDING COMMITTEE
PLANNING/ENGINEERING/LEGISLATIVE/GRANT
AGENDA ITEM SUBMITTAL**

Meeting Date: February 19, 2009

To: Board of Directors

Budgeted: Yes, FY09/10

Budgeted Amount: est. \$14,000

Cost savings est. \$9,000

Funding Source: Operating Budget

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Mail Ballot Election Offer from Registrar of Voters

SUMMARY

The Registrar of Voters has sent the Agency a request to consider a "mail ballot election" process rather than the traditional precinct (walk-in) polling location. The primary reason for offering the mail ballot election to the Special District's with an odd year election cycle is cost savings. The Registrar is requiring that the Agency respond by March 9th, 2009.

RECOMMENDATION

That the Board take the following Action:

1. Direct staff on the response to the Registrar of Voters offer to implement the mail-in ballot election option of either:
 - a. Retain the usual November ballot election option; or
 - b. Retain the usual November ballot election option with the voters determining the future of the mail-in ballot option; or
 - c. Adopt Resolution (using attached template) requesting the San Bernardino County Board of Supervisors to authorize and change the Agency's current odd-year election date to an August all-mail ballot election; or
 - d. Adopt Resolution (using attached template) requesting the San Bernardino County Board of Supervisors to authorize and change the Agency's current odd-year election date to an even-year election.

BACKGROUND/ANALYSIS

The attached letter from the Registrar of Voters, dated February 2, 2009, indicates that if the Board were to adopt a Resolution in support of using the mail ballot election process for this year's upcoming governing board election there would be a cost savings to the Agency of approximately \$9,000. As for future elections, the voters would make the final determination regarding future elections to either be by mail ballot or not, thus returning to the traditional election mythologies currently utilized.

Staff made some initial inquires regarding the current request of the Board. These questions and answers have been compiled and attached.

PRIOR RELEVANT BOARD ACTION(S)

2/19/09 PLEGS Committee discussed the subject of the mail-in ballot request from the Registrar of Voters.

Attachment A: Q/A Responses from Registrar of Voters Regarding the Mail Ballot Elections Notification

Q: What prompted the Registrar to send this notification?

A: The motivation is strictly financial, mail ballot elections cost less to execute.

Q: What other benefits are there using a mail ballot election?

A: Voter turnout is usually higher for vote by mail elections.

Q: How many other Special District's received this notification?

A: Approximately 25.

Q: Can the Agency choose an "even year" election cycle?

A: No, that option has been eliminated. However, staff has contacted the Morongo Unified School District to determine how they have been offered and adopted the even year election option the week of February 16, 2009.

Q: If the Board votes "yes" at its February 2009 meeting will all future elections be conducted by mail ballot?

A: Not necessarily, the final decision to convert to a mail ballot election will be made by the voters during the first mail ballot election approved by the Board. Therefore, if the majority indicates that they do not want mail ballot elections then we revert back to the traditional voting mechanisms.

Q: and, if the voters choose "yes" then all mail ballot elections for the Agency would be conducted in August?

A: Yes. With the nomination period moving to May 4 to May 29.

Q: and, the term of office commences at noon on the first Friday in December for all future elections?

A: Yes. All mail ballot elections would be conducted in late August and the term of office would not commence until early December.

Q: If the Board votes "no" at it's February 2009 meeting will this option be available in the future?

A: Yes, the Board can by Resolution, in early March, request that a mail ballot election take place during the next election cycle. The law requires the first election conducted by mail ballot to include the following ballot question, "Shall the mail ballot be used to conduct all future general district elections?" The Board could also vote "no" for a mail ballot election this August and then direct the Registrar to put the same question regarding mail ballot elections on the ballot in November 2009 letting the voters decide about the future.

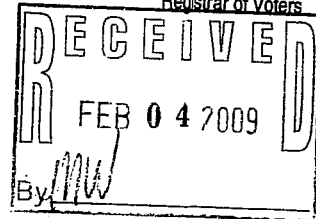
REGISTRAR OF VOTERS

777 East Rialto Avenue • San Bernardino, CA 92415-0770 • (909) 387-8300
Fax (909) 387-2022



COUNTY OF SAN BERNARDINO
PUBLIC AND SUPPORT
SERVICES GROUP

Kari Verjil
Registrar of Voters



February 2, 2009

Marina West, General Manager
Bighorn-Desert View Water Agency
622 S. Jemez Trail
Yucca Valley, CA 92284

Re: Mail Ballot Elections

Dear Ms. West:

With many jurisdictions facing budget issues, I would like to take the opportunity to provide information that will reduce election costs for your district. By conducting your upcoming governing board election by mail ballot on August 25, 2009, you likely will see significantly lower costs, compared to prior elections.

Please review the following information about the cost savings and other advantages of conducting your next election by mail.

Mail Ballot Election Advantages

- Cost of Election is less – Estimated Cost for August mail ballot Election - \$5,000 compared to estimated cost for November 2009 election of \$14,000
 - Eliminates cost for poll workers
 - Eliminates delivery cost for voting material to polling places
 - Eliminates cost for election night ballot processing
 - Sample Ballot is mailed with the official ballot
- Voter turnout is usually higher for vote by mail elections
 - The most recent mail ballot elections average 45% turnout
- Ballots are mailed to voters 29 days before the election
- Return postage paid return envelope provided to voters
- District may establish a central drop-off location for voters who do not want to return their ballots in the mail
- Semi-Official Election Night Results released at 8:00 pm.

MARK UFFER
County Administrative Officer

NORMAN A. KANOLD
Assistant County Administrator
Public and Support

BRAD MITZELFELT Second District
PAUL BIANE Second District

Board of Supervisors
NEIL DERRY Third District
GARY C. OVITT, Chairman Fourth District
JOSIE GONZALES, Vice Chair Fifth District

Bighorn-Desert View Water Agency
Mail Ballot Election
February 2, 2009

Page 2 of 2

- Further reduction of cost when other jurisdictions consolidate
- Voters make the final decision regarding to determine if future elections are conducted by mail ballot.

The law requires the first election conducted by mail ballot to include the following ballot question: "Shall the mail ballot be used to conduct all future general district elections"?

Mail Ballot Election Date mandated by Elections Code:

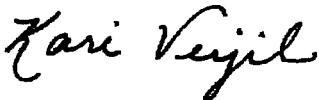
- August 25, 2009 – Nomination period of May 4 – May 29

Term of Office commences in the usual manner at noon on the first Friday in December.

To take advantage of this cost savings opportunity, your agency must submit a resolution to the Registrar of Voters no later than March 9th. A sample is enclosed for your reference. Please call Terry Kouba, Chief Deputy, at 909-387-2083 for additional assistance.

Important Note: One time cost of \$250 to mail change of election notices to voters.

Sincerely,



Kari Verjil
Registrar of Voters

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF (insert district name)
REQUESTING THAT THE SAN BERNARDINO COUNTY BOARD OF SUPERVISORS
AUTHORIZE AND CHANGE THE DISTRICT'S CURRENT ODD-YEAR ELECTION DATE TO AN
AUGUST ALL-MAIL BALLOT ELECTION.

WHEREAS, the (insert district name) (hereinafter referred to as District) election costs for the November 2009 election will increase substantially due to the de-certification of the electronic voting system and due to a decrease in the number of jurisdictions conducting elections in November of odd-numbered years; and

WHEREAS, an all-mail ballot for the District will result in a cost saving to the District in 2009 and in future elections and will potentially increase voter participation; and

WHEREAS, the Board of Directors of the District desires to make every effort to decrease cost to the District and increase voter participation in elections for District Board Members,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors as follows:

1. The District requests that the San Bernardino County Board of Supervisors authorize and change the District's current odd-year election cycle to an all-mail ballot election in accordance with California Elections Code 4000 et. Seq., beginning on August 25, 2009.
2. In accordance with California Elections Code Section 4104 at the first General District Election conducted by all-mailed, ballot the following question shall be printed on the ballot: "SHALL THE MAILED BALLOT BE USED TO CONDUCT ALL FUTURE GENERAL DISTRICT ELECTIONS?"

REVIEWED, APPROVED AND ADOPTED this (insert number) day of (insert month, year).

AYES: Board Members:

NOES: Board Members:

ABSTAIN: Board Members:

ABSENT: Board Members:

By _____
President

ATTEST: _____
District Secretary

REGISTRAR OF VOTERS



COUNTY OF SAN BERNARDINO
PUBLIC AND SUPPORT
SERVICES GROUP

777 East Rialto Avenue • San Bernardino, CA 92415-0770 • (909) 387-8300
Fax (909) 387-2022

Kari Verjil
Registrar of Voters

January 29, 2009

James Majchrzak, Superintendent
Morongo Unified School District
P.O. Box 1209
Twentynine Palms, CA 92277

Re: November 2009 Governing Board Election

Dear Mr. Majchrzak:

It was a pleasure speaking with you regarding the estimated cost for your November 3, 2009 Governing Board Election. As we discussed, the estimated cost for your 2009 Election is \$69,290. As you may recall, our board of supervisors adopted my recommendation which prohibits school districts and special districts from changing election cycles. With many jurisdictions facing budget issues, I do not believe it is appropriate for me to deny your district an opportunity to adopt a resolution to request a change to your election cycle. If your board desires to adopt a resolution to change election dates, I will present the information to my board of supervisors and ask them to accept the resolution. Your estimated election cost for an even year election is \$36,030. The cost is lower because you share costs with the other jurisdictions on the ballot.

Some information that you may want to keep in mind if your board goes forward with the adoption of a resolution:

- The next governing board election will be held on November 2, 2010 (Terms are extended one year).
- Ballot Length will increase (This means that your candidates will appear after State, Congressional, and City Offices.) See attached samples.
- District will incur cost for mailing change of election notices (\$3,900).
- Election Night Results will take much longer to process.

If your district decides to adopt a resolution to change election dates, it must be submitted to the San Bernardino County Board of Supervisors no later than March 9, 2009. A copy of a resolution submitted to our office by Barstow Community College is attached for your information.

Please let me know if you need any other information.

Best regards,

Kari Verjil
Registrar of Voters

MARK UFFER
County Administrative Officer

NORMAN A. KANOLD
Assistant County Administrator
Public and Support
Services Group

Board of Supervisors
BRAD MITZELFELT.....First District NEIL DERRY.....Third District
PAUL BIANE.....Second District GARY C. OVITT, Chairman.....Fourth District
JOSIE GONZALES, Vice Chair.....Fifth District

MORONGO UNIFIED SCHOOL DISTRICT
Resolution #09-09
Change of Election Day of the Governing Board
And Requesting the Board of Supervisors for the
County of San Bernardino to Authorize Consolidation with the November
Election During Even-Numbered Years

WHEREAS, Sections 1302(b) and 10405.7 of the Elections Code permits the Morongo Unified School District to change its election day with the approval of the Board of Supervisors of the County of San Bernardino; and

WHEREAS, it is the intent and desire of the Governing Board of the Morongo Unified School District to provide its constituents with the lowest possible cost while promoting the increasingly efficient and effective use of government resources; and

WHEREAS, by changing the next governing board election from November 2009 to November 2010 the costs of an election would be deferred for an additional calendar year;

NOW, THEREFORE, BE IT RESOLVED, DECLARED, DETERMINED AND ORDERED AS FOLLOWS:

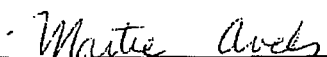
SECTION 1. That pursuant to Elections Code 1302(b) and 10405.7 the Governing Board hereby, by this resolution, changes its election from the first Tuesday after the first Monday in November of each odd-numbered year to the first Tuesday after the first Monday in November of each even-numbered year, and further, said election shall be consolidated with all other elections held throughout the territory on that day.

SECTION 2. That terms of officeholders shall be extended as necessary, but no more than twelve months.

SECTION 3. That the Registrar of Voters shall cause, at district expense, a notice to be mailed to all registered voters in the school district informing them of the change of election date specified herein and of the resultant changes in terms of the elected officeholders.

SECTION 4. This resolution shall become operative upon approval by the Board of Supervisors pursuant to Section 10405.7.

PASSED AND ADOPTED this 17th day of February 2009 at a Regular Meeting of the Governing Board of the Morongo Unified School District.



Martie Avels, Clerk of the Governing Board
Morongo Unified School District

**BIGHORN DESERT VIEW WATER AGENCY STANDING COMMITTEE
PLANNING/ENGINEERING/LEGISLATIVE/GRANT
AGENDA ITEM SUBMITTAL**

Meeting Date: February 24, 2009

To: Board of Directors

Budgeted: n/a

Budgeted Amount: n/a

Funding Source: n/a

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: Required by Co. SB

Subject: Notice of Availability/Intent to Adopt a Mitigated Negative Declaration for the
Pioneertown Water System Improvements Project

SUMMARY

The Agency has received a Notice of Availability/Intent to Adopt a Mitigated Negative Declaration (MND) for the Pioneertown Water System Improvements Project on February 5, 2009. This plan proposes essentially proposes to pump water from wells located in CSA-70/W-1 and "wheel" that water through Hi Desert Water District (HDWD) into the CSA-70/W-4 water system in the Pioneertown area. The project involves the construction of a 2.0-mile "Landers Water Transfer Pipeline" is located in the community of Landers connecting to HDWD and then 3.3-mile "Skyline Ranch Pipeline" from HDWD to Pioneertown.

The deadline for submission of comments regarding the Initial Study is March 11, 2009. Staff recommends the Board oppose the project as described in the Notice and direct staff to send a letter to the County of San Bernardino outlining the specific objections.

RECOMMENDATION

That the Board take the following action:

1. Direct staff to submit a letter of opposition to the Notice of Intent to Adopt a Mitigated Negative Declaration for the Pioneertown Water System Improvements Project

BACKGROUND/ANALYSIS

Analysis of the Notice of Availability/Intent to Adopt a Mitigated Negative Declaration and specific reasons for opposition are outlined in the attached draft letter to the County of San Bernardino.

The Planning/Legislative/Engineering/Grant and Security (PLEGS) Standing Committee reviewed the points of opposition outlined in the draft letter and have recommended that the Board oppose the project as currently described.

PRIOR RELEVANT BOARD ACTION(S)

2/19/2009 PLEGS Committee reviewed and discussed the Notice of Availability and concurred with staff recommendation to oppose on the grounds that the document fails to adequately

analyze the environmental impacts of the Project on the Reche Groundwater Subbasin and the private and public pumpers who rely on it to meet their water demands.



BIGHORN-DESERT VIEW WATER AGENCY

622 S. JEMEZ TRAIL, YUCCA VALLEY, CA 92284 (760) 364-2315 FAX (760) 364-3412

February 20, 2009

County of San Bernardino
Special Districts Department
157 West 5th Street, 2nd Floor
San Bernardino, CA 92415—0450
Attention: Jim Oravets

Re: Notice of Intent to Adopt a Mitigated Negative Declaration for the
Pioneertown Water System Improvements Project

Dear Mr. Oravets:

The Bighorn-Desert View Water Agency (the "Agency") appreciates the opportunity to provide comments on the Notice of Intent to Adopt a Mitigated Negative Declaration ("NOI") and attached draft Initial Study and Mitigated Negative Declaration ("draft IS/MND") issued by the County of San Bernardino ("County") on behalf of County Service Area 70 Improvement Zone W-4 ("W-4") for the Pioneertown Water System Improvements Project ("Project").

Water Transfer Summary

The Agency understands that the purpose of the Project is to allow for a water transfer. While the draft IS/MND is not perfectly clear on this issue, it appears that the transfer has the following components:

- County Service Area 70 Improvement Zone W-1 ("W-1") will increase its pumping from its wells that draw water from the Reche Groundwater Sub-basin of the Ames Valley Groundwater Basin (the "Reche Sub-basin");
- W-1 will place that water into pipelines owned and operated by the Hi-Desert Water District ("HDWD") by building new infrastructure, the Landers Water Transfer Pipeline, to create an intertie between W-1 and HDWD; and
- HDWD will allow W-4 to withdraw an equivalent quantity of water by building new infrastructure, the Skyline Ranch Pipeline, to create an intertie between HDWD and W-4.

Summary of Problems with the Proposed Water Transfer and the IS/MND

The transfer of water from W-1 to W-4 via facilities owned and operated by Hi-Desert Water District ("HDWD") appears to violate state law regarding basic precepts

of groundwater law. HDWD's wheeling of the water via its facilities also appears to violate the spirit, if not the letter, of long-standing agreements between the Agency and HDWD and court judgments entered regarding water extractions from the Ames Valley Groundwater Basin.

The IS/MND is not in compliance with the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA"). The IS/MND has the following principal defects:

- It inadequately describes the Project. The Project description fails to incorporate the extraction of water by W-1 from the Reche Groundwater Sub-basin of the Ames Valley Groundwater Basin (the "Reche Sub-basin").
- It fails to adequately analyze the environmental impacts of the Project on the Reche Sub-Basin and on the public and private pumpers who rely on it to meet their water demands.
- It fails to consider the growth-inducing impacts of the Project on the unincorporated communities of Pioneertown and Landers.

The project is also an example of very poor public policy for a number of reasons. There are several alternatives that could increase the reliability of the water supply to the residents of Pioneertown without adversely affecting the Agency. W-4 has ignored the easily available, less environmentally harmful alternative of providing onsite treatment of the existing Pioneertown water supply, which wells have been shut down due to the presence of contaminants. As another alternative, W-4 can re-purchase capacity in the Mojave pipeline and tap into the State Water Project water purchased from Mojave Water Agency.

A third alternative to the proposed project would be less disruptive to existing agency spheres of influence and institutional arrangements: The Agency could serve Pioneertown on a contract basis. Pursuant to an agreement between the Agency and the County, the Agency already serves W-1's customers that are within the Agency's boundaries. This existing agreement could be expended to include W-4's customers who are the subject of the Project.

Most disruptive of public policy is the risk posed by the proposed project to hard fought legal arrangements governing groundwater production from the Ames Valley Groundwater Basin. In addition to ignoring readily available alternatives, in providing a misleading and flawed project description and proceeding with an IS/MND rather than an environmental impact report, the County ignores its obligation to mitigate the adverse impacts of this proposed project. The County can and ought to participate in the development of an aquifer storage and recovery project to offset the drawdown of the Reche Basin. This project is being discussed by HDWD, the Agency, and the Mojave Water Agency. The County should participate.

Until the County completes a new analysis based on a complete and accurate project description, the Agency cannot determine whether the Project may have a

significant environmental impact. The Agency requests, therefore, that the County prepare and circulate for comment a new, adequate draft IS before acting on the Project. The Agency takes no position at this time whether a full environmental impact report ("EIR") for the Project is required. The Agency is only insisting on the preparation of an adequate Initial Study, which properly identifies this project's impacts to the Reche Sub-basin of the Ames Valley Groundwater Basin.

The Agency further requests that the County provide a written analysis of lawfulness of the water transfer under applicable state law, and the existing agreements and Judgment between the Agency and HDWD. As the Reche Sub-basin is a critical component of the Agency's water supply portfolio as set forth in its Master Plan, the Agency cannot allow the transfer to proceed without written assurance that the transfer is lawful.

The Agency Has a Strong Interest in the Water Pumping and Transfer Component of the Project

The Agency is a special purpose district organized and existing pursuant to Water Code Appendix Chapter 112, the "Bighorn-Desert View Water Agency Law". The Agency provides water service to approximately 1,600 active customer connections and several bulk commercial haulers throughout an area of about 44 square miles. The communities to be served by the Project appear to be immediately to the south and west of the southern border of the Agency's current sphere of influence, possibly within the sphere of influence of HDWD, which is the Agency's neighboring water agency to the south. However, as the draft IS/MND does not depict the boundaries or spheres of influence of either the Agency or HDWD, the Agency cannot evaluate this issue definitively.

The Agency has seven wells located in the Ames Valley Groundwater Basin ("Ames Basin"), of which three are in the Reche Sub-basin. The other major producers from the Reche Sub-basin are HDWD, which has two wells, and W-1, which has three wells. The Reche Sub-basin is a critical component of the Agency's water supply portfolio, providing roughly half of the Agency's needs over the last several years.

The Agency and HDWD have had a long-standing dispute over pumping from the Ames Basin. The resolution of this dispute is set forth in these documents: (a) the Ames Valley Water Basin Agreement (the "Ames Basin Agreement"), dated January 10, 1991, by and between HDWD and the Agency; (b) Amendment No. 1 to the Ames Basin Agreement, dated August 12, 1993; (c) Amendment No. 2 to the Ames Basin Agreement, dated February 6, 1997; (d) the Stipulation for Judgment, filed June 3, 1991 and Judgment, entered June 3, 1991 in "Bighorn Mountains Water Agency v. Hi-Desert Water District," Riverside County Case No. 211504 (the "Litigation"); (e) the Findings and Award after Arbitration, entered February 28, 2001, in the Litigation; and (f) the Ruling on Motion for Relief From or Reformation of Contract and Stipulated Judgment, entered November 8, 2001 in the Litigation (all of the foregoing being collectively referred to hereafter as the "Current Ames Basin Agreement"). Copies of these documents are attached.

Under the Current Ames Basin Agreement, HDWD agreed that pumping from wells “owned, operated or controlled by HDWD” within the Ames Basin would be limited to 800 acre-feet per year plus ½ acre-feet per year per connection on the mesa, and that water pumped by HDWD from the Ames Basin would be used within the Basin. (See, e.g., Ames Basin Agreement § 2; Ruling on Motion for Relief at p. 3.) These are also significant limitations.

The Project May Violate State Water Law

As a matter of California water law, W-1 holds only municipal appropriative rights to pump from the Reche Sub-Basin, to the extent it has any lawful rights at all. Therefore, the transfer of water contemplated by the Project must comply with the common law no-injury rule. (*City of Pasadena v. City of Alhambra* (1949) 33 Cal.2d 908; *Tulare Irr. Dist. v. Lindsay-Strathmore Irr. Dist.* (1935) 3 Cal.2d 489, 524-525) Under the no injury rule, the owner of an appropriative right to groundwater may change the place of use or purpose of use of its appropriative right only if it does not injure others, like the Agency, by such change. (Slater, California Water Law & Policy (2008) § 10.02[1][b], at p. 10-12.) An exporter from an over-appropriated basin may be cut off, if his pumping injures producers with more senior rights, as the senior appropriators are injured. And, under no circumstance, may HDWD effect a “transfer” out of a groundwater basin that injures a third party.

The IS/MND does not contain sufficient information to determine whether the transfer is in compliance with the no-injury rule. The Agency requests that the County establish to the Agency’s satisfaction that the expansion of its place of use, from W-1’s service area to W-4’s service area, does not injure the Agency.

In order to make such a showing, the County must provide to the Agency a report from a qualified hydrogeologist and counsel that lays out, among other things, (a) the quantity and priority of the right claimed by W-1; (b) the safe yield and operating safe yield of the Reche Sub-basin and any other sub-basin from which the entity plans to pump; (c) the anticipated quantity of water to be diverted to the new place and purpose of use; (d) the loss of return flows to the Reche Sub-Basin based on the diversion; (e) the increased extraction and other out-of-pocket costs to the Agency associated with the transfer; (f) the actions proposed to mitigate the injury to the Agency’s own pumping rights; and (g) such other information as may be necessary to establish no injury to the Agency.

As the lowest priority appropriator in the Ames Basin, the County has a heavy burden to overcome. Until the Agency receives that report, it will oppose the Project on the grounds that the underlying transfer of water causes injury to the Agency in violation of the common law no-injury rule.

The Transfer Project is Inconsistent with the Current Ames Basin Agreement

As noted above, under the Current Ames Basin Agreement, HDWD is not to export out of the Ames Basin water from pumps within the Ames Basin that HDWD “controls”. Since the IS/MND failed to discuss the terms by which HDWD would allow W-1 access to its facilities, it is unclear at this time whether HDWD would be in

violation of its obligations to the Agency under the Current Basin Agreement by wheeling the water from W-1 to W-4. Assuming that HDWD has some discretion with regard to water wheeling, the Agency believes that HDWD exercises sufficient "control" over the W-1 wells to give rise to a violation of the Current Ames Basin Agreement.

The water transfer violates the spirit of the Current Ames Basin Agreement if not the strict terms thereof. The history of the dispute, as reflected in the six documents making up that agreement, shows a continued effort by HDWD to export water from the Ames Basin, and continued success by the Agency in preventing the export. (See, e.g., Ruling on Motion for Relief, at p.2 [HDWD sought relief from judgment in order to send Ames Basin water to an unserved area out of basin; motion for relief denied on grounds that "[t]he water pumped within the Basin is to be used within the Basin"].) HDWD has no right to promote, support or assist the transfer of water out of the Ames Basin. The County should not assist HDWD in this course of conduct.

The Project Description in the IS/MND is Inadequate

Under CEQA, the "project" is the "whole of an action, which has a potential for resulting in ... a direct physical change in the environment." (Cal. Code Regs., tit. 14, § 15000 ["Guidelines"], at § 15378, emphasis added.)

In its "Background" section, the IS/MND notes that W-4 has problems with water quality in virtually all of its wells, as well as problems with long term water supply because the ground water basin from which W-4 draws its supply "appears to be in overdraft". The IS/MND then goes on to state that the proposed project "includes construction of two eight-inch diameter pipelines." Nowhere does the IS/MND state that the project includes putting anything in the pipelines. As written, the IS/MND contemplates that W-1 can put water into pipelines without complying with CEQA.

This is a flagrant violation of CEQA, flying in the face of recent CEQA cases involving water supply. The use by W-4 of water from whatever source is an integral part of the project. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412.) A new IS/MND must be circulated that includes the impacts of the transfer of water to W-4, whether from W-1, HDWD or any other source.

The IS/MND Fails to Analyze All Environmental Impacts Adequately

As a result of the inadequacy of the project description, the IS/MND fails to engage in a complete analysis of the environmental impacts of the Project. The most obvious failure is the impact to a limited-yield groundwater basin, upon which the Agency relies. Where are W-1's wells located? What other demands are placed on that groundwater basin? Is W-4 contemplating acquiring water from other pumpers? Or placing its own wells in the Ames Basin? These are all critical issues for the next IS/MND.

In the same vein, the Agency does not concur with the analysis in the IS/MND regarding land use. The Project might have the potential to induce economic and

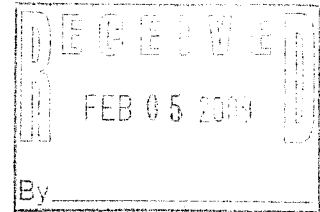
population growth by eliminating a key barrier to that growth, the uncertainty in the water supply. (See Guidelines, § 15126.2(d) [analysis of growth-inducing impacts in an environmental impact report].) The IS/MND needs much more analysis establishing that the current water supply system in Pioneertown is not the limiting factor to growth.

Conclusion

For the reasons set forth herein, the Bighorn-Desert View Water Agency respectfully requests that the County take no action on the draft IS/MND as written. The Agency further requests that the County consult with the Agency directly on the impacts of the contemplated water transfer project to the Agency, and explore alternative that do not place increased demands on the Agency's single most critical water supply.

Sincerely,

Marina D. West, PG
General Manager



NOTICE OF AVAILABILITY/INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

DATE: February 5, 2009

TO: INTERESTED AGENCIES, ORGANIZATIONS AND INDIVIDUALS

**RE: NOTICE OF AVAILABILITY/INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
FOR THE PIONEERTOWN WATER SYSTEM IMPROVEMENTS PROJECT.**

Dear Interested Party:

The Initial Study/Environmental Checklist for the proposed construction of two new 8-inch water pipelines referred to as "Skyline Ranch Pipeline" and "Landers Water Transfer Pipeline" and booster stations to provide an alternate source of water supply to Pioneertown. The "Skyline Ranch Pipeline" (approximately 3.3 miles in length) will connect the County Special Districts CSA 70 W-4 water system to the Hi Desert Water District's (HDWD) distribution system. A 100 gpm booster pump station will be constructed to boost water from HDWD, at a hydraulic grade of 4,020 feet, to the existing tanks in the CSA 70, W-4 system at a hydraulic gradient of 4,240 feet. CSA 70 W-4 would continue utilizing Wells No. 2, 4, and 5 for daily supply and Wells No. 0, 7, and 8 for emergency or back up supply. Water will also be transferred from CSA 70, W-4 via the "Landers Water Transfer Pipeline" (approximately 2.0 miles in length) into the HDWD's system from the east side and water pumped out of the HDWD's system to CSA 70, W-4 from the southwesterly end of their system. This would require a booster pump station to get water into the HDWD's system from Landers.

Based on the Initial Study/Environmental Checklist it was found that with the implementation of mitigation measures, potential significant environment impacts will be reduced to less than significant levels. Mitigation measures identified in the Initial Study/Environmental Checklist relate to Biological Resources, Cultural Resources, Geology and Soils, and Noise.

This document has been prepared to meet the requirements of the California Environmental Quality Act (CEQA). This Notice of Availability/Intent and the text of the Initial Study/Environmental Checklist Form (Initial Study) are available for your review at the following Locations:

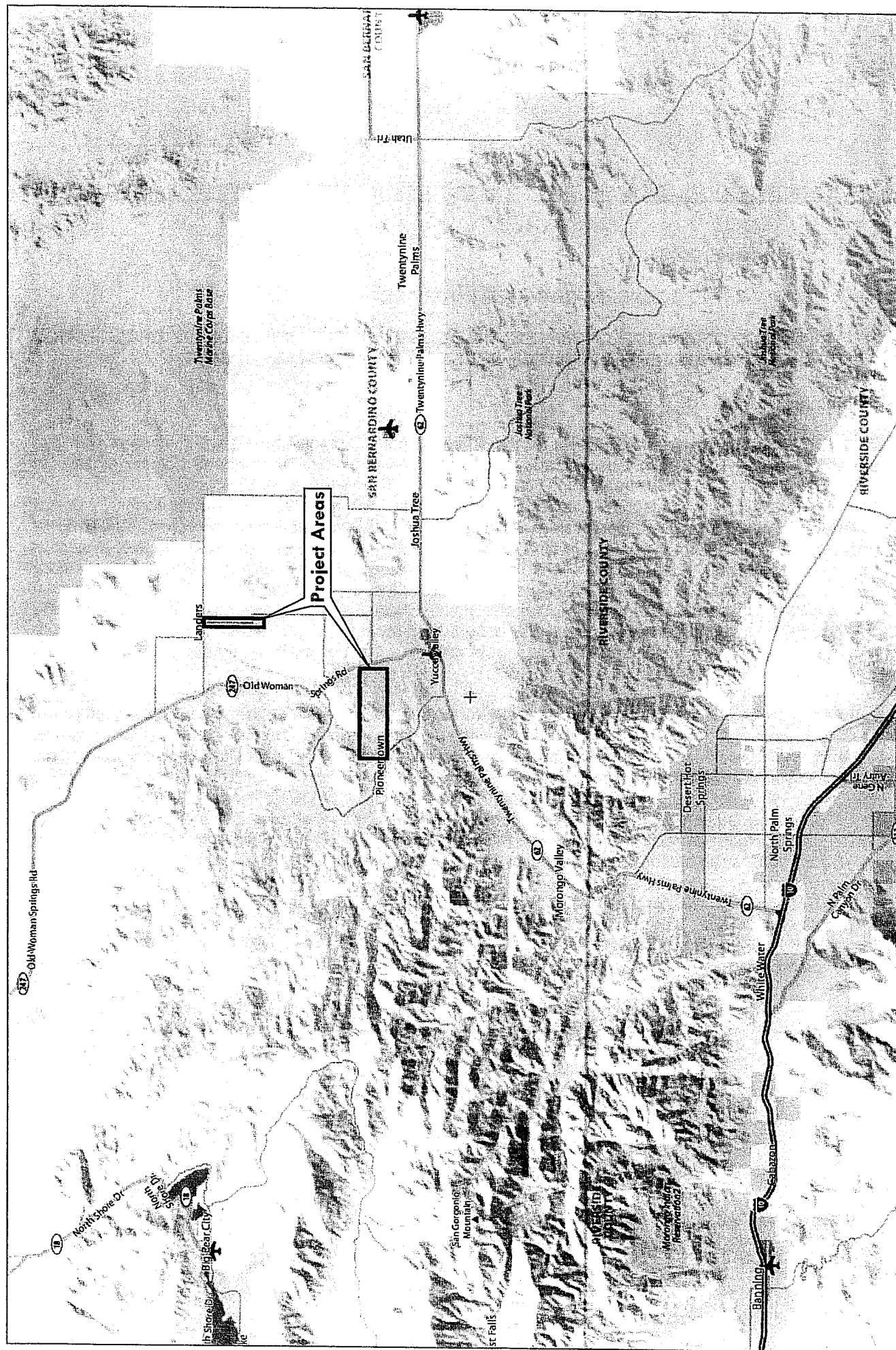
County of San Bernardino
Special Districts Department
157 W. Fifth Street, Second Floor
San Bernardino, CA 92415-0450

Yucca Valley Branch Library
57098 29 Palms Highway
Yucca Valley, CA 92284

Comments regarding the Initial Study should be submitted for consideration no later than March 11, 2009. Written comments should be addressed as follows:

County of San Bernardino
Special Districts Department
157 W. Fifth Street, Second Floor
San Bernardino, CA 92415-0450
ATTN: Jim Oravets
(909)387-5940

The San Bernardino County Board of Supervisors intends to adopt a Mitigated Negative Declaration for the Proposed Project after the 30-day public review period.



Regional Location



**SAN BERNARDINO COUNTY
DRAFT INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the State CEQA Guidelines.

PROJECT LABEL:

APN: Various

APPLICANT: County Service Area 70,
Improvement Zone W-4

PROPOSAL: The proposed project includes construction of two new water pipelines: "Skyline Ranch Pipeline" and "Landers Water Transfer Pipeline" and booster stations to provide an alternate source of water supply to Pioneertown.

COMMUNITY: Unincorporated
Communities of Pioneertown and Landers,
California.

LOCATION: Unincorporated County
communities of Landers and Pioneertown,
north of Town of Yucca Valley.

USGS QUAD: Yucca Valley Quadrangle, 7.55.5-
Minute Series and Landers Quadrangle, 7.5-Minute
Series

T, R, SECTION: Township 1 North, Range 5
East, Sections 19, 20, 21, and 22, San
Bernardino Baseline and Meridian; and
Township 2 North, Range 6 East, Sections 18,
19 and 30, San Bernardino Baseline and
Meridian.

THOMAS BROS: Page 4886, grid J5; Page
4887, grid A5, B5, C5, C6, D5, E5, and F5;
Page 4818, B1 and B2; and Page 4748 B3, B4,
B5, B6, and B7. San Bernardino & Riverside
Counties 2006 edition

PLANNING AREA: Unincorporated
Community of Pioneertown and Homestead
Valley-CP, RL, Rural Living (RL-2.5).

LAND USE DISTRICT: Rural Living (RL-
2.5).

IMPROVEMENT LEVEL: Service Area 70,
Improvement Zone W-4

PROJECT CONTACT INFORMATION:

Lead agency name and address:

County of San Bernardino Special Districts Department
County Service Area 70, Improvement Zone W-4
157 W. Fifth Street, Second Floor
San Bernardino, CA 92415-0450

Contact person and phone number: James A. Oravets, County of San Bernardino Special Districts
Department, (909) 387-5940

Project sponsor's name and address:

San Bernardino County Special Districts Department
157 W. Fifth Street, Second Floor
San Bernardino, CA 92415-0450

BACKGROUND

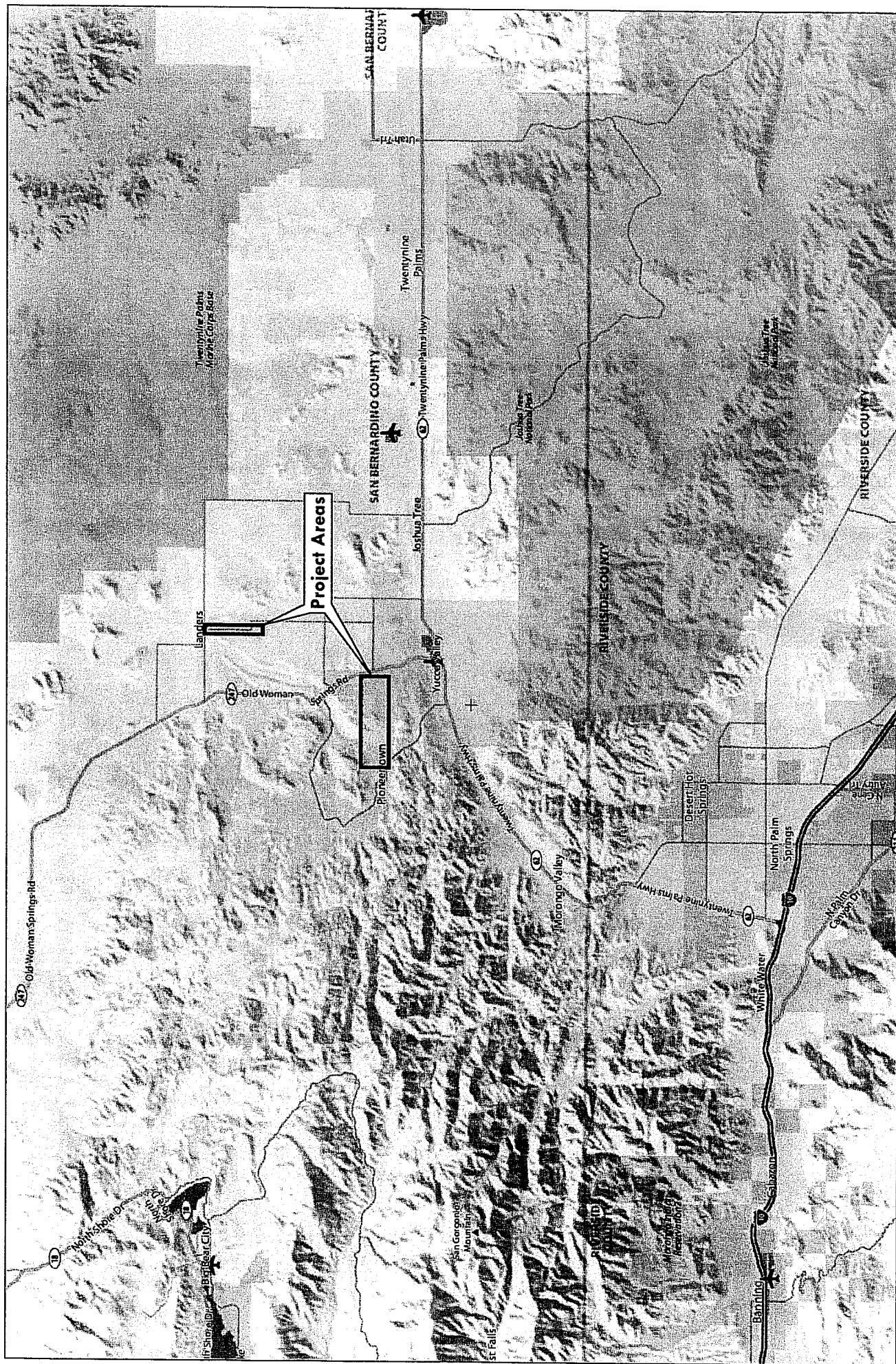
The San Bernardino County Special Districts Department (Department) operates and maintains County Service Area 70, Improvement Zone W-4, Pioneertown (District). The District provides potable water service to approximately 376 customers and encompasses less than one square mile of property in the “high desert”, located between Landers and Yucca Valley, northwest of Highway 62. The District includes portions of Sections 19 and 20, T1S, R5E, SBB&M. The District is under the jurisdiction of the County of San Bernardino, Department of Environmental Health Services.

The Department is mandated to provide an adequate supply of water to its customers. Presently the District maintains 125-metered connections to its water system. The water system consists of six active extraction wells with a total production of approximately 30 gallons per minute (gpm), approximately three miles of pipeline ranging from four to eight-inches in diameter, and two reservoirs with a combined storage capacity of 310,000 gallons. The average daily consumption is estimated at 17.4 gpm and the maximum average day consumption is 34.8 gpm. Using the State Department of Health Services standards, CSA 70 W-4 has adequate storage capacity but is deficient in water supply and quality.

The District originally operated nine extraction wells, however, most of these wells have constituents in the water that exceed or are approaching the current maximum contaminate levels (MCL) set by the State Health Department. Wells No. 1, 3 and 6 are now unusable due to extremely high levels of arsenic, fluoride and alpha radioactivity. The remaining wells, Wells No. 0, 2, 4, 5, 7, and 8, have varying levels of arsenic, radioactive material and other mineral content. In addition to the water quality issues, the District extracts water from a ground water basin that appears to be in overdraft. As the water level in the basin declines, the water quality degrades and increased mineralization occurs. Levels of arsenic, fluoride, iron, manganese and other minerals are anticipated to continue to rise as the MCL's are anticipated to be lowered in response to more stringent requirements at the State and Federal levels. District customers have received written notification, annually since 1999, requiring mandatory water conservation and recommending the use of bottled water for consumption purposes.

The proposed project includes construction of two eight-inch diameter pipelines, approximately 3.3 miles and 2.0 miles in length, in two distinct and geographically separate areas. In general, both of the project's areas are located within unincorporated San Bernardino County and lie north of the Town of Yucca Valley. Figure 1 shows the regional location and Figure 2 shows the local vicinity of the project's areas.

The “Skyline Ranch Pipeline” will connect the District to the Hi Desert Water District's (HDWD) distribution system. A 100 gpm booster pump station will be constructed to boost water from HDWD, at a hydraulic grade of 4,020 feet, to the existing tanks in the CSA 70, W-4 system at a hydraulic gradient of 4,240 feet. The District would still utilize Wells No. 2, 4, and 5 for daily supply and Wells No. 0, 7, and 8 for emergency or back up supply. Water will also be transferred from CSA 70, W-1 (Landers Water Transfer Pipeline) into the HDWD's system from the east side and water pumped out of the HDWD's system to the District from the southwesterly end of their system. This would require a booster pump station to get water into the HDWD's system from Landers.



Regional Location

County of San Bernardino Special Districts Department
CSA 70, Zone W-4, PioneerTown Water System Improvements



Vicinity Location

County of San Bernardino Special Districts Department
 SA 70, Zone W-4, Ploneertown Water System Improvements

The 3.3-mile “Skyline Ranch Pipeline” (Figure 3) is located between the community of Pioneertown (Township 1 North, Range 5 East, Sections 19, 20, 21, 22, and 23). The alignment begins in Pioneertown at a point just west of the intersection of Curtis Road and Mane Street. The proposed pipeline will be connected to the existing District water system at this location. The pipeline will follow Mane Street to Curtis Road, then run south along Curtis Road to Pioneertown Road and continue east along Skyline Ranch Road for approximately two miles. The pipeline will then continue easterly from the intersection of Skyline Ranch Road and Kickapoo following the poorly defined alignment of Cobalt Road for approximately one mile, and eventually meet with Acoma Trail. With the exception of the first ½ mile west of Skyline Ranch Road (on Pioneertown Road, Curtis Road and Mane Road), the alignment is within dirt road alignments winding through areas rising from approximately 4,033 feet above mean sea level in Pioneertown to 4,094 feet above mean sea level at Skyline Ranch Road and Kickapoo, and back to approximately 4,000 feet above mean sea level at Cobalt Road and Acoma Trail. A proposed booster station will be located at the eastern end of the alignment.

The 2.0-mile “Landers Water Transfer Pipeline” (Figure 4) is located in the community of Landers. It will extend along Landers Lane from a point south of Reche Road to Luna Vista Lane (approximately three miles). This area is within Township 2 North, Range 6 East, Sections 18, 19, 30, and 3. The alignment from Reche Road to Winters Road (two miles) is paved. Between Winters Road and Luna Vista Lane, the alignment follows a dirt road identified as Hanford Avenue with no significant improvements. Elevations along this alignment range from approximately 3,100 feet above mean sea level at Reche Road to 3,340 feet above mean sea level at Luna Vista Lane. The proposed booster station and connection will be located at the northern end in an existing facility that is paved. The proposed connection is located within an already disturbed area.

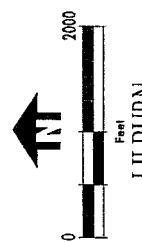
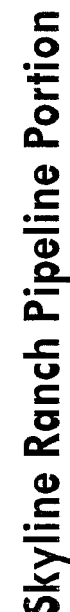
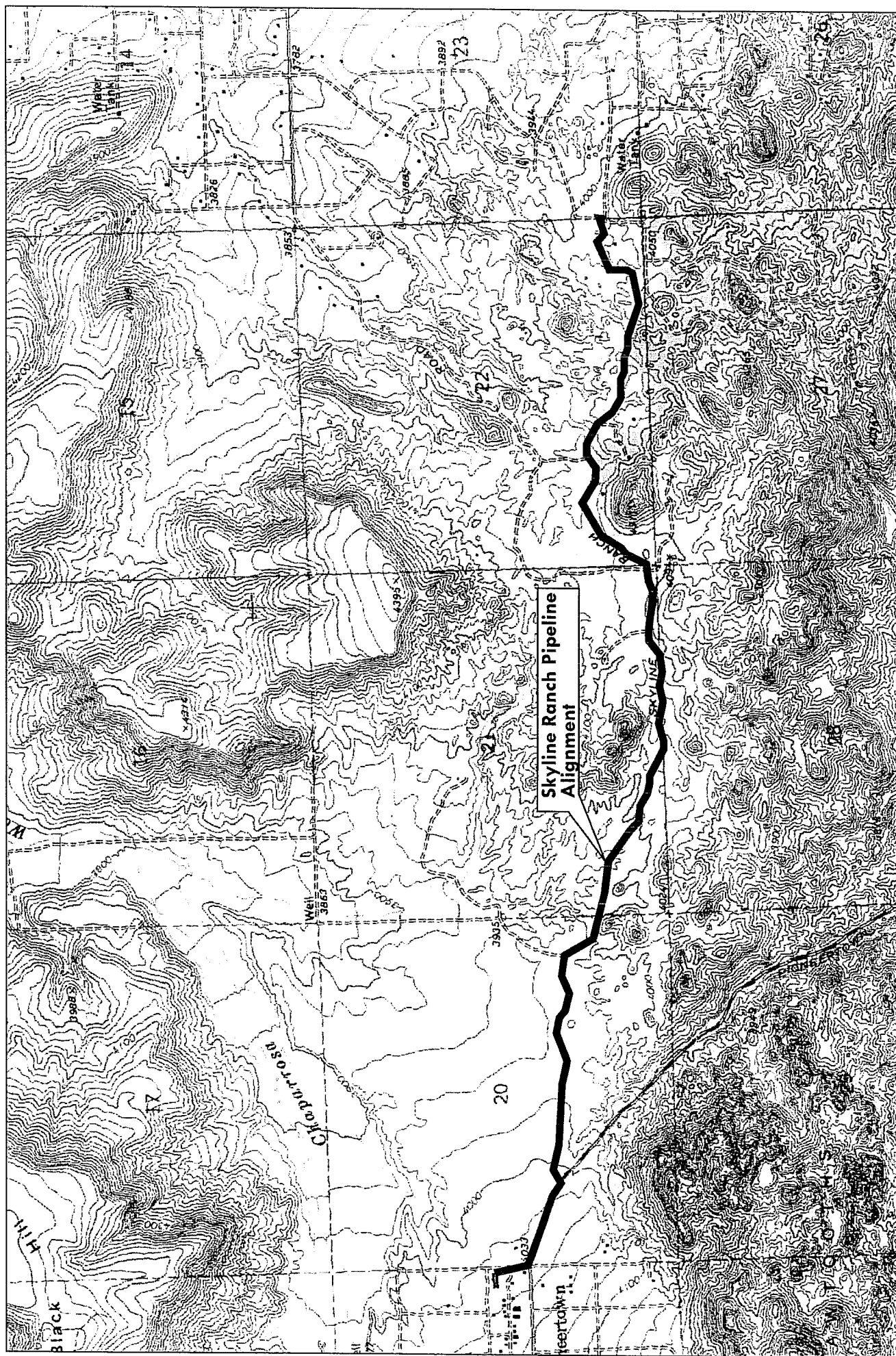
ENVIRONMENTAL/EXISTING SITE CONDITIONS

The proposed pipelines lie within the communities of Pioneertown and Landers, north of the Town of Yucca Valley. The majority of the project area is sparsely populated with a mix of native and rural residential habitats. With the exception of the first ½ mile west of Skyline Ranch Road (on Pioneertown Road, Curtis Road and Mane Road), the alignment is within dirt road alignments. The alignment from Reche Road to Winters Road (two miles) is paved with no shoulders. Between Winters Road and Luna Vista Lane, the alignment follows a dirt road identified as Hanford Avenue with no significant improvements. The topography along the Skyline Drive section varied from flat to hilly. The Landers Lane section is flat with a very slight slope to the southwest. Construction of the pipeline will be confined within the boundaries of the existing dirt road.

SUMMARY OF PROPOSED PROJECT ACTIVITIES

The San Bernardino County Special Districts Department is proposing water system improvements to the Pioneertown area. Improvements involve:

- Waterlines – Installation of approximately 5.3 miles of waterlines from four- to eight-inches in diameter.
- Booster Stations – Construction of two booster stations (one 100 gpm and one 200 gpm) and connection to HDWD water system.



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

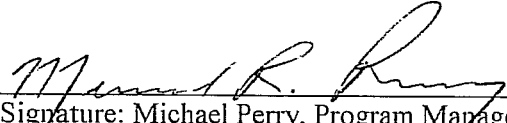
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

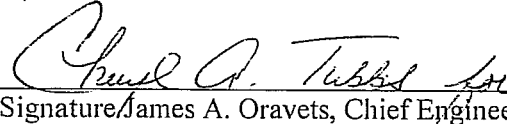
- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use/ Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

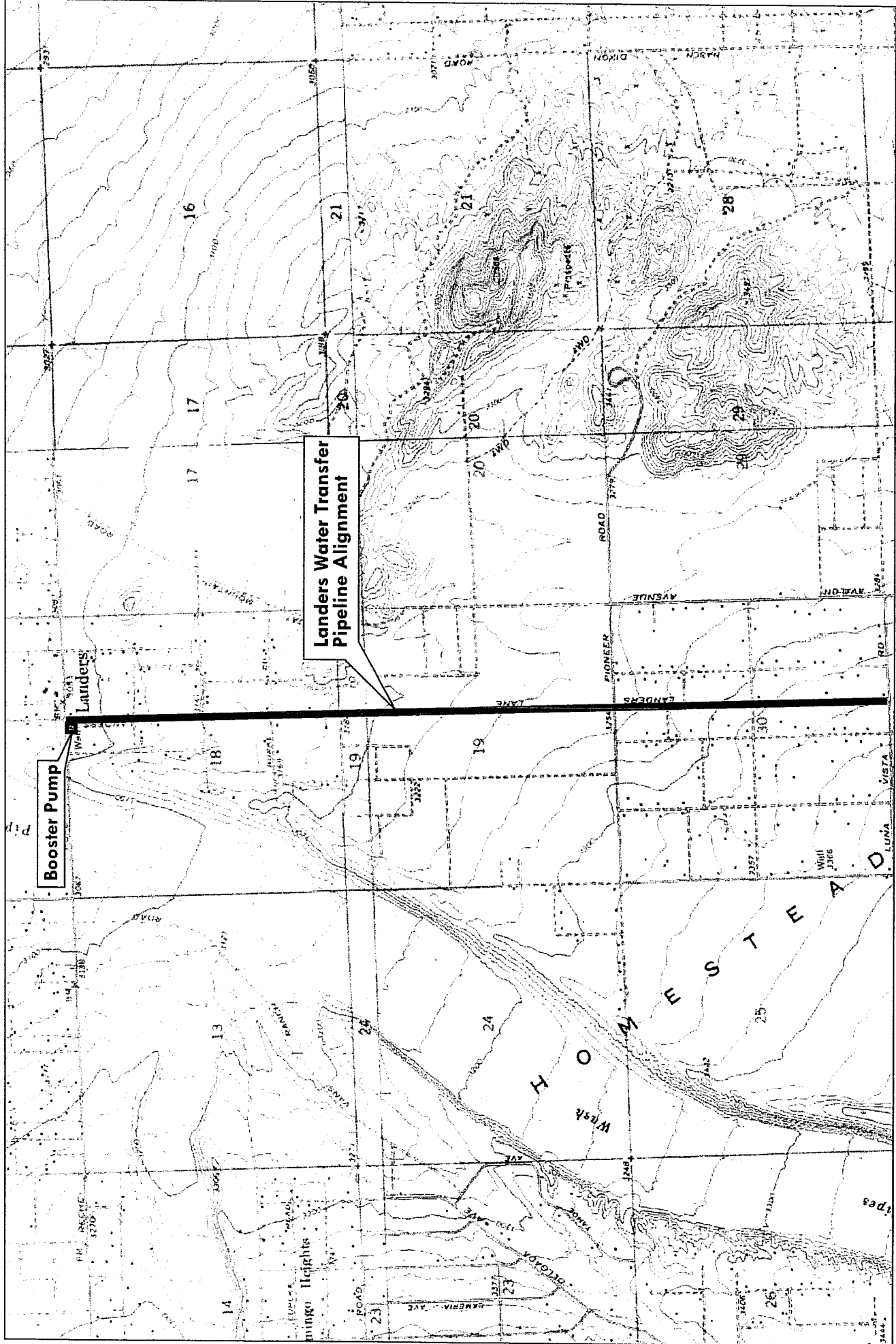
DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ 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.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ 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.
- ☐ 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.

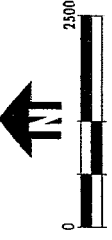
 2/4/09
Signature: Michael Perry, Program Manager-Environmental Studies Date
Lilbourn Corporation (Preparer)

 2/4/09
Signature: James A. Oravets, Chief Engineer Date
County of San Bernardino Special Districts Department



Landers Water Transfer Pipeline Portion

County of San Bernardino Special Districts Department
A 70, Zone W-4, Plameertown Water System Improvements



	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
I. AESTHETICS — Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a-c) The majority of the "Skyline Ranch Pipeline" alignment lies along dirt roads with no development along the corridor. Approximately the first ½ mile west of Skyline Ranch Road (on Pioneertown Road, Curtis Road and Mane Road) is surrounded by few structures. In general, hills and sparse vegetation can be seen in the vicinity. The proposed pipeline will be underground and would not alter the scenic character of the area. No impacts would occur to any scenic vistas.

The "Landers Water Transfer Pipeline" alignment from Reche Road to Winters Road is paved with no shoulders. Between Winters Road and Luna Vista Lane, the alignment follows a dirt road identified as Hanford Avenue with no significant improvements. Overall visual character is similar to the Pioneertown pipeline area. The proposed pipeline will be underground and would not alter the scenic character of the area. Construction of the pipeline will be confined within the boundaries of the existing dirt road. No impacts would occur.

- b) The project areas lie within the Homestead Valley Community Plan. The community plan identifies State Route 247 (SR 247) as the County Scenic Route. The proposed "Skyline Ranch Pipeline" lies approximately 1.6 miles west of SR 247. The proposed "Landers Water Transfer Pipeline" lies approximately 2.7 miles east of SR 247. The proposed project does not include construction of significant structures that would be visible from SR 247. According to the National Register Information System database, no historic buildings exist in the project areas. The proposed pipeline construction would not result in removal of any trees. No impacts would occur.
- d) Construction activities will be limited to daylight hours and would not create any additional light or glare. There would be no permanent lighting associated with the project. No impacts to the day or nighttime views in the area would result.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
II. AGRICULTURE 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 Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check ☐ if project is located in the Important Farmlands Overlay):

- a) The project site is not identified or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the San Bernardino County Important Farmland 2006 maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. There are currently no agricultural uses on the site.
- b) The proposed project does not conflict with any agricultural land use district or Williamson Act land conservation contract.
- c) The proposed project does not involve other changes in the existing environment that, due to their location or nature, could result in conversion of Prime Farmland, to a non agricultural use, because no agricultural uses are present.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION :The project site is located in the South Coast Air Basin (SCAB). The South Coast Air Quality Management District (SCAQMD) has jurisdiction over air quality issues and regulations within the SCAB. To assist local agencies to determine if a project's emissions could pose a significant threat to air quality, the SCAQMD has published its CEQA Air Quality Handbook (CEQA Handbook). The air and dust emissions from the implementation of the project would be temporary, occurring during the excavation and grading activities. These were measured based on the SCAQMD standards and evaluated against the most recent thresholds applicable. The detailed summary of the air calculations is attached as Appendix A.

- a) Development of the project involves the disturbance of approximately 27,984 feet (5.3 miles) of existing dirt roads and installing eight-inch diameter pipelines. Upon completion of earthmoving activities, no permanent emissions would occur from the proposed waterline. Therefore, the project will not conflict with or obstruct implementation of the SCAQMD Air Quality Management Plan (AQMD) or any other applicable air quality plans. No significant impacts are anticipated
- b-c) The installation of the water supply pipelines would require earthmoving, excavation, and other activities such as material screening. As the dirt is excavated, sections of the pipelines will be installed. It is anticipated that approximately 400 feet per day would be disturbed at a trench depth of four feet and a width of approximately two feet. Once the pipelines are installed the disturbed roadways would be re-graded to existing conditions.

The project's proposed earthwork activities were screened for emission generation using SCAQMD "Air Quality Handbook" guidelines, and SCAQMD Off-Road Mobile Source Emissions Factors (2008). These tables are used to generate emissions estimates for development projects. The criteria pollutants screened for included: reactive organic gases (ROG), nitrous oxides (NO_x), carbon monoxide (CO), and particulate (PM₁₀ and PM_{2.5}) and carbon dioxide (CO₂) a significant greenhouse gas contributor. Two of these, ROG and NO_x, are ozone precursors.

Construction Emissions

Construction earthwork emissions are considered short-term, temporary emissions and are estimated in Table 1. The following construction parameters were assumed:

Pioneertown Water System Improvements, Typical daily equipment:

- 1 Water Truck operating 3 hours per day
- 1 Loader/Backhoe operating 8 hours per day
- 1 Mini Crane operating 3 hours per day
- 1 Scraper/Grader operating 8 hours per day

As shown in Table 1, construction emissions would not exceed SCAQMD thresholds.

Table 1
Construction Emissions
"Development Improvements"
(Pounds per Day)

Source	ROG	NO _x	CO	PM ₁₀	PM _{2.5}	CO ₂
Water Truck	0.36	3.47	1.40	0.15	0.14	368.4
Loader/Backhoe	1.30	10.4	4.29	0.58	0.56	868.8
Mini Crane	0.53	4.80	1.80	0.22	0.21	386.1
Scraper/Grader	2.81	25.8	11.4	1.12	1.07	2,100
Totals (lbs/day)	5.0	44.47	18.89	2.10	1.98	3723.3
SCAQMD Threshold	75	100	550	150	55	*
Significant	No	No	No	No	No	N/A

¹ SCAQMD Off-Road Mobile Source Emissions Factors (2008)

* No established thresholds

Compliance with SCAQMD Rules 402 and 403

Although the proposed project does not exceed SCAQMD thresholds for construction emissions, the County Special Districts Department ("project proponent") is required to comply with all applicable SCAQMD rules and regulations as the South Coast Air Basin is in non-attainment status for ozone and suspended particulates (PM₁₀). The project shall comply with, Rules 402 nuisance, and 403 fugitive dust, which require the implementation of Best Available Control Measures (BACM) for each fugitive dust source; and the AQMP, which identifies Best Available Control Technologies (BACT) for area sources and point sources, respectively. This would include, but not be limited to the following BACM and BACTs:

1. The project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
 - (a) The project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site. Portions of the site that are actively being graded shall be watered regularly to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
 - (b) The project proponent shall ensure that all disturbed areas are treated to prevent erosion.
 - (c) The project proponent shall ensure that all grading activities are suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.

Exhaust emissions from construction vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, would increase NO_x and PM₁₀ levels in the area. Although the proposed project would not exceed SCAQMD thresholds during construction, the County will be required to implement the following conditions as required by SCAQMD:

2. To reduce emissions, all equipment used in earthwork must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
3. The project proponent shall ensure that construction personnel are informed of ride sharing and transit opportunities.
4. The operator shall maintain and effectively utilize and schedule on-site equipment in order to minimize exhaust emissions from truck idling.
5. The operator shall comply with all existing and future CARB and SCAQMD regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.

The Global Warming Solutions Act of 2006 (AB 32)

In September 2006 Governor Swarzenegger signed Assembly Bill 32, which was created to address the Global Warming situation in California. The Act requires that the GHG emissions in California be reduced to the levels of 1990 by 2020. This is part of a larger plan in which California hopes to reduce its emissions by 80 percent below 1990 levels by 2050. This will be accomplished through a statewide cap on GHG emissions by 2012, which will be regulated by California Air Resources Board (CARB). With the act in place, CARB is in charge of setting specific standards for different sources of emissions, as well as implementing these standards and monitoring whether they are being met. This includes distributing cost and funding appropriately, ensuring that GHG levels don't increase in specific communities, protecting entities that have already accomplished GHG emission goals, and opening up communication with other states and countries about these goals.

The California Air Resources Board is responsible to develop regulations and market mechanisms to achieve these goals. At the end of June 2007, CARB released their "Recommendations for Designing a

Greenhouse Gas Cap-and-Trade System for California.” At this time the cap and trade system would be aimed at industrial and other “point of emission” sources. No regulations have been passed yet to implement the cap and trade program. At some later time the transportation sector may be included as well as the commercial and residential sectors. Thresholds of significance guidelines have been developed as guidance; however, there are none for the construction of roadways.

- d) The proposed improvement project is the installation of new waterlines within an existing roads right-of-way. Development of the project would improve water service. Therefore, the proposed improvement is not anticipated to impact sensitive receptors. No impact is anticipated.
- e) The proposed improvement project is the installation of new water supply pipelines within an existing roads right-of-way. Development of the project would improve water service. The proposed project is not anticipated to generate emissions that would exceed existing conditions. No impact is anticipated.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
IV. BIOLOGICAL RESOURCES - Would the project:				
a) Have substantial adverse effects, 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION: (Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database ☒):

- a-b) A biological resources report was prepared by Natural Resources Assessment, Inc. on November 25, 2008. A field survey was conducted on August 25, 2008 according to standard protocols set forth by the U. S. Fish and Wildlife Service (USFWS). Surveys of the pipeline alignments were conducted on foot and included an evaluation of adjacent properties. All species identified by sight, call or sign (burrows, scat, tracks, etc.) were recorded. A general biological assessment of the site was conducted and is included as Appendix A in this Initial Study.

The Zone of Influence surveys were not conducted as the project construction will be within existing roads or road right-of-ways and will not affect any undisturbed habitat.

The field surveys included searches for sensitive biological resources and observations of potential habitat for sensitive species. The project area was surveyed for signs of nests, tracks, scat, burrows, skeletal remains, and live animals. During the surveys, notes were made on the plant and animal species observed, the surface characteristics and topography of the alignments, and the suitability of the habitat for the sensitive species.

There are no plant communities within the construction area of the two pipeline sections and the booster station on the Landers Lane portion of the project. The Skyline Ranch Road segment near Pioneertown crosses through a disturbed Joshua tree plant community.

A central segment of the Skyline Ranch alignment was not surveyed due to trespassing issues. However, using aerial photographs, binocular surveys and inference based on the plant community at the west and east ends of the central segment, a judgment was made on the likely plant community present in this area.

Wildlife observations were few, due both to the limited time spent surveying the alignments as well as the cool weather. Thunderstorms were beginning by the end of the survey. Species observed included red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), and black-tailed jackrabbit (*Lepus californicus*).

Sensitive Biological Resources

Desert Tortoise

The California Department of Fish and Game (CDFG) listed the tortoise as threatened on June 22, 1989. The tortoise was emergency listed as endangered by the USFWS on August 4, 1989. The Service listing

was later changed to threatened. The Skyline Ranch Road alignment is not likely to have tortoise. Desert tortoise may occur at the Pioneertown end, but the probability of desert tortoise being present decreases further into the hilly sections of the alignment, especially those extending into pinyon-juniper woodland. The Landers Lane section is very likely to have desert tortoise occurring along the length of this portion of the project.

Construction of the pipeline along the Skyline Ranch Road section will have no significant direct impacts to the desert tortoise or its habitat because the route follows an existing road and does not require the disturbance of habitat. No significant indirect impacts will occur to desert tortoise along most of the Skyline Ranch Road section. The only segment with potential indirect impacts occurring from tortoises wandering on-site is along the extreme eastern segment that passes through Joshua tree woodland.

Construction of the booster station will not have significant direct or indirect impacts to desert tortoise because the habitat is unsuitable for this species.

Construction of the pipeline and booster station along the Landers Lane section will have no significant direct impacts to the desert tortoise or its habitat, because the route follows an existing road and does not require the disturbance of habitat. There may be indirect impacts to tortoises wandering onto the construction site, particularly along the dirt segment of the Landers Lane section. NRA, Inc. recommends a qualified biological monitor be present during the construction of the eastern segment of the Skyline Ranch Road section and during the construction of the pipeline along Landers Road. The following mitigation measures would reduce any impacts to the desert tortoise to less than significant:

BIO-1 The project proponent shall designate a field contact representative (FCR) who will be responsible for overseeing compliance with protective measures for the desert tortoise and coordination on compliance with the regulatory agencies. The FCR must be on-site for all project activities, and have the authority to halt all project activities that are in violation of the stipulations. The FCR shall have a copy of all stipulations when work is being conducted on the site. The FCR may be a crew chief or field supervisor, a project manager, or any other employee of the project proponent, or a contracted biologist.

BIO-2 Depending upon project impacts, one or more biologists may be required. A “qualified biologist” is a trained wildlife biologist who is knowledgeable concerning desert tortoise biology, tortoise mitigation techniques, tortoise habitat requirements, identification of tortoise sign and procedures for surveying for tortoises. An “authorized biologist” is defined as a wildlife biologist who has been authorized to handle desert tortoises. An authorized biologist must be approved by the regulatory agencies. Authorization is given only on a project-by-project basis under the auspices of the Section 7 consultation.

BIO-3 All personnel working on the project shall be required to attend a desert tortoise training seminar covering the following:

1. Desert tortoise natural history
2. Status of the desert tortoise under state and federal endangered species acts
3. Basis for protection requirements and the need to avoid harming desert tortoises
4. Restrictions on activity in areas occupied by desert tortoises

5. Penalties and fines for harming desert tortoises
6. Reporting requirements
7. Project protective mitigation measures

- BIO-4** The area of disturbance shall be confined to the smallest practical area, and use previously disturbed areas as much as practical. All work boundaries shall be flagged to minimize surface disturbance. A qualified biologist shall identify special habitat features, such as burrows, to eliminate or minimize disturbance of these features. The qualified biologist shall, in consultation with the project proponent, ensure compliance with these measures.
- BIO-5** Where practical, no roads shall be bladed to the project site. Cross-country access shall be the standard for more temporary activities. A qualified biologist will inspect and approve all routes, whether cross-country or bladed.
- BIO-6** A qualified biologist shall survey the area immediately prior to construction-related activities to ensure no tortoises are within the project limits.
- BIO-7** Personnel shall restrict all activity to existing roadways, parking and staging areas and designated construction areas. All extraneous surface activity shall be minimized, including the establishment of informal parking areas and general off-road activity. When driving, personnel shall watch out for tortoises wandering onto the roads.
- BIO-8** Personnel shall check under all vehicles before moving them. Personnel should be informed that tortoises prefer to remain out of the sun when possible and will frequently go under vehicles in search of shade.
- BIO-9** Except on County-maintained roads, personnel shall maintain vehicle speeds not exceeding 20 miles per hour through tortoise habitat.
- BIO-10** All trash and food items shall be promptly contained within closed raven-proof containers. These containers shall be removed from the site to minimize the attractiveness of the site for ravens and other tortoise predators.
- BIO-11** If working during the morning or late evening hours, personnel shall be aware that animal activity is higher at these times. Personnel are more likely to encounter tortoises and other animals during these hours.
- BIO-12** In order to minimize impacts to tortoise habitat, crush shrubs and other plants rather than remove them. Desert shrubs are particularly hardy and may recover from being crushed. Plant cover is important to protect desert soil and its degradation or removal should be kept to a minimum.

Tortoises cannot be subjected to take per the requirements of state and federal law. These recommended mitigation measures do not constitute authorization for incidental take of desert tortoise. Handling or other inappropriate treatment of tortoises must be avoided until authorization is obtained from the USFWS and CDFG.

Other candidate, sensitive, or special status species that may occur in the project vicinity are discussed below.

San Diego Horned Lizard

The San Diego horned lizard is listed as a species of special concern by the CDFG. It is not listed by the USFWS. The San Diego horned lizard could be present along both the Skyline Ranch Road section and the Landers Lane section. It is more likely to occur along the Skyline Ranch Road section, but animals have been found in desert areas not far from the San Bernardino Mountains.

Le Conte's Thrasher

The Le Conte's Thrasher is designated as a species of special concern by the CDFG, and the USFWS has considered listing it as federally threatened or endangered. In 1988 two individuals were observed nesting 1.75 miles east of Pioneertown and approximately 0.25 miles north of Skyline Ranch Road. Le Conte's thrasher is expected to occur along most of the Skyline Ranch Road section.

Le Conte's thrasher has been observed in Pipes Canyon near Reche Road and south of Reche Road 0.2 miles east of Sage Avenue in Homestead Valley. This species is expected to occur along the "Landers Water Pipeline" Lane section of the pipeline. Suitable habitat exists in the adjacent properties.

Burrowing Owl

The CDFG has designated the burrowing owl as a California Species of Special Concern (CSC). There is a small potential for this species to be present along the most western segment of the Skyline Ranch Drive section. The remainder of the section does not appear to provide suitable habitat for the burrowing owl. The Landers Lane section has suitable habitat for burrowing owl in properties adjacent to the proposed alignment.

Pallid San Diego Pocket Mouse

The pallid San Diego pocket mouse has been designated by the CDFG as a CSC. The pallid San Diego pocket mouse is known from the region around Pioneertown. There is a record of three males and two females caught approximately 1.2 miles east of Pioneertown, but the exact location is not known. This species is expected to be present along the entire Skyline Ranch Road section. This species is less likely to occur along the Landers Lane section, as this section is some distance from the San Bernardino Mountain slopes.

Parish's Daisy

The Parish's daisy is listed as threatened by the USFWS, and is on List 1B.1 of the California Native Plant Society (CNPS). It is not listed by the CDFG. At least one population of Parish's daisy observed in 1988 was located approximately 1.75 miles east of Pioneertown and approximately 0.25 miles north of Skyline Ranch Road. This species is expected to be present along the Skyline Ranch Road section. It is not expected to occur along the Landers Lane section.

The proposed construction of the Skyline Ranch Road section, Landers Lane section and the "Landers Water Pipeline" booster station will not significantly directly impact habitat for the San Diego horned lizard, Le Conte's thrasher, burrowing owl, pallid San Diego pocket mouse or Parish's daisy. None of the species occur within these areas.

The construction of the eastern booster station will not directly impact the Parish's daisy. The construction of the eastern booster station will potentially directly impact habitat for the San Diego horned lizard, Le Conte's thrasher, pallid San Diego pocket mouse or the Parish's daisy. This impact is not considered to be significant.

Impacts to other sensitive species potentially present on site are not expected to be significant because no suitable habitat within the alignment of the two sections.

Protected Native Plant Species

The California Desert Native Plants Act of 1982 regulates the taking of desert plant species for commercial purposes. It also regulates the permitting process for the taking of desert plant species in general, making it unlawful for "any person to destroy, dig up, mutilate or harvest any living native plant, or the living or dead parts of any native plant, except its fruit, without obtaining written permission from the landowner and a permit" (State of California 1982, Division 23, Chapter 5, Section 80111). In addition, the County of San Bernardino has an ordinance governing the protection and safe transplantation of Joshua trees and several cactus species.

Both alignments had native plant species protected under the Act and the regulations of the County of San Bernardino. With the exception of the proposed booster station at the eastern end of the Skyline Ranch Road, no protected plants lie directly within the proposed alignments or the other booster station site. The booster station at the eastern end of the Skyline Ranch Road has a small stand of beavertail cactus that may be impacted by construction. The Act states the removal would require a permit from the agricultural commissioner or local sheriff in the county where protected plants will be removed. All protected species to be removed should be flagged and transplanted to an undisturbed area prior to construction. However, this regulation does not apply to a public or privately owned public utility when acting in the performance of its obligation to provide service to the public (California Native Plant Act 1992), and therefore would not apply to this project. Less than significant impacts would occur.

Raptors, Migratory Birds, and Habitat

Both alignments provide suitable scrub and woodland nesting habitat for migratory birds. The rockier segments of the Skyline Ranch Road section may provide suitable rock nest sites for some raptor species. Following mitigation measure would reduce potential impacts to less than significant:

BIO-13 The project proponent shall discuss the project with the USFWS to determine whether impacts to nesting birds would be significant. If the USFWS recommends avoidance, and the project proponent cannot confine the construction schedule to the non-breeding season, the alignment shall be surveyed at least once within 30 days prior to any disturbance to ensure that no nesting is occurring. If nesting is expected, surveying would require a short period of observation (approximately one hour) to ensure that no birds were coming and leaving the nest on a regular basis. If birds are using the nest, then

either the construction shall be rescheduled to after the breeding season or that a qualified biological monitor shall be present during construction to ensure that nesting birds do not abandon the nest until the young are fully fledged. The monitoring shall be conducted on a weekly basis to determine when nesting is completed.

Bats

There are suitable rock crevices and similar sites that would provide roosting sites for bats along the Skyline Ranch Road section. There is no suitable habitat for bats along the Landers Lane section. Because the proposed construction will take place within existing roads, no impacts to bat roost sites are expected to occur. No impacts are expected to foraging habitat, because most bat species forage in the air and at night.

- c) There are no Corps jurisdictional waters along the project pipeline alignments or the booster station sites, and therefore, 404 permit or 401 permits are not required. There may be CDFG streambeds along the Skyline Ranch Road alignment; however, because construction will occur along an existing roads and other disturbed sites, there is no need for a 1602 permit. The eastern booster station site does not have any jurisdictional waters. Less than significant impacts would occur.
- d) The habitats along the Skyline Ranch Road section have been somewhat fragmented by residential development, but relatively contiguous set of habitats remain. The habitats along the Landers Lane section have been more fragmented and affected by rural residential development, but still form a relatively continuous stand of creosote bush scrub. Small wildlife corridors still exist along the Skyline Ranch Road section. No significant corridors exist along the Landers Lane section.

Project construction will be within existing roads except for the two small booster station sites. Therefore, no significant habitat fragmentation would occur. Wildlife movement is not expected to be significantly impacted by the project.

- e) The California Desert Native Plants Act of 1982 regulates the taking of desert plant species for commercial purposes. It also regulates the permitting process for the taking of desert plant species in general, making it unlawful for "any person to destroy, dig up, mutilate or harvest any living native plant, or the living or dead parts of any native plant, except its fruit, without obtaining written permission from the landowner and a permit" (State of California 1982, Division 23, Chapter 5, Section 80111). In addition, the County of San Bernardino has an ordinance governing the protection and safe transplantation of Joshua trees and several cactus species. No trees are anticipated to be removed as part of the project, however if they are within the area of impact, they will be relocated in accordance with the County's ordinance. Therefore, impacts would be less than significant.
- f) The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
V. CULTURAL RESOURCES - Would the project				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION: (Check if the project is located in the Cultural ☐ or Paleontologic ☐ Resources overlays or cite results of cultural resource review):

a-c) A cultural survey report was prepared for the proposed project by McKenna et. al. on October 14, 2008. The report is included as Appendix B in this Initial Study. The cultural survey included archaeological records check, Native American consultation, supplemental research, paleontological overview, and field surveys. The field surveys were completed on August 25, 2008, September 20, 2008, and October 4, 2008. All areas of the project area were examined. The field survey was supplemented by general field notes (on file, McKenna et al.) and a photographic record. The Cultural Resources Study in Appendix B identifies the Skyline Ranch Pipeline as "Part A" and the Landers Water Transfer Pipeline as "Part B".

A standard archaeological records check was completed for the project area on September 22, 2008. This research was completed at the San Bernardino County Museum, Archaeological Information Center in Redlands, California, and showed that a small section of the Skyline Ranch Pipeline ("Part A") was previously surveyed (Singer and Atwood 1988) and the northern two miles of the Landers Water Transfer Pipeline ("Part B") were surveyed (Lerch 1992). In addition to these two studies, three other area specific studies (Rector 1984, Macko 1988), and Lerch 1993) and four general overviews (Walker 1931, Coombs et al. 1979, Bean and Brakke-Vane 1979, and Stickel and Weinman-Roberts 1980) were completed. As a result of these investigations, sixteen archaeological sites and eight isolated artifacts were identified within one half mile of the "Part A" alignment and another four sites were recorded within one half mile of the "Part B" alignment.

Known archaeological sites in the vicinity of "Part A" cluster in the hills in the center of the alignment and, more often than not, to the north side of Skyline Ranch Road. One site is located south of Skyline Ranch Road and just east of Curtis Road.

Based on the information obtained through the archaeological records check, it was tentatively concluded that the alignment along “Part A” is likely to yield additional evidence of prehistoric occupation in the area. The “Part B” alignment is not likely to yield such evidence.

Results of the Investigations

Research showed the project area (both pipeline alignments) has a very low level of sensitivity for paleontological resources. Therefore, monitoring of the proposed excavations is not recommended at this time. However, if the proposed pipeline excavations impact previously undisturbed older Quaternary alluvial deposits, a paleontological monitoring program should be employed. If an unexpected find is uncovered, a qualified paleontological consultant should be contacted and permitted to inspect the find. If deemed necessary, recovery, analysis, reporting, and curation would be conducted. Further, if any paleontological specimens are identified, a paleontological monitoring program should be considered from the remainder of the project activities. Any proposed program should follow the current guidelines set by the San Bernardino County Museum.

The pedestrian survey of the “Part A” alignment, from Pioneertown to Yucca Valley via Skyline Ranch Road and Cobalt Road, yielded one prehistoric artifact and no historic artifacts. Skyline Ranch Road itself, dates to the early 1950s and is only connected to Cobalt Road in a cursory manner (the connecting segment is very vague). The isolated prehistoric artifact has been identified as a relatively large quartz core/chopper with evidence of some edge wear or use.

This isolated artifact was recovered from an area of disturbance caused by backhoe excavations for soil testing. Its context suggests it was brought up from a buried (archaeological) context and suggests additional buried artifacts may be in the area. Based on the extent of resources recorded in the general area, it is recommended that the area be considered highly sensitive for pre-historic archaeological resources. Such resources may range from bedrock features, rock art, midden deposits, habitation refuse, lithic scatters, ceramic scatters, or any combination of these site components.

No evidence of historic occupation of the area was identified within the proposed project areas. However, it should be noted that Pioneertown itself, is a pre-1946 complex owned and developed as a movie set. While the proposed project will not directly impact Pioneertown, the proponent should take the necessary steps to avoid secondary impacts.

The only cultural resource identified within the project area was an isolated quartz core/chopper recovered from an area along Skyline Ranch Road. Although identified as an isolate, this item was found in an area relatively close to a prehistoric site reported to consist of bedrock mortars (BRMs), rock art, midden, and an associate artifact scatter. This site, as mapped, is outside the right-of-way for the proposed pipe-line, but evidence suggests the right-of-way (road) bisects the site. Therefore, it was concluded that the portion of the right-of-way extending through Sections 22 and 23 should be considered highly sensitive for buried prehistoric resources. The following mitigation measures are recommended:

CR-1 A full-time archaeological monitoring program shall be established during all ground disturbing activities. This program will serve at least two purposes: 1) to identify and/or recover cultural resources uncovered by the proposed pipeline development and 2) insure protection of resources peripheral to the proposed right-of-way. The monitoring program

shall follow profession standards. However, the extent and duration of the monitoring program would be dependent upon the proposed development schedule.

CR-2 If any paleontological specimens are identified, a paleontological monitoring program shall be considered for the remainder of the project activities. Any proposed program should follow the current guidelines set by the San Bernardino County Museum.

- d) Construction activities, particularly grading, could adversely affect or eliminate unknown potential archaeological resources. The following mitigation measure shall be implemented:

CR-3 If, at any time, evidence of human remains are uncovered, the County Coroner shall be notified immediately and permitted to examine the remains. If the remains are determined to be of Native American origin, the Native American Heritage Commission shall be notified and the Most Likely Descendent (MLD) shall be identified. In consultation with the proponent, Lead Agency, MLD, and archaeological consultant, the disposition of the remains shall be determined. If a definitive decision is not possible through consultation, the Lead Agency shall have the authority to make a final decision.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
VI. GEOLOGY AND SOILS - Would the project:				
a) Expose people or structures to 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
d) Be located on expansive soil, as defined in Table 181-B of the California Building Code (2001) creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION: (Check ☐ if project is located in the Geologic Hazards Overlay District)

- a) (i-iv) According to the County Geologic Hazard Overlay Map FI21C, a small portion of the Skyline Ranch Pipeline alignment is located within a county-designated fault hazard zone. However, none of the project area is not located on any Alquist Priolo Earthquake Fault Zone. The project area is not susceptible to landslides, and liquefaction. In addition, no habitable structures will be built in association with the proposed project. Therefore, no impacts regarding risk of loss, injury, or death would occur.
- b) The proposed project would result in development of new pipelines and booster stations resulting in cut and fill operations. The topography will be altered at the booster station locations and along approximately 5.3 miles of unimproved dirt roads. During the course of the project, dust will be generated during operation of machinery on-site and potentially as a result of high winds. Additionally, erosion of soils could occur due to a storm event. Therefore, the proposed project would be developed in compliance with a Storm Water Pollution Prevention Plan (SWPPP) and the National Pollution Discharge Elimination System (NPDES) permit.

GEO-1:The contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP) approved by the County Special Districts Department that shall incorporate Best Management Practices (BMPs) to reduce soil erosion during construction and post construction, in accordance with the County National Pollution Discharge Elimination System (NPDES) permit.

- c) The project is not located on a geologic unit or soil that has been identified as being unstable or having the potential to result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. In addition, no habitable structures are proposed for the project. Therefore, no impacts would occur.
- d) The project site is not located in an area of expansive soils that would create substantial risks to life or property. In addition, no habitable structures are proposed for the project. Therefore, no impacts would occur.
- e) The proposed project does not require infrastructure for sewage disposal or septic tanks. No impacts would result.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a-b) The proposed project involves construction of new water pipelines and two booster stations. The booster stations would normally run on electric power supply. Emergency power back-up will be available through diesel generators. The proposed project would not require a Business Contingency Plan since

the generators would only be used in case of an emergency. No routine transport or release of hazardous materials is anticipated. Less than significant impacts would occur.

- c) The nearest school within the project vicinity is located approximately 2.15 miles south of the "Lander Water Transfer Pipeline" project area (Yucca Mesa Elementary School). The proposed project would not handle, or emit hazardous materials, substances or wastes. No impact from hazardous wastes is expected on local schools.
- d) The project area is not listed on the hazardous materials sites database of San Bernardino County. There is no history of contamination from hazardous substances in the project area. Therefore, the project would not take place on a site(s) that is known to contain hazardous materials.
- e-f) The project area is not located within an airport land use plan, is not within two miles of a public airport and is not in the vicinity of a private airstrip. The Hi-Desert Airport lies approximately 12 miles east/southeast of the project area. The project would not result in a safety hazard for people residing or working in the project area. No impacts from aircraft operations would result.
- g) The proposed project involves construction of new water pipelines and booster stations. Subsequent operations would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impacts would occur.
- h) According to the County Hazard Overlay Maps FI20B and FI21B, portions of the "Skyline Ranch Pipeline" lie within Fire Safety Area 1 (FS1) and Fire Safety Area 2 (FS2). However, the proposed project would not include development of any habitable structures or expose people to any wildfire. Therefore, impacts are anticipated to be less than significant.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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VIII. HYDROLOGY AND WATER QUALITY - Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially 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 that would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structure that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a/f) The proposed project would require submittal of a SWPPP which would protect water quality during construction activities. Additionally, the development of the proposed project would follow BMPs as listed in the California Storm Water Best Management Practice Handbooks or the current San Bernardino County Storm Water Program's "Report of Waste Discharge", to reduce pollutants in storm water runoff and reduce non-storm water discharges to the County's storm water drainage.

The RWQCB has issued an area-wide NPDES Storm Water Permit (No. CAS618036), for the County of San Bernardino. The County then requires implementation of measures for a project to comply with the area-wide permit requirements. A SWPPP is based on the principles of BMP to control and abate pollutants. The SWPPP must include BMPs to prevent project-related pollutants from impacting surface waters. These would include, but are not limited to street sweeping of paved roads around the site during construction, and the use of hay bales or sand bags to control erosion during the rainy season. BMPs may also include or require:

- The contractor to avoid applying materials during periods of rainfall and protect freshly applied materials from runoff until dry.
- All waste to be disposed of in accordance with local, state and federal regulations. The contractor to contract with a local waste hauler or ensure that waste containers are emptied weekly. Waste containers cannot be washed out on-site.

- All equipment and vehicles to be serviced off-site.

Implementation of mitigation measure **GEO-1** would reduce the potential for stormwater discharge impacts during grading and construction phases.

- b) The total length of the pipeline alignments is approximately 5.3 miles, which does not intersect any areas used for groundwater recharge. The proposed project would improve the water system supply for the Pioneertown area by increasing available water supplies for use during times when demand is high. The water supply source would be both the District's existing wells and well water exchanged with HDWD which also obtains its water supply from groundwater. Essentially, the demand for groundwater within the Yucca Valley area would not be increased, but water would be exchanged between groundwater basins. Less than significant impacts are anticipated.
- c-d) The proposed project involves the construction of new water pipelines and booster stations. No stream or river lies in proximity of the project area. The proposed pipelines will be buried underground. The booster stations would be aboveground. However, the proposed project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in erosion/flooding on- or off-site. Less than significant impacts would occur.
- e) The proposed project involves construction of new water pipelines and booster stations. Once the pipeline is installed the disturbed roads would be re-graded to existing conditions. Therefore, the proposed improvements are not anticipated to increase the amount of runoff. Any storm water runoff during construction will be contained in accordance with BMPs established in the project's SWPPP. The SWPPP will be in place prior to construction. Less than significant impacts are anticipated.
- g-h) According to the County Hazard Overlay Map FI21B, the project site is not located in a 100-year flood zone. In addition, no habitable structures are proposed as a part of the project. No impacts would occur.
- i) According to the County Hazard Overlay Map FI21B, the project site is not located within a dam inundation area. Therefore, no impacts would occur.
- j) The project site is not located near any water body that would be impacted by a seiche, tsunami, or mudflow. No impacts would occur.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
IX. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a) The proposed project is the construction of water system improvements which would not divide any established communities. No impacts would occur.
- b) The proposed improvement project is consistent with the policies of the San Bernardino County General Plan and the Homestead Valley Community Plan. The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. No impacts would occur.
- c) The project site is not located within a conservation area. Therefore, implementation of the proposed project would not conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
X. MINERAL RESOURCES - Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION: (Check ☐ if project is located within the Mineral Resource Zone Overlay):

- a-b) According to the San Bernardino County Land Use Plan General Plan, the project area is not designated as a State Aggregate Resources Area and is not designated as a valuable mineral resource recovery site. Therefore, no impacts would result.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XI. NOISE - Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION: (Check if the project is located in the Noise Hazard Overlay District ☐ or is subject to severe noise levels according to the General Plan Noise Element ☐):

- a-d) The proposed project would involve construction of approximately 5.3 miles of water pipelines and booster stations. Upon completion of the proposed facilities, operations would not create any significant increases or impacts to the existing noise levels in the project area. No impacts would occur that would increase permanent noise levels.

The proposed improvement project would increase ambient noise in the project vicinity during the construction phase that would be short-term. Construction activities would be temporary in nature and would occur during the hours of 7 a.m. and 7 p.m., Monday to Saturday, in accordance with the San Bernardino County Noise Ordinance. Implementation of the following mitigation measure would reduce impacts to a less than significant level:

NOI-1: All construction equipment shall use properly operating mufflers.

NOI-2: Impulsive noise, such as jack-hammering, shall be scheduled to affect the fewest number of residences.

- e-f) The project area is not located within an airport land use plan, is not within two miles of a public airport, and is not in the vicinity of a private airstrip. The Hi-Desert Airport lies approximately 12 miles east/southeast of the project area. The project would not expose people working in the project area to excessive noise levels. There would be no impact.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XII. POPULATION AND HOUSING - Would the project:				
a) Induce substantial 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a) The proposed project will not result in new residential or employment opportunities that would induce population growth. No impacts would occur.
- b) The proposed project will not displace any existing housing units, necessitating the construction of replacement housing because no housing units are proposed to be demolished as a result of the proposed water system improvements.
- c) The proposed project will not necessitate the construction of replacement housing elsewhere because the project will not displace any existing housing or existing residents.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XIII. PUBLIC SERVICES				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a) The proposed project will not result in substantial impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities. The project will place no demands on public facilities and therefore will not affect service ratios, response times and other performance objectives for any of the public services including fire and police protection, schools, parks or other public facilities. No impacts would occur.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XIV. RECREATION				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a-b) The proposed project will not result in new population in the area and therefore would not put additional demand on the existing parks or require new parks to be built. No impacts would occur.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XV. TRANSPORTATION/TRAFFIC - Would the project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a-b) The proposed project would improve Pioneertown's water supply. The majority of the proposed "Skyline Ranch Pipeline" route lies along dirt roads and is not a part of the area's defined circulation network. The Homestead Valley Community Plan identifies Landers Lane as a two-lane secondary highway between Reche Road and Winters Road. Construction activities would generate temporary traffic control or detours that is not anticipated to be substantial over the 2 ½ - month construction period for pipeline installation. Operational traffic from the proposed project will be limited to occasional maintenance vehicles. The project area is sparsely populated and traffic levels are low. Impacts related to traffic and congestion in the area are anticipated to be less than significant.
- c) The proposed project does not include any tall buildings or operations that would change air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. The Hi-Desert Airport lies approximately 12 miles east/southeast of the project area. No impacts would occur.
- d) The project would not involve the construction of any sharp curves or dangerous intersections related to vehicle travel. Temporary construction activities will be conducted in compliance with local and state regulations. No impacts are anticipated.

- e) Proposed activities would not block or result in inadequate emergency access. No impacts are anticipated.
- f) The proposed project would not include any primary employee workspaces, and once constructed would require occasional inspection and maintenance trips. No additional demand for parking or impacts to existing parking facilities will occur during the project. No impacts to parking are anticipated.
- g) There would be no impacts to the adopted policies, plans or programs supporting alternative transportation as a result of the project.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a-b) The proposed project involves construction new water pipelines and booster stations. The project would not result in the need for wastewater treatment or additional facilities. No impacts would result.
- c) The proposed project would not result in construction of storm drain facilities as no new sources of storm water will be created. The improved infrastructure would not significantly change the amount of runoff that currently exists. No impacts would occur.

- d) The proposed project would result in an improved water supply system for the community of Pioneertown. No impacts would occur.
- e) The proposed project would not generate additional wastewater. Therefore, no treatment is required and no impacts would occur.
- f) Construction activities may generate some construction debris. The project area would be served by the Landers Landfill. As of January 1, 2007, the landfill had a remaining capacity of 1,100,000 cubic yards. The amount of solid waste generated from construction activities is anticipated to be minimal and would not impact the existing capacity at the landfill. Therefore, impacts would be less than significant.
- g) The proposed project would comply with federal, state, and local statutes and regulations related to solid waste. No impacts would occur.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE:				
a) Does the project have the potential to 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, 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause Substantial adverse effects on human beings, either directly Or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

- a) The proposed project includes construction of two eight-inch diameter pipelines, approximately 3.3 miles and 2.0 miles in length. Mitigation measures BIO-1 through BIO-13 as discussed in the Biological Resources Section of this Initial Study would reduce the potential impacts to desert tortois and nesting birds to less than significant levels. Mitigation measures CR-1 through CR-3 as discussed i the Cultural Resources Section of this Initial Study would reduce potential impacts to cultural resource to less than significant levels.
- b) Impacts associated with the proposed project would not be considered cumulatively adverse c unfavorable. The project is not anticipated to generate significant amounts of air pollutants, traffic c noise. Cumulative impacts to biological or cultural resources are also not anticipated to be significant. I addition, mitigation measures are incorporated that would reduce impacts to less than significant. N significant cumulative adverse impacts are anticipated
- c) The proposed project would not be used for storing any toxic or hazardous materials nor does th construction and operation of the project involves such a use. Impacts due to noise will be mitigated to less than significant level. Any direct or indirect impacts to human beings would therefore, be mitigated

GENERAL REFERENCES

County of San Bernardino Development Code, 2007

County of San Bernardino General Plan, March 2007

Homestead Valley Community Plan, February 2007.

CEQA Guidelines, Appendix G

McKenna et al., *A Phase I Cultural Resources Investigation of Two Pipeline Alignments for the San Bernardino County Special Districts Department, CSA 70, Zone W-4, Pioneertown and Landers, San Bernardino County, California*, October 14, 2008.

Natural Resources Assessment Inc., *General Biological Resources Assessment Project Improvements, County Service Area 70 Zone W-4, Pioneertown San Bernardino County Special Districts Department San Bernardino County, California*, November 25, 2008.

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

Meeting Date: February 24, 2009

To: Board of Directors

Budgeted: Yes

Budgeted Amount:

Cost: To be determined

Funding Source: 01-56022

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Request for Billing Relief for Parcel 629-405-01

SUMMARY

The Planning/Legislative/Engineering/Grant/Security Standing Committee met on January 15, 2009 (reconvening on January 20th) to discuss the request for billing relief for Parcel 629-405-01. After lengthy discussion customer was asked to provide further documentation on what he thought was the cause of high read so that the full Board, at the February meeting, could determine if implementation of the standard billing relief was warranted.

RECOMMENDATION

That the Board take the following action:

1. Provide direction to staff on the application of Section 3.6 Billing Adjustments-Other than Meter Error of the Agency's Rules and Regulations for Water Service in effect at the time the request was brought before the Board for consideration.

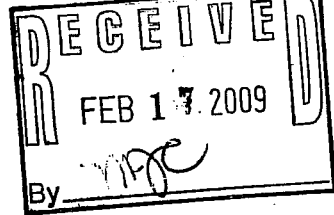
BACKGROUND/ANALYSIS

A letter (attached) was received by the Agency on February 18th as requested by the Committee. The historical background of correspondence between Agency and customer is also attached.

PRIOR RELEVANT BOARD ACTION(S)

1/15/2009 (1/20/09 Continuance) Customer Request for Relief of Billing for Parcel 629-405-01: PLEGS Committee recommended the customer provide further documentation on cause of high read and matter be brought back to full Board in February for consideration of billing relief.

10/28/2008 Customer Request for Relief of Billing for Parcel 629-405-01: Board deferred matter to PLEGS Committee for further review and subsequent recommendation to full Board



TO: DESERT BIGHORN WATER AGENCY

BOARD OF DIRECTORS

CC: MARINA WEST

FROM: WILLIAM BENCTSON

ACCT#: 03-0040-1

RE: REQUEST FOR RELIEF

The history of this ongoing dispute is well documented. I have been charged over \$ 3,500 based upon the numbers appearing on the face of a meter REGISTER, that according to Mrs. West was damaged, inoperable, and could NOT be tested. Based upon photographs taken of the damaged register Mrs. West came to the conclusion that the meter was tampered with using a screw driver or other sharp instrument. Upon inspection of the photographs, I tend to agree. However, I do not have the forensic expertise that Mrs. West apparently has, so I couldn't say for sure what happened without having an opportunity to inspect the meter myself.

OVER -7

2

In one of my letters to Ms. West I asked if the meter register would be available if I should want to test it independently, but I got no response to my inquiry. Until, months later, I was informed that the meter body (without the damaged register) was removed and tested, and, since it performed within acceptable parameters, I was charged about \$95.00 for a service that I did not request. To her credit, Ms. West did admit that the charge was a "mistake," but to my knowledge my account has not been credited. I also continue to rack up delinquency charges for the unpaid amount in dispute even though I have continued to pay my current charges as we agreed upon some time ago.

According to Ms. West the results of the test conducted on the meter body is conclusive evidence that the charges were correct and that they were not the result of a meter related issue.

③

This conclusion is based upon flawed logic and an incomplete analysis of the facts before us.

First of all, the accuracy of the meter body is not at issue. The fact that tests proved that it was functioning properly is, therefore, irrelevant.

What is at issue is whether the number on the face of the dial of the meter register accurately represents my water consumption at the time the dial was smashed.

According to the photographs, taken sometime after the meter was removed, the dial appears to have stopped on 1640082, which would (if accurate) mean that I consumed nearly 1 MILLION GALLONS since the previous [^]ended.

billing cycle

(2)

Since no one was living at the premises during the time that \$3,500 was allegedly pumped onto my property, Mrs. West insists that there must have been a leak. This assertion was bolstered by the fact that construction debris was seen in front of my house, which according to her, "clearly showed that a leak occurred." She later retracted that statement when it was shown that the debris had been there since Nov. and was part of an ongoing remodel project.

Nevertheless, the Agency continued to insist that I must have had a leak and refused to even consider the possibility that I had not, in some way, received the water that I was being billed for.

However, common sense says that a million gallons cannot leak out without leaving some tell-tale signs. That enough water to fill my 2 acre parcel

⑤

over a foot deep!

Even a relatively small leak will result in increased vegetation or an overflowed septic tank or soggy patches or something. But such was not the case on my property.

My parents, Dr. and Mrs. Green (who watered my plants while I was away) stated that they saw no leaks. My next door neighbor, in a sworn affidavit stated that he checked my property on a daily basis (inside and out) ~~and~~ ^{and} that he saw no leaks. A licensed plumber was hired to inspect the property and found no significant leaks. And, since the meter was replaced, my bill for usage has been about \$50.00, which suggests that there are no leaks. ^{further}

* i.e. that I did
not use 2 1/2 acre feet of water

(6)

At the last Board meeting I attempted to state my position*. But it was clear that I was not being heard. It has been concluded that I used a million Gallons of water, and no matter how great the evidence is to the contrary it seems that budgetary concerns dictate that I must pay, regardless of whether or not I received the ~~for~~ product I'm paying for.

I was told at the last meeting that my only option was to request partial relief for non-meter related charges. This relief can be no greater than 50% of the amount in controversy. The General Manager stressed to the Board in Attendance that the entire budget for such relief is only \$3000. Furthermore, in order to be eligible for this relief I must describe how the loss occurred, what I did to fix it, and how I will ~~prevent~~ prevent such a loss in the future.

It is my position that when the meter register was damaged, the numbers on the dial spun independent of the meter body, and stopped at a number which indicated that my usage was for greater than what was actually pumped. The result of even a one integer change could be quite dramatic. If, as Mr. West hypothesized, the meter was tampered with intentionally using a screwdriver, it is quite possible that the purpose was to ~~cause~~ cause trouble for, or exact revenge on, the property owner. (i.e. ME) If this was the case the blade of the screwdriver may have been used to slide underneath the white metal ring (see photos) and manually spin one or more of the ~~numbers~~ numbers. I have consulted with an expert who says that this is quite possible.

While I believe that this is clearly "meter related," and that I should be granted total relief, I do not want to disqualify myself

(8)

that the Board may seem fit
to grant me.

Since I know that I did
not have a leak, and that
I did not use a million gallons
myself, the only explanation is
that the water was stolen somehow
while I was gone, even though I
have industrial barb-wire fencing
around my entire parcel, I have
never received relief in the 13+
years I have been a customer.

Due to the extremely high charges,
this would certainly be an extreme
situation. Since the charges are far
and above anything that I have received
so far, this is an isolated occurrence.

I no longer work out of town,
so being home more often should
keep renegade water thieves at
bay. I purchased really scary "NO TRESPASSING"
signs to prevent this type of thing from
happening should I have to leave town
in the future. ~~Don't~~ ~~Don't~~ ~~Don't~~

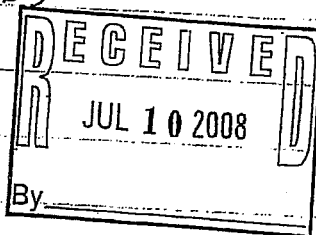
In conclusion, I ask the board to please consider all of the relevant facts before making a final decision. If it is possible to move the numbers on the face of the meter register by tampering with it, or any way other than by water flooding the meter body then I should be granted complete relief. In the alternative, if the board determines that the number on the face of the broken dial could not have ~~been~~ turned artificially I want to be given whatever relief the board deems appropriate.

Sincerely
 Wilbur Ray Jr.

FROM: WILLIAM BENTON

TO: DESERT RIVERS BOARD OF DIRECTORS

RE: ACCOUNT # 03-0040-1



To Whom it may concern:

I believe that the amount shown in my recent bill (enclosed) is in error. I am requesting that the amount due be adjusted to reflect a more realistic amount (e.g. an average of my usage during this period in previous years). I am also requesting that my water service be restored in the interim.

Please direct all future correspondence and billing to

William Benton
c/o Sharon Green
58559 JORDAN DRIVE
YUCA VALLEY, CA
92284

Sincerely,
William Benton

In chronological order, the following notes were drafted from account comments for APN 629-405-01

May 22, 2008 - During read meter #1123741 shows very high usage. Meter also discovered damaged and inoperable.

May 23, 2008 - Damaged meter replaced, new meter spinning, agency shut off customer valve. Several voicemails left for customer.

May 28, 2008 - Reread shows water moving through meter – field tech measured usage. (see July 8 comment).

June 2, 2008 - Message left on customer voicemail regarding payment options.

June 26, 2008 - Customer called with questions about his options. Customer told he appeared to have a leak and should perhaps contact a plumber. It was also suggested that he write a relief letter.

July 7, 2008 - Message from Mr. Green requesting that agency not lock off the water.

July 8, 2008 – No pymt made, customer locked off. Mr. Green (stepfather) called and said Mr. Bengtson would be unavailable for 3 months and no one was living at the home. He also said he goes there once a week to water and because the meter is still spinning, he turns the valve on only when he is watering the plants.

July 10, 2008 - Agency received letter from customer to the BOD requesting relief on bill. Letter also requests a change of mailing address.

July 11, 2008 - Mr. Green requested water be turned back on in his name. Mr. Green told that he would be contacted by the agency after reviewing the rules and regulations.

July 14, 2008 - Mr. and Mrs. Green paid \$540 towards payment agreement. They stated they would have the customer sign it when they saw him.

July 18, 2008 – Green's told they will receive either a written decision from the general manager or it will be on the agenda at the next BOD meeting.

July 31, 2008 - Letter mailed to customer denying his request for billing relief.

August 6, 2008 - Called made to Mr. Green regarding the unsigned payment agreement.

August 13, 2008 - A letter received from the customer requesting a copy of agency "Rules and Regulations".

August 22, 2008 - Agency adjusted delinquent charge on bill.

August 25, 2008 - Agency sent customer a letter in response to customers requests and comments stated in letters dated August 5, 2008 and August 13, 2008.

September 10, 2008 - Customer request placement on agenda for October meeting.

September 18, 2008 - Meter test completed on damaged meter #1123741. Meter did test within parameters established by AWWA. Agency Cost is \$68.98. Copy of meter test certificate and letter sent to customer.

September 29, 2008 - \$95.90 added to customer bill to replace damaged meter.

September 30, 2008 – Customer asked if he could address the BOD tonight, but was reminded he had earlier stated he would be unable to make it (See Sept. 10 comment).

He once again questioned how the meter could register if the register was broken.

Agency informed him that 1100 units had past through the meter between the March read and when we found the register broken (May read). Agency responded that the billing relief program requires that a problem be documented and resolved and that in this case, he continues to insist that the meter is faulty even though it is shown to be accurate.

October 3, 2008 - Customer refuses to pay for broken meter.

October 20, 2008 - Voicemail left for customer regarding missed pymt on payment plan.

October 23, 2008 - Voicemail left on phone number on file (310 #), advising customer he was in breach of payment plan.

October 27, 2008 - Customer called and requested that agency not lock off until after the board meeting tomorrow.

October 28, 2008 – Board deferred request to Planning/Engineering Committee for in-depth review. Past due amount on hold pending findings of committee.



BIGHORN-DESERT VIEW WATER AGENCY

622 S. JEMEZ TRAIL, YUCCA VALLEY, CA 92284 (760) 364-2315 FAX (760) 364-3412

July 31, 2008

 **COPY**

Mr. William Bengtson
c/o Sharon Green
58559 Joshua Drive
Yucca Valley, CA 92284

RE: Acct: 03-0040-1 Request for Water Bill Adjustment dated July 10, 2008

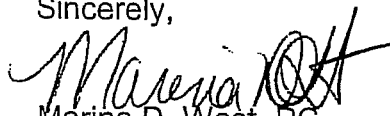
Dear Mr. Bengtson,

Bighorn Desert View Water Agency has received your request for billing adjustment due to "error". I have reviewed your account history, written reports from the Distribution Operator, and the Agency Rules and Regulations pertaining to billing adjustments and although the usage "greatly exceed the usual or expected occurrence" I am denying the request for billing relief based on the following:

- The request does not provide details as to what occurred at the property and how the problem was resolved as required by the Agency Rules and Regulations.
- The account record shows high water usage in the past that you attribute to a faulty meter. The meter was replaced with a newly certified meter however the original service meter was subsequently tested and found to be within the accuracy standards established by the American Water Works Association.
- On May 23, 2008, a Water Distribution Operator dispatched to the location for a routine service call found water flowing through the meter. In addition, the meter register was damaged and inoperable. The usage since the March meter read exceeded 1,100 billing units. The customer valve was shut off and a call was placed to the home answering machine.
- At your request on May 28, 2008, a Distribution Operator returned to the site to re-read the meter. Upon arrival, the customer valve was found to be in the "on" position and water was moving through the meter at a rate of approximately 270 gallons per day (~~665 billing~~ units per month). In addition, floor matting, carpet and linoleum were piled up outside the dwelling. IN our view this clearly represents a leak has occurred at the property and the meter register was operational until it was damaged.

The Agency will honor the payment arrangements that have been set-up on the account.

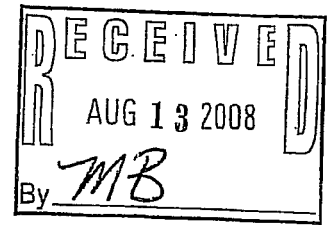
Sincerely,


Marina D. West, PG
General Manager

*This was calculated
incorrectly. Actual
measurement 10.8 umk
Per month.*

August 5, 2008

To: Marina D. West
Desert Big Horn Water Agency
622 S Jemez Trail
Yucca Valley, Ca. 92284



From: William Bengtson acct: 03-0040-1
C/O Sharon Green
59559 Joshua Drive
Yucca Valley, Ca. 92284

Re: Letter dated 7/31/2008

Dear Ms. West,

This letter will serve as a rebuttal to your denial of my claim that my water bill was in error.


- Can you please send me a copy of the "agency rules and regulations" that you referred to, so that I can provide the necessary details that you require.
- I have had high water usage in the past that I did attribute to a faulty meter. At the time, I was told that I probably had a leak somewhere on the property. I hired an independent plumber and did not find a leak. A water survey was then conducted by one of your representatives who concluded that the meter was probably faulty and a new meter was installed. The following billing cycle my water bill went down dramatically and has remained at reasonable levels until recently. At that time I requested an adjustment which was unfairly denied for reasons that I stated in previous correspondence.
- You stated that on May 23, 2008 a water distribution operator found water running through the meter but that the meter was "damaged and inoperable". You further stated that the water usage since 3/08 exceeded 1,100 billing units. How can it be determined how much water was used in a damaged and inoperable meter? Is that meter still available for independent testing?
- Finally, your assumption that the carpet and other debris piled up outside the dwelling "clearly represents an internal leak is completely erroneous. This debris has been outside the home since December of

2007, as I am currently in the process of a complete re-model. This can be confirmed by numerous witnesses.

In conclusion, I have simply never had a leak either internally or externally, of a proportion that would justify a bill in the proportion I was billed for (\$3600). This is a ridiculous persecution of me and my repeated attempts to have "your" problem corrected.

A total relief of debt at this point is expected.

I should not be responsible for relieving the debt incurred by previous and current Water Board indiscretions.


William Bengtson



COPY

BIGHORN-DESERT VIEW WATER AGENCY

622 S. JEMEZ TRAIL, YUCCA VALLEY, CA 92284 (760) 364-2315 FAX (760) 364-3412

August 25, 2008

Mr. William Bengtson
c/o Sharon Green
58559 Joshua Drive
Yucca Valley, CA 92284

RE: Acct: 03-0040-1 Response to Agency Letter Dated July 31, 2008

Dear Mr. Bengtson,

Bighorn Desert View Water Agency has received your letter dated August 5, 2008 (received by the Agency on August 13, 2008) which you indicate is a rebuttal to our letter of July 31, 2008 denying your request for a billing adjustment.

The following summarizes our response to requests and comments provided in your letter:

- Per your request, the Agency Rules and Regulations regarding Billing Adjustments processes are attached.
- We acknowledge the record shows that, in the past, you have attempted to receive billing relief due to a faulty meter. At the time, those allegations were never substantiated. The Agency has all correspondence on file from this past series of events and would like to point out that the facts on file are not consistent with statements made in your August 5, 2008 letter. In any event they are irrelevant to the circumstances of the current request for billing relief and are not discussed any further in this response.
- Regarding your third bullet statement, you indicate that our letter of July 31st indicates the "meter was 'damaged and inoperable'". This quote is incorrect, our letter of July 31st states that the "meter register was damaged and inoperable". When the meter register was found damaged the meter reading on the dial was, and still is, stuck at 164,008 cubic feet. At that time, water was flowing through the meter but the meter register was inoperable. During the March meter reading cycle, the meter registered 52,789 cubic feet. The difference between the March and May meter readings is 1,112 billing units, the charge is \$3/unit.
- You mention in your final statement that there has "simply never been a leak either internally or externally, of a proportion that would justify a bill in the proportion I was billed for (\$3,600)". Statistics show that a 1/4-inch hole in a pipe, at 60 psi, can leak approximately 450 units per month. Therefore, it is very probable that a leak, from even a small break, if left unattended for a period of time will result in the meter registering a high number of billing units.

- You have inquired if the meter is available for independent testing. Since the meter register is damaged it is impossible to test the accuracy of this meter body/register combination. To test this meter, the register must first be replaced. This cost has been estimated at \$65 plus shipping. However, if it is determined that the internal meter components are also damaged then it cannot be properly tested. It has been confirmed that this damaged meter was originally installed new on October 19, 2005 and met all accuracy standards at that time.
- Whenever an excessive amount of water is used at a property, we need a logical explanation. Our assumption that carpet and debris piled up outside the dwelling clearly represented an internal leak is a logical explanation but you claim this statement to be untrue. Please accept our apology for making this false statement of explanation.

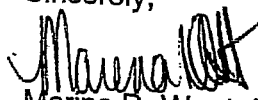
At this time and partly based on new information you have provided, the Agency is denying your request for billing relief on the basis of the following:

1. This meter is not faulty as you claim. The meter was replaced in October 2005 at which time it was documented to be within the appropriate accuracy standards. This is a positive displacement meter; rotation of the measuring chamber is required for any amount of water to be registered. By design, water meters wear out over time and begin to under register. They never "speed up" or "over register".
2. The Rules and Regulations state that you must provide details of what occurred to cause the meter register to indicate excessive usage through the meter. To date, you refuse to admit that there was a leak at the property. You continue to claim that this is the Agency's problem.
3. Meter tampering has occurred resulting in additional consumption revenue losses to the Agency which cannot reasonably be predicted. The Agency would be justified to charge you a tampering fee of \$250 as well as the costs associated with replacement of the damaged meter.

The Agency is not opposed to replacing the damaged register so that this meter can be tested and the results properly documented. I will make the necessary arrangements and inform you of the results when I receive them.

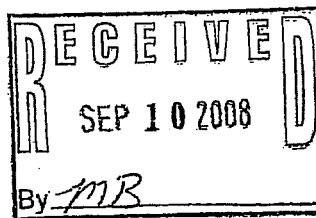
The Agency will continue to honor the payment arrangements that have been set-up on the account.

Sincerely,


Marina D. West, PG
General Manager

9/7/2008

To: Marina D. West
Desert Bighorn Water Agency
622 S. Jimenez Trail
Yucca Valley, Ca. 92284



No Attachments received

From: William Bengtson
C/O Sharon Green
58559 Joshua Drive
Yucca Valley, Ca. 92284

Re: 03-0040-1
Letter Dated August 25, 2008

Dear Ms. West,

From 1/08-5/08 I was employed by Rapid Care Medical Clinic in Las Vegas, Nevada. During that time I resided in the city of Las Vegas, and came back to my home in Landers only occasionally to check on the progress of an ongoing remodel of the residence, which is still under way. During my absence my neighbor, Alex Pena, oversaw the remodel project, fed my cat, and looked after my property on a daily basis. According to Mr. Pena, as well as those who were working on the house, there was no evidence of a water leak, either inside or outside the premises during that period (please see attached statements). In addition, I can provide you with affidavits from both a plumber and a contractor, each of whom have inspected the property inside and outside and have found no leaks.

I will be unable to attend your next water board meeting, but would like to be placed on the agenda for your October meeting in order to discuss this matter further.

Sincerely,


William Bengtson.

629-405-01

August 29, 2008

To Whom It May Concern:

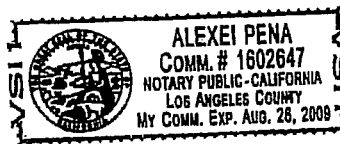
My name is Alex Pena. I ~~was~~ William Bengtson's next door neighbor. From January, 2008 until June, 2008 I took care of Mr. Bengtson's residence while he was working out of the area, and checked the property every day. During that period I never saw any evidence of a water leak either inside or outside of the premises.

Should you have any questions, or require further verification, please feel free to contact me at (562) 805-4993.

Sincerely,



Alex Pena





629-405-01

BIGHORN-DESERT VIEW WATER AGENCY
622 S. JEMEZ TRAIL, YUCCA VALLEY, CA 92284 (760) 364-2315 FAX (760) 364-3412

Wednesday, September 17, 2008

Account 03-0040-1/ APN 629-405-01
Mr. William Bengtson
58559 Joshua Drive
Yucca Valley, CA 92284-4705

RE: Certified Flow Test Results for Customer Water Service Meter

Dear Customer;

At your request, Bighorn-Desert View Water Agency has pulled your water meter for certified flow testing. Testing is conducted by Performance Meter, Inc. located in Beaumont California, an independent testing company. A new meter was installed when your meter was pulled for testing.

The test results are attached and summarized below:

- ☐ Water service meter tested within flow parameters set by the American Water Works Association and the no billing adjustment is due.
- ☒ Water service meter tested outside flow parameters set by the American Water Works Association and a new meter has been installed in its place.
- ☒ Meter registered below testing parameters resulting in lower than actual usage.
- ☐ Meter has registered above testing parameters resulting in higher than actual usage.

If you have any questions, please don't hesitate to contact the Agency at (760) 364-2315.

Sincerely,

Michelle Bowling
Customer Service Representative

Attachments: Meter Test Results

Performance[®] P.M.L. Meter Inc.

Performance Meter, Inc
PO Box 427
Beaumont, CA 92223-0427
Corporate 800-872-2723
Phone 951-922-2485
Fax 951-922-2395

State of California
Department of Weights & Measures
Registration # 2921

Certified Test

Customer:	BIG HORN-DESERT VIEW WAT.	Manufacturer:	PMI
Address:	622 S. JEMEZ TRAIL	Model #:	PME07CF
City:	YUCCA VALLEY	Serial #:	1123741
State:	CA	Size #:	1" CF

High Flow:	50	GPM	97.5	%	Tested By:	Larry Stiff
Med. Flow:	3	GPM	100.5	%	Tester #:	02045
Low Flow:	3/4	GPM	91	%		

Comments:

Signature:

Date: 09/12/09

www.performancemeter.com

sales@performancemeter.com

TEST REQUIREMENTS FOR NEW, REBUILT, AND REPAIRED COLD-WATER METERS

Maximum Rate (All Meters)				Intermediate Rate (All Meters)			Minimum Rate (New and Rebuilt)			Minimum (Repaired)	
Size in	Flow Rate gpm	Test Quantity gal ft	Accuracy Limits percent	Flow Rate gpm	Test Quantity gal ft	Accuracy Limits percent	Flow Rate gpm	Test Quantity gal ft	Accuracy Limits percent	Accuracy Limits percent (min)	
5/8	15	100 10	98.5-101.5	2 10 1 98.5-101.5							
5/8 X 3/4	15	100 10	98.5-101.5	2	10 1	98.5-101.5	1/4	10 1	95-101	90	
3/4	25	100 10	98.5-101.5	3	10 1	98.5-101.5	1/4	10 1	95-101	90	
1	40	100 10	98.5-101.5	4	10 1	98.5-101.5	1/2	10 1	95-101	90	
1 1/2	50	100 10	98.5-101.5	8	100 10	98.5-101.5	3/4	10 1	95-101	90	
2	100	100 10	98.5-101.5	15	100 10	98.5-101.5	1 1/2	100 10	95-101	90	
							2	100 10	95-101	90	
Multi-Jet Meters (AWWA C708)											
5/8	15	100 10	98.5-101.5	1	10 1	98.5-101.5					
5/8 X 3/4	15	100 10	98.5-101.5	1	10 1	98.5-101.5	1/4	10 1	97-103	90	
3/4	25	100 10	98.5-101.5	2	10 1	98.5-101.5	1/4	10 1	97-103	90	
1	35	100 10	98.5-101.5	3	10 1	98.5-101.5	1/2	10 1	97-103	90	
1 1/2	70	100 10	98.5-101.5	5	100 10	98.5-101.5	3/4	10 1	97-103	90	
2	100	100 10	98.5-101.5	8	100 10	98.5-101.5	1 1/2	100 10	97-103	90	
							2	100 10	97-103	90	
Class I Turbine Meters (AWWA C701)											
1 1/2	80	200 20	98-102								
2	120	300 30	98-102				12	100 10	98-102		
3	250	500 50	98-102				16	100 10	98-102		
4	400	1000 100	98-102				24	100 10	98-102		
6	1000	2000 200	98-102				40	100 10	98-102		
8	1500	3000 300	98-102				80	1000 100	98-102		
10	2200	5000 500	98-102				140	1000 100	98-102		
12	3300	7000 700	98-102				225	1000 100	98-102		
							400	1000 100	98-102		
Class II Turbine Meters (AWWA C701)											
2	120	300 30	98.5-101.5								
3	275	600 60	98.5-101.5				4	100 10	98.5-101.5		
4	500	1000 100	98.5-101.5				8	100 10	98.5-101.5		
5	1100	2500 250	98.5-101.5				15	100 10	98.5-101.5		
6	1800	4000 400	98.5-101.5				30	1000 100	98.5-101.5		
8	3000	6000 600	98.5-101.5				50	1000 100	98.5-101.5		
12	4000	8000 800	98.5-101.5				75	1000 100	98.5-101.5		
							120	1000 100	98.5-101.5		



Performance Meter, Inc
PO Box 427
Beaumont, CA 92223-0427
Corporate 800-872-2723
Phone 951-922-2485
Fax 951-922-2395

Attention: To Whom It May Concern

The register on the meter with serial number 1123741 was broken. We loaned you a register for the purpose of testing your meter. There was a \$10.00 charge for this loan.

Sincerely,

Gayle Simms

A handwritten signature in cursive script, appearing to read "G. Simms", written in dark ink.

Rcvd. w/invoice #15036-IN
9/18/2008