

County of San Bernardino



2008 Federal Legislative Platform

Lance Larson
Director of Legislative Affairs
Board of Supervisors

TABLE OF CONTENTS

EXECUTIVE SUMMARY	5
--------------------------	---

FUNDING REQUESTS

TRANSPORTATION

Interstate 10 Corridor Improvements	6
Pepper Avenue/1-10 Interchange	6
Cherry Avenue/1-10 Interchange	6
Cedar Avenue/1-10 Interchange	6
Citrus Avenue/1-10 Interchange	7
High Desert Corridor	7
I-15/215 Interchange	7
Baseline/I-15 Interchange	8
Needles Highway	9
Glen Helen Parkway UP-BNSF Grade Separation	9
Lenwood Road Grade Separation	10
Vista Road Grade Separation Project	10
State Street Highway 30 to Cajon Boulevard	11
Crafton Hills Parkway	11
Summit Valley Road	12
CA247 Improvements	12
Monte Vista Avenue Realignment	12
Piute Wash Bridge Project	13
Rock Springs Road Bridge Project	13
Yucca Loma Road Bridge	14
Winters Road Paving Project	14
Helendale Road Paving Project	15
Cumberland Drive: CA 18-Bald Eagle Ridge	15

FLOOD CONTROL

San Sevaine Creek Project	15
Cucamonga #6 Basin	16
Deer Creek Debris Basin	17
West Fontana Channel and Basin Project	17
Cactus Basin Project	18
Lytle-Cajon and Warm Channels Project	18
Rialto Channel Project	19
Del Rosa Channel	19
Sand and Warm Creek Confluence and Upper Warm Creek Project	20
East Fontana Channel Project	20
Desert Knolls Wash, Phase II	20
Oro Grande Wash Project	21
Hesperia Basin Project	21
Ranchero Basin Project	22
Rimforest Drainage Project	22
Water Canyon Basin	22
Donnell Basin Project	23
Mojave Forks Dam	23
FEMA Levee Certification-Local Cost	24

CULTURAL, EDUCATIONAL, AND RECREATIONAL SERVICES

Museum Hall of Geological Wonders Exhibitions and Programs	24
Chino Airport Aviation Museum Campus	25
Mojave River Watershed Interpretive Project	26
Santa Ana River Watershed Interpretive Project	26
Web Module Technology Presentations	27
Earthquake Park	28
Moabi Regional Park	29
Mojave Narrows Regional Park	29
Yucaipa Valley Regional Soccer Complex	30
Relocate Moonridge Animal Park (Zoo)	30

GOVERNMENT OPERATIONS

Baker Fire Station	31
County Fire Helicopter Program	32

LAW AND JUSTICE

CAL-ID Regional Fingerprint Identification Project	32
Crime Analysis Unit Program Funding	33

POLICY PROPOSALS

FLOOD CONTROL

FEMA Levee Certification Mandate	33
Migratory Bird Treaty Act Clarification	34

GOVERNMENT OPERATIONS

Bark Beetle Infestation Mitigation Program	34
Forest Management and Protection	35
Perchlorate Contamination	35
Homeland Security	36

HEALTH AND SOCIAL SERVICES

Proposed Medicaid Regulations	36
Medicaid Outpatient Rule	37
State Children's Health Insurance Program (SCHIP)	38
Drug/Fleeing Felons and Domestic Violence/Mental Health Substance Abuse Activities	39
Elder Justice Act	39
TANF Reauthorization Technical Clean Up	40
Lack of Medicaid Reimbursement for Institutions for Mental Disease	40
Substance Abuse Parity	41
Social Security Insurance Disability for Foster Youth	42
Title IV-E Funding for Guardianship Services	42
Stable Funding For Federal Bioterrorism Grant Programs	43
Increase the Public Health Work Force	43
Support Community Health Services Improvements	43
Medicare Mental Health and Substance Abuse Treatment Parity	44
Cal-Vet Home Loan Program	45
Presumptive Service Connection	45
Outreach Services Provided By the Department of Veterans Affairs	45
Mandatory VA Health Care Funding Increase	46
VA Burial/Plot Allowances	46
Increase Local Funding for County Veterans Service Offices	47

HOUSING AND LAND USE

West Mojave Plan	47
Payment in Lieu of Taxes (PILT) Full Funding	48
Payment In Lieu of Taxes (PILT) Equity	48
Secure Rural Schools (Forest Timber Payments)	49
Wilderness Designation	49
Right of Way and Access to and Through Federal Land	50
National Park Service Advisory Commissions	52
National Landscape Conservation System (NLCS)	52
Reform of the 1872 Mining Law	53

Executive Summary

Prior to the legislative session, the San Bernardino County Board of Supervisors provides specific direction and overall policy guidance to the Office of Legislative Affairs by adopting an annual platform. In this platform you will find our comprehensive Federal legislative priorities for 2008, including funding requests and policy positions.

As services increase and multiple programs are administered on the local level, diversified revenue streams (ranging from property taxes, fees, and state reimbursement) are utilized to finance services. Effective partnerships between the local, state and federal agencies are pivotal to ensure that the County of San Bernardino fulfills its organizational mission to satisfy its customers by providing services that promote the health, safety, well being, and quality of life of its residents.

In order to accomplish its vision of creating a safe, clean, and healthy environment that appeals to families and individuals, and attracts the best business and industry, the County of San Bernardino provides multiple services ranging from public safety, transportation, and land use to public works and code enforcement. In addition to providing direct constituent services, the County also serves as a conduit by administering health and human programs. As the County continues to experience tremendous growth, the already two million residents located throughout its 20,000 square miles utilize a great deal of resources. In order for the County to continue to provide quality services, assistance from the Federal government and continued partnership with the Congressional delegation is imperative to maintain success.

The 2008 Federal legislative platform will assist the County in navigating through the various legislative components as well as communicating its Federal priorities. The platform has been compiled into funding proposals and policy issues. Each legislative item contains a brief background, legislative position and a funding amount request when applicable.

Federal Funding Requests

Federal funding is an important component that the County depends on to finance various projects and administers essential programs. The Legislative Platform represents the comprehensive major funding issues facing the County.

The County of San Bernardino supports efforts in Congress to reform the Congressional Funding Direction (earmarking) process. All of the funding proposals comply with Congressional earmark reform standards that include direct recipient funding requests, justification of use of taxpayer funding and appropriate applicable matching funds to each request.

FUNDING PROPOSALS

TRANSPORTATION

INTERSTATE 10 CORRIDOR IMPROVEMENTS

Public Works

I-10 is the principal east/west circulation route for automobiles and trucks into and out of the Los Angeles basin. I-10 currently handles 185,000 vehicles a day with a projected traffic count of over 250,000 trips per day in 2020. Interchanges along I-10 throughout the Inland Empire were typically built at every mile with overpasses or underpasses (grade separations) at every half-mile.

PEPPER AVENUE/I-10 INTERCHANGE

Estimated Total Project Cost: \$50 Million

Pepper Avenue provides access to the Arrowhead Regional Medical Center and provides a gateway for growing local residential development. Pepper Avenue is a regionally significant. Pepper Avenue/I-10 Interchange is experiencing heavy congestion with traffic backing up into the freeway lanes during the peak hours significantly slowing interstate traffic including goods movement and contributing to air quality issues and lengthened commute times. (No plans to alter Rail overhead or construct to south.)

Project Description: This is a joint project between Caltrans and the County of San Bernardino to widen Pepper Avenue to seven lanes and improve the I-10 Interchange.

CHERRY AVENUE/I-10 INTERCHANGE

Estimated Total Project Cost: \$71 Million

I-10 is the principal east/west circulation route for automobiles and trucks into and out of the Los Angeles basin. I-10 currently handles 185,000 vehicles a day with a projected traffic count of over 250,000 trips per day in 2020. Interchanges along I-10 throughout the Inland Empire were typically built at every mile with overpasses or underpasses (grade separations) at every half-mile. However, in this area, apart from the spacing between Sierra and Citrus Avenues, interchanges are spaced at two-mile intervals and no midpoint grade separations exist. The lack of mid-point grade separations places extraordinary pressure on the existing interchanges.

Cherry Avenue is a multi-function arterial route. It is a truck route providing access to industrial sites in north Fontana. Cherry Avenue provides access to the Fontana Speedway and provides a gateway for a large and growing residential core south of the rail tracks. Cherry Avenue is a regionally significant north/south highway with average daily traffic of 50,000 with projected traffic count of over 74,000 trips per day. Cherry Avenue/I-10 Interchange is experiencing heavy congestion with over 20 minute delays in local cross over traffic during the afternoon peak hours. Alterations to the interchange configuration are complicated by the parallel railroad tracks immediately to the south of I-10.

Project Description: A joint project between Caltrans, the County of San Bernardino and the City of Fontana to widen Cherry Avenue to seven lanes and improve the I-10 Interchange.

CEDAR AVENUE/I-10 INTERCHANGE

Estimated Total Project Cost: \$50 Million

Cedar Avenue is a regionally significant north/south highway with average daily traffic of 50,000 with projected traffic count of over 74,000 trips per day by 2020. Cedar Avenue/I-10 Interchange is experiencing heavy congestion with over 20 minute delays in local cross over traffic during the afternoon peak hours. Alterations to the interchange configuration are complicated by the parallel railroad tracks immediately to the south of I-10. Cedar Avenue is a multi-function arterial route. It is a truck route, providing access to industrial sites in south Fontana. Cedar Avenue is also a heavily traveled school transportation corridor with a large middle school on the northeast corner of Slover Avenue at Cedar Avenue. The over-crossing provides a gateway for a large and growing residential core south of the rail tracks.

Project Description: A joint project between Caltrans and the County of San Bernardino to widen Cedar Avenue to seven lanes and improve the I-10 interchange. The amount requested is to complete project work through Plans, Specifications, and Estimates (PS&E).

CITRUS AVENUE /I-10 INTERCHANGE

Estimated Total Project Cost: \$45 Million

Citrus Avenue is a regionally significant north/south highway with heavy truck traffic because it serves major industrial sites in Fontana and unincorporated areas of San Bernardino County. The Citrus Avenue/I-10 Interchange is experiencing significant vehicle congestion with over 20 minute delays in local cross over traffic during afternoon peak hours. Parallel railroad tracks immediately to the south of I-10 complicate alterations to the interchange configuration and will significantly increase project costs.

Project Description: A joint project between Caltrans, the County of San Bernardino to complete project work through Plans, Specifications, and Estimates (PS&E) to widen Citrus Avenue to seven lanes and improve the 1-10 interchange.

HIGH DESERT CORRIDOR

Public Works

Federal Funding Request: \$2 Million

Estimated Total Project Cost: \$2 Billion

The High Desert Corridor is officially designated as E-220 as a High Priority Corridor on the National Highway System from Los Angeles to Las Vegas via Palmdale and Victorville, and will provide for improved goods movement and congestion relief throughout Southern California and South Coast Air Quality Management District, and construction and logistics jobs. The High Desert Corridor Joint Powers Authority was formed to oversee the development of this new freeway/expressway from CA14 to I-15, within the Counties San Bernardino and Los Angeles. Design Build authority, and authority to levy tolls on trucks and cars is needed to provide potential financing options.

Project Description: Initial funding request is for Phase 1a, costs associated with project development including, project approvals and environmental document preparation.

I-15/I-215 INTERCHANGE

Public Works

Federal Funding Request: \$3 Million

Estimated Total Project Cost: \$250 Million

Since being built to replace the historic Route 66 and US 91, I-15 (I-15) has become a vital lifeline carrying people and freight to and from the Los Angeles metropolitan area - serving as a commuter

corridor from the High Desert to jobs in other areas of San Bernardino County and to jobs in Los Angeles and Riverside counties; a freight corridor from Southern California's ports to the rest of the nation; and the prime route for recreation trips to the High Desert and the "Tri-state" area (i.e. California state line, Arizona, Nevada) and beyond.

The I-15 corridor is experiencing considerable performance problems due to a number of factors. These factors include higher than average truck volumes (10% to 15% of the total traffic), steep grades approaching 6% sustained for approximately 5 miles through the Cajon Pass, roadway design limitations particularly at the I-15/I-215 interchange, heavy traffic demand on both weekends and weekdays, as well as a lack of alternative travel options. Travel demand for the I-15 corridor has been growing 2% to 2.5% per year on average over the last ten and is expected to almost double by the year 2030, substantially exacerbating already apparent performance problems.

These performance problems have repercussions such as higher than average traveler delay and accident rates, as well as a disincentive to economic activity in the region. Chronic congestion occurs at the I-15/I-215 interchange and between the I-10 and the SR-60. Average peak hour travel speeds are as low as 10 mph through these segments. Traffic flow typically deteriorates even further on Friday and Sunday evenings with demand being 10% to 15% higher than it is during the standard weekday peak periods.

Project Description: This request is for funding for the costs associated with project development projects approvals, and environmental document preparations to reconfigure the I-15/I-215 interchange to better facilitate primary traffic movement.

BASELINE/I-15 INTERCHANGE

Public Works

Federal Funding Request: \$1.5 Million

Estimated Total Project Cost: \$60 Million

The project is located along the hottest industrial real estate market in the U.S. - the Inland Empire's I-15 corridor. The Baseline interchange, along the city limit line between Rancho Cucamonga and Fontana, is in the center of an area that is leading the way in San Bernardino County for industrial, residential and commercial growth and job creation.

This tremendous growth is forecasted to continue in the upcoming years, with the continued development of Rancho Cucamonga and Fontana as well as the region. Significantly higher traffic volume is also forecasted. I-15 traffic volumes are projected to increase 47% over the next 20 years. On Baseline Road at the interchange, traffic volumes are projected to increase 42% over the same period of time. Note - This projection did not take into account the opening of Victoria Gardens Regional Mall and the City's Cultural Center in 2004-2005, which has further impacted the interchange. The Baseline interchange can no longer keep pace with the region's growth nor continue to ensure the traffic safety of the drivers and travelers on I-15. I-15 ramps at Baseline Road are currently operating at an "unacceptable" level of service. As an example, from 1996 - 2001, average daily traffic volumes at this interchange increased from 86,000 to 126,000, an increase of 46%.

Project Description: This project has the support of the California Department of Transportation (Caltrans), San Bernardino Associated Governments (SANBAG), and the City of Fontana. The overall improvement of the Baseline interchange will include: four new bridge structures for the on and off ramps, the widening of the existing Etiwanda overhead structure located north of the interchange, and the widening of the Etiwanda Avenue under-crossing south of the interchange.

NEEDLES HIGHWAY

Public Works

Federal Funding Request: \$10 Million

Estimated Total Project Cost: \$60 Million

Needles Highway is located within the tri-state regional area of Arizona, California and Nevada. Clark County, Nevada, the City of Needles, and the County of San Bernardino passed resolutions of support for the project. Needles Highway is the primary access road for the Fort Mojave Indian Reservation; north of the City of Needles it links I-40 and Aha McCav Parkway. Environmental documentation and a Record of Decision are nearly complete.

Project Description: Complete construction improvements of Needles Highway between N Street within the City of Needles north to the Nevada State Line. The amount requested for FY 2008-2009 is to initiate construction on specific safety improvements that will integrate with future construction of the complete project.

GLEN HELEN PARKWAY UP-BNSF GRADE SEPARATION

Public Works

Federal Funding Request: \$5 Million

Estimated Total Project Cost: \$46 Million

The existing Parkway is four lanes west of Glen Helen Park, and two lanes within the limits of the proposed grade separation project. The roadway crosses the Cajon Creek via a low-water reinforced concrete box structure, located along the north bank of the creek. This creek carries the main flow from the Cajon Pass watershed, which occasionally floods the existing Glen Helen Parkway in major storms. A proposal for Highway Bridge Program Funds has been submitted to Caltrans to replace the existing inadequate structure on a new alignment suggested by the preliminary planning study analysis currently underway paid by the County. However, the project must consider the entirety, not just the crossing of the creek. Both the BNSF and the upper cross the roadway east of Cajon Creek. The UPRR has a single track at this location, but also uses the BNSF tracks for hauling freight. BNSF has three operational tracks located east of the UPRR. These are main line tracks and experience heavy train traffic coming in and out of the Ports, and downtown Los Angeles, with the eastbound trains moving relatively slowly. The Glen Helen Parkway intersection with Cajon Boulevard is stop controlled. The roadway serves as access to I-215 and I-15 for local traffic, and also access to the Glen Helen Park. This park offers recreational opportunities including fishing, picnicking, camping and horseback riding, as well as special events at the Hyundai Pavilion, which is the outdoor amphitheater in the County and has over 10,000 seats, with an ultimate capacity of 65,000. The Pavilion has a busy schedule of events, including usually 8-12 'events' at Pavilion during summer (April - October).

Project Description: Initial funding requests will secure the right of way in order to: widen Glen Helen Parkway to four lanes; constructing an all weather crossing of the Cajon Creek; and constructing a grade separation over both the BNSF and UPRR railroads, with associated approach walls to be used to span the creek and railroads. It is anticipated the creek cross sectional area may need substantial protection from flood damage, which may include dikes and hard surfacing of the embankments. Other improvements may include accommodation of a horse trail and pedestrian facilities. And, a new connection to Cajon Boulevard must be made depending upon the configuration of the design alternative selected. A traffic analysis has been performed and which included quantitative analysis of weekday peak hour effects of the project and special event ingress/ egress traffic operations

LENWOOD ROAD GRADE SEPARATION PROJECT

Public Works

Federal Funding Request: \$2.5 Million

Estimated Total Project Cost: \$19 Million

The project is to provide grade separation between Lenwood Road and the BN&SF rail tracks. Lenwood Road is one of the few road crossings over the Mojave River between Lenwood, just west of the City of Barstow and State Highway 58. It is utilized by a disproportionate volume of truck traffic due to this crossing being a “chokepoint” for travel. This grade separation is part of the Alameda Rail Corridor (East) project that has examined the consequences of additional frequency and train length impacts on local communities. Lenwood Road is a major truck traffic connection between State Highway 58 to the north of the Mojave River and the community of Lenwood to the south. State Highway 58 carries significant levels of truck traffic from other states via I-15 and Las Vegas and from I40 and points east. Main Street, otherwise known as National Trails Highway (NTH or Route 66) provides access to Barstow and Victorville. Although there are very good highway linkages between the freeways and State Highway 58, Barstow is a logical stopping point for many truck drivers, either for changing drivers or for mandatory rest stops. Lenwood Road is a route of choice for these trucks. Significant safety issues that will be mitigated upon completion can further support Lenwood Road grade separation project. The distance between the at-grade crossing and the traffic signal at Main Street is relatively short. Any signal delay, created by maintenance or by an accident may easily cause a “backup” of southbound traffic to the crossing. Although the crossing is “gated”, the potential for error in blocked traffic, leaving a trailer on the tracks with no room to maneuver is high. The reduction in traffic congestion and improvements to air quality may be quantified to demonstrate a high benefit cost ratio for this project.

Project Description: Provide grade separation between Lenwood Road and the BN&SF rail tracks. Funding is requested are to re-implement the environmental documentation through PS&E (Plans, Specifications and Estimates).

VISTA ROAD GRADE SEPARATION PROJECT

Public Works

Federal Funding Request: \$2 Million

Estimated Total Project Cost: \$19 Million

The proposal is to create a grade separation on Vista Road for National Trails Highway (Route 66) and the Silver Lakes-Helendale community traffic. This grade separation will avoid significant delay created by train traffic estimated at 99 trains per day, many of which extend delay by waiting, blocking Vista Road for clear tracks.

As Vista Road is the only bridged crossing over the Mojave River between the City of Victorville to the south and Lenwood, just east of the City of Barstow, to the north, Vista Road is utilized by a disproportionate volume of traffic due to this crossing being a “chokepoint” for east west travel.

Traffic is delayed every time a train passes and with the limited east west bridge options, not only is the traffic delay greater, but the delays impact larger volumes of vehicular traffic. Safety vehicles such as ambulances have been documented as being forced to wait for periods of up to 15 minutes with one incident being reported in the local newspaper inferring the enforced wait had fatal consequences for a seriously ill patient. Alternative travel routes are severely limited and create significantly longer travel times and additional mileage. Alternative route trips negatively impact regional air quality, as Helendale Road is currently unpaved.

Project Description: Provide grade separation on Vista Road and the BN&SF rail tracks. The FY 2009 funds requested are to implement the environmental documentation through PS&E (Plans, Specifications and Estimates).

STATE STREET HIGHWAY 30 TO CAJON BOULEVARD

Public Works

Federal Funding Request: \$2 Million

Estimated Total Project Cost: \$6 Million

The proposed project will widen the existing two-lane section of State Street between CA30 and Cajon Boulevard into four lanes. State Street is designated as a Major Highway according to San Bernardino County Master Plan of Highways. A major highway designation specifies 104 feet of right-of-way and 80 feet of pavement curb-to-curb width. Caltrans has constructed an interchange with State Street as part of the new freeway extension connection of CA210 to CA30. North of this new interchange is the California State University San Bernardino campus; currently serving over 20,000 students. State Street, from this interchange, will also provide a north-south link between CA210 and I-215. In addition, an overpass grade separation is under construction with SANBAG as the lead agency for the project to relieve congestion at the current grade crossing over the Burlington Northern tracks. The crossing is extremely busy with nearly 100 trains in a 24-hour period.

State Street, as a north/south circulation link carrying traffic from CA30 to I-215 Freeway and to Cal State San Bernardino through University Parkway, will have significantly increased volumes of traffic, yet for the most part, the State Street section of road is only two lanes wide. Even before this interchange is constructed, the Average Daily Traffic (ADT) in this section of road is 15,303 (recorded September 2006). The increased capacity of State Street is regionally important and will complement infrastructure improvements that are either in construction, or in the forward planning stages for the area.

Project Description: Construct a four-lane road on existing alignment between CA30 and grade separation at Cajon. The FY 2008 funds requested are to implement the environmental documentation through PS&E (Plans, Specifications and Estimates) and necessary right-of-way.

CRAFTON HILLS PARKWAY

Public Works

Federal Funding Request: \$2.5 Million

Estimated Total Project Cost: \$7.5 Million

The Crafton Hills Parkway project will create a significant barrier to east-west travel, with numerous topographic features inimical to travel; steep narrow ridges and valleys. With major development within the Cities of Yucaipa, and Redlands, the hills accentuate the lack of east-west routes and have focused increased traffic on Interstate-10, Sand Canyon and further west, on San Timoteo Road.

Project Description: The proposed project will plan, design, acquire Right-of-Way as necessary, and construct a 2 lane paved road between Wabash Avenue and Tennessee Avenue.

SUMMIT VALLEY ROAD

Public Works

Federal Funding Request: \$5 Million

Estimated Total Project Cost: \$21 Million

Summit Valley Road, branching from CA138 is proposed as a vital project; an alternative paved access route between the San Bernardino/Los Angeles Basin and the High Desert Communities. The San Gabriel and San Bernardino Mountains create a formidable barrier to road and rail transportation between the Pacific Rim Port Cities, the densely populated Los Angeles Basin and Inland Valleys to the High Desert communities and on to other states. The Cajon Pass, created by the San Andreas fault system, is the most direct and feasible transportation corridor link between Inland Southern California, the High Desert and ultimately Nevada and Northern Arizona. Burlington Northern/Santa Fe and Union Pacific Railroads use this corridor. I-15 (I-15) and CA138 routes are currently the only paved highways through Cajon pass. CA138 near the Summit Valley Road intersection also provides critical access to the San Bernardino National Forest. Summit Valley Road provides alternative access to the Victor Valley area in the event of closures on CA138 and I-15. A cooperative agreement will be necessary both with Caltrans (junction of CA138) and the City of Hesperia. An interim paving of the road on the existing alignment has been completed with local monies. An agreement with the City of Hesperia has been formulated for a proportionate share of costs. This interim road is a paving of one lane in each direction and does not address the ultimate design envisioned in the County Master Plan of a multi-lane major highway on a different alignment connecting CA138 with Rancho Road which is currently under design to provide a grade separation at the railroad tracks. Ultimately, a newly aligned four-lane major arterial road is the preferred outcome for this item.

Project Description: Continue planning efforts and pre-construction activities and upgrade Summit Valley Road from CA138 to Hesperia City limits to a four-lane arterial.

CA247 IMPROVEMENTS

Public Works

Federal Funding Request: \$2 Million

Estimated Total Project Cost: \$8.5 Million

The current CA247 is the core transportation corridor, not just for regional transportation, but it serves also as the "main street" as the only paved north-south road within the Flamingo Heights, Landers, and the Johnson Valley Communities. A significant amount of traffic utilizes the highway for local connections, turning on and off the paved route to access the network of dirt roads serving the communities on either side. This local traffic, due to the lack of turn lanes and passing lanes, inhibits regional through traffic and contributes to adverse safety conditions. The area may be considered ecologically sensitive although working within existing right-of-way possibly makes the proposal categorically exempt.

Project Description: Rehabilitate and widen the existing paved road within the existing right-of-way to incorporate passing lanes and turn pockets between Yucca Valley Town Limits north and west to Johnson Valley.

MONTE VISTA AVENUE REALIGNMENT

Public Works

Federal Funding Request: \$2.5 Million

Estimated Total Project Cost: \$3.25 Million

Monte Vista Avenue is a north south route scheduled for construction of a grade separation over the railroad tracks north of State Street by 2009. The realignment of Monte Vista Avenue will complement the local traffic circulation patterns, significantly reducing local congestion. The offset alignment is identified with increased congestion. The current four-way stop creates uncertainty over traffic precedent; slowing traffic efficiency, and increasing safety concerns.

Project Description: Monte Vista Avenue requires horizontal realignment at Philips Boulevard. The north south alignment is offset due to Monte Vista Avenue following survey markings between old land grants. Philips Boulevard was the boundary between land grants. The project will realign the road intersection to eliminate the offset.

PIUTE WASH BRIDGE PROJECT

Public Works

Federal Funding Request: \$2 Million

Estimated Total Project Cost: \$20 Million

Piute Wash is a major drainage feature that intersects Needles Highway. Needles Highway is located within the tri-state regional area of Arizona, California and Nevada and is bounded on the east by the Colorado River, on the west by the Deadman Mountains and extends from California to Nevada. The Needles Highway is currently part of a County road network in both states and is under the local jurisdictions of Clark County Nevada, and San Bernardino County, California, and the City of Needles. Piute Wash potentially could generate high peak water flows owing to the large area of mountain and desert in its catchments (watershed) area. Early 1990's drainage studies estimate a 100-year peak flow in excess of 26,500 cfs and concluded that Piute Wash needed to be bridged. The recommendation is for a 500-foot long multi lane bridge (not accommodated within the proposed rehabilitation and realignment of Needles Highway).

Project Description: Construct a 500-foot long, multi-lane Bridge on Needles Highway over the Piute wash.

ROCK SPRINGS ROAD BRIDGE PROJECT

Public Works

Federal Funding Request: \$2 Million

Estimated Total Project Cost: \$20 Million

Rock Springs Road is a major circulation link in the high desert between the Town of Apple Valley and the City of Hesperia. Rock Springs Road is a continuation of the alignment of Main Street and Phelan Road; major streets that intersect with I-15. Because of that link, many residents of the Town of Apple Valley and the County unincorporated areas to the east of the Mojave River utilize Rock Springs Road for commuting to work in the Inland Empire, Orange County and Los Angeles County. The proposed project is to construct a four-lane road bridge across the Mojave River on the Rock Springs Road alignment. The road is a major artery between the Town of Apple Valley and the City of Hesperia with approximately 12,000 vehicles per day using the roadway. The Mojave River is a major watercourse and, especially in the rainy winter months, subject to high water flows. At this location the river is estimated to carry over 26,000 cubic feet per second during a 100-year storm. With the urban development in this area, construction of Rock Springs Bridge is essential, both for ease of movement and for safety. The winter storms of 2004-05 destroyed the low flow crossing. The closure to restore the low flow crossing lasted until October 2005, nearly ten months.

The closure of Rock Springs Road at the Mojave River necessitates a detour to Bear Valley Road increasing the commuting distance, cost and time per trip. Longer trips significantly impact Emergency Responders. Delay in response time is critical to health and safety.

Project Description: Construct a four-lane road bridge across the Mojave River on the Rock Springs Road alignment. Initial funding request is to implement the environmental documentation through Plans, Specifications, and Estimates (PS&E).

YUCCA LOMA ROAD BRIDGE PROJECT

Public Works

Federal Funding Request: \$5 Million

Estimated Total Project Cost: \$40 Million

The Mojave River is a major east-west obstacle for transportation in the high desert area. The Mojave River is also a major watercourse and, in the rainy winter months, is subject to high water flows. With the urban development in this area, additional bridges are becoming necessary, both for ease of movement and for safety. Construction of an additional bridge across the Mojave River (and the AT&SF Railroad tracks), connecting Yucca Loma Road via Yates Road to Green Tree Boulevard (a distance of approximately 3.4 miles) will provide a necessary structure to facilitate ease of movement across this natural barrier and provide a grade separation across the busy railroad tracks.

There are only two crossing points across the Mojave River between Victorville and the Town of Apple Valley, two rapidly growing communities. One crossing links via SH18 through the Mojave River's upper narrows about four miles to the north and the second is located at Bear Valley Road about a mile to the south of the proposed Yucca Loma alignment.

Project Description: Construct a Yucca Loma Bridge of 3.4 miles and four lanes. This would provide a third connection between these two fast growing communities and the County area in between.

WINTERS ROAD PAVING PROJECT

Public Works

Federal Funding Request: \$5 Million

Estimated Total Project Cost: \$30 Million

The current Defense Access Roads network includes Pole Line Road, Lear Avenue and CA62. Convoys of military vehicles are traversing the local communities of Yucca Valley, Joshua Tree and Twenty-nine Palms generating congestion, impacting Level of Service (LOS) on community roads and exacerbating adverse safety conditions. Moving the military convoys and large military transporters to a more northerly route providing a more direct east-west connection with CA247 will minimize military transportation impacts and improve transportation efficiencies for the Military base. Inbound military traffic for training exercises have only one paved access point to enter the base. When deployments from the base occur, only one paved route currently exists; paving Winters Road would double the traffic capacity for military deployments and provide a secondary route from the base if the primary route was unavailable. This project would provide a second East/West paved route through the Morongo Basin providing access during unforeseen closures of SH62.

Project Description: Construction of a paved road suitable as a Defense Access Road to County standards from the existing paved Border Avenue east to Lear Avenue near the Marine Corps Training Center along the alignment of Winters Road.

HELENDALE ROAD PAVING PROJECT

Public Works

Federal Funding Request: \$2 Million

Estimated Total Project Cost: \$14 Million

The proposal is to pave Helendale Road as an alternative route for National Trails Highway (Route 66) between the Silver Lakes/Helendale communities and Victorville. This alternative route avoids an at-grade rail crossing at Vista Road and a very narrow, functionally obsolete, road underpass at Oro Grande that inhibits traffic flow and reduces level of service.

For commuters, this additional road improves system connectivity, as commuting times can be more predictable, allowing commuters to efficiently access intermodal transportation systems; trains and rideshare/vanpools.

With the development of Southern California Logistics Airport (SCLA) an estimated additional 10,000 jobs will be generated. It is anticipated that multiple housing tracts will be developed north of the airport with Helendale Road as the primary road link. Constructing this road prior to known development patterns will significantly reduce project costs.

Project Description: Pave Helendale Road, currently a dirt road. Pave one lane in each direction within existing right-of-way from Colusa Road within the City of Victorville north to Silver Lakes Road.

CUMBERLAND DRIVE: CA18-BALD EAGLE RIDGE

Public Works

Federal Funding Request: \$5 Million

Estimated Total Project Cost: \$6 Million

Current subdivisions off CA18 have limited access to CA18 and needed improvements to this road will mitigate traffic safety issues. Cumberland Drive may also serve as a vital evacuation route for several vulnerable residential areas. The road would improve fire emergency response times for these residential areas that are still highly vulnerable.

Project Description: The road will require, at a minimum, a paved traffic lane in each direction between CA18 to an existing paved cul-de-sac road within Bald Eagle Ridge.

FLOOD CONTROL

SAN SEVAINE CREEK PROJECT

Public Works

Federal Funding Request: \$10 Million

Estimated Total Project Cost: \$150 Million

The San Sevaime Creek Water Project will provide environmental enhancements, water conservation and flood control facilities in the western portion of the San Bernardino Valley. The original 1995 approved project, provided a 137-acre area to be set aside as a preserve to protect a sensitive plant community, wetlands and wildlife enhancement. In addition, several water conservation basins will percolate an estimated 25,000 acre-feet of storm water runoff per year into the Chino Groundwater Basin benefiting agricultural, municipal and industrial water users in the Valley. The increased water

conservation will occur as the result of additional 5,400 acre-feet of water storage, which will reduce the need to purchase imported water.

The County has coordinated with the Bureau of Reclamation and the National Water Resources Agency (NWRA) in a cooperative effort to obtain the continued funding for this project. The County appreciates the continuing support provided by the Bureau of Reclamation for this project.

Since the project was approved and deemed eligible for funding, the County has received a total of \$46.55 million from the Bureau, which is all of the funding allocated by the Bureau for this project.

When the Secretary of Interior originally approved the project on May 9, 1996 and the project completed the 60-day calendar days reviewed by Congress as of July 25, 1996, as required under the Small Reclamation Loan Act, the project included a \$37.4 million grant and \$19.2 million loan. When the Bureau provided the Repayment Agreement to the County Board of Supervisors for approval, \$10 million of grants had been eliminated from the project resulting in the downsizing of the original project. Due to the time it has taken to get the project approved, delays due to environmental requirements and approvals, and increase in project costs, which are now greater than those estimated in the loan application, the project has an estimated shortfall of \$10 million to \$15 million.

Project Description: The County requests \$10 million in Federal Grant Funding to help complete the construction of this very important project.

CUCAMONGA #6 BASIN

Public Works

Federal Funding Request: \$13 Million

Estimated Total Project Cost: \$33 Million

The Cucamonga #6 Basin proposed project would include the engineering and reconfiguring existing interim basin and channel area in the Cucamonga Basin #6 and Spreading Grounds area, southerly of the 210 freeway, between Campus Avenue on the west and Cucamonga Creek on the east. These improvements will provide 100-year flood protection for the downstream community by attenuating storm flows. In addition, the improved basin will capture the flows in a more efficient manner for the groundwater recharge activities of the San Antonio Water Company and the Cucamonga Valley Water District and will allow environmental enhancements including wetlands and habitat re-establishment.

The overall project includes hydrology and hydraulic analysis, mapping and survey, CEQA clearance, preliminary engineering, final plans and specifications, environmental permits, DSOD review, bid advertisement, contract award and construction.

The proposed project would include the construction of one detention basin, approximately 60 acres in size with 500-acre foot storage capacity, interconnecting channel work to an existing lower basin and a new outlet to the Cucamonga Creek Channel. This system would enable storm flows to be collected from the upstream tributary areas in north Upland and from the newly constructed freeway drainage system and convey the flows safely through the two basins and channel into the previously improved Cucamonga Creek Channel.

The inflow to the Cucamonga Basin #6 and Spreading Grounds is approximately 4,000 cubic feet per second (cfs) and must be reduced to 2,400 cfs at its point of entry into the Cucamonga Creek Channel per the Army CORPS of Engineers. The proposed basin would be formed by a combination of reconfiguring an existing basin created by previous sand and gravel activities and the construction of a State jurisdictional dam at the easterly end of the basin to force flows to pond to a depth of

approximately 40 feet. Storm flows would be detained in the basin and metered out through an outlet drain in a safe and efficient manner.

Water impounded in the basin will percolate resulting in enhanced groundwater recharge for the area. Two local water agencies that hold water rights in the project area, the San Antonio Water Company (SAWCO) and the Cucamonga Valley Water District (CVWD), are very supportive of this basin improvement as it will enhance water recharge and guarantee a location for water recharge to be accomplished for many years to come.

The two basins and the inner-connecting channel system, other than for a short section of the channel, which will be an underground drain, will be a soft bottom trapezoidal channel. Approximately, 25 acres of the basin floor will be re-vegetated with riparian plants to recreate a wetlands environment. It is anticipated that the wetland environment created by the project would assist in filtering water before being recharged in the underground aquifer and also provide resting and nesting areas for mitigating birds.

The project also allows for future enhancements. Basin and channel side slopes should be vegetated with native plant species to control erosion and to expand and restore habitat for small animals. Recreational trails could be established along the upper perimeter of the basin and channel as well as through some of the basin area to provide for walking, biking and equestrian uses. Preliminary estimates show a cost of \$33 million to design, obtain environmental clearance and construct the basin.

DEER CREEK DEBRIS BASIN

Public Works

Federal Funding Request: \$600,000

Estimated Total Project Cost: \$6.2 Million

The capacity of Deer Creek basin has been a controversial topic for many years, but quieted in the late 1990s. After the Grand Prix Fire in 2003, the issue resurfaced and gained national attention by U.S. Senators Dianne Feinstein and Barbara Boxer inquiring about the capacity of the basin.

San Bernardino County worked with U.S. Army Corps of Engineers to determine what the next step would be to improve the basin's capacity and how to approach Congress for funding. The outcome of the meeting concluded that Congress would have to authorize a study of the basin, which the Corps estimated at \$1.2 million, to determine if its current capacity is less than the original design. After the study is complete and it was ruled that the basin is smaller than the original design called for, the county and city could request federal funding for the improvements.

The County has completed an informal survey of the basin and estimates the cost at \$6.2 million to expand the basin to 310 acre-feet, the standard capacity for Corps facilities. Authorization and funding in the amount of \$600,000 for the U.S. Army Corps of Engineers to study only the capacity of the Deer Creek Debris Basin.

WEST FONTANA CHANNEL AND BASIN PROJECT

Public Works

Federal Funding Request: \$15 Million

Estimated Total Project Cost: \$39.2 Million

In 1987 the County, in cooperation with the cities located within the Flood Control District, developed and implemented a Project Participation Point Formula. The Project Participation Point Formula

established criteria evaluating and ranking as to priority of future flood control projects in each city in Zone 1. Of the seven priority projects four have been completed. The current top priority project, West Fontana Channel, is unique since it spans both Zone 1 and Zone 2. The West Fontana Channel project is located in the City of Fontana and unincorporated areas. The channel protects parallel train tracks and residential neighborhoods. Much of the area has been developed with most of the remaining property scheduled for development within the next 10 years.

The project consists of construction of an open-channel storm drain within County right-of-way and easements from the Banana Basin easterly to Juniper Avenue. The project included a concrete-lined open channel, associated catch basins with connector laterals, future drain stub outs, culvert crossings at street intersections, necessary appurtenant work inlet structure at the easterly side of Juniper Avenue and outlet facilities in the Banana Basin. The project also includes a basin for water recharge. The project is to be built in phases due to funding limitations. The current estimated total cost for the project is \$39.2 million.

Land development has increased dramatically and has resulted in flooding issues increasing the need and desired timeline for the completion of this project. The channel parallels railroad lines, which carry passenger trains including the Metrolink Rail into Los Angeles. Numerous times the rail lines have been flooded causing commuter delays and rerouting of trains.

CACTUS BASINS PROJECT

Public Works

Federal Funding Request: \$7.5 Million

Estimated Total Project Cost: \$31.6 Million

The Cactus Basins project is located in the City of Rialto. Much of the area downstream of the basins is residential. Effort is underway to improve and expand the Rialto Channel System in several phases to its ultimate demand capacity to accommodate the increased flows conveyed by the newly constructed Cactus Channel, north of the new I-210 Freeway. Caltrans and San Bernardino Associated Governments (SANBAG) completed Cactus Channel in December 2004.

One of the most important elements of the Rialto Channel system is the Cactus Basins. These basins are crucial due to the sudden increased run off concentrated into the system from the I-210 Freeway and Cactus Channel project. In October 2004, the system experienced severe flooding which damaged private property walls and fences along the channel downstream of the basins.

The County is currently designing the expansion of Basin #3 and the plans are in the final stages of review. Ultimately the expansion of Cactus Basins #4 and #5 will also be a part of the system improvement. Preliminary designs have been established for those two basins. The current construction cost for all three basins is estimated at \$31.5 million. Construction is currently dependent upon availability of funds. Basin #3 is critical to flood prevention and will be built first. The current cost estimates for Basin #3 is just under \$10 million.

There are currently many locations along the Rialto Channel that are not adequate to handle regional flows during storm events. Damage has occurred along the channel and the improved basins could dramatically reduce potential flooding downstream.

LYTLE-CAJON AND WARM CHANNELS PROJECT

Public Works

Federal Funding Request: \$2.5 Million

Estimated Total Project Cost: \$5.5 Million

The Lytle-Cajon and Warm Channel project is located in the Cities of San Bernardino and Colton. The channel was originally built by the USACE in approximately 1948. Flood Control Operations requested funding in fiscal year 2004/2005 to replace and repair the concrete inverts in Lytle-Cajon Channel and Warm Creek Channel per U.S. Army Corps of Engineers (USACE) inspection comments. The preliminary cost estimate is \$5.5 million.

This Federally built infrastructure repair project is extremely important since the damage to the invert will continue with each passing storm and the year round nuisance flows. Currently, the invert or channel floor is severely eroded. The channel was originally designed and built by a method where the channel walls are dependant on the invert for support. If the invert fails in a storm, the channel walls could be damaged or collapse.

RIALTO CHANNEL PROJECT

Public Works

Federal Funding Request: \$10 Million

Estimated Total Project Cost: \$16.5 Million

The Rialto Channel project is located in the City of Rialto. Much of the area surrounding the channel is residential. Effort is underway to improve the Rialto Channel System in several phases to its ultimate condition to accommodate the increased flows conveyed by the newly constructed Cactus Channel, north of the new I-210 Freeway. Caltrans and the San Bernardino Associated Governments (SANBAG) completed Cactus Channel in December 2004.

One of the most important elements of the Rialto Channel system is the Rialto Channel. The channel in existing condition has numerous road crossings and channel sections that can not handle the sudden increased run off concentrated into the system from the I-210 Freeway and Cactus Channel project. In October 2004, the system experienced severe flooding which damaged private property walls and fences along the channel downstream of the basins.

The project includes the replacement of eight road crossings from Cactus Basin #1 to Willow Avenue and the improvement and expansion of the channel. The current construction cost for the crossings and channel improvements is estimated at \$16.5 million. Construction is currently dependent upon availability of funds. The potential for additional damages along this system make funding this project more crucial.

DEL ROSA CHANNEL

Public Works

Federal Funding Request: \$2.7 Million

Estimated Total Project Cost: \$6 Million

The Del Rosa Channel project is located in the City of San Bernardino and unincorporated areas. The channel protects numerous residences and businesses in the area. The current channel is an interim facility with inadequate capacity that is experiencing failures. The project would consist of building a vertical concrete channel within the existing right-of-way. The project consists of two sections. The first is improving the existing rail and wire channel between Highland Avenue and Date Street in San Bernardino. The second is rebuilding the channel from Foothill Drive to Daley Basin. This section experienced a wall failure last year.

Although preliminary design is complete for part of the channel, the project has been placed on hold until funding becomes available to proceed with final design and construction. Current construction

cost estimate is \$6 million. The cost of ongoing maintenance problems and potential additional wall failures necessitate the expedition of this project's construction.

SAND AND WARM CREEK CONFLUENCE AND UPPER WARM CREEK PROJECT

Public Works

Federal Funding Request: \$1.5 Million

Estimated Total Project Cost: \$3 Million

The Sand and Warm Creek confluence and Upper Warm Creek project is located in the City of San Bernardino near the City of Highland. The area surrounding the project has been developed for some time. The City of Highland continues to develop the area and has fees in place to fund an extensive storm drain system, which will in part flow to the channels.

This project consists of improving the existing rail and wire channels to concrete lined channels. The confluence is especially critical since it is located where Sand Creek makes a ninety-degree turn.

The construction of Sand and Warm Creek confluence and Upper Warm Creek is estimated to cost \$3 million. Design and environmental documentation of this project has started but the construction has been placed on hold until funding becomes available. This project will be environmentally friendly due to the soft bottom design. It will also work in conjunction with the local City storm drain projects to complete a system.

EAST FONTANA CHANNEL PROJECT

Public Works

Federal Funding Request: \$500,000

Estimated Total Project Cost: \$1 Million

The East Fontana Channel project is located in the Cities of Fontana and Rialto. The channel parallels a railroad track and helps prevent flooding of the tracks and the surrounding residential area.

The project consists of improving and replacing the existing gunite channel, which has deteriorated significantly. The limits of this project are approximately 350 feet west of Palmetto Avenue to Linden Avenue in Fontana. Current cost estimate is \$1 million. Until funding becomes available for final design and construction, the project has been placed on hold.

In-fill development has increased dramatically and has resulted in flooding issues increasing the need and desired timeline for the completion of this project. The channel parallels railroad lines, which carry passenger trains including the Metrolink Rail into Los Angeles. Numerous times the rail lines have been flooded causing commuter delays and rerouting of trains.

DESERT KNOLLS WASH, PHASE II

Public Works

Federal Funding Request: \$10 Million

Estimated Total Project Cost: \$10 Million

The Town of Apple Valley has experienced rapid development in recent years creating a need for increased flood protection. One of the areas requiring this protection is the upstream reach from Apple Valley Road to Tuscola Road. The proposed improvements include improving the existing channel into a rectangular concrete channel. The estimated construction cost is \$3 million, including right of way acquisition, construction administration and contingencies. Final plans and specifications

are complete but the project has been placed on hold due to mitigation measures required by the Regional Water Quality Control Board (RWQCB). Due to the County's plans to improve more reaches of the Wash in the future, RWQCB required these measures to be implemented, which include energy dissipation structures and a de-silting basin for the most downstream reach of the Wash (Phase III). District is currently re-submitting the permit application to include those mitigation measures.

Based on the County's preliminary engineering estimate to improve the natural wash from downstream of Apple Valley Road to Mojave River, construction cost is approximately \$13.2 million, including contingencies and contract administration. The proposal includes improvements to the channel and several mitigation measures required by the RWQCB. Lewis Educational Center applied for and was denied a funding request for the construction of this project under Proposition 50, California River Parkway Grant.

ORO GRANDE WASH PROJECT

Public Works

Federal Funding Request: \$10 Million

Estimated Total Project Cost: \$10 Million

The City of Victorville has experienced rapid development in recent years creating a need for increased flood protection. Infrequent thunderstorms of high intensities recently caused significant flooding damages near Mojave River and the Oro Grande Wash area. Since the existing Army Corps of Engineers constructed drainage facility, Mojave River Forks Dam, does not have adequate capacity to convey the design flows, Oro Grande basin No. 9 was identified as one of primary facilities needing improvement to provide flood protection for the community. This basin would be a part of a series of basins, which will be required upstream to reduce the peak flows.

The City of Victorville is currently designing the basin. The basin has a preliminary estimated cost of \$10 million. This project will help protect the surrounding community from flooding.

HESPERIA BASIN PROJECT

Public Works

Federal Funding Request: \$20.7 Million

Estimated Total Project Cost: \$20.7 Million

Hesperia Basin was identified in the Hesperia Master Plan of Drainage as a priority facility for construction due to the projected development, which continues to take place at a very rapid rate. At the request of the California Department of Water Resources (DWR), the study considered the closure of several existing drop inlets along the California Aqueduct. The closures were planned by DWR to increase the capacity of the aqueduct and to improve the quality of the imported water.

The proposed basin will mitigate the additional flows generated by the upstream development and safely convey these flows to the existing aqueduct over-crossings. The basin is proposed to be located just south of the California Aqueduct at DWR Station 1890+00 (PM 397.3), between Bandicoot Trail and the Edison Easement, in the unincorporated area of San Bernardino County.

This project would be a joint effort with DWR. They are currently reviewing a preliminary design and study submittal. The current cost estimate is for \$20.7 million.

RANCHERO BASIN PROJECT

Public Works

Federal Funding Request: \$10 Million

Estimated Total Project Cost: \$10 Million

The Antelope and Victor Valleys continue to experience rapid development in recent years, creating a need for increased flood protection. The construction of Rancho Basin has been identified as a priority facility in the Hesperia Master Plan of Drainage Study.

The City of Hesperia has a grade separation and realignment project for Rancho Road. This project is in the final design phase and should be going to construction in the next year or so. The alteration of this road is just north of the proposed Rancho Basin site. Originally the basin and road were to be combined using the road as a levee for the basin. This idea was eventually changed and the projects were split.

San Bernardino County is currently designing the basin. The basin has a preliminary estimated cost of \$10 Million. This project will help protect the new road as well as the surrounding community from flooding.

RIMFOREST DRAINAGE PROJECT

Public Works

Federal Funding Request: \$2.5 Million

Estimated Total Project Cost: \$5 Million

Rimforest community is located in the San Bernardino Mountains, near Lake Arrowhead, and is approximately six miles north of the City of San Bernardino. At least for the last two decades, this community has been experiencing landslides. A number of different geologists, worked independently over the years, have been trying to mitigate the problem. The main recommendation from the geologists is to minimize the amount of runoff infiltrating into the ground and flowing over the steep slopes.

A number of studies have been developed over the years focusing on the hydrology, water rights and/or reconnaissance level geological evaluation. A comprehensive study including geotechnical testing is needed to determine what type of engineering project, if any, can be constructed to alleviate the landslide condition. Once this study is complete, a project will be created to intercept storm flows prior to entering the slide area and outlet them into an adjacent canyon that is easterly of the slide area or some other physical remedy.

San Bernardino County requests funding for the planning, engineering and construction to deliver a feasible project in order to provide a safe environment for the surrounding communities. Estimated cost for this project is \$5 million.

WATER CANYON BASIN

Public Works

Federal Funding Request: \$2.8 Million

Estimated Total Project Cost: \$6 Million

As a result of the 2006 Sawtooth & Millard fires in the Morongo and Yucca Valley areas, Natural Resources Conservation Service identified a project to construct a basin to intercept and collect post fire debris and flows in the Water Canyon watershed area.

Per the Town of Yucca Valley Master Plan of Drainage, a detention/debris basin at the mouth of the Water Canyon watershed is proposed, which will substantially reduce debris and peak flows eliminating the threat to communities downstream.

San Bernardino County requests funding for costs associated with the engineering and construction of the detention/debris basin in order to provide a dual purpose for the County which is provide water recharge and minimize the potential for disaster from a similar event in the community.

DONNELL BASIN PROJECT

Public Works

Federal Funding Request: \$3.5 Million

Estimated Total Project Cost: \$3.5 Million

Loss of life and considerable damage to streets, structures and homes in the City of Twentynine Palms were caused by major flash floods in 1958, 1960, 1974, 1978 and 2003. Flash floods are especially perilous to motorists caught in number of low water crossings, due to combination of desert precipitation and steep topography of the area. Within the last several years, three fatalities have occurred in low crossings.

Based on the Twentynine Palms Master Plans of Drainage Study, the existing Donnell Basin would need to be expanded to act as a detention basin to reduce flows downstream. A decrease in downstream flows will provide safer crossings and conveyance system for motorists at Adobe Road, Utah Trail and the Amboy Road Bridge. The basin project is estimated to cost \$3.5 million dollars and is currently in design.

MOJAVE FORKS DAM

Public Works

Federal Funding Request: \$10.2 Million

Estimated Total Project Cost: \$24 Million

The Mojave Forks Dam, located at the San Bernardino Mountain canyon mouth was constructed for flood protection and water conservation purposes in 1971 and completed in 1972 by the Corps of Engineers and has a large outlet flow necessary to assure continued groundwater recharge in the lower reaches of River basins. The dam is currently operated and maintained by the U.S. Army Corps of Engineers.

The beginning of the Mojave Dam design phase, fulfilling public demands for water supply to provide constant power supply was the major concern. As communities grew, more demands of water became a main issue. Groundwater is the primary water source for the High Desert communities, and the annual groundwater consumption in the area exceeds natural recharge.

In order to enhance the groundwater recharge activity, U.S Army Corps of Engineers, Los Angeles District published a report titled "Mojave River Dam" with various alternatives in March 1986. Their alternatives include installing gates at the dam outlet and dam modification to increase a storage capacity of the existing dam. The plan which best met the requirements of the National Economic Development was estimated at \$24 Million of which \$10.2 Million would be used for environmental mitigation.

San Bernardino County requests funding for costs associated with the engineering and construction for U.S. Army Corps' recommendation for the installation of gates at the dam outlet and dam modification to increase a storage capacity of the existing dam.

FEMA LEVEE CERTIFICATION – LOCAL COSTS

Federal Funding Request: \$3 Million
Estimated Total Project Cost: \$8 Million

As part of the Federal Emergency Management Agency's (FEMA's) nationwide Map Modernization Program, FEMA has initiated a countywide Flood Insurance Study (FIS) and Digital FIRM (DFIRM) for San Bernardino County and all incorporated communities within the County. FEMA has implemented a policy to verify the certification status of all levees currently depicted on the effective FIRM as providing protection from the base (1% annual chance) flood. The regulatory requirements for accrediting levees as providing base flood protection on FIRMs is found in Title 44 of the Code of Federal Regulations (CFR), Section 65.10 (44 CFR 65.10). These criteria include design criteria (e.g. freeboard, closures, embankment protection, embankment and foundation stability, settlement, and interior drainage), operation, and maintenance.

FEMA intends to show those levees that cannot be certified on time as not providing any flood protection. This could place hundreds of homeowners in FIRM floodplains designations, potentially costing them thousands of dollars in flood insurance.

San Bernardino County has hired consultants to assist with the certification effort. Under Phase I, the County is focusing on certifying those facilities deemed as levees by FEMA that can be certified without repair work, expansion or major construction. During Phase II, the County will begin upgrading those levees not able to be certified so they meet the requirements set by FEMA and assist in getting the floodplain designations removed from the FIRM thus taking people back out of the floodplain designations. This is a major effort for the County especially due to the County's size and number of facilities. Certifying the levees in Phase II will cost approximately \$8 million.

CULTURAL, EDUCATIONAL AND RECREATIONAL SERVICES

MUSEUM HALL OF GEOLOGICAL WONDERS EXHIBITIONS AND PROGRAMS

County Museum

Funding Request: \$1 Million
Estimated Total Project Cost: \$5 Million

The County Museum campus buildings were constructed in 1974. Since that time, museum conservation practices and public needs have changed. It is extremely important to the residents of San Bernardino County and the region that the museum provides contemporary exhibitions, modern museum collection care, diverse learning programs, and greater opportunities to a growing region for public education and appreciation of regional natural and cultural heritage.

The San Bernardino County Museum has systematically assessed needs for short and long term enhancements of county services for county and regional residents and visitors. A critical aspect of the Museum capital improvement plan is that through the vision of the County Board of Supervisors several significant accomplishments toward enhancing visitor's service and modernizing the Museum's facilities are in progress or completed. One pivotal capital improvement has been the Board of Supervisors funding for construction of the Museum's 12,000 square foot Hall of Geological

Wonders. This new museum wing, when completed, will be the benchmark for enhancing exhibitions and public programs for visitors, and benefit the region economically.

Project Description: In order to serve the growing cultural and informal education needs of inland Southern California, the San Bernardino County Museum will showcase and interpret the rich geologic and paleontologic history of the region. The unique geology of the region will be the template on which a myriad of paleontologic stories will be told. The Hall of Geological Wonders will utilize the fossil collections at the Museum, some of which include the only dinosaur track ways known from California, the Paleozoic Era's fossil riches from our California deserts, in addition to fossils, which reflect our region's wetter, and wilder past in the Ice Age. Other exhibitions will include the evolution of the vertebrate system, and other geologic and research subject matter. The region boasts an incredibly unique geologic feature, which has shaped the face of Southern California. This is, of course, the San Andreas Fault System. Its effect on the physiographic region will be showcased at the Museum in an exhibit which explains its evolution and its future and will serve as an educational portal to invite the visitor to the proposed Earthquake Park, located a short distance away, where they may actually view and experience this feature outdoors. Through the expansion, museum collections will be centralized for better preservation and maintenance, a vital safeguard for artifacts that ultimately belong to the public.

The San Bernardino County Board of Supervisors funded in FY 2006-07, \$6.4 million to complete funding for construction of the new Hall of Geological Wonders. The construction began in December 2006 and is expected to be completed in June 2008. Federal funding is being requested to fund portions of the Hall of Geological Wonders exhibit fabrication that will include the following new exhibits: San Andreas Fault projection system, Deep Time and Early Life, Life to Death to Discovery, The Paleozoic, and the Mesozoic, Current Seismology, The Earth Experience, Local Geology, The Cave, A Journey to the Core, Mineral Library, Magma Chamber, Earth's Test Kitchen, and Meteorites and Extraterrestrial Geology. Included in this request would be funding to develop and implement state-of-the-art earth sciences educational components for K through 12 students based on California educational curriculum guidelines. The Museum envisions the Hall of Geological Wonders as the regional center for the understanding of geological processes in Southern California through hands-on interpretation and curriculum.

CHINO AIRPORT AVIATION MUSEUM CAMPUS

County Airports/County Museum

Funding Request: \$1 Million

Estimated Total Project Cost: \$10 Million

The San Bernardino County Department of Airports provides for the management, maintenance, and operation of six county-owned airports. It also assists the private and municipal airport operators in the county in the planning, interpretation, and implementation of FAA general aviation requirements.

Chino Airport is the largest airport operated by the Airports Department and is also classified a Reliever Airport, due to its proximity to Ontario International Airport and John Wayne Airport. Chino Airport is located in the booming Inland Empire region, one of the country's fastest growing metropolitan areas. This airport is currently the site of several improvement and expansion projects and promises to assume an increasingly important role in meeting the flying needs of the bustling region it serves.

Chino is unique in that it boasts all the amenities of the Inland Empire region and the neighboring metropolis of Los Angeles, while maintaining a quaint rural flavor of its own. The airport is a "Warbird Haven" and houses some 900+ aircraft. Fuel is available at Chino 24 hours per day. Chino Airport is also home to two aircraft museums and is recognized as one of the centers of aircraft restoration and

preservation with several different companies that provide those services co-located on the airport property.

Project Description: Funding is requested for educational presentations and interpretive projects at Chino Airport's existing two aviation/aircraft museums, directly relating to the region's vast aviation history.

MOJAVE RIVER WATERSHED INTERPRETIVE PROJECT County Museum

Funding Request: \$600,000

Estimated Total Project Cost: \$1.2 Million

The San Bernardino County Museum is the foremost cultural and natural history museum in the region, offering a rich visitor experience and interpretation of the region's priceless resources. Through the Museum's high standards of collections care, site preservation and conservation, unique exhibits and exciting education programs, the Museum is a critical resource because of its collections, staff, education, and research programs to formally interpret the Mojave River Watershed to Southern California residents. With the Museum's proximity to the river and its long standing commitment in educating the residents of the region regarding the Mojave River Watershed history and current value, the Museum is an excellent venue to exhibit the watershed's significances and develop interpretive materials and kiosks throughout the watershed landscape which would depict the cultural and natural heritage that serves the region.

Project Description: The Mojave River Watershed Interpretive project is a proposed plan to interpret the cultural, historic, biologic, and geologic past and present of the Mojave River Watershed. The story platform will center on the unique natural resource qualities of the watershed and the importance of the watershed culturally, and historically. In addition, the human value economically, culturally, and esthetically will be interpreted.

The Museum professional staff will develop two programmatic venues. The first venue will be a Mojave River Watershed exhibition at the San Bernardino County Museum. This museum exhibit will serve as a staging area of the watershed environment, and what unique features define the watershed area and the river. A series of maps, displays and objects will be presented to the museum visitor on the diversity of the watershed, both in its natural landscapes, and its rich resources. In addition to the dioramas at the County Museum, the museum visitor will be able to gain further knowledge by taking maps, printed material and site guides from the museum exhibit and continue the learning experience through field trips to many locations in the watershed.

The second element of this project will be to develop a chain of locations among the watershed and river environments to provide visitors a personal perspective of actual natural and cultural setting or contact with historical events or geologic processes. The Museum intends to identify key features of the watershed and river environment, and with collaboration with the U.S. Forest Service, San Bernardino Public Works, and those municipalities within the watershed, present stories and explanations through kiosks, and interpretive signage at vistas or information points along existing trails, highways and roads.

SANTA ANA RIVER WATERSHED INTERPRETIVE PROJECT County Museum

Funding Request: \$600,000

Estimated Total Project Cost: \$1.2 Million

The San Bernardino County Museum is the foremost cultural and natural history museum in the region, offering a rich visitor experience and interpretation of the region's priceless resources. Through the Museum's high standards of collections care, site preservation and conservation, unique exhibits and exciting education programs, the Museum is a critical resource because of its collections, staff, education, and research programs to formally interpret the Santa Ana Watershed to Southern California residents. With the Museum's proximity to the river and its long standing commitment in educating the residents of the region regarding the Santa Ana River Watershed history and current value, the Museum is an excellent venue to exhibit the watershed's significances and develop interpretive materials and kiosks throughout the watershed landscape which would depict the cultural and natural heritage that serves the region.

Project Description: The Santa Ana River Watershed interpretive project is a proposed plan to interpret the cultural, historic, biologic, and geologic past and present of the Santa Ana River Watershed. The story platform will center on the unique natural resource qualities of the watershed and the importance of the watershed culturally, and historically. In addition, the human value economically, culturally, and esthetically will be interpreted.

The Museum professional staff will develop two programmatic venues. The first venue will be a Santa Ana River Watershed exhibition at the San Bernardino County Museum. This museum exhibit will serve as a staging area so museum visitors will receive both a 2D and 3D detailed perceptive of the spatial area of the watershed environment, and what unique features define the watershed area and the river.

A series of maps, displays and objects will be presented to the museum visitor on the diversity of the watershed, both in its natural landscapes, and its rich resources. In addition to the dioramas at the County Museum, the museum visitor will be able to gain further knowledge by taking maps, printed material and site guides from the museum exhibit and continue the learning experience during field trips to many locations in the watershed.

The second element of this project will be to develop a chain of locations among the watershed and river environments to provide visitors a personal perspective of actual natural and cultural settings or contacts with historical events or geologic processes. The Museum intends to identify key features of the watershed and river environment, and with collaboration with the U.S. Forest Service, San Bernardino Public Works, and those municipalities within the watershed, present stories and explanations through kiosks, and interpretive signage at vistas or information points along existing trails, highways and roads.

WEB MODULE TECHNOLOGY PRESENTATIONS

County Museum

Funding Request: \$5 Million

Estimated Total Project Cost: \$5 Million

In July 2003, the San Bernardino County Museum received a grant from the Institute of Museum and Library Services (IMLS) to design and implement a multi-functional web module and media archives for the Inland Empire (San Bernardino and Riverside counties). The web module will provide access to cultural and natural heritage information for public and academic use. Numerous objects in the Museum's collections are protected by strict conservation standards and policies. Viewing these artifacts and specimens electronically opens collections that would otherwise be closed to the public.

In conjunction with the County Museum's Argus collection database, a web module will provide access to collections of more than one and a half million objects, and online curriculum that corresponds with state and federal standards. Greater public access to cultural and natural heritage

material encourages learning, open-mindedness, understanding, and cooperation between diverse populations and ethnic groups, a concept supported by the International Council of Museums and institutions throughout the world.

Project Description: The Web Module will introduce a broader audience to the valuable resources available throughout the Museum. Teachers, researchers, scholars, and students will enter an “Enrichment Zone”, developed by professional educators and museum staff, as a teaching tool. San Bernardino County Schools will be able to use virtual artifacts from the museum for curriculum-based studies.

Plasma screens will display images and information about, and provide video access to, the six historic branch sites operated by the Museum, including the Agua Mansa Pioneer Cemetery, the Yorba and Slaughter Families Adobe, the Asistencia, an outpost of the Mission San Gabriel, the Yucaipa Adobe, the Daggett Stone Hotel, and the John Rains House. These historic sites are located throughout the County of San Bernardino, and provide an opportunity to interpret historical information to the public. They contain collections that represent historic periods between 1850 and 1890 in San Bernardino County.

The San Bernardino County Museum has a partnership with Moore Middle School in Redlands, CA. Students from Moore Middle School meet at the Museum three times a week to participate in curriculum related activities. The Museum Youth Club program is designed to evaluate and promote the connection between formal and informal education and to demonstrate how informal programs and opportunities encourage student success in school. The program is based on the idea that the Museum, an informal learning environment, should contribute to youth development. Club members will be encouraged to participate in all aspects of web design related to youth programs. They will also be asked to evaluate the web site for content and enjoyment. Teachers from Moore Middle School will be asked to evaluate the site, by using it in their classrooms.

Highly qualified Museum professional and support staff are committed to producing an excellent Web Module. A web site manager will be hired to ensure maximum performance and accessibility for all who use the site. Finally, professional educators from local and county schools will be hired to work with Museum staff to create meaningful educational content for the web site, and to present workshops to educators in the region.

EARTHQUAKE PARK

County Museum

Funding Request: \$750,000

Estimated Total Project Cost: \$1 Million

The proposed project is a public partnership effort developed to educate the general public in San Bernardino County and the visitors to our region about the unique characteristics of the Cajon Pass—a 10,000-acre tract of land within San Bernardino County.

Project Description: The Earthquake Park project is a cooperative effort between the San Bernardino County Museum, County Regional Parks, USDA Forest Service, and ESRI, Inc. and would establish a physical venue to illustrate the cause and effects of seismic activity. Seismic routes would be mapped, including a driving trail, and interpretative features would include a slip fault prototype and fossils. Information provided at the Earthquake Park venue would link directly to the Museum’s new Hall of Geological Wonders, which will showcase the San Andreas Fault, its effect on the region and its fossil riches. Additionally, the Earthquake Park venue would offer residents exposure to county and regional aspects of disaster preparedness, personal and home safety information, and is likely to reduce the overall risk of loss after an earthquake.

The design and construction of the park can be facilitated through one-time funding. However, cooperative partners in this project would provide both equipment and land. This project aligns with potential Seismic Safety Committee goals on a federal and state level.

MOABI REGIONAL PARK

Regional Parks

Funding Request: \$2 Million

Total Project Cost: \$6 Million

Moabi Regional Park Channel Rehabilitation: (\$4,000,000) In order to facilitate water flows year round, eliminate health risks and provide the Sheriff with more access to the River for safety and emergency events, Regional Parks proposed improvements to Moabi's inlet and outlet channel.

Project Description: The project entails the dredging of channel inlet 300' to 400' from the River up to the abandoned flow structure thus removing approximately 4'-0" of silt. Also, dredging will need to occur at the current Marina access inlet/outlet to eliminate a large sand bar that restricts water traffic even at high river flows.

Flow Structure Removal and Bridge Installation: Reconfiguration of the existing and abandoned flow structure will entail the complete removal of three +/- 48" VCP inlet pipes and removal of the water flow control structure. After the dredging and widening of the inlet, the design and installation of a two-lane (24'-0" minimum) span constructed vehicular bridge. The bridge will allow Park campers continued vehicular access to Peninsula site 1 through 16. Analysis of the upper inlet area indicates that a +/- 120 lineal foot bridge, constructed 26 to 30 feet wide, with a standard pile and pile cap arrangement, in three 40 foot sections would adequately allow clearance for 85% to 90% of all boat traffic on the river. It will also eliminate approximately 20 minutes of emergency response time for the Sheriff and create more access to the Moabi Park Marina.

The existing subsurface rock bar, which is an old railroad alignment, is located at and across a portion of the entrance to the Moabi Park Marina. The rock bar, which lies just below the water line at its lowest level, will have rock material added so as to fully expose the bar regardless of the water level. It is intended to create a breakwater for the Marina thus protecting craft occupying the existing and new mooring space in the marina. Design and fully replace the existing "A" and "C" docks within the Moabi Park Marina. This project requires the total replacement of dock pilings, along with the complete replacement of flotation units, substructure and decking.

MOJAVE NARROWS REGIONAL PARK

Regional Parks

Funding Request: \$4.5 Million

Total Project Cost: \$6 Million

Due to the increasing encroachment of urban development resulting in the loss of watershed urban runoff has greatly impacted the stability and natural environment of Horseshoe Lake. Located on the western boundary of the Mojave Narrows Regional Park and in the flood plain of the Mojave River, Horse Shoe Lake is an important are of fresh water habitat and bird activity. However, the increasing encroachment of urban development, the loss of watershed and increased urban runoff has greatly impacted the stability and natural environment of Horseshoe Lake. Urban runoff during winter rains, especially in "El Nino" years, has drastically increased the amount of trash, debris, sediment and potentially toxic materials that negatively impact the aquatic environment of the Lake. Unfortunately the lake is in need of protection and relief from the urban runoff threats, the lake also

requires dredging from past sedimentation to improve the habitat for fish and wildlife. Bank stabilization is needed to protect the wildlife habitat on the lake and make it safe for school groups to gain access to and observe bird activity and lake habitat. In the center of the Horseshoe Lake is an island that serves as home to many species. As part of the dredging project a great deal of non-native material needs to be evaluated and removed from the Horseshoe Lake Island. A stabilization and planting plan for the banks and island will show sensitivity to the project's location and is key to the environmental education segment of the planned Nature Interpretive Center.

Project Description: The removal of silt and debris from past urban runoff in the Upper Pond, bank stabilization on the inner slopes, and redesigning the spillway will also directly benefit and assist in the maintenance of Horseshoe Lake. Regional Parks will use the development of these two water sources will be used to demonstrate the importance of water and the use of a vernal water system to students and visitors.

YUCAIPA VALLEY REGIONAL SOCCER COMPLEX (Phase II)

Regional Parks

Funding Request: \$450,000

Total Project Cost: \$1.2 Million

The Yucaipa Valley Regional Soccer Complex is a cooperative effort between San Bernardino County and the Yucaipa Valley Youth Soccer Organization. The Organization has completed the Phase I design and construction, and is maintaining and programming this 30-acre complex adjacent to Yucaipa Regional Park. Phase II adds the necessary amenities that will allow the facility to be used for larger regional and statewide tournaments, scouting jamborees and community activities. The complex will compliment the existing Regional Park and the City of Yucaipa by providing enhanced family activities, along with meeting the need for fields for youth and adult leagues.

Project Description: Completion of Phase II includes an internal roadway and parking lots (\$450,000), and the upgrading of the primary access road from Oak Glen Road to the soccer complex (\$800,000). Both these components are needed to provide safe, unimpeded, all weather public access to and from the complex.

RELOCATE MOONRIDGE ANIMAL PARK (ZOO)

Regional Parks

Funding Request: \$2 Million

Total Project Cost: \$6 Million

Background: The Moonridge Zoo is the only zoo in San Bernardino County. In February 2009 the Moonridge Zoo will lose its lease at the current location. The land has already been sold and there is no potential for renegotiation. San Bernardino County has recently negotiated a lease for 25 acres of Forest Service land next to the USDA Forest Service Discovery Center located in Big Bear Valley. This land will be the new home for the animals and will allow for a modern expanded facility to be built. This partnership with the USDA Forest Service is unprecedented. It will be the first time a zoo of any kind has been allowed on Forest Service land and will give the public an unparalleled experience in learning about the forest and the alpine ecosystem. The cost of the new facility is estimated at \$12 Million. Grants and local contribution to date have raised approximately \$5 Million. There is tremendous public approval for this project. Membership to the Animal Park is worldwide.

The Moonridge Animal Park started in 1959 when an injured raccoon and deer were dropped off at

the doorstep of the Big Bear Recreation and Park District. With no other source to take care of the animals the district took on the responsibility. Since that humble beginning the Animal Park is currently located on 2.5 acres and is home to over 100 animals. The Animal Park is a recognized rehabilitation facility by the State Fish and Game Department. Most of the animals in the Park were injured, orphaned, or considered a public nuisance and cannot be returned to the wild. All of the animals are special but the stars of the Park are the Snow Leopards from Nepal, American Wood Bison (only ones in California), 3 young mountain Lions (protected species in California) and 3 Grizzly Bears. The Grizzly Bears were victims of the 3 strikes law. The animals were going to be destroyed because they were considered a threat to the public. The community of Big Bear started a campaign and raised the funds to bring the bears to the Park. It is ironic that in the State of California were the Grizzly Bear is a symbol of our State, the only place that the public can see a live Grizzly Bear is at our Park.

The requested \$2 Million will be used to construct the new animal park facility. These funds, with the already raised \$5 Million will insure that the first phase of the project can be completed. This phase is to build the critical infrastructure and animal facilities needed to move the animals from their current location to the new facility. Other needed but less critical facilities such as gift shops, education centers, and etc. will be built as other funds are received through various fund raising efforts.

GOVERNMENT OPERATIONS

BAKER FIRE STATION

County Fire

Funding Request: \$1.6 Million

Estimated Total Project Cost: \$1.6 Million Ongoing

The northern and eastern portions of San Bernardino County are known as the “un-funded fire protection area” since there is no established fire protection district that serves the area and very little privately owned land to support such a fire district. The majority of the area is public land owned by the federal government and bisected by I-15 and Interstate 40. In addition, several state highways, including routes 58, 62, 95, 127, and 395 transect these public lands. Within the last couple of years, an additional 600,000 acres of private lands have been transferred to the federal government ownership within San Bernardino County. Historically, and by direction of the Board of Supervisors, San Bernardino County Fire Department (County Fire) provides fire and rescue services in this portion of the county.

November 2006 County Fire completed construction of Station 53 in Baker for the purposes to serve the northerly portions of the Baker fire protection area, and specifically I-15 from Barstow to the Nevada Stateline. This station’s first-in service area is approximately 4,000 square miles of primarily public lands. The part-time paid-call firefighters and fire apparatus assigned to Baker are housed at the new station. The Baker personnel respond to approximately 950 incidents per year, primarily traffic accidents that occur on over a hundred miles of I-15 and SH127.

The Board of Supervisors allocated \$2.1 million and County Fire allocated \$1.4 million of one-time funds for the recently completed fire station in Baker, but there are no funding sources for the required career staffing of the Baker Fire Station. A four-person engine company is the desired staffing level for the Baker Fire Station to provide adequate service to the area. A four-person engine company allows a rescue crew to operate safely as a single resource. This staffing level would maintain a Captain, Engineer, and 2 firefighters on duty each day. This staffing level is critical since the next closest fire station to support the Baker Fire Station personnel is the County Fire Station in Harvard,

which is 46 miles away.

Project Description: Support budget actions to fund a four-person engine company at the San Bernardino County Fire Station #53. This staffing level would maintain a Captain, Engineer, and 2 firefighters on duty each day. In order to maintain this level of service the funding of \$1.6 million would be necessary each year.

COUNTY FIRE HELICOPTER PROGRAM

County Fire

Funding Request: \$4.5 Million

Estimated Total Project Cost: \$5.3 Million

In the last two years San Bernardino County has experienced 3 large devastating fires within its boundaries. The Sawtooth Complex, July of 2006, located in the Morongo, Joshua Tree areas and adjacent mountain areas was started by dry lightning and burned over 60,000 thousand acres. The most recent Grass Valley and Slide fires located in the San Bernardino Mountains, specifically the Lake Arrowhead, Running Springs and Green Valley areas, started by downed power lines from the Santa Ana Winds caused wide spread damage to the forest, including the loss of structures which exceeded 300. This is the largest number of structures lost in the Mountain Communities to wild fire. At the same time many small fires broke out in the Inland Empire Area causing extreme strain on all area ground and air resources. California Department of Forestry and Fire Protection (Cal Fire) and the US Forest Service (USFS) were both assisting with air and ground support, but their resources were also strained due to the other major wild land fires that were burning throughout Southern California.

As a result these fires and others, San Bernardino County Fire is requesting a one-time amount of \$4.5 million to purchase a Huey II Helicopter. This dedicated fire helicopter would be used for initial attack of water drops and /or getting fire crews and supplies during fires to what are currently inaccessible fire lines by vehicles. Currently County Fire depends upon Cal Fire or USFS for air support on wild fires. By having immediate access to dropping water or retardant on a wild fire County Fire would hope this would prevent more fires from becoming disasters, provide better support to the ground crews fighting fires, and either prevent or decrease the numbers of structures lost.

Project Description: Support funding requests for the purchase of Huey II Helicopter for \$4.5 million to provide quick initial attach response to wild fires and provide continuing water drops or crew & supplies to inaccessible fire lines.

LAW AND JUSTICE

CAL-ID REGIONAL FINGERPRINT IDENTIFICATION PROJECT

Sheriff

Funding Request: \$1 Million

Total Project Cost: \$8.6 Million

In 1985, the Counties of Riverside and San Bernardino embarked on a joint venture to create a regional identification system that is designed to be shared by all law enforcement agencies in the 27,360 square mile jurisdiction (with a combined population of over 3,250,000). The system provides fingerprint, photo and DNA services to all public safety agencies including local police departments, district attorney, school districts, coroner and Sheriffs' Departments in Riverside and San Bernardino

counties. It is also available to other state and federal law enforcement agencies that utilize these services on a routine basis.

Project Description: The need to identify criminals and threats to national safety has always been a priority within the criminal justice system. The ability to share information is one of the ways in which to reach this goal. The San Bernardino/Riverside Regional CAL-ID program has invested approximately \$2.3 million toward this project. This request is for federal funds in the amount of \$1 million to partially fund the San Bernardino County CAL-ID Program.

CRIME ANALYSIS UNIT PROGRAM FUNDING

Sheriff

Funding Request: \$650,000

Total Project Cost: \$2 Million

The San Bernardino County Sheriff Crime Analysis Unit's mission is to enhance the efficiency and effectiveness of the Department by providing timely, accurate and useful information to patrol deputies, detectives, and command staff pertaining to tactical, strategic and administrative crime analysis.

The Crime Analysis Unit has rapidly grown since the mid-90's while continuing to provide investigative support to various divisions, 10 sheriff stations, and 14 contract cities throughout San Bernardino County. As a result of this growth, staffing levels have increased to address the growing needs of the Sheriff's Department.

Project Description: The San Bernardino County Sheriff's Department has recognized a need for modern equipment and Criminal Programs that can meet the needs of various divisions throughout the department. Funding is requested for the Sheriff's Crime Analysis Unit, which includes Law Enforcement Investigative Computer Software, Blood Alcohol Analysis System, Polarized Light Microscopes For Controlled Substance Analysis, Energy Dispersive X-Ray Spectrometer, Stereomicroscope, Skeletal Remains Predictive Profiling Research Program and Data Information Management System (DIMS).

POLICY PROPOSALS

FLOOD CONTROL

FEMA LEVEE CERTIFICATION MANDATE

Public Works

Recently the Federal Emergency Management Administration (FEMA) required levees throughout the nation to be certified within a very short timeline. Though the timeline has been extended to two years the cost of this unfunded mandate is overwhelming many of the flood control districts' financial and personnel resources. The emphasis on levees is understandable in the wake of the levee failures from Katrina in New Orleans and the California Central Valley/Delta levee problems and failures. However, many areas have levees that do not function in the same way the Central Valley and New Orleans levees are meant to perform. Some of these levees are dry a predominate amount of the year and merely direct flows during storm events. They do not continuously retain water.

FEMA should recognize the difference in levee systems and not generate such a blanket demand. Levee should be certified but those levees that are not a continuous water retaining type system

should be allowed a longer time to gain certification without adversely affecting the FEMA Flood Insurance Rate Maps.

Legislative Position: Support Legislation allowing levees that are not continuous water retaining type system a longer time to gain certification without adversely affecting the FEMA Flood Insurance Rate Maps.

MIGRATORY BIRD TREATY ACT CLARIFICATION

Public Works

The Federal government passed the Migratory Bird Treaty Act meant to prevent and reduce the hunting of birds during their nesting and migration season. Resource agency interpretation of the Migratory Bird Treaty Act has limited local agencies ability to maintain their various types of facilities. The County's Flood Control Districts have been hit hardest by this interpretation since they have not been allowed to clean out basin and channel facilities. These facilities must be cleaned out before the start of the normal storm season which beginning October 15th. The migratory bird season ends in September and therefore only allows an extremely short timeframe to perform maintenance. The consequences of not having flood control facilities ready for the storm season can be dire risking life and property.

Legislative Position: Support legislation that will clarify or limit interpretation of the Migratory Bird Treaty Act to allow regular maintenance of flood control and other public facilities.

GOVERNMENT OPERATIONS

BARK BEETLE INFESTATION MITIGATION PROGRAM

County Fire

The Bark Beetle emergency involves the destruction of tens thousands of native pine trees in the San Bernardino and Angeles National Forests due to drought and an infestation of the Bark Beetle. This situation has now reached epidemic proportions, with as many as 1 million dead or dying trees in 475,000 acres of the San Bernardino Mountains alone, and a projected loss of up to 100% of the coniferous forest in these areas. The crisis situation has resulted in a severe fire hazard that poses significant threat to public safety, the local economy, and the ecology within these mountain communities. Areas of San Diego and Los Angeles Counties are also experiencing similar infestation and related impacts.

The County of San Bernardino declared a local emergency regarding the Bark Beetle infestation on April 23, 2002 and again on September 24, 2002. Riverside County also declared the emergency twice and both Counties requested that a State of Emergency be declared by then Governor Davis, who subsequently issued a proclamation of a State of Emergency on March 7, 2003. Both Counties also requested that the Governor request a Presidential Declaration of Emergency. As of this date, no Presidential Declaration has been issued.

The State Declaration and subsequent actions of the California Public Utility Commission (CPUC) has directed Southern California Edison to remove all trees that place their power lines at risk. Edison estimates that if it contractors cut 275 trees a day it will take them between 6-7 years to remove all the trees. SCE's current cost estimate is \$350 million.

Through efforts of local congressional offices, FEMA did redirect \$3.3 million in grants to San Bernardino and Riverside Counties. These funds, that include a 10% match, have been used in San Bernardino County to address dead tree removal, assistance to local property owners, establish

methods and purchase air curtain destructors to cost effectively remove tons of tree slash material, and to work with the logging industry/tree cutters to effectively reduce the costs to local property owners.

San Bernardino County Board of Supervisors has committed \$500,000 in general fund support for the disaster mitigation efforts, and has established a \$2 million dollar reserve for future allocations and grant match requirements. In addition, the Board allocated \$85,000 in CDBG funds to assist low and moderate-income families. Additional congressional appropriations has allocated \$30 million to the United States Forest Service (USFS), with \$10 directly assigned to the Forest Service, and \$20 million to state and local entities in San Bernardino, Riverside, and San Diego Counties. The actual program allocations have yet to be determined by the USFS.

Legislative Position:

- Support legislation that creates a stable source of “hazard mitigation” funding that can be used by State OES to combat such emergencies now and in the future.
- Support legislation that allows the use of Caltrans equipment, California Department of Forestry resources, and the National Guard to collaborate with the counties in developing and implementing their action plans.
- Support legislation to allow a federal income tax deduction for homeowners who expended personal funds for the removal of infested trees from their property.

FOREST MANAGEMENT AND PROTECTION

County Fire

Disastrous forest fires in recent years have been exacerbated by the lack of proper forest management including brush clearance, trail maintenance, and adequate staffing and equipping of fire crews. The National Forest Service received a large increase in appropriations for FY 2001 to expand fire protection efforts nationally. Within San Bernardino County this is especially important given the high density of pockets of private lands and the urban/wild land interface.

Legislative Position: Support the continuance of the National Forest Service funding to ensure that the forests remain healthy and that pro-active fuels management does take place.

PERCHLORATE CONTAMINATION

Public Works

Soil and groundwater investigations have determined that perchlorate is not emanating from the existing Mid Valley Sanitary Landfill (MVSL). In 1994, after an extensive environmental investigation report found no significant issues, the County purchased a portion of the Rialto Ammunition Backup Storage Point to use for future expansion of the MVSL. In 1999, perchlorate was discovered to be potentially emanating from on or near the property the County purchased in 1994. Therefore, in an effort to protect the citizens of the area, the SWMD has spent approximately \$3.5 million to investigate and characterize perchlorate-related impacts to groundwater that are believed to have originated on or near this property. Soil on of future expansion areas. Areas surrounding expansion sites have tested positive for perchlorate in large amounts. The SWMD is expected to spend another \$4 to \$5 million to intercept and contain the identified perchlorate plume, and to construct a treatment plant that assures continued delivery of drinking water to the City of Rialto at its Well No. 3. The County will also be spending approximately \$1 million per year through the life of the cleanup (approximately 10 to 20 years) to keep the treatment plant operating. Additionally, extensive testing of soil on the property will be required and removal and disposal of any contaminated soil will be required. This is currently budgeted at \$5 million.

The County is involved in a legal process to recoup funding from private companies and the Department of Defense who previously owned or conducted operations on the property, which is believed to have resulted in the presence of perchlorate. Most of these private companies are either defunct, bankrupt, or cannot be located and funding gained from these sources, if any, is years away.

Legislative Position:

- Appropriate (Fund) the California Reclamation Groundwater Remediation Initiative to assist the County in effort to clean up impacts created by the existence of perchlorate contamination to soil and groundwater in and around future landfill sites.
- Request funding from the Environmental Protection Agency's State & Tribal Assistance Grant account to remediate contaminated water/wellhead treatment located within the natural watershed of the Santa Ana River.
- Request funding from the Department of Defense, Defensewide, Operations & Maintenance Account - Environmental Restoration or Environmental Restoration, Formerly Used Sites to remediate contaminated water/wellhead treatment located within the natural watershed of the Santa Ana River.

HOMELAND SECURITY

County Fire

Emergency preparedness and response has an elevated significance in public policy since the events of September 11, 2001. Due to that tragedy, Congress approved the President's creation of the Department of Homeland Security. Since that time, Congress has funded over \$3 Billion in local anti-terrorism block grants provided in direct federal funding for counties and cities and give local governments.

To date, federal funds appropriated have yet to fully reach local jurisdictions. Local governments must be proactive as this new agency gears up operations to ensure that States do not "rake-off" funds as is done with other federal dollars dedicated for local purposes.

Legislative Platform:

- Oppose legislation or budget actions for allowance of excessive "rake-off" for State administration of funds.
- Support legislation or budget actions for funding flexibility and enhancement of local authority.

HUMAN AND SOCIAL SERVICES

PROPOSED MEDICAID REGULATIONS

Arrowhead Regional Medical Center

In January 2007, the Bush Administration proposed regulations to substantially cut Medicaid payments to safety net hospitals and health systems. These cuts to Medicaid (Medi-Cal in California) would critically damage essential services like trauma and burn care. The Administration has also proposed to eliminate Medicaid graduate medical education payments that are used to train the country's next generation of physicians.

In May 2007, Congress took the first step toward stopping these cuts by enacting a one-year "moratorium" prohibiting the implementation of the proposed regulations. The National Association of Public Hospitals (NAPH) is leading a campaign urging Congress to extend the moratorium by one additional year. If the proposed Medicaid cuts are implemented next year, safety net hospitals around

the country will be at risk of reducing essential health care services to communities across the country.

The Medicaid rule would cut approximately \$4 billion in Medicaid funding nationally for safety net hospitals such as ARMC over five years. This would amount to an annual cut of approximately \$500 for California safety net hospitals and \$28 million for ARMC. Annual cuts to payments for Graduate Medical Education would total about \$80 million in California and about \$4.1 million for ARMC.

In further action aimed at overturning these regulations, the “Public & Teaching Hospital Preservation Act” (H.R. 3533/S. 2460) was introduced, extending the one-year moratorium by an additional year, from May 2008 to May 2009.

Legislative platform: Oppose Medicaid regulations that explicitly target public and teaching hospitals by:

- Imposing sweeping funding cuts totaling hundreds of millions of dollars that will force hospitals to eliminate vital services for patients.
- Eliminating Medicaid payments for teaching costs in hospitals that train physicians across the country, at a time when there is a national shortage of physicians.
- Usurping state authority to define which subunits are public – and challenging the statutory discretion established by Congress.
- Severely limiting how states finance Medicaid – leading to significant shortfalls in state budgets that will force states to cut services or impose taxes to make up the losses.

MEDICAID OUTPATIENT RULE

Arrowhead Regional Medical Center

On September 28, 2007 the Centers for Medicare and Medicaid Services (CMS) published a proposed rule entitled “Medicaid Program; Clarification of Outpatient Clinic and Hospital Facility Services Definition and Upper Payment Limit” that could have potentially significant effects on Medicaid reimbursement for outpatient hospital services.

The proposed rule is significant because it both narrows the regulatory definition of outpatient hospital services, and adopts restrictive and mandatory approaches to calculating the upper payment limits (UPLs) for outpatient hospital and clinic services provided by private providers.

Although the magnitude of the impact of the proposed changes is unclear, the proposed rule may result in lower payments for hospitals, both because some services would no longer be reimbursable as outpatient hospital services and because some services could no longer be included in calculating the outpatient hospital UPL. In addition, CMS proposes to reduce state flexibility in calculating the UPL applicable to private clinic services, requiring the use of Medicare fee schedules as the limit rather than costs.

While the UPL provisions of the proposed rule purport to apply only to private providers, the provisions are significant for governmental providers as well for at least two reasons. The proposed rule allows states to use costs as an acceptable UPL for private hospitals, and in so doing provides much more detail than previously on acceptable methodologies for determining costs, methodologies that would likely be used in applying any cost limit to governmental entities, such as ARMC.

The proposed rule would also have an indirect impact on disproportionate share hospital (DSH) reimbursement for private and governmental hospitals alike, although this aspect of the proposal is not acknowledged by CMS. To the extent that the new, narrow definition of outpatient hospital services excludes services a state is currently treating as outpatient services, the uncompensated care costs associated with those services would no longer be includable in a hospital’s DSH cap.

Excluded services would likely include routine dental and vision services, professional services, clinic services not provided by a provider-based hospital department and other services not covered in the Medicare outpatient hospital benefit.

While CMS does not discuss the rule's applicability to waivers, unless a state has a waiver of the outpatient hospital services definition and outpatient hospital and clinic UPLs, we anticipate that this proposal will impact those states as well.

Legislative Platform: Oppose regulations that could reduce payments to governmental agencies, such as ARMC, for outpatient hospital services.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP) REAUTHORIZATION

Health Services

Congress established the State Children's Health Insurance Program (known as Health Families in California) in 1997 to support state efforts to expand health coverage to uninsured children. Congress targeted SCHIP to children whose family incomes were relatively low, but above limits for Medicaid (Medi-Cal in California). However, while the federal government provides unlimited funding to match eligible Medicaid spending, the total amount of funds available for SCHIP was set for 10 years in the 1997 law. This means that the level of federal support has not responded to the actual level of program needs. The current funding for SCHIP expired on September 30, 2007, but a continuing federal resolution is now funding the program at the old levels pending a resolution to SCHIP reauthorization.

SCHIP has been generally recognized as an effective program by both political parties. It plays two important roles for low-income children. First, it covers uninsured children. Second, it helps buffer the impact of declining job-based health coverage on these children.

Despite the success of Healthy Families, California continues to have a substantial number of uninsured children. Historically, a greater share of children has lacked coverage in California than in the US as a whole. The share of uninsured children declined both in California and in the US as a whole between 2000 and 2004, although the decline was much larger in California.

California could face an SCHIP shortfall totaling \$2 billion to \$3 billion over the next five fiscal years – the period for which Congress will likely reauthorize SCHIP funding – if funding levels are not increased. That is because California has nearly exhausted unused SCHIP funds from prior years, and California's current allotment of \$791 million is far from adequate to support the future needs of the program.

The President's just released 2008-09 Budget proposes to fund SCHIP with an additional \$19.7 billion through FY 2013 for a program total over five years of \$45.1 billion. Unfortunately, the \$19.7 billion increase for SCHIP would not allow states to cover more uninsured children who are eligible but not yet enrolled in SCHIP. In fact, states will need an increase of approximately \$24 billion over the next five years just to maintain current enrollment levels due to health care inflation. With this level of funding, California would be forced to start dropping otherwise Healthy Families eligible children within 2 years.

Legislative Platform: Support SCHIP reauthorization legislation that would increase federal funding for the program, while maintaining budget discipline.

DRUG/FLEEING FELONS AND DOMESTIC VIOLENCE /MENTAL HEALTH SUBSTANCE ABUSE ACTIVITIES

Health Services

Per the Federal Interim Final Temporary Assistance for Needy Families (TANF) Rules, known as CalWORKs in California, states are required to include drug and fleeing felons in their definition of “work-eligible” individuals, although these individuals cannot be aided. This means that counties are required to provide or at least offer Welfare-to-Work (WTW) services to drug/fleeing felons and to include them in their work participation rates (WPR), but these individuals are not required to participate. Some of the WTW services available are assistance with job searches, unpaid work experience, and vocational training. The purpose for providing these services is to assist these individuals in becoming self-sufficient, while also working toward increasing county and state WPR. However, there are no viable means by which to sanction these individuals for non-participation when they fail to participate in these activities. This puts counties and states at a disadvantage when calculating their WPR.

Additionally, counties are required by both the Federal and State governments to provide domestic violence, mental health, and substance abuse services to recipients, but there are limitations on whether these activities are considered a core activity. A core activity is a productive work activity that is thought to lead directly to self-sufficiency, such as unsubsidized or subsidized employment, on-the-job training, and work experience. In order for counties and states to meet the required WPR, recipients must be participating in a core activity for a specified number of hours.

The only way to classify treatment for mental health and/or substance abuse as a core activity is to assign it as an activity under the job search/job readiness title and in conjunction with another approved core activity. Job search/job readiness can be used for only four weeks consecutively and for a total of up to six weeks per Federal fiscal year. The majority of our recipients that are in need of mental health and/or substance abuse treatment need much more than six weeks per year in order to achieve success and self-sufficiency. For those recipients who are experiencing domestic violence the county may use a domestic violence waiver if the recipient is in a domestic violence shelter and participating in domestic violence services. A domestic violence waiver may entitle a recipient to be excused from some requirements such as work and school. This restriction limits the number of domestic violence victims that can receive adequate services to prepare them for the workforce. Not only does the current system set the recipient up for failure, but it also eliminates the valuable time made available to them to actually search for employment once treatment has been completed. This in turn sets counties and states up for possible financial penalties for failure to meet WPR.

Legislative Position: Support legislation or budget actions that will remove drug/fleeing felons from being included in the definition of a work-eligible individual in the TANF Interim Final Rule. Additionally, support legislation that would amend federal and state WPR regulations to specifically allow DV/MH/SA services to be included as core activities.

ELDER JUSTICE ACT

Health Services

Although the number of older Americans is fast growing, the problem of elder abuse, neglect, and exploitation has long been invisible and presents a grave issue facing millions of American families. A program is needed at the national level to provide federal resources to support state and community efforts dedicated to fighting elder abuse with scarce resources and fragmented systems. While the county’s Adult Protective Service (APS) cases were declining in recent years, the county is now experiencing a sharp increase in the number of APS cases. Moreover, passage of recent state legislation now requires employees of financial institutions to report instances of financial abuse of elders and dependent adults. Implementation of this law, with a projected aging population increase,

will cause APS caseloads to increase even more, leading to a need for more resources to investigate referrals to APS.

From a social perspective, elder justice means assuring adequate public-private infrastructure and resources to prevent, detect, treat, understand, intervene in, and where appropriate, prosecute elder abuse, neglect, and exploitation. From an individual perspective, elder justice is the right of every older person to be free of abuse, neglect, and exploitation.

Legislative Position: Support legislation or budget actions that protect the interest of seniors by improving the quality of life seniors.

TANF REAUTHORIZATION TECHNICAL CLEAN UP

Health Services

In 2006, Congress and the President reauthorized the Temporary Assistance for Needy Families (TANF) program, which provides cash benefits to needy families. Laws and regulations under the TANF Reauthorization impose stricter work participation requirements for TANF families as a condition of receiving those benefits. Unfortunately, many of these requirements place onerous burdens on state and local governments and impose financial penalties for failure to meet requirements mandated under the reauthorization.

Among provisions that require a technical clean up to ensure that states and counties are not faced with meeting an extremely difficult mandate, there are two in particular.

First, TANF recipients are required to meet 30 hours of participation in employment oriented activities. For regularly employed recipients, hours of participation are based on the number of hours worked. However, for self-employed recipients, hours of participation are determined by the amount of net earnings after expenses are deducted from gross earnings, divided by minimum wage. This requirement unfairly penalizes self-employed TANF recipients and will hamper counties' ability to meet the federal work participation rate and would result in substantial federal penalties, both at the state and local level.

Second, states and counties are required to have 50% of their TANF caseload participating in welfare-to-work activities. However, 90% of cases containing two parents are required to participate in welfare-to-work activities. California has lowered its welfare caseload significantly since 1996, but the new 90% mandate will be difficult to meet because the remaining two-parent cases contain families with multiple barriers, such as mental illness, lack of English proficiency, or chronic illness. It is widely recognized among the states that this mandate will be very difficult to meet. The 50% standard is a more just and equitable threshold for the state and counties and will ensure that resources are spent in an equitable manner.

Legislative Position: Support legislation or budget action that determine hours of participation of self employed TANF recipients based on gross earnings. Support legislation to apply the 50% participation standard to two-parent TANF households.

LACK OF MEDICAID REIMBURSEMENT FOR INSTITUTIONS FOR MENTAL DISEASE

Health Services

When enacting Medicaid, the federal government specifically excluded payments for patients in state psychiatric hospitals and other institutions for mental diseases, or IMDs, to accomplish two goals:

- Foster deinstitutionalization; and
- Shift the costs back to the states, which were viewed by the federal government as traditionally responsible for such care. States proceeded to transfer massive numbers of

patients from state hospitals to nursing homes and the community where Medicaid reimbursement was available.

Indigent persons who need treatment in a hospital can count on Medicaid to pay for diseases of the heart, liver, blood and most other body organs. However, Medicaid will not cover the individual if he or she is between the ages of 21 and 65, has a disease in his or her brain and needs care in a psychiatric hospital. The Federal government's IMD Exclusion prohibits Medicaid from covering any treatment (even non-psychiatric) in state and private psychiatric hospitals and other IMDs.

The federal government reimburses states for between 50 and 80 percent of treatment under Medicaid. Because treatment in an IMD is excluded from Medicaid reimbursement, the states have a significant fiscal incentive to limit treatment in psychiatric hospitals. This is the driving force behind reinstitutionalization as states seek to push patients out of the hospitals and into Medicaid-eligible services where the federal government picks up most of the cost, even though treatment may be unsatisfactory, more costly and less effective.

Medicaid's denial of coverage results in homelessness, incarceration, victimization and even death for many people who are so ill they are unable to care for themselves. Of the 4 million Americans with schizophrenia and manic-depression, approximately 50 percent (2 million) are not being treated on any given day. By the Justice Department's own statistics, there are currently about 283,800 mentally ill people locked up in the nation's jails and prisons. The Los Angeles County Jail and New York's Riker's Island are currently the two largest treatment facilities for the mentally ill in the country. Another 150,000 to 200,000 mentally ill are homeless, and more than ten percent will die from suicide.

Legislative Position: Support legislation or budget actions that would provide Medicaid reimbursement for patients in Institutions for Mental Diseases.

SUBSTANCE ABUSE PARITY

Health Services

It is estimated that over 120,000 Americans die each year as a result of drug and alcohol abuse. The estimated cost to taxpayers is nearly \$276 billion per year and includes increased health care, law enforcement, automobile accident, drug related criminal activity and lost productivity per year. Despite these statistics, many health plans do not offer substance abuse treatment to their subscribers, and many other plans severely limit the services provided.

As a result, many individuals who are covered by health care service plans or disability insurance for other medical conditions wind up competing with the indigent and other categorical clients for the very limited publicly- funded treatment slots contracted for by the County.

Additionally, a 2001 study by the independent California State Legislative Analysts Office (LAO) shows that while substance abuse treatment is relatively expensive on an individual basis, the cost is comparatively small when compared to overall health expenditures and when spread out over all enrolled members because few members receive substance abuse treatment. In addition, in the longer term, the LAO states there appear to be offsetting savings from avoided future medical care. This avoided expense would tend to hold down total health expenditures and offset the cost of treatment for alcohol and drug abuse.

Although some states (including California) have mandated that health insurers provide substance abuse treatment, state laws (again including California) still permit insurers to time-limit outpatient and inpatient services, unlike treatment offered for physical diseases or injuries. Federal legislation requiring health insurers to offer substance abuse treatment on the same basis as that for physical disorders is needed.

Legislative Position: Support legislation or budget action that requires health care service plans and private disability insurers to provide substance abuse treatment to their subscribers on the same basis as that provided for physical disorders.

SOCIAL SECURITY INSURANCE DISABILITY FOR FOSTER YOUTH

Health Services

Current federal law allows disabled incarcerated inmates to apply for Supplemental Security Income (SSI) benefits while in prison, even though the inmate is ineligible to receive those benefits while in the correctional facility. The purpose of this law is to allow the inmate access to SSI benefits upon release from incarceration. However, current federal law prohibits foster youth who are soon to age out of foster care from applying for those same benefits while in foster care, because federal foster care payments for the youth are deemed as income for the purposes of applying for SSI benefits and renders them ineligible for those benefits.

Current federal law requires that a disabled foster youth receive no income, including federal foster care payments, in order to be eligible to receive SSI. SSI applications often take months to process and approve, often requiring a disabled emancipated foster youth to go many months without income or support before final approval for SSI benefits. This places many disabled emancipated foster youth at risk of using other county funded services, such as general relief. If federal law were changed to allow soon-to-emancipate disabled foster youth to apply for SSI benefits under a similar statute that grants this right to incarcerated felons, this would assist these foster youth to avoid risking reliance on county funded services until their SSI application is approved.

Legislative Position: Support legislation or budget actions permitting soon-to-emancipate foster youth to apply for SSI benefits while in the foster care system.

TITLE IV-E FUNDING FOR GUARDIANSHIP SERVICES

Health Services

Current federal IV-E funding does not provide assistance payments when a foster child is made a ward of a legal guardian as their permanency plan. Federal IV-E funding does provide funding for both adoption as a permanency plan and for long-term foster care. However, most states, including California, recognize legal guardianship as a viable form of permanency for foster children. At this point, there is no federal financial participation when states' juvenile courts create guardianship as the alternative permanency plan instead of adoption.

Both the Federal government and states and counties, would realize savings through federal financial participation in legal guardianships. The savings would accrue because the costs for the juvenile court case and the social worker case management would be eliminated through the establishment of legal guardianship.

Recent research ("Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care," The PEW Commission on Children and Foster Care, 2004), commissioned by Congress recommends that Title IV-E funding be used to subsidize legal guardianship as a form of assistance for foster children.

Legislative Position: Support legislation or budget actions allowing Title IV-E funding for legal guardianship.

STABLE FUNDING FOR FEDERAL BIOTERRORISM GRANT PROGRAMS

Public Health

After the erosion of public health infrastructure over the past several decades, the federal Bioterrorism Preparedness grants from the Centers for Disease Control and Prevention have provided much needed investment in local public health systems.

However, after an initial surge in funding to state and local public health departments, federal funding for this vital program now fluctuates, with the general trend in funding going down year by year. Bioterrorism grants are complex to administer, and counties have found that developing plans, budgets and reporting requirements requires a stable funding source to enable them to plan ahead. This is not so much a request that funding for the grants be increased, but rather that it remain stable to enable the state's local public health departments to make sure that programs funded by the grants can count on receiving a known funding amount in the future. In the absence of stable federal funding, local public health departments may be required to eliminate some programs, or, in a worst-case scenario, rely on county general funds to continue these programs.

Legislative Position: Support legislation or budget actions that would stabilize federal bioterrorism grant funding to states and local public health departments.

INCREASE THE PUBLIC HEALTH WORK FORCE

Public Health

An adequate supply of well-prepared public health professionals is essential to an effective public health system in America. Concerns about bio-terrorism and terrorist attacks as well as the outbreak of Sudden Acute Respiratory Syndrome (SARS) and a potential avian flu pandemic have made the country more acutely aware of the important responsibilities of the Nation's public health system. At the same time, there is concern about the adequacy of the public health workforce, both in terms of the number of workers and their skills and competencies.

A study by the National Center for Health Workforce Analysis found that recruitment difficulty for public health professionals is widespread. These recruitment problems affected the existing public health workforce. The inability to fill vacant public health positions typically led to chronic understaffing and difficult working conditions. Many local public health departments reported that they had learned to 'do more with less', but in many instances they were unable to maintain the level of services provided. As a result, direct patient services were reduced (i.e., hours or cases); the start-up of new programs was delayed and population-based services were cut back.

The Department of Public Health reports that the department has encountered continuing difficulties in hiring qualified public health professionals. The department believes that maintaining an adequate supply of public health professionals is necessary for the department's mission of protecting the health and safety of the citizens of San Bernardino County.

Legislative Position: Support legislation or budget actions to increase the number of qualified public health medical professionals.

SUPPORT COMMUNITY MENTAL HEALTH SERVICES IMPROVEMENT

Behavioral Health

Community mental health has been chronically under funded for many years and struggles to meet basic health needs of those it serves in the face of low reimbursement rates, shrinking budgets, and workforce shortages. The Community Mental Health Services Improvement Act — introduced in the

U.S. Senate with bipartisan support, seeks to strengthen the nation's community mental health system.

S.2182, currently in the U.S. Senate, calls for two major provisions — to collocate primary care services in community mental health settings and to support innovative programs for mental health workforce recruitment and retention.

Passage of this legislation will allow mental health providers to recruit qualified primary care professionals to provide essential health services to patients with serious mental illness. This is a critical need, given that patients with mental illness die on average 25 years earlier than the general population, largely due to chronic and unattended medical conditions.

The Community Mental Health Services Improvement Act also provides for innovative programs to address behavioral health workforce needs in designated mental health professional shortage areas. The act calls for loan forgiveness and repayment as well as expanded education and training to support the recruitment and retention of qualified mental health workers, especially for racial and ethnic minorities. Finally, S. 2182 also provides for grants to integrate treatment for individuals with a serious mental illness and co-occurring addiction disorders; to help the community mental health system improve information technology; and to establish facilities for tele-psychiatry and patient education in rural and other medically underserved areas.

Legislative Position: Support legislation or budget actions that will allow mental health provider essential health care services to patients with serious mental illness.

MEDICARE MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT PARITY

Behavioral Health

Medicare covers only half of the cost of mental health care but 80 percent of the cost of general doctors' visits. Medicare's inpatient psychiatric hospital benefit has a lifetime limit of 190 days, but no there is no lifetime limit for general inpatient hospital care. A recent survey found that 38 percent of older and disabled persons with Medicare had difficulty paying for mental health services.

Providing less coverage for mental health services than for general health services is problematic; it financially discriminates against those seeking mental health treatment, perpetuates the stigma of mental health care as different from general health care, and, to the extent these persons make use of county mental health services, creates a drain on county resources. In addition, Medicare, with the exception of smoking cessation, does not cover alcohol and drug abuse treatment. It does, however, pay large amounts of money to treat substance abuse-related physical illnesses among the elderly. It is estimated that nearly one out of every four dollars Medicare spends on inpatient hospital care, and one out of every five Medicare hospital admissions, are attributable to substance abuse. Treating substance abuse-related illnesses would cost the Medicare program one trillion dollars over the next 20 years. Even a ten percent reduction in the amount of substance abuse would save the Medicare Trust Fund \$100 billion over the next 20 years. Additionally, to the extent that Medicare beneficiaries make use of county substance abuse treatment services, scarce county funds for these services could be preserved for other treatment purposes.

Legislative Position: Support legislation that removes discriminatory features from the Medicare mental health benefits while facilitating access to up-to-date and affordable mental health services for senior centers and people with disabilities.

CAL-VET HOME LOAN PROGRAM

Veterans Affairs

Current law governing the use of the tax-exempt bonds to fund veterans home loan programs, as contained in Section 143 (l)(4) of the Internal Revenue Code, limits these programs to only those “qualified veterans” who served their country prior to 1977. It also states that a “qualified veteran” is one who has applied for the financing before the later of (1) the date 30 years after the last date on which such veteran left active service, or (2) January 31, 1985. Thousands of men and women have served this country after 1976 in both peacetime and times of war.

There are seven states, including California, that currently have veteran home loan programs, and they are being affected by this regulation. In turn many veterans and their families are being denied the opportunity to participate in these home loan programs. All veterans, regardless of when they served, should be provided the same opportunity to have access to these programs.

Legislative Position: Support legislation or budget actions that would revise the IRS code Section 143 (l)(4) relative to the CAL-VET Home Loan Program that would remove the limitation of service before January 1, 1977.

PRESUMPTIVE SERVICE CONNECTION

Veterans Affairs

The Department of Veterans Affairs (VA) presumes that specific disabilities diagnosed in certain groups of veterans were caused by their military service. The VA does this because of the unique circumstances of their military service. If one of these specific disabilities is diagnosed in a veteran in one of these certain groups, then the VA presumes that the circumstances of his/her service caused the condition, and disability compensation can be awarded.

There are several other disabilities, which are not included in the VA’s list, that have also been shown to be a direct result of military service. These include Hepatitis C, “blast injuries”, acoustic trauma, Post Traumatic Stress Disorder (PTSD), and Traumatic Brain Injury (TBI). In the case of all the previously listed disabilities it has been established that there is a cause and effect relationship between military service and the onset of the disability. Numerous veterans are suffering from these disabilities, and are not receiving the benefits to which they should be entitled. Therefore these disabilities should be included in the VA’s list of disabilities that warrant a Presumptive Service Connection.

Legislative Position: Support legislation or budget actions that would grant Presumptive Service Connection for Hepatitis C, “blast injuries”, acoustic trauma, Post Traumatic Stress Disorder (PTSD), and Traumatic Brain Injury (TBI).

OUTREACH SERVICES PROVIDED BY THE DEPARTMENT OF VETERANS AFFAIRS

Veterans Affairs

Many of our nation’s veterans are unaware that they may be entitled to receive compensation for health conditions that they incurred as a result of military service, as well as other services. The Department of Veterans Affairs (VA) has a responsibility to help educate veterans on their entitlements. There should be a consistent effort on the part of the VA to inform veterans of the benefits available to them. This has been an ongoing battle for several years, and it is time to make a change that would ensure that veterans are aware of benefits to which they may be entitled. Many veterans need comprehensive help that would include mental, physical, and financial services provided by the VA. These services help veterans to resume living productive lives.

H.R. 67, The Veterans Outreach Improvement Act of 2007, which would increase the VA's responsibilities, has passed the House of Representatives with strong bipartisan support. This piece of legislation would serve to allow the VA to provide grants to state veterans' agencies to provide increased outreach services. State and local government agencies that provide services to veterans would benefit from these grants and cooperative agreements to improve their programs.

Legislative Position: Support the Veterans Outreach Improvement Act of 2007, and other legislation that would expand/increase the Department of Veterans Affairs responsibility to provide outreach services that educate veterans on their entitlements.

MANDATORY VA HEALTH CARE FUNDING INCREASE

Veterans Affairs

All veterans, especially those returning from combat, deserve our firm commitment to provide them the level of health care they deserve. Budget restraints have had an affect on the quality of healthcare veterans are receiving. Currently, the Department of Veterans Affairs (VA) has a backlog of over 90,000 claims waiting to be processed. Many veterans are required to wait well over a year for their VA rating decision. Under staffing is the primary reason for these delays. Mandatory full funding would allow for the VA to hire the additional staff needed to process these claims in a timely manner and to offer competitive wages in order to draw high quality medical professionals.

It is estimated that the VA will treat a total of 5.8 million patients in 2008, which is an increase of 2.4% over 2007. The VA has requested \$34.2 billion for veterans' health care for the 2008 fiscal year (FY). This is an increase of \$1.9 billion over the 2007 FY appropriation, but does not provide the funding needed to provide adequate VA health care. It is estimated that \$36.6 billion is actually needed to fully fund VA health care in 2008. In budget negotiations there is always an element of uncertainty in relation to funding. There is no guarantee what funding will be available or appropriated to VA health care in the future. An uncertain and under funded health care system is not something our veterans deserve. Every effort should be made to ensure that they receive the level of care they were promised.

Legislative Position: Support legislation or budget actions that would make VA health care funding mandatory.

VA BURIAL/PLOT ALLOWANCES

Veterans Affairs

Under current regulations all honorably discharged veterans are not eligible to receive the Department of Veterans Affairs (VA) burial/plot allowance. In order to receive these benefits the veteran must have died because of a service-related disability, was receiving VA pension or compensation at the time of death, was eligible to receive VA pension or compensation but choose to receive retirement benefits, or have died in a VA hospital, a nursing home under VA contract, or in an approved state nursing home. Unless one of the previously mentioned conditions was met, an honorably discharged veteran is not eligible to the benefit and the family is left with the full burial and plot costs. All honorably discharged veterans deserve to receive this benefit in death.

Currently benefits for a service-related death are up to \$1,500 toward burial expenses for deaths prior to September 10, 2001. For deaths on or after September 11, 2001, VA will pay \$2,000. For a nonservice-related death the VA will pay up to \$300 toward burial and funeral expenses, and a \$150 plot interment allowance for deaths prior to December 1, 2001. The plot-interment allowance is \$300 for deaths on or after December 1, 2001. These benefit amounts have not been increased since 2001, while inflation has caused the average cost of a funeral to rise to nearly \$6000.00. There is no

expectation that the VA will pay for the funeral cost in its entirety, but the benefit amounts should be adjusted periodically to account for increases in the cost-of-living.

Legislative Position: Support legislation or budget actions that would re-instate the Burial/Plot Allowance for all honorably discharged veterans and provide an annual increase based on the cost-of-living.

INCREASE LOCAL FUNDING FOR COUNTY VETERANS SERVICE OFFICES

Veterans Affairs

The United States Department of Veterans Affairs (USDVA) administers various programs in areas such as health care, financial assistance, and burial benefits to assist veterans who have sacrificed so much to serve their country. Unfortunately, the pressure to cut federal spending in veterans' programs is intense. Over the past two decades, for example, funding of VA medical programs has decreased substantially as measured in constant dollars. As a result, facilities are deteriorating, and each month thousands of vets are left with no source for the medical treatment they need.

The U. S. Department of Veterans Affairs, and its programs, faces an annual funding dilemma. At the local level, County Veterans Service Offices strive to assist veterans as they navigate the often frustrating process of securing claims and benefits to which they are entitled, and are often faced with the difficulty arising from the increasing needs of aging veterans and the timely receipt of benefits and services.

Legislative Position: Support legislation or budget actions that would ensure that County Veteran Service Offices could continue to assist veterans in need of compensation, medical, rehabilitative, educational, and employment services.

HOUSING AND LAND USE

WEST MOJAVE PLAN

Land Use Services

The West Mojave Plan (Plan) is a habitat conservation plan (HCP) and federal resource management plan that presents a comprehensive strategy at a regional scale (parts of San Bernardino, Kern, Inyo and Los Angeles Counties) to conserve and protect the desert tortoise and other species listed under the federal Endangered Species Act (ESA). The Bureau of Land Management (BLM) completed the Federal portion in March 2007. The County has still to complete its portion of the plan and CEQA compliance. The Plan establishes a framework of conservation and permits for development within the region. The Plan encompasses over 9 million acres, consisting of approximately 1/3 BLM land, 1/3 private land and 1/3 military land. The Plan provides a streamlined program for local government and private landowners to comply with the ESA. The cornerstone of the plan is the adoption of a mitigation concept of using public land restrictions as offsetting mitigation for development and build-out of private land. The Plan was prepared through the collaborative effort of 11 cities, 4 counties, and several state and federal agencies. Following release of its Record of Decision, a consortium of environmental groups sued BLM. San Bernardino County, working with its neighboring counties, has joined the suit, and was granted intervener status. It is now scheduled for hearing in early 2008. Local government will incur substantial costs to complete its CEQA portion, and to implement the conservation program on County infrastructure within conservation areas. The County seeks federal funding to augment local funds to implement the programs identified in the Plan.

Legislative Position: Seek federal funds to implement and maintain the West Mojave Plan and to reimburse associated local government costs. (The County is bearing its own costs associated with the litigation.)

PAYMENT IN LIEU OF TAXES (PILT) - FULL FUNDING

Land Use Services

One of the major legislative challenges for the County, as for all western counties, is the fight for full funding of PILT. Congress has historically appropriated approximately less than two-thirds of the current authorization, and substantially short of the amount that would be generated were the same lands privately held and on county tax rolls. The PILT program has never been fully funded to the authorized level. With the federal "entitlement" acreage that exists within San Bernardino County, the payment levels still amount to less than \$0.22 per acre.

Legislative Position:

- Support all efforts by the National Association of Counties and members of Congress to secure appropriations for Payment in Lieu of Taxes at 100% of authorized level.
- Oppose any changes to the PILT formula that raises the population floor higher than 10,000 persons from the current 5,000.

PAYMENT IN LIEU OF TAXES (PILT) - EQUITY

Land Use Services

There are active efforts by public agencies to acquire large acreages of private lands within San Bernardino County. In the past several years, over 800,000 acres have been acquired by federal agencies for wilderness and park purposes as well as implementation of recovery plans under the Endangered Species Act. Mitigation for projects that require "compensation" (the "donation" of private acreages at ratios up to 5 acres for every acre disturbed) exacerbates the problem. Recent appropriations by Congress accelerate acquisitions for various natural resources programs and accelerate the loss of tax base. The National Park Service actively purchased ranches and mines that further reduce tax base in ways that cannot be reflected in the PILT formula, which only factors in acres of Federal land. Current law provides for payment of property taxes for 5 years following acquisition, but only when such acquisitions occur in National Parks or in National Forest Wildernesses. Payment disappears after five years, and BLM acquisitions have never been brought under this provision of the PILT legislation.

The acreage additions to the public land acreage amount to no increase in PILT to San Bernardino County. Because the PILT formula counts people first and acres second, and it quits counting people when population exceed 50,000, no county could receive more than a maximum of \$2,992,500 under full funding. The current PILT formula, in effect, establishes an acreage ceiling of approximately 1.3 million Federal acres, beyond which no county receives any further PILT payment. The presence of the Federal estate create additional needs for services and infrastructure such as road maintenance, search and rescue, fire suppression, and other emergency services in both the desert and forest areas of this county and others with a like situation. These are likely to increase with increased visitation from population growth (internal and external to the county) and increased activities associated with new and expanded units of the National Park Service.

This issue is not limited to San Bernardino County. It affects all counties in the West, which, within their boundaries, have Federal public land holdings in excess of 1.3 million acres, and less when populations are less than 50,000. Elimination of population caps would address

both aspects of the equity issue—large Federal estates within many counties in the West including San Bernardino, and payment for all Federal acquisitions that occur in a county, regardless of the acquiring agency.

Legislative Position:

- Support legislation to amend the Payment in Lieu of Taxes program that would eliminate the population provision. Payment should be made for all Federal acreages within the County that currently account for “entitlement acres.” Elimination of the population cap will allow payment for all Federal lands in any jurisdiction, and reflect credit for all Federal acquisition that removes land from tax rolls, regardless of the acquiring agency. We support retention of the coupling of resource payments to PILT, and retention of the two-tiered alternative payment system currently employed that does result in offsets against PILT for high “other payments.” We also support the retention of the indexing currently employed that reflects higher costs to local governments, and also effects the overall authorization of the program.
- Such amendment can be made stand-alone, but will likely be best packaged with full funding, since it is unlikely Congress would return to PILT legislation if they do, indeed act on full funding.

SECURE RURAL SCHOOLS (Forest Timber Payments)

Land Use Services

Legislation to continue payments to forested counties in lieu of suspended timber sales expired at the end of FY 2007. It was re-authorized for one-year. Efforts to extend it for up to four years have failed and funding has not been found to underwrite it. The current proposal under consideration is for a four-year step-down of such payments, affecting such shift by FY 2012. It is doubtful that timber sales and revenues will ever be restored in the affected counties, given the application of ESA restrictions, roadless designations, and litigation by environmental organizations.

Legislative Position: Support reauthorization of the Secure Rural Schools legislation, whatever forms it takes, either fully funded or with the step-down transition. Attach support to support for full funding of PILT and dealing with the equity issue so that the effect on federal payments to San Bernardino County appropriately reflects this County’s size and impacts from extensive public ownership of land.

WILDERNESS DESIGNATION

Land Use Services

In 1994 Congress added over 8.8 million acres in Southern California to the National Wilderness Preservation and National Park Systems under the auspices of the California Desert Protection Act. The Act withdrew lands from mineral entry as well as prohibiting all vehicular access. The majority of the acreage added to the systems lies within San Bernardino County. There are indications that as part of the US Army’s proposals to expand Ft. Irwin, the Congress has indicated its wish to further expand wilderness withdrawals and designations by adding areas around Ft. Irwin that were not released in the 1994 legislation, totaling over 350,000 acres in the County.

These additions to the National Wilderness Preservation System within San Bernardino County are unnecessary since the public lands in the mountainous areas are already managed and protected within the California Desert Conservation Area administered by the Bureau of Land Management. The argument that land that is not afforded Wilderness “protection” is somehow not managed or conserved amounts to political hyperbole. Further wilderness withdrawals may foreclose on options relative to future needs of the military for training operations within the County and will further inhibit ongoing mineral operations in the

desert regions of the County. All of the areas were found by BLM to lack suitability for Wilderness designation because of high mineral values and active mining.

In addition there are parallel proposals to expand wilderness in the San Bernardino National Forrest. There is a continuing need for access for fuel management and reduction as evidenced by the recent fires, and the need for prompt access for fire suppression.

Legislative Position:

- Oppose all further additions to the National Wilderness Preservation System on any of the Federal lands within the County.
- If wilderness proposals emerge in legislation, specific consideration must be given to the exclusion of Sugarloaf (SBNF), and assuring permanent crossing of the Amargosa River to reach Dumont Dunes.

RIGHTS-OF-WAY AND ACCESS TO AND THROUGH FEDERAL LAND

Land Use Services

Virtually all of the public access to and through public lands within the desert and mountain regions of San Bernardino County was developed, and is authorized, under the provisions of RS 2477.

RS 2477 was a part of the Mining Law of 1866 that provided for development of access to provide for development of the West. There was no authorization *per se*; construction of the “highway” created the right-of-way. Unfortunately there is never been an adjudication of qualifying routes, nor recordation on the official title plats maintained by the Bureau of Land Management for all Federal lands nationally.

During the past ten years, there has been an ongoing policy vacuum regarding such rights-of-way. This is particularly the case with respect to the more remote and smaller access routes leading to mines, wildlife waters and guzzlers that require periodic maintenance, livestock facilities, and informal recreation sites. Congress repealed RS 2477 in 1976 as part of the Federal Land Policy and Management Act (FLPMA). However, they left in place all rights-of-way that had been created and recognized (and, in effect, granted) under the provisions of the repealed legislation. The County has historically supported (through adoption of formal Board resolutions) the retention of rights-of-way under RS 2477 for existing routes to assure non-closure by Federal land management agencies.

When Congress passed the California Desert Protection Act in 1994, a provision was made for vehicular access to wildlife waters in designated wildernesses. The provision was intended to apply to all wilderness established under the Act. However, the staff composing the legislation included the amendment language only under Title I (Section 103), applying it to BLM administered wildernesses, and omitted the language from Titles III, IV and V, extending to the three units under National Park Service administration, all of which lie wholly or in part in San Bernardino County. The NPS has refused to negotiate or consider any access based upon that omission, since the provision “applies only to BLM lands.” Each of the wilderness withdrawal sections provides specifically for the United States honoring valid existing rights. The Courts (see below) have interpreted these rights to include claims under R.S. 2477, though many environmental organizations seem to not want the issue settled. (The groups object to the law still being recognized; they fight attempts to adjudicate or adopt regulations to accommodate it; they constantly raise false issues such as its existence and recognition will lead to new road construction and destroy wilderness values.)

The Secretary of the Interior adopted regulations (43CFR1860) in January 2003 to provide

for recognizing assertions by local governments. San Bernardino County has applied for title (in effect, a quitclaim deed) for the Camp Rock Road as first step in forging a partnership to solve this issue. BLM has not moved to process the action pending direction from Washington, and Washington has been frozen by threats from Congress to prevent implementation of the regulations by placing prohibitions in Appropriations language. The County and CA BLM desire to move ahead with the process and gain experience.

In September 2005 the U.S. Tenth Circuit Court of Appeals filed a decision that supported the granting of rights-of-way under R.S. 2477, but left adjudication to the States under each State's laws regarding prescriptive rights. The Norton Policy, adopted March 2006, continued to present recordable disclaimers as a means of the Department confirming a right-of-way, and extended the principles of the 10th Circuit's decision to all public lands in the West.

The Norton Policy does set in place the recognized surest means of confirmation—filing a quiet title action. This provides for the Federal Court adjudicating the matter. It is cumbersome and requires a litigation action for any desired. The County has used this to confirm its rights-of-way within the Mojave National Preserve. In that case it was the only operable means since the County was faced with a 12-year statute of limitations to file such action after Congressional designation of a clear “reserve” within the meaning of the law.

Legislative Position:

- Support the retention of rights-of-way under RS 2477 for existing routes, and continue to provide for assertions under its provisions to assure non-closure by Federal land management agencies.
- Support efforts by the Departments of the Interior and Agriculture to adopt and implement regulations clarifying its policies regarding valid existing rights under RS 2477 in which BLM, the Forest Service, and Park Service would recognize such routes when asserted by local governments for all such access routes.
- Support efforts to leave the recordable disclaimer regulations adopted by the Secretary of the Interior January 6, 2003, (43CFR1860) in effect and operational. Oppose any effort to prevent implementation of the regulations that might emerge as riders as part of the Appropriations process.
- Under policies adopted, such acceptance by the federal land management agencies shall be limited to the ministerial function of recording such rights-of-way when asserted and determined to be valid under the RS 2477 provisions (established prior to October 21, 1976), and recording such on the official records of the United States. (In making this platform declaration, the County recognizes that new or re-aligned routes must be covered under current Title V right-of-way authorizing procedures.)
- Support the continuation of the prohibition on the Secretary of the Interior (contained in the Interior and Related Agencies Appropriations Act) from promulgating and adopting new regulations that would limit such assertions by local governments and citizens but do allow the Secretary to recognize R.S. 2477 claims and assertions under the recordable disclaimer regulations adopted in 2003.
- Support legislation to clarify the California Desert Protection Act to provide specific access by motor vehicle into designated wilderness areas when necessary for fish and wildlife management, including access to water facilities for inspection and maintenance within all Federal management units within the California Desert Conservation Area, including those units administered by the National park Service.

NATIONAL PARK SERVICE ADVISORY COMMISSIONS

Land Use Services

The California Desert Protection Act made a provision for establishing Advisory Commissions composed of citizens, including elected officials from local government to provide oversight and input on NPS plans developed for the three NPS units covered in the Act. The language limited its oversight to the General Management Plans (GMPs). From experience, the County found that the real on-the-ground decisions were often left to program plans (such as fire management) that are tiered from the GMPs. Some Park Superintendents briefly kept the Commissions active; others did not, as GMPs were completed. In all, none functioned beyond the 2004 sunset.

Senator Feinstein originally proposed the Commissions as a forum for input, problem solving and conflict resolution. Congressman Lewis was able to get an amendment to provide for specific inclusion of local government representatives and historic users. When the CDPA was passed, however, oversight was limited to the broad planning function.

There are still planning issues and conflicts within the units. Now that the Commissions have expired, there is no formal forum for citizen input to NPS programs. National Park units operate autonomously and independently and there is currently little official contact among NPS leadership and management personnel and County officials. Reauthorization of the Commissions and broadening of the charters would serve to be a springboard for increased communication and partnership on the many activities about which there are common interests such as recreation access, the County transportation system and economic promotion.

Legislative Position: Support legislation to re-activate the Advisory Commissions for Death Valley National Park, Mojave National Preserve and Joshua Tree National Park for at least another 10 years, and to broaden the charters of each to provide for Commission input on all kinds of planning and resource management proposals and actions, and to serve a forum for citizen input on NPS programs, and to serve as an advisory body to seek resolution of conflicts within the NPS units. The directed composition of the Commissions contained in the CDPA, which included elected officials from local governments, should remain the same.

NATIONAL LANDSCAPE CONSERVATION SYSTEM (NLCS)

Land Use Services

Early in the First Session of the 110th Congress, Senator Bingaman (NM) introduced S. 1139, creating the NLCS. Essentially it would establish a designated “system” on a par with the National Forest or National Park System incorporating Bureau of Land Management lands designated as National Monuments during the Clinton Administration, thereby reducing chances the areas might someday be transferred to NPS or other agency administration. The legislation would also encompass all National Conservation Areas (NCAs), congressionally designated Wilderness Areas, units of the Wild and Scenic Rivers System, and non-released Wilderness Study Areas.

The bill has gained support of the Administration, and thus is likely to pass with bi-partisan support.

At issue is that the legislation in essence creates a two-tiered system of Federal public lands administered by BLM. The motive of preventing a run on public lands is appropriate—such was accomplished by the CDPA in 1994 with the shift of the East Mojave to NPS. But a

second motive is that will create a priority for management and expenditure of funds. The omitted land will receive less attention.

The issue is directly related to San Bernardino's status. FLPMA created the California Desert Conservation Area (CDCA) in 1976. Because Congress did not include the word "national" in the designation, Congress and the Department of the Interior both believe it is would not be included, though areas within it, such as the Wilderness Areas created under the CDPA in 1994 will be.

The County should not have a two-tiered system for the 6 million acres of BLM land within its border, particularly since most of the land excluded from the NLCS is critical habitat for desert tortoise, and other species, and also includes the high use areas upon which active supervision and enforcement programs are required.

Legislative Position: Support the addition of specific language into the bill that would explicitly designate the CDCA as part of the system. (Senator Feinstein has communicated with E&NR staff on the issue. She and the staff need to know her position has local support. S. 1139 has been gathered together with other pending legislation that has passed the E&NR Committee, but has a hold due to funding authorizations. It is part of S. 2180. Expressions of support must include both bill numbers. The legislation has not moved to the House. The County's position should be made known to the County's House delegation.)

REFORM OF THE 1872 MINING LAW

Land Use Services

At the onset of the 110th Congress, Congressman Rahall (WV) introduced legislation to reform the 1872 mining law. HR 2262 passed the House in October. Reform of the Mining Law has been discussed for years, but is controversial as to balancing desire for royalties, maintaining the concept of private exploration for minerals on public land, assuring flow of basic minerals that have not otherwise been removed from the location laws, and assuring reclamation of mined sites. Congress has passed many pieces of legislation requiring environmental considerations and reclamation. The State of California has a body of law and regulation as well. Mining of locatable minerals has basically ceased within the County since the passage of the California Desert Protection Act, but many important mines do exist, such as the Mountain Pass operation for rare earths by Molycorp (Unocal). The bill has moved to the Senate, but indications for E&NR Committee staff indicate that the Senate will write its own version of "reform." Legislation, in its current form is opposed by the industry as well as the Administration. (OMB issued a policy statement November 1, 2007.)

Legislative Position: Oppose HR 2262 in its current form. While the County supports reasonable regulation and enforcement, the removal of title passage, applying royalty and non-patenting laws after-the-fact of location and investment is unfair and will fundamentally discourage new mining, and could adversely affect the remaining mining in the County such as the important limestone operations on the north side of the San Bernardino Mountains.