

# County of San Bernardino



## 2009 Federal Legislative Platform

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## **Executive Summary**

As repercussions in the housing and financial markets continue to evolve, the depth of the fiscal consequences for local government budgets and public finance will continue to be uncertain. With demand for services on the rise and multiple programs being administered on the local level, diversified and stable revenue streams (ranging from property taxes, fees, and Federal reimbursement) are critical to financing necessary services. In the context of this environment, San Bernardino County will face the headwinds of increased competition and public scrutiny for available limited resources. In order to maximize potential, the County will be required to exercise continued strategic vigilance and success will necessitate strong support for services and programs by its delegates. In this platform you will find our Federal legislative priorities for 2009, including funding requests and policy positions.

Based on the principles of fiscal stability, preservation of local control, efficient service delivery and operations, and the promotion of inter-agency cooperation, 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 prior to each legislative session. Effective partnerships between local 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 for the Federal by administering health and human programs. As the County experiences 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 and continued partnership with the Congressional delegation is imperative to maintain success.

The 2009 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 various sections including government operations, public safety, health and human services, transportation, housing and land use, flood control, and recreational services. 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 REQUESTS**

## **TRANSPORTATION**

### **I-15/I-215 INTERCHANGE**

**Estimated Total Project Cost:** \$250 Million

Since being built to replace the historic Route 66 and US 91, 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 five 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.

### **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.

#### **CHERRY AVENUE/I-10 INTERCHANGE**

**Federal Funding Request:** \$15 Million

**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. 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 experiences 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.

### **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 experiences 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)

### **PEPPER AVENUE/I-10 INTERCHANGE**

**Federal Funding Request:** \$5 Million

**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 north/south highway. Pepper Avenue/I-10 Interchange experiences heavy congestion with traffic backing up into the freeway lanes during 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:** A joint project between Caltrans and the County of San Bernardino to widen Pepper Avenue to seven lanes and improve the I-10 Interchange.

### **CEDAR AVENUE/I-10 INTERCHANGE**

**Federal Funding Request:** \$15 Million

**Estimated Total Project Cost:** \$50 Million

Cedar Avenue is a regionally significant north/south highway with average daily traffic of 50,000 and a projected traffic count of over 74,000 trips per day by 2020. Cedar Avenue/I-10 Interchange experiences 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).

## **HIGH DESERT CORRIDOR**

Public Works

**Federal Funding Request:** \$20 Million

**Estimated Total Project Cost:** \$4.3 Billion

The High Desert Corridor (HDC) provides a vital missing link in the National Highway System between California's two major North/ South Interstates—the I-5 and the I-15. In SAFTEA-LU, the HDC was designated as a High Priority Corridor on the National Highway System from Los Angeles to Las Vegas, via Palmdale and Victorville. The E-220 was designated as the 50-mile segment of the HDC between the SR 14 in Palmdale and the I-15 in Victorville, and with inland ports at each end will provide for improved goods movement and congestion relief throughout So Cal, better air quality in the SCAQMD region by the diversion of trucks to rail, and the economic stimulus of almost 100,000 construction and logistics jobs. The HDC Joint Powers Authority (JPA) was formed by the Counties of Los Angeles and San Bernardino as the legal public sector entity to govern and provide oversight of the development of the E-220 as a Public Private Partnership (P3).

General P3 language in the six year Transportation Reauthorization legislation should include: continued support of P3 from the new administration; Support for the National Infrastructure Bank; expanded use of the Private Activity Bond (PAB) Program (authorization for tax exempt-financing to be mixed with private equity), and elimination of the current \$15 Billion cap on PABs; Expanded use of the TIFIA Program, either inside or separate from the National Infrastructure Bank; Streamlining of NEPA for P3s. Specific language/ funding to the JPA High Desert Corridor: Seek funding for costs associated with P3 project development, including environmental document preparation up to \$50 Million; Expedited right-of-way agreements with BLM; Funding and stimulus for Multi Modal Inland Port development including access roads, railroad spurs, airport runway improvements).

**Project Description:** JPA governance and oversight of a P3 for planning, programming, environmental, design, construction, maintenance and operation of a six lane expressway connecting Inland Ports in Victorville and Palmdale, and costs associated with project development.

## **BASELINE/I-15 INTERCHANGE**

**Federal Funding Request:** \$1.5 Million

**Estimated Total Project Cost:** \$60 Million

The project is located along a significant 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.

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. This projection does 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:** \$20 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 UNION PACIFIC RAILROAD (UPRR)- BURLINGTON NORTHERN SANTA FE (BNSF) GRADE SEPARATION**

Public Works

**Federal Funding Request:** \$20 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 UPRR 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 an 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' during the summer (April - October).

**Project Description:** Initial funding requests will secure the right of way in order to: widen Glen Helen Parkway to four lanes; construct an all weather crossing of the Cajon Creek; and construct a grade separation over both the BNSF and UPRR, 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. A new connection to Cajon Boulevard may need to be made depending upon the configuration of the design alternative selected. A traffic analysis has been performed and 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:** \$10 Million

**Estimated Total Project Cost:** \$32 Million

The project is to provide grade separation between Lenwood Road and the BNSF 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 will be mitigated upon completion and provide further support of the 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 BNSF rail tracks. Funding is requested are to re-implement environmental documentation through PS&E (Plans, Specifications and Estimates).

## **VISTA ROAD GRADE SEPARATION PROJECT**

Public Works

**Federal Funding Request:** \$10 Million

**Estimated Total Project Cost:** \$32 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 STATE ROUTE 210 TO CAJON BOULEVARD**

Public Works

**Federal Funding Request:** \$10 Million

**Estimated Total Project Cost:** \$10 Million

The proposed project will widen the existing two-lane section of State Street between State Route 210 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 to State Route 210. 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 State Route 210 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 BNSF 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 State Route 210 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 State Route 210 and grade separation at Cajon. The FY 2008 funds requested are to implement the environmental documentation through Plans, Specifications and Estimates (PS&E) and necessary right-of-way.

### **CRAFTON HILLS PARKWAY**

Public Works

**Federal Funding Request:** \$2.5 Million

**Estimated Total Project Cost:** \$10 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 two-lane paved road between Wabash Avenue and Tennessee Avenue.

## **SUMMIT VALLEY ROAD**

Public Works

**Federal Funding Request:** \$8 Million

**Estimated Total Project Cost:** \$21 Million

Summit Valley Road, branching from State Highway 18 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 and State Highway 138 routes are currently the only paved highways through Cajon pass. State Highway 138 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 State Highway 138 and I-15. A cooperative agreement will be necessary both with Caltrans (junction of State Highway 138) 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 State Highway 138 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 State Highway 138 to Hesperia City limits to a four-lane arterial.

## **STATE HIGHWAY 247 IMPROVEMENTS**

Public Works

**Federal Funding Request:** \$5 Million

**Estimated Total Project Cost:** \$20 Million

The current State Highway 247 is the core transportation corridor, not just for regional transportation, but also as the "Main Street" and 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 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:** \$10 Million

**Estimated Total Project Cost:** \$30 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 response. 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/YATES/GREENTREE CORRIDOR**

Public Works

**Federal Funding Request:** \$40 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 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 State Highway 18 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.

### **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 which is 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: STATE HIGHWAY 18 BALD EAGLE RIDGE**

Public Works

**Federal Funding Request:** \$6 Million  
**Estimated Total Project Cost:** \$6 Million

Current subdivisions off State Highway 18 have limited access to State Highway 18 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 State Highway 18 to an existing paved cul-de-sac road within Bald Eagle Ridge.

## **FLOOD CONTROL**

### **SANTA ANA RIVER MAINSTEM PROJECT**

**Funding Request:** \$108.6 Million  
**Estimated Total Project Cost:** \$108.6 Million

The Santa Ana River Mainstem Project includes seven interdependent features: Mill Creek Levee, Oak Street Drain, San Timoteo Creek, Lower Santa Ana River, Seven Oaks Dam, Prado Dam and Santiago Creek. As of this date, Seven Oaks Dam Mill Creek Levee, Oak Street Drain, San Timoteo Creek Reaches 1, 2 and 3A and the Lower Santa Ana River (LSAR) Reaches 1, 2, 3, 4, 5, 6, 7, 8, and 10 are complete.

Completion of all of the features will provide (a) necessary flood protection within Orange, Riverside and San Bernardino Counties; (b) enhancement and preservation of marshlands and wetlands for endangered waterfowl, fish and wildlife species; (c) recreation amenities; and (d) floodplain management of the 30 miles of Santa Ana River between Seven Oaks Dam and Prado Dam.

The San Bernardino County Flood Control District, Riverside County Flood Control & Water Conservation District and Orange County Flood Control District are the Local Sponsors of the \$1.7 Billion federal flood control project. In cooperation with the other county agencies, the system is almost complete and will provide valuable flood control features for over 3 million people living within the Santa Ana River Watershed and Floodplain.

**Project Description:** The remaining portion requested for funding includes \$108.6 million for engineering, construction, right-of-way acquisition, environmental mitigation for Prado Dam (\$56.5 million), Seven Oaks Dam (\$8.6 million) and Reach 9 of the Lower Santa Ana River reach (\$43.5 million).

## **SEVEN OAKS DAM WATER QUALITY SPECIAL STUDY**

**Funding Request:** \$8.6 Million

**Estimated Total Project Cost:** \$8.6 Million

The US Army Corps of Engineers, Los Angeles District, is conducting a feasibility level study to investigate water quality issues related to Seven Oaks Dam and Reservoir. This effort is proceeding in partnership with the existing non-Federal sponsor for the Santa Ana River Mainstem Project, that sponsor being the flood control districts of Orange, Riverside and San Bernardino counties.

**Project Description:** The District is working with the Corps of Engineers to determine causes, effects and possible remediation of debris and other water quality issues in this newly completed flood control reservoir. Efforts may lead to alteration or addition of structural features and/or changes to the current operating procedures. Funding requested would be used to complete a feasibility phase study and to start identifying alternatives and develop plans for implementation. The current cost estimate is \$8.6 million.

## **CUCAMONGA #6 BASIN**

Public Works

**Federal Funding Request:** \$13 Million

**Estimated Total Project Cost:** \$20 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.

**Project Description:** 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 \$20 million to construct the basin. Construction is scheduled for spring 2009.

### **DEER CREEK DEBRIS BASIN**

Public Works

**Federal Funding Request:** \$1.2 Million  
**Estimated Total Project Cost:** \$7.4 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 Diane 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.

**Project Description:** 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 \$1.2 million 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 ten years.

**Project Description:** 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.

### **CABLE CANYON CHANNEL PROJECT**

Public Works

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

The Cable Canyon Channel project is intending to improve the existing interim rail and wire channel in response to the FEMA levee certification project. The channel is currently not able to be certified and need the improvements in order to gain certification. The improvements would not only allow the facility to be certified but would take a number of existing commercial and residential areas out of a floodplain. The preliminary cost estimate is \$8 million.

### **CACTUS BASINS PROJECT**

Public Works

**Federal Funding Request:** \$7.5 Million  
**Estimated Total Project Cost:** \$31.5 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.

**Project Description:** 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. Construction is scheduled for spring 2009.

### **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 U.S. Army Corps of Engineers (USACE) originally built the channel 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 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.

**Project Description:** 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:** \$4.5 Million  
**Estimated Total Project Cost:** \$9 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 three 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, which experienced a wall failure in 2006. The third section is between Pacific Street and Del Rosa Drive.

Although preliminary design is complete for section one 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 \$9 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.

**Project Description:** 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.

**Project Description:** 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 and III**

Public Works

**Federal Funding Request:** \$13.45 Million

**Estimated Total Project Cost:** \$13.45 Million

The Town of Apple Valley has experienced rapid development in recent years creating a need for increased flood protection. Two sections of the Desert Knolls Wash are planned for improvements to assist with increasing the flood protection in the area. The proposed improvements include improving the existing channel into a rock-lined channel. Phase II is from Apple Valley Road east to Tuscola and

is estimated to cost is \$4.4 million. Phase III is from the existing concrete channel west to the Mojave River and is estimated to cost \$9.05 million. The District is working with the Town of Apple Valley and the Lewis Educational Center to develop plans that will meet the requirements of the Regional Water Quality Control Board (RWQCB). The 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 BASIN PROJECT**

Public Works

**Federal Funding Request:** \$10.8 Million

**Estimated Total Project Cost:** \$10.8 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.

**Project Description:** The District and the City of Victorville are working together to design the basin. The basin has a preliminary estimated cost of \$10.8 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.

**Project Description:** 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:** \$20 Million

**Estimated Total Project Cost:** \$20 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 Ranchero 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 Ranchero 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.

**Project Description:** San Bernardino County is currently designing the basin. The basin has a preliminary estimated cost of \$20 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. For the last two decades, this community has been experiencing landslides. A number of different geologists, working independently over the years, have been trying to mitigate the problem. The geologists have recommended minimizing the amount of run off 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 underway 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.

**Project Description:** San Bernardino County requests funding for the engineering, design and construction of the recommended project developed from the feasibility study 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.

**Project Description:** 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.

**Project Description:** 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.

**Project Description:** 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:** \$9 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.

**Project Description:** 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 \$9 million.

#### **FEMA LEEVE CLARIFICATION - USACE COSTS**

Public Works

**Federal Funding Request:** \$250,000

**Estimated Total Project Cost:** \$9 Million

As part of the Federal Emergency Management Agency's (FEMA's) 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, 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 floodplain designations, potentially costing them thousands of dollars in flood insurance.

**Project Description:** The San Bernardino County Flood Control District has hired consultants to assist with the certification effort. The U.S. Army Corp of Engineers (USACE) built many of the facilities listed by FEMA. Currently, the USACE does not have the funding to assist local governments in certifying the levees they built. Funding needs to be allocated to the USACE in order for them to review documents and provide letters to local governments verifying the construction of the facilities. It is estimated the effort to certify the USACE levees will cost \$250,000 in USACE personnel.

Currently, the USACE does not have the funding to assist local governments in certifying the levees they built. Funding needs to be allocated to the USACE in order for them to review documents and provide letters to local governments verifying the construction of the facilities. It is estimated the effort to certify the USACE levees will cost \$250,000 in USACE personnel.

# CULTURAL, EDUCATIONAL AND RECREATIONAL SERVICES

## MUSEUM HALL OF GEOLOGICAL WONDERS EXHIBITIONS AND PROGRAMS

County Museum

**Funding Request:** \$1 Million

**Estimated Total Project Cost:** \$1 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 towards enhancing visitors' service and modernizing the Museums facilities are in progress or completed. One pivotal capital improvement has been the Board of Supervisors funding for construction of the Museums 12,000 square foot Hall of Geological Wonders. This new museum wing, will be the benchmark for enhancing exhibitions and public programs for visitors, and benefit the region economically.

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 Eras fossil riches from our California deserts, in addition to fossils, which reflect our regions 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, is 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.

**Project Description:** 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 December 2009. 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, Earths 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 understanding geological processes in Southern California through hands-on interpretation and curriculum.

## **EARTHQUAKE PARK**

County Museum

**Funding Request:** \$1.5 Million

**Estimated Total Project Cost:** \$1.5 Million

Earthquake Park is a public partnership effort developed to educate the residents and visitors to our region about the unique characteristics of a 10,000-acre tract of land within the San Bernardino National Forest and located in the Cajon Pass, San Bernardino County. The education and interpretive efforts will include geological, historical, anthropological, biological programming. Earthquake Park will become a unique partnership and educational experience for the K through 12 youth and adults who participate in the programs and tours of the Cajon Pass. Further, interpretive exhibitions will be available at the Hall of Geological Wonders at San Bernardino County Museum, and informational kiosks at Glen Helen Regional Park where visitors will learn about the unique San Andreas Rift Zone. In addition, visitors to the Cajon Pass will discover a natural path created by tectonic processes that has for thousands of years facilitated human travel and commerce from north to south and east to west. Its rich natural and cultural history is well suited to interpretation through the implementation of an earthquake park. Visitors will receive an exceptional look at the phenomenon of earthquakes, this area of Southern California, and the biological and cultural aspects of the area and will realize why the Cajon Pass is one the most distinctive regions in North America.

**Project Description:** Earthquake Park, a unique geologic setting distinctive for its natural, historical, cultural, and educational resources, is located in the Cajon Pass region of the San Bernardino National Forest. The public partnership will include collaborations between the U. S. Forest Service, the San Bernardino County Museum, and San Bernardino County Regional Parks. The Earthquake Park will serve student groups and the public by providing opportunities for multi-disciplinary education, on-site interpretation, and earthquake preparedness through understanding the influence of earth dynamics and their impact on humanity.

The Earthquake Park project will provide a physical venue to illustrate the cause and effects of seismic activity. Seismic routes will be mapped, including driving trails, and interpretative features would include a slip fault prototype and fossils. Information provided at the Earthquake Park venue would link directly to the Museums new Hall of Geological Wonders, which will display the San Andreas Fault, its effect on the region and its fossil riches. Additionally, Glen Helen Regional Park would serve as the gateway to the Earthquake Park venue with interpretive kiosks, information packets, and maps so visitors can explore the riches of the Cajon Pass. This project will offer visitors exposure to this important seismic area of the San Bernardino County, and through programmatic activities, a better understanding for disaster preparedness, personal and home safety, and why preparedness is likely to reduce the overall risk of loss after an earthquake.

The design and creation of the park can be facilitated through one-time funding. This project aligns with potential Seismic Safety Committee goals on a federal and state level.

## **SANTA ANA RIVER WATERSHED INTERPRETIVE PROJECT**

County Museum and Regional Parks

**Funding Request:** \$1.5 Million

**Estimated Total Project Cost:** \$1.5 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 regions priceless resources. The San Bernardino County Regional Parks is the crucial recreational leader in San Bernardino County, and operates over 10,000 acres of parkland and regional trails throughout the county. There are ten parks including one park concessioned out to the Bureau of Land Management and seventeen miles of the 110-mile Santa Ana River Trail and Greenway. The parks and regional trails are located from the

Chino Basin area through the San Bernardino Valley, into the San Bernardino Mountains and in the high and low deserts.

The collaboration of Parks and Museums offers an exciting cutting edge educational venture that allows for shared resources and expertise to establish a stellar interpretative project for one of the most recognized regional resources, Santa Ana River Watershed in Southern California. Through the Museums high standards of collections care, site preservation and conservation, unique exhibits and exciting educational programs, the Museum is a critical resource to formally interpret the Santa Ana Watershed to Southern California residents. The Regional Parks expert recreation standards, programs, visitor orientation and the established Santa Ana River Trail and Greenway make this watershed interpretation project the model collaboration. With the Museums 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 watersheds significances and develop interpretive materials and kiosks throughout the watershed landscape which would depict the cultural and natural heritage that serve 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 and Regional Parks 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 Regional Parks and Museum visitors 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 along the Santa Ana River and in the entire watershed.

The second element of this project will be to develop a chain of locations among the watershed and along the entire reach within San Bernardino County and potentially beyond the Santa Ana River environments to provide visitors a personal perspective of actual natural and cultural settings or contacts with historical events or geologic processes. The Museum and Regional Parks intend 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 and agencies within the watershed, present stories and explanations through kiosks, and interpretive signage at vistas or information points along existing trails, highways and roads.

## **MOJAVE RIVER WATERSHED INTERPRETIVE PROJECT**

County Museum

**Funding Request:** \$1.2 Million

**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 regions priceless resources. The County Regional Parks is the crucial recreational leader in San Bernardino County. The San Bernardino County Regional Parks Department operates over 10,000 acres of parkland and regional trails throughout the county. There are ten parks including one park concessioned out to the Bureau

of Land Management and seventeen miles of the 110-mile Santa Ana River Trail and Greenway. The parks and regional trails are located from the Chino Basin area through the San Bernardino Valley, into the San Bernardino Mountains and in the high and low deserts. The Mojave Narrows Regional Park will serve as a critical staging area and information guide for the Mojave River Watershed Interpretive project.

The Mojave River Watershed Interpretive project is a proposed multi-diverse plan to interpret the cultural, historic, biologic, and geologic past and present of the Mojave River Watershed. With the significant growing populations of County residents in the High Desert, there is a vital need to provide non-formal education to residents and visitors. The High Desert cultural and natural heritage is a critical part of the heritage of California. The story platform will center on the unique natural resource qualities of the Mojave River watershed and the importance of the watershed culturally, and historically. In addition, the human value economically, culturally, and esthetically will be interpreted.

**Project Description:** The Museum and Park professional staff will develop three programmatic venues. The first venue will be a Mojave River Watershed exhibition at the San Bernardino County Museum. This museum exhibit will serve as the Big Picture of the Mojave River Watershed and a staging area so museum visitors will receive both a 2D and 3D detailed perceptible 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 natural and cultural 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 venue of this project will be at Mojave Narrows Regional Park, where visitors, school groups, and general public will be provided non-formal interpretation of the diversity of the Mojave River and its watershed. Interpretation at the Regional Park will also include a series of kiosks, maps, printed material and site guides. The Mojave Narrows Park provides an excellent setting with its vast riparian habitats, diverse history and is strategically located along the river, which provides a magnificent location and learning experience.

The third venue of this project will be the design and implementation of a sequence of kiosks among the Mojave River Watershed where visitors will experience a personal perspective of actual natural and cultural settings or contacts with historical events or geologic processes. The Museum and Regional Parks intends to identify key features of the watershed and river environment, and with collaboration with the Mojave Water Agency, U.S. Forest Service, San Bernardino Public Works, and those municipalities and agencies within the watershed, present stories and explanations through kiosks, and interpretive signage at vistas or information points along existing trails, highways and roads.

## **MOABI REGIONAL PARK**

Regional Parks

**Funding Request:** \$2 Million

**Total Project Cost:** \$6 Million

Moabi Regional Park Channel Rehabilitation: (\$4 million) 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. 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

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), three young mountain lions (protected species in California) and three Grizzly Bears. The Grizzly Bears were victims of the three 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 where 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**

### **COUNTY FIRE HELICOPTER PROGRAM**

County Fire

**Funding Request:** \$5.3 Million

**Estimated Total Project Cost:** \$5.3 Million

In the last three years San Bernardino County has experienced three large devastating fires within its boundaries. The Sawtooth Complex, July of 2006, located in the Morongo, Joshua Tree and adjacent mountain areas 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, caused wide spread, including the loss of structures which exceeded 300, 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 personal and resources. The California Department of Forestry and Fire Protection (Cal Fire) and the US Forest Service (USFS) both assisted with air and ground support, however, resources were severely strained as deployments to other major wild land fires burning throughout Southern California where necessary.

As a result of instances such as these, San Bernardino County Fire Protection District is requesting a one-time amount of \$4.5 million to purchase a Huey II Helicopter and also requests ongoing support of \$785,000 per year to operate and maintain the helicopter. The operation and maintenance requires the hiring of a pilot, 2 co-pilots and a helicopter mechanic, plus, any training of existing personnel to assist with maintenance of the equipment, and any parts or supplies required to keep it in service. The helicopter would be used for initial attack of water drops and transporting fire crews and supplies to areas inaccessible by fire vehicles. Currently County Fire is dependant upon Cal Fire or USFS for air support on wild fires. By having immediate access to this equipment during a wild fire, County Fire expects to prevent more fires from becoming disasters, provide better support to ground crews fighting fires, and prevent or decrease numbers of structures lost.

**Project Description:** Requesting funding for one-time purchase of Helicopter to support County Fire in wild land suppression and mutual aid \$4.5 million. Requesting funding for on-going personnel and maintenance costs to support the program annually \$785,000.

### **INCREASED FUNDING FOR GEOGRAPHICAL AREAS WITHIN COUNTY FIRE SURROUNDED BY PUBLIC LANDS**

County Fire

**Funding Request:** \$1.8 Million

**Estimated Total Project Cost:** \$1.8 Million

The eastern portion of San Bernardino County is known as the unfunded fire protection area. This area is within the San Bernardino County Fire Protection District but does not contribute any funds and is surrounded by public owned land. The majority of the area is 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 federal government ownership within San Bernardino County. Historically, and by direction of the Board of Supervisors, the San

Bernardino County Fire Department (County Fire) provides fire and rescue services in this portion of the county.

In Fiscal Year 2006-07 County Fire, now San Bernardino County Fire Protection District, built a fire station in the community of Baker. The station was funded by one-time money from County Board of Supervisors of \$2.1 million and one-time money from County Fire of \$1.42 million. The station serves the northeasterly portion of the unfunded fire protection area, and specifically I-15 from Barstow to the Nevada Stateline. This stations first-in service area is approximately 4,000 square miles of primarily public lands. A career captain supported by two part-time paid-call firefighters and fire apparatus assigned to Baker are now housed at the station. County Fire also receives some assistance from a prison crew for additional staffing. 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.

Currently, there is not sufficient funding for the required career staffing of the Baker Fire Station. A four-person engine company is the desired staffing level to meet the 2-in-2-out rule regardless of the availability of the ambulance. 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 two firefighters on duty each day. This staffing level is critical since the next closet fire station to support the Baker Fire Station personnel is the County Fire Station in Harvard, which is 46 miles away.

**Project Description:** Sponsor and/or support legislation to fund staffing, operations and maintenance of county fire department operations in non-revenue supported areas such as the I-15 and 40 corridors through Bureau of Land Management and National Park lands.

Augment the career captain with a career staffing of one Engineer and two Firefighters per shift (three shifts) at Station 53, Baker. Since, the area will never see revenues of any significance the request are on-going from year to year.

## **LAW AND JUSTICE**

### **EMERGENCY VEHICLE OPERATIONS CENTER (EVOC) RENOVATION PROJECT**

County Sheriff

**Funding Request:** \$238,169 (1<sup>st</sup> phase)  
\$272,797 (2<sup>nd</sup> phase)  
\$377,974 (3<sup>rd</sup> phase)

**Total Project Cost:** \$888,940

The San Bernardino Sheriff's Regional Training Center has been on the existing site for over 30 years, and works with over 100 public safety affiliates, including representatives from local, state, and federal agencies (including FBI, U.S. Military, and ATF). The Training Center is responsible for facilitating the training of approximately 25, 000 students annually. The Emergency Vehicle Operations Center (EVOC) facility was built in 1991 on approximately 78 acres. The administration building contains two 40-person classrooms and one 20-person classroom. The driving facility trains over 3,500 students per year, including local and out of state law enforcement agencies, fire, ambulance and federal agencies.

Since it's opening we have attempted to keep the track safe and operational through regular maintenance and unexpected repairs within budgetary constraints. Recently a slurry cover was applied to the cracked and crumbling lane change area at a cost of \$70,000.

Despite these efforts a recent County inspection audit and recertification inspection by the State's Commission on Peace Officers' Standards and Training (POST) identified various areas of safety concern in need of attention. The areas of concern identified include large cracks throughout the asphalt roadways in need of repair. The poor condition of the roadway (track) surfaces is deteriorating due to heavy use, weather conditions and deferred maintenance.

There is a need to renovate the existing asphalt roadway surface of the slow speed maneuvers/accident avoidance area, two lane city grid networks and high-speed performance track area at the San Bernardino Sheriff's EVOG facility. The city grid networks, accident avoidance/slow speed maneuvers and performance track areas are mandated as performance exercises, which are required by POST in the State of California.

The renovation project involves cleaning the existing pavement free of debris by high-pressure blowers prior to the placement of hot oil. The next step is to apply the petromat material and overlaying 1 ½ "of asphalt base. The project will be completed in three phases.

This renovation will result in:

- Reduced number of vehicle training incident/injuries sustained in training sessions.
- Increased number of students attending training sessions.

<b><u>Phase One</u> City Grid</b>	<b><u>Phase Two</u> Slow Speed Maneuvers/Accident Avoidance</b>	<b><u>Phase Three</u> High Speed Performance Track</b>	<b>TOTAL</b>
Cleaning existing roadway, application of hot oil/petromat material with approximately 1 ½ inch asphalt overlay. Re-stripping pavement markings.	Cleaning existing roadway, Application of hot oil/petromat material with approximately 1 ½ inch of asphalt overlay. Re-stripe pavement and markings.	Cleaning existing roadway, application of hot oil/petromat material with approximately 1 ½ inch of asphalt overlay. Re-stripe pavement and markings.	
209,675 sq. ft. at \$1.12 per sq. ft.	240,000 sq. ft at \$1.12 per sq. ft.	334, 500 sq. ft. at \$1.12 per sq. ft.	
\$234,836	\$269, 464	\$374,640	
Re-stripe pavement markings	Re-stripe pavement markings	Re-stripe pavement markings	
\$3,333	\$3,333	\$3,334	
\$238,169	\$272,797	\$377,974	\$888,940

Once the overlay projects are completed, the Sheriff's Training Center will be responsible for on-going maintenance expenses.

**SCIENTIFIC INVESTIGATIONS DIVISION**

County Sheriff

**Funding Request:** \$247,000

**Total Project Cost:** \$247,400

1. Upgrade digital imaging system on one firearms comparison microscope: \$7,518

Two of the three firearms comparison microscopes already have the newer system, upgrading the third microscope would improve productivity.

2. Ultra Violet Spectrometer and accessories: \$12,600

This device is important in helping identify many of the more exotic drugs that SID is trying to identify (LSD, steroids, psilocin, etc). It will also enable our scientific investigators to determine quickly if extractions of controlled substances have been successful rather than discovering after a wasted Gas Chromatograph/Mass Spectrometer (GCMS) run, costing valuable time.

3. HP Gas Chromatograph:\$57,000  
HP 7683 Series Autosampler: \$10,900  
Mass Spectral Reference Library: \$2,395

Currently SID is outfitted with two GCMS purchased over a decade ago. While the instruments are still used on a regular basis, our analysts have noticed serious issues with their analyses. With the constant maintenance required on both instruments and the difficulty of obtaining replacement parts for these obsolete machines, they have become very costly to operate. Also, with the development of newer “Designer Drugs”, the current Mass Spectral Reference Library is unable to identify a great deal of the narcotic cases submitted by the surrounding police agencies.

4. Crime Scene Investigation Unit: \$46,812

When CSI purchased new digital cameras it purchased just enough for the current staff. It would benefit the unit to purchase at least three additional Nikon D300 digital SLR camera bodies. The cost per camera is \$1,800 for a total purchase price of \$5,400.

During the collection of trace and other small or detailed oriented evidence a special flash is often required. The CSI Unit purchased 13 Nikon D300 digital SRL cameras with the belief the ring flash used on the camera being replaced would still work. Although in a manual setting the ring flash will flash, it does not allow all of the necessary settings to capture the best possible photograph. This request includes the purchase of 15 Nikon Speedlight wireless close up Kits (#4803) at unit price of \$611.35. 15 Nikon Speedlight SB-r200 wireless remotes at a unit price of \$131.45 per wireless remote and 15 Nikon wireless Speedlight commander SU-800 wireless unit at a unit price of \$224.72. The total purchase price for the ring flash and needed accessories would be \$14, 512.

Currently each CSI truck is equipped with a cellular phone and Thomas Guide map. Recent laws have made driving and talking on a cellular phone illegal, because it has been deemed a distraction. CSI units are required to respond to any location with in San Bernardino County and occasionally outside the County or State of California. In an effort to make the drive to a crime scene safer and without delay we are requesting

Garmin Nuvi750 Portable Automotive GPS. The Garmins would serve as a mapping system and can be linked with the cellular phones as a Bluetooth. This would eliminate looking at map pages while driving and holding a cellular phone while driving. Unit price is \$339.99. Total cost for ten units would be \$3,399.99.

CSI has four fully equipped CSI trucks and one back up CSI truck with partial equipment. The vehicles are seven years old and all have over 100,000 miles. It would benefit CSI if the back up truck was fully equipped with the necessary tools, allowing CSI to use the truck as a rotation vehicle. On average the four fully equipped vehicles are not available when CSI is requested to an Autopsy, search warrants, follow-ups and call outs. It is estimated the cost to completely outfit a

CSI truck with necessary equipment would be \$20,000. This would include an ALS and electrostatic dust lifter.

Currently CSI has electrostatic dust lifters in four of the five CSI call out vehicles. The dust lifters are bulky and can be cumbersome to use. A hand held lifter could be placed in each on call vehicle and easily used by CSI. The cost of a hand held Electrostatic Dust Lifter is \$700 with lifting film. The cost of five dusters would be \$3,500.

5. Automatic Titrator for the Forensic Alcohol Unit (includes accessories) \$45,450

The purchase of this equipment will allow all titration records to be electronically kept, which is required when the laboratory becomes compliant with the regulations of the International Standards Organization. The Forensic Alcohol Unit currently provides ethanol solutions for accuracy checks and calibrations for approximately 30 breath alcohol instruments in the county of San Bernardino. These ethanol solutions are used by the Sheriffs Department, CHP, and Police Departments for the testing of their breath alcohol instruments. This ensures that the reading of subjects that are arrested or brought in for Driving Under the Influence (DUI), are accurate and reliable. This value is obtained through a scientific process called a titration. All alcohol solutions are dependent on measurements taken by a titration, which makes this automatic titrator essential for our laboratory to provide a needed service to our community. Funds requested include the purchase of an 857 Titrando Automatic Titrator at \$10,985. This includes the titrator, the electrode, and the e-connect, which are all essential for the titrator. Funds will also be used for a 59-sample tray at \$23,200, two burets at \$4780, and the software at \$5,400. With the purchase of this instrument, annual certification is provided at a cost of \$1,085.

6. Two – McCrone polarized light microscopes and accessories: \$14,725

The polarized light microscope is a very powerful tool used by the forensic community. It has many uses in narcotics analysis and the trace analysis of such things as fibers, hairs, soils, and low explosives. We average 750 submitted narcotics cases a month while maintaining a minimal backlog. Of these submissions, the majority are controlled substances, which can be analyzed using microcrystal tests. Microcrystal tests can also be used for analyzing other things besides narcotics such as the acids used in clandestine drug labs. A good polarized light microscope is a necessity in the use of the microcrystal test. As time progresses our microscopes wear out do to chemical exposure. If we do not maintain up-to-date microscopes we will have to resort to slower and more expensive methods besides losing our ability to analyze acids. Having to rely on slower methods will cause us to develop a backlog. We maintain a 10-day turn around time for narcotics analysis. An increase in our turn around time will cause a decrease in the quality of the service provided to the agencies we support. This is so that we may continue to provide the service we do.

7. Upgrade Digital Information Management System (DIMS): \$50,000

To provide increased storage capacity for future growth for all county law enforcement agencies. We currently have \$80,000 set aside to spend on this upgrade but need additional funds to complete.

# 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 and budget actions 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 15<sup>th</sup>. 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 and budget actions that will clarify or limit interpretation of the Migratory Bird Treaty Act to allow regular maintenance of flood control and other public facilities.

### FLOOD CONTROL INFRASTRUCTURE IMPROVEMENT FUNDING

#### Public Works

Throughout the State, much of the existing flood control infrastructure is inadequate to handle 100-year storm flows. The existing facilities are aged and in serious disrepair. With the State's continued population growth and subsequent development in new and in-fill areas, most of the existing flood control systems are strained beyond capacity. The flood control districts and local jurisdictions do not have funding to repair, replace and construct new infrastructure. Though California taxpayers approved Propositions 84 and 1E, creating funding directed at flood control issues; most of the funding is focused on the Delta/Central Valley region. In addition, funding is concentrated on

floodplains and levees. The current program sets very limited allowance for infrastructure construction projects, which is an issue throughout the State. Most grants limit the use of funds for infrastructure.

**Legislative Position:** Develop State and Federal funding sources for the repair, improvement and construction of flood control infrastructure projects outside the Delta/Central Valley region.

## **ELIMINATION OF UNFUNDED MANDATES**

### Public Works

For many years State and Federal agencies have developed various mandated programs and requirements that local governments are forced to implement, while not providing funding to support those actions. Imposing those programs and requirements has resulted in taxing already strained budgets of local jurisdictions.

The most recent example is the FEMA levee certification requirements as part of FEMA's map modernization project. All local jurisdictions are required to certify levees shown as providing flood protection. Though the project will cost local governments millions of dollars each, the State grant allocated to the program covers only a fraction of the geotechnical costs. In addition, the mandated program requires local governments to complete the program in a very short timeframe, resulting in the need to delay other critical projects. Those jurisdictions not able to abide by the requirements or timelines may be penalized in their FIRM designations. This could cause property owners to be placed in flood zones and have to pay thousands in flood insurance.

**Legislative Position:** Develop legislation that limits the ability of State and Federal agencies to mandate programs or requirements without providing a funding mechanism to support those programs and requirements.

## **CLARIFICATION OF THE CLEAN WATER ACT (SECTION 401 AND 404)**

### Public Works

The Federal government passed the Clean Water Act to prevent and reduce the contamination of water. Resource agency's interpretations of Sections 401 and 404 of the Clean Water Act have limited local agencies ability to maintain their various types of facilities. Flood Control Districts have been impacted the most by this narrow interpretation since they have not been allowed to implement routine maintenance, or clean out basin and channel facilities. These facilities must be cleared and repaired before the start of the normal storm season, which begins October 15<sup>th</sup>. The consequences of not having flood control facilities ready for the storm season can result in unnecessary risk to life and property.

**Legislative Position:** Clarify or limit interpretation of the Clean Water Act (sections 401 and 404) to exempt regular maintenance of existing flood control and other public facilities.

## **AMMENDMENT TO THE ENDANGERED SPECIES ACT**

### Public Works

The Federal government passed the Endangered Species Act to prevent and reduce the destruction of habitat for various threatened and endangered species. Resource agency narrow interpretation of the Endangered Species Act has limited local agencies ability to maintain their various types of flood control facilities. Flood Control Districts have been impacted the most by this interpretation since they have not been allowed to maintain or clean existing basin and channel facilities. These facilities must be cleaned out before the start of the normal storm season, which begins October 15<sup>th</sup>. The consequences of not having flood control facilities ready for the storm season can result in flood risks to life and properties.

**Legislative Position:** Clarify or limit interpretation of the Endangered Species Act to exempt regular maintenance of existing flood control and other public facilities.

## **GOVERNMENT OPERATIONS**

### **AIRPORT IMPROVEMENT PROGRAM**

#### Airports

The Airport Improvement Program (AIP), through the Federal Aviation Administration (FAA), primarily funds airport capital improvements. There currently is no multi-year program authorized by Congress, hence, capital developments are delayed. Not only does this impact the County owned Airports, but also LA/Ontario & other airports in the County & the greater Los Angeles area.

**Legislative Position:** The County should support the efforts of AAAE & ACI-NA in gathering support for multi-year funding of AIP.

### **FOREST MANAGEMENT & PROTECTION/BARK BEETLE INFESTATION**

#### County Fire

The San Bernardino and Angeles National Forests have experienced nearly a decade of drought, too many trees due to previous regulations regarding tree removal and the increased activity of the Bark Beetle, all causing the number of dead and dying trees to reach epidemic proportions. Over 1 million coniferous trees in the San Bernardino Mountains are currently dead or dying. This situation has resulted in a severe fire hazard that poses an immediate threat to public safety, the local economy, and the ecology within these mountain communities.

On September 24, 2002 the County of San Bernardino declared a local emergency regarding the Bark Beetle infestation. Riverside County also declared the emergency twice and requested a State of Emergency to be declared. Governor Davis declared the State of Emergency on March 7, 2003. The County has continued to update the local emergency every 2 weeks.

The State Declaration and actions by the CA Public Utilities Commission (CPUC) directed Southern California Edison (SCE) to remove all trees that place their power lines at risk. Since this declaration from 2004 through June 2008 SCE has removed 156,060 trees at a cost of \$168 million dollars.

Through the efforts of local congressional offices, FEMA, US Forest Service (USFS), and National Resources Conservation Services (NRCS) San Bernardino County through the County Fire Department has been awarded grant funds for hazardous mitigation within the mountain areas, which includes dead/dying tree and brush removal, clearing of evacuation routes, and public education and awareness.

From May 2004 to June 2008 County Fire was awarded \$11.77 million in USFS grant money to remove dead/dying trees and clear evacuation routes. During this same time NRCS awarded County Fire \$70 million to continue with the hazardous tree mitigation. The County assisted with matching these grants through County Fire, Solid Waste Management and Department of Public Works, together all departments contributed \$9.1 million dollars to assist with the removal of 491,391 dead or dying trees. There remains \$4 million in NRCS money for FY 08/09 and USFS has awarded County Fire another \$3.5 million to be spent from July 2008 to September 2011 with a 10% match in funds.

For Federal Fiscal Year 2008-2009 USFS has been awarded an additional \$16 million in Hazardous Tree Mitigation Funds. This money will be split between San Bernardino County Fire, County of

Riverside, Cal Fire and the Federal Clearing House. USFS currently estimates County Fire will receive an additional \$10 million over 5 years with a 10% matching requirement.

**Legislative Position:** Support legislation and budget actions that create a stable source of Hazard Mitigation funding that can be used to combat such emergencies now and in the future.

Support legislation and budget actions that create a stable source of Hazard Mitigation funding from USFS and any other Federal Sources to allocate to agencies that continue to have the infestation and drought problems and have a proven record of using prior mitigation funds for the purposes intended.

Support legislation and budget actions that allow the use of Cal Trans equipment, California Department of Forestry Resources, and the National Guard to collaborate with the counties in developing and implementing their action plans.

Support legislation and budget actions to allow a federal income tax deduction for homeowners who expend personal funds for the removal of infested trees from their property.

## **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 Solid Waste Management Division (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 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, Defense wide, 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.

## **FIREFIGHTER ASSISTANCE PROGRAM**

County Fire

The San Bernardino County Fire Protection District, operating under the direction of the County Board of Supervisors, is responsible for fire suppression for over 16,000 square miles of land in San Bernardino County. Services also include search and rescue, hazardous material response and emergency medical services. Over the years the Department of Homeland Security Assistance to Firefighters Grant Programs has received hundreds of millions of dollars annually. In the last three years County Fire has received over 1.0 million dollars in funding. As a result County Fire and other qualified agencies within the County have benefited greatly with the grant awards. It is critical that funding continues and/or increases in the coming year.

**Legislative Position:** Support continued and increased funding of the Department of Homeland Security Firefighter Assistance Program for local agencies costs of fire suppression.

## **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 President Bush's creation of the Federal Office of Homeland Security. Over the years the County Fire's Emergency Operation Center has received several millions of dollars in grant funds from the Federal Office of Homeland Security, of which the majority passes through to other local agencies within the County of San Bernardino. The County along with all other local agencies that receive this funding needs to remain proactive ensuring that the State does not rake-off or arbitrarily withhold reimbursements due to State budget problems.

**Legislative Position:**

- Oppose allowance of excessive rake-off for State administration of funds and withholding of reimbursements due to State budget issues.
- Support 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 Position:** 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 Position:** Oppose regulations that could reduce payments to governmental agencies, such as ARMC, for outpatient hospital services.

## **PRESERVE STATE MEDICAID FLEXIBILITY**

### Transitional Assistance

Medicaid provides a carefully administered and cost-effective health safety net for the nation's vulnerable families and children. States have extensive experience in addressing issues of health care quality, cost containment, and access; they have the knowledge to provide comprehensive health care programs that meet the needs of diverse populations. Medicaid also represents the single largest payer for long-term care. States are a part of the solution in framing the national health care reform agenda. State innovations through Medicaid continue to shape the solutions needed to improve our national health care system.

However, this record of accomplishment cannot continue without several urgently needed changes. The state and federal governments jointly fund Medicaid, and strong collaboration is crucial for long-term programmatic success. The deteriorating relationship between the federal and state governments, as demonstrated by the recent spate of Medicaid regulations put under moratorium by Congress, must be revitalized. States must continue to have flexibility on populations covered and services offered through Medicaid.

States also call for several important programmatic reforms, including improving integration of Medicare and Medicaid services for dual eligibles (those eligible for both Medicaid and Medicare), rebalancing long-term care services toward community-based services, and reducing barriers to employment for individuals with disabilities.

**Legislative Position:** Support legislation and budget actions that give states more flexibility in administering their Medicaid programs.

## **ADMINISTRATION FOR CHILDREN AND FAMILIES: STATE WAIVERS**

### Transitional Assistance

In recent years regulatory changes have increased restrictions placed on states in their efforts to reduce caseloads, increase the number of parents moving into the workforce, and provide safe childcare for children. One specific change is the elimination of waivers that allowed a Temporary Aid to Needy Families (TANF) grantee (states) to delay implementation or bypass a TANF provision contained in the statute. According to the Administration for Children and Families (ACF), the waiver provision no longer exists under the Temporary Aid to Needy Families (TANF) section of the Deficit Reduction Act (DRA) of 2005.

In the past waivers provided states flexibility in meeting work participation rates by allowing adjustments for dynamic economic and labor market changes, and thereby avoiding the federal work participation penalty. Current regulations have shifted the focus to more process-based measures. TANF was intended to move individuals toward self-sufficiency through a focus on work requirements. In order to stay on course with the original intent of TANF and continue to provide paths to self-sufficiency states must retain some level of flexibility.

**Legislative Position:** Support legislation and budget actions as well as regulatory changes that

would increase states flexibility in implementing TANF principles, specifically waivers, which could have the effect of reducing federal penalties.

### **TEMPORARY AID TO NEEDY FAMILIES (TANF) MAINTENANCE-OF-EFFORT OPTION**

#### Transitional Assistance

The Department of Health and Human Services (HSS) has proposed repealing 45 CFR 261.43 (b), the Temporary Assistance for Needy Families excess maintenance-of-effort (MOE) provision. Under the current regulation states are provided an incentive to exceed their required TANF MOE spending levels on services that are directly related to children and families. Specifically, section 261.43 (b) allows states to receive caseload reduction credit for making MOE expenditures over the required level in order to avoid penalties imposed by the TANF statute.

In the past most states have not needed to take advantage of this provision because of a significant decrease in caseloads, but due to a major economic shift caseloads are increasing at a disquieting rate. It is only now that many states may need this option in order to prevent incurring penalties that HHS has moved to eliminate it. The elimination of this provision only serves to encourage states to reduce their efforts and investments in programs that are intended to serve children and families. Additionally, the elimination of section 261.43 (b) places states and counties in a position to receive harsh federal penalties.

**Legislative Position:** Oppose regulatory changes that would repeal the TANF maintenance-of-effort provision.

### **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.

Both political parties have generally recognized SCHIP as an effective program. 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 Position:** Support SCHIP reauthorization legislation that would increase federal funding for the program, while maintaining budget discipline.

## **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 and budget actions that protect the interest of seniors by improving the quality of life seniors.

## **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
- 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 % (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 and budget actions that would provide Medicaid reimbursement for patients in Institutions for Mental Diseases.

## **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 and 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 and budget actions to increase the number of qualified public health medical professionals.

### **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 and budget actions 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.

### **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 and 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.

There is a long-standing need for legislation that would serve to allow the VA to provide grants to state veteran’s 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 legislation and budget actions that would expand/increase the Department of Veterans Affairs responsibility to provide outreach services that educate veterans on their entitlements.

## **MANDATORY VETERANS AFFAIRS (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 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 and budget actions that would make VA health care funding mandatory.

## **VETERANS AFFAIRS (VA) BURIAL/PLOT ALLOWANCES**

### Veterans Affairs

Under current regulations all honorably discharged veterans are not eligible to receive the Department of 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 upon 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. 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 and 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 and 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.

## **RYAN WHITE PROGRAM FUNDING FOR HIV PLANNING COUNCIL**

### Public Health

The 2006 Ryan White HIV/AIDS Treatment Modernization Act, Ryan White Program (RWP), eliminated funding for the HIV Planning Council (PC) Support functions (5% of the total grant). However, the RWP legislation continues to mandate certain PC functions and that these functions now be supported under the already restricted 10% Grant administration budget.

The elimination of this funding has severely impacted the Department of Public Health's (DPH) ability to effectively administer the RWP. RWP grants are complex to administer, and the DPH had to carve out 3.4% of its 10% administrative grant budget to support mandated PC functions. These include gathering community input through needs assessment surveys, comprehensive service planning for a two county jurisdiction, and the collections and interpretation of data to determine subsequent allocations of resources.

As a result, less staffing is available for the Department to provide administrative oversight (such as contract, fiscal, and program monitoring), annual grant writing activities to secure future funding, and activities to comply with the current grants conditions of awards reporting requirements.

DPH believes that restoring the funding for PC support activities or making the HIV Planning Council optional with an alternative data-driven community planning process is necessary to ensure the proper stewardship of funds and to comprehensively comply with all grant requirements.

**Legislative Position:** Support Legislation and budget actions that will either restore the HIV Planning Council Support funding or make the HIV Planning Council optional replacing it with an alternative data-driven community-planning process

## **PRESERVE FEDERAL FUNDING FOR THE FAMILY PACT PROGRAM**

Public Health

The Family PACT program provides services to women and men who earn less than 200% of the federal poverty level. Participants can receive birth control, reproductive health services and education about sexually transmitted diseases. The program does not provide abortion counseling. The federal government covers \$315 million of the \$432 million annual cost. The state picks up the remainder.

The state estimates the program averts nearly 170,000 unintended pregnancies each year. That saves an estimated \$1.5 billion because if the pregnancies occurred, the state and federal governments would pay for prenatal care, delivery and health care for the newborns.

However, a dispute between the state and federal governments on how to account for undocumented immigrants in the program has led the federal government to cease payment for them. Federal payments cover only people who have been in the United States legally at least five years. California covers everyone because any child born in the United States automatically becomes a citizen and thus would be eligible for health care.

Under the federal plan, people would have to produce a passport, birth certificate, government photo ID or other document. This paperwork would need to be reviewed by a state employee who would verify eligibility before people obtain services. The state estimates it would need 1,300 additional employees to scrutinize the 2.4 million applications it receives each year. That would add \$175 to the cost of serving each client in the program. The average amount spent now per person is \$261. Governor Schwarzenegger in September warned federal Health and Human Services Secretary Michael Leavitt that the changes would further destabilize California's budget.

**Legislative Position:** Support legislation or budget actions that protect federal funding for the Family PACT program.

## **FEDERAL LEVEL IN-HOME SUPPORTIVE SERVICES PROGRAM FOR VETERANS WITH A SERVICE-CONNECTED DISABILITY**

Veterans Affairs

Currently there is a federal program known as the Aid and Attendance (A&A) benefit that provides monthly benefits for Veterans and surviving spouses who need help eating, bathing, dressing, undressing or taking care of the needs of nature. The program also includes those who are blind or are in a nursing home because of mental or physical incapacity. This is a pension benefit and is not dependent upon service-related injuries for compensation.

As the number of veterans returning from combat with service-connected disabilities increases, so does the need expanded care. The establishment of a federal program that assists in paying for in-home supportive services provided to veterans with a service-connected disability would help to ensure that these veterans could remain safely in their own homes. It is imperative that this program would not involve means testing as a condition of eligibility, which would be an exclusionary provision. Without such a program our disabled veterans are given little choice but to seek care and residence in nursing homes and board and care facilities. This only further serves to provide another disconnect between veterans, their families, and the rest of society. Veterans, who have proudly served their country and paid a substantial price, deserve the right and support to remain in their homes as long as possible.

**Legislative Position:** Support legislation and budget actions that would create a federal level In-home Supportive Services program for veterans based on a service-connected disability.

## **ADVERSE CHANGES TO 38 U.S.C. REGARDING DISABILITY COMPENSATION BENEFITS**

Veterans Affairs

Under section 101(13) of title 38, United States Code, disability compensation means a monthly payment made by the Department of Veterans Affairs to a veteran because of service-connected disability, or to a surviving spouse, child, or parent of a veteran because of the service-connected death of the veteran. The individual's unemployability due to a service-connected disability is the basis of this benefit. This benefit is intended to compensate the individual veteran solely for the effects of a service-connected disability, and should not be based on their age or socioeconomic status.

Disability compensation should continue to be paid to veterans based on their unemployability due to a service-connected disability. This benefit was not intended to include consideration of the individual's age, retirement status, or non-wage income. It would be a disservice to these disabled veterans to treat this benefit like a pension or to implement means testing as a determinant of eligibility to disability compensation.

**Legislative Position:** Support a resolution opposing any adverse changes to 38 U.S.C. regarding disability compensation benefits.

## **ENHANCED MEDICAID FMAP**

Behavioral Health

Each year, the federal government calculates its cost-sharing ratio for each state's Medicaid program. This cost sharing-ratio is referred to as Federal Medical Assistance Percentage (FMAP). FMAP is the percentage of each Medicaid dollar spent that is provided by the federal government; it varies from state to state, but by law is never less than 50% or more than 83%. The FMAP formula is based on a state's average income over a three-year period.

The National Association of State Medicaid Directors has proposed to provide states increased amounts of FMAP funds. While these funds will help all states, they will flow particularly to those states (such as California) experiencing the largest demand for Medicaid and thus will serve to target the states and regions in greatest economic need. Due to the nature of the Medicaid program, enrollment and costs increase at exactly the same time that state revenues decrease during difficult economic times.

**Legislative Position:** Support legislation or budget actions that enhance the Federal Medical Assistance Percentage.

## **INTERGRATE TREATMENT FOR MENTAL HEALTH, SUBSTANCE ABUSE AND PRIMARY AND SPECIALTY CARE**

### Behavioral Health

People suffering from mental illness die, on the average, 25 years sooner, and have higher rates of disability than the general population. People with mental illness are at greater risk of preventable health conditions such as heart disease and diabetes. Mental health and physical health are inter-related: each contributes to the other. Yet historically, mental health and physical health have been treated separately. In a recent survey, only one-third of community mental health centers had the capacity to provide health care on site, and only one-fifth could provide medical referrals off site. The centers identified a lack of financial resources as the biggest barrier to integrating treatment. Accordingly, there is a need for the federal government to provide funding to integrate treatment for mental health, substance abuse, and primary and specialty care. In addition, the President's New Freedom Commission on Mental Health has identified a critical need to recruit qualified primary care professionals to provide essential health services to patients with serious mental illness.

**Legislative Position:** Support federal funding for integrated treatment for mental health, substance abuse and primary and specialty care, and federal funding to recruit qualified primary care professionals for integrated settings.

## **FOSTER CARE FUNDING ELIGIBILITY**

### Children's Services

When the Temporary Aid to Needy Families (TANF) welfare reform law was passed, Congress elected to freeze the eligibility rules for the payment of Title IV-E foster care maintenance payments to prior AFDC rules as of July 16, 1996. As a result, states are required to look-back to these rules when determining foster care eligibility, instead of using the families CalWORKs eligibility status. This look-back rule has unnecessarily complicated the foster care eligibility process. Since income and assets are frozen to the 1996 standards, which are not adjusted for inflation, the rate of federal reimbursement decreases over time, resulting in loss of federal funds.

The current eligibility rules for federal Title IV-E funds ignores the fact that child abuse and neglect occur in families at every income level. Under welfare reform, children in out-of-home care must be determined eligible for federal Title IV-E funds, with eligibility based on their eligibility for the former Aid to Families with Dependent Children (AFDC) program. That is, if a child is removed from a family who would have been eligible under the 1996 AFDC regulations, then the child is eligible for Title IV-E funding. This system of determining eligibility for Title IV-E is administratively burdensome because it is based on a program that no longer exists and income limitations that have never been increased for inflation. Many more families now have a work history, earned income, and resources that make them ineligible for Title IV-E under the outdated 1996 standards, unfairly shifting the costs of child welfare services and out-of-home care to states and counties.

**Legislative Position:** Support legislation and budget actions to de-link Title IV-E eligibility from the 1996 AFDC income eligibility standards and enable states to claim Title IV-E expenditures for children removed from their homes for the purposes of ensuring their safety and well-being, regardless of the family's income.

## **HOMELESS ASSISTANCE PROGRAMS**

Homelessness is a persistent national problem that impacts cities and communities throughout San Bernardino County. In 2007, the San Bernardino County Homeless Census identified a 39% increase of people either living on the streets or in facilities that serve the homeless over the past few years. In addition, with roughly 25% (primarily women and children) living under the poverty line, the "at-risk" population in the County of San Bernardino also pose serious societal and economic implications.

There is a growing sense of awareness of substantial public and private "hidden" costs associated with homelessness. For example, homeless persons become frequent and lengthy users of hospital emergency services, emergency shelters, emergency assistance centers, and correctional facilities because they lack a permanent housing environment which would help them better care for their daily needs.

By discouraging "managing" homelessness through emergency resources and encouraging "ending" homelessness by providing the resources necessary for persons to obtain and maintain affordable housing, the overall quality of life for all residents of San Bernardino County can be significantly improved as the negative impacts of individuals living and sleeping on the streets are reduced.

**Legislative Position:** Support legislation that will provide a more focused approach to the issues of homelessness and provide a system of care that is inclusive, well planned, coordinated and evaluated and is accessible to all who are homeless or at-risk of becoming homeless.

## **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. As a result, 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 necessity 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 five 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 five 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 Forest. 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.

**RIGHT-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 10<sup>th</sup> 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 and budget actions 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 110<sup>th</sup> 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 entire CDCA as part of the system. In the 111<sup>th</sup> Congress, the designation, creating a two-tier system, has passed the Senate (S.22) and is moving to the House.

## **REFORM OF THE 1872 MINING LAW**

### Land Use Services

At the onset of the 110<sup>th</sup> Congress, Congressman Rahall (WV) introduced legislation to reform the 1872 mining law. HR 2262, the Hardrock Mining and Reclamation Act, 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 Energy & National Resources 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.

**Legislative Position:** Oppose the Hardrock Mining and Reclamation Act 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.