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EXHIBIT H

BIOLOGICAL RESOURCE MITIGATION

1 EXHIBIT H

2 BIOLOGICAL RESOURCE MITIGATION

3 1. Protection of and Description of Existing Riparian  
4 Habitat. In arriving at a Physical Solution, the Parties have  
5 taken into consideration the water needs of the public trust  
6 resources of the Mojave Basin Area, including but not limited to,  
7 those species listed in Table H-1 within each of the areas as shown  
8 on Figure H-1 and the riparian habitat areas shown on Figure H-1  
9 and described generally as follows:

10 a. The area which extends, south to north, in the Alto  
11 Subarea, from the intersection of the north line of Section 36,  
12 Township 5 North, Range 4 West with the Mojave River channel to the  
13 United States Geological Survey gauging station at the Lower  
14 Narrows;

15 b. The Lower Narrows to the Helendale Fault (Transition  
16 Zone);

17 c. The Harvard/Eastern Baja Subarea reach of the Mojave  
18 River that extends west to east, from Harvard Road to the Iron  
19 Ranch/Iron Mountain area (0.5 miles east of the west line of  
20 Section 20, Township 10 North, Range 4 East).

21 2. Protection Pursuant to Physical Solution. The following  
22 aspects of the Physical Solution must be implemented to seek to  
23 achieve the water table standards set forth in Table H-2 which were  
24 proposed by DFG as being necessary to maintain and converse the  
25 riparian resources in the areas shown on Figure H-1, including the  
26 species listed in Table H-1:

27 a. Pursuant to Paragraph 24(o) of the Judgment, the  
28 Watermaster in recommending an adjustment in Free Production

1 Allowance, shall compare the Free Production Allowance with the  
2 estimated Production Safe Yield. In the event the Free Production  
3 Allowance exceeds the estimated Production Safe Yield by five  
4 percent or more, Watermaster shall recommend a reduction of the  
5 Free Production Allowance equal to a full five percent of the  
6 aggregate Subarea Base Annual Production. In considering whether  
7 to increase or decrease the Free Production Allowance in a Subarea,  
8 Watermaster shall, among other factors, take into consideration for  
9 the areas shown on Figure H-1 the Consumptive Use of water by  
10 riparian habitat, the protection of public trust resources,  
11 including the species listed in Table H-1 and the riparian habitat  
12 areas shown on Figure H-1, and whether an increase would be  
13 detrimental to the protection of public trust resources.

14 b. If, pursuant to Paragraph 27, Watermaster buys or  
15 leases Free Production Allowance in the Baja Subarea below the  
16 Calico-Newberry Fault to satisfy the need for Replacement Water,  
17 priority shall be given to purchases or leases that will result in  
18 reducing Production in or near the area described in Subparagraph  
19 1(c) of this Exhibit.

20 c. Pursuant to Paragraph 2 of Exhibit "G", Watermaster  
21 shall purchase Replacement Water to maintain Groundwater levels in  
22 the Transition Zone.

23 3. Additional Protection Pursuant to Trust Fund Established  
24 by Watermaster Using the Proceeds of Biological Resource  
25 Assessments.

26 a. Watermaster shall establish a Biological Resources  
27 Trust Fund account for the benefit of the riparian habitat areas  
28 shown on Figure H-1 and the species listed on Table H-1. To

1 establish and maintain the Trust Fund Watermaster shall levy  
2 against each acre-foot of Production within the Basin Area, other  
3 than Production by the California Department of Fish and Game  
4 (DFG), a Biological Resource Assessment of fifty cents (\$0.50)  
5 (1993 dollars) to be collected at the same time and in the same  
6 manner as the Administrative Assessment, except that no Biological  
7 Resources Assessment shall be levied whenever the Trust Fund  
8 account balance exceeds \$1,000,000 (1993 dollars).

9           b. Watermaster shall make funds held in the Biological  
10 Resources Trust Fund available to DFG only in the event that  
11 Groundwater levels are not maintained as set forth in Table H-2.  
12 Watermaster shall take action to acknowledge any proposed  
13 expenditure from the Biological Resources Trust Fund by DFG. Such  
14 Watermaster action shall be subject to the review procedures set  
15 forth in Paragraph 36 of the Judgment, provided that any motion  
16 made pursuant thereto and any Court disapproval of such Watermaster  
17 action and proposed DFG expenditure may be based only: 1) on the  
18 ground that the Groundwater levels set forth in Table H-2 are being  
19 maintained; and/or 2) the ground that the proposed expenditure is  
20 not for any of the purposes set forth in Subparagraphs 3.b.(i),  
21 (ii), or (iii) below in this Exhibit. The Biological Resources  
22 Trust Fund may be used only for the following purposes and only in  
23 the three areas identified on Figure H-1:

24           1. not to exceed \$100,000 for the preparation by DFG of  
25 a DFG habitat water supply management plan, which plan shall  
26 include the water needs of the species listed in Table H-1 and  
27 the riparian habitat areas shown on Figure H-1.  
28

1           ii. the purchase or lease by DFG of Supplemental Water  
2 or the lease or purchase of DFG of Base Annual Production  
3 Rights to be used to meet riparian habitat water needs of the  
4 species listed in Table H-1 and the riparian habitat areas  
5 shown on Figure H-1.

6           iii. the construction, repair and replacement of wells or  
7 other facilities identified in the plan prepared pursuant to  
8 Subparagraph (i), above, and/or any other measures necessary  
9 to implement the plan.

10 DFG shall not prepare or make any expenditure from the trust fund  
11 for the payment of administrative overhead or staff of DFG.

12       4. DFG agrees that absent substantial changed circumstances,  
13 DFG shall not seek to modify the provisions of this Judgment in any  
14 way to add to or change the above-stated measures to protect the  
15 referenced species or habitat. Nothing stated in this Judgment or  
16 in this Exhibit "H" is intended nor shall be deemed to relieve any  
17 Party hereto from any obligation or obligations not specifically  
18 referenced in this Exhibit H. Nothing in this Judgment or in this  
19 Exhibit H is intended or shall be construed to be a waiver by the  
20 State or any of its departments or agencies, including DFG, of its  
21 rights and obligations under the common law, the public trust  
22 doctrine, the constitution, statutes and regulations to preserve,  
23 protect or enhance the natural resources of the State including  
24 rare, threatened or endangered species or species of concern.

TABLE H-1

## LIST OF SPECIES

SPECIES	ALTO			CENTRO		BAJA		
	Forks Dam to Upper Narrows	Upper Narrows to Lower Narrows	Lower Narrows to Helendale	Helendale to Hodge	Hodge to Barstow	Barstow to Harvard Road	Harvard Road to Mannix Wash	Afton Canyon
Purple Monkeyflower	6							
Mohave Monkeyflower	6		6	6	6	6		
Mohave Tarweed	5							
Desert Cymopterus	6							
Barstow Woolly Sunflower					6	6		
Victorville Shoulderband	6	6						
Mohave Tui Chub							1, 3	
California Red-legged Frog	6	6	6	6				
Southwestern Pond Turtle	6		6	6		6	6	6
Desert Tortoise	2, 4		2, 4	2, 4	2, 4	2, 4		
San Diego horned Lizard	6							
Cooper's Hawk	8	8						
Ferruginous Hawk	8	8						
Swainson's Hawk	4	4						
Bald Eagle	1, 3	1,3						
Merlin	6, 8	6, 8						
Prairie Falcon	6, 8	6, 8	6, 8	6, 8	6, 8	6, 8		
Western Yellow-billed Cuckoo	3, 7			3, 7	3, 7			
Southwestern Willow Flycatcher	8							
Brown-crested Flycatcher		8						
Vermillion Flycatcher	8					8	8	8
Le Conte's Thrasher	8							
Least Bell's Vireo	1, 3							1, 3

TABLE H-1

LIST OF SPECIES  
(CONT'D)

SPECIES	ALTO			CENTRO		BAJA		
	Forks Dam to Upper Narrows	Upper Narrows to Lower Narrows	Lower Narrows to Helendale	Helendale to Hodge	Hodge to Barstow	Barstow to Harvard Road	Harvard Road to Mannix Wash	Afton Canyon
Yellow Warbler	9							
Yellow-breasted Chat	8	8			8	8		
Summer Tanager	8	8						8
Pale Big Earred Bat	8							
Mohave Ground Squirrel	4, 6		4, 6	4, 6				
Mohave Vole			6	6				
Nelson's Bighorn Sheep					10	10		10
TOTAL NUMBER OF SPECIES = 30								
TOTAL NUMBER OF SPECIES IN EACH AREA:	25	11	7	8	7	8	3	5

1 = Federally Endangered

2 = Federally Threatened

3 = State Endangered

4 = State Threatened

5 = Federal Category: 1

6 = Federal Category: 2

7 = Federal Category: 3b

8 = State: Special Concern

9 = State: Sensitive

10 = State: Fully Protected

**TABLE H-2**

**RIPARIAN HABITAT MONITORING WELL  
WATER LEVEL CRITERIA**

<b>ZONE</b>	<b>WELL NUMBER</b>	<b>MAXIMUM DEPTH BELOW GROUND</b>
Victorville/Alto	H1-1	Seven (7) Feet
Victorville/Alto	H1-2	Seven (7) Feet
Lower Narrows/Transition	H2-1	Ten (10) Feet
Harvard/Eastern Baja Riparian Forest Habitat	H3-1	Seven (7) Feet
Harvard/Eastern Baja Surface Water Habitat	H3-2	Plus One (1) Foot (1705 Ft msl)*

- \* Surface Water Habitat water surface elevation of 1705 ft. msl is approximate pending ground elevation survey.



# FIGURE H-1 VICTORVILLE - ALTO RIPARIAN ZONE

## LEGEND



Water Table Monitoring well



Riparian Forest Habitat Area

## SCALE



Feet



# FIGURE H-1: LOWER NARROWS TRANSITION RIPARIAN ZONE

## LEGEND



Water Table Monitoring well

H1-1



Riparian Forest Habitat Area

## SCALE



Feet



FIGURE H-1: LOWER  
NARROWS-TRANSITION  
RIPARIAN ZONE

LEGEND



Water Table Monitoring well

H2-1



Riparian Forest Habitat Area

SCALE



Feet

T. W. Blhorn, San Diego, Ca



# FIGURE H1- TRANSITION RIPARIAN ZONE

## LEGEND



Riparian Forest Habitat Area

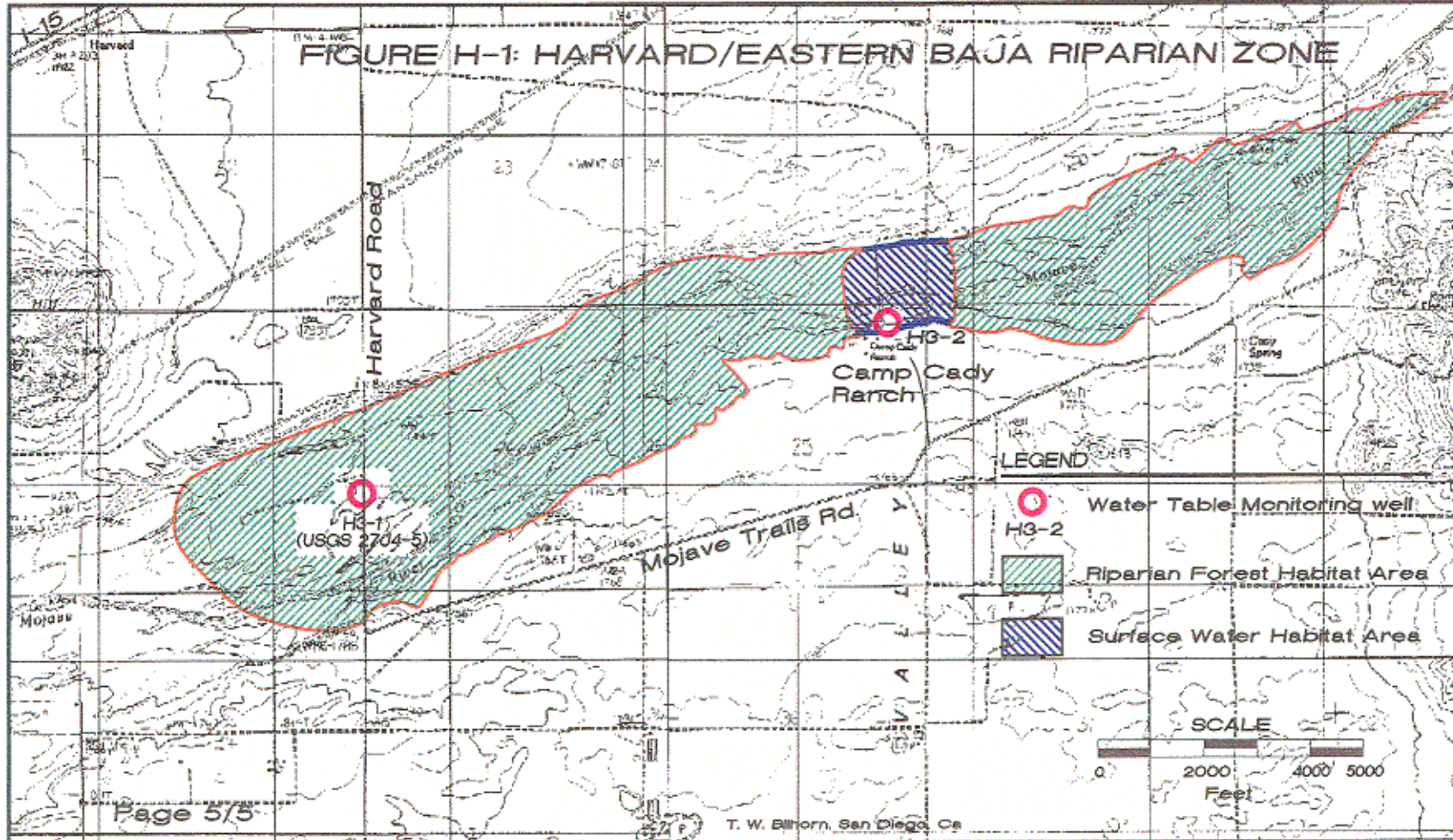
## SCALE

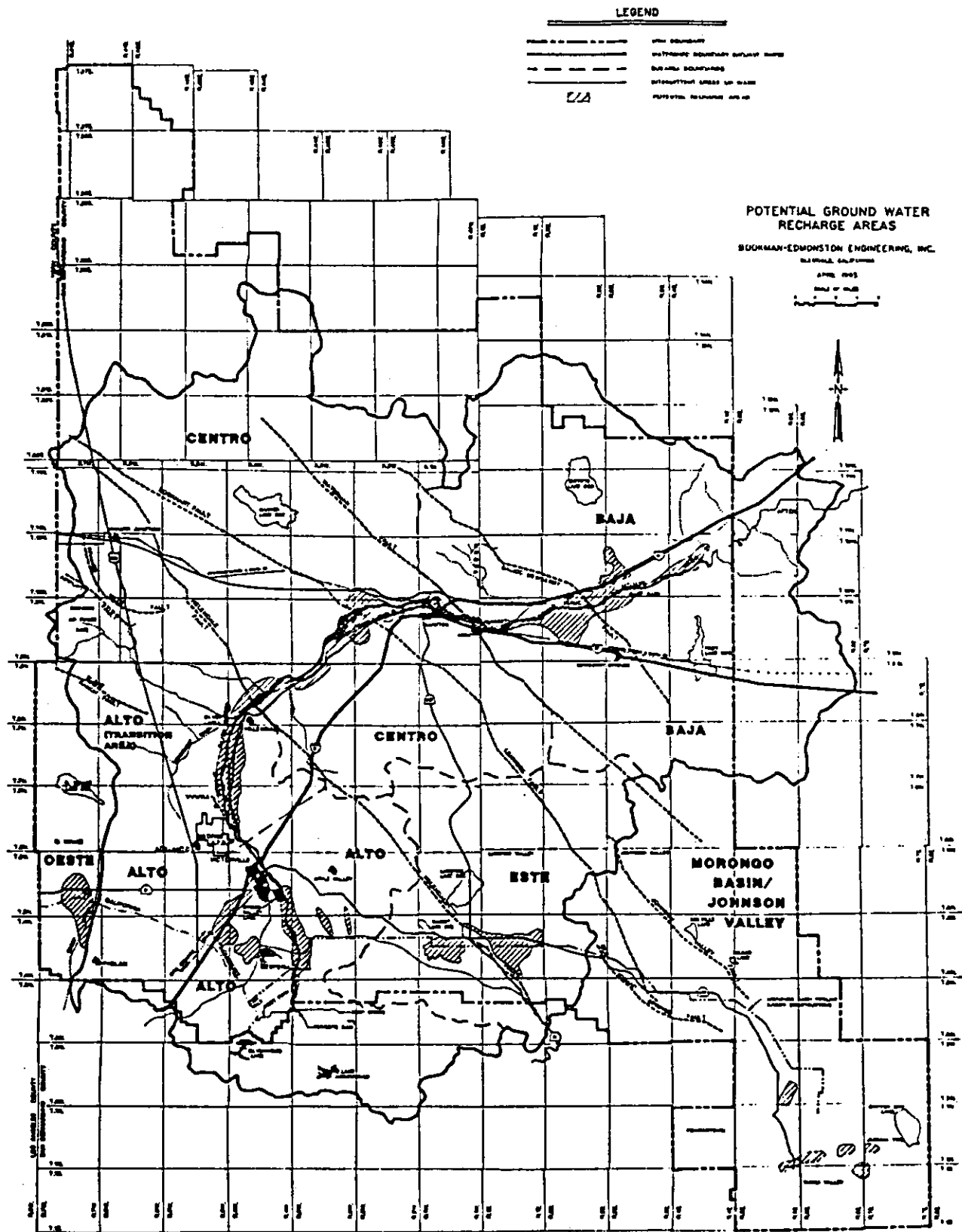
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Feet



FIGURE H-1: HARVARD/EASTERN BAJA RIPARIAN ZONE





# MOJAVE WATER AGENCY

## REGIONAL WATER MANAGEMENT PLAN



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# Water Conservation Ordinance





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1 which became effective on March 27, 2015, and which remains in place for up to 270  
2 days (9 months), unless extended by the State Water Board; and

3 **WHEREAS**, on April 1, 2015, the Governor issued Executive Order B-29-15,  
4 which, in part, mandates a 25% statewide reduction in urban water use, and provides  
5 that the orders in the January 17, 2014, and April 25, 2014, proclamations and  
6 Executive Orders B-26-14 and B-28-14 remain in full force except as modified by  
7 Executive Order B-29-15. The Governor directed the State Water Board to impose  
8 restrictions to achieve the statewide 25% reduction; and

9 **WHEREAS**, on May 18, 2015, the State Water Board proposed regulations  
10 ("Regulations") became effective, mandating water use restrictions in order to comply  
11 with the Governor's 25% cutback mandate; and

12 **WHEREAS**, the Regulations impose certain requirements on water users  
13 throughout the state, such as prohibiting the use of water, for instance, to wash down  
14 driveways, and prohibiting irrigation that causes water runoff; and

15 **WHEREAS**, the Regulations also impose mandatory cutback requirements on  
16 "urban water suppliers," defined as suppliers providing water to over 3,000 customers or  
17 providing over 3,000 acre-feet per year to municipal customers. Two of the County  
18 Service Areas serve over 3,000 customers and, therefore, qualify as "urban water  
19 suppliers" subject to mandatory reductions of 28% and 32% from 2013 usage levels;  
20 and

21 **WHEREAS**, the Regulations also require public water distributors serving less  
22 than 3,000 customers to either cutback their water use by 25% from 2013 levels or limit  
23 outdoor irrigation to no more than twice per week; and

24 **WHEREAS**, California Water Code sections 375 *et seq.* empower any public  
25 entity which supplies water at retail or wholesale to adopt and enforce a water  
26 conservation program to reduce the quantity of water used by those within its service  
27 area after holding a public hearing and making appropriate findings of necessity for the  
28 adoption of a water conservation program; and

1       **WHEREAS**, Water Code section 375, subdivision (c) defines "public entity" to  
2 include a city, county, special district, water authority, or any other municipal public  
3 corporation or district; and

4       **WHEREAS**, the County desires to repeal Ordinance No. SD 90-11, which  
5 established water conservation measures, and to adopt a water conservation program  
6 that conforms to the mandatory restrictions set forth in the Regulations; and

7       **WHEREAS**, the adoption and enforcement of a comprehensive water  
8 conservation program will allow the County to delay or avoid declaring a water shortage  
9 emergency pursuant to Water Code section 350 *et seq.* as well as comply with the State  
10 Board Regulations; and

11       **WHEREAS**, the County has the authority to impose monetary fines and penalties  
12 and take other applicable actions pursuant to Water Code sections 375 through 377;  
13 and

14       **WHEREAS**, on June 23, 2015, the County held a public hearing and made  
15 appropriate findings of necessity for the adoption of a water conservation program; and

16       **NOW THEREFORE**, based upon the above, the Board of Supervisors of the  
17 County of San Bernardino, acting in its capacity as the governing body of the County  
18 Service Areas and Zones named in Section 4(b) of this ordinance, ordains as follows:  
19

20       **SECTION 1. Incorporation of Recitals.** All of the foregoing recitals are true  
21 and correct and the Board of Supervisors so finds and determines. The recitals set  
22 forth above are incorporated herein and made an operative part of this ordinance.  
23

24       **SECTION 2. Public Hearing.** The Board of Supervisors conducted a noticed  
25 public hearing on June 23, 2015, at 10:00 a.m., or as soon thereafter as practicable, at  
26 the Covington Chambers, 385 N. Arrowhead Avenue, San Bernardino, CA 92415, as  
27 part of the Regular Meeting of the Board of Supervisors.  
28

1           **SECTION 3. Repeal.** Ordinance SD 90-11 is hereby repealed.

2  
3           **SECTION 4. Water Conservation Program**

4  
5           (a) Findings and Purpose.

6           (b) Application.

7           (c) Mandatory Restrictions.

8           (d) Conservation Stages.

9           (e) Determination and Declaration of Conservation Stages.

10          (f) Duration of Conservation Stages.

11          (g) Fines and Penalties.

12          (h) Citation Appeal Process.

13  
14          (a) **Findings and Purpose**

15               (1) The Board of Supervisors finds and determines that because of the  
16 prevailing conditions in the state, and the declared policy of the state, it is necessary  
17 and appropriate for the Board of Supervisors to adopt, implement and enforce this water  
18 conservation program to reduce the quantity of water used within the County Service  
19 Areas and Zones identified in Section 4 (b) herein to ensure that there is sufficient water  
20 for human consumption, sanitation, and fire protection. The Board of Supervisors  
21 further finds and determines that during periods of drought, water shortages, and water  
22 shortage emergencies, the general welfare requires that the County maximize the  
23 beneficial use of its available water resources to the extent that it is capable, and that  
24 the unreasonable use, or unreasonable method of use of water shall be prevented and  
25 the conservation of water is to be extended with the view to the reasonable and  
26 beneficial use thereof in the interests of the people of the County and for the public  
27 health, safety, and welfare.

28               (2) This ordinance adopts a water conservation program which

1 establishes mandatory water use restrictions, regulations, and administrative fines  
2 and/or penalties to be implemented during declared Conservation Stages 1 through 4.

3 (3) Due to the fact that the County Service Areas and Zones are  
4 located in a semi-arid region, groundwater is of limited supply and in overdraft in some  
5 aquifers in the County. Current surface water supplies in the County Service Areas and  
6 Zones are limited. The purpose of the provisions of this ordinance and the water  
7 conservation program are to assure the highest beneficial use of County Service Area  
8 and Zone water supplies and to provide sufficient water supplies to meet the basic  
9 needs of human consumption, sanitation, and fire protection within the County Service  
10 Areas and Zones.

11 (b) **Application**

12 The provisions of this Ordinance shall apply to all water customers of the  
13 following County Service Areas and Zones (collectively referred to herein as "County  
14 Service Areas" or "CSAs"):

15 CSA 42 (Oro Grande)

16 CSA 53C (Fawnskin)

17 CSA 64 (Spring Valley Lake)

18 CSA 70 (Countywide)

19 Zone CG (Cedar Glen)

20 Zone F (Little Morongo)

21 Zone J (Oak Hills)

22 Zone W-3 (Hacienda Heights)

23 Zone W-4 (Pioneertown)

24 (c) **Mandatory Restrictions**

25 During Conservation Stages 2 through 4, all customers of the CSAs shall comply  
26 with the following mandates, except where necessary to address an immediate health  
27 and safety need or to comply with a term or condition in a permit issued by a state or  
28 federal agency. To the extent that the mandatory restrictions set forth below conflict



1 with a Conservation Stage measure, the more restrictive requirement shall apply. All  
2 references herein to "days" shall mean calendar days unless otherwise specified.

3 (1) Watering, sprinkling, aerial watering or irrigating of any landscaped  
4 or vegetated areas, including lawns, trees, shrubs, grass, ground cover, plants, vine  
5 gardens, vegetables, flowers, or other landscaping shall only occur between the hours  
6 of 9:00 p.m. and 6:00 a.m. during the high use season (April 1 through October 31 of  
7 each year). In the low use season (November 1 through March 31), such watering shall  
8 only occur between the hours of 8:00 a.m. and 3:00 p.m. Commercial and Industrial  
9 use shall only occur between the hours of 9:00 p.m. and 6:00 a.m. year-round. These  
10 restrictions shall not apply to hand-held hose or drip irrigation systems.

11 (2) Use of a hose that dispenses potable water to wash a motor  
12 vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it  
13 that causes it to cease dispensing water immediately when not in use, is prohibited.

14 (3) The application of potable water to outdoor landscapes during and  
15 within 48 hours after measurable rainfall is prohibited.

16 (4) There shall be no hose washing of sidewalks, walkways, driveways,  
17 parking areas, patios, porches, verandas, tennis courts, or other paved, concrete, or  
18 other hard surface areas.

19 (5) Potable water shall not be used in fountains or other decorative  
20 water features, except where the water is a part of a recirculating system.

21 (6) No person shall permit water to leak from any facility or plumbing  
22 fixture on his/her premises. Upon receiving notice of the existence of any such leak, the  
23 water Customer shall identify the source of the water, and within 48 hours, stop the  
24 source by turning off the valve that supplies the water, and within 7 days, evaluate the  
25 extent of, and repair or correct the problem. Broken sprinklers shall be repaired within  
26 24 hours of notification.

27 (7) Use of water for any purpose, which results in flooding or run-off,  
28 such that water flows onto adjacent property, non-irrigated areas, private and public

1 walkways, parking lots, structures, in gutters, driveways or streets, is prohibited.  
2 Sprinklers and irrigation systems shall be adjusted to avoid overspray. Customers shall  
3 avoid the use of sprinklers for any type of irrigation during high winds.

4 (8) There shall be no irrigation with potable water of ornamental turf on  
5 public street medians.

6 (9) Water for construction purposes, including but not limited to  
7 debrushing of vacant land, compaction of fills and pads, trench backfill and other  
8 construction uses, shall use recycled or non-potable water when available and water  
9 application must be attended at all times.

10 (10) The serving of drinking water other than upon request in eating or  
11 drinking establishments, including but not limited to restaurants, hotels, cafes,  
12 cafeterias, bars or other public places where food and drink are served and/or  
13 purchased is prohibited.

14 (11) Hotels and motels shall provide guests with the option of choosing  
15 not to have towels and linens laundered daily. Hotels and motels shall prominently  
16 display notice of this option in each guestroom using clear and easily understood  
17 language.

18 (12) Water used for cooling systems must be recycled to the extent  
19 possible.

20 (13) Evaporation resistant covers are encouraged for all swimming  
21 pools and hot tubs.

22 (14) Customers are strongly encouraged to convert lawns to drought  
23 tolerant, low water use or native plants, incorporating the principals of Xeriscaping.

24 (15) Winterizing pipes and valves to prevent leaks and breakage is  
25 strongly encouraged.

26 (16) Home Owner Associations (HOAs) are strongly encouraged to  
27 adopt and enforce water use restrictions in their rules and regulations.

28 (d) **Conservation Stages**

1                   (1)    Conservation Stage 1 – “Drought Watch”

2                   (A)    The Director of Special Districts Department or designee  
3 (hereinafter Director) shall conduct public outreach and provide public information to  
4 educate customers on drought conditions and water conservation measures. Water  
5 customers shall be requested to reduce their consumption by no more than fifteen  
6 percent (15%) from a comparative year selected by the Director.

7                   (B)    Customer Restrictions:

8                   (I)    Customers shall be encouraged to install and use  
9 water saving devices such as rain sensors, low-flow showerheads, faucet aerators and  
10 sprinkler and irrigation watering valves; low-flow or waterless toilets; high-efficiency, low  
11 water use washing machines and dishwashers; and automated irrigation timers and/or  
12 controllers as well as other available water retrofit kits.

13                   (II)   Outdoor irrigation is limited to 4-days per week.

14                   (2)    Conservation Stage 2 – “Drought Alert”

15                   (A)    The Director shall continue all public information actions  
16 specified for Conservation Stage 1 but shall request that customers reduce their usage  
17 by no more than forty percent (40%) from a comparative year designated by the Board  
18 of Supervisors or as otherwise mandated by the state.

19                   (B)    Customer Restrictions:

20                   (I)    Comply with all Conservation Stage 1 measures.

21                   (II)   Outdoor irrigation shall be limited to 3-days or 2-days  
22 per week, with specific days of the week to be designated by the Director.

23                   (3)    Conservation Stage 3 – “Drought Critical Condition”

24                   (A)    The Director shall continue all public sector actions specified  
25 for Conservation Stages 1 and 2 but shall request that customers reduce their usage by  
26 no more than fifty percent (50%) from a comparative year, as designated by the Board  
27 of Supervisors or as may otherwise be mandated by the state.

28                   (B)    Customer Restrictions:

1 (I) Except as otherwise set forth in this Conservation  
2 Stage, all Conservation Stage 1 and 2 measures shall remain in effect.

3 (II) If the Director finds that insufficient conservation is  
4 occurring, the Director may impose the following requirements:

5 (i) Outdoor irrigation shall be limited to 1-day per  
6 week, with specific days of the week to be designated by the Director.

7 (ii) Washing of automobiles, trucks, trailers, boats,  
8 airplanes, and other types of mobile equipment is prohibited unless conducted at a  
9 commercial car or other facility wash utilizing recycling systems. The only exception to  
10 this prohibition is where the public health, safety, and welfare of the public is contingent  
11 upon frequent vehicle cleaning, such as garbage trucks and vehicles used to transport  
12 food and perishables.

13 (iii) The use of fountains or other decorative water  
14 features is prohibited unless necessary as habitat for aquatic pets, in which case  
15 recirculating water shall be permitted.

16 (iv) Draining and refilling of private swimming pools  
17 is prohibited unless necessary for public health and safety and approved by the  
18 Director.

19 (4) Conservation Stage 4- "Drought Emergency"

20 (A) The Director shall continue all actions specified for  
21 Conservation Stages 1, 2, and 3 but shall request that customers reduce their usage by  
22 more than fifty percent (50%) from a comparative year, as designated by the Board of  
23 Supervisors or as may otherwise be mandated by the state.

24 (B) Customer Restrictions:

25 (I) Except as otherwise set forth in this Stage, all Stage  
26 1, 2, and 3 measures remain in effect.

27 (II) All residential, commercial and industrial outdoor  
28 irrigation is prohibited except as determined on a case by case basis by the Director.



1 (III) Will-serve letters may no longer be issued, if the  
2 Board of Supervisors finds that there exists insufficient water supply to serve new  
3 connections.

4 (e) **Determination and Declaration of Conservation Stages**

5 The Director shall review and analyze all available water supply and conservation  
6 data and shall regularly report his/her findings to the Board of Supervisors during  
7 Conservation Stages 1 through 4.

8 The Director is authorized to declare and rescind Conservation Stage 1 but shall  
9 provide notice to the Board of Supervisors of such declaration or rescission and the  
10 factual circumstances under which such action was taken.

11 The Board of Supervisors shall declare the existence of a Conservation Stage 2  
12 through 4 condition by resolution adopted at a regular or special public meeting held in  
13 accordance with state law.

14 The existence of a Conservation Stage 4 condition may be declared by the Board  
15 of Supervisors pursuant to California Water Code section 350 et seq., following a public  
16 hearing, noticed at least seven (7) days in advance, or as otherwise may be required by  
17 state law.

18 Within ten (10) days following the declaration of a conservation stage, the Clerk  
19 of the Board of Supervisors shall publish a copy of the resolution, or summary thereof,  
20 in accordance with applicable law, in a newspaper of general circulation of official  
21 notices. The conservation measures applicable to the conservation stage shall take  
22 effect on the day the resolution, or summary thereof, is published. The Board of  
23 Supervisors may declare an end to Conservation Stages 2 through 4 by the adoption of  
24 a resolution at any regular or special meeting held in accordance with state law.

25 (f) **Duration of Conservation Stages**

26 The declaration of any conservation stage shall remain in effect until such time  
27 as another stage is declared or the current stage is rescinded.

28 (g) **Fines and Penalties**

1           (1) *Violations.* Pursuant to Section 377 of the Water Code, each  
2 violation of this ordinance may be prosecuted as a misdemeanor, punishable by  
3 imprisonment in the County jail for no more than thirty (30) days or by fine not  
4 exceeding \$1,000, or by both. In addition to the Water Code penalties, violations of this  
5 ordinance may result in the imposition of fines and restriction and/or termination of  
6 water service as set forth below:

7                   (A) First Violation – Notice of Violation and Warning of Penalties  
8 – a written warning accompanied by a copy of this ordinance, delivered by U.S. Mail  
9 and/or hung on customer's door.

10                   (B) Second Violation (within one year of the first violation) – a  
11 fine of \$100.00 or attendance and successful completion of a "Water Conservation  
12 Education Course," within thirty (30) days of the violation notice. Course must be  
13 approved by the Director.

14                   (C) Third Violation (within one year of the first violation) - a fine  
15 of \$200.00.

16                   (D) Fourth Violation (within one year of the first violation) – a fine  
17 of \$300.00 and fee for installation of flow restricting device by Special Districts  
18 Department during the duration of the drought declaration.

19                   (E) Fifth Violation (within one year of the first violation) – a fine  
20 of \$500.00, and termination of service for such period as determined to be appropriate  
21 under the circumstances.

22           (2) *Fines, Additional Charges.* Any fine hereunder shall be in addition  
23 to the basic water rates and other charges for the account and shall appear on and be  
24 payable with the billing statement for the period during which the violation occurred;  
25 nonpayment shall be subject to the same remedies available for non-payment of basic  
26 water rates.

27           In addition to any fine, a customer violating this ordinance shall be  
28 responsible for payment of charges for installing and/or removing any flow restricting

1 device and for disconnecting and/or reconnecting service. Such charges shall be paid  
2 prior to the removal of the flow restrictor or reconnection of service, whichever the case  
3 may be.

4 Fines and penalties collected shall be used to offset any state-imposed  
5 fines and penalties and water conservation education and the drought response  
6 programs.

7 (3) *Variances.*

8 (A) If, due to unique circumstances, a specific requirement of  
9 this ordinance would result in undue hardship to a customer that is disproportionate to  
10 the impacts to County Service Area or Zone customers generally, then the customer  
11 may apply for a variance pursuant to the requirements as provided in this section.

12 (B) The variance may be granted or conditionally granted, only  
13 upon a written finding of the existence of facts demonstrating an undue hardship to the  
14 customer that is disproportionate to the impacts to County Service Area or Zone  
15 customers generally or due to specific and unique circumstances of the customer or the  
16 customer's property.

17 (C) Application. Application for a variance shall be a form  
18 prescribed by the Director.

19 (D) Supporting Documentation. The application shall be  
20 accompanied by photographs, maps, drawings, and other information, including a  
21 written statement of the applicant.

22 (E) Required Findings for Variance. An application for a  
23 variance shall be denied unless the Director finds, based on the information provided in  
24 the application, supporting documents, or such additional information as may be  
25 requested, and on water use information for the property as shown by the records of the  
26 County Service Area or Zone, all of the following:

27 (I) That the variance does not constitute a grant of  
28 special privilege inconsistent with the limitations upon other customers.

1 (II) That because of special circumstances applicable to  
2 the property or its use, the strict application of this ordinance would have a  
3 disproportionate impact on the property or use that exceeds the impacts to customers  
4 generally.

5 (III) That the authorizing of such variance will not be of  
6 substantial detriment to adjacent properties, and will not materially affect the ability of  
7 the County Service Area or Zone to effectuate the purpose of this ordinance and will not  
8 be detrimental to the public interest.

9 (IV) That the condition or situation of the subject property  
10 or the intended use of the property for which the variance is sought is not common,  
11 recurrent or general in nature. Inconvenience or the potential for damage to  
12 landscaping shall not be considered for a variance from any section of this ordinance.

13 (F) Approval Authority. The Director shall exercise approval  
14 authority and act upon any completed application within a reasonable time after  
15 submittal and may approve, conditionally approve, or deny the variance. The applicant  
16 requesting the variance shall be promptly notified in writing of any action taken. Unless  
17 specified otherwise at the time a variance is approved, the variance applies to the  
18 subject property during the term of the conservation stage. The decision of the Director  
19 on a variance application is final.

20 (h) **Citation Appeal Process**

21 (1) *Procedures.* The Director shall determine when violations have  
22 occurred and shall issue to the customer a notice of violation by U.S. First Class mail to  
23 the address on file for the customer for the receipt of water bill. Said notice shall  
24 describe the action to be taken (notice of first violation shall be accompanied by a  
25 copy of this ordinance).

26 A customer may appeal the notice of violation by filing a written notice  
27 of appeal directed to the address specified in the notice of violation no later than thirty  
28 (30) days from the due date for the payment of any fine. The customer must pay



1 the contested fine notwithstanding a timely appeal. Any notice of violation not  
2 timely appealed shall be final. Upon receipt of a timely appeal, the Director shall set  
3 the matter for hearing by a designated hearing officer or hearing panel. The  
4 hearing shall be held within a reasonable time but not to exceed thirty (30) days  
5 following receipt of the appeal. The Director shall mail written notice of the hearing via  
6 U.S. first class mail to the customer at least ten (10) days before the date of said  
7 hearing. The decision of the hearing officer or panel shall be final.

8 (2) *Interim Measures.* Pending receipt of a written appeal or pending a  
9 hearing pursuant to an appeal, the Director may take appropriate steps to prevent the  
10 unauthorized use of water as appropriate to the nature and extent of the violation and  
11 the current declared conservation stage.

## 12 13 **SECTION 5. Severability**

14 If any section, subsection, sentence, clause, or phrase of this ordinance is for  
15 any reason held to be unconstitutional or invalid, such provision shall not affect the  
16 validity of the remaining portions of this ordinance. The Board of Supervisors hereby  
17 declares that it would have passed this ordinance and each section, subsection,  
18 sentence, clause, or phrase thereof irrespective of the fact that any one or more  
19 sections, subsections, sentences, clauses or phrases may be unconstitutional or  
20 invalid.

## 21 22 **SECTION 6. California Environmental Quality Act**

23 The Board of Supervisors finds that adopting and enforcing a water conservation  
24 program and mandatory restrictions on water use in order to comply with state  
25 emergency drought regulations is exempt from the California Environmental Quality Act  
26 ("CEQA") pursuant to State CEQA Guidelines Section 15268 and Public Records Code  
27 section 21080(b)(1) as a ministerial action. The regulations mandate that each urban  
28 water supplier implement all requirements and actions of the stage of its water

1 conservation plan that imposes mandatory restrictions on outdoor irrigation. Therefore,  
2 an action to implement a particular phase of a water conservation plan is not a  
3 discretionary action and, as such, it is statutorily exempt from CEQA.

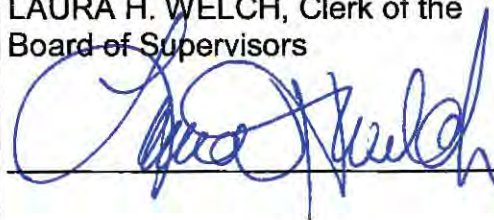
4  
5 **SECTION 7. Effective Date and Publication**

6 This ordinance is adopted pursuant to Section 375 of the Water Code. This  
7 ordinance shall take effect immediately pursuant to the provisions of Section 376(a) of  
8 the Water Code. Pursuant to Water Code section 376 and Government Code section  
9 6061, the Clerk of the Board shall publish in a newspaper of general circulation this  
10 ordinance, or summary thereof, adopting a water conservation program within 10 days  
11 after its adoption.

12  
13   
14 JAMES RAMOS, Chairman  
Board of Supervisors

15  
16 SIGNED AND CERTIFIED THAT A COPY  
17 OF THIS DOCUMENT HAS BEEN DELIVERED  
TO THE CHAIRMAN OF THE BOARD

18 LAURA H. WELCH, Clerk of the  
19 Board of Supervisors

20   
21

1 STATE OF CALIFORNIA )  
2 ) ss.  
3 COUNTY OF SAN BERNARDINO )

4 I, LAURA H. WELCH, Clerk of the Board of Supervisors of the County of San  
5 Bernardino, State of California, hereby certify that at a regular meeting of the Board of  
6 Supervisors of said County and State, held on the 23rd day of June, 2015,  
at which meeting were present Supervisors: \_\_\_\_\_

Rutherford, Ramos, Hagman, Gonzales

7 and the Clerk, the foregoing ordinance was passed and adopted by the following vote,  
8 to wit:

9 AYES: SUPERVISORS: Rutherford, Ramos, Hagman, Gonzales

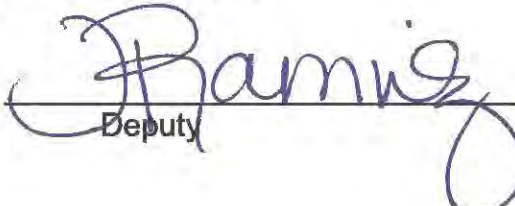
10 NOES: SUPERVISORS: None

11 ABSENT: SUPERVISORS: Lovingood

12 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official  
13 seal of the Board of Supervisors this 23rd day of June, 2015.



LAURA H. WELCH, Clerk of the  
Board of Supervisors of the  
County of San Bernardino,  
State of California

  
Deputy

20 Approved as to Form:

21 JEAN-RENE BASLE  
22 County Counsel

23 By: 

24 KENNETH C. HARDY  
25 Deputy County Counsel

26 Date: 6/16/15



J

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## Hearing Notices







**Department of Public Works**  
**Special Districts**  
**Water and Sanitation Division**

**Brendon Biggs, M.S., P.E.**  
Director

**Trevor Leja**  
Deputy Director

**Steve Samaras**  
Division Manager

**COUNTY SERVICE AREA 64 (Spring Valley Lake)**  
**NOTICE OF PUBLIC HEARING**  
**2020 URBAN WATER MANAGEMENT PLAN**

Dear Stakeholder, on June 22, 2021, at 10:00 a.m. in the Board Chambers at the County Government Center located at 385 North Arrowhead Avenue, San Bernardino, CA, the Board of Supervisors will conduct a public hearing, pursuant to California Water Code sections 10642 and 10608.26, to consider and receive comments and input on the *2020 Urban Water Management Plan for County Service Area 64 (Spring Valley Lake) (CSA 64)* to allow for community input regarding CSA 64's implementation of the 2020 Urban Water Management Plan. A draft electronic version of the plan will be accessible at [www.specialdistricts.org](http://www.specialdistricts.org) in June 2021. The 2020 Urban Water Management Plan for CSA 64 has been developed for implementation in accordance with the requirements of the California Urban Water Management Planning Act, Water Code sections 350 through 359 and 10610 through 10657, and the Water Conservation Act of 2009, Water Code sections 10608 through 10608.64. Public input from diverse social, cultural and economic elements of the population is encouraged and will be considered as part of the urban water management planning process. Input from and coordination with other public agencies is encouraged and will be considered (Water Code §§ 10620(d)(2); 10621(b); 10642.). Any written comments regarding the Draft 2020 Urban Water Management Plan for CSA 64 should be submitted by the close of the public hearing on June 22, 2021, to 222 W. Hospitality Lane, 2<sup>nd</sup> Floor, San Bernardino, CA 92415, Attention Charles Brammer, Project Manager. Public comments can also be made at the public hearing at the time and place first set forth above. Upon conclusion of the public hearing, the San Bernardino County Board of Supervisors may revise, change, modify, and/or adopt the 2020 Urban Water Management Plan.

The Board of Supervisors meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the board meeting. The Clerk's telephone number is (909) 387-3841 and the office is located at 385 North Arrowhead Avenue, 2<sup>nd</sup> floor, San Bernardino, CA 92415.

Steve Samaras- Division Manager

**BOARD OF SUPERVISORS**

**COL. PAUL COOK (RET.)**  
First District

**JANICE RUTHERFORD**  
Second District

**DAWN ROWE**  
Vice Chair, Third District

**CURT HAGMAN**  
Chairman, Fourth District

**JOE BACA, JR.**  
Fifth District

**Leonard X. Hernandez**  
Chief Executive Officer

# K

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## UWMP Adoption Resolution

