

# NEWBERRY COMMUNITY SERVICES DISTRICT

Established 1958

Board Minutes  
June 26, 2018

**Call the meeting to order. 6:00 p.m.**

## **Pledge of Allegiance**

President Springer asked all present to rise, face the flag and recite the Pledge of Allegiance.

## **Roll Call.**

### **Present:**

President Springer  
Vice President Deel  
Director Clark  
Director Shaw  
Director Paulsen

### **Absent:**

**Also Present :** General Manager Le Hayes, Board Secretary Jodi Howard ,District Treasurer Kerri Zurcher, Fire Chief Miller and Field Rep. for Lovingood Christian Guntert, members of the public.

## **1. Approval of the Agenda**

Motion Director Shaw approve as presented and waive reading. Seconded Director Paulsen

Vote: **Unanimous**

**Motion Passed**

## **2. Public Comments:**

- a. **General Public-** Ronnie Shaw- NSEDA Meetings 4<sup>th</sup> Monday of the month @ 5:30 p.m. Family Center News Letter will come out every other month starting July. Ted Stimpfel –Requested the board release Kiewit funds again for solar.

### **\* Community Reports**

**County Supervisor Lovingood Representative-** Christian Guntert –County has passed a new budget.

**Sheriff** – Lt. Kevin Ferber-*Report attached on website*  
Capt. Ron Markegard introduced himself and answered questions.

**3. Consent Items**

**a. Approval of Minutes**

**b. Bills Paid and Presented for Approval**

Motion Director Shaw approve consent items as presented waive reading.  
Seconded Director Deel. Director Clark recused himself from vote and left the room.

**Vote: Yes-** Director Deel, Director Paulsen, Director Shaw, Director Springer

**Recuse:** Director Clark

**Motion Passed**

**4. Matters Removed from Consent Items**

**5. Reports**

**A. General Manager-** Jon has trimmed trees in park. July 4<sup>th</sup> Office will be Closed

**B. Staff-** Fire Chief Miller reported BP was approved with Board of Supervisors. Repeater Tower is complete. Got laptops completed for Fire Dept. Introducing Corey to Fire Department contacts via Email before Fire Chief Resignation day June 30.

**President Springer Called for break 6:41 p.m.**

**Returned from break 6:59 p.m.**

**6. Agenda Items- *Discussion/Possible Action***

**a. Approval of FY 2018/19 Budget**

Motion Director Springer Approve budget as written with amendments to be decided in July General Meeting. Seconded Director Deel. **Vote: Yes-** Director Deel, Director Clark, Director Paulsen, Director Springer. **No-** Director Shaw.

**Motion Passed**

**Board Min.  
6-26-18 pg.3**

**4. Old and New Business- Improvement to Parks & Recreation  
Director Clarks Buying of Real Estate for parking.**

**5. Adjournment: 8:03 p.m**

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Board Secretary

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Board President

CSD Luncheon Report -- July 11, 2018

There were representatives from Daggett, Helendale, Newberry, and Yermo CSDs in attendance. Also present were Christian Guntert, Supervisor Lovingood's Rep., Bill Little, SBO Cnty Roads, Bev Lowry, MWA Director, and Ted Stimpfel.

Bill Little said the road work in Newberry is complete except for the striping.

Daggett said their GM died. They are interviewing replacements. They had a phone call from LAFCO's Michael Teurpe. Part of the conversation was regarding proposed consolidation of CSDs. Daggett then went to Supervisor Lovingood's office to discuss the issue with him. He said he would get back to them with information.

Helendale told about their ball field improvements and youth activities.

MWA in cooperation with Barstow College is planning a day for the public to learn how to better use/save water. Sept. 22, 2018, 9-1. MWA is being educated on the water use of solar projects. There is a company that comes out and washes solar panels. Sounds like the units are pretty self-contained to conserve water.

Yermo said their Yermo Days Parade is tentatively scheduled for Nov. 17, 2018.

Paula

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Newberry Springs Community Service District  
Proposed FY 2018/19 Budget

1000.0 ADMINISTRATION	2017/18 B	2017/18 A	2018/19 P	Notes
1001.0 Advertising	\$500.00	\$0.00	\$ 300.00	
1003.0 Auditor	\$7,000.00	\$0.00	\$ 7,000.00	
1004.0 Bank Fees	\$100.00	\$116.37	\$ 100.00	
1005.0 Director Stipends	\$3,500.00	\$2,900.00	\$ 7,000.00	*In the event of a Stipend Increase
1006.0 Education Expenses				
1006.1 Education, Tuition	\$3,000.00	\$580.00	\$ 2,500.00	
1006.2 Education, Books	\$200.00	\$0.00	\$ 200.00	
1006.3 Education, Lodging	\$2,500.00	\$0.00	\$ 2,000.00	
1006.4 Education, Mileage	\$300.00	\$0.00	\$ 300.00	
Education Sub-Total	\$6,000.00	\$580.00	\$ 5,000.00	
1007.0 Election Expenses	\$0.00	\$0.00	\$ 2,500.00	*Elections in Even Numbered Years, Based on Last Billed Amount
1008.0 LAFCO	\$100.00	\$204.48	\$ 300.00	
1009.0 Legal Expenses	\$5,000.00	\$0.00	\$ 4,000.00	
1010.0 Office Expenses				
1010.1 Office Supplies	\$1,500.00	\$618.85	\$ 1,500.00	
1010.2 Office Equipment, Maint/Repair	\$1,500.00	\$1,335.35	\$ 1,500.00	
1010.3 Office Equipment, Purchases	\$500.00	\$86.17	\$ 500.00	
1010.4 Postage/Shipping	\$300.00	\$374.61	\$ 500.00	
1010.5 Office Telephone	\$400.00	\$269.34	\$ 400.00	
1010.6 Subscriptions/Membership Fees	\$3,000.00	\$2,193.22	\$ 3,000.00	*QuickBooks Payroll Subscription, CSDA, Streamline Web Hosting
1010.7 Office Internet	\$1,100.00	\$565.25	\$ 1,300.00	*Est \$95x12 months
Office Expenses Sub-Total	\$8,300.00	\$5,442.79	\$ 8,700.00	
1012.0 Administrative Personnel Expenses				
1012.1 Salary, Board Secretary	\$1,600.00	\$1,785.45	\$ 2,000.00	*All Payroll Increases are potential, pending Board approval
1012.2 Salary, General Manager	\$10,500.00	\$10,712.28	\$ 12,000.00	
1012.3 Salary, Office Assistant	\$8,500.00	\$8,569.80	\$ 10,000.00	
1012.4 Salary, Treasurer	\$5,300.00	\$5,000.04	\$ 5,500.00	
1012.5 Payroll Taxes (Dist Contribution)	\$5,500.00	\$5,446.94	\$ 6,000.00	
1012.7 Dept of Justice-Live Scan	\$100.00	\$104.00	\$ 100.00	
1012.8 Workers Comp Insurance	\$8,500.00	\$481.00	\$ 7,000.00	
1012.9 Staff Mileage	\$500.00	\$17.93	\$ 300.00	
Admin Personnel Expenses Sub-Total	\$40,500.00	\$32,117.44	\$ 42,900.00	
1013.0 SDRMA Insurance, Liability/Bonding	\$3,700.00	\$3,333.55	\$ 3,700.00	
Administrative Total	\$74,700.00	\$44,694.63	\$ 81,500.00	

Newberry Springs Community Service District  
Proposed FY 2018/19 Budget

<b>2000.0 PARK &amp; RECREATION</b>		<b>2017/18 B</b>	<b>2017/18 A</b>	<b>2018/9 B</b>	Notes
<b>2001.0 Community Events</b>					
2001.1 Community Events, Advertising		\$300.00	\$179.66	\$300.00	
2001.2 Community Events, Expenses		\$12,000.00	\$10,926.24	\$12,000.00	
<b>Community Events Sub-Total</b>		\$12,300.00	\$11,105.90	\$12,300.00	
<b>2002.0 Community Center Expenses</b>					
2002.1 Consumable Supplies		\$400.00	\$141.98	\$400.00	
2002.2 CSD Electric		\$3,000.00	\$3,096.19	\$4,000.00	
2002.3 CSD Propane		\$1,800.00	\$1,133.17	\$2,300.00	
2002.4 Contract Labor, Cleaning		\$3,600.00	\$3,600.00	\$4,200.00	
2002.5 Health Permits		\$1,100.00	\$960.00	\$1,100.00	
2002.6 CSD Building, Maint./Repair		\$3,500.00	\$3,392.96	\$3,500.00	
2002.7 Pest Control		\$700.00	\$600.00	\$700.00	
<b>Community Center Sub-Total</b>		\$14,100.00	\$12,924.30	\$16,200.00	
<b>2003.0 Grounds Expenses</b>					
2003.1 Contract Labor, Landscaping		\$4,800.00	\$4,800.00	\$4,800.00	
2003.2 Disposal Services		\$2,500.00	\$1,809.24	\$2,500.00	
2003.3 Maint./Repair, Equipment		\$2,000.00	\$0.00	\$2,000.00	
2003.4 Maint./Repair, Grounds		\$4,500.00	\$7,332.49	\$5,000.00	
2003.5 Maint./Repair, Well		\$3,000.00	\$568.43	\$5,000.00	
2003.6 Mojave Water Agency Fees		\$200.00	\$0.00	\$200.00	
2003.7 Park, Capital Improvements		\$0.00	\$0.00	\$0.00	
2003.8 Park, Electric		\$1,500.00	\$1,142.39	\$1,800.00	
2003.9 Water Testing		\$300.00	\$275.00	\$400.00	
1002.2 Parking Lot Lights		\$100.00	\$0.00	\$0.00	*Was meter for old office annex
<b>Grounds Expenses Sub-Total</b>		\$18,900.00	\$15,927.55	\$21,700.00	
<b>TOTAL</b>		\$45,300.00	\$39,957.75	\$50,200.00	
<b>3000.0 STREET LIGHTS</b>					
3001.0 Street Lights		\$6,000.00	\$4,561.60	\$8,000.00	Notes

Newberry Springs Community Service District  
Proposed FY 2018/19 Budget

4000.0 FIRE DEPARTMENT	2017/18 B	2017/18 A	2018/19 P	Notes
4001.0 Apparatus Lease/Purchase	\$0.00	\$0.00	\$0.00	
4002.0 Capital Improvements				
4002.1 Station	\$3,000.00	\$0.00	\$0.00	
4002.2 Equipment	\$0.00	N/A	\$0.00	
Capital Improvements Sub-Total	\$3,000.00	\$0.00	\$0.00	
4003.0 Equipment Expense, Vehicle				
4003.1 Equip Exp, Vehicle, Fuel	\$5,500.00	\$2,863.37	\$4,000.00	
4003.2 Equip Exp, Vehicle, Maint/Repair	\$10,000.00	\$2,075.08	\$8,000.00	
4003.3 Equip Exp, Vehicle, SDRMA, Ins	\$5,000.00	\$5,717.79	\$6,000.00	
Equipment Expense Sub-Total	\$20,500.00	\$10,656.24	\$18,000.00	
4004.0 Equip Exp, Non-Vehicle				
4004.1 Equip Exp, Non-Vehicle, Purchase	\$15,000.00	\$7,235.92	\$10,000.00	
4004.2 Equip Exp, Non-Vehicle, Maint/Repair	\$5,000.00	\$1,513.76	\$4,000.00	
4004.3 Equip Exp, Non-Vehicle, First Aid Supplies	\$2,000.00	\$2,103.92	\$2,500.00	
4004.4 Equip Exp, Non-Vehicle, Equip Fuel	\$300.00	\$179.27	\$300.00	
Equipment Exp, N-V Sub-Total	\$22,300.00	\$11,032.87	\$16,800.00	
4005.0 Dispatching Expense				
4005.1 Equipment Purchase	\$1,000.00	\$6,673.68	\$0.00	*New radio tower install complete
4005.2 Equipment Maint/Repair	\$2,000.00	\$271.83	\$2,000.00	
4005.3 Cal Fire Dispatching	\$7,000.00	\$6,766.00	\$7,000.00	
Dispatching Expense Sub-Total	\$10,000.00	\$13,711.51	\$9,000.00	
4006.0 Station Expenses				
4006.1 Phone/Internet Service	\$1,300.00	\$953.34	\$1,500.00	
4006.2 Station, Maint/Repair	\$3,000.00	\$2,102.75	\$3,000.00	
4006.3 Office Supplies	\$1,000.00	\$1,119.13	\$1,600.00	
4006.4 Pest Control	\$600.00	\$600.00	\$600.00	
4006.5 Subscriptions/Memberships	\$2,100.00	\$2,052.00	\$2,100.00	
4006.6 Station, Electric	\$2,000.00	\$1,710.44	\$2,300.00	
4006.7 Drinking Water	\$300.00	\$283.50	\$500.00	
4006.8 Trash Service	\$0.00	\$0.00	\$600.00	
Station Expenses Sub-Total	\$10,300.00	\$8,821.16	\$12,200.00	*2017/18 Added dumpster to station, being paid under 4006.2 now

<b>4007.0 Firefighter Personnel Expenses</b>						
4007.1 Fire Department Office Administrator		\$8,000.00	\$7,452.00	\$9,000.00		*Potential Increase, per Board approval
4007.4 Firefighter Appreciation		\$3,000.00	\$3,596.42	\$4,000.00		
4007.5 Firefighter Callout Stipend		\$8,000.00	\$4,160.00	\$7,000.00		
4007.6 Training Exp, Certification/Books/Tuition		\$5,000.00	\$466.40	\$5,000.00		
4007.8 Dept of Justice, Live Scan		\$300.00	\$358.00	\$500.00		
4007.10 Uniform Expense		\$400.00	\$0.00	\$400.00		
<b>4008.0 Public Relations</b>						
4008.1 Prevention		\$200.00	\$0.00	\$200.00		
<b>Public Relations Sub-Total</b>		\$200.00	\$0.00	\$200.00		
<b>4009.0 Grant Expenses</b>						
4009.1 Grant Expenses, Admin		\$200.00	\$195.00	\$200.00		
4009.2 Grant Expenses, Purchases		\$14,000.00	\$0.00	\$0.00		*Grant still pending
<b>Public Relations Sub-Total</b>		\$200.00	\$195.00	\$200.00		
<b>4010.0 Explorer's Expenses</b>						
4010.1 Explorer's Expenses, Admin		\$0.00	\$295.00	\$1,000.00		*17/18 Funds pulled from 16/17 donation of \$500
<b>Explorer's Subtotal</b>		\$0.00	\$295.00	\$1,000.00		
<b>TOTAL</b>		\$91,000.00	\$60,449.60	\$83,300.00		



Newberry Springs Community Service District  
Proposed FY 2018/19 Budget

<b>5000.0 INCOME</b>		<b>2017/18 B</b>	<b>2017/18 A</b>	<b>2018/19 P</b>	<b>Notes</b>
<b>5001.0 Interest</b>					
5001.1 Checking Interest		\$400.00	\$0.00	\$400.00	
5001.2 CD Interest		\$500.00	\$120.11	\$500.00	
5001.3 Savings Interest		\$40.00	\$0.00	\$40.00	
	<b>Interest Total</b>	\$940.00	\$120.11	\$940.00	
<b>5002.0 Rental Income</b>					
5002.1 Building Rental		\$500.00	\$380.00	\$500.00	
5002.2 Equipment Rental		\$0.00	\$0.00	\$0.00	
	<b>Rental Income Total</b>	\$500.00	\$380.00	\$500.00	
<b>5003.0 Fire Department Income</b>					
5003.1 FD, Burn Permits		\$2,400.00	\$1,708.00	\$2,400.00	
5003.2 FD, Response Charges		\$300.00	\$599.00	\$800.00	
5003.3 FD, Grant Income		\$14,000.00	\$0.00	\$0.00	
5003.4 FD, Donations		\$0.00	\$0.00	\$0.00	
	<b>Fire Department Income Total</b>	\$16,700.00	\$2,307.00	\$3,200.00	
<b>5004.0 Other Income</b>					
5004.2 Purchase Card Rebate		\$340.00	\$473.22	\$340.00	
5004.3 Copies		\$20.00	\$0.00	\$20.00	
5004.4 Fireworks Donations		\$3,000.00	\$5,383.00	\$3,000.00	
5004.5 Misc. Income		\$0.00	\$8,500.00	\$0.00	
	<b>Other Income Total</b>	\$3,360.00	\$14,356.22	\$3,360.00	
5005.0 San Bernardino County Tax Share		\$210,000.00	\$209,599.02	\$215,000.00	
	<b>TOTAL</b>	\$231,500.00	\$226,762.35	\$223,000.00	
<b>EXPENSE TOTALS</b>					
1000.0 Administration		\$83,000.00	\$44,694.63	\$81,500.00	
2000.0 Park and Recreation		\$50,000.00	\$39,957.75	\$50,200.00	
3000.0 Street Lights		\$6,000.00	\$4,561.60	\$8,000.00	
4000.0 Fire Department		\$91,000.00	\$60,449.60	\$83,300.00	
	<b>TOTAL</b>	\$230,000.00	\$149,663.58	\$223,000.00	

Agenda Item Watermaster Judge

b.

Write a letter to the Judge on the Adjudication regarding the plight of the effect of the ramp-down on Newberry CSD and other parties who started at the low end of the Base Annual Production.

Judge Riemer has stated that parties to the judgment can speak at the hearings. We need to speak up for ourselves and other parties who started at the low end of the Base Annual Production.

Suggested letter attached.

July 24, 2018

Honorable Craig Riemer  
Department 5  
Superior Court of the State of California  
Riverside, CA

Subject: Case CIV 208568

Dear Sir:

Thank you for being willing to hear from all parties of this judgement.

We are a Community Services District whose powers include: Fire Protection, Park and Recreation, Street Lights, and Water. We serve a rural disadvantaged community of 119 sq miles. Our District is funded primarily from property tax dollars.

Our beginning Base Annual Production is 23 acre feet. With the 35% ramp down for the 2018/19 water year we will be at 8 acre feet of Base Free Production Allowance which is less than our Verified Production in the 2016/17 Water Year and less than the 10 acre feet given to the Minimal Producers.

We currently provide water for our Fire Department and maintain one park. We have the Local Area Formation Commission telling us we need more parks and with the possible explosion of Solar Projects we may see more activity for our Volunteer Fire Department.

There are other Producers in this same situation. There should be a stopping point at which a Producer is no longer ramped down. The 10 acre feet allotted to the Minimum Producers would be the logical point.

Again, thank you for allowing us to address this issue.

Sincerely,

Robert Springer  
President

CC: Watermaster, [Watermaster@mojave.org](mailto:Watermaster@mojave.org)  
Christian Guntert, [Christian.Guntert@bos.sbcounty.gov](mailto:Christian.Guntert@bos.sbcounty.gov)

Agenda Item

Discussion/Possible Action

Proposing we write a letter responding to State of California Department of Fish and Wildlife's letter of July 9, 2018. They had the same concerns regarding the water use shifting from the West side of the Calico-Newberry Fault to the East side of same fault. We are also proposing that the pumping rights be held by the Daggett and Newberry CSDs. These are the agencies most directly concerned with this project.

The letter would go to LUS, Board of Supv., Daggett CSD, State of California Department of Fish and Wildlife

Letters attached.

July 26, 2018

Mr. Tom Nieves, Contract Planner  
Land Use Services Department  
385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, CA 92415-0182  
[Tom.nieves@lus.sbcounty.gov](mailto:Tom.nieves@lus.sbcounty.gov)

Subject: Daggett Solar Power Facility Project P201700679

Dear Mr. Nieves:

Water use is of vital concern to residents of Newberry Springs. Even though the above project is given Daggett as the community it will impact, it will also impact Newberry Springs and possibly even more than Daggett.

When we read the letter dated July 9, 2018, from the State of California – Natural Resources Agency, Department of Fish and Wildlife, we saw that they echoed our concern for the transfer of pumping rights from the West side of the Calico-Newberry Fault to the East side of the same fault.

When they suggested “Retiring” the unused pumping rights, we agree – to a point. Who will hold the Retired Pumping Rights? It should be the elected agencies of the communities the Pumping Rights are in – the Daggett and Newberry CSDs. They have the well-being of their community foremost in their actions.

Thank you for hearing our comments.

Sincerely,

Robert Springs  
President

Cc: Supervisor Robert Lovingood, [Supervisorlovingood@bos.sbo.county](mailto:Supervisorlovingood@bos.sbo.county)  
Christian.Guntert, [Christian.Guntert@bos.sbcounty.gov](mailto:Christian.Guntert@bos.sbcounty.gov)  
Alisa Ellsworth, Senior Environmental Scientist,  
[Alisa.Ellsworth@wildlife.ca.gov](mailto:Alisa.Ellsworth@wildlife.ca.gov)  
Daggett CSD



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Deserts Region  
3602 Inland Empire Blvd., Suite C-220  
Ontario, CA 91764  
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



July 9, 2018

Mr. Tom Nieves, Contract Planner  
Land Use Services Department  
385 N. Arrowhead Avenue, 1st Floor  
San Bernardino, CA 92415-0182  
[tom.nieves@lus.sbcounty.gov](mailto:tom.nieves@lus.sbcounty.gov)

**Subject: Notice of Preparation of a Draft Environmental Impact Report for the  
Daggett Solar Power Facility State Clearinghouse No. 2018041007**

Dear Mr. Nieves:

The California Department of Fish and Wildlife (CDFW) with this letter provides additional comments to the May 1, 2018 letter on the Notice of Preparation (NOP) of the Draft Environmental Impact Report (DEIR) for the Daggett Solar Power Facility (Project) (State Clearinghouse No. 2018041007) prepared by San Bernardino County (Lead Agency). Pursuant to The Guidelines for the Implementation of the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15000 et. seq.; hereafter CEQA Guidelines), CDFW has reviewed the Project and offers additional comments and recommendations on those activities involved in the Project that are within CDFW's area of expertise and germane to its statutory responsibilities, and/or which are required to be approved by CDFW (CEQA Guidelines, §§ 15086, 15096, and 15204).

#### CEQA Role

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (Fish & G. Code § 1802). CDFW holds the fish and wildlife resources in trust for the people of the state (Fish & G. Code § 711(a)). As a Trustee Agency, CDFW is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from Project activities (CEQA Guidelines, § 15386; Fish & G. Code, § 1802).

CDFW also acts as a Responsible Agency based on its regulatory authority regarding certain discretionary actions (CEQA Guidelines § 15381) such as the issuance of a Lake or Streambed Alteration Agreement (Fish & G. Code, §§ 1600 et seq.) and/or a California Endangered Species Act (CESA) Incidental Take Permit (ITP) for take of endangered, threatened, and/or candidate species (Fish & G. Code §§ 2050 et seq.).

*Conserving California's Wildlife Since 1870*

### Project Location & Description

Daggett Solar Power 1 LLC, a subsidiary of NRG Renew, LLC, (Applicant) proposes six (6) Conditional Use Permits to construct and operate a solar energy generation and storage Project on ~3,500 acres east of Daggett, CA in San Bernardino County. The proposed Project would be a photovoltaic solar (PV) energy facility with associated on-site substations, inverters, fencing, roads and supervisory control and data acquisition (SCADA) system of up to 650 Megawatts (MW). The Project would also include up to 450 MW of energy storage and an overhead power line, referred to as a generation tie line (gen-tie line), which would connect the Project to its points of interconnection which are the existing Southern California Edison-owned Coolwater substations, located ~ 2 miles west of the Project site. The Project would utilize existing electrical transmission infrastructure adjacent to the existing Coolwater Generating Station to deliver renewable energy to the electric grid. The Project site is generally bounded by the town of Daggett ~0.5 mile to the west; the Mojave River, Yermo, and Interstate 15 to the north; Barstow Daggett Airport, Route 66, and Interstate 40 to the south; and Newberry Springs and Mojave Valley to the east.

### Project Specific Comments and Recommendations

CDFW offers the following comments and recommendations in addition to the May 1, 2018 letter to assist San Bernardino County in adequately identifying and/or mitigating the Project's significant, or potentially significant, impact on biological resources. In addition to being the state trustee agency for the fish and wildlife resources of the state, CDFW is a party to the *City of Barstow v City of Adelanto* Judgment entered on January 10, 1996 (Judgment) and a landowner in the Baja Subarea (Camp Cady Wildlife Area). The proposed Project occurs within the adjudicated Mojave Basin and more specifically one of five subareas called the Baja Subarea. According to the Mojave Water Agency Watermaster, the Baja Subarea has been in continual overdraft since at least 1950 and the estimated groundwater storage has declined by over 400,000 acre-feet since the Judgment was finalized in 1996.

After reviewing the map provided in the NOP, and the letter sent to the County by the Mojave Basin Watermaster on June 12, 2018, CDFW notes that the proposed Project will require the acquisition of land that currently controls 15,271 acre-feet of adjudicated water production rights in the Daggett area of the Baja Subarea. CDFW is concerned that if those water production rights aren't acquired and retired, they may be transferred to other water users in the Baja Subarea and could result in increased pumping in the Baja Subarea.

More specifically, the transfer of water rights could result in additional negative impacts to CDFW's Camp Cady Wildlife Area. This could occur for a variety of reasons including the complicated faulting within the Baja Subarea, due to a fault zone known as the Calico-Newberry Fault. The Project is located west of the Calico-Newberry Fault. Camp Cady Wildlife Area is located east of that fault. If Project water rights in excess of those

required for solar power generation were transferred to users east of the Calico-Newberry Fault, increased water production would be shifted to that area. Such an increase in water production east of the Calico-Newberry Fault could cause further damage to riparian resources at Camp Cady Wildlife Area and environmental damage to the Newberry Springs area through increasing ground to water depths, causing more desert habitat being converted to wind-blown sand. CDFW respectfully requests that the Lead Agency examine these issues in the DEIR and consider mitigating alternatives such as requiring the purchase of adjudicated water rights with the land necessary for the Project and retiring the adjudicated water rights in excess of the amount required for solar power generation.

Supporting documents that will be useful to the Lead Agency regarding this issue include the 2013 Todd Engineering's report, the Mojave Water Agency Watermaster Annual Reports located on the Mojave Water Agency website, Mojave Water Agency Water Supply Memos, various MWA reports on Baja, the 2004 Camp Cady Habitat Water Supply Plan and USGS Mojave studies<sup>1</sup>.

As stated in the MWA letter to the County, CDFW agrees that in order to better understand the potential impacts of the Project on the overdrafted groundwater basin, regardless of what mitigation may ultimately be adopted, the DEIR should include several studies of the groundwater basin in the Baja Subarea. The studies that should occur include all those referenced in the MWA letter, but specifically the following:

1. A groundwater well testing plan should be developed to identify local pumping impacts.
2. A groundwater investigation should be required to evaluate potential groundwater impacts if water production rights are not acquired on the real property identified

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<sup>1</sup>Conceptual Hydrogeologic Model and Assessment of Water Supply and Demand for Centro and Baja Management Subareas Mojave River Groundwater Basin, Todd Engineers with Kennedy/Jenks Consultants, July 2013; Appendix D - Hydrogeologic Investigation of Camp Cady Wildlife Area, Newberry Springs, California, January 2013; <https://www.mojavewater.org/files/bajacentromodel.zip>

All Annual Reports including the most recent Twenty-fourth Annual Report [https://www.mojavewater.org/annual\\_report.html](https://www.mojavewater.org/annual_report.html).

2012 Baja Water Supply Memos [http://mojavewater.granicus.com/MetaViewer.php?view\\_id=2&clip\\_id=163&meta\\_id=12124](http://mojavewater.granicus.com/MetaViewer.php?view_id=2&clip_id=163&meta_id=12124) ; [http://mojavewater.granicus.com/MetaViewer.php?view\\_id=2&clip\\_id=172&meta\\_id=12772](http://mojavewater.granicus.com/MetaViewer.php?view_id=2&clip_id=172&meta_id=12772) ;

Various MWA reports on Baja (<https://www.mojavewater.org/document-library.html>);

2004 Camp Cady Habitat Water Supply Plan (<https://www.mojavewater.org/files/hwsmplanctofinal0704.pdf>);

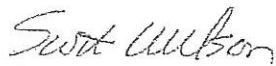
USGS Mojave studies (<https://ca.water.usgs.gov/mojave/>) ; (<http://www.mojavewater.org/files/Appendix-A-Subject-Specific-Documents-Timelines-for-the-Centro-and-Baja-Subareas.pdf>)



by the Project and that production is then moved to other areas within the Baja Subarea by the property owners from whom the land is being acquired.

Thank you for the opportunity to provide comments on the NOP for the Daggett Solar Power Facility. Please contact Alisa Ellsworth, Senior Environmental Scientist, with questions regarding this letter and further coordination at (760) 872-1173 or [Alisa.Ellsworth@wildlife.ca.gov](mailto:Alisa.Ellsworth@wildlife.ca.gov).

Sincerely,



Scott Wilson  
Environmental Program Manager  
Inland Deserts Region

Cc: Tom McCarthy, Mojave Water Agency  
State Clearinghouse, Sacramento  
CORR

d.

Agenda Item

Discussion/Possible Action

Can the CSD legally spend money contributed by Kiewit Pacific Co. to fight the construction of the proposed Solar Projects?

This is an unresolved issue from the May CSD Meeting.

At the May CSD meeting, the request was made for approval to spend from the remainder of the money contributed by the Kiewit Pacific Co. in 2004, to fight the construction of the proposed solar projects. In response, the Vice President proposed we write a very explicit letter to a lawyer to get an answer to this question. The letter was written and turned over to others to proceed as the Vice President was going out of town.

What is the status of the question? Do we have an answer?

June 1, 2018

#### Kiewit Pacific Question

In 2004 to settle an "Appeal to Board of Supervisors Regarding Planning Action" by Newberry CSD, CEQUA-NOW, and certain individuals, Kiewit Pacific Co. donated \$350,000 to Newberry Springs Community through the Newberry CSD (see attached letter of Settlement Agreement). \$20,000 of this money was designated for emergency services and the balance to be used at the "discretion of the CSD" for the benefit of the community. The \$20,000 was used for the Newberry Volunteer Fire Department. Portions of the \$330,000 were used at various times for the community. There is a balance of \$138,206 (in a CD) left.

Currently, the CSD is being asked by several people to approve spending money from this account for defending the community from proposed solar projects. Their premise is that since this is not Tax money, it is not restricted as to how it can be spent. We are not sure this is allowed.

A legal analyst advised that a CSD can only spend money in areas sanctioned by our powers: Park & Recreation, Street Lights, Fire Department, Water, & Sewer Services (see letter dated May 26, 2015 attached).

- 1) Can we spend money received from donations, contributions, and any funds other than tax dollars outside those powers?
- 2) If law allows the CSD to spend donations, contributions, any funds other than tax dollars outside our powers, is there anything in the Kiewit Pacific agreement that would prohibit this spending as suggested by Mr. Fred Stearn (Item 8, letter attached)?

Thank you.