

NOTE: If you wish to address the MWD Board of Directors during discussion of an agenda item, or during the PUBLIC FORUM, please complete a Speaker Request card (blue in color) and give it to the Board Secretary. Unless a detailed presentation of an agenda item is required by the Board of Directors, it is requested that each speaker limit comments to FIVE MINUTES. All testimony given before the Board of Directors is tape recorded.

A G E N D A
BIG BEAR MUNICIPAL WATER DISTRICT

BOARD OF DIRECTORS
Regular Meeting
August 20, 2009

PLACE: Big Bear Municipal Water District
40524 Lakeview Drive, Big Bear Lake, CA 92315

Next Resolution Number: 2009-11

OPEN SESSION: 1:00 P.M.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. DISCUSSION AND ACTION ON CLOSED SESSION ITEMS**
- 4. REPORTS**
 - A. General Manager
 - B. Lake Manager
 - C. Legal
 - D. Committee
 - E. Other
- 5. CONSENT CALENDAR**
 - A. Minutes of a regular Meeting of August 6, 2009
 - B. Warrant List Dated 8/11/09 for \$39,114.66
 - C. Consider approval of Notice of Completion for the Carol Morrison East Public Launch Ramp Office Building
 - D. Consider approval of adoption of a Categorical Exemption for a Memorandum of Understanding with California Department of Fish and Game for Lake Management activities.
- 6. BUSINESS**
 - A. Consider approval of the CPI increase for Pleasure Point Marina Compensation
 - B. Consider approval of first reading by title only of Ordinance No. 43, an Ordinance of the Board of Directors of Big Bear Municipal Water District amending Ordinance No. 38 as it pertains to permits for non-profit organizations and adoption and filing of a Categorical Exemption.
 - C. Discussion on budget impacts and recommendations in response to the suspension of Proposition 1A – information only, no action

7. PUBLIC FORUM

(The Board will receive comments from the public on items not on the agenda; no action is permitted on these items. Time set aside not to exceed 30 minutes total by all participants)

8. ANNOUNCEMENTS

9. DIRECTOR COMMENTS

10. ADJOURNMENT

NEXT MEETING: Open Session at 1:00 P.M.
Thursday, September 3, 2009
Big Bear Municipal Water District
40524 Lakeview Drive, Big Bear Lake, CA

***MINUTES OF A REGULAR MEETING OF
BIG BEAR MUNICIPAL WATER DISTRICT
HELD ON THURSDAY, AUGUST 6, 2009***

CALL TO ORDER

Vice President Fashempour called the Open Session to order at 1:00 PM. Those in attendance included Director Eminger, Director Suhay, Director Smith, District Counsel Wayne Lemieux, General Manager Scott Heule, Lake Manager Mike Stephenson, and Board Secretary Vicki Sheppard.

REPORTS

Mr. Heule reported that on August 1st in order to maintain the required 1.05 cfs (cubic feet per second) release at Station B below the dam, the release was bumped up to 0.95 cfs at the outlet works. He explained that with leakage and seepage, the flow measured in the morning is 1.65 cfs and will drop in the afternoon when the sun shines on the willows to about 1.5 cfs. Vice President Fashempour asked if the bridge construction is affecting flows. Mr. Heule stated that it is not. Mr. Heule reported that with suspension of Prop 1A, the Budget and Finance Committee will be studying how to make up for the loss of about \$250,000 of District tax money being taken away by the State. He explained that while the law says they have to repay with interest within three years, the law has not been tested. Mr. Heule reported that the National Weather Service climate prediction center predicts El Nino will strengthen and continue through the winter of 2009-10 and often times this results in warmer, wetter, weather for the Southwest including Southern California. Mr. Heule read a letter from boaters Edward and Carol Shaw who visited the lake over the 4th of July weekend. The Shaw's expressed their gratitude to Lake Operations Supervisor Travis Carroll and Lake Patrol Officer David Henderson for their very kind and professional help when they required assistance with their disabled boat. Director Eminger commented that he has concerns regarding the Air Quality District that reports the air quality statistics for Big Bear Lake. He believes that they use readings from the incorrect district giving a faulty air quality number for Big Bear Lake.

Lake Manager Mike Stephenson reported that the lake turned over in the last 24 hour period resulting in a dissolved oxygen crash. He explained that this is a result of cool and windy weather. He added that the lake will most likely begin to see an algae bloom. Mr. Stephenson reported that the East Ramp building is almost complete.

Director Eminger presented the new District water safety and life saving signs that are going to be placed at several locations including the ramps. He stated that the signs show different life saving techniques such as "reach, throw & row". Vice President Fashempour suggested that the signs might be a good tool to use during Kool Kids.

Upon a motion by Director Suhay, seconded by Director Eminger, the following consent items were unanimously approved:

- Minutes of an adjourned regular Meeting of July 20, 2009
- Warrant List Dated 7/31/09 for \$131,360.32

- Approval of a request from Big Bear Marina to grant a concession permit to Ruth Fawley of Big Kahuna Hot Dogs
- Adoption of a replacement resolution for the 2009 employee compensation resolution
- Approval of the ratification of the sale of surplus property – weed transporter

CONSIDER APPROVAL OF A RESOLUTION OF THE BOARD OF DIRECTORS OF BIG BEAR MUNICIPAL WATER DISTRICT AMENDING RESOLUTION NO. 2008-02 AS IT RELATES TO HEADWALKS

Mr. Heule reported that at the Board Meeting on July 16, 2009 the Board sent this issue back to Committee for further consideration as a result of testimony from Roy Brownie and Larry Cooke. He explained that several questions were raised during the meeting that had not been fully discussed in Committee. He added that the Operations Committee met on July 31, 2009 to study the issues raised and others that pertain to headwalks on Big Bear Lake and their findings were as follows: (1) Resolutions 2002-03, 2006-04, 2008-02 and 2009-01 all define headwalks as “An uncovered raised walkway constructed on pilings and installed in the Lake Bottom to provide pedestrian access to a dock or gangway.” The public can sometimes become confused with this term. A definition for headpiers has been added to the resolution. (2) Headwalks that are in use at Commercial Marinas Yacht Clubs: Holloways – no; Pleasure Point – no; Grays – no; North Shore – no; Captain Johns – no; Lighthouse – no; Big Bear Shores – no; Eagles Knoll – no; Pine Knot – no; Big Bear Marina – no; Eagle Point Estates – yes. Headwalks are rarely used for supporting dock systems at commercial locations. (3) Headwalks do provide a transition from flat ground to the sloping gangway. The same transition, if it is needed, should occupy private property not public property. (4) Attaching a gangway to a concrete pad with footings and reinforcement constructed on private property provides more structural integrity than a headwalk that is suspended on piers over the public lake bottom. (5) Winter dock storage is regulated in resolutions adopted by the District. Any ice breaking strength headwalk piers provide could in fact keep the headwalk in place, but it does not provide any protection to stored docks. (6) Electrical utilities running to a dock will always need to be attached in some fashion to a gangway whether the gangway is attached to an anchor structure on private property or to a headwalk. The District relies on the expertise of the Building and Safety departments at the City or County to assure safe electrical installation. (7) The most critical issue related to ADA compliance after smooth surface and width requirements are met, is the pathway grade. ADA requirements are not applicable to private property. Maximum gradient permitted for new construction is 12 feet of gangway for one foot drop in elevation. Additionally, ADA regulations limit lengths to 30 or 40 feet before a landing is required to be constructed. (8) A clear distinction must be understood between elevation changes and gradient on a ramp or gangway. Assume a headwalk extends level for 25 feet and is connected to a gangway 45 feet long, which is then connected to a floating dock system 10 feet lower in elevation than the head walk. The elevation change is 10 feet and the distance traveled to drop that 10 feet is 45 feet. The gradient on the gangway is 4.5:1 or 4.5 feet of gangway for every one foot drop in elevation. If the head walk is replaced by an extended gangway, the gradient on the gangway is reduced to something closer to 7:1 or 7 feet of gangway for every one foot drop in elevation. The gradient is less steep without a head walk. District regulations prohibit gangway grades exceeding 3:1 (3 feet of gangway for every one foot drop in elevation). Headwalks result in steeper gangway gradients than longer gangways alone.

Mr. Heule stated that based on these findings the Committee concluded that there is no compelling reason to continue allowing construction of headwalks on public property.

Director Suhay moved approval of the Resolution of the Board of Directors of Big Bear Municipal Water District amending Resolution number 2008-02 as it relates to Headwalks. Director Eminger seconded the motion

Mr. Larry Cooke, Big Bear Dock Systems, addressed the Board of Directors. He questioned the District's consistency in noticing Committee Meetings stating that the District is only posting Committee Meetings on the board outside the office, discussing issues in Committee, and then putting those items directly on the consent calendar. He stated that he believes the District should also post the Committee Meetings on the web site. He questioned if the District is "possibly" in violation of the Brown Act. District Counsel Wayne Lemieux explained that all the Brown Act requires is timely notice, not website notice, assuring Mr. Cooke that the District is in full compliance with the Brown Act. Mr. Cooke again expressed his concerns with the Headwalk Resolution questioning some of the reasons for not allowing them. He again expressed his concern regarding ADA compliance stating that District staff seems to have no knowledge or awareness of ADA guidelines. Mr. Stephenson assured Mr. Cooke that District staff is well aware of the ADA guidelines. Mr. Cooke questioned the reasoning behind disallowing headwalks. Director Suhay explained that the issue has been fully discussed and that he feels the motion regarding headwalks should be approved

The motion was unanimously approved.

3-D MAP DEMONSTRATION – INFORMATION ONLY

A presentation was made by ReMetrix LLC of the 3D Beneficial Use Map of Big Bear Lake. They explained that the map was developed to better enable the quantification, analysis, and visualization of impacts resulting from various lake management activities. ReMetrix demonstrated/displayed that the lake was sectioned into layers of cells showing completed dredge projects, future dredge projects, defining shoreline boundaries/control, marina zones of influence, private shoreline, public access areas, health and safety zones, Eurasian milfoil zones, and more. Re-Metrix explained that this was done with 2008 lake levels. They explained that one area compares the benefits of the water agreement demonstrating very dramatically the water levels with and without the exchange agreement. It was explained that this map can be updated with every Watermaster report. Mr. Heule asked if extensive training would be necessary to use the map as a tool. Re-Metrix explained that it is user friendly so it should be fairly easy to learn. Director Suhay asked who is going to have access to the maps. Mr. Heule stated that, although it won't be a public document, the Regional Water Quality Control Board and District Staff would have access. Mr. Heule thanked Re-Metrix for the demonstration.

PUBLIC FORUM

No comments were made

ANNOUNCEMENTS

Mr. Heule reported that he would be on vacation next Wednesday, Thursday, and Friday. He stated that the Kool Kids program will be August 19th and 26th. He stated that as soon as President Murphy returns from vacation, several committee meetings will be scheduled. Mr. Stephenson announced that up to 5,000 blue gill will be planted in the lake for Kool Kids.

DIRECTOR COMMENTS

No comments were made

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:31 P.M.

NEXT MEETING

Open Session at 1:00 P.M.
Thursday, August 20, 2009
Big Bear Municipal Water District
40524 Lakeview Drive, Big Bear Lake, CA

Vicki Sheppard
Secretary to the Board
Big Bear Municipal Water District

(SEAL)

**Big Bear Municipal Water District
 Computer & Manual Check Register
 Current and History Files, After 07/31/09
 Account 10010-00-001, Sessions 000000 to 001659**

Check	Payment / Vendor Information	Ck Date	Prity	Invoice	Session	Reference	Amount
Checking Account:		10010-00-001					
147298	TRIANG / Triangle Environmental, Inc	08/10/09	2	08052009	001654	FACILMAINT	1150.00
TRIANG Subtotal :							1150.00
147299	ALLVAL / ALL VALLEY ENVIRONMENTAL	08/10/09	2	22288	001659	PETROWASTE	1275.00
ALLVAL Subtotal :							1275.00
147300	ALPINE / Alpine Fishery	08/10/09	2	23781	001659	FISHPURCHA	5000.00
ALPINE Subtotal :							5000.00
147301	APPLIE / Applied Best Practices	08/10/09	2	19018	001659	PROFSVCS	117.00
APPLIE Subtotal :							117.00
147302	AQUAEC / Aquatic Eco-Systems, Inc.	08/10/09	2	30696	001659	WTRSHDMGMT	80.98
AQUAEC Subtotal :							80.98
147303	ATT785 / AT&T	08/10/09	2	07242009	001659	PHONE-LD	29.77
147303		08/10/09	2	07282009	001659	PHONE-LD	31.55
147303		08/10/09	2	08012009	001659	PHONE-LD	29.78
ATT785 Subtotal :							91.10
147304	BMARIN / Big Bear Marina	08/10/09	2	10311080	001659	PETRO-BOAT	1255.41
147304		08/10/09	2	10311082	001659	PETRO-BOAT	1231.01
BMARIN Subtotal :							2486.42
147305		08/10/09	2	10311081	001659	PATROLMAIN	220.00
147305		08/10/09	2	10311083	001659	PATROLMAIN	130.00
BMARIN Subtotal :							350.00
147306	BREG / Breg International	08/10/09	2	13481	001659	PATROLMAIN	62.25
BREG Subtotal :							62.25
147307	BUTCHR / Butcher's Block & Building Materi	08/10/09	2	260881	001659	WESTMAINT	12.01
147307		08/10/09	2	260981	001659	SMTTOOLS30	32.34
147307		08/10/09	2	261173	001659	FACILMAINT	10.16
147307		08/10/09	2	262421	001659	FACILMAINT	179.75
147307		08/10/09	2	262968	001659	WORKBOAT	7.70
147307		08/10/09	2	263275	001659	FACILMAINT	5.29
147307		08/10/09	2	263502	001659	FACILMAINT	48.71
147307		08/10/09	2	264232	001659	HARVSTMAIN	24.95
147307		08/10/09	2	264246	001659	FACILMAINT	113.17
BUTCHR Subtotal :							434.08
147308	BVELEC / Bear Valley Electric	08/10/09	2	07232009	001659	UTIL-RAMPS	225.32

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 Current and History Files, After 07/31/09
 Account 10010-00-001, Sessions 000000 to 001659**

Check	Payment / Vendor Information	Ck Date	Prty	Invoice	Session	Reference	Amount
147308		08/10/09	2	07282009A	001659	UTIL-DAM	112.57
147308		08/10/09	2	07282009B	001659	UTIL-AERAT	260.88
147308		08/10/09	2	07282009C	001659	UTIL-DAM	8.08
147308		08/10/09	2	07282009D	001659	UTIL-MAIN	8.08
BVELEC Subtotal :							614.93
147309	BVHOSP / Bear Valley Community Hospital	08/10/09	2	6340145	001659	OSHAFIRSTA	544.76
BVHOSP Subtotal :							544.76
147310	CCONNE / CONNELLY PUMPING SERVICES	08/10/09	2	8338	001659	SSRELIEFS	255.33
147310		08/10/09	2	8358	001659	SSRELIEFS	220.00
147310		08/10/09	2	8361	001659	SSRELIEFS	290.28
147310		08/10/09	2	8373	001659	SSRELIEFS	290.28
CCONNE Subtotal :							1055.89
147311		08/10/09	2	8339	001659	SSRELIEFS	280.33
147311		08/10/09	2	8359	001659	SSRELIEFS	245.00
147311		08/10/09	2	8360	001659	SSRELIEFS	320.28
147311		08/10/09	2	8374	001659	SSRELIEFS	320.28
CCONNE Subtotal :							1165.89
147312	CENTUR / CENTURY FORMS, INC.	08/10/09	2	68067	001659	PRINTING10	688.26
CENTUR Subtotal :							688.26
147313	CHASED / Chase Dennis Emg Med Grp	08/10/09	2	569654558	001659	OSHAFIRSTA	174.00
CHASED Subtotal :							174.00
147314	CNKLIN / Conklin Paints	08/10/09	2	79944	001659	FACILMAINT	150.23
CNKLIN Subtotal :							150.23
147315	COMPVI / Computer Village	08/10/09	2	114723	001659	COMPMAINT1	189.71
COMPVI Subtotal :							189.71
147316	COMSER / ComSerCo	08/10/09	2	5039022	001659	RADIOHAND	95.00
147316		08/10/09	2	MA50218750	001659	RADIOSERVI	255.00
COMSER Subtotal :							350.00
147317	CONTAL / Container Storage Solutions	08/10/09	2	08072009	001659	FACILMAINT	108.75
CONTAL Subtotal :							108.75
147318	DIRCTV / DIRECTV	08/10/09	2	1057262933	001659	UTIL-RV	137.89
DIRCTV Subtotal :							137.89
147319	DIRECT / DirectSIGNS	08/10/09	2	9745	001659	PUBLICINFO	212.06

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 Account 10010-00-001, Sessions 000000 to 001659**

Check	Payment / Vendor Information	Ck Date	Prty	Invoice	Session	Reference	Amount
DIRECT Subtotal :							212.06
147320	DIVERS / Diversified Products, Inc.	08/10/09	2	1279513	001659	PATROLBOAT	-7.42
147320		08/10/09	2	8347269	001659	PATROLBOAT	19.83
147320		08/10/09	2	8363885	001659	PATROLBOAT	97.64
147320		08/10/09	2	8430084	001659	PATROLBOAT	122.65
147320		08/10/09	2	8456100	001659	WORKBOAT	203.65
DIVERS Subtotal :							436.35
147321	DWP / Department of Water and Power	08/10/09	2	07272009A	001659	UTIL-MAIN	248.24
147321		08/10/09	2	07272009B	001659	UTIL-MAIN	22.63
147321		08/10/09	2	07272009C	001659	UTIL-RAMPS	273.45
147321		08/10/09	2	07272009D	001659	UTIL-RAMPS	30.18
147321		08/10/09	2	07272009E	001659	UTIL-MAIN	120.48
DWP Subtotal :							694.98
147322	EHR LIC / Charles Ehrlich	08/10/09	2	06232009	001659	RVCANCEL	40.00
EHR LIC Subtotal :							40.00
147323	FRANK / Jim Frank	08/10/09	2	RV2449	001659	RVCANCEL	40.00
FRANK Subtotal :							40.00
147324	FRESHW / Freshwater Fish Company	08/10/09	2	5918	001659	FISHPURCHS	6000.00
FRESHW Subtotal :							6000.00
147325	GALLS / GALLS, AN ARAMARK COMPANY	08/10/09	2	510031119	001659	UNIFORMS	-179.82
147325		08/10/09	2	510039848	001659	UNIFORMS	83.82
147325		08/10/09	2	510041468	001659	UNIFORMS	97.97
GALLS Subtotal :							1.97
147326		08/10/09	2	510040497	001659	OSHA EQUIP	317.47
GALLS Subtotal :							317.47
147327	HAUPT / Ralph W. Haupt	08/10/09	2	5499	001659	PETRO-AUTO	254.18
147327		08/10/09	2	5548	001659	PETRO-AUTO	146.11
HAUPT Subtotal :							400.29
147328	HEULE / Scott Heule	08/10/09	2	14007	001659	FACILMAINT	49.22
HEULE Subtotal :							49.22
147329	IDEARC / Idearc Media Corp.	08/10/09	2	07192009	001659	PHONE-WEB	29.95
IDEARC Subtotal :							29.95
147330	LABSAF / Lab Safety Supply, Inc.	08/10/09	2	1013817350	001659	WATRSHDMGM	131.66

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 Computer & Manual Check Register
 Current and History Files, After 07/31/09
 Account 10010-00-001, Sessions 000000 to 001659**

Check	Payment / Vendor Information	Ck Date	Prty	Invoice	Session	Reference	Amount
147330		08/10/09	2	1013838774	001659	WATRSHDMGM	24.60
						LABSAF Subtotal :	156.26
147331	LEMIEU / Lemieux & O'neill A Professional	08/10/09	2	20-999M119	001659	RETAINER	3000.00
						LEMIEU Subtotal :	3000.00
147332	LITTLE / The Little Green House	08/10/09	2	5457	001659	PUBLICINFO	92.32
						LITTLE Subtotal :	92.32
147333	MASTER / FIRST BANKCARD CENTER	08/10/09	2	0731092328	001659	MASTER320	945.91
						MASTER Subtotal :	945.91
147334		08/10/09	2	0731098541	001659	MASTER102	504.79
						MASTER Subtotal :	504.79
147335	MCOYBR / Mountain Water Company	08/10/09	2	16617	001659	UTIL-RAMPS	231.00
						MCOYBR Subtotal :	231.00
147336	MERITO / Merit Oil Company	08/10/09	2	72809	001659	QUAGGA	374.61
						MERITO Subtotal :	374.61
147337	MWH / MWH America, Inc.	08/10/09	2	1278329	001659	DAMENGINER	736.74
						MWH Subtotal :	736.74
147339	NAPA / McConnell Motor Parts Inc.	08/10/09	2	827898	001659	ONROADVEHI	46.56
147339		08/10/09	2	829236	001659	WORKBOAT	124.36
147339		08/10/09	2	830467	001659	OFFROADVEH	25.03
147339		08/10/09	2	830599	001659	OFFROADMAI	57.96
147339		08/10/09	2	830677	001659	PATROLMAIN	103.03
147339		08/10/09	2	830681	001659	PATROLMAIN	5.34
147339		08/10/09	2	830898	001659	PATROLMAIN	49.21
147339		08/10/09	2	834735	001659	HARVMAINT	183.00
147339		08/10/09	2	834776	001659	HARVMAINT	91.95
147339		08/10/09	2	835201	001659	HARVMAINT	-10.88
147339		08/10/09	2	835621	001659	PATROLMAIN	40.47
147339		08/10/09	2	835714	001659	HARVSTMAIN	-21.75
147339		08/10/09	2	836950	001659	WORKBOAT	232.93
						NAPA Subtotal :	927.21
147340	NORSHO / North Shore Trading Company	08/10/09	2	07272009	001659	SPEVENTDEP	60.00
						NORSHO Subtotal :	60.00
147341	PAPERC / The Paper Clip	08/10/09	2	43807	001659	OFFICSUPPL	16.25

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<u>Check</u>	<u>Payment / Vendor Information</u>	<u>Ck Date</u>	<u>Prity</u>	<u>Invoice</u>	<u>Session</u>	<u>Reference</u>	<u>Amount</u>
						PAPERC Subtotal :	16.25
147342	PERS / Public Employees' Retirement Syst	08/10/09	2	0720095	001659	PERS	4804.57
						PERS Subtotal :	4804.57
147343	RIFFEN / Riffenburgh Lumber Co.	08/10/09	2	255832	001659	FACILMAINT	59.75
						RIFFEN Subtotal :	59.75
147344	ROTARY / Rotary Club of Big Bear Lake	08/10/09	2	07312009	001659	MEMBERSHIP	322.00
						ROTARY Subtotal :	322.00
147345	TIFCO / Tifco Industries	08/10/09	2	70550252	001659	FACILMAINT	168.35
						TIFCO Subtotal :	168.35
147346	UPS / UPS	08/10/09	2	F33Y11219A	001659	SHIPPWATER	401.70
147346		08/10/09	2	F33Y11309	001659	SHIPPWATER	460.68
147346		08/10/09	2	F33Y11319	001659	SHIPPOFFIC	10.91
						UPS Subtotal :	873.29
147347	VALENT / Jeff Valentyn	08/10/09	2	6365	001659	PERMITREFN	160.00
						VALENT Subtotal :	160.00
147348	VERIZO / Verizon California	08/10/09	2	07252009	001659	PHONE-WS	31.28
						VERIZO Subtotal :	31.28
147349	WATERE / Water Education Foundation	08/10/09	2	2009	001659	MEMBERSHIP	250.00
						WATERE Subtotal :	250.00
147350	XEROX / Xerox Corporation	08/10/09	2	41750072	001659	COPIERLEAS	950.90
						XEROX Subtotal :	950.90
Total For Check Account: 10010-00-001							39114.66
Check Register Total :							39114.66

**BIG BEAR MUNICIPAL WATER DISTRICT
REPORT TO BOARD OF DIRECTORS**

MEETING DATE: August 20, 2009

AGENDA ITEM: 5C

SUBJECT:

CONSIDER APPROVAL OF NOTICE OF COMPLETION FOR THE CAROL MORRISON EAST PUBLIC LAUNCH RAMP OFFICE BUILDING

RECOMMENDATION:

The General Manager, Lake Manager and Facilities Committee (Director Smith and Fashempour) recommend approval of the attached Notice of Completion.

DISCUSSION/FINDINGS:

On August 7th, the Facilities Committee toured the new office building. Just before arrival the County signed the final inspection for the work by Trinity Construction. The south facing building window has been changed out to open correctly, flooring and grab rails have been installed in the bathroom. A mirror was going to be installed later in the day. The shed roof lighting is set up on the timer along with the other spot lights on the building. All final pieces promised by the contractor have been completed. The Committee is recommending that the Board approve the notice of completion. Staff will compile a list of office equipment and furniture that will be needed to make the office functional.

OTHER AGENCY INVOLVEMENT: None

FINANCING: Payment of final retained funds from the contract 30 days after filing notice.

Submitted by: Scott Heule, General Manager

NOTICE OF COMPLETION

DATE OF SUBSTANTIAL COMPLETION: August 7, 2009 PROJECT TITLE: Carol Morrison East Public Launch Ramp Office Building
PROJECT SHALL INCLUDE: Construction of the Carol Morrison East Ramp Office Building CONTRACT DATE: March 19, 2009
OWNER: Big Bear Municipal Water District
CONTRACTOR: Trinity Construction Company
CONTRACT AMOUNT: \$189,591.55

The work performed under this contract has been inspected by authorized representatives of the District and Contractor, and the Project (or specified part of the Project, as indicated above) is hereby accepted by the District and declared to be substantially completed on the above date.

DEFINITION OF COMPLETION OF THE WORK

Completion of the work shall mean substantial completion of the project or specified area of the project. The date of such substantial completion of a project or specified area of a project is the date when the construction is sufficiently completed, in accordance with the contract documents, as modified by any change orders agreed to by the parties, so that the District can occupy or utilize the project or specified area of the project for the use for which it was intended.

The Contractor hereby accepts the above Notice of Completion.

Trinity Construction Company _____
Contractor Authorized Representative Date

The District accepts the Project or specified area of the Project as substantially complete and will assume full possession of the Project or specified area of the Project at 2:00 P.M. on August 20, 2009

Big Bear Municipal Water District _____
Scott Heule, General Manager Date

**BIG BEAR MUNICIPAL WATER DISTRICT
REPORT TO BOARD OF DIRECTORS**

MEETING DATE: *August 20, 2009*

AGENDA ITEM: *5D*

SUBJECT:

CONSIDER APPROVAL OF ADOPTION OF A CATEGORICAL EXEMPTION FOR A MEMORANDUM OF UNDERSTANDING WITH CALIFORNIA DEPARTMENT OF FISH AND GAME FOR LAKE MANAGEMENT ACTIVITIES

RECOMMENDATION:

The General Manager, Lake Manager and Watershed/Lake Improvement Committee (Directors Suhay & Eminger) recommend approval.

DISCUSSION/FINDINGS:

In years past the District had a Memorandum of Understanding (MOU) with the California Department of Fish and Game that permitted the District to accomplish its lake management tasks without having to go to them for each little job. That MOU has expired and the Lake Manager has been working on language for a new one. The Committee reviewed the proposed MOU along with a Categorical Exemption prepared by Tom Dodson and Associates. The proposed MOU would allow the District to continue its fisheries, weed abatement, and carp programs among other efforts. One new piece is a request to be allowed to approve minor shoreline dredge and erosion protection projects that are intended to protect existing structures from failure. Specifically, the MOU will hopefully allow lakefront homeowners to place rock protection at the base of sea walls whose footings are being undercut by lakebottom erosion. After some minor edits to the Draft Categorical Exemption the Committee is recommending that the full Board approve the attached environmental document

OTHER AGENCY INVOLVEMENT: California Department of Fish & Game

FINANCING: None

Submitted by: Scott Heule, General Manager

TOM DODSON & ASSOCIATES
2150 N. ARROWHEAD AVENUE
SAN BERNARDINO, CA 92405
TEL (909) 882-3612 • FAX (909) 882-7015
E-MAIL tda@tdaenv.com



MEMORANDUM

July 6, 2009

From: Tom Dodson

To: Scott Heule

Subj: Categorical exemption package for District Ongoing Maintenance Activities at Big Bear Lake

At your request, Tom Dodson & Associates (TDA) has reviewed the possibility of adopting a Categorical Exemption (CE) as the appropriate environmental determination to comply with the California Environmental Quality Act (CEQA) for the District's ongoing maintenance activities at Big Bear Lake by the Big Bear Municipal Water District (District). On an annual basis the District conducts a wide range of maintenance activities on the Lake, lake shore and other District facilities associated with Lake operations. The District's 2006 Management Plan includes general reference to "Reservoir Maintenance" activities, including "Watershed/Water Quality Management," "Aquatic Plant Control," "Shorezone Alterations/Dredging," "Fish and Wildlife," and Bear Valley Dam. Further, in conjunction with current negotiations with the California Department of Fish and Game, the following specific maintenance activities are identified for implementation by the District:

- debris and obstruction removal,
- silt, sand and sediment removal,
- vegetation control using either herbicide treatments and/or mechanical means,
- clean out of silt catch basins in Rathbun Creek to help reduce sediment loading in Big Bear Lake,
- repair of shoreline protection and erosion problems at District facilities,
- ongoing maintenance and repairs of Bear Valley Dam,
- carp reduction projects, and
- authority to approve private/commercial shoreline alteration projects that either remove sediment from the lake bottom or provide erosion protection for existing structures.

Note that the above maintenance activities will be limited to existing areas of disturbance where the District or its permittees have existing facilities, equipment, operations. Any future development activities would be reviewed separately for compliance with CEQA in accordance with the appropriate level of environmental review for such project on a case-by-case basis.

Procedural Process for Adopting a Categorical Exemption

Categorical exemptions are identified in Section 15300 of the State CEQA Guidelines as *“a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provision of CEQA.”* To determine whether a project is categorically exempt from CEQA, certain findings must be made for a project to verify that it qualifies for a specific exemption class and that it can appropriately be exempted from the requirement for the preparation of a more detailed environmental document. My analysis of these requirements follows.

The first step in this exemption process is to determine whether a specific project conforms with the criteria outlined in one or more of the exemption classes. After careful review of the various classes, I have concluded and recommend to the District that the proposed ongoing maintenance activities in support of operations at Big Bear Lake meet the criteria for a Class 1 Exemption. Class 1 consists of *“Existing Facilities,”* outlined under Section 15301 of the State CEQA Guidelines. Class 1 exemptions consist of *“operation, repair, maintenance...or minor alteration of existing public or private structures, facilities, mechanical equipment...involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.”* The above referenced maintenance activities enhance water quality, support recreation, including the fishery at Big Bear Lake, Specifically, removal of sediment and trash enhances the water quality of Big Bear Lake and the clearing/removal of debris enhances and protects the fish and wildlife resources at Big Bear Lake, and also Bear Creek and the Santa Ana River that receive runoff from the Lake.

Based on the evaluation presented above, it is my recommendation that the proposed implementation of ongoing maintenance activities qualifies for a Categorical Exemption, Class 1. Therefore, when the District is ready to approve and fund ongoing maintenance activities for implementation, I recommend noticing it as Categorically Exempt from CEQA for the reasons outlined above and have the District adopt and file the attached Notice of Exemption with the San Bernardino County Clerk of the Board when it makes a decision on the project. This will initiate a 35-day statute of limitations for anyone seeking to challenge the project in court. If you have any questions, please do not hesitate to contact me.



Tom Dodson
Attachments

NOTICE OF EXEMPTION

To: San Bernardino County
Clerk of the Board
385 North Arrowhead Avenue
San Bernardino, CA 92415

From: Big Bear Municipal Water District
40524 Lakeview Drive
Big Bear Lake, CA 92315

Project Title: Big Bear Municipal Water District Ongoing Maintenance Activities at Big Bear Lake

Project Location: The Big Bear Municipal Water District (MWD) maintains facilities around Big Bear Lake in support of its Lake Management Plan. The cadastral location is of the Lake encompasses Township 2 North, Range 1 East and Range 1 West, San Bernardino Meridian and the project area can be found generally on the Big Bear Lake and Fawnskin, California, USGS, 7.5' Topographic Maps.

Project Location - City: City of Big Bear Lake and County of San Bernardino

Project Location - County: San Bernardino

Description of Nature, Purpose,

and Beneficiaries of the Project: The ongoing maintenance activities at Big Bear Lake by the Big Bear Municipal Water District (District) encompass a wide range of maintenance activities on the Lake, lake shore and other District facilities associated with Lake operations. The District's 2006 Management Plan includes general reference to "Reservoir Maintenance" activities, including "Watershed/Water Quality Management," "Aquatic Plant Control," "Shorezone Alterations/Dredging," "Fish and Wildlife," and Bear Valley Dam.

Name of Public Agency Approving Project: Big Bear Municipal Water District

Name of Person or Agency Carrying Out Project: Big Bear Municipal Water District

Exempt Status: (Check One)

- Ministerial (Sections 21080(b)(1); 15268)
- Declared Emergency (Sections 21080(b)(3); 15269(a))
- Emergency Project (Sections 21080(b)(4); 15269(b)©)
- Categorical Exemption (Sections 21084; 15301)

Reasons why project is exempt: The State CEQA Guidelines provide a series of categorical exemptions for projects that have been deemed to have minimal impacts on the environment. The proposed project is the implementation of ongoing Lake maintenance activities at Big Bear Lake. The implementation of these maintenance activities, given the constraints imposed by the District, has no potential to cause significant adverse effects on the environment and existing mandatory review procedures by the District will ensure any future activities that go beyond routine ongoing maintenance, will be given separate review under the California Environmental Quality Act to reach an independent environmental determination. Categorical Exemption Class 1 exempts "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment...involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." The proposed implementation of ongoing maintenance activities has been determined not to have a potential to cause significant adverse environmental effects. Therefore, this proposed action is not forecast to cause any potential for significant adverse environmental impacts and qualifies with the requirements for Class 1 Exemption.

Lead Agency

Contact Person: Scott Heule Telephone: (909) 866-5796

Signature: _____ Title: General Manager Date: _____

**BIG BEAR MUNICIPAL WATER DISTRICT
REPORT TO BOARD OF DIRECTORS**

MEETING DATE: August 20, 2009

AGENDA ITEM: 6A

SUBJECT:

**CONSIDER APPROVAL OF THE CPI INCREASE OF PLEASURE POINT MARINA
COMPENSATION**

RECOMMENDATION:

The General Manager and the Administrative Committee (Directors Smith & Eminger) recommend approval.

DISCUSSION/FINDINGS:

In accordance with Section 5(c) of the Pleasure Point marina permit, the compensation should be adjusted every five years "to reflect the average change in the San Bernardino County CPI (Consumer Price Index) during the previous five year period." The last adjustment was made in 2004. While the actual CPI change over the period is 15.23% the adjustment is only 3.04% in accordance with the permit (actual CPI divided by five). As of August 15, 2009 the marina payment to the District should be increased to the greater of either \$2,576 or a total of the following; \$52 per slip, \$31 per mooring buoy, \$206 per rental dock (i.e. boat rental, fun dock), \$103 per other dock (i.e. courtesy dock, fuel dock, tour boat dock, day use dock). The Administrative Committee recommends approval of this new schedule of fees for Pleasure Point Marina. Mr. Roy Brownie, representing Pleasure Point Marina, was present during the Committee Meeting of August 10th when this was discussed and did not voice any objections to the increase.

OTHER AGENCY INVOLVEMENT: None

FINANCING: Minor increase in marina compensation revenue.

Submitted by: Scott Heule, General Manager



Big Bear Municipal Water District

Lake Management

Board of Directors

Todd Murphy - Division 1
Paula Fashempour - Division 2
Skip Suhay - Division 3
John Eminger - Division 4
Vince Smith - Division 5

July 27, 2009

Roy Brownie
Pleasure Point Marina LLC
P.O. Box 2831
Big Bear Lake, CA 92315

Re: Marina Compensation CPI Adjustment

Dear Mr. Brownie,

In accordance with Section 5(c.) of your commercial marina permit, your marina compensation to the District is adjusted every five years "to reflect the average change in the San Bernardino County CPI (Consumer Price Index) during the previous five year period". While the actual CPI change over the period is 15.23% the Administrative Committee will consider an adjustment of 3.04% (actual divided by five) at a meeting in the near future and will make a recommendation to the full Board of Directors for action on August 20, 2009.

The attached table was used to compute the proposed adjustment. As of August 15th, your payment to the District will be based on the following total number of slips, moorings and docks in the Lake using the following unit prices:

1. \$2576.00, or
2. A total of the following:
 - a. \$52.00 per slip;
 - b. \$31.00 per mooring buoy;
 - c. \$206.00 per rental dock (i.e. boat rental, fun dock);
 - d. \$103.00 per other dock (i.e. courtesy dock, fuel dock, tour boat dock, day use dock).


We will advise you of the date and time of the Administrative Committee meeting as soon as it is scheduled in order for you to have the opportunity to discuss this matter with the District. In the mean time if you have any questions please do not hesitate to contact me.

Sincerely,

Scott Heule
General Manager

CPI for April 2009	213.405
Less CPI for April 2004	185.2
Equals index point change	28.205
Divided by April 2004 CPI	185.2
Equals	0.15229
Divided by 5 years	0.0305
Times 100 Equals percent	3.05%

Databases

FONT SIZE: 

Change Output Options: From: 2004  To: 2009  

include graphs

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Data extracted on: July 24, 2009 (4:24:49 PM)

Consumer Price Index - Urban Wage Earners and Clerical Workers

Series Id:	CWURA421SA0														
Not Seasonally Adjusted															
Area:	Los Angeles-Riverside-Orange County, CA														
Item:	All items														
Base Period:	1982-84=100														
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2004	181.7	183.4	184.9	185.2	186.8	187.4	186.8	186.5	187.8	189.8	190.3	188.5	186.6	184.9	188.3
2005	188.5	190.3	192.1	194.2	194.6	193.7	194.6	196.4	199.0	200.0	198.4	196.5	194.9	192.2	197.5
2006	198.3	199.9	200.8	202.9	205.0	204.2	204.5	205.0	205.3	203.5	203.3	202.9	203.0	201.9	204.1
2007	204.498	206.632	208.929	210.195	211.145	209.614	209.444	209.240	209.849	211.259	212.844	212.282	209.661	208.502	210.820
2008	213.825	214.231	216.493	217.914	219.702	222.435	223.245	221.230	220.285	218.726	214.083	211.007	217.765	217.433	218.096
2009	212.454	213.234	213.013	213.405	214.446	216.145									213.783

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**BIG BEAR MUNICIPAL WATER DISTRICT
REPORT TO BOARD OF DIRECTORS**

MEETING DATE: *August 20, 2009*

AGENDA ITEM: *6B*

SUBJECT:

CONSIDER APPROVAL OF FIRST READING BY TITLE ONLY OF ORDINANCE NO. 43, AN ORDINANCE OF THE BOARD OF DIRECTORS OF BIG BEAR MUNICIPAL WATER DISTRICT AMENDING ORDINANCE NO 38 AS IT PERTAINS TO PERMITS FOR NON-PROFIT ORGANIZATIONS AND ADOPTION AND FILING OF A CATEGORICAL EXEMPTION

RECOMMENDATION:

The General Manager and the Administrative Committee (Directors Smith & Eminger) recommend approval of this Ordinance Amendment and recommend that the Board adopt and file the Notice of Exemption with the San Bernardino County Clerk of the Board.

DISCUSSION/FINDINGS:

During the Board of Directors Meeting on June 4, 2009 the Board adopted a resolution authorizing issuance of permits to non-profit organizations for certain activities on the lake. The resolution described several restrictions that apply to these permits including closure of a commercial marina while the non-profit permit is active. Subsequent to that meeting District Counsel advised that the subject should be part of the Administrative Code in Ordinance 38 rather than a resolution. Additionally, Staff recommended adding some minor language that further defines the restrictions associated with these permits. These language changes require that vessels can only be launched by hand, will not involve the construction, installation, or use of launch facilities, docks or mooring buoys.

Tom Dodson and Associates have reviewed the proposed amendment to Ordinance 38 as it relates to permits for non-profits. In their letter (attached) they describe the procedural process for adopting a categorical exemption and the specific issues that relate to a Class 5 Exemption. Class 5 exemptions consist of "minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to issuance of minor encroachment permits. The individual properties are not identified as an area of statewide, regional or area-wide concern." The specific exemption issues that were considered to make a determination that the proposed action satisfies a Class 5 exemption include the following:

- a. Location - No adverse locational effects, such as biology or cultural resource impacts, can result from this modification in Lake permitting as proposed.
- b. Cumulative Impact - The proposed project is not forecast to contribute to any cumulatively considerable adverse environmental effects if implemented.
- c. Significant Effect - The proposed permitting of nonprofit organizations to access the Lake with non-motorized boats has no known potential to have a significant adverse environmental effect on any resource issues.

- d. Scenic Highway - No potential to adversely affect Highway 18 can occur from implementing the proposed project.
- e. Hazardous Waste Sites - The permitted boating activities themselves have no potential to cause any contamination from the use of hazardous materials or disposal of hazardous wastes.
- f. Historical Resources - No historical resources with any integrity can remain on any of the launch locations.

OTHER AGENCY INVOLVEMENT:

FINANCING: None

Submitted by: Scott Heule, General Manager

ORDINANCE NO. 43

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF
BIG BEAR MUNICIPAL WATER DISTRICT
AMENDING ORDINANCE NO. 38
("DISTRICT'S OPERATIONS CODE")
PERTAINING TO PERMITS FOR NONPROFIT ORGANIZATIONS**

**BE ORDAINED BY THE BOARD OF DIRECTORS OF THE BIG BEAR MUNICIPAL
WATER DISTRICT as follows:**

1. Purpose and Scope.

This ordinance amends Ordinance No. 38 concerning the issuance of permits to nonprofit organizations for activities on Big Bear Lake.

2. Amendment.

Section 2-2.107A is added to Ordinance No. 38 to read as follows:

"Section 2-2.107A. Nonprofit Activities.

(a) The General Manager may issue a permit for nonprofit activities on the Lake if the following conditions are satisfied:

(1) The applicant/permittee is a nonprofit corporation, organized and existing under Section 501(c)(3) of the Internal Revenue Code or a public agency.

(2) The activities do not involve the use of motorized boats or the construction of launch facilities.

(3) The owner of a commercial boat landing permit shall agree to forego operating a marina for the duration of the applicant's permit.

(4) The permitted activity will take place at the Lake and at a location along the shore designated for public access and approved by the District and the owner of the boat landing permit which has agreed to forego activities.

(b) The permittee shall mitigate adverse environmental impacts and compensate the District in an amount to be determined when the application is filed.

(c) The permittee shall indemnify the District from costs and liabilities which may occur as a result of the permittee's activities and provide liability insurance to cover such liability or cost."

3. Other.

Except as provided herein, Ordinance No. 38 is reaffirmed and readopted.

PASSED, APPROVED AND ADOPTED on -----, 2009.

Todd Murphy, President

ATTEST:

Vicki Sheppard, Secretary

[SEAL]



MEMORANDUM

June 30, 2009

From: Tom Dodson

To: Scott Heule

Subj: Categorical exemption package for the establishment of permits for nonprofit organizations

At your request, Tom Dodson & Associates (TDA) has reviewed the possibility of adopting a Categorical Exemption (CE) as the appropriate environmental determination to comply with the California Environmental Quality Act (CEQA) for the Big Bear Municipal Water District's (District) Administrative Code (Ordinance No. 3B) to allow issuance of permits for Nonprofit Organizations for activities on Big Bear Lake. At present the Administrative Code does not make provision for the issuance of use permits to Nonprofit Organizations and the proposed text modification to the Administrative Code will allow such permits to be issued. This is a procedural change by the District, but it does have physical consequences because it will allow additional boating activities on Big Bear Lake. This memorandum discusses the appropriate environmental determination for compliance with CEQA.

Procedural Process for Adopting a Categorical Exemption

Categorical exemptions are identified in Section 15300 of the State CEQA Guidelines as *"a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provision of CEQA."* To determine whether a project is categorically exempt from CEQA, certain findings must be made for a project to verify that it qualifies for a specific exemption class and that it can appropriately be exempted from the requirement for the preparation of a more detailed environmental document. My analysis of these requirements follows.

The first step in this exemption process is to determine whether a specific project conforms with the criteria outlined in one or more of the exemption classes. After careful review of the various classes, I have concluded and recommend to the District that the proposed permitting of nonprofit organization use of Big Bear Lake meets the criteria for a Class 5 Exemption, Minor Alterations in Land Use Limitations. Class 5 consists of "Minor Alterations in Land Use Limitation," outlined under Section 15305 of the State CEQA Guidelines. Class 5 exemptions consist of *"minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to (b) Issuance of minor encroachment permits. The individual properties are not identified as an area of statewide, regional or areawide concern."* In this instance, the minor alteration in land use limitation is to add a new group of users to those parties that can obtain permits to use the lake. The District interprets this minor change as being comparable to the issuance of a minor encroachment permit on the resource, Big Bear Lake, that it manages on behalf of the residents of the Big Bear communities.

Selected components of the actual text of the proposed revision to the Administrative Code include:

- (a) *The General Manager may issue a permit for nonprofit activities on the Lake if the following conditions are satisfied:*
 - (1) *The applicant/permittee is a nonprofit corporation, organized and existing under Section 501(c)(3) of the Internal Revenue Code or a public agency.*
 - (2) *The activities will only involve vessels that can be launched by hand, will not involve the use of motorized boats or construction, installation or use of launch facilities, docks or mooring buoys.*
 - (3) *The owner of a commercial boat landing permit shall agree to forego operating a marina for the duration of the applicants permit.*
 - (4) *The permitted activity will take place at the Lake and at a location along the shore designated for public access and approved by the owner of the boat landing permit, which has agreed to forego activities.*
- (b) *The permittee shall compensate the District in an amount to be determined when the application is filed.*
- (c) *The permittee shall indemnify the District from costs and liabilities which may occur as a result of the permittee's activities and provide liability insurance to cover such liability or cost.*

The District's fundamental capacity limitations on Big Bear Lake, a carrying capacity of 1,000 boats on any given day (Big Bear Municipal Water District "Management Plan" (Section II/Page A-1)), will not be altered. The only change in the District Administrative Code, that would be authorized if this proposed project is approved, would be to add another user group to those that can receive a use permit, which the District deems the equivalent of an encroachment permit for the Lake.

Proceeding with this analysis under the assumption that an Administrative Code change to allow issuance of permits for nonprofit organizations qualifies for a Class 5 (b) exemption, the next, and final, set of criteria to be evaluated for the applicability of this exemption (Section 15300.2) are a set of exception issues, which may be considered for exemptions. The exception issues are cited in the referenced section and consist of locational, cumulative impact, significant effect, scenic highway, hazardous waste sites and historical resources. These exceptions are addressed in the order presented in the preceding list.

- A. **Location:** Once permits are issued the proposed permit conditions require that launch of the non-motorized boats take place only at locations along the shore designated for public access and approved by the owner of the boat landing permit which has agreed to forego activities. No fundamental operations or functions will change on the Lake as a result of authorizing the launch of boats from existing public access locations. The only specific physical changes in the environment that will result from the proposed project is that non-motorized boats of nonprofit organizations, that do not increase the existing Lake capacity limitations, can be launched from existing public access points on the Lake. No adverse locational effects, such as biology or cultural resource impacts, can result from this modification in Lake permitting as proposed.
- B. **Cumulative Impact:** The purpose of issuing permits to nonprofit organizations is to provide a specific group which does not presently have access to permits to use the Lake. The cumulative capacity limitations on the Lake will not be modified in conjunction with this proposed change in the Administrative Code. Therefore, the proposed project is not forecast to contribute to any cumulatively considerable adverse environmental effects if implemented.
- C. **Significant Effect:** The proposed permitting of nonprofit organizations to access the Lake with non-motorized boats has no known potential to have a significant adverse environmental effect on any resource issues. The only physical change is the entity that receives the permit

to launch boats on the Lake. The launch locations and the maximum number of boats on the Lake remain the same and since the boats must be non-motorized, no potential exists for accidental leak of petroleum products into the Lake.

- D. Scenic Highway: State Highway 18 is a Scenic Highway in the Valley, but the boat launch activities must occur at public lake access locations, so none of the activities associated with this new permitting authority can cause changes in the visual setting that already exists at the Lake. Therefore, no potential to adversely effect Highway 18 can occur from implementing the proposed project.
- E. Hazardous Waste Sites: No hazardous waste sites occur at any launch locations and no potential exists for these locations to contain any contaminated waste sites. The permitted boating activities themselves have no potential to cause any contamination from the use of hazardous materials or disposal of hazardous wastes.
- F. Historical Resources: As noted above, the nonprofit organization activities must occur at an existing location along the shore designated for public access and approved by the owner of the boat landing permit. No physical improvements to launch facilities already permitted are proposed as part of this project and the District will have to approve any launch locations proposed at a public access location or that uses public property. Thus, no historical resources with any integrity can remain on any of the launch locations.

Based on the evaluation presented above, it is my recommendation that the proposed addition of permits for nonprofit organizations to the Administrative Code qualifies for a Categorical Exemption, Class 5. Therefore, when the District is ready to approve this change to the Administrative Code for implementation, I recommend noticing it as Categorically Exempt from CEQA for the reasons outlined above and have the District adopt and file the attached Notice of Exemption with the San Bernardino County Clerk of the Board when it makes a decision on the project. This will initiate a 35-day statute of limitations for anyone seeking to challenge the project in court. If you have any questions, please do not hesitate to contact me.



Tom Dodson

Attachments

NOTICE OF EXEMPTION

To: San Bernardino County
Clerk of the Board
385 North Arrowhead Avenue
San Bernardino, CA 92415

From: Big Bear Municipal Water District
40524 Lakeview Drive
Big Bear Lake, CA 92315

Project Title: Authorization to issue use permits for Big Bear Lake to Nonprofit Organizations

Project Location: The Big Bear Municipal Water District (District) owns and operates Big Bear Lake. The cadastral location for the Lake is Township 2 North, Range 1 West and Township 2 North, Range 1 East San Bernardino Meridian and the Lake location can generally be found on the Fawnskin and Big Bear Lake, California, USGS. 7.5' Topographic Maps.

Project Location - City: City of Big Bear Lake/County of San Bernardino

Project Location - County: San Bernardino

Description of Nature, Purpose, and Beneficiaries of the Project: A proposal by the Big Bear Municipal Water District's (District) to modify the District Administrative Code (Ordinance No. 38) to allow issuance of permits for Nonprofit Organizations for activities on Big Bear Lake. At present the Administrative Code does not make provision for the issuance of use permits to Nonprofit Organizations and the proposed text modification to the Administrative Code will allow such permits to be issued. This is a procedural change by the District, but it does have physical consequences because it will allow additional boating activities on Big Bear Lake.

Name of Public Agency Approving Project: Big Bear Municipal Water District

Name of Person or Agency Carrying Out Project: Big Bear Municipal Water District

Exempt Status: (Check One)

- Ministerial (Sections 21080(b)(1); 15268)
- Declared Emergency (Sections 21080(b)(3); 15269(a))
- Emergency Project (Sections 21080(b)(4); 15269(b))
- Categorical Exemption (Sections 21084; 15305 (b))

Reasons why project is exempt: The State CEQA Guidelines provide a series of categorical exemptions for projects that have been deemed to have minimal impacts on the environment. The proposed project is the authorization for the District to issue Lake use permits to nonprofit organizations. The authorization to issue such permits has been determined to have no potential to cause significant adverse effects on the environment and existing Lake management operational requirements and conditions of permit issuance will ensure that nonprofit organization permit activities will be consistent with District boating procedures and protective of the environment. Categorical Exemption Class 5 exempts Minor Alterations in Land Use Limitations such as proposed and an evaluation of the exceptions provided for Categorical Exemptions indicates no potential for significant adverse environmental effects from implementing this proposed project. Therefore, this proposed action is not forecast to cause any potential for significant adverse environmental impacts and qualifies with the requirements for Class 5 exemption.

Lead Agency

Contact Person: Scott Heule

Telephone: (909) 866-5796

Signature: _____ **Title:** General Manager **Date:** _____