

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**  
**September 16, 2010**

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

Next Resolution Number: 2010- 06

**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 September 2, 2010
  - B. Warrant List Dated September 13 for \$71,244.30
- 6. BUSINESS**
  - A. Hybl Seawall, approve Biological Study & filing of Categorical Exemption
  - B. Discussion and possible action on formation of MWD Non-profit Foundation
- 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 TO CLOSED SESSION**

**11. CLOSED SESSION**

A. Confer with real property negotiator re: APN NO 2328-202-15, 2328-202-08  
District Negotiator - Scott Heule

**12. ADJOURNMENT**

**NEXT MEETING:** Open Session at 1:00 P.M.  
Thursday, October 7, 2010  
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, SEPTEMBER 2, 2010***

**CALL TO ORDER**

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

**REPORTS**

Mr. Heule reported that Lake Manager Mike Stephenson was able to purchase a Volvo backhoe for the District at the auction in Phoenix for \$55K (\$60K with taxes). He explained that it has everything we wanted on it and only has 358 hours. He added that we will be sending our old tractor out on the truck that brings the new one to us explaining that we should get a better price on the old tractor by selling it in Arizona because of the California restrictions on emissions. Director Smith explained that the new backhoe (because it is EPA compliant) will allow us to keep our forklift (that is not compliant) because they look at the overall equipment fleet emissions, not the individual pieces of equipment. Mr. Heule reported that the Department of Safety of Dams inspected the dam on Wednesday morning adding that they instructed the District via Jim Weber to cut some willows in the downstream portions of the bays and asked again about surfacing the face of the dam. He added that Mr. Weber explained that once the old bridge is removed the District will install the last of the service spillway gates in bay 10. Director Smith asked if the District was allowed to cut willows. Mr. Heule explained that if Safety of Dams orders it, we have to comply. He added that we have marked up the final plans for the gasoline remediation trench at Big Bear Marina explaining that staff will begin preparing the paperwork necessary to advertise the construction work. Mr. Heule reported that the City Engineering Department has been helpful in providing language for the plans explaining what permits and inspections will be required to be obtained from them. He explained that the construction of this trench needs to be completed as soon as possible after Labor Day explaining that we have some concerns about groundwater interfering with the trench excavation. Mr. Heule explained that Mike Stephenson will do a test excavation prior to the bidding process so that bidders can anticipate what conditions will be like. He added that the costs associated with this effort will be reimbursed from the State Underground Tank fund. Mr. Heule reported that maintenance staff has started applying Green Kleen Pro to kill some blue green algae that was first observed on Tuesday. He explained that areas in Boulder Bay Marina, Metcalf Bay, near the dam, and Eagles Knoll Estates have already been treated. He added that the algae was observed behind Community Church in Pine Knot Marina, and from new Ski Beach west almost to B's dog park and will be treated today. Mr. Heule explained that toxins produced by the algae can cause gastrointestinal sickness in humans and has been known to kill dogs and other small animals that ingest enough adding that one of the risks for dogs is after swimming in the blue green algae infested water they lick their fur dry. He stated that from this point forward any Blue Green algae Staff observes will be treated. He added that a press release might be prepared early next week if the Blue Green algae concentrations become worse explaining that the release will note the potential human and canine health risks, inform concerning its typical growth pattern this time of

year, and indicating the District Lake Management efforts are directed towards reducing nutrient loads in Lake water that support the algae growth. He reported the Lake level 3.93 feet from full release is 1.83 cfs measured at Station B below the dam. He added that Don Evenson's estimate that the release schedule will result in a 4 foot lake level by Labor Day is right on. Mr. Heule reported that he and Mr. Evenson are working on a release policy for Muni's Lake Emergency Storage based on the ability of Edison to divert flows and a reasonable ramp up/down that we could justify to Fish & Game and USFS. He added that the maximum release rate would probably be in the range of 40 to 70 cfs with ramp downs on the order of 2 to 10 cfs/day to protect fish from being stranded. Mr. Heule showed photos provided by Director Eminger of the new bridge project.

#### **APPROVAL OF CONSENT CALENDAR**

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

- Minutes of a Regular Meeting of August 19, 2010
- Warrant List Dated August 26, 2010 for \$25,909.41

#### **FOUNDATION AD HOC COMMITTEE PRESENTATION ON POSSIBLE MWD FOUNDATION – DISCUSSION ONLY, NO ACTION**

Mr. Heule explained that the Ad Hoc Committee (Directors Suhay and Murphy) appointed by President Fashempour would want the MWD Foundation to be solely organized for special project fund raising and to provide volunteer services for some of the Districts educational and special events such as Kool Kids, Carp Roundup, and shoreline cleanup. He added that their fundraising would be focused on fisheries and maybe even grant-funding for District Capital projects. He reported that the Committee is thinking that each Director would select two individuals from their district to appoint to the Board of Directors and the Foundation Board members would need to be approved by the entire MWD Board. Mr. Heule reported that terms of appointment would be two years and their by-laws would indicate they would operate under the obligations of the Brown Act. He added that monthly meetings would be attended by the General Manager and one Director appointed by the Board President. He reported that the by-laws would clearly indicate that the Foundation would operate within a very narrowly defined role and would have no input regarding management or policies of the District. He explained that District Counsel Wayne Lemieux indicated that his firm will draft the documents necessary for incorporation as a non-profit pro-bono but that the filing and accounting expenses associated with the organization should be raised and funded by the Foundation itself. He added that Mr. Lemieux estimates this will amount to about \$1,500 explaining that the Foundation will also need to secure some Directors Liability Insurance as well. Mr. Heule stated that if the Board wants to continue pursuing the Foundation concept the Committee would need to prepare a single page explanation describing the purpose and scope of work for the Foundation Directors that can be used to recruit community members who are known and can influence others to donate. Director Suhay explained that this would not be a Citizens Advisory Group but would just be for fund-raising with a sole purpose to get money for specific projects and events. President Fashempour stated that she was thinking it was for raising money and then the foundation would decide how to spend it. Mr. Heule stated that the foundation would raise money for specific projects determined by the District. Director Eminger stated that he would

like to use Big Bear residents and not go for a grant writer from outside Big Bear. Director Smith commented that he would agree to it if the fundraising was for specific events such as Kool Kids. Director Suhay stated that the foundation would also be to recruit volunteers to help work at specific events such as Kool Kids. President Fashempour commented that she thought that was a good idea. District Counsel Lemieux stated that when directed to proceed, they will work on the by-laws and then present them to the Committee and if the Committee decides to approve the draft then they will be presented to the full Board. He also explained that a name for the Foundation would have to be decided. President Fashempour commented that she likes the name "Friends of the Lake". Director Eminger stated that the Board doesn't need to make a decision today but just to assure that everyone is in agreement to proceed. Director Smith commented that considering the economy, it might be hard to get money donations at this time but if this foundation increases chances of getting volunteers for events he is okay with it. Director Suhay explained that part of their job would be to get the front money for maintenance of the program as well. Director Murphy commented that there would be no guarantee that they could get the money. Director Suhay commented that he believes the people who might be interested in being associated with the foundation would have the time and resources to do the job. Mr. Lemieux added that he believes that people know that those who volunteer would rather help with a non-profit agency than a government agency. Mr. Heule stated that we should probably schedule another Ad- Hoc Committee meeting and flush out ideas before we ask Mr. Lemieux to get started on the by-laws.

#### **PUBLIC FORUM**

No comments were made

#### **ANNOUNCEMENTS**

Mr. Heule commented that staff is all geared up and ready for the Labor Day weekend. He announced that ramp hours will be modified at the West Ramp after the holiday to Monday – Friday hours from 6am to 2pm and weekends from 6am to 6pm and closing for the season on October 4th. He added that the East Ramp hours will not change. Director Suhay commented that perhaps we should issue a press release on the new hours. Mr. Heule stated that the information has been changed on our website and is also being given out answering phones. He added that the Grizzly and KBHR will be contacted as well.

#### **DIRECTOR COMMENTS**

Director Eminger commented that it has been a good season with the lake being up from last year adding that staff has done an excellent job.

#### **ADJOURNMENT TO CLOSED SESSION**

The meeting was adjourned to Closed Session at 1:42 P.M to:  
Confer with real property negotiator re: APN NO.2328-202-15, 2328-202-08  
District Negotiator - Scott Heule

#### **RECONVENE TO OPEN SESSION**

The meeting was reconvened to Open Session at 2:23 P.M.  
No reportable action.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 2:24 P.M.

**NEXT MEETING**

Open Session at 1:00 P.M.  
Thursday, September 16, 2010  
Big Bear Municipal Water District  
40524 Lakeview Drive, Big Bear Lake, CA

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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 08/26/10  
 Account 10010-00-001, Sessions 000000 to 002045**

**Active Sessions (Not Included in Report)  
 001760, 001814, 001869, 001936, 002029**

<u>Check</u>	<u>Payment / Vendor Information</u>	<u>Ck Date</u>	<u>Prty</u>	<u>Invoice</u>	<u>Session</u>	<u>Reference</u>	<u>Amount</u>
<b>Checking Account:</b> 10010-00-001							
148554	WTACON / WTA CONSTRUCTION COMPANY	09/04/10	2	2682-RET	002034	ERPAVFINAL	15837.80
<b>WTACON Subtotal :</b>							15837.80
148555	CNTYRE / San Bernardino County Recorder	09/10/10	2	13271-B	002038	LEGALNOTIC	27.00
<b>CNTYRE Subtotal :</b>							27.00
148556	CVWD / CUCAMONGA VALLEY WATER DISTRICT	09/10/10	2	10132010	002038	TRAVGM	275.00
<b>CVWD Subtotal :</b>							275.00
148557	MASTER / FIRST BANKCARD CENTER	09/10/10	2	0831107379	002038	MASTER507	300.00
<b>MASTER Subtotal :</b>							300.00
148558		09/10/10	2	0831102328	002038	MASTER320	3704.02
<b>MASTER Subtotal :</b>							3704.02
148559		09/10/10	2	0831108541	002038	MASTER102	333.26
<b>MASTER Subtotal :</b>							333.26
148560	SAGE / Sage Software Checks & Forms	09/10/10	2	0002135056	002038	OFFCSUPPL	124.01
<b>SAGE Subtotal :</b>							124.01
148561	ACWAHB / ACWA Health Benefits Authority (H	09/10/10	2	11012010	002044	HEALTHINS	18264.31
<b>ACWAHB Subtotal :</b>							18264.31
148562	ATT785 / AT&T	09/10/10	2	08242010-	002044	PHONE-LD	31.18
<b>ATT785 Subtotal :</b>							31.18
148563	BBDSPL / Big Bear Disposal	09/10/10	2	239279	002044	UTIL-RAMP	165.83
<b>BBDSPL Subtotal :</b>							165.83
148564		09/10/10	2	239483	002044	UTIL-MAIN	294.58
<b>BBDSPL Subtotal :</b>							294.58
148565	BEERMA / JOHN BEERMAN	09/10/10	2	05387	002044	PERMITS	65.00
<b>BEERMA Subtotal :</b>							65.00
148566	BMARIN / Big Bear Marina	09/10/10	2	10311118	002044	PETRO-BOAT	1121.60
148566		09/10/10	2	10311119	002044	PETRO-BOAT	1875.44
<b>BMARIN Subtotal :</b>							2997.04
148567	BUTCHR / Butcher's Block &	09/10/10	2	27395	002044	KOOL	11.07

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**Active Sessions (Not Included in Report)  
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Check	Payment / Vendor Information	Ck Date	Prty	Invoice	Session	Reference	Amount
	Building Materi						
148567		09/10/10	2	28046	002044	FISHREARIN	13.05
						<b>BUTCHR Subtotal :</b>	<b>24.12</b>
148568	BVELEC / Bear Valley Electric	09/10/10	2	08202010	002044	UTIL-RAMP	218.25
148568		09/10/10	2	08242010	002044	UTIL-RAMP	410.87
148568		09/10/10	2	08272010	002044	UTIL-DAM	165.13
148568		09/10/10	2	08272010B	002044	UTIL-MAIN	9.66
148568		09/10/10	2	08272010C	002044	UTIL-AERAT	1284.16
148568		09/10/10	2	08272010D	002044	UTIL-DAM	9.13
						<b>BVELEC Subtotal :</b>	<b>2097.20</b>
148569	BVUSD / Bear Valley Unified School Distri	09/10/10	2	11004	002044	KOOL	150.00
						<b>BVUSD Subtotal :</b>	<b>150.00</b>
148570	BYRDIN / Byrd Industrial Electronics	09/10/10	2	810-10	002044		469.92
						<b>BYRDIN Subtotal :</b>	<b>469.92</b>
148571	CENTUR / CENTURY FORMS, INC.	09/10/10	2	69303	002044	PRINTOPS	1304.80
						<b>CENTUR Subtotal :</b>	<b>1304.80</b>
148572	CNTYSV / Water & Sanitation	09/10/10	2	08312010A	002044	UTIL-RAMPS	105.22
148572		09/10/10	2	08312010B	002044	UTIL-RAMPS	105.22
						<b>CNTYSV Subtotal :</b>	<b>210.44</b>
148573	COCKRE / Tyler Cockrell	09/10/10	2	AUG2010	002044	SUPRTRAVEL	28.98
						<b>COCKRE Subtotal :</b>	<b>28.98</b>
148574	COMSER / ComSerCo	09/10/10	2	MA50219750	002044	RADSVCCONT	255.00
						<b>COMSER Subtotal :</b>	<b>255.00</b>
148575	DIRCTV / DIRECTV	09/10/10	2	1326932488	002044	UTIL-RV	150.24
						<b>DIRCTV Subtotal :</b>	<b>150.24</b>
148576	DIVERS / Diversified Products, Inc.	09/10/10	2	10309589	002044	ELECTROBOA	102.33
148576		09/10/10	2	10309729	002044	ELECTROBOA	39.75
148576		09/10/10	2	10314931	002044	ELECTROBOA	107.55
						<b>DIVERS Subtotal :</b>	<b>249.63</b>
148577	DWP / Department of Water and Power	09/10/10	2	08272010A	002044	UTIL-MAIN	44.15
148577		09/10/10	2	08272010B	002044	UTIL-RAMP	17.87



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148577		09/10/10	2	08272010C	002044	UTIL-RAMP	313.34
148577		09/10/10	2	08272010D	002044	UTIL-MAIN	13.40
148577		09/10/10	2	08272010E	002044	UTIL-MAIN	195.96
<b>DWP Subtotal :</b>							<b>584.72</b>
148578	EMPIR / EMPIRE TRANSPORT	09/10/10	2	280012	002044	SURPLSREV	758.00
<b>EMPIR Subtotal :</b>							<b>758.00</b>
148579		09/10/10	2	280013	002044	VOLVO2008	1200.00
<b>EMPIR Subtotal :</b>							<b>1200.00</b>
148580	HARVEY / PAUL HARVEY	09/10/10	2	04989	002044	PERMITS	85.00
<b>HARVEY Subtotal :</b>							<b>85.00</b>
148581	HAUPT / Ralph W. Haupt	09/10/10	2	891	002044	PETRO-AUTO	123.79
148581		09/10/10	2	892	002044	PETRO-AUTO	111.76
<b>HAUPT Subtotal :</b>							<b>235.55</b>
148582	IDEARC / SUPERMEDIA LLC	09/10/10	2	09012010	002044	PHONE-MAIN	64.50
<b>IDEARC Subtotal :</b>							<b>64.50</b>
148583	KENDAL / Kendall/Adams Group, Inc.	09/10/10	2	K2980	002044	CONTAMPROJ	1556.20
<b>KENDAL Subtotal :</b>							<b>1556.20</b>
148584	LABSAF / Lab Safety Supply, Inc.	09/10/10	2	1016002066	002044	OSHA	52.89
<b>LABSAF Subtotal :</b>							<b>52.89</b>
148585	LEMIEU / Lemieux & O'Neill A Professional	09/10/10	2	20-999M133	002044	LEGRETAINR	3500.00
<b>LEMIEU Subtotal :</b>							<b>3500.00</b>
148586	MCOYBR / Mountain Water Company	09/10/10	2	18349	002044	UTILITIES	185.45
148586		09/10/10	2	18381	002044	UTIL-RAMP	131.00
148586		09/10/10	2	18405	002044	UTIL-RAMPS	231.00
<b>MCOYBR Subtotal :</b>							<b>547.45</b>
148587	MOFFAT / MOFFATT & NICHOL ENGINEERS	09/10/10	2	53559	002044	BBMARDRG	6069.00
<b>MOFFAT Subtotal :</b>							<b>6069.00</b>
148588	MWH / MWH America, Inc.	09/10/10	2	1351920	002044	WATRMSTRMT	222.53
<b>MWH Subtotal :</b>							<b>222.53</b>
148589		09/10/10	2	1352034	002044	PROFSVCS	4885.16

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<b>MWH Subtotal :</b>							<b>4885.16</b>
148590	NAPA / McConnell Motor Parts Inc.	09/10/10	2	963624	002044		60.41
148590		09/10/10	2	963629	002044	PATROLMAIN	104.11
148590		09/10/10	2	965319	002044	ON ROAD	26.95
148590		09/10/10	2	965321	002044		37.98
148590		09/10/10	2	972565	002044	ONROAD	57.29
148590		09/10/10	2	972736	002044	PATROLMAIN	61.73
148590		09/10/10	2	972809	002044	PATROLMAIN	95.92
148590		09/10/10	2	972810	002044	PATROLMAIN	6.69
148590		09/10/10	2	976761	002044	PATROLMAIN	75.56
148590		09/10/10	2	976764	002044	PATROLMAIN	59.94
148590		09/10/10	2	977461	002044		15.59
<b>NAPA Subtotal :</b>							<b>602.17</b>
148591	NOCONT / NO CONTRACT VOIP	09/10/10	2	1278	002044	PHONMAINNE	12.78
<b>NOCONT Subtotal :</b>							<b>12.78</b>
148592	OUELLE / TOM OUELLETTE	09/10/10	2	RVSP11	002044	RV	637.60
<b>OUELLE Subtotal :</b>							<b>637.60</b>
148593	TCM / TCM	09/10/10	2	963	002044	JANITSUPPL	127.15
<b>TCM Subtotal :</b>							<b>127.15</b>
148594	TERMIN / TERMINIX INTERNATIONAL	09/10/10	2	298058504	002044	FACILMAINT	49.00
<b>TERMIN Subtotal :</b>							<b>49.00</b>
148595	TIFCO / Tifco Industries	09/10/10	2	70631849	002044	SHOPMAINT	150.43
<b>TIFCO Subtotal :</b>							<b>150.43</b>
148596	UPS / UPS	09/10/10	2	F33Y11340	002044	SHIPPING	17.33
148596		09/10/10	2	F33Y11350	002044	SHIPWATER	433.39
148596		09/10/10	2	F33Y11360	002044	SHIPWATER	16.00
<b>UPS Subtotal :</b>							<b>466.72</b>
148597	VALERO / Valero Marketing and Supply Co.	09/10/10	2	08242010	002044	PETRO-AUTO	1062.15
<b>VALERO Subtotal :</b>							<b>1062.15</b>
148598	VERIZO / Verizon California	09/10/10	2	08252010	002044	PHONE-WS	31.33
148598		09/10/10	2	08282010	002044	PHONE-DAM	41.43

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						<b>VERIZO Subtotal :</b>	72.76	
148599	WELSCH / Laura Marino Welsch	09/10/10	2	2010294	002044	PROFSVCS	458.75	
						<b>WELSCH Subtotal :</b>	458.75	
148600	XEROX / Xerox Corporation	09/10/10	2	050096034	002044	COPIERLEAS	484.43	
						<b>XEROX Subtotal :</b>	484.43	
<b>Total For Check Account: 10010-00-001</b>							71244.30	
							<b>Check Register Total :</b>	71244.30

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

**MEETING DATE: SEPTEMBER 16, 2010**

**AGENDA ITEM: 6A**

**SUBJECT: HYBL SEAWALL, APPROVE BIOLOGICAL STUDY AND FILING OF CATEGORICAL EXEMPTION**

**RECOMMENDATION:**

The General Manager and the Watershed/Lake Improvement Committee recommend approval

**DISCUSSION/FINDINGS:**

The District is the lead agency on any project proposed for the shorezone or lake bottom alteration. Gary Hybl proposes to build a 90 foot long seawall at the Lake edge on his property at 39342 Aurora Road on the northwest side of Metcalf Bay. Hybl submitted a biological review of the site in January 2010 along with a draft notice of exemption from CEQA. The District turned the report and document over to Tom Dodson and Associates for review and advice. They concluded that before the District should accept the work the biological review should be conducted when the site was not covered in snow. A second survey was done in June 2010 and report prepared on July 12, 2010. The materials were again submitted for review by Tom Dodson and Associates and on July 19 they advised the District that based on the more recent biological survey and proposed work a categorical exemption (CE) from review under CEQA is the appropriate document for this work under section 15303, "New construction or conversion of small structures". The applicant has prepared all documentation needed for the District to process the Categorical Exemption and file the Notice of Exemption (see attached). The Committee recommends that the Board make the finding that the Hybl seawall falls within the category defined for the exemption from review under CEQA and move to file the notice of exemption with the County of San Bernardino.

**OTHER AGENCY INVOLVEMENT:** None

**FINANCING:** None

Submitted by: Scott Heule, General Manager

**Notice of Exemption**

**Form D**

**To:** Office of Planning and Research  
P.O. Box 3044, Room 212  
Sacramento, CA 95812-3044

**From:** (Public Agency) \_\_\_\_\_  
**Big Bear Municipal Water District**  
P.O. Box 2863, Big Bear Lake, CA 92315  
(Address)

County Clerk  
County of \_\_\_\_\_  
SB Co. Auditor/Controller-Recorder  
222 West Hospitality Lane San Bernardino, CA 92415-0022

Project Title: Hybl Sea Wall - Big Bear Lake

Project Location - Specific:

**39342 Aurora Road, Big Bear Lake, San Bernardino County, CA.**

Project Location - City: Big Bear Project Location - County: San Bernardino

Description of Nature, Purpose and Beneficiaries of Project:

**Installation of a 90 linear foot sea wall at the property boundary along Big Bear Lake to control sediment discharge into the lake.**

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

Name of Person or Agency Carrying Out Project: Mr. Gary Hybl - property owner

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15303. New Construction or Conversion of Small Structures
- Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

The proposed project consists of installation of a 90 linear foot sea wall along the Big Bear Lake frontage of 39342 Aurora Road, Big Bear Lake, San Bernardino County, CA. Biological surveys performed for the subject area did not identify the presence of any state or federally-listed sensitive species present within or in the immediate vicinity of the proposed project. The project includes the Project Design Features (PDFs) to avoid and reduce potential impacts to biological and cultural resources to a less than significant level, as attached.

Lead Agency  
Contact Person: Mike Stephenson Area Code/Telephone/Extension: 909.866.5796

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: Lake Manager

- Signed by Lead Agency Date received for filing at OPR: \_\_\_\_\_
- Signed by Applicant

Revised 2005

## HYBL SEAWALL PROJECT DESIGN FEATURES

### **BIOLOGICAL RESOURCES**

**BR-1:** Obtain permits that provide for mitigation of significant impacts, from the Army Corps of Engineers (ACOE), the California Department of Fish and Game (CDFG), and the Regional Water Quality Control Board (RWQCB), as required by those agencies, to allow construction of the seawall within Big Bear Lake and minimize impacts to the lake.

**BR-2:** Construction equipment shall not be operated in the water.

**BR-3:** Any temporary dam or artificial obstruction shall only be built from sandbags which will cause little or no siltation.

**BR-4:** Spoil sites shall not be located within the lake, where spoil could be washed back into the lake or where it could cover aquatic or riparian vegetation.

**BR-5:** Areas of disturbed soil which slope toward the lake shall be stabilized to reduce erosion potential by planting and seeding with native plants.

**BR-6:** If the lake margin or the gradient has been altered, it shall be returned as nearly as possible to pre-project conditions without creating a future bank erosion problem.

**BR-7:** The Contractor shall install adequate control devices to ensure that turbidity or siltation resulting from project related activities does not constitute a threat to aquatic life. Passage of sediment beyond any sediment barrier shall be prohibited.

**BR-8:** Access to the work site shall be via existing driveways.

### **CULTURAL RESOURCES**

**CR-1** In the event of an unforeseen encounter of subsurface materials suspected to be of archaeological or paleontological significance, all grading or excavation shall cease in the immediate area, and the find left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate the finds and make recommendations as to disposition, mitigation, and/or salvage. The Project Proponent shall be liable for any costs associated with the professional investigation.

**CR-2:** In the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately and the area of the find will be protected. The County Coroner shall be notified immediately of the find and comply with the provisions of P.R.C. Section 5097 with respect to Native American involvement, burial treatment, and re-burial, if necessary.

### **IMPLEMENTATION AND VERIFICATION**

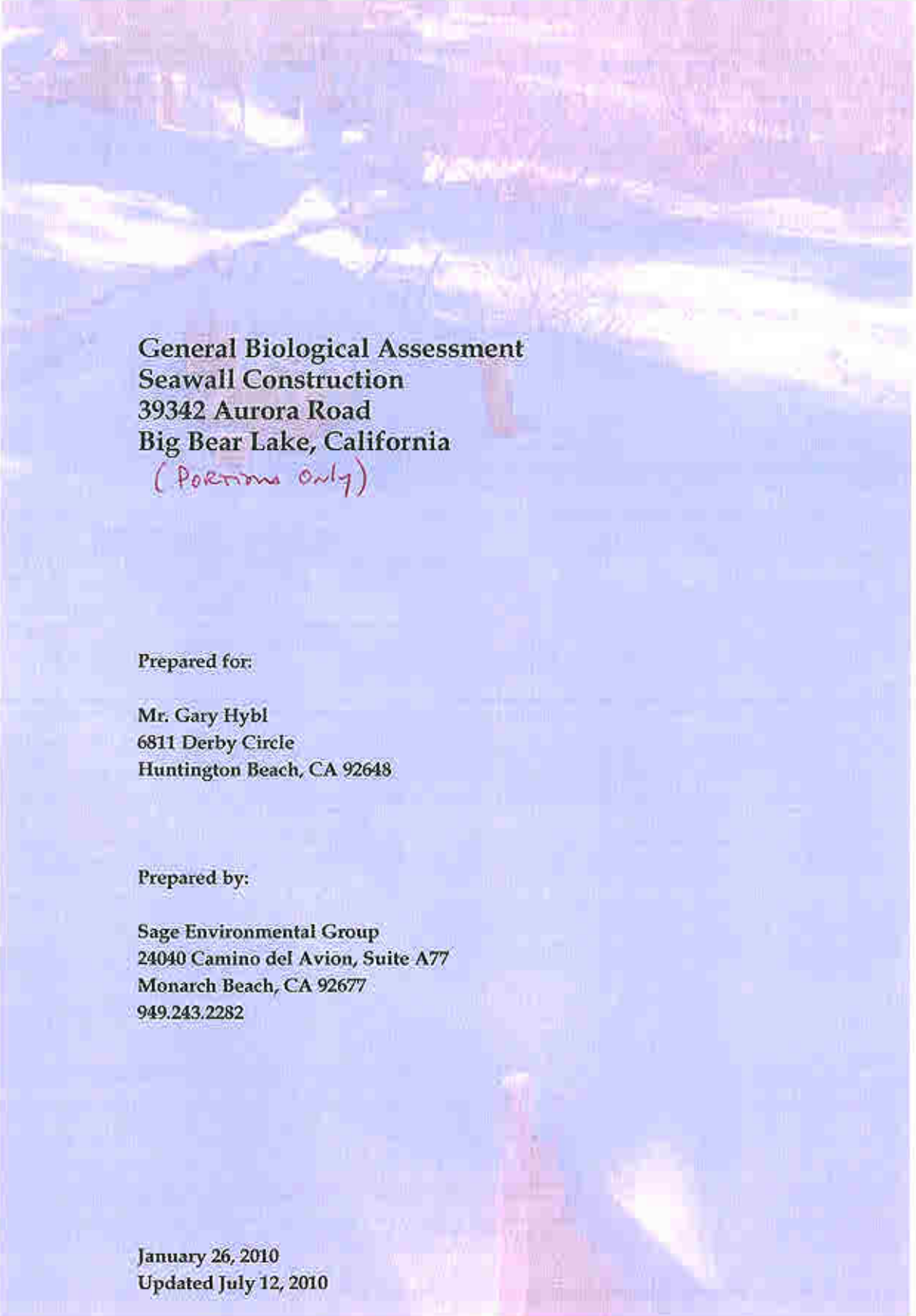
Contractor shall verify implementation of the above mitigation measures.

### **COMPLIANCE RECORD**

When Required: The verification shall be completed prior to initiation and completion of grading and submitted to Big Bear Municipal Water District.

**WRITTEN VERIFICATION PREPARED BY:**

**DATE PREPARED:**



**General Biological Assessment  
Seawall Construction  
39342 Aurora Road  
Big Bear Lake, California**  
*(Portions only)*

**Prepared for:**

**Mr. Gary Hybl  
6811 Derby Circle  
Huntington Beach, CA 92648**

**Prepared by:**

**Sage Environmental Group  
24040 Camino del Avion, Suite A77  
Monarch Beach, CA 92677  
949.243.2282**

**January 26, 2010  
Updated July 12, 2010**

Seawall Construction Project  
39342 Aurora Road  
General Biological Assessment

**CERTIFICATION**

I hereby certify that the statements furnished above and in the attached exhibits present data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.



\_\_\_\_\_  
Karen Kirtland

\_\_\_\_\_  
January 8, 2010

Date



\_\_\_\_\_  
Alissa Cope

\_\_\_\_\_  
July 12, 2010

Date



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- Appendix A - Sensitive Biological Resources
- Appendix B - Plant and Animal Species Observed

## **Executive Summary**

Sage Environmental Group was contracted by Mr. Gary Hybl to conduct a biological assessment for the construction of a 90 linear foot sea wall along the lake frontage at 39342 Aurora Road, Big Bear, California. This biological assessment focuses on identifying sensitive species potentially present in or around the subject property and the potential effects of the sea wall to affect those resources. The assessment was required as part of the Big Bear Municipal Water District (District).application process for the sea wall. Construction of the sea wall will reduce ongoing erosion and siltation along and within Big Bear Lake at this location.

The project site is located on the south side of Big Bear Lake, north of Big Bear Boulevard (State Route 18). It is on Aurora Road on the west side of Metcalf Bay. There is extensive documentation of several rare plant and animals species found along and on the Metcalf and Boulder Bay peninsulas, and in particular Metcalf Bay meadows and lowlands.

A data review was conducted to provide information on plant and wildlife species known to be present in the vicinity of the project site. Other available technical information on the biological resources of the site was also reviewed.

Two general biological assessments were conducted of the project site, the first on December 16, 2009 and the second on June 4, 2010. All species identified by sight, call or sign (burrows, scat, tracks, etc.) were recorded. Site photographs were taken with a digital camera. A jurisdictional waters determination was also conducted.

The field work included searching for sensitive species identified by the City of Big Bear Lake, the California Department of Fish and Game and the U. S. Fish and Wildlife Service. The assessment included the identification of plant species and plant cover on the property to determine habitat suitability for sensitive species.

Of the sensitive species potentially present on site, suitable habitat for the bald eagle and bat species was identified. The trees around the project site and the local residential neighborhood provide suitable roosting habitat for the bald eagle as and bat species. Because the project is in an area already impacted by residential development, the proposed construction of a seawall is not expected to have significant impacts to the bald eagle or bat species.

The site lies at the boundary of the Ordinary High Water Mark (OHWM) of Big Bear Lake and therefore, comes under the jurisdiction of the U.S. Army Corps (Corps), Regional Water Quality Control Board (RWQCB), California Department of Fish and Game (CDFG). The project proponent will need to contact the Corps, RWQCB and the CDFG to determine what permits and mitigation, if any, will be required.

Impacts to raptors and migratory birds are not expected to be significant. The seawall will be constructed on a residential property in an existing residential neighborhood. There will be no increase in noise or human activity once the seawall is constructed.

No wildlife corridors exist, and habitat fragmentation has already occurred.

## **1.0 Introduction**

Sage Environmental Group was contracted by Mr. Gary Hybl to conduct a biological assessment for the construction of a 90 linear foot sea wall along the lake frontage at 39342 Aurora Road, Big Bear, California. This biological assessment focuses on identifying sensitive species potentially present in or around the subject property and the potential effects of the sea wall to affect those resources. The assessment was required as part of the Big Bear Municipal Water District (District) application process for the sea wall. Construction of the sea wall will reduce ongoing erosion and siltation along and within Big Bear Lake at this location.

## **2.0 Project Locality and Description**

The project site is located on the south side of Big Bear Lake, north of Big Bear Boulevard (State Route 18). It is on Aurora Road on the west side of Metcalf Bay (Figures 1 and 2).

The project site lies in the western half of Section 24, Township 2 north, Range 1 west, on the Big Bear Lake 7.5' U. S. Geological Survey (USGS) quadrangle, San Bernardino base and meridian.

The proposed project is construction of a 90 foot-long seawall to reduce ongoing erosion and siltation along and within Big Bear Lake at this location.

## **3.0 Methods**

### **3.1. Research**

A data search was conducted to provide information on plant and wildlife species known occurrences within the vicinity. This review included biological texts on general and specific biological resources, and those resources considered to be sensitive by various wildlife agencies, local governmental agencies and interest groups. The documents reviewed include:

- List of sensitive biological resources provided by the California Natural Diversity Data Base.
- Biological resources report for this site and adjacent properties.
- General texts and other documents identifying potential resources on the property.

The results of the data search and assessment are provided in Appendix A.

Other available technical information on the biological resources of the site and vicinity were also reviewed. We used the information to focus our survey efforts in the field.

Sensitive species identified as potentially present on site include those listed, or candidates for listing by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), and California Native Plant Society (CNPS).

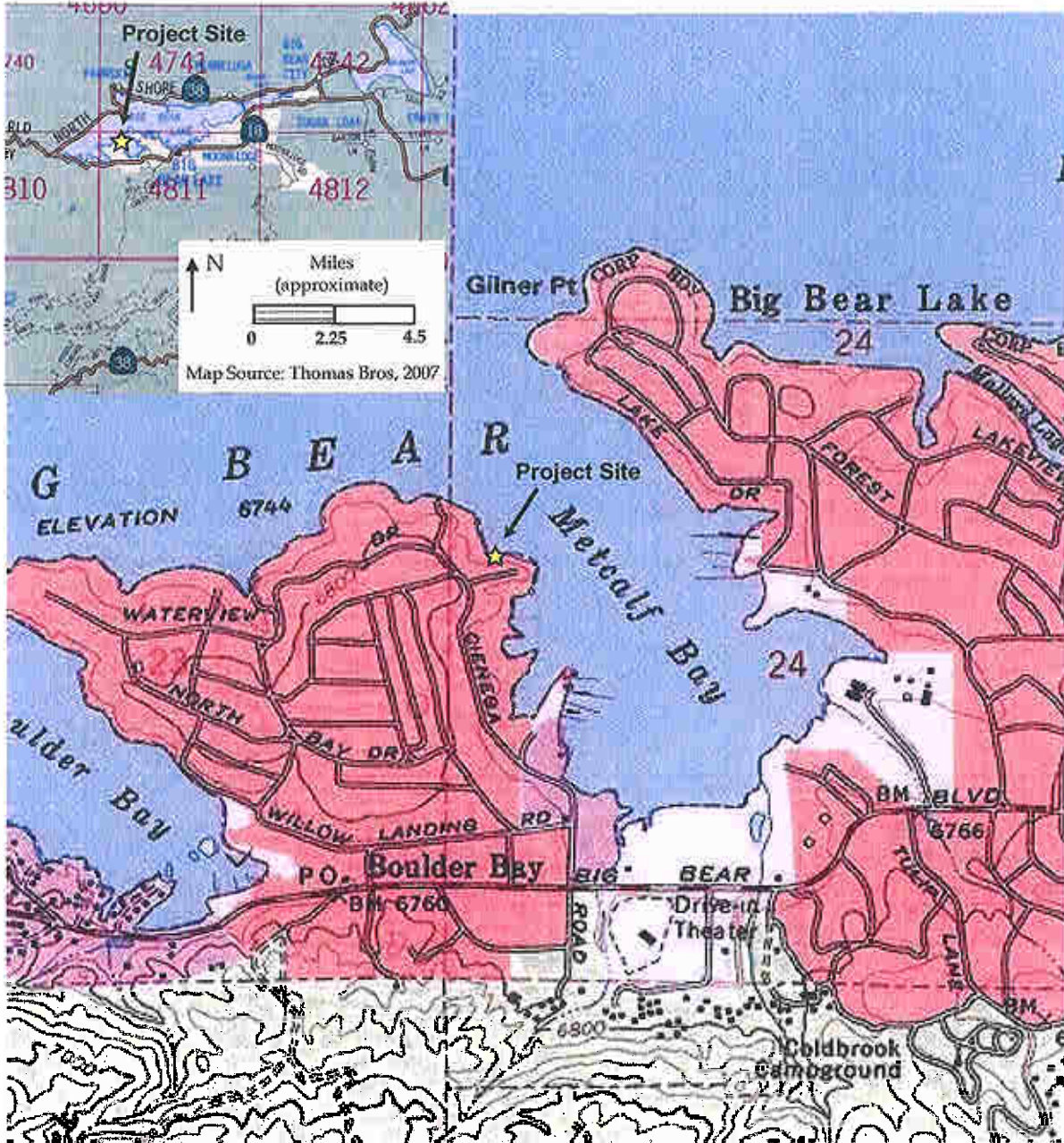
### **3.2 Field Surveys**

General assessment field surveys were conducted by Ms. Karen Kirtland on December 16, 2009 and Ms Alissa Cope on June 4, 2010. The property was surveyed using standard survey techniques for general biological assessments. A general reconnaissance level survey was walked throughout the site on both dates. The entire project site and adjacent area was evaluated for suitable habitat for sensitive species, as well as the presence of protected resources such as streams and drainages.

Seawall Construction Project  
39342 Aurora Road  
General Biological Assessment

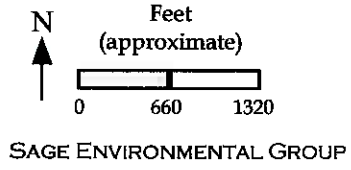
In December, the site had recently been covered in snow (Photo 1). Ms. Kirtland dug down to the soil cover at various points within the project site and the surrounding area to determine the soil and plant cover underneath the snow (Photo 2). In June, the site contained typical spring/summer plant cover (Photo 3 and Photo 4).

Seawall Construction Project  
 39342 Aurora Road  
 General Biological Assessment



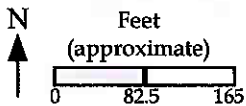
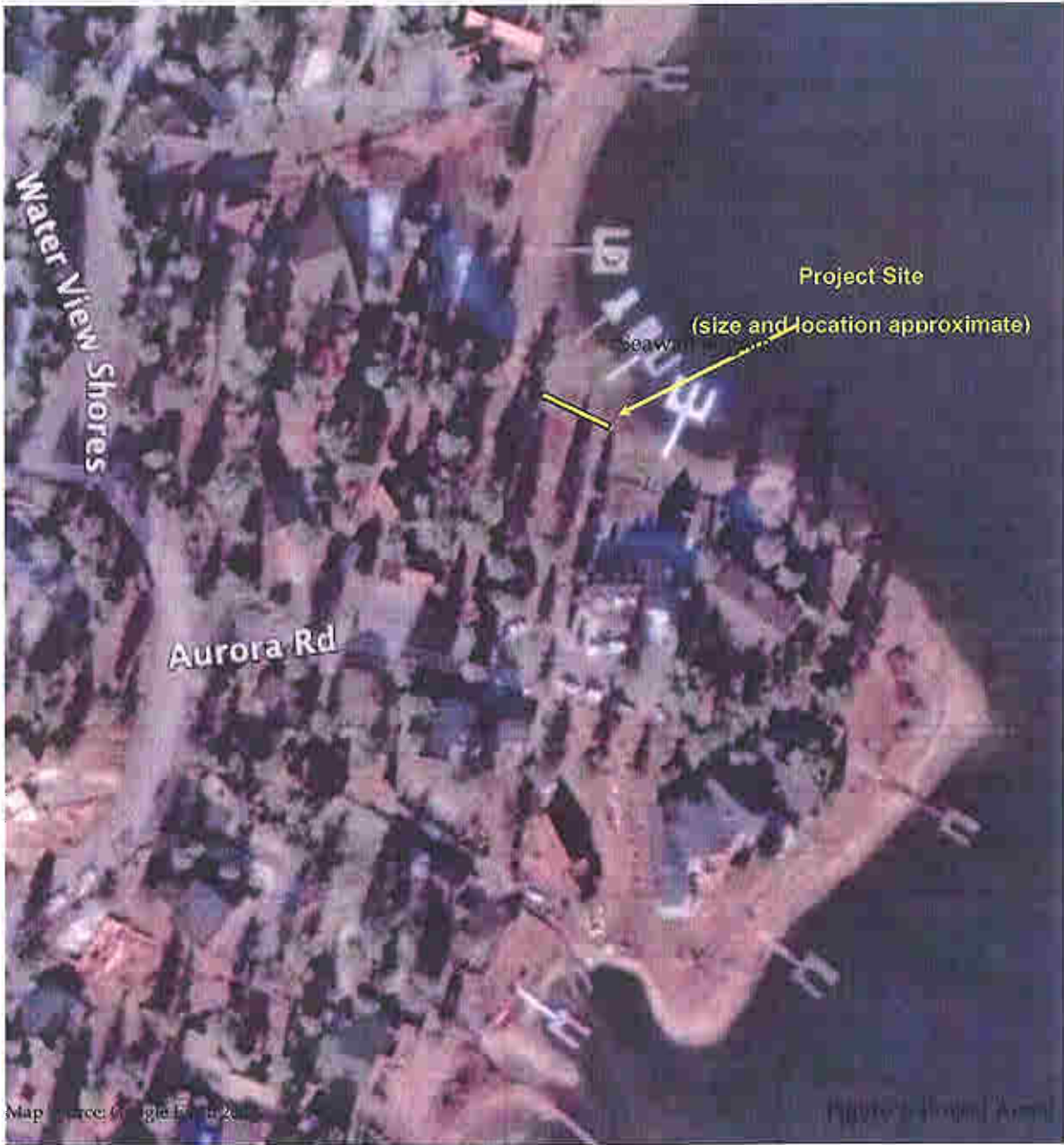
Map Base: Big Bear Lake (1996) 7.5'  
 USGS topographic quadrangle

Figure 1. Project Location and Site Vicinity Map



General Biological Assessment  
 Seawall Construction  
 39342 Aurora Road  
 Big Bear Lake, California

Seawall Construction Project  
39342 Aurora Road  
General Biological Assessment



General Biological Assessment  
Seawall Construction  
39342 Aurora Road  
Big Bear Lake, California



Photo 1. Snow covering the seawall alignment in December.



Photo 2. Hole dug to soil level along sea wall alignment in December.



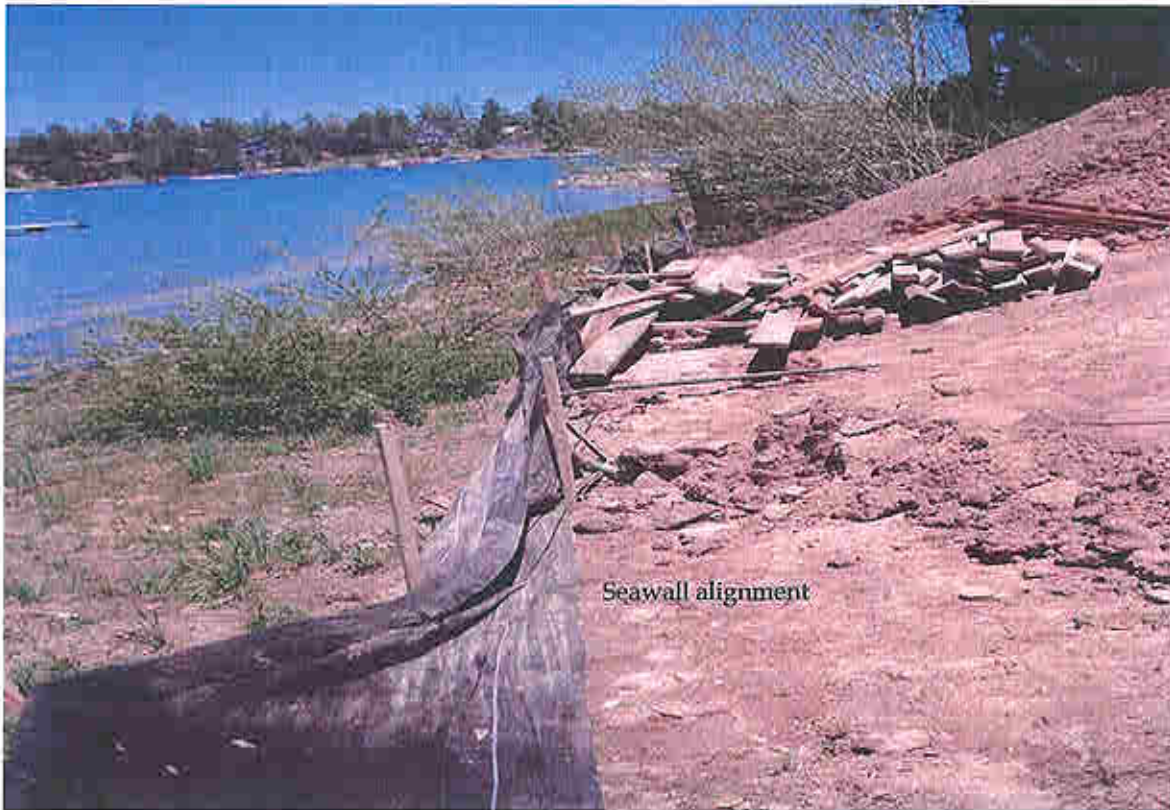


Photo 3. Sea wall alignment in June looking east.



Photo 4. Sea wall alignment in June looking west.

## 4.0 Results

### 4.1 Weather, Topography, and Soils

During the December survey, the weather was cool, in the low fifties degrees Fahrenheit, with clear skies and a mild wind (two to three miles per hour) from the west. During the June survey, the weather was warm, in the low eighty degrees Fahrenheit, with clear skies and calm (wind less than one mile per hour from the west).

The topography of the site is flat, with a shallow slope (less than one percent) downhill from southeast to northwest (Figure 1, Photo 5 and Photo 6). The soils are a unconsolidated sandy granitic soil, typical of the Big Bear Lake area (Photo 7 and Photo 8).



Photo 5. Slope of site down to Metcalf Bay in December.



Photo 6. Slope of site down to Metcalf Bay in June.

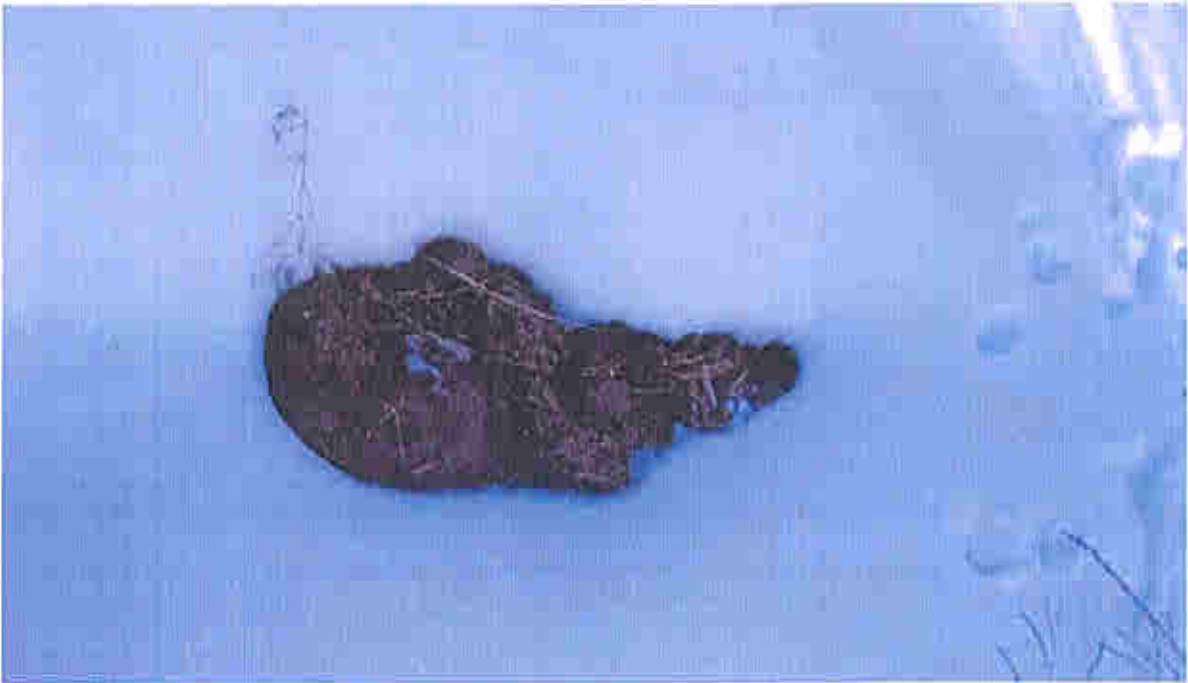


Photo 7. Sandy granitic soil surface in December.



Photo 8. Sandy granitic soil surface in June.

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

**MEETING DATE: SEPTEMBER 16, 2010**

**AGENDA ITEM: 6B**

**SUBJECT: DISCUSSION AND POSSIBLE ACTION ON FORMATION OF MWD NON-PROFIT FOUNDATION**

**RECOMMENDATION:**

The General Manager and the Foundation Ad-Hoc Committee recommend that the Board direct the Ad-Hoc Committee and District Counsel to begin preparing the Foundation paperwork

**DISCUSSION/FINDINGS:**

The Committee reviewed a draft white paper describing objectives, duties and operation of a future MWD Foundation. A second draft of the paper is attached (version 9/13/10). The Committee indicates that the MWD Board should be looking to appoint Foundation Directors who are high caliber, quality people, who can and will bring their energy and expertise to support the programs and policies of the Big Bear Municipal Water District through volunteer work and fundraising. The Committee recommends that each Board member submit a prioritized list of three or four potential candidates from their Division who they believe would make good Foundation Directors to the General Manager. The lists would be compiled and then distributed to the full Board for their consideration. After the full Board approves a list of up to ten candidates, Board members will ask their nominees to become members of the Foundation Board. If the approach that the MWD Foundation Ad-Hoc Committee has proposed is acceptable they recommend authorizing District Council to draft Foundation By-Laws and 501(C) 3 Non-profit filing paperwork. Once the By-Laws have been prepared and conceptually approved by the MWD Board the Foundation Board would be asked to select a name and review and suggest any edits or modifications to the By-Laws for consideration by the MWD Board.

**OTHER AGENCY INVOLVEMENT:** None

**FINANCING:** None

Submitted by: Scott Heule, General Manager

## MWD Foundation

Rough Draft 09-13-10

The Mission of the MWD Foundation is to support the policies and priorities of the Big Bear Municipal Water District through: public education, volunteer support, fundraising and development, and key project financial support.

1. The purpose of the MWD Foundation will be to:
  - a. Provide volunteers as needed for District special events such as Kool Kids, Shoreline Cleanup and Carp Roundup
  - b. Raise funds and write grant applications for MWD Board approved projects such as capital improvements, fisheries, invasive species control/protection
2. The MWD Foundation Board of Directors will be appointed by the MWD Board of Directors, two from each MWD Division (up to ten) for two year terms and will serve the interests of the MWD Board of Directors and MWD policies, priorities and regulations.
3. The Foundation Board meetings will be conducted transparently in accordance with the State of California Brown Act rules for meeting notices, agendas etc.
4. The Foundation Board will elect or appoint officers including but not limited to President, Vice President, Recording Secretary and Treasurer. Foundation Board can form subcommittees to accomplish certain tasks such as shoreline cleanup, Quagga inspections, launch ramp traffic control etc.
5. The Foundation Board is encouraged to develop selection criteria and recruit interested volunteers from the community to assist in carrying out the work of the Foundation.
6. The MWD Foundation will provide their own administrative support and will not rely on District office equipment or supplies or employees to carry out their mission.
7. Liaison with the MWD Board will be facilitated by one MWD Director appointed by the MWD Board President and the MWD General Manager who will attend monthly Foundation Board meetings. The assigned liaison MWD Board Member and the MWD General Manager will advise the Foundation Board regarding minimum qualifications and performance expectations for volunteers who may take part in District special events and activities.
8. The Foundation may reimburse Foundation members for direct expenses incurred as part of their approved activities on behalf of the Foundation. Valid receipts must accompany all reimbursement requests. No compensation, stipend, per diem or other remuneration for service on behalf of the Foundation will be given.
9. One of the first tasks for the Foundation Board will be to raise approximately \$2000 to pay the expenses associated with preparing and filing of a 501(c)-3 non-profit foundation incorporation paperwork.