

A G E N D A
BIG BEAR MUNICIPAL WATER DISTRICT

BOARD OF DIRECTORS
Regular Meeting
July 18, 2013

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

Next Resolution Number: 2013-11

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 June 20, 2013
 - B. Warrant List dated July 12, 2013 for \$1,381,307.42
- 6. BUSINESS**
 - A. Consider approval of a Resolution of the Board of Directors of Big Bear Municipal Water District amending Resolution No. 2013-01 (Administrative Code) as it relates to Directors' assumption of office
 - B. Consider approval of a Shorezone Alteration Permit for Hybl Seawall
- 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, August 1, 2013
Big Bear Municipal Water District
40524 Lakeview Drive, Big Bear Lake, CA

PLEASE 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.

Agenda related writings or documents provided to the Board of Directors are available for public inspection at www.bbmwd.org or in the District office during business hours, 8:00 am – 4:30 pm Monday – Friday.

Big Bear Municipal Water District wishes to make all of its public meetings accessible to the public. If you need special assistance to participate in this meeting, please contact the Board Secretary. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.

***MINUTES OF A REGULAR MEETING OF
BIG BEAR MUNICIPAL WATER DISTRICT
HELD ON THURSDAY, JUNE 20, 2013***

CALL TO ORDER

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

DISCUSSION AND ACTION ON CLOSED SESSION ITEMS

District Counsel Keith Lemieux reported that there was no closed session meeting held on June 6, 2013.

REPORTS

General Manager, Scott Heule introduced John Cylwik explaining that he is an engineering student at Humboldt State University and is interning with the District for the summer. He added that John is organizing various statistical information for the District. Mr. Heule reported that in anticipation of preparing new, up-to-date job descriptions for year-round employees, staff was asked to begin listing on paper the tasks they perform regularly and those they only do occasionally. He added that our consultant will be interviewing each staff member on July 9th and will use the lists prepared by the employees to draft new job descriptions. He explained that this will be a complex job and he will keep the Board informed as the process moves forward.

Lake Manager, Mike Stephenson reported on the Carp Roundup tournament scheduled for this coming weekend. He listed some of the sponsors that will be participating. He added that the Jazz Trax Music Festival is also this weekend. He announced that Kool Kids will be August 13th and 14th. Director Eminger asked how many children were participating this year. Mr. Stephenson explained that not all are registered yet but because there are not as many 2nd/3rd grade combination classes this year, he didn't anticipate as many children as last year. He reported on weed treatment explaining that 134 acres of Milfoil has been treated adding that he is very pleased with the process. He commented that the phone calls regarding weeds have diminished. He reported that the lake level is 5' 7" down from full explaining that it dropped 4" in 10 days. He reported that John Cylwik will be working with him on some census reports for TMDL.

District Counsel Keith Lemieux reported that he is working with Mr. Heule to amend the dock specifications to account for low lake levels. He added that a new master resolution combining all dock resolutions into one master resolution will be the outcome. He reported that Wayne Lemieux is doing well and will be back to work full time beginning next week.

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 June 6, 2013

- Warrant List Dated June 14, 2013 for \$85,927.90
- Approval of a Special Event Permit for the Big Bear Lake Rotary Club's annual 4th of July Fireworks display

CONSIDER APPROVAL OF FISCAL YEAR 2013-14 BUDGET

Mr. Heule reported that at the last Board meeting Staff provided a summary of the proposed Fiscal Year 2013-14 Budget. He explained that there were no changes in the proposed budget compared to the version presented at the meeting on June 6, 2013. He reported that there is one edit that staff wants to make at this time. He explained that on page 8 they had overlooked the work and repair to the railings on the boardwalk so they want to increase the Stanfield Marsh Improvement by \$6,500 to \$36,500 total. Director Murphy referred to page 21 explaining that he feels it is important to purchase a transporter for weed treatment. Mr. Stephenson explained that he has not yet found a transporter within the budgeted amount. It was discussed whether or not to add funds for the purchase of a transporter. The consensus was to leave it as-is for now. Mr. Heule reported that the Budget and Finance Committee recommends the Board approve the proposed Fiscal Year 2013-14 Budget with changes to the Stanfield Marsh Improvement fund and also approve the Resolution establishing the Appropriations Limit for Fiscal Year 2013-14 and the Resolution establishing Employee Compensation.

Director Eminger moved approval of Fiscal Year 2013-14 Budget with one change and approval of a Resolution establishing the Appropriations Limit and a Resolution establishing Employee Compensation. Director Suhay seconded the motion and it was unanimously approved.

CONSIDER APPROVAL OF A RESOLUTION OF THE BOARD OF DIRECTORS OF BIG BEAR MUNICIPAL WATER DISTRICT ESTABLISHING THE TERMS AND CONDITIONS FOR THE SALE OF "SLIVER FILL" EASEMENTS

Mr. Heule reported that at a May 24th Administrative Committee meeting the Committee asked Staff to revise language in the Sliver Fill Easement Sale Resolution to include language specifically limiting the sliver fill easement sales to land immediately abutting the private parcel and its extended property lines. He explained that Lemieux and O'Neill drafted a revision to address the Committee's request and after reviewing the language in the Resolution at a June 4th meeting, the Committee also wanted to add language specifically indicating that the easement is deeded and attends to the successors and assigns of the abutting real property and also wanted to add clarification language that the easement is permanent unless revoked by mutual agreement amongst the District and the abutting property owner. He reported that the new draft Resolution addresses these requests. He stated that the Committee recommends that the Board approve the draft Resolution on Sliver Fills. Mr. Larry Cooke, valley resident, stated that he has some questions and concerns regarding this Resolution. He asked for a description of "sliver fills" asking if we are talking about fills that extend in front of a property. Mr. Heule explained that they are defined as small usually narrow pieces of property owned by the District abutting what would otherwise be private lakefront property. Mr. Cooke stated that a lot of fill is eroding asking if a sea wall could be built. Mr. Heule explained that this will be considered on a case by case basis. Mr. Cooke commented that he does not like to see fill in front of property and would like to see this addressed in the Resolution. Director Suhay explained that historically if a homeowner wants to re-claim their property from erosion that is allowed.

Director Suhay moved approval of a Resolution of the Board of Directors of Big Bear Municipal Water District establishing the terms and conditions for the sale of "Sliver Fill" Easements. Director Suhay seconded the motion and it was unanimously approved.

PUBLIC FORUM

No additional comments were made

ANNOUNCEMENTS

Mr. Heule announced that the next Board meeting is scheduled for July 4th. He explained that we probably will be lacking a quorum so that meeting will be adjourned unless there are other pressing matters that would need to be addressed by the Board before the next scheduled meeting on July 18th. He reported that he will be speaking to Noel Blanc on his TV show tomorrow morning.

DIRECTOR COMMENTS

President Smith stated that he is glad to have Director Eminger back from the hospital. Director Eminger thanked the Budget and Finance Committee again for all their hard work.

ADJOURNMENT TO CLOSED SESSION

The meeting was adjourned to Closed Session at 1:48 P.M to:
Conference with Legal Counsel regarding Existing Litigation City of Big Bear Lake et al v Ana J. Matosantos, California State Board of Equalization, et al

RECONVENE TO OPEN SESSION

The meeting was reconvened to Open Session at 2:02 P.M.
No reportable action.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:03 P.M.

NEXT MEETING

Open Session at 1:00 P.M.
Thursday, July 4, 2013
Big Bear Municipal Water District
40524 Lakeview Drive, Big Bear Lake, CA

Vicki Sheppard
Secretary to the Board
Big Bear Municipal Water District

(SEAL)

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Big Bear MWD
Warrant List Detail
June 15 through July 12, 2013

<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Paid Amount</u>
151462	6/23/2013	RONEY DARICK	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-500.00
TOTAL				-500.00
151463	6/23/2013	ASHBAUGH FRANCIS	1001-01 · General Checking Account	
			2810-01 · Fish Plant Funds	-500.00
TOTAL				-500.00
151464	6/23/2013	FOOTE BRYAN	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-500.00
TOTAL				-500.00
151465	6/23/2013	TAGLIONE SCOTT	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-500.00
TOTAL				-500.00
151466	6/23/2013	ESTERLEIN RYAN	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-250.00
TOTAL				-250.00
151467	6/23/2013	MACHADO STEVEN T	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-250.00
TOTAL				-250.00
151468	6/23/2013	HAMMAN HOSS	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-250.00
TOTAL				-250.00
151469	6/23/2013	ROZEN BRYAN	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-250.00
TOTAL				-250.00
151470	6/23/2013	CHAMBERS JON	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-150.00
TOTAL				-150.00
151471	6/23/2013	SLOAN DARRYL	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-150.00
TOTAL				-150.00
151472	6/23/2013	SHIELDS ALEX	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-150.00
TOTAL				-150.00

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<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Paid Amount</u>
151473	6/23/2013	BUTLER JAMES	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-150.00
TOTAL				-150.00
151474	6/23/2013	RIDGE JIMMY	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-200.00
TOTAL				-200.00
151475	6/23/2013	RONEY DARICK	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-200.00
TOTAL				-200.00
151476	6/23/2013	RIDGE JIMMY	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-100.00
TOTAL				-100.00
151477	6/23/2013	ROZEN BRYAN	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-100.00
TOTAL				-100.00
151478	6/23/2013	MACHADO ASHLEIGH	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-100.00
TOTAL				-100.00
151479	6/23/2013	MEURER ALAN L	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-100.00
TOTAL				-100.00
151480	6/23/2013	CADY RODGER	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-100.00
TOTAL				-100.00
151481	6/23/2013	HEPLER JIMMY	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-500.00
TOTAL				-500.00
151482	6/23/2013	MAIN ASHLEY	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-50.00
TOTAL				-50.00
151483	6/23/2013	JACOBS DANIEL	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-50.00
TOTAL				-50.00

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151484	6/23/2013	DYBERG ERIC	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-50.00
TOTAL				-50.00
151485	6/23/2013	UTLY MICHAEL	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-50.00
TOTAL				-50.00
151486	6/23/2013	PERRY MASON	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-25.00
TOTAL				-25.00
151487	6/23/2013	HOLT JACK	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-25.00
TOTAL				-25.00
151488	6/23/2013	PEVEY JAMES	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-25.00
TOTAL				-25.00
151489	6/23/2013	DUNN RYAN	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-25.00
TOTAL				-25.00
151490	6/23/2013	RONEY DARICK	1001-01 · General Checking Account	
			2810-02 · Carp Round-Up	-460.00
TOTAL				-460.00
151491	6/24/2013	CALVERT JAMES	1001-01 · General Checking Account	
229	6/18/2013		2800-03 · Boat Storage/RV Deposits	-100.00
TOTAL				-100.00
151492	6/24/2013	MOSSMAN MIKE	1001-01 · General Checking Account	
231	6/19/2013		2800-02 · Special Event Deposits	-385.00
TOTAL				-385.00
151493	6/24/2013	CMS PRODUCTIONS	1001-01 · General Checking Account	
232	6/19/2013		2800-04 · Filming Deposits	-500.00
TOTAL				-500.00
151494	6/24/2013	JAZZ TRAX SUMMER MUSIC F...	1001-01 · General Checking Account	
234	6/24/2013		2800-02 · Special Event Deposits	-210.00
TOTAL				-210.00

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Num	Date	Name	Account	Paid Amount
151495	6/24/2013	SEIBERT TONY	1001-01 · General Checking Account	
235	6/20/2013		4600-06 · REV OPS - Rec Vehicle Revenue	-80.00
			4600-12 · REV OPS- Utility Fee RV Revenue	-9.80
TOTAL				-89.80
151496	6/24/2013	3M OCONOMOWOC	1001-01 · General Checking Account	
302272	6/12/2013		5620-40 · OPS-Equip Maintenance	-265.95
TOTAL				-265.95
151497	6/24/2013	A-KENN'S LOCK & KEY	1001-01 · General Checking Account	
06052013	6/5/2013		5630-42 · OPS-Bldg/Fac Mtn/Rep-EAST RAMP	-105.00
TOTAL				-105.00
151498	6/24/2013	ACWA	1001-01 · General Checking Account	
107420	6/13/2013		5510-09 · ADMIN-Public Info - General	-31.25
TOTAL				-31.25
151499	6/24/2013	AFLAC	1001-01 · General Checking Account	
028365	6/16/2013		2100-08 · AFLAC Payable	-284.18
TOTAL				-284.18
151500	6/24/2013	ARCH CHEMICALS	1001-01 · General Checking Account	
52060170	6/12/2013		5660-01 · Aquatic Plant Control Docks	-4,500.00
			5660-02 · Aquatic Plant Control LAKE	-22,068.00
TOTAL				-26,568.00
151501	6/24/2013	AT & T MOBILITY	1001-01 · General Checking Account	
06132013	6/13/2013		5505-10 · ADMIN- Creek Telem Sim Card	-75.76
TOTAL				-75.76
151502	6/24/2013	BEAR VALLEY ELECTRIC	1001-01 · General Checking Account	
06072013A	6/7/2013		5507-41 · OPS-Utilities-Main Office	-1,153.78
06072013B	6/7/2013		5507-42 · OPS-Utilities-RV Park	-608.44
06072013C	6/7/2013		5507-41 · OPS-Utilities-Main Office	-69.54
06112013	6/11/2013		5507-44 · OPS-Utilities-Trout Pond	-28.06
TOTAL				-1,859.82
151503	6/24/2013	BEAR VALLEY HOSPITAL	1001-01 · General Checking Account	
10002846 W...	6/14/2013		5570-40 · OPS-Training/Supplies/Med-OSHA	-156.62
TOTAL				-156.62
151504	6/24/2013	BEAR VALLEY PRINTING	1001-01 · General Checking Account	
83815	6/21/2013		2810-02 · Carp Round-Up	-172.80
TOTAL				-172.80

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Num	Date	Name	Account	Paid Amount
151505	6/24/2013	BERENDSEN	1001-01 · General Checking Account	
05670842	6/7/2013		5600-33 · MAINT-Vehicle Maint-HARVESTER	-558.49
TOTAL				-558.49
151506	6/24/2013	BIG BEAR MARINA (VENDOR)	1001-01 · General Checking Account	
8	6/11/2013		5590-41 · OPS-Petroleum-VESSELS	-1,034.65
10	6/18/2013		5590-41 · OPS-Petroleum-VESSELS	-867.06
TOTAL				-1,901.71
151507	6/24/2013	BUSINESS RADIO LICENSING	1001-01 · General Checking Account	
219167	6/26/2013		5650-02 · WATER-Watershed Mgt Equip&Maint	-20.02
TOTAL				-20.02
151508	6/24/2013	BUTCHER'S BLOCK AND BUIL...	1001-01 · General Checking Account	
209192	5/22/2013		5580-41 · OPS-Boat Maintenance-Patrol	-67.69
209435	5/22/2013		5630-42 · OPS-Bldg/Fac Mtn/Rep-EAST RAMP	-21.82
209581	5/23/2013		5630-31 · MAINT-Bldg/Facil Maint/Rep-Shop	-7.15
211309	5/30/2013		6000-02 · Lake Impr Fund- East Ramp Quagg	-7.43
211855	5/31/2013		5630-42 · OPS-Bldg/Fac Mtn/Rep-EAST RAMP	-227.31
212665	6/4/2013		6000-02 · Lake Impr Fund- East Ramp Quagg	-22.65
212919	6/4/2013		5600-33 · MAINT-Vehicle Maint-HARVESTER	-15.13
213270	6/5/2013		5630-42 · OPS-Bldg/Fac Mtn/Rep-EAST RAMP	-9.16
213637	6/6/2013		5630-42 · OPS-Bldg/Fac Mtn/Rep-EAST RAMP	-3.48
214814	6/11/2013		6000-02 · Lake Impr Fund- East Ramp Quagg	-223.49
215848	6/14/2013		5543-00 · Small Tools/Tools Supplies	-247.68
215698	6/14/2013		6000-02 · Lake Impr Fund- East Ramp Quagg	-32.40
216343	6/17/2013		5650-02 · WATER-Watershed Mgt Equip&Maint	-8.63
216251	6/17/2013		5650-02 · WATER-Watershed Mgt Equip&Maint	-53.89
TOTAL				-947.91
151509	6/24/2013	CHARTER COMMUNICATIONS	1001-01 · General Checking Account	
06162013	6/16/2013		5505-08 · ADMIN- Phone Office DSL	-274.99
TOTAL				-274.99
151510	6/24/2013	CHEM-PAK	1001-01 · General Checking Account	
82211	6/13/2013		5504-31 · MAINT-Janitorial Supplies-Admin	-106.06
82287	6/24/2013		5504-30 · MAINT-Janitorial Supplies	-366.77
			5504-41 · OPS-Janitorial Supplies-Ramps	-178.24
TOTAL				-651.07
151511	6/24/2013	COLONIAL LIFE	1001-01 · General Checking Account	
3587144-05...	5/9/2013		2100-19 · Colonial - Pre Tax Payable	-203.84
			2100-18 · Colonial Life- Post Tax Payable	-77.22
TOTAL				-281.06
151512	6/24/2013	COMPUTER VILLAGE	1001-01 · General Checking Account	
128539	6/11/2013		5530-02 · ADMIN-Prof&Spec-ComputerConsult	-850.00
			6101-02 · Dam Monitor Comp-Repair/Update	-200.00
TOTAL				-1,050.00

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151513	6/24/2013	CONNELLY PUMPING SERVICE	1001-01 · General Checking Account	
13615	6/12/2013		5632-02 · MAINT-SS Reliefs Pumping	-190.00
13665	6/13/2013		5632-02 · MAINT-SS Reliefs Pumping	-190.00
TOTAL				-380.00
151514	6/24/2013	CSB SOLID WASTE MANAGEM...	1001-01 · General Checking Account	
019812	6/17/2013		5630-30 · MAINT-Bldg/Facility Maint/Rep	-724.24
TOTAL				-724.24
151515	6/24/2013	DIRECTV INC	1001-01 · General Checking Account	
20752703117	6/23/2013		5507-42 · OPS-Utilities-RV Park	-192.71
TOTAL				-192.71
151516	6/24/2013	DIVERSIFIED MARINE PRODU...	1001-01 · General Checking Account	
15936792	6/13/2013		5580-41 · OPS-Boat Maintenance-Patrol	-108.46
15942557	6/13/2013		5580-41 · OPS-Boat Maintenance-Patrol	-139.12
16004803	6/20/2013		5580-41 · OPS-Boat Maintenance-Patrol	-117.60
TOTAL				-365.18
151517	6/24/2013	INFINITY TRUST	1001-01 · General Checking Account	
42340	6/17/2013		5509-03 · ADMIN-Memberships-Subscriptions 2100-09 · PR VSP Vision	-10.00 -118.88
TOTAL				-128.88
151518	6/24/2013	JOHNSON MACHINERY CO	1001-01 · General Checking Account	
SW0301189...	6/4/2013		5620-30 · MAINT-Equip Maintenance	-367.29
SW0301189...	6/4/2013		5640-02 · WATER-Dam Maintenance	-251.49
TOTAL				-618.78
151519	6/24/2013	LINCOLN NATIONAL	1001-01 · General Checking Account	
06202013	6/20/2013		2101-01 · Deferred Compensation	-1,345.00
TOTAL				-1,345.00
151520	6/24/2013	MCMMASTER-CARR	1001-01 · General Checking Account	
53357318	6/10/2013		5660-02 · Aquatic Plant Control LAKE	-23.15
53401238	6/10/2013		5630-10 · ADMIN-Bldg/Facility Maint/Rep 5630-42 · OPS-Bldg/Fac Mtn/Rep-EAST RAMP	-119.61 -14.35
TOTAL				-157.11
151521	6/24/2013	MERIT OIL COMPANY	1001-01 · General Checking Account	
210924	6/12/2013		5631-03 · OPS-Quagga Prevent Kerosine	-326.88
TOTAL				-326.88

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151522	6/24/2013	MID AMERICA APPLE PLAN	1001-01 · General Checking Account	
06202013	6/20/2013		2100-20 · Apple Plan - Employee Pay	-587.13
			2100-21 · Apple Plan - Company Pay	-587.14
TOTAL				-1,174.27
151523	6/24/2013	MOUNTAIN WATER COMPANY	1001-01 · General Checking Account	
WEB000001	6/18/2013		5507-43 · OPS-Utilities-Ramps	-135.00
TOTAL				-135.00
151524	6/24/2013	NAPA AUTO PARTS	1001-01 · General Checking Account	
135147	5/6/2013		5580-41 · OPS-Boat Maintenance-Patrol	-39.82
136176	5/13/2013		5580-41 · OPS-Boat Maintenance-Patrol	-198.70
137197	5/21/2013		5580-41 · OPS-Boat Maintenance-Patrol	-52.90
137481	5/23/2013		5580-41 · OPS-Boat Maintenance-Patrol	-62.08
138296	5/28/2013		5580-41 · OPS-Boat Maintenance-Patrol	-172.78
138459	5/29/2013		5580-41 · OPS-Boat Maintenance-Patrol	-143.53
138733	5/31/2013		5580-41 · OPS-Boat Maintenance-Patrol	-57.32
138735	5/31/2013		5580-41 · OPS-Boat Maintenance-Patrol	-115.47
139664	6/6/2013		5580-41 · OPS-Boat Maintenance-Patrol	-403.64
140507	6/11/2013		5580-41 · OPS-Boat Maintenance-Patrol	-171.50
141574	6/18/2013		5630-31 · MAINT-Bldg/Facil Maint/Rep-Shop	-5.39
142079	6/21/2013		5630-43 · OPS-Bldg/Fac Mtn/Rep-WEST RAMP	-79.38
TOTAL				-1,502.51
151525	6/24/2013	OI CORPORATION - GLOBAL ...	1001-01 · General Checking Account	
153967	6/20/2013		5650-02 · WATER-Watershed Mgt Equip&Maint	-384.47
TOTAL				-384.47
151526	6/24/2013	PAR-KUT	1001-01 · General Checking Account	
P13050	5/22/2013		5631-02 · OPS-Quagga Prevention Equip	-20,713.00
TOTAL				-20,713.00
151527	6/24/2013	PITNEY BOWES PURCHASE P...	1001-01 · General Checking Account	
06192013	6/19/2013		5501-01 · ADMIN-Post&Ship OFFICE	-59.90
TOTAL				-59.90
151528	6/24/2013	RIVERSIDE ARCHERY	1001-01 · General Checking Account	
06132013	6/13/2013		5670-05 · WATER-Carp Roundup Expense	-2,345.14
TOTAL				-2,345.14
151529	6/24/2013	SCS ENGINEERS	1001-01 · General Checking Account	
0212298	5/31/2013		5650-02 · WATER-Watershed Mgt Equip&Maint	-2,702.75
TOTAL				-2,702.75

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Warrant List Detail
 June 15 through July 12, 2013

Num	Date	Name	Account	Paid Amount
151530	6/24/2013	SOUTHWEST GAS CORPORAT...	1001-01 · General Checking Account	
06172013A	6/17/2013		5507-42 · OPS-Utilities-RV Park	-23.79
06172013B	6/17/2013		5507-41 · OPS-Utilities-Main Office	-15.64
06182013	6/18/2013		5507-44 · OPS-Utilities-Trout Pond	-7.50
TOTAL				-46.93
151531	6/24/2013	SQUEEGEE CLEAN WINDOW ...	1001-01 · General Checking Account	
06252013	6/25/2013		5630-10 · ADMIN-Bldg/Facility Maint/Rep	-50.00
TOTAL				-50.00
151532	6/24/2013	SUPERMEDIA	1001-01 · General Checking Account	
06192013	6/19/2013		5505-07 · ADMIN-Phone Office Web/Email	-29.95
TOTAL				-29.95
151533	6/24/2013	UPS	1001-01 · General Checking Account	
F33Y11243	6/15/2013		5670-05 · WATER-Carp Roundup Expense	-17.15
TOTAL				-17.15
151534	6/24/2013	VALERO	1001-01 · General Checking Account	
06202013	6/20/2013		5590-42 · OPS-Petroleum-VEHICLES	-1,991.29
TOTAL				-1,991.29
151535	6/24/2013	VERIZON CALIFORNIA	1001-01 · General Checking Account	
06012013D	6/1/2013		5505-02 · ADMIN-Phones Ramps Local Svc	-55.15
06132013	6/13/2013		5505-01 · ADMIN-Phones Local/Hardware/Rep	-52.58
06012013C	6/1/2013		5505-02 · ADMIN-Phones Ramps Local Svc	-50.70
TOTAL				-158.43
151536	6/24/2013	VERIZON WIRELESS	1001-01 · General Checking Account	
9706278513	6/9/2013		5505-06 · ADMIN-Phone Cell Phones	-181.68
TOTAL				-181.68
151537	6/24/2013	VOLVO PENTA OF THE AMERI...	1001-01 · General Checking Account	
253269	6/11/2013		5580-41 · OPS-Boat Maintenance-Patrol	-308.23
258456	6/25/2013		5580-41 · OPS-Boat Maintenance-Patrol	-244.69
TOTAL				-552.92
151538	6/24/2013	COLONIAL LIFE	1001-01 · General Checking Account	
3587144-06...	6/6/2013		2100-19 · Colonial - Pre Tax Payable	-203.84
			2100-18 · Colonial Life- Post Tax Payable	-96.74
TOTAL				-300.58
151539	6/24/2013	COMPUTER VILLAGE	1001-01 · General Checking Account	
128550	6/12/2013		6101-02 · Dam Monitor Comp-Repair/Update	-38.56
TOTAL				-38.56

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Warrant List Detail
June 15 through July 12, 2013

<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Paid Amount</u>
151540	6/24/2013	COMPUTER VILLAGE	1001-01 · General Checking Account	
128561	6/13/2013		5530-02 · ADMIN-Prof&Spec-ComputerConsult	-700.00
TOTAL				-700.00
151541	6/28/2013	AFLAC	1001-01 · General Checking Account	
456107	6/28/2013		2100-08 · AFLAC Payable	-284.18
TOTAL				-284.18
151542	6/28/2013	BUTCHER'S BLOCK AND BUIL...	1001-01 · General Checking Account	
219558	6/27/2013		5543-00 · Small Tools/Tools Supplies	-102.92
219744	6/28/2013		5543-00 · Small Tools/Tools Supplies	-120.15
TOTAL				-223.07
151543	6/28/2013	COMSERCO	1001-01 · General Checking Account	
65555	6/30/2013		5506-41 · OPS-Radio Service Contract	-260.00
TOTAL				-260.00
151544	6/28/2013	GEIGER SUPPLY	1001-01 · General Checking Account	
T1057508	6/11/2013		5543-00 · Small Tools/Tools Supplies	-9.64
TOTAL				-9.64
151545	6/28/2013	MCMASTER-CARR	1001-01 · General Checking Account	
54178215	6/24/2013		5630-43 · OPS-Bldg/Fac Mtn/Rep-WEST RAMP	-220.51
TOTAL				-220.51
151546	6/28/2013	NAPA AUTO PARTS	1001-01 · General Checking Account	
142929	6/27/2013		5600-31 · MAINT-Vehicle Maint-ON ROAD	-73.75
143129	6/28/2013		5631-02 · OPS-Quagga Prevention Equip	-47.22
			5600-31 · MAINT-Vehicle Maint-ON ROAD	-44.36
TOTAL				-165.33
151547	6/28/2013	RADIOSHACK CORPORATION	1001-01 · General Checking Account	
030488-	6/27/2013		5630-41 · OPS-Bldg/Fac Mtn/Rep-RV PARK	-6.00
TOTAL				-6.00
151548	7/1/2013	SAN BERNARDINO VALLEY M...	1001-01 · General Checking Account	
2013 IN LIEU	7/1/2013		5770-20 · Water Purchase In-Lieu	-1,187,657.80
TOTAL				-1,187,657.80
151549	7/3/2013	TASC - CLIENT INVOICES	1001-01 · General Checking Account	
3200239214	6/12/2013		5509-03 · ADMIN-Memberships-Subscriptions	-698.00
TOTAL				-698.00

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 June 15 through July 12, 2013

Num	Date	Name	Account	Paid Amount
151550	7/1/2013	NORTHSHORE TRADING COM...	1001-01 · General Checking Account	
252	7/1/2013		2800-02 · Special Event Deposits	-500.00
TOTAL				-500.00
151551	7/9/2013	EMPLOYMENT DEVELOPMEN...	1001-01 · General Checking Account	
			2101-03 · State Unemployment Tax	-4,327.48
TOTAL				-4,327.48
151552	7/10/2013	ESTRADA MARC H	1001-01 · General Checking Account	
255	7/9/2013		4600-03 · REV OPS - Boat Permits	-110.00
TOTAL				-110.00
151553	7/10/2013	ALDERETTE PAUL & CAROL	1001-01 · General Checking Account	
256	7/9/2013		4600-03 · REV OPS - Boat Permits	-99.00
TOTAL				-99.00
151554	7/10/2013	ACWA HEALTH INSURANCE	1001-01 · General Checking Account	
08012013-0...	7/1/2013		5020-10 · ADMIN-Health Insurance	-4,834.42
			5020-20 · WATER-Health Insurance	-1,885.20
			5020-30 · MAINT-Health Insurance	-3,655.66
			5020-40 · OPS-Health Insurance	-4,083.93
			5021-10 · ADMIN-Dental Insurance	-305.11
			5021-20 · WATER-Dental Insurance	-119.20
			5021-30 · MAINT-Dental Insurance	-249.01
			5021-40 · OPS-Dental Insurance	-282.79
			5022-10 · ADMIN-Life Insurance	-198.14
			5022-20 · WATER-Life Insurance	-78.62
			5022-30 · MAINT-Life Insurance	-77.34
			5022-40 · OPS-Life Insurance	-66.99
			5550-01 · ADMIN-Director Group Insurance	-6,136.25
TOTAL				-21,972.66
151555	7/10/2013	ALL PROTECTION ALARM	1001-01 · General Checking Account	
43071	7/1/2013		5630-10 · ADMIN-Bldg/Facility Maint/Rep	-41.96
431079	7/1/2013		5630-10 · ADMIN-Bldg/Facility Maint/Rep	-198.45
430996	7/1/2013		5630-31 · MAINT-Bldg/Facil Maint/Rep-Shop	-71.43
430943	7/1/2013		5630-10 · ADMIN-Bldg/Facility Maint/Rep	-37.10
430879	7/1/2013		5630-10 · ADMIN-Bldg/Facility Maint/Rep	-165.72
430707	7/1/2013		5640-02 · WATER-Dam Maintenance	-146.28
TOTAL				-660.94
151556	7/10/2013	BUTCHER'S BLOCK AND BUIL...	1001-01 · General Checking Account	
220289	7/1/2013		5630-31 · MAINT-Bldg/Facil Maint/Rep-Shop	-7.69
221186	7/3/2013		5630-42 · OPS-Bldg/Fac Mtn/Rep-EAST RAMP	-6.42
221297	7/3/2013		5580-41 · OPS-Boat Maintenance-Patrol	-1.27
222165	7/8/2013		5630-42 · OPS-Bldg/Fac Mtn/Rep-EAST RAMP	-14.67
221998	7/8/2013		5580-41 · OPS-Boat Maintenance-Patrol	-21.99
222529	7/9/2013		5650-02 · WATER-Watershed Mgt Equip&Maint	-14.72
TOTAL				-66.76

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 June 15 through July 12, 2013

<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Paid Amount</u>
151557	7/10/2013	CHEM-PAK	1001-01 · General Checking Account	
82391	7/2/2013		5504-31 · MAINT-Janitorial Supplies-Admin	-474.66
TOTAL				-474.66
151558	7/10/2013	COMPUTER VILLAGE	1001-01 · General Checking Account	
128696	7/1/2013		5509-12 · ADMIN-Member/Subs-Software	-1,603.80
TOTAL				-1,603.80
151559	7/10/2013	CSB AUDITOR-CONTROLLER/...	1001-01 · General Checking Account	
4513	7/5/2013		5509-01 · ADMIN-LAFCO fee	-1,363.35
TOTAL				-1,363.35
151560	7/10/2013	CYGNET	1001-01 · General Checking Account	
6422	7/1/2013		5660-02 · Aquatic Plant Control LAKE	-58,687.20
TOTAL				-58,687.20
151561	7/10/2013	DISH NETWORK	1001-01 · General Checking Account	
07042013	7/4/2013		5507-41 · OPS-Utilities-Main Office	-70.00
TOTAL				-70.00
151562	7/10/2013	DIVERSIFIED MARINE PRODU...	1001-01 · General Checking Account	
16098159	7/1/2013		5580-41 · OPS-Boat Maintenance-Patrol	-124.20
TOTAL				-124.20
151563	7/10/2013	EXCEL MICRO	1001-01 · General Checking Account	
0222525	7/8/2013		5509-12 · ADMIN-Member/Subs-Software	-8.00
TOTAL				-8.00
151564	7/10/2013	LINCOLN NATIONAL	1001-01 · General Checking Account	
07042013	7/4/2013		2101-01 · Deferred Compensation	-1,425.00
TOTAL				-1,425.00
151565	7/10/2013	MCMASTER-CARR	1001-01 · General Checking Account	
54654966	7/1/2013		5630-41 · OPS-Bldg/Fac Mtn/Rep-RV PARK	-49.82
TOTAL				-49.82
151566	7/10/2013	MID AMERICA APPLE PLAN	1001-01 · General Checking Account	
07042013	7/4/2013		2100-20 · Apple Plan - Employee Pay	-636.36
			2100-21 · Apple Plan - Company Pay	-636.35
TOTAL				-1,272.71
151567	7/10/2013	MOUNTAIN TROPHY AND PRO...	1001-01 · General Checking Account	
20130095	7/1/2013		5503-01 · ADMIN-Office Supplies-Office	-16.20
TOTAL				-16.20

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<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Paid Amount</u>
151568	7/10/2013	NAPA AUTO PARTS	1001-01 · General Checking Account	
143544	7/1/2013		5580-41 · OPS-Boat Maintenance-Patrol	-18.60
143938	7/3/2013		5600-31 · MAINT-Vehicle Maint-ON ROAD	-58.11
			5580-41 · OPS-Boat Maintenance-Patrol	-58.11
144175	7/5/2013		5580-41 · OPS-Boat Maintenance-Patrol	-18.60
144765	7/8/2013		5600-32 · MAINT-Vehicle Maint-OFF ROAD	-95.95
144831	7/9/2013		5580-41 · OPS-Boat Maintenance-Patrol	-8.10
TOTAL				-257.47
151569	7/10/2013	NO CONTRACT VOIP	1001-01 · General Checking Account	
0005824	7/5/2013		5505-01 · ADMIN-Phones Local/Hardware/Rep	-152.41
TOTAL				-152.41
151570	7/10/2013	QUILL	1001-01 · General Checking Account	
3770041	7/1/2013		5502-01 · ADMIN-Printing	-1,036.12
			5503-01 · ADMIN-Office Supplies-Office	-99.06
3774252	7/1/2013		5502-01 · ADMIN-Printing	-369.56
TOTAL				-1,504.74
151571	7/10/2013	SUN NEWSPAPER	1001-01 · General Checking Account	
562021996-...	7/7/2013		5509-03 · ADMIN-Memberships-Subscriptions	-208.80
TOTAL				-208.80
151572	7/10/2013	SUPERMEDIA	1001-01 · General Checking Account	
07012013	7/1/2013		5505-01 · ADMIN-Phones Local/Hardware/Rep	-66.50
TOTAL				-66.50
151573	7/10/2013	XEROX	1001-01 · General Checking Account	
068839743	7/1/2013		2950-03 · Copier Lease	-469.50
			5620-13 · ADMIN-Copier Maint/Repair	-105.64
TOTAL				-575.14
151574	7/11/2013	BEAR VALLEY ELECTRIC	1001-01 · General Checking Account	
06262013	6/26/2013		5507-43 · OPS-Utilities-Ramps	-241.16
06272013A	6/27/2013		5507-21 · WATER-Utilities-Aerator	-1,173.86
06272013B	6/27/2013		5507-22 · WATER-Utilities-Dam	-212.14
06272013C	6/27/2013		5507-22 · WATER-Utilities-Dam	-12.95
06272013D	6/27/2013		5507-22 · WATER-Utilities-Dam	-68.87
06272013E	6/27/2013		5507-41 · OPS-Utilities-Main Office	-12.86
06272013F	6/27/2013		5507-43 · OPS-Utilities-Ramps	-91.79
TOTAL				-1,813.63
151575	7/11/2013	BIG BEAR MARINA (VENDOR)	1001-01 · General Checking Account	
11	6/25/2013		5590-41 · OPS-Petroleum-VESSELS	-964.62
12	6/30/2013		5590-41 · OPS-Petroleum-VESSELS	-1,011.85
TOTAL				-1,976.47

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<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Paid Amount</u>
151576	7/11/2013	CHEM-PAK	1001-01 · General Checking Account	
82364	6/28/2013		5632-01 · MAINT-SS Reliefs/Portables	-22.79
TOTAL				-22.79
151577	7/11/2013	CONKLIN PAINT	1001-01 · General Checking Account	
86041	6/10/2013		5630-42 · OPS-Bldg/Fac Mtn/Rep-EAST RAMP	-359.94
TOTAL				-359.94
151578	7/11/2013	CSB WATER AND SANITATION	1001-01 · General Checking Account	
06302013A	6/30/2013		5507-43 · OPS-Utilities-Ramps	-111.64
06302013B	6/30/2013		5507-43 · OPS-Utilities-Ramps	-111.64
TOTAL				-223.28
151579	7/11/2013	CT & T SPORTS	1001-01 · General Checking Account	
3706	6/29/2013		5541-31 · MAINT-Uniform/Sm Equip-Reg Empl	-411.57
			5541-02 · ADMIN-Uniforms Directors	-47.50
			5541-01 · ADMIN-Uniforms Employees	-28.50
TOTAL				-487.57
151580	7/11/2013	DIVERSIFIED MARINE PRODU...	1001-01 · General Checking Account	
15836765	6/3/2013		5580-41 · OPS-Boat Maintenance-Patrol	-206.44
TOTAL				-206.44
151581	7/11/2013	DWP	1001-01 · General Checking Account	
06272013A	6/27/2013		5507-42 · OPS-Utilities-RV Park	-182.01
06272013B	6/27/2013		5507-41 · OPS-Utilities-Main Office	-14.60
06272013C	6/27/2013		5507-41 · OPS-Utilities-Main Office	-48.12
06272013D	6/27/2013		5507-43 · OPS-Utilities-Ramps	-313.46
06272013E	6/27/2013		5507-43 · OPS-Utilities-Ramps	-19.47
06272013F	6/27/2013		5507-44 · OPS-Utilities-Trout Pond	-80.22
TOTAL				-657.88
151582	7/11/2013	GRAINGER	1001-01 · General Checking Account	
9178068012	6/26/2013		5543-00 · Small Tools/Tools Supplies	-1,657.81
TOTAL				-1,657.81
151583	7/11/2013	JOHNSON MACHINERY CO	1001-01 · General Checking Account	
SW0301194...	6/27/2013		5620-30 · MAINT-Equip Maintenance	-639.69
TOTAL				-639.69
151584	7/11/2013	LEMIEUX & O'NEILL	1001-01 · General Checking Account	
20-999M 167	6/30/2013		5520-01 · ADMIN-District Counsel Retainer	-3,500.00
20-024M 15	6/30/2013		5520-07 · ADMIN-Legal-Salazar SASTF	-198.00
TOTAL				-3,698.00

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Num	Date	Name	Account	Paid Amount
151585	7/11/2013	MASTERCARD	1001-01 · General Checking Account	
06282013 4...	6/28/2013		5630-42 · OPS-Bldg/Fac Mtn/Rep-EAST RAMP	-72.36
			5510-05 · ADMIN-Public Info-Other Agency	-30.90
			5570-41 · OPS-OSHA-Equipment	-143.95
			5630-42 · OPS-Bldg/Fac Mtn/Rep-EAST RAMP	-297.60
			5580-41 · OPS-Boat Maintenance-Patrol	-239.92
			5670-02 · WATER-Fishery Mgt-FISH PURCHASE	-210.22
			5541-31 · MAINT-Uniform/Sm Equip-Reg Empl	-85.99
			5503-01 · ADMIN-Office Supplies-Office	-682.59
			5630-42 · OPS-Bldg/Fac Mtn/Rep-EAST RAMP	-147.55
			5630-42 · OPS-Bldg/Fac Mtn/Rep-EAST RAMP	-13.59
			5670-05 · WATER-Carp Roundup Expense	-550.89
			5510-05 · ADMIN-Public Info-Other Agency	-34.51
			5660-04 · Aquatic Plant Ctrl Train/Conf	-37.20
			5660-02 · Aquatic Plant Control LAKE	-64.43
			5670-05 · WATER-Carp Roundup Expense	-136.08
			5504-31 · MAINT-Janitorial Supplies-Admin	-275.48
			5509-03 · ADMIN-Memberships-Subscriptions	-45.00
			5670-05 · WATER-Carp Roundup Expense	-491.39
			5630-31 · MAINT-Bldg/Facil Maint/Rep-Shop	-21.99
			5541-42 · OPS-Uniform/Sm Equip Seas Empl	-33.23
06282013 3...	6/28/2013		5630-42 · OPS-Bldg/Fac Mtn/Rep-EAST RAMP	-77.56
			5570-01 · ADMIN-Training/Seminars-GM	-183.66
			5503-01 · ADMIN-Office Supplies-Office	-25.88
			5509-09 · ADMIN-Member/Subs/Permit-QBE	-1,508.00
TOTAL				-5,409.97
151586	7/11/2013	MOUNTAIN WATER COMPANY	1001-01 · General Checking Account	
22475	5/31/2013		5507-43 · OPS-Utilities-Ramps	-52.75
WEB000020	6/30/2013		5507-43 · OPS-Utilities-Ramps	-380.00
22584	6/30/2013		5507-43 · OPS-Utilities-Ramps	-151.75
TOTAL				-584.50
151587	7/11/2013	NAPA AUTO PARTS	1001-01 · General Checking Account	
140851	6/13/2013		5580-41 · OPS-Boat Maintenance-Patrol	-52.80
143109	6/28/2013		5580-41 · OPS-Boat Maintenance-Patrol	-13.90
TOTAL				-66.70
151588	7/11/2013	ROTARY	1001-01 · General Checking Account	
06302013	6/30/2013		5509-08 · ADMIN-Member/Subs/Permit-Rotary	-92.00
TOTAL				-92.00
151589	7/11/2013	TRANSTECH MAPCO	1001-01 · General Checking Account	
13241	6/27/2013		7000-02 · Rathbun Creek Fund Expenses	-1,600.00
TOTAL				-1,600.00
151590	7/11/2013	VERIZON CALIFORNIA	1001-01 · General Checking Account	
06252013	6/25/2013		5505-05 · ADMIN-Phone Weather Station	-45.01
06282013	6/28/2013		5505-04 · ADMIN-Phone At the Dam	-45.96
TOTAL				-90.97

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<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Paid Amount</u>
151591	7/11/2013	XEROX	1001-01 · General Checking Account	
066809013	3/1/2013		2950-03 · Copier Lease	-469.50
			5620-13 · ADMIN-Copier Maint/Repair	-113.02
TOTAL				-582.52
151592	7/12/2013	BURBACK'S AUTO ELECTRIC	1001-01 · General Checking Account	
264409	7/10/2013		5580-41 · OPS-Boat Maintenance-Patrol	-161.57
TOTAL				-161.57
151593	7/12/2013	VERIZON CALIFORNIA	1001-01 · General Checking Account	
07012013a	7/1/2013		5505-03 · ADMIN-Phones Long Distance	-54.20
			5505-01 · ADMIN-Phones Local/Hardware/Rep	-389.66
07012013B	7/1/2013		5505-02 · ADMIN-Phones Ramps Local Svc	-58.97
07012013C	7/1/2013		5505-02 · ADMIN-Phones Ramps Local Svc	-54.89
07012013D	7/1/2013		5505-02 · ADMIN-Phones Ramps Local Svc	-51.34
TOTAL				-609.06

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

MEETING DATE: JULY 18, 2013

AGENDA ITEM: 6A

SUBJECT:

CONSIDER APPROVAL OF A RESOLUTION OF THE BOARD OF DIRECTORS OF BIG BEAR MUNICIPAL WATER DISTRICT AMENDING RESOLUTION NO. 2013-01 (ADMINISTRATIVE CODE) AS IT RELATES TO DIRECTORS' ASSUMPTION OF OFFICE

RECOMMENDATION:

The General Manager and the Administrative Committee (Directors Murphy and Smith) recommend approval of this resolution.

DISCUSSION/FINDINGS:

Assembly Bill 72 was recently signed into law, amending section 71253 of the Water Code with regard to when elected directors assume office. Previous law provided that newly elected directors of municipal water districts assumed office on the first Monday after January 1 succeeding their election. Under the new law, such directors will take office on the first Friday in December after their election. Accordingly the District's Administrative Code needs to be revised in order to conform with the new law. The attached resolution revises the code's provision for how and when newly elected directors take their oath of office and allows that oaths of office shall be taken in a manner prescribed by law. The Committee recommends approval of this resolution.

OTHER AGENCY INVOLVEMENT: None

FINANCING: None

Submitted by: Scott Heule, General Manager

June 12, 2013

Scott Heule
General Manager
Big Bear Municipal Water District
Big Bear Lake, CA 92315

Re: Assembly Bill 72

As you may be aware, Assembly Bill 72 was recently signed into law, amending section 71253 of the Water Code with regard to when elected directors assume office.

Previous law provided that newly elected directors of municipal water districts assumed office on the first Monday after January 1 succeeding their election. Under the new law, such directors will take office on the first Friday in December after their election.

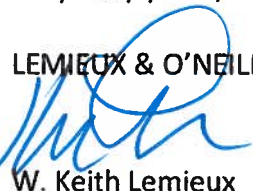
Accordingly, Big Bear Municipal Water District's Administrative Code will need to be revised in order to conform with the change in the law. To this end, we have prepared for the Board's consideration a resolution revising the Administrative Code's provision for how and when newly elected directors take their oath of office.

The proposed revision is a more elastic provision, simply stating that oaths of office shall be taken in the manner prescribed by law.

Please do not hesitate to contact me should you have any questions.

Very truly yours,

LEMIEUX & O'NEILL



W. Keith Lemieux

KL/con

RESOLUTION NO. 2013-11

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
BIG BEAR MUNICIPAL WATER DISTRICT
AMENDING RESOLUTION NO. 2013-01 (ADMINISTRATIVE CODE)
AS IT RELATES TO DIRECTORS' ASSUMPTION OF OFFICE**

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

1. Purpose.

This resolution amends the Administrative Code regarding Directors' assumption of office.

2. Amendment.

Section 2.106 of Resolution No. 2013-01 (Administrative Code) is amended and reenacted to read as follows:

"Section 2.106 Oath of Office.

Persons elected or appointed to the Board shall take the oath of office prior to assuming office in the manner and at the time prescribed by law. The Secretary shall administer the oath."

3. Other.

Except as provided herein, Resolution No. 2013-01 (Administrative Code) is hereby reaffirmed and readopted.

PASSED, APPROVED AND ADOPTED on July 18, 2013

Vince Smith, President

ATTEST:

Vicki Sheppard, Secretary to the Board

[SEAL]

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

MEETING DATE: JULY 18, 2013

AGENDA ITEM: 6B

SUBJECT:

CONSIDER APPROVAL OF A SHOREZONE ALTERATION PERMIT FOR HYBL SEAWALL

RECOMMENDATION:

The General Manager, the Lake Manager, and the Operations Committee (Directors Murphy & Suhay) recommend approval of this permit.

DISCUSSION/FINDINGS:

Gary Hybl started a shore zone alteration permit process in 2010 for a sea wall. The proposed sea wall is 98 feet long and five feet tall. The sea wall is aligned on the property line but about 38 feet is below the high elevation of the Lake. The proposed project will, therefore, reclaim a small portion of Hybl's property that has eroded into the water. Hybl has completed his CEQA document (Notice of Exemption) and has permits from the Santa Ana River Regional Water Quality Control Board, Fish and Wildlife and Army Corps of Engineers. He has paid all of his fees and would like to start work on this project soon. The Lake Manager has reviewed the sea wall design and has determined that it satisfies District design standards. The Operations Committee recommends that the Hybl shore zone alteration application be approved.

OTHER AGENCY INVOLVEMENT: None

FINANCING: None

Submitted by: Scott Heule, General Manager

6. Attach a scale drawing (1" = 100') showing the following features as they are proposed for the project area extending at least 500' on either side of the project:
- High water line of Big Bear Lake
 - Lot lines of abutting property
 - Proposed land contour after alteration from elevation 6746' to 6728' at 2' contours
 - One or more typical cross-sections of the final slope
 - Location of willows, trees, rock piles, docks, sand beaches and other significant features after alteration

Part B. Fill Projects

- Volume of material to be placed on lake bottom _____ cubic yards
- Area of lake bottom currently below elevation 6743.2' that is to be raised above elevation 6743.2' as part of the project (acres): _____
- Type of material used as fill (check all that apply):
Lake bottom material Rock Sand Gravel
Other (specify) _____
- If fill material is other than lake bottom, include a color photograph of proposed fill material.
- Describe slope protection method: _____
- Include the following on the scale drawing in Part A:
 - area to be filled
 - shore protection details

Part C. Vegetation Removal

- Describe the number and species of vegetation to be removed: _____
- Attach a drawing showing the current location of all vegetation to be removed.

Part D. Launch Ramp Construction

- Type of material to be used _____
- Describe how unauthorized launching will be controlled _____
- Attach a scale drawing (1" = 100') showing the location and size of the proposed launch ramp.

Part E. Seawall Installation

- Attach a scale drawing (1" = 100') showing location and details of seawall.

Part F. Head Walk Installation (see Resolution No. 2000-09)

- Attach a plot plan showing dimensions and location of head walk.

Already Submitted

Section 2. Existing (pre-alteration) Lake Bottom Conditions

*Info submitted w/
plans.*

- A. Total acreage of lake bottom to be disturbed by project: _____ acres
- B. Current average shoreline slope (percent of grade): _____%
- C. For projects larger than 10,000 cubic yards, attach a scale drawing (1" = 100') prepared by a licensed engineer showing the following features as they currently exist over the project area and at least 500' on either side of the project:
 - (1) High water line of Big Bear Lake
 - (2) Lot lines of abutting property above the high water line
 - (3) Land contours for elevation 6746' or 6728' at 2' contours
 - (4) Location of willows, trees, rock piles, docks and other significant features

Section 3. Proposed (post-alteration) Lake Bottom Conditions

Type of project proposed (check all that apply):

(Note: If more than one type of project is proposed, only one scale drawing is required showing all relevant information)

- Dredge Only (complete Part A)
- Dredge and Fill (complete Parts A & B)
- Vegetation Removal (complete Part C)
- Launch Ramp (complete Part D)
- Seawall Only (complete Part E)
- Head Walk (complete Part F)

Other (describe): _____

Part A. Dredge Only

- 1. Volume of material to be removed _____ cubic yards
- 2. Equipment to be used (check all appropriate):
 - Scraper/Loader Dragline Hydraulic Dredge
 - Other (specify) _____
- 3. Removed lake bottom material will be placed on:
 - Applicant's property Other* (specify) _____

*Note: A letter from the property owner authorizing placement must accompany application.
- 4. Method of containment if the material is to be placed near the Lake: _____
- 5. Average shoreline slope after alteration (percent grade) _____%



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

May 8, 2012

Gary Hybl
6811 Derby Circle
Huntington Beach, CA 92648

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR HYBL'S SEA WALL, 39342 AURORA ROAD, CITY OF BIG
BEAR LAKE, COUNTY OF SAN BERNARDINO, CALIFORNIA (OUR FILE NO.
362010-12)**

Dear Mr. Hybl:

On October 1, 2010, Regional Board staff received an application for a Clean Water Act Section 401 Water Quality Standards Certification (401 Certification) for the above referenced project. Included with the application was the following:

- \$640 as the base fee¹ required to initiate the process to issue a 401 Certification for this project, as specified by California Code of Regulations (CCR), Division 3, Chapter 9, Article 1, Section 2200 (a) (3);
- A Notice of Exemption filed by the Big Bear Municipal Water District for this project that satisfies the requirements of the California Environmental Quality Act (CEQA).

Subsequent to receiving the application, we received a copy of your application to the U.S. Army Corps of Engineers for a Department of Army Clean Water Act Section 404 Permit for the project. In addition, we received a copy of your Notification of Lake or Streambed Alteration to the California Department of Fish and Game in compliance with California Department of Fish and Game Code 1602.

On May 10, 2011, an additional \$275 was submitted to satisfy the fee balance due. On July 18, 2011, additional information was submitted that revised the area of the project's permanent impact on waters of the U.S.

¹ The fee as based on the date that the application was submitted.

1. Project description:

The proposed project is the construction of a concrete seawall on the north property boundary at 39342 Aurora Road in the City of Big Bear Lake. The seawall is part of the construction of a two story home on this property, formerly a vacant lot. The Applicant states that the proposed sea wall will prevent erosion on the property and prevent sediment from the property from entering the lake. The seawall will match the existing seawall located on the neighboring property to the east. The proposed seawall will be 98 feet in length, 5-6 feet in height, and 8 inches in thickness. Approximately 45 linear feet of seawall will be at or below the lake elevation, which is 6743.25 ft. above sea level. This elevation is used to determine the boundary of waters of the State and of the United States. The project will permanently impact a total of 400 square feet or 0.009 acre of waters of the State and the United States.

2. Location: 34.245632 north, 116.943614 west,
Township 4S, Range 9W, Section 4,5
Big Bear Lake, CA, USGS Quadrangle

3. Receiving water: Big Bear Lake

4. Fill Area: 0.009 acre (400 square ft.)

5. Dredge volume: NA

6. Federal permit: Nationwide Permit 13

7. On-site Mitigation:

BMPs have been incorporated into the design of the newly constructed home to prevent excess runoff from the property from draining into the lake. Gutters, drain pipes, and gravel-filled swales have been installed to carry runoff from the roof and surrounding yard to a gravel-filled retention pit located in the north part of the property.

8. Offsite Mitigation: None required

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game shall be completed to ensure that these impacts are mitigated to an acceptable level.

The Big Bear Municipal Water District has filed a CEQA Guidelines Section 15303 "Class 3" categorical exemption for this project. A Section 15303 exemption includes projects for new construction of a single residence or conversion of small structures. As a responsible agency, the Regional Board is required to consider whether the project meets the criteria for a Categorical Exemption in determining whether to approve the

project. Regional Board staff have reviewed and considered the application submitted by the Applicant, and based on this review, independently concludes that the project qualifies for categorical exemption pursuant to CEQA Guidelines sections 15303. The Regional Board independently finds that changes or alterations have been required or incorporated into the project that avoid impacts to water quality or that mitigate impacts to water quality to a less than significant level. Based on the mitigation proposed and the conditions set forth in this Certification, project impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected.

This 401 Certification is contingent upon the execution of the following conditions:

1. The BMPs installed to retain or treat runoff from the property as described in the Water Quality Management Plan for the project shall be maintained to insure their effectiveness.
2. The construction and completion of this project and the associated home construction shall not exacerbate the impaired water quality conditions of Big Bear Lake. Big Bear Lake is on the State Water Resources Control Board's 2010 CWA 303(d) list of impaired waters as impaired by nutrients, noxious aquatic plants, mercury, and PCBs (polychlorinated biphenyls). The project or discharges from the property shall not contribute to these impairments. In addition to maintaining the storm water quality BMPs as noted in Condition 1, the occupants of the property shall not discharge or cause to be discharged fertilizers, soaps, detergents, pesticides, soil, petroleum distillates or other substances that are harmful to water quality, or residues of these substances, into the Lake.
3. The proposed project shall meet all conditions of the Shorezone Alteration Permit to be issued by the Big Bear Municipal Water District for the construction of the seawall.
4. The project proponent shall utilize Best Management Practices (BMPs) during project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or waters of the United States.
5. Substances resulting from project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the United States. All waste concrete shall be removed.
6. Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or

other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.

7. This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any of the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in appropriate enforcement action, including imposition of administrative civil liability, the revocation of this Certification, and civil or criminal liability.
8. A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work as a denoted element of any project SWPPP or WQMP.
9. The applicant must comply with the requirements of the applicable Clean Water Act Section 404 permit.

Under California Water Code, Section 1058, and Pursuant to 23 CCR 3860, the following shall be included as conditions of all water quality standards certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection 3855 (b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf.

This letter constitutes a conditional water quality standards certification. Although we anticipate no further regulatory involvement, if the above conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements for the project.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401 (d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

In response to a suspected violation of any condition of this certification, the SARWQCB may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SARWQCB deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

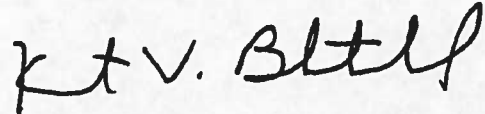
In response to any violation of the conditions of this certification, the SARWQCB may add to or modify the conditions of this certification as appropriate to ensure compliance.

It is the intention of the Regional Board that this 401 Certification "run with the land." If the ownership of the property associated with this 401 Certification is changed, and the conditions of the 401 Certification have not been met, it is the intention of the Regional Board that the terms and conditions of this 401 Certification shall be binding on any subsequent owners unless agreements have been made that other parties will be responsible to meet the conditions of the 401 Certification. The Regional Board must be notified of changes of ownership and of any parties that will be responsible to meet the conditions of the 401 Certification within 30 days.

Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. This letter constitutes a technically conditioned water quality certification. Please notify our office five (5) days before construction begins on this project.

If you have any questions, please call David G. Woelfel at (951) 782-7960, or Mark Adelson at (951) 782-3234.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt V. Berchtold". The signature is written in a cursive, somewhat stylized font.

Kurt V. Berchtold
Executive Officer

cc: U.S. Environmental Protection Agency, Supervisor of the Wetlands Regulatory Office – Tim Vendlinski (WTR-8)
State Water Resources Control Board, DWQ - Water Quality Certification Unit
State Water Resources Control Board, OCC – David Rice
California Department of Fish and Game – Joanna Gibson
USACOE – Melanie Stalder
Big Bear Municipal Water District – Mike Stephenson



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

May 13, 2013

Regulatory Division

Gary Hybl
6811 Derby Circle
Huntington Beach, California 92648

DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION

Dear Mr. Hybl:

I am responding to your request (SPL-2010-1003) for a Department of the Army permit. Your proposed project, construction of a seawall along Big Bear Lake, would result in a discharge of dredged and/or fill material into waters of the United States. Therefore, pursuant to section 404 of the Clean Water Act (33 U.S.C. 1344; 33 C.F.R. parts 323 and 330), your proposed project requires a Department of the Army permit. This sea wall project is located at 39342 Aurora Road, within the city of Big Bear Lake, San Bernardino County, California (as shown on the attached drawing(s)/map(s)).

I have determined construction of the Hybl sea wall project complies with Nationwide Permit (NWP) No. 13 Bank Stabilization, if conducted as described in your application.

Specifically, and as shown on the attached drawing(s)/map(s), you are authorized to conduct the following regulated activity: Permanently impact 400 ft² of waters of the U.S. in order to construct a seawall up to 45 linear feet (within waters of the U.S.) and 8 inches thick, as shown on the attached drawings

Your verification is valid through March 18, 2017. All NWPs will expire on March 18, 2017. It is incumbent upon you to remain informed of changes to the NWPs. A public notice of the change(s) will be issued when any of the NWPs are modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date on which the relevant NWP is reissued, modified, or revoked, you will have twelve (12) months from the date of the reissuance, modification, or revocation of the NWP to complete the activity under the present terms and conditions of the relevant NWP.

A preliminary jurisdictional determination (JD) has been conducted to determine the extent of U.S. Army Corps of Engineers (Corps) geographic jurisdiction, upon which this NWP verification is based. A preliminary JD is advisory in nature and is a written indication Corps geographic jurisdiction may be present on a particular site, but is not appealable. An approved JD is an official Corps determination of the precisely identified limits of Corps geographic jurisdiction on a particular site, and is appealable. Should you wish to appeal an approved JD, you may request an administrative appeal under Corps regulations at 33 C.F.R. part 331. Please refer to the enclosed Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form for more information.

A NWP does not grant any property rights or exclusive privileges. Additionally, it does not authorize any injury to the property, rights of others, nor does it authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state, or local authorizations required by law.

Thank you for participating in our regulatory program. If you have any questions, please contact me at 213-452-3414 or via e-mail at Daniel.P.Swenson@usace.army.mil.

Please be advised you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at:
<http://per2.nwp.usace.army.mil/survey.html>.

“Building Strong and Taking Care of People!”

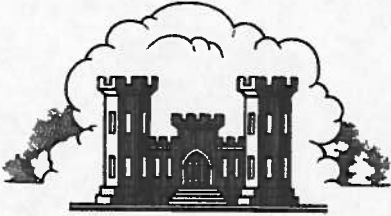
Sincerely,

**SWENSON.DANIEL.P
ATTERSON.1081348
363**

Digitally signed by
SWENSON.DANIEL.PATTERSON.1081348363
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,
ou=USA,
cn=SWENSON.DANIEL.PATTERSON.1081348363
Date: 2013.05.13 12:16:11 -07'00'

Daniel P. Swenson
Chief, Los Angeles Section
North Coast Branch
Regulatory Division

Enclosure(s)



**LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS**

**CERTIFICATE OF COMPLIANCE WITH
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT**

Permit Number: *SPL-2010-1003*

Name of Permittee: *Gary Hybl*

Date of Issuance: *May 13, 2013*

Upon completion of the activity authorized by this permit and the mitigation required by this permit, sign this certificate, and return it to the following address:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
ATTN: CESPL-RG-SPL-2010-01003-MAS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

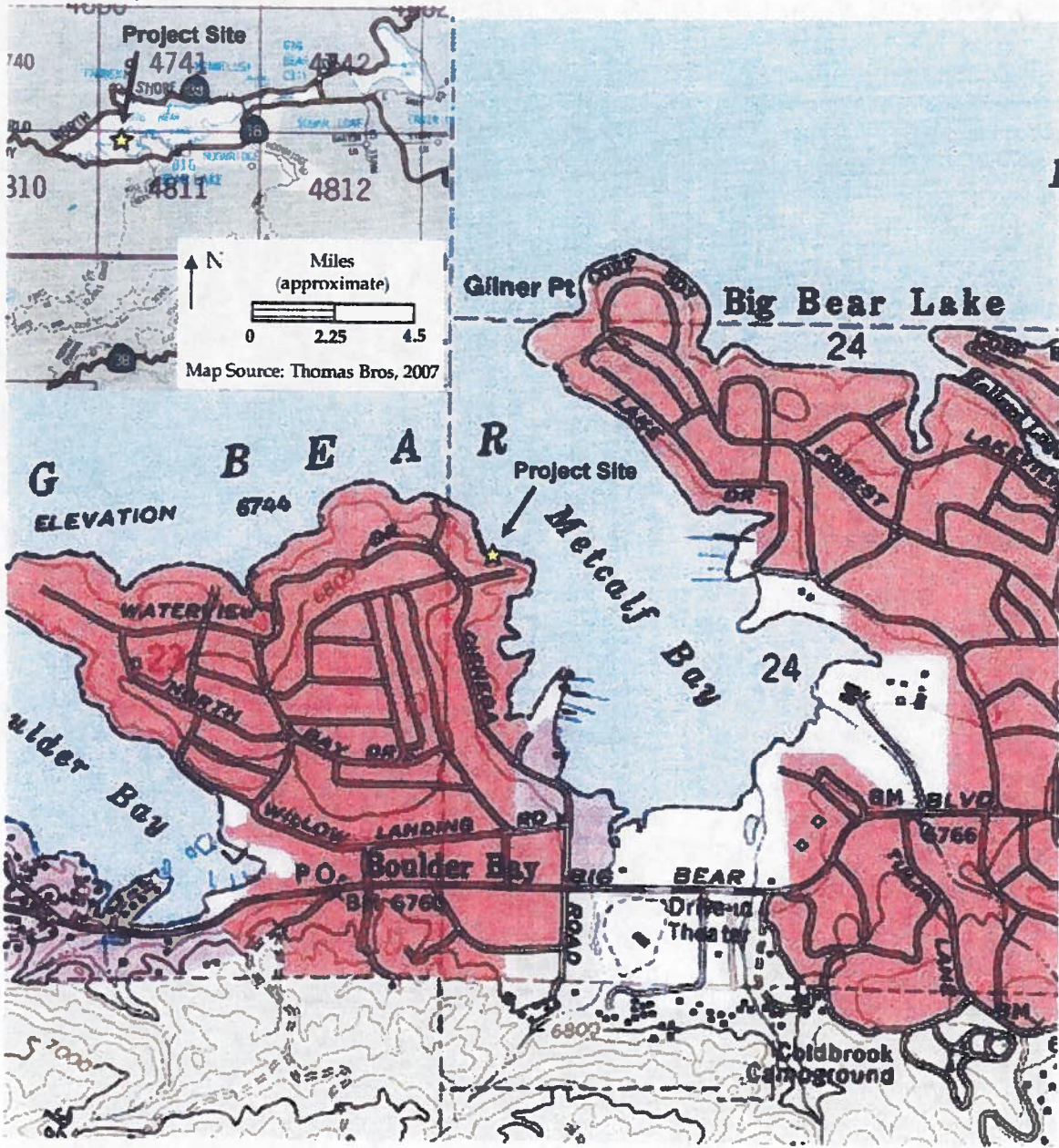
Please note your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this Nationwide Permit, you may be subject to permit suspension, modification, or revocation procedures as contained in 33 C.F.R. § 330.5 or enforcement procedures such as those contained in 33 C.F.R. §§ 326.4 and 326.5.

I hereby certify the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit condition(s).

Signature of Permittee

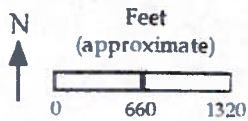
Date

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



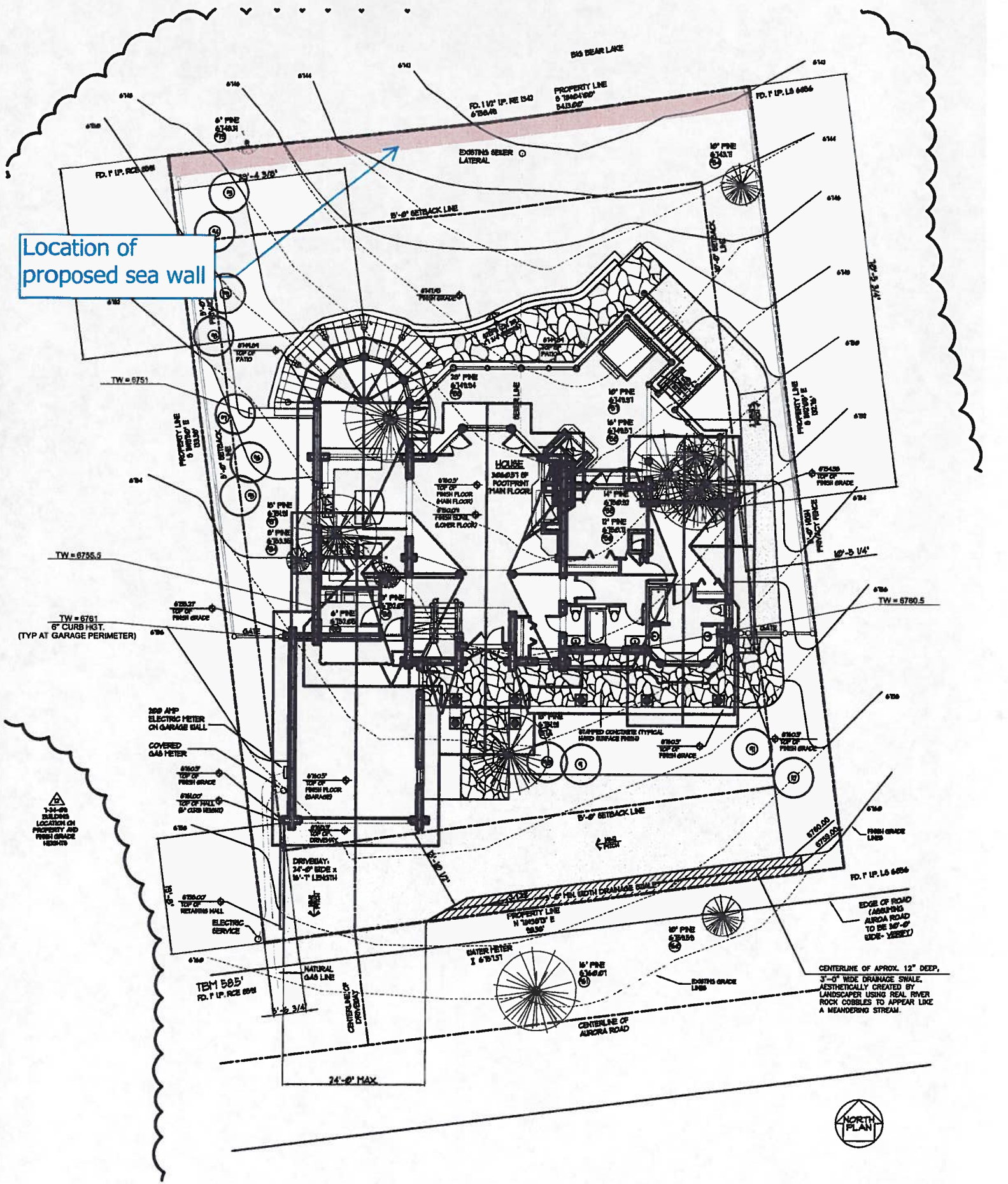
General Biological Assessment
 Seawall Construction
 39342 Aurora Road
 Big Bear Lake, California

Seawall Construction Project
39342 Aurora Road
General Biological Assessment



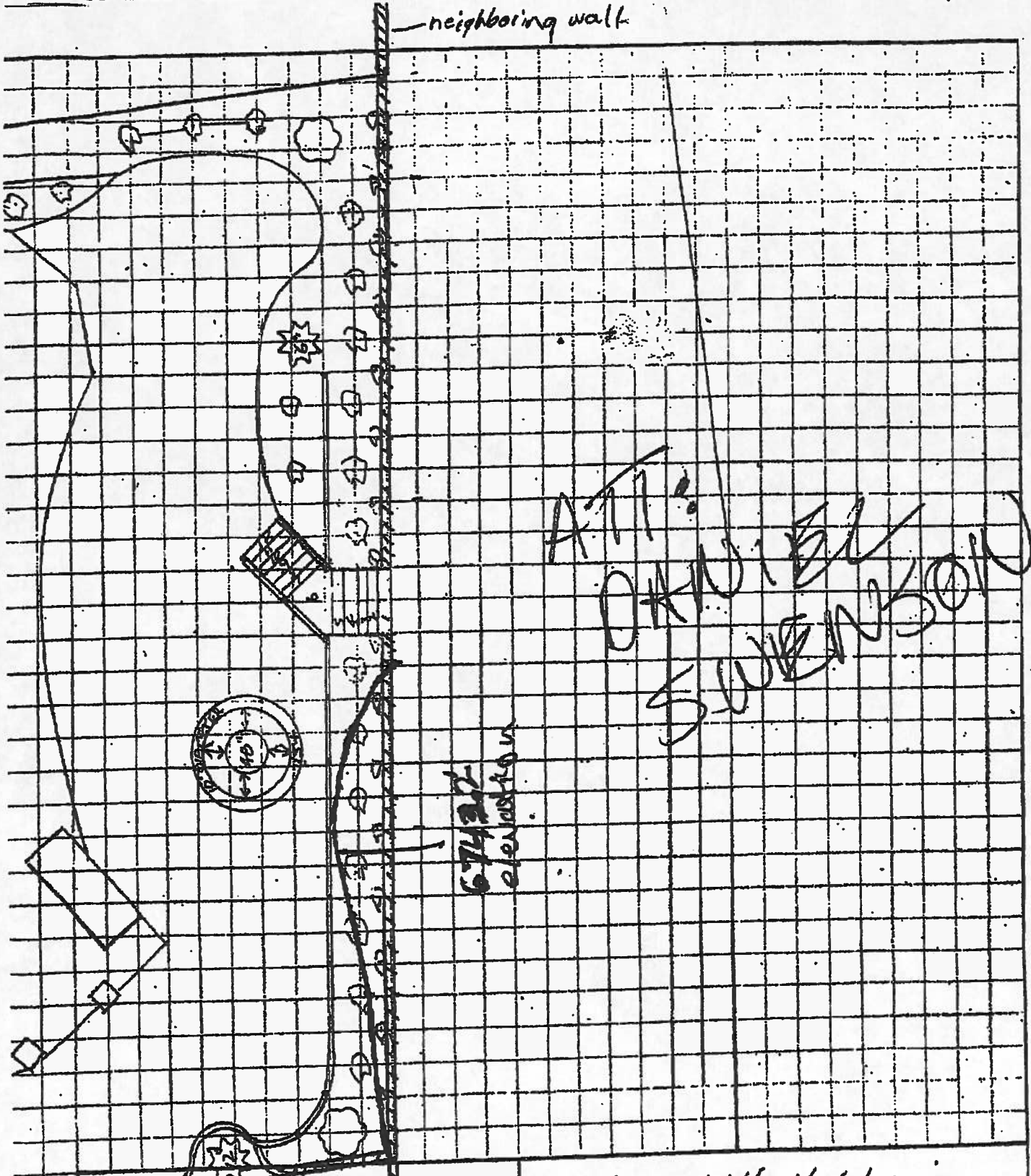
General Biological Assessment
Seawall Construction
39342 Aurora Road
Big Bear Lake, California

Location of proposed sea wall



1-34-09 BUILDING LOCATION ON PROPERTY AND FRESH GRADE HEIGHTS





ATT: DANIEL SWENSON

67432 elevation

neighboring wall

TSL LANDSCAPE
 CA Lic. #C-27 483193
 P.O. Box 2325
 BIG BEAR CITY, CA 92314
 (909) 585-2334 Fax (909) 585-0052

JOB Gary Hubble 6/16/1

SHEET NO. _____ OF _____

CALCULATED BY _____ DATE _____

CHECKED BY _____ DATE 10-2012

SCALE 1" = 12'

STRUCTURAL GENERAL NOTES

A. GOVERNING CODES

1. CBC 2007
2. AMERICAN CONCRETE INSTITUTE (ACI), 318-05

B. DESIGN LOADS AND CRITERIA

1. WIND CRITERIA:
3 SEC GUST WIND SPEED = 85 MPH
BUILDING CATEGORY: ENCLOSED
I = 1.0 / EXPOSURE C

2. SEISMIC CRITERIA:

SITE CLASS C
S_g = 1.79 / S₁ = 0.72
I = 1.00 / USE GROUP I
DESIGN CATEGORY D
LATERAL FORCE RESISTING SYSTEM:
PINNED LOG SHEARWALLS SHEAR WALLS
LIGHT FRAME WOOD W/ SHEAR PANELS
ORDINARY MOMENT FRAME
ORDINARY BRACE FRAME

3. FOOTING BEARING PRESSURE: 1800 PSF ON APPROVED SUBGRADE + 10% PER FOOT (2500 PSF MAX.)
4. SOIL FRICTION COEFFICIENT: 0.30
5. LATERAL SOIL PRESSURE: 35 PCF ACTIVE EQUIVALENT FLUID PRESSURE
6. FROST DEPTH: 2'-0"

C. MATERIALS

1. CLASS B CONCRETE: (FOOTINGS)

PORTLAND CEMENT ASTM C150 TYPE I/II
FLY ASH ASTM C618, 10% - 25% BY WEIGHT
WATER / CEMENT + FLY ASH = 0.50 MAXIMUM
28 DAY f_c = 2500 PSI
AIR CONTENT 4.5% - 7.0%
3/4" MAX NORMAL WEIGHT AGGREGATE
ASTM A615, GRADE 60
ASTM A706, GRADE 60 (WHERE INDICATED TO BE WELDED)

2. REINFORCING BARS:

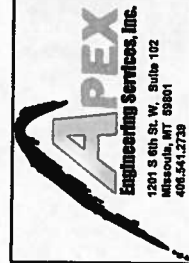
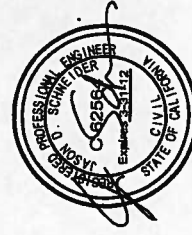
3. DEFORMED BARS:

D. FOUNDATIONS

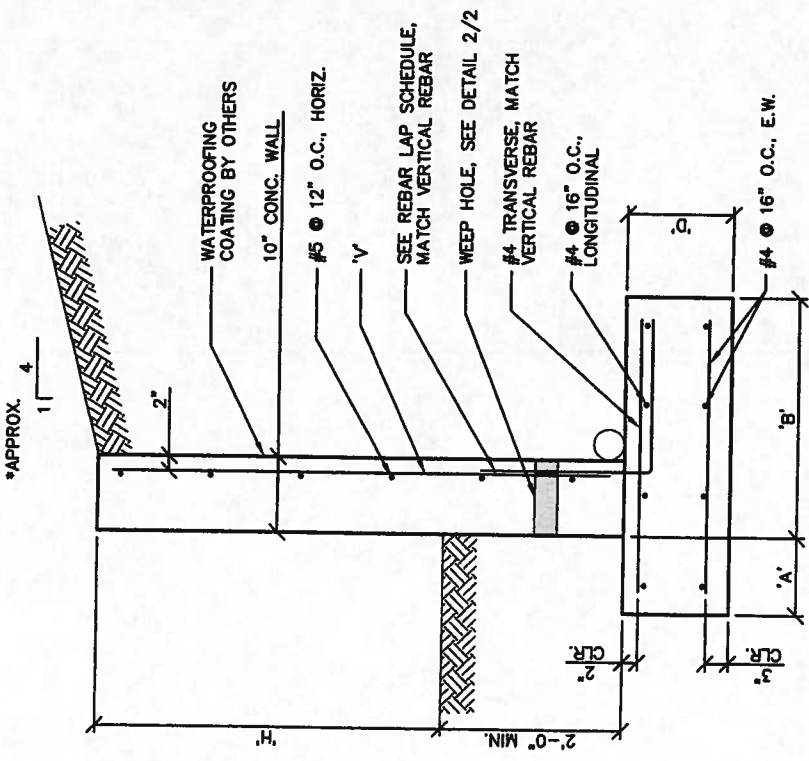
1. FOUNDATIONS HAVE BEEN DESIGNED BASED ON THE T.H.E SOILS CO., INC. SOILS REPORT #14631001.28 DATED 12-3-10.
2. CONCRETE WALLS SHALL BE PLACED ON FOOTINGS PER DETAILED SPECIFICATIONS.
3. ALL FOOTINGS TO EXTENDED A MINIMUM OF 12" INTO MEDIUM DENSE TO DENSE OLDER ALLUVIAL SEDIMENTARY BEDROCK. EXTEND FOOTINGS THROUGH ALL LOOSE FILL OR SATURATED BEDROCK MATERIAL.
4. SCARIFY ALL EXPOSED EARTH MATERIAL A MINIMUM OF 12" BELOW THE GROUND SURFACE. RECOMPACT TO A MINIMUM OF 90% MAX. LAB DRY DENSITY PER ASTM D-1557.
5. LAY ALL FILL MATERIAL PER GEOTECHNICAL RECOMMENDATIONS. DISCARD ALL ORIGINAL MATERIAL AND COBBLE GREATER THAN 4". PLACE ENGINEERED FILL IN UNIFORM 6" TO 8" LIFTS AND COMPACT TO A MINIMUM OF 90% OF THE MAXIMUM LAB DRY DENSITY AS APPROVED BY ASTM D-1557.
6. PROVIDE A 4% PERFORATED DRAIN PIPE PER GEOTECH'S RECOMMENDATIONS.
7. ALWAYS PROVIDE POSITIVE SURFACE WATER DRAINAGE AWAY FROM THE STRUCTURE.

E. CONCRETE

1. PERFORM CONCRETE WORK IN ACCORDANCE WITH ACI 301-05 "STANDARD SPECIFICATION FOR STRUCTURAL CONCRETE" UNLESS MORE STRINGENT REQUIREMENTS ARE INDICATED.
2. MINIMUM REINFORCING BAR COVER:
3" AT UNFORMED SURFACES EXPOSED TO EARTH
2" AT FORMED SURFACES EXPOSED TO EARTH OR WEATHER FOR #6 AND LARGER
1 1/2" AT FORMED SURFACES EXPOSED TO EARTH OR WEATHER FOR #3-#5
1" AT SLABS AND WALLS NOT EXPOSED TO EARTH OR WEATHER
3. SPICE REINFORCING BARS BY LAPPING ACCORDING TO THE SCHEDULE ON THE DRAWINGS. PLACE MECHANICAL CONNECTORS WHERE SHOWN. SPICE W/F SHEETS BY LAPPING AT LEAST ONE PANEL WIDTH (TWO LONGITUDINAL BARS IN CONTACT) OR 6 INCHES MINIMUM.
4. ADD #4X3'-0" DIAGONAL EACH FACE AT ALL OPENING CORNERS AND #4X3'-0" DIAGONAL MID-DEPTH AT ALL RE-ENTRANT SLAB CORNERS UNLESS SHOWN OTHERWISE.
5. SECURE ALL REINFORCING, INCLUDING W/F, IN POSITION WITH CHAIRS BEFORE CONCRETE PLACEMENT. CONCRETE DOBIES MAY BE USED TO POSITION SLAB ON GRADE REINFORCEMENT.
6. TIE DOWELS IN PLACE BEFORE PLACING CONCRETE. DO NOT STAB OR "WET-SET" DOWELS.
7. INSTALL AND SECURE EMBEDMENTS SUCH AS ANCHOR BOLTS AND EMBEDMENT PLATES WITHIN SPECIFIED TOLERANCES BEFORE CONCRETE PLACEMENT.
8. ROUND ISOLATION JOINTS SHOWN AT COLUMN LOCATIONS MAY BE SIMILAR SIZE DIAMOND SHAPED JOINTS AT THE CONTRACTOR'S DISCRETION.
9. WHERE TOP SURFACES OF CONCRETE SLABS ARE SHOWN TO BE RECESSED MORE THAN 1/2", THICKEN SLAB TO MAINTAIN INDICATED SLAB THICKNESS.
10. MECHANICALLY VIBRATE ALL CONCRETE PLACEMENTS EXCEPT SLABS LESS THAN 5" THICK.
11. WHERE SLAB CONTRACTION JOINTS ARE SHOWN ON THE DRAWINGS, CONSTRUCTION JOINTS MAY BE SUBSTITUTED TO ACCOMMODATE THE CONTRACTOR'S PLACEMENT STRATEGY.
12. FREE WATER ON THE SLAB SURFACE DURING FINISHING OPERATIONS IS PROHIBITED. SOFT CUT CONTRACTION JOINTS AS SOON AS POSSIBLE - GENERALLY WITHIN 6 HOURS AFTER FINISHING.
13. PROTECT AND CURE ALL CONCRETE SURFACES. BEGIN CURING WALLS IMMEDIATELY AFTER STRIPPING FORMS AND FLATWORK IMMEDIATELY AFTER FINISHING.
14. CONCRETE SURFACES TO RECEIVE GROUT UNDER COLUMN BASEPLATES MUST BE PREPARED BY LIGHT BUSH HAMMERING (1/4" AMPLITUDE) THE GROUTED AREA AND PRE-SOAKING.

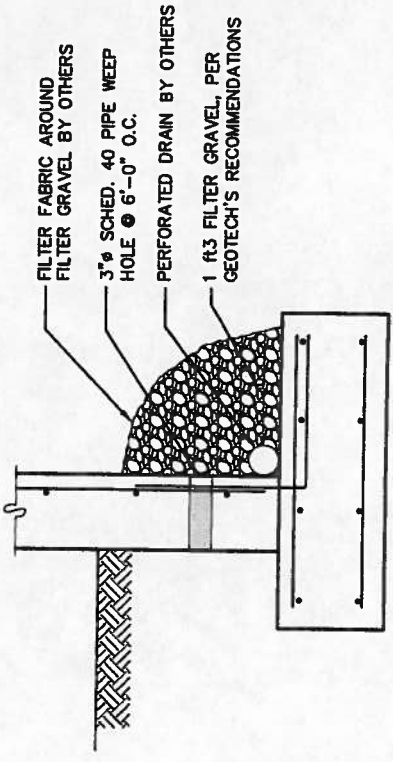


Date 1-31-11		Revision Number	
		Job Number 11-008	Engineered By PRB
Checked By JDS		Drawn By JHM	
Hybl Retaining Wall		Big Bear Lake, California	
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RETAINING WALL SCHEDULE				
H	V	A	B	D
H < 4'-0"	#5 @ 16" O.C.	1'-0"	2'-9"	1'-2"
H < 5'-0"	#5 @ 16" O.C.	1'-3"	3'-0"	1'-2"
H < 6'-0"	#5 @ 12" O.C.	1'-6"	3'-6"	1'-2"

1 TYPICAL RETAINING WALL SCALE: N.T.S.



2 TYPICAL DRAIN (BY OTHERS) SCALE: N.T.S.

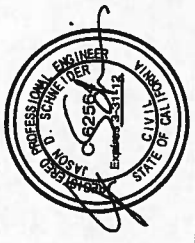
REBAR LAP SCHEDULE	
BAR #	CONCRETE 2500 PSI
#3	27"
#4	36"
#5	45"
#6	54"
#7	63"
#8	72"
#9	81"
#10	90"
#11	99"

3 SCALE: N.T.S.



Date	1-31-11
Revision Number	11-008
Job Number	PRB
Engineered By	JDS
Checked By	JHM
Drawn By	JHM

Hybl Retaining Wall
 Big Bear Lake, California
 General Notes & Detail
 Sheet 2 of 2



Enclosure 1: NATIONWIDE PERMIT NUMBER(S) NWP 13 Bank Stabilization. TERMS AND CONDITIONS

1. Nationwide Permit(s) NWP 13 Bank Stabilization. Terms:

Your activity is authorized under Nationwide Permit Number(s) NWP 13 Bank Stabilization. subject to the following terms:

13. Bank Stabilization. Bank stabilization activities necessary for erosion prevention, provided the activity meets all of the following criteria: (a) No material is placed in excess of the minimum needed for erosion protection; (b) The activity is no more than 500 feet in length along the bank, unless this criterion is waived in writing by the district engineer; (c) The activity will not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark or the high tide line, unless this criterion is waived in writing by the district engineer; (d) The activity does not involve discharges of dredged or fill material into special aquatic sites, unless this criterion is waived in writing by the district engineer; (e) No material is of the type, or is placed in any location, or in any manner, to impair surface water flow into or out of any water of the United States; (f) No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored trees and treetops may be used in low energy areas); and, (g) The activity is not a stream channelization activity. Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the bank stabilization activity: (1) involves discharges into special aquatic sites; (2) is in excess of 500 feet in length; or (3) will involve the discharge of greater than an average of one cubic yard per running foot along the bank below the plane of the ordinary high water mark or the high tide line. (See general condition 27.) (Sections 10 and 404)

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP.

2. Nationwide Permit General Conditions: The following general conditions must be followed in order for any authorization by an NWP to be valid:

1. **1. Navigation.** (a) No activity may cause more than a minimal adverse effect on navigation.
(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.
3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.
6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.
9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).
10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.
11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.
12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as

well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. **Removal of Temporary Fills.** Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.
14. **Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.
15. **Single and Complete Project.** The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.
16. **Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).
17. **Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
18. **Endangered Species.** (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.
(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.
(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the

proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have “no effect” on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWP.

(e) Authorization of an activity by a NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.noaa.gov/fisheries.html> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.
20. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.
- (b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.
- (c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation

Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. **Mitigation.** The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:
- (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).
- (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.
- (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.
- (1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.
- (2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.
- (3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).
- (4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.
- (5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

- (d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.
- (e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.
- (f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.
- (g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.
- (h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.
25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.
27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.
28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.
29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:
- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

31. **Pre-Construction Notification.** (a) **Timing.** Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer.

However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) **Contents of Pre-Construction Notification:** The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The

description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days

from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWP, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

3. Regional Conditions for the Los Angeles District:

In accordance with General Condition Number 27, "Regional and Case-by-Case Conditions," the following Regional Conditions, as added by the Division Engineer, must be met in order for an authorization by any Nationwide to be valid:

1. For all activities in waters of the U.S. that are suitable habitat for federally listed fish species, the permittee shall design all road crossings to ensure that the passage and/or spawning of fish is not hindered. In these areas, the permittee shall employ bridge designs that span the stream or river, including pier- or pile-supported spans, or designs that use a bottomless arch culvert with a natural stream bed, unless determined to be impracticable by the Corps.
2. Nationwide Permits (NWP) 3, 7, 12-15, 17-19, 21, 23, 25, 29, 35, 36, or 39-46, 48-52 cannot be used to authorize structures, work, and/or the discharge of dredged or fill material that would result in the "loss" of wetlands, mudflats, vegetated shallows or riffle and pool complexes as defined at 40 CFR Part 230.40-45. The definition of "loss" for this regional condition is the same as the definition of "loss of waters of the United States" used for the Nationwide Permit Program. Furthermore, this regional condition applies only within the State of Arizona and within the Mojave and Sonoran (Colorado) desert regions of California. The desert regions in California are limited to four USGS Hydrologic Unit Code (HUC) accounting units (Lower Colorado -150301, Northern Mojave-180902, Southern Mojave-181001, and Salton Sea-181002).
3. When a pre-construction notification (PCN) is required, the appropriate U.S. Army Corps of Engineers (Corps) District shall be notified in accordance with General Condition 31 using either the South Pacific

Division PCN Checklist or a signed application form (ENG Form 4345) with an attachment providing information on compliance with all of the General and Regional Conditions. The PCN Checklist and application form are available at: <http://www.spl.usace.army.mil/regulatory>. In addition, the PCN shall include:

- a. A written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States;
 - b. Drawings, including plan and cross-section views, clearly depicting the location, size and dimensions of the proposed activity as well as the location of delineated waters of the U.S. on the site. The drawings shall contain a title block, legend and scale, amount (in cubic yards) and area (in acres) of fill in Corps jurisdiction, including both permanent and temporary fills/structures. The ordinary high water mark or, if tidal waters, the mean high water mark and high tide line, should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation. All drawings for projects located within the boundaries of the Los Angeles District shall comply with the most current version of the *Map and Drawing Standards for the Los Angeles District Regulatory Division* (available on the Los Angeles District Regulatory Division website at: www.spl.usace.army.mil/regulatory/); and
 - c. Numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the project site, and all waters proposed to be avoided on and immediately adjacent to the project site. The compass angle and position of each photograph shall be documented on the plan-view drawing required in subpart b of this regional condition.
4. Submission of a PCN pursuant to General Condition 31 and Regional Condition 3 shall be required for all regulated activities in the following locations:
- a. All perennial waterbodies and special aquatic sites within the State of Arizona and within the Mojave and Sonoran (Colorado) desert regions of California, excluding the Colorado River in Arizona from Davis Dam to River Mile 261 (northern boundary of the Fort Mojave Indian Tribe Reservation). The desert region in California is limited to four USGS HUC accounting units (Lower Colorado -150301, Northern Mojave-180902, Southern Mojave-181001, and Salton Sea-181002).
 - b. All areas designated as Essential Fish Habitat (EFH) by the Pacific Fishery Management Council (i.e., all tidally influenced areas - Federal Register dated March 12, 2007 (72 FR 11092)), in which case the PCN shall include an EFH assessment and extent of proposed impacts to EFH. Examples of EFH habitat assessments can be found at: <http://www.swr.noaa.gov/efh.htm>.
 - c. All watersheds in the Santa Monica Mountains in Los Angeles and Ventura counties bounded by Calleguas Creek on the west, by Highway 101 on the north and east, and by Sunset Boulevard and Pacific Ocean on the south.
 - d. The Santa Clara River watershed in Los Angeles and Ventura counties, including but not limited to Aliso Canyon, Agua Dulce Canyon, Sand Canyon, Bouquet Canyon, Mint Canyon, South Fork of the Santa Clara River, San Francisquito Canyon, Castaic Creek, Piru Creek, Sespe Creek and the main-stem of the Santa Clara River.
5. Individual Permits shall be required for all discharges of fill material in jurisdictional vernal pools, with the exception that discharges for the purpose of restoration, enhancement, management or scientific study of vernal pools may be authorized under NWP 5, 6, and 27 with the submission of a PCN in accordance with General Condition 31 and Regional Condition 3.

6. Individual Permits shall be required in Murrieta Creek and Temecula Creek watersheds in Riverside County for new permanent fills in perennial and intermittent watercourses otherwise authorized under NWP 29, 39, 42 and 43, and in ephemeral watercourses for these NWP 14 is used in conjunction with residential, commercial, or industrial developments the 0.1 acre limit would also apply.
 7. Individual Permits (Standard Individual Permit or 404 Letter of Permission) shall be required in San Luis Obispo Creek and Santa Rosa Creek in San Luis Obispo County for bank stabilization projects, and in Gaviota Creek, Mission Creek and Carpinteria Creek in Santa Barbara County for bank stabilization projects and grade control structures.
 8. In conjunction with the Los Angeles District's Special Area Management Plans (SAMPs) for the San Diego Creek Watershed and San Juan Creek/Western San Mateo Creek Watersheds in Orange County, California, the Corps' Division Engineer, through his discretionary authority has revoked the use of the following 26 selected NWP within these SAMP watersheds: 03, 07, 12, 13, 14, 16, 17, 18, 19, 21, 25, 27, 29, 31, 33, 39, 40, 41, 42, 43, 44, 46, 49, and 50. Consequently, these NWP are no longer available in those watersheds to authorize impacts to waters of the United States from discharges of dredged or fill material under the Corps' Clean Water Act section 404 authority.
 9. Any requests to waive the 300 linear foot limitation for intermittent and ephemeral streams for NWP 29, 39, 40 and 42, 43, 44, 51 and 52 or to waive the 500 linear foot limitation along the bank for NWP 13, must include the following:
 - a. A narrative description of the stream. This should include known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characters observed associated with an Ordinary High Water Mark (e.g. bed and bank, wrack line, or scour marks); a description of the adjacent vegetation community and a statement regarding the wetland status of the associated vegetation community (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information.
 - b. An analysis of the proposed impacts to the waterbody in accordance with General Condition 31 and Regional Condition 3;
 - c. Measures taken to avoid and minimize losses, including other methods of constructing the proposed project; and
 - d. A compensatory mitigation plan describing how the unavoidable losses are proposed to be compensated, in accordance with 33 CFR Part 332.
 10. The permittee shall complete the construction of any compensatory mitigation required by special condition(s) of the NWP verification before or concurrent with commencement of construction of the authorized activity, except when specifically determined to be impracticable by the Corps. When mitigation involves use of a mitigation bank or in-lieu fee program, the permittee shall submit proof of payment to the Corps prior to commencement of construction of the authorized activity.
- 4. Further information:**
1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (x) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

(a) This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

(b) This permit does not grant any property rights or exclusive privileges.

(c) This permit does not authorize any injury to the property or rights of others.

(d) This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

(a) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

(b) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

(c) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

(d) Design or construction deficiencies associated with the permitted work.

(e) Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

(a) You fail to comply with the terms and conditions of this permit.

(b) The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

(c) Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 330.5 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. This letter of verification is valid for a period not to exceed two years unless the nationwide permit is modified, reissued, revoked, or expires before that time.

7. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with

General Condition H below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

- 8. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.**