

***MINUTES OF A REGULAR MEETING OF  
BIG BEAR MUNICIPAL WATER DISTRICT  
HELD ON THURSDAY, APRIL 3, 2014***

**CALL TO ORDER**

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

**REPORTS**

General Manager, Scott Heule reported that it was a banner Opening Day for the East Ramp Tuesday. He explained that there was three foot wind chop, sleet, and snow. He added that the Lake Operations Supervisor David Henderson made the decision to close the ramp mid-morning because of the cold and hazardous conditions. He stated that the only visitors to the ramp were District employees and a couple drive by's but no boats. Mr. Heule reported that requests for proposals for the program EIR for Big Bear Marina Dredge Project have been mailed out and should be returned to the office on May 7th. He explained that the Lake Improvement Committee will review the proposals and Staff's recommendation for award and then they will bring a recommendation to the Board meeting on May 22nd providing no complications are encountered. He explained that in an attempt to thwart trespassers a second row of spike strips was installed at the exit of the East Ramp. He reported that additionally an upgraded camera surveillance system has been installed that is advertised to be able to clearly record images of vehicle license plates. Mr. Heule reported that he has submitted the seventh letter requesting credit for work in kind to Raina Fulton at the ACOE to secure approval of what we think will be our final request for the Lake restoration study. He explained that evidently rules at the ACOE require work in kind credit to be accounted to within \$10 or the sponsoring agency must write a check to them for the difference. He added that with what we have submitted and are submitting she thinks we will be close to that but indicated there might need to be one more submittal for work in kind. He reported that we are holding back some credit just in case. He explained that evidently after this work in kind credit request letter is finalized and sent off we are still several months away from a final close out of the project however there would be no more work for us to do to get it wrapped up. He added that Raina will begin collecting all the work that has been done on this project and instead of a box of reports we will get CD copies of the work product.

**APPROVAL OF CONSENT CALENDAR**

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

- Minutes of a Special Meeting of March 19, 2014
- Minutes of a Regular Meeting of March 20, 2014
- Warrant List dated March 26, 2014 for \$201,602.36

### **ACCEPTANCE OF TROUT POND PROPERTY PURCHASE PROPOSAL**

#### Discussion and Action on Closed Session Items

Government Code Section 54956.8 Conference with Real Property Negotiator, Scott Heule General Manager, concerning 440 Catalina, Big Bear Lake, California APN #2328-202-15, #2328-202-08 and #2328-291-27

The Board members present in person during the closed session, President Murphy and Directors Lewis, Eminger and Smith approved the attached "Purchase Proposal – Big Bear Trout Pond Property" drafted by the Inland Empire Resource Conservation District and the City of Big Bear Lake subject to receipt of contract documents that support the intent of the proposal. See attached.

Mr. Heule read the attached e-mail from Jeff Brandt, Fish & Wildlife.

President Murphy asked that Mr. Heule review the financial arrangements. Mr. Heule explained that Inland Empire Resource Conservation District will contribute \$210,000, the City of Big Bear Lake will contribute \$50,000 plus in-kind of \$25,000. He added that the District will look to sell the single family residential home and lot at an estimated cost of \$320,000 (refer to page 4 of the attached for details). Director Smith stated that the removal of the sediment and the other benefits of the proposal make it a win-win situation. Director Eminger asked what the financial bottom-line amounts to. Mr. Heule reported that we have \$800,000 invested explaining that it is hard to come up with a monetary figure but considering the future litigation that will most likely be diverted, it could be sizable. He added that it is doing the public a service and it is good with Fish & Wildlife for now and in the future. Director Smith added that it is not something that we can measure at this point.

Director Eminger moved approval to ratify the action. Director Lewis seconded the motion and it was unanimously approved.

### **SWEAR IN NEW LAKE PATROL OFFICER, JEFF ANDRADE**

Lake Operations Supervisor David Henderson introduced new Lake Patrol Officer Jeff Andrade explaining that Jeff comes to us with 31 years of experience as a peace officer. He added that Jeff has received the medal of valor and other awards from the sheriff's department. He explained that he has also been on the Lake operating the sheriff's patrol boat.

Director Smith moved approval to appoint Jeff Andrade as a District Lake Patrol Officer.

Director Lewis seconded the motion and it was unanimously approved.

Board Secretary Vicki Sheppard administered the oath of office to Lake Patrol Officer Jeff Andrade.

### **CONSIDER APPROVAL OF WEED HARVESTER RENTAL**

Mr. Heule explained that the Board is aware that Staff has been working diligently since last October to secure a second harvester to add to the District's operations this summer. He reported that by the time a new harvester was located standard District policy concerning awarding contracts for large purchases resulted in the fabricator selling the unit to another buyer. He added that while the District did not lose out on its ability to purchase a harvester that meets District specifications it cannot be delivered in time for this summer's operations. He stated that as a result staff has been searching for another unit to rent so as not to delay another year for an expanded harvesting program. Mr. Heule reported that the Lake Manager is finalizing some options with vendors in person while attending the Western Aquatic Plant Management Society meeting this week explaining that the Aquamarine harvester loaner they were anticipating to loan the District turned out to be unusable because of mechanical problems. He added that we have ordered the new H9 that still needs to be built but it will not be delivered until this fall or next spring. He reported that Mr. Stephenson has been searching throughout the US from Washington State to Florida and really has come up with only two options to add a harvester to the fleet this summer.

Option #1 is an H9 that can be rented from Envirosciences for three months at a cost of \$25,000 plus shipping. He added that the shipping will not be exorbitant because it sits on its own trailer and would not require transfer to a contracted heavy duty trailer to get it here. He explained that they have not yet provided Mr. Stephenson with the cost for shipping.

Option #2 Aquamarine is willing to sell an H5 Harvester to the District for \$50,000 and will buy back for \$37,500. He explained that it could be delivered in time and this then would cost the District about \$13,000 plus shipping costs, but it is small enough to put on a typical backhoe type trailer and does not require special shipping conditions. Additionally, a buyer in New Mexico has tentatively offered to buy back this H5 at a \$10,000 discount (\$40,000) and pay to ship it from Big Bear to his place. He reported that there is no written confirmation regarding this offer however. Mr. Heule explained that Mr. Stephenson is recommending that the District move forward on the purchase and sell back offer from Aquamarine and hope that over the next couple of months the District can reach terms with the New Mexico buyer.

Director Smith asked if we could wait until Monday when Mr. Stephenson returns to the office. Mr. Heule stated that in that case we would not be able to approve it until the next meeting on April 17th and might lose the opportunity. District Counsel Wayne Lemieux explained that we could make a motion of "not to exceed".

Director Smith moved approval to accept option #2 to purchase the H5 Harvester for an amount not to exceed \$60,000. Director Lewis seconded the motion and it was unanimously approved.

### **PUBLIC FORUM**

No comments were made

**ANNOUNCEMENTS**

Mr. Heule reported that our relationship with ACWA JPIA includes an online capability to receive legally obligated training on Sexual Harassment and Ethics at prescribed intervals. He added that some of the Directors need one or both. He explained that Lake Operations Supervisor David Henderson will be able to set you up to take that training on-line at your home or elsewhere. He added that if you let us know how you would like to satisfy the requirement we can set you up. He reported that our next Workshop is scheduled for April 16 at 1:00 PM. He explained that the agenda will be issues from the Facilities Committee. He stated that our next Board meeting will be on April 17. He added that he anticipates you will be discussing LAFCO representation and an amendment to our dock resolution.

**DIRECTOR COMMENTS**

Director Lewis commented that she very much appreciates all of the hard work that Mike Stephenson is doing regarding the harvester purchase.

Director Smith thanked Judi Bowers of the Grizzly for the great article regarding fishing.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 1:35 P.M.

**NEXT MEETING**

Open Session at 1:00 P.M.  
Thursday, April 17, 2014  
Big Bear Municipal Water District  
40524 Lakeview Drive, Big Bear Lake, CA



Vicki Sheppard  
Secretary to the Board  
Big Bear Municipal Water District

(SEAL)



## Scott Heule

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**From:** Brandt, Jeff@Wildlife <Jeff.Brandt@wildlife.ca.gov>  
**Sent:** Wednesday, February 19, 2014 2:39 PM  
**To:** Mike Stephenson; Scott Heule  
**Cc:** Brandt, Jeff@Wildlife  
**Subject:** habitat benefits from removal of nutrient laden sediments

Mike and Scott—

The removal and proper disposal of 8,300 CY of nutrient rich sediment from the old trout pond and recontouring the creek invert to minimize erosion have significant habitat benefits. Removing the nutrients from Rathbun Creek both enhanced the creek, and served to protect Big Bear Lake from a pending nutrient discharge. The discontinuation of the trout pond serves to minimize future unseasonal nutrient discharges to the creek and lake. Making the site available for habitat conservation rather than re-establishing the trout pond or developing the site also has habitat benefits.

I know acquiring the site and performing the cleanup was a costly effort, and we want to help encourage these efforts in future. If you want to coordinate with RWQCB and USACE staff on quantifying the habitat benefits of this action and applying the benefits as a form of mitigation to offset the temporary impacts of future dredging projects/permits, I'd be happy to weigh in.

Thank you,

Jeff Brandt  
Habitat Conservation  
California Department of Fish and Wildlife  
3602 Inland Empire Blvd, Suite C-220  
Ontario, CA 91764  
Phone (909) 987-7161  
Fax (909) 481-2945  
Email [jeff.brandt@wildlife.ca.gov](mailto:jeff.brandt@wildlife.ca.gov)

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**From:** Mike Stephenson [<mailto:MikeStephenson@bbmwd.net>]  
**Sent:** Wednesday, February 19, 2014 12:52 PM  
**To:** Brandt, Jeff@Wildlife  
**Cc:** Scott Heule  
**Subject:**

Jeff,

Scott has asked me to share the costs and effort in the pond excavation and clean-up project. The District removed 8300 CY of very nutrient laden sediment and hauled the material off site for disposal.

The trucking and excavation and disposal value is \$115,000, however the benefit to the lake is much greater because of the nutrient concentrations that were off the charts because of years of over fed fish and lack of maintenance by previous owners.

Big Bear Lake will benefit for years to come due to this continual nutrient loading from the pond. The pond was excavated to its original depth and we feel we have reset the clock on this stream course.

Please let me know if you have any other questions.

Mike Stephenson  
Lake Manager  
Big Bear Municipal Water District  
40524 Lakeview Dr.  
Big Bear Lake, Ca. 92315  
Office 909-866-5796

Fax 909-866-2863

# PURCHASE PROPOSAL - BIG BEAR TROUT POND PROPERTY

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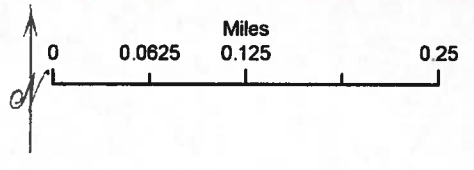


PROPERTY MAP – BIG BEAR TROUT POND

# Big Bear Trout Pond Potential Mitigation Site



INLAND EMPIRE  
**RESOURCE**  
CONSERVATION DISTRICT



 Trout Pond Parcels

Source: NAD83 UTM Zone 11N  
Imagery: ESRI Online  
Map Produced by IERCD 2013



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## PROPERTY DESCRIPTION

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**General Summary:** the Big Bear Trout Pond property consists of three parcels totaling 7.18-A, located between Moonridge Rd and Catalina Rd, east of Big Bear Blvd in the City of Big Bear Lake. The property is owned by the Big Bear Municipal Water District (BBMWD), and is currently being offered for sale to the City of Big Bear Lake and the Inland Empire Resource Conservation District (IERCD), contingent on development of a satisfactory concept for purchase by these two entities. The property contains:



- Reach of Rathbun Creek, from Elm Street, northwest to just south of Big Bear Blvd
- The former commercial trout pond (now fully drained and dredged for accumulated sediment/nutrients from previous operation)
- Existing structures include:
  - Formerly functional dam; now breeched to allow for passage of water rather than retention in pond
  - Single family residential home
  - Bait shack
  - Three separate small storage sheds
  - Perimeter fencing

**Potential Post-Acquisition Use:**

Following acquisition, the formerly active trout pond and surrounding parcels will be managed by the Inland Empire RCD and the City of Big Bear Lake to feature the following:

- Placement of mitigation responsibilities within areas identified as appropriate for preservation, enhancement, and/or restoration. Implementation of planned mitigation is projected to including activities such as trash removal, eradication of invasive vegetation and replacement with native plants; such work is projected to provide benefits including provision of nesting and foraging opportunities for area wildlife as well as improved water quality in Rathbun Creek.
- Separation of western section of parcel group for continuation of valley-wide multi-use recreational trail
- Reconfiguration of lot lines where appropriate to separate out two residential lots for individual sale
- Removal of structures from property identified as non-functional/non-essential to continued site management

## KEY PROPERTY PARTNERS

### Key Partner I: Big Bear Municipal Water District

- *Role:* owner of property; purchased site, then conducted improvements on the existing single family residential house and removal of sediment within the pond; total investment \$800,000 to-date.
- *Objective:* maximize property purchase price to recoup investment to the greatest extent possible; ensure future use of property consistent with ongoing protection of water quality in Rathbun Creek and Big Bear Lake

### Key Partner II: City of Big Bear

- *Role:* contributor to property purchase through provision of at least \$50,000 plus approximately \$25,000 of in-kind land use services, environmental and engineering work required for the processing of a lot line adjustment, general plan amendment and change of zone.
- *Objective:* To own the property in fee title; ultimately, to use it to connect two portions of existing Big Bear Valley-wide master multi-use trail system; integration of this concept into pending sustainability grant

### Key Partner III: IERCD

- *Role:* contributor to property purchase through provision of \$125,000; post-purchase, planning to accept conservation easement interest over site while the City of Big Bear Lake retains fee title
- *Objective:* to perform a combination of preservation, enhancement, and restoration work over the property; likely including it in the in-development IERCD In-Lieu Fee program

### Other Pending Potential Partner: CalTrans

- *Role:* potential contributor of \$85,000 toward property acquisition in lieu of other mitigation in watershed
- *Objective:* to fulfill mitigation requirements associated with road development projects as assigned by the California Department of Fish and Wildlife

#### Current Proposed Terms of Sale:

Entity	Duties/Role	Financial Contribution
IERCD	Provision of funding to acquire property including CalTrans contribution; eventual conservation easement interest holder	Direct: \$210,000 In-kind: none
City of Big Bear	Provision of funding to acquire property; fee title holder	Direct: \$50,000 In-kind: \$25,000
BBMWD	Seller of property	
Additional Revenue	Sale of single family residential home and lot; additional SFR lot only	Direct: estimated \$320,000

**Totals:** Direct funding of \$260,000; home/lot sales revenues of approximately \$320,000; indirect funding of at least \$25,000

**Total Value of Offer/Additional Lot Sales: \$605,000**

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## PROPOSAL FOR MOVING FORWARD WITH ACQUISITION

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The potential to transfer fee title interest from the BBMWD to the City of Big Bear Lake is possible through completion of the following proposed steps:

- Step 1: development of 2 agreements consisting of:
  - Agreement 1 between City, BBMWD, and IERCD - Purchase and Sale Agreement
    - Responsible party: City and IERCD to split costs
    - Purpose: cover terms of property purchase including direct payment and process of transfer of interest including title report
  - Agreement 2 between City and IERCD – MOU to cover process of conservation easements recordation
    - Responsible party: City and IERCD to split costs
    - Purpose: outline process of recordation of two separate easements; the first to cover initial property transfer and the second to include into the ILF program whenever finalized
- Step 2: lot line adjustments, general plan amendment and change of zone on property
  - Responsible party: City
  - Purpose: prepare two lots for separate sale to generate additional revenue from property
- Step 3: development of suite of documents associated with the approval of a lot line adjustment, general plan amendment and change of zone, including but not limited to legal description, hydrology report and environmental documents.
  - Responsible party: City
  - Purpose: necessary docs to advance sale of property
- Step 4: sale of two created lots
  - Responsible party: BBMWD
  - Purpose: generating additional site income; no guarantee on what these will generate for the water district
- Step 5: long-term care/maintenance of property, including establishment of trail, inclusion in ILF and beginning preservation, enhancement, and restoration work associated with USACE and/or CDFW projects
  - Responsible parties: City and IERCD
  - Purpose: long-term conservation of site for benefit to the City of Big Bear Lake and use in cooperation with the Big Bear Valley Pedestrian, Bicycling and Equestrian Master Plan of Trails