

***MINUTES OF A REGULAR MEETING OF
BIG BEAR MUNICIPAL WATER DISTRICT
HELD ON THURSDAY, MARCH 18, 2010***

CALL TO ORDER

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

REPORTS

Mr. Heule reported that he has been working closely with the Army Corps of Engineers (ACOE) in recent weeks regarding cost share accounting. He explained that the District's share can be shown through in-kind money. He stated that Mr. Stephenson will be meeting with them next week. Mr. Heule stated that the U.S. Census has been using the board room for testing and training this week. He explained that they requested an exemption to the rule that no one can reserve the room earlier than one week ahead of time stating that they were having a very hard time finding a meeting space. He stated that President Fashempour authorized the exemption and they have been using the room all week. Mr. Heule reported that he along with Mr. Stephenson and Mr. Carroll met with Western Outdoor News this morning to discuss this year's October Troutfest. He explained that many ideas and concerns were discussed. He added that it will be held the first weekend in October and should be a good event. Mr. Heule reported that after the Watermaster meeting he met with Don Evenson and Doug Headrick, the new General Manager of San Bernardino Valley Municipal Water District, to discuss water releases and the in-lieu agreement. Mr. Heule reported that he met last week with the contractors regarding the Big Bear Marina gas contamination project. He explained that they have some concerns regarding the trench advising that they may have to wait until the area dries out to proceed (maybe until the fall). Director Suhay asked if they did core samples. Mr. Heule stated that they made a visual conclusion.

Mr. Stephenson reported on his upcoming trip to Seattle for the Western Aquatic Plant Management Society conference. He commented that the lake clarity looks good. He reported on the progress of the office re-model. He also reported on the meeting with Western Outdoor News earlier today commenting that it was a successful meeting. Mr. Stephenson updated the Board on the East Ramp parking lot repair explaining that it now looks like they can go back to the original plan and complete the project. Director Smith asked where Western Outdoor News placed the Troutfest event in their list of priorities. Mr. Stephenson reported that it seems to have a high priority with them adding that he feels good about it. Director Eminger asked what date the event was scheduled to be held. Mr. Stephenson stated it is scheduled for October 2nd and 3rd. President Fashempour asked if the same people who came to the meeting were going to be coordinating and working the event. Mr. Stephenson stated they were.

District Counsel, Wayne Lemieux reported on the progress of the video conferencing system. He commented that it will allow Counsel to attend more meetings and provide the District with better service. Mr. Lemieux asked the Directors for feedback on the system. He added that Directors can take advantage of the system if they are out of the area and wish to attend a meeting.

APPROVAL OF CONSENT CALENDAR

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

- Minutes of a Regular Meeting of March 4, 2010
- Warrant List Dated March 12, 2010 for \$97,671.78
- Approval of the Special Event Permit for the Jim Hall Memorial May Trout Classic to be held May 15 & 16, 2010 & approval of a fish plant contribution
- Approval of a Special Event Permit for Fishin' for 50K Trout Derby to be held June 5 & 6, 2010
- Approval of a Special Event Permit for the Big Bear Lake Rotary Club's annual 4th of July Fireworks display
- Approval of a proposal from Big Bear Productions to provide outreach and information services

CONSIDER APPROVAL OF FIRST READING BY TITLE ONLY OF ORDINANCE 43, AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BIG BEAR MUNICIPAL WATER DISTRICT ADOPTING DISTRICT OPERATIONS CODE AND REPEALING ORDINANCE NOS. 38, 40, 41, AND 42 AS IT RELATES TO COMMERCIAL ACTIVITIES ON THE LAKE

Mr. Heule reported that adoption of this Ordinance will incorporate the previous amendments of Ordinance 38 into a single Ordinance and will add language further defining and controlling commercial activities below the high water elevation of the Lake. He added that in some cases amendments have been made that improve clarity within the document by consolidation of repetitive language and definitions. He explained that the significant changes in the Ordinance are in Title 2, "Lake Operations" as it relates to Permits and permit Applications. He stated that all commercial activities occurring below the high water elevation of the lake will require licensing either as a concessionaire of a licensed marina or with a concession permit issued by the District. Mr. Heule reported that the amendment specifically requires all boats except those operated or rented by owners of commercial marina or their concessionaires to have lake permits. He explained the changes proposed will prohibit boat rental businesses from launching vessels or using their vessels for training/teaching purposes below the high water elevation of the lake without a concession permit from the District or being a concessionaire of a licensed marina. He added that if the business is a concessionaire of a marina they can conduct their activities at a marina or out of the marina site only. Mr. Heule reported that changes to the ordinance also reference concession policies that have not been developed by the District. He added that provisions in the proposed Ordinance note that no commercial lake use concession permits will be issued by the District before April 1, 2011 and this will allow the Board time to draft and adopt policies that will be consistent with District Lake Management objectives.

Mr. Heule made a PowerPoint presentation highlighting various points and proposed changes to Ordinance 38 (copy attached).

Director Murphy inquired about concession agreements (refer to page 4 of presentation) asking if the year 2010 remains status-quo. Mr. Heule stated that is true but there is still no commercial activity below the high water line. Director Eminger commented that management and the Board worked very hard on this adding that it still has a ways to go but it is progressing.

Mr. Lemieux explained the Ordinance process stating that it begins with the first reading, then the second reading, and then it is published and becomes effective after 30 days later.

Director Suhay moved approval of the first reading by title only of Ordinance 43, an Ordinance of the Board of Directors of Big Bear Municipal Water District adopting District Operations Code and repealing Ordinance nos. 38, 40, 41, and 42 as it relates to commercial activities on the lake. Director Eminger seconded the motion and it was unanimously approved.

CONSIDER APPROVAL OF A WORK PLAN FOR A PROPOSED SAMPLING AND ANALYSIS PLAN FOR EVALUATING THE CHEMICAL AND PHYSICAL PROPERTIES OF LAKE SEDIMENT AT THE BIG BEAR MARINA

Mr. Heule reported that MWH has reviewed two sets of data collected by the Army Corps of Engineers on sediment engineering properties and sediment chemistry. He explained that they found sediment samples that were collected and analyzed within and adjacent to the proposed Big Bear Marina dredge area. He added that during conversations with the District's dredge design engineer, Moffett & Nichol, nine additional sampling locations were identified in order to provide sufficient information for moving forward on this work. He reported that in addition to sampling sediments adjacent to the marina fueling station specifically for hydrocarbon species, other locations were selected to provide additional chemical and engineering characterization of the sediment proposed to be dredged. He explained that sediment samples will be analyzed for engineering properties sediments collected during the sampling program will be analyzed for petroleum hydrocarbons, nutrients, PCB's, pesticides and metals in accordance with the plan. Mr. Heule reported that after completion of the sediment sampling and analysis a report of the findings of the project will be prepared and submitted to the District. He explained that the report will present a summary of the sampling operations, a map showing the locations of all sediment samples collected, a summary and discussion of the analytical results, and copies of all laboratory reports. He added that the report findings will be incorporated into the project CEQA document and will be referenced in pertinent permitting applications associated with the project. He reported that the Watershed/Lake Improvement Committee estimated the project should most likely cost less than \$40,000 and the estimate from MWH came in at \$36,018. He explained that one reason the estimate came in within the approved cost is because MWH will be assisted by District Staff and use of the District pontoon boat. President Fashempour asked about the timeframe of the project. Mr. Heule explained that the District pontoon boat has been rebuilt by Jim Weber but is still buried under snow. He added that when all seasonal staff members are on board they will coordinate with Alan Sharp to work around Big Bear Marina's activities. Director Eminger commented that the first contamination reports from ACOE were very inaccurate and now they have been corrected. Mr. Heule stated that the original ACOE laboratory reports were in error and the consultants had to page through them for accuracy.

Director Suhay moved approval of a work plan for a proposed sampling and analysis plan for evaluating the chemical and physical properties of lake sediment at the Big Bear Marina. Director Murphy seconded the motion and it was unanimously approved.

PUBLIC FORUM

Alan Sharp, Big Bear Marina, asked if current concession renewals would be affected. Mr. Heule stated that the marina concessions would not be affected. Mr. Sharp commented that he went to the Fred Hall Fishing Show last week and found that the majority of people in the Sierra areas don't require Quagga Mussel inspections. He complimented the District on their pro-active Quagga program. He added that many of the visitors to their booth at the show were very interested in the Quagga issue. Mr. Stephenson stated that without the active marina participation, the program would be useless. President Fashempour asked if we could contact

these agencies and get them to be more active and aggressive in Quagga prevention. Mr. Heule stated that perhaps when Mr. Stephenson attends the WAPMS Lake Managers meeting he could bring this issue up. Mr. Stephenson commented that many agencies are evolving and learning. Director Smith asked if we had an updated list of affected lakes. Mr. Stephenson said he would get it at the Lake Managers meeting. He added that DFG is not funded in some of the Quagga programs like they have been in the past. He added that the District policy is if a boat is not clean, drained and dry it will be decontaminated without exception.

ANNOUNCEMENTS

Mr. Heule reported that he, President Fashempour and Director Suhay will be going to Washington DC next week. He added that they will be meeting with ACOE, Senators Boxer and Feinstein, Congressman Jerry Lewis, and casual time rubbing elbows with other agency representatives.

DIRECTOR COMMENTS

No comments were made

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:02 P.M.

NEXT MEETING

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



Vicki Sheppard
Secretary to the Board
Big Bear Municipal Water District

(SEAL)

Big Bear Municipal Water District

Board of Directors Meeting

March 18, 2010

Ordinance 38 Amendments

Proposed Changes to Ordinance 38

- Incorporates;
 - Ordinance 40 – boating operations and rules
 - Ordinance 41 – tour boat operations
 - Ordinance 42 – invasive species prevention
- Consolidates definitions, violations and appeals
- Revises some text to simplify the document
- Changes language to allow special permitting for commercial activities on the Lake
- Chapter, section and paragraph numbering has not been finalized
- Proposed new language shown in dark red

Proposed Changes to Ordinance 38

- Definition
 - “Commercial activities” - activities involving use of the Lake, other than special events or commercial boat landing operations, which are undertaken for monetary or other good and valuable consideration.
- New Definition
 - “Commercial activities” – means activities involving use of the Lake and shorezone below the high water elevation for gain or profit.

Proposed Changes to Ordinance 38

- Section 2-4.102 Permit Required
 - (a) Commercial activities may be conducted on District property above the high water line of the Lake only pursuant to a permit issued by the District.
- New Section 2-1.102 Permits
 - a) Except boats operated or rented by owners of commercial boat landing licenses or their concessionaires no person shall launch, use, operate or moor a boat on the Lake without a valid Lake Use Permit properly displayed.

Proposed Changes to Ordinance 38

- **Section 2-4.102 Permit**
 - (b) Commercial activities may be conducted on the Lake pursuant to a commercial boat landing permit, or if commercial landings are unable to conduct an activity, pursuant to a permit issued by the District.
- **New Section 2-1.102 Permits**
 - (b) Except for commercial activity conducted by a commercial boat landing operator no person shall conduct commercial activity below the high water elevation without securing a concession agreement from the District.

Proposed Changes to Ordinance 38

- **Section 2-2.103 Permit Application**
 - (a) Any person who desires to obtain a permit for personal use of a boat on the Lake, shall make written application to the District on forms approved for such purpose. No Lake Use Permit shall be issued for commercial use of the Lake, except pursuant to existing contracts.
- **New Section 2-1.103 Applications**
 - (a) A person who desires to obtain a permit for use of a boat on the Lake or who desires to secure a concession for commercial activity shall make written application to the District on forms approved for such use.

Proposed Changes to Ordinance 38

- Section 2-2.103 Permit Application
 - (b) The General Manager shall review each application and shall issue the permit if the application is complete and the boat satisfies District boat standards as set forth in this Code and in compliance with state laws and regulations. If the General Manager recommends denial, no further action shall be taken unless the applicant appeals the decision to the Board.
- New Section 2-1.103 Applications
 - (b) The General Manager shall issue the boat permit if the application is complete and the boat satisfies District boat standards and complies with state laws and regulations.
 - (c) If the General Manager recommends denial of the application, no further action shall be taken unless the applicant appeals the decision to the Board.

Proposed Changes to Ordinance 38

- (d) The Board of Directors shall consider approval of the concession agreement if the application is complete and satisfies District concession policies. No concession agreements for Lake use will be issued before April 1, 2011.

Proposed Changes to Ordinance 38

- Section 2-2.106 Boat Operations
 - Incorporates Ordinance 40
- Section 2-2.106 (w) ...(regarding tour boats)
 - Incorporates Ordinance 41
- Section 2-4.103 Invasive Species Prevention
 - Incorporates Ordinance 42