

# ***MINUTES OF A REGULAR MEETING OF BIG BEAR MUNICIPAL WATER DISTRICT HELD ON THURSDAY, OCTOBER 20, 2011***

## **CALL TO ORDER**

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

## **REPORTS**

General Manager, Scott Heule reported that he attended the California Special District Association meeting last week. He explained that there were several valuable break-out sessions and as a result he has made a list of to-do's and will be bringing some ideas to various committees for discussion over the next several weeks. Mr. Heule reported that he understands that the balance of work to remove the old highway bridge will be completed within two weeks. He explained that Mike Stephenson will hopefully find out tomorrow, during a meeting with Caltrans, what they intend to leave us with as it regards accessing the dam and the outlet works at the bottom of Bay 7. He added that Caltrans continues to work with Division of Safety of Dams to finalize their grouting plan at the left abutment. He commented that the grouting might or might not get done this year. Mr. Heule stated that National Oceanic and Atmospheric Administration (NOAA) reports that the US will experience another La Nina this winter. He explained that this typically results in drier winters for us. He added that they also say that there is a wild card; the erratic Arctic Oscillation that can generate strong shifts in the climate. He reported that if the predictions are correct we can expect colder than typical temperatures but drier weather also.

Lake Manager, Mike Stephenson reported on his trip to Clearlake for the CALMS Conference earlier in the month. He explained that he made a presentation on aquatic weeds. He commented that Big Bear Lake is doing very well. He added that Clearlake has a very serious algae problem explaining that the algae is so severe that a man actually ran across the water on the algae for at least 8 steps. He reported that the trout pond cleanup is moving forward adding that it is looking good. He explained that Ludecke Electric came out and severed the power in some areas where the lines were stapled to trees. Mr. Stephenson reported that Adam Williams and Tyler Cockrell were on *Good Morning Big Bear* yesterday talking about the Quagga Mussel program.

## **APPROVAL OF CONSENT CALENDAR**

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

- Minutes of a Regular Meeting of October 6, 2011
- Warrant list dated October 14, 2011 for \$47,785.03

Director Murphy asked District Counsel to explain Conflict of Interest as it might relate to the Marina Point Shorezone Alteration Application. District Counsel Wayne Lemieux reported that a letter was received claiming that Director Murphy was a member of Friends of Fawnskin

indicating that it might be a conflict of interest. Mr. Lemieux explained that Director Murphy has no financial interest and no conflict of interest exists. He advised that Director Murphy would not have to recuse himself and no action is necessary.

**REVIEW AND DISCUSS PRELIMINARY SHOREZONE ALTERATION PERMIT CONDITIONS OF APPROVAL, MARINA POINT DREDGE PROJECT**

Mr. Heule reported that the Lake Improvement Committee (Directors Suhay & Smith) recommended that the Board review and discuss the preliminary permit conditions and provide direction to Staff. He explained that the Committee came up with 10 Conditions of Approval. He then made a Power Point Presentation highlighting the project and the conditions. He explained that Marina Point Development Associates submitted a shorezone alteration application on September 20, 2011. He added that the proposed work generally includes dredging within and around the old Cluster Pines marina, opening the marina to the lake, and protecting exposed shoreline and jetty slopes from erosion. Mr. Heule reported that the California Environmental Quality Act (CEQA) lead agency for the Marina Point Development project, San Bernardino County, in a letter dated September 27, 2011 stated in part "with the recordation of Tract 12217, the EIR and Final Development Plan for the Marina Point Project remain active adding that this project and all development plans (grading plans, building plans, etc.) shall be prepared and constructed in conformance with the originally approved EIR, Final Development Plan and the Conditions of Approval as approved on December 9, 1991." Mr. Heule explained that District legal counsel advises that the District, as a responsible agency, use the approved EIR and existing District practice to identify conditions of approval in response to the shorezone alteration application. He commented that the conditions of approval have the general intent to document existing and as built bathymetry, define the most appropriate silt curtain alignment and depth, protect lake water quality, provide lake access during construction and accurately reflect public and private property ownership among others. He explained that the Committee proposes the following preliminary conditions be attached to the approval of a shorezone alteration permit that could be considered during the regularly scheduled Board meeting on November 17, 2011:

1. The applicant, Marina Point Development Associates, shall initiate and complete installation of jetty protection on the east jetty within 30 days of approval of the Shorezone Alteration Permit. If this cannot be accomplished, the applicant shall document the reasons for delays to the District.
2. The applicant shall submit current bathymetry mapping prior to initiating any dredging activities. This mapping shall be submitted to the District on paper and in a geo-referenced format compatible with the Districts' electronic mapping software for review and approval prior to initiating any dredging activities.
3. The applicant shall provide bathymetry mapping to document the as built conditions of all new dredge/fill areas extending a minimum of 200 feet from the nearest point above the OHWM. This information shall be submitted to the District on paper and in a geo-referenced format compatible with the Districts' electronic mapping software within 30 days of completing any dredging activities for District review and approval.
4. The applicant shall not initiate any dredging or haul road construction prior to April 15, 2012.

5. The applicant shall install silt curtains of sufficient length to extend at least two feet deeper than the water depth along their proposed alignment. Prior to dredging the owner shall document this condition has been met to the satisfaction of the District.
6. The applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the District for review and approval prior to initiating any disturbance of the lakebed below the OHWM. At a minimum this SWPPP shall identify all best management practices that will be implemented for all activities that directly affect lakebed below the ordinary OHWM and those construction activities that could indirectly affect the quality of water in the Lake. The SWPPP shall also include measures to address the accidental release of any hazardous or toxic material (such as petroleum product spills) that could enter into the Lake. The applicant shall demonstrate that all materials required to implement the SWPPP are in place before initiating construction activities that could degrade water quality of the Lake.
7. The applicant shall submit copies of the following current applicable permits prior to commencement of work at the site
  - a. California Department of Fish and Game Section 1601-1603 permit, and the
  - b. US Army Corps of Engineers Section 404 permit, and the
  - c. Regional Water Quality Control Board permit and the current BMP's imposed by that permit.
8. The applicant shall survey, file and record with the County of San Bernardino property lines on top of the marina jetties that accurately reflect actual post project private and public boundaries.
9. The applicant shall provide accommodation for the owners of Docks 727, 728 and 729 (APN's 0304-151-34, -47, and -48) to access the lake during the course of construction.
10. Secure necessary permits from the appropriate agencies to allow future maintenance dredging within all dredged areas identified in the current shorezone alteration application.

Mr. Heule reported that in addition to any conditions the District might place on the dredge project Order No. 92-3 issued in February 1992 by the Santa Ana Regional Water Quality Control Board establishes waste discharge requirements and a monitoring and reporting program the applicant will have to satisfy during the construction. He explained that while the Waste Discharge Permit remains valid today the applicant will have to perform the dredge project under the most current Best Management Practices defined by the Regional Water Quality Control Board. Director Eminger asked how deep the marina would be. Mr. Heule reported that it will be an elevation of 6,728 feet and therefore will not allow an isolated body of water to occur. Mr. Heule discussed condition #4 explaining that there was a misunderstanding between Tom Dodson and the applicant regarding the April 15, 2012 date of the initiation of dredging or construction. He indicated District regulations prohibit construction between November 30<sup>th</sup> and April 1<sup>st</sup> unless approved by an appropriate agency. He also further discussed condition #9 explaining that the applicant needs to negotiate with the property owners of certain docks that might be impacted by the silt curtain.

Mr. Ken Discenza, Site Design, thanked the Board for allowing him to come before them. He also thanked Mr. Heule for describing the project proposed. He explained that he has questions and concerns regarding several of the conditions of approval. He asked that condition #1 be eliminated because of the numerous permits that need to be obtained within this time frame. He remarked on condition #4 stating that it is acceptable as restated. He stated that his third concern

is condition #10 explaining that they don't have control over getting permits from other agencies asking that this condition be dropped and not be a part of approval. Director Eminger stated that he is concerned about this pristine area and runoff. Director Smith commented that it needs immediate work so it does not cause additional erosion of the jetty on the east side. Mr. Discenza asked if the matter could be addressed any sooner than the meeting of November 17<sup>th</sup> so they can begin construction as soon as possible (maybe at the meeting of November 3<sup>rd</sup>). President Suhay explained that the Committee will meet next week and discuss. Mr. Irv Okovita, applicant, commented that they are intent that the lake will not be polluted explaining that water quality is very important. He added that the project dates back to 1981 when they removed silt and rebuilt the jetties to protect for the future. Mr. J.P. Montero, local business owner and Vice President of Bear Valley Contractors, commented that he supports the Marina Point project. He added that he believes it will increase business to the Fawnskin area and the Big Bear Valley area as a whole. He explained that the owner will hire many locals to work on the project and the marina will bring business to the area. Director Smith asked if the marina will be open to the public. Mr. Montero responded that a commercial marina will have boat rentals, a beach facility, a recreation room, a fuel dock, and will bring customers to the Fawnskin area. Mr. Okovita explained that they have had numerous discussions on the commercial and private options and have not agreed on this as yet but have agreed to discuss it further. Ms. Sandy Steers, Fawnskin resident, thanked staff for the conditions of approval asking that the District not give up any of the conditions. District Counsel Lemieux stated that today is informational only and the Board is now more informed regarding the project adding that no decisions will be made today. Director Eminger commented that if it goes as planned, it is a great project. Director Smith explained that the Committee worked on this for a good number of hours. Director Fashempour stated that she would like to see some decisions made before the meeting of November 17<sup>th</sup>. Director Murphy stated the quicker the better. Mr. Heule reported that he is going to be in Hawaii on the next Board meeting date and trying to put this together for the meeting of the 3<sup>rd</sup> would be very difficult if not impossible. He explained that permits from the other agencies would be difficult to get by then. President Suhay asked if the north east corner had been discussed yet. Mr. Heule stated "not yet". Director Murphy asked if Fish and Game and ACOE could be discussed on the 3<sup>rd</sup> with a final approval on the 17<sup>th</sup>. President Suhay stated that the Committee will meet soon to discuss.

## **PUBLIC FORUM**

No other comments were made

## **ANNOUNCEMENTS**

Mr. Heule reminded the Directors about the educational Environmental Tour around Big Bear Valley scheduled for Monday afternoon asking them to RSVP if they were going to attend. He reported that he and his wife will be on vacation in Hawaii October 27 through November 5<sup>th</sup> reminding that he will be missing the Board meeting on the 3<sup>rd</sup>. He reported that he will be giving a "BBMWD Operations 101" class to a large group of realtors on Monday morning at Snow Summits' Bear Bottom lodge with the objective to educate them about dock privileges, lake rules, private docks, etc. He added that the December 1<sup>st</sup> meeting falls on a day that he and Directors Suhay and Fashempour are at the ACWA conference adding that a decision should be made whether or not to adjourn the meeting due to lack of a quorum.

**DIRECTOR COMMENTS**

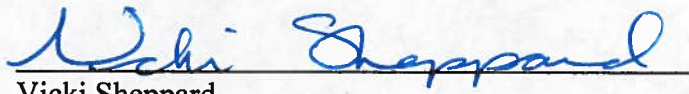
Director Eminger commented that the Lake Improvement Committee did a good job with the Marina Point project consideration.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 1:59 P.M.

**NEXT MEETING**

Open Session at 1:00 P.M.  
Thursday, November 3, 2011  
Big Bear Municipal Water District  
40524 Lakeview Drive, Big Bear Lake, CA



Vicki Sheppard  
Secretary to the Board  
Big Bear Municipal Water District

(SEAL)