

- **Board of Directors**
Engineering, Operations and Real Property Committee
Water Planning, Quality and Resources Committee

September 11, 2001 Board Meeting

REVISED 9-7

Subject

Approve boating policy for Diamond Valley Lake and Lake Skinner

Description

Metropolitan completed construction of Diamond Valley Lake (DVL) to ensure reliable supplies of high-quality water for Southern California and provide more dependable water supplies and critical reserves during a drought, earthquake or other emergency. Citing drinking water quality and public health concerns, Metropolitan's Board of Directors voted on October 13, 1998 to prohibit water skiing, personal watercraft and other body contact activities on DVL. In February 1999, the Board approved a policy that allows boats powered by humans, sail, or electric motor on DVL for fishing and pleasure boating. The policy also states that until such time as methyl tertiary butyl ether (MTBE) is eliminated from the fuel supply, or non-polluting marine engines are available, no gasoline-powered boating will be permitted on DVL. Since the February 1999 Board decision, information has been collected from water utilities that have implemented boating restrictions to reduce MTBE levels. These programs have been successful in protecting water quality while maintaining motorized boating recreation.

In May and June 2001, the Engineering, Operations and Real Property Committee received an oral report from staff on the boating policy for DVL. The report discussed the future ban of MTBE in fuel, the current accessibility of MTBE-free fuel, the availability of California Air Resources Control Board 2001 and later model year emission-compliant engines, and existing boating on Lake Skinner. Based on feedback from the Committee at those meetings, draft rules were presented to the Committee in August for consideration. No action was taken and staff was requested to respond to the Committee with more information on the following:

1. Should two-stroke engines of any type be allowed on DVL?
2. In light of the proposed speed restrictions, should there be limits on the horsepower of engines allowed on DVL?
3. Should the existing Board policy allowing certain recreational boating activities on DVL be revised to require both the use of MTBE-free fuel "and," rather than "or," non-polluting marine engines before gasoline-powered boating will be permitted on DVL?
4. What sanitation plan facilities are necessary and how can water quality integrity be maintained?

In addressing the Committee's request, staff concluded that it would be helpful to have the Board revisit the earlier boating policy. Once the boating policy is clarified, the CEO would coordinate with appropriate agencies, organizations and consumer groups in establishing specific and detailed boating rules and regulations to implement the Board's policy. Based on water quality considerations, staff recommends the following boating policy for DVL and Skinner that allows:

1. Boats powered by humans, sail, or electric motor.
2. Gasoline-powered boats provided that:
 - only MTBE-free fuel is used and
 - engines are four-stroke, two-stroke equipped with direct fuel injection, or two-stroke that comply with the California Air Resources Control Board 2001 or later model year spark-ignition marine engine standard (or US Environmental Protection Agency equivalent).

3. No personal watercraft or other watercraft that result in body contact.

The boating policy for DVL will be effective immediately so as to be in place when boating starts at DVL, projected to be in 2003. The policy would also apply to Lake Skinner beginning December 31, 2003 when the existing lease with Riverside County Regional Park and Open Space District (Parks) expires. Currently, Lake Skinner does not restrict gasoline-powered engines. Permissible non-gasoline-powered watercraft include kayaks, canoes, and rowboats.

Recognizing that a boating policy that prohibits standard two-stroke engines on DVL and Skinner will affect a large portion of the boating public, staff will investigate programs that both protect water quality and make the lakes accessible to boaters. These would include providing a fleet of non-polluting power boats for rental, seeking state assistance for a consumer rebate program for purchase of new non-polluting marine engines, and promotion of commercial electric motor technology for possible future replacement of gasoline-powered boats on California drinking water reservoirs.

Staff is requesting establishment of DVL boating policy at this time for the following reasons:

1. With the current availability of low-emission engines, individuals planning to boat on DVL may use the criteria stated in the boating policy in determining whether or when to replace existing boat engines;
2. Metropolitan anticipates utilizing California Department of Boating and Waterways (DBAW) funds for marina construction. Funding requirements include DBAW approval of the boating rules prior to expending DBAW funds; and
3. This action is intended to result in a consistent boating policy (and eventually boating rules and regulations) for Lake Skinner. Metropolitan is in negotiations with Parks to renew the lease at Lake Skinner. It would be appropriate to notify Parks of possible changes to the existing boating policy at Lake Skinner.

Policy

By Minute Item 43238 (October 13, 1998), the Board of Directors approved a policy allowing recreational activities that involve no body contact with the water in DVL. Additionally, by Minute Item 43403 (February 9, 1999), the Board approved a policy allowing certain recreational boating activities on DVL.

CEQA

Boating Policy for Diamond Valley Lake

This board letter seeks approval of the proposed action, i.e., approve boating rules for Diamond Valley Lake and authorize the Chief Executive Officer to implement, monitor, and modify such rules, as applicable. Although a supplemental environmental impact report (SEIR) will be prepared to evaluate the recreation plan currently in development, the environmental effects of the proposed action have already been contemplated in the previous recreation analysis presented in the Final EIR (FEIR) for the DVL Project (formerly the Eastside Reservoir Project). The FEIR was certified by the Board in October 1991. During that same meeting, the Board also approved the Findings of Fact, the Mitigation Monitoring and Reporting Program, the Statement of Overriding Considerations, and the Project. Subsequent to those actions, additional documentation has been prepared and processed (i.e., Supplemental EIR and Addendum Nos. 1 through 6 to the FEIR). These documents and the previous actions taken by the Board fully comply with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines and, as such, no further CEQA documentation is necessary for the Board to act on the proposed action.

The CEQA determination for both Options #1 and #2 is: Determine that the proposed action has been previously addressed in the certified 1991 FEIR and subsequent environmental documentation for the DVL Project and that no further environmental analysis is required.

Boating Policy for Lake Skinner

This board letter seeks approval of the proposed action, i.e., approve boating rules for Lake Skinner and authorize the Chief Executive Officer to implement, monitor, and modify such rules, as applicable. This proposed action is categorically exempt under the provisions of the California Environmental Quality Act (CEQA). The proposed activity involves boating policies consistent with the normal operations of existing facilities for public gatherings (i.e., recreational uses) for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. As such, the proposed project qualifies under a Class 23 Categorical Exemption (Section 15323 of the State CEQA Guidelines).

The CEQA determination for both Options #1 and #2 is: Determine that pursuant to CEQA, the proposed action qualifies under a Categorical Exemption (Class 23, Section 15323 of the State CEQA Guidelines).

Board Options/Fiscal Impacts

Option # 1

Adopt the CEQA determination and

- a. Approve the boating policy for DVL and Skinner to be effective immediately at DVL and December 31, 2003 at Lake Skinner that allows:
 1. Boats powered by humans, sail, or electric motor
 2. Gasoline-powered boats provided that:
 - only MTBE-free fuel is used and
 - engines are four-stroke, two-stroke equipped with direct fuel injection, or two-stroke that comply with the California Air Resources Control Board 2001 or later model year spark-ignition marine engine standard (or US Environmental Protection Agency equivalent).
 3. No personal watercraft or other watercraft that result in body contact; and
- b. Authorize the CEO to take all steps necessary or appropriate to establish, apply, monitor and modify, as needed, boating rules and regulations at DVL and Skinner that implement the approved boating policy; and further direct the CEO to submit for Board review such boating rules and regulations, and a plan to provide appropriate sanitary facilities at DVL to assure protection of water quality, human health and the environment.

Fiscal Impact: To the extent that the boating policy restricts the number of boats utilizing DVL and Skinner, revenue associated with boating will be diminished by an undetermined amount. The cost of applying and monitoring the boating rules cannot be determined at this time. It is anticipated, however, that applying and monitoring activities and attendant expenses will be the responsibility of the yet-to-be-selected marina operator at no net cost to Metropolitan. If the policy restrictions make a marina operation financially unfeasible, Metropolitan may experience a cost for boating that cannot be determined at this time.

Option #2

Adopt the CEQA determination and

- a. Approve a boating policy for DVL and Skinner that allows boats powered by humans, sail, or electric motor only, but no gasoline-powered watercraft of any type; and
- b. Authorize the CEO to take all steps necessary or appropriate to establish, apply, monitor and modify, as needed, boating rules and regulations at DVL and Skinner that implement the approved boating policy; and further direct the CEO to submit for Board review such boating rules and regulations, and a plan to provide appropriate sanitary facilities at DVL to assure protection of water quality, human health and the environment.

Fiscal Impact: To the extent that the boating policy restricts the number of boats utilizing DVL and Skinner, revenue associated with boating will be diminished by an undetermined amount. The cost of applying and monitoring the boating rules cannot be determined at this time. It is anticipated, however, that applying and monitoring activities and attendant expenses will be the responsibility of the yet-to-be-selected marina

operator at no net cost to Metropolitan. If the policy restrictions make a marina operation financially unfeasible, Metropolitan may experience a cost for boating that cannot be determined at this time.

Option #3

Take no action on the boating policy at this time and direct staff to return to the Board with a proposed boating policy closer to the anticipated summer 2003 opening of DVL for boating.

Fiscal Impact: None

Staff Recommendation

Option #1

Roy L. Wolfe *Date*
Manager, Corporate Resources

Jill T. Wicke *Date*
Manager, Water System Operations

Ronald R. Gastelum *Date*
Chief Executive Officer

BLA #1237