

- **Board of Directors**
Asset, Real Estate and Infrastructure Policy Committee

June 10, 2003 Board Meeting

9-5

Subject

Approve Diamond Valley Lake and Lake Skinner Recreation Area Rules and Regulations

Description

At the May 2002 meeting of the Diamond Valley Recreation Special Committee, staff was directed to proceed with the development of recreation facilities at Diamond Valley Lake to allow limited public-use of the reservoir facility by summer 2003. Construction of Phase I facilities at the Diamond Valley Lake East Marina has been initiated and is on schedule to be completed in time to allow public access to the lake.

At its August 2002 meeting, the Board approved the Boating Rules and Regulations for Diamond Valley Lake and Lake Skinner reservoirs. These boating rules were enacted to establish certain restrictions regarding boating deemed necessary to preserve water quality within the respective reservoirs. Similarly, rules pertaining to the use of the recreation areas surrounding the reservoirs should be considered prior to allowing public access to the facility.

The attached Diamond Valley Lake and Lake Skinner Recreation Area Rules and Regulations (**Attachment 1**) supplement the previously approved boating rules and regulations. Together, the rules will provide the protections necessary to safeguard water quality, security and safety within the reservoirs and surrounding recreation areas.

A provision of the California Health and Safety Code (Code) allows public agencies to establish and enforce rules and regulations necessary for the protection of reservoir facilities. The Code requires that the rules and regulations be published in a newspaper of general circulation and that they be posted at the site. Metropolitan may enter into future contract(s) with other public or private entities for the enforcement of these rules and regulations. Approval of enforcement contracts will be brought to the Board to the extent required under the Administrative Code.

Pending renegotiation of the terms of the existing loan and grant contracts with the California Department of Boating and Waterways, and completion of a financial analysis of revenues and expenses associated with operation of the recreation and marina areas, staff is unable to recommend a final fee schedule for board approval. Until these activities are completed it is recommended that the Board authorize the Chief Executive Officer to establish, and amend as necessary, an interim fee schedule for recreation area and marina usage and return to the Board for final adoption within one year.

Policy

California Health and Safety Code Section 117065

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed actions are not defined as a project under CEQA because they involve continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed actions in question may have a significant effect on the environment, the proposed actions are not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed actions are not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options/Fiscal Impacts

Option #1

Adopt the CEQA determination and

- a. Approve the Diamond Valley Lake and Lake Skinner Recreation Area Rules and Regulations;
- b. Authorize the Chief Executive Officer to adopt an interim user fee schedule; and
- c. Direct staff to perform the necessary public notification of the Rules and Regulations in accordance with the applicable portions of the California Health and Safety Code.

Fiscal Impact: None

Option #2


Take no action on the Rules and Regulations at this time and direct staff to return to the Board with a proposed policy as directed by the Board.

Fiscal Impact: None

Staff Recommendation

Option #1


 _____ 5/15/2003
 Roy L. Wolfe Date
 Manager, Corporate Resources


 _____ 5/20/2003
 Ronald R. Gastelum Date
 Chief Executive Officer

Attachment 1 – Diamond Valley Lake and Lake Skinner Recreation Area Rules and Regulations

BLA #2178

DIAMOND VALLEY LAKE AND LAKE SKINNER RECREATION AREA RULES AND REGULATIONS

The Board of Directors of the Metropolitan Water District of Southern California, a public agency within the State of California, adopts the following rules and regulations applicable to the Diamond Valley Lake (DVL) and Lake Skinner Recreation Area pursuant to California Health & Safety Code section 117060 after finding and determining them necessary:

- to safeguard and protect the water quality of DVL and Lake Skinner, important sources of drinking water for the people of Southern California;
- to protect the health, safety, and security of visitors to DVL and Lake Skinner recreation areas;
- to protect the reservoirs, surrounding lands, and those structures, facilities, and equipment associated with their operation and maintenance; and
- to facilitate public fishing and recreation on the reservoirs and their surrounding land.

As provided by California Health & Safety Code section 117070:

"Any violation of any such rule or regulation lawfully made by the public agency is a misdemeanor. Any judge of a municipal court within any judicial district within which the reservoir lies in whole or in part, or any superior court in a county in which there is no municipal court, shall have jurisdiction of all prosecutions for violations of any rules and regulations adopted by the public agency."

I. Definitions

- 1.01 "Metropolitan" shall mean the Metropolitan Water District of Southern California.
- 1.02 "Recreation Area" shall mean the property owned, controlled, or managed exclusively by Metropolitan including Diamond Valley Lake, Lake Skinner and their surrounding shorelines, those lands adjacent to the lakes, and the trails located on those lands. These Rules and Regulations shall become effective at Lake Skinner at such time those recreational facilities come under Metropolitan's management and control or upon agreement with the County of Riverside regarding enforcement, whichever shall occur first.
- 1.03 "Reservoir" shall mean Diamond Valley Lake, Lake Skinner and their associated waterways including the forebays, canals, aqueducts, streams, drainage courses and constructed facilities.
- 1.04 "Recreation Lake" shall mean a water body, other than Diamond Valley Lake or Lake Skinner, in the Recreation Area designated for recreational use.
- 1.05 These provisions shall collectively be referred to as the "DVL and Lake Skinner Recreation Area Rules and Regulations."

II. Access

It shall be unlawful for any person:

- 2.01 To enter, use, or travel through any area of the Recreation Area that is posted -NO TRESPASSING- in accordance with provisions of the penal code or –

RESTRICTED- by Metropolitan and closed to the public, or to enter upon any area of the Recreation Area except at points specifically designated for entry.

- 2.02 To enter, use, or travel upon any part of the Recreation Area, including the Reservoir, that has been temporarily closed by Metropolitan.
- 2.03 To enter the Recreation Area without payment of any applicable charge or fee, or to fail to properly display the proper permit, or to enter, use, occupy, or otherwise remain in a building, structure, facility, parking area, picnic area, campsite, trail, or other place within the Recreation Area unless the required fee has been paid.
- 2.04 To be within any designated portion of the Recreation Area during any time other than the designated operating hours; or, where no hours are designated, any time between sunset and sunrise.
- 2.05 To use a gate card, entry pass, boating permit, trail permit, or other permit issued to another person for entry and use of the Recreation Area.

III. Sanitation

It shall be unlawful for any person:

- 3.01 To allow pets on any dock or shoreline within 50 feet of the shoreline of the Reservoir or any Recreation Lake.
- 3.02 To bring an injured or diseased animal into the Recreation Area.
- 3.03 To fail to promptly remove from the Recreation Area to an appropriate receptacle, any fecal matter deposited thereon by a dog or any other animal in the person's charge.
- 3.04 To throw, place, or dispose of, any garbage, refuse, waste paper, combustible refuse, or can in any place therein other than into a garbage can or other receptacle maintained for that purpose.
- 3.05 To deposit, place, dispose of, discharge, or allow to enter any waterway within the Recreation Area, any waste matter, or litter, including greywater, except in receptacles or sanitary facilities designated and provided for such use.
- 3.06 To discharge petroleum products from any vessel or vehicle within the Recreation Area.
- 3.07 To use or discharge hazardous materials (as defined by the Health & Safety Code, Section 25500) in the Recreation Area.
- 3.08 To import into and dispose of any waste matter in any manner within the Recreation Area.
- 3.09 To pollute, or in any manner, to contaminate or attempt to pollute or contaminate the Reservoir, Recreation Lake, or other water body within the Recreation Area.
- 3.10 To make bodily contact or permit ones clothing, boots, waders, or other garments to make contact with the reservoir except in designated boat launching areas incidental to launching and retrieving boats.
- 3.11 To stand, sit, float, or wade, with or without waders, in the Reservoir.

- 3.12 To enter the Recreation Area with or ride on any horse that endangers the health or safety of other riders or other Recreation Area users, or to enter with, or ride on, any horse in the Recreation Area other than on a trail designated for equestrian use and in designated trail staging sites.
- 3.13 To ride, drive, lead, or keep any saddled animal in a reckless or negligent manner so as to endanger the life, safety, or property of any person or animal, or to allow the saddle or pack animal to stand unattended or insecurely tied.
- 3.14 To permit any horse or other animal to enter or drink from any water source or waterway, except at designated equestrian watering sites, or go to or be upon any area within the watershed of the Reservoir, Recreation Lake, or any other waterway.

IV. Dangerous Activities

It shall be unlawful for any person:

- 4.01 To drive, chip, or in any other manner play or practice golf, or hit golf balls within the Recreation Area unless the area has been designated for that use.
- 4.02 To operate self-propelled and/or radio controlled model airplanes, boats, automobiles, or other model craft of any kind or description within the Recreation Area.
- 4.03 To hang-glide, parachute, or parasail within the Recreation Area.
- 4.04 To engage in any activity or operate any device recklessly or negligently within the Recreation Area in a manner that endangers any animal or the life, safety, or property of any person.
- 4.05 To possess or discharge any gun, firearm, firecracker, fireworks, rocket, torpedo, paint gun, spear, bow and arrow, fishing bow, crossbow, slingshot, air or gas weapon, or any other dangerous weapon within or into the boundaries of the Recreation Area.
- 4.06 To throw upon, along, or across any public highway or driveway any object capable of causing personal injury or damage to personal property, or to throw any such object at, or toward, or in the vicinity of any vehicle standing or moving along, upon, or across any such highway or driveway.
- 4.07 To smoke on any trail or anywhere within the Recreation Area.
- 4.08 To dive, jump, or purposefully fall from bluffs, cliffs, rocks, or structures within the Recreation Area.

V. Protection of Property and Resources

It shall be unlawful for any person:

- 5.01 To light, build, or maintain any fire within the Recreation Area, except in designated areas and then only in units provided for that use. Only approved fire containers with prescribed clearances may be used in designated areas. Metropolitan, or its representative, may prohibit all fires in the Recreation Area when the California Department of Forestry has determined that an extreme fire hazard exists.

- 5.02 To leave any fire unattended.
- 5.03 To gather wood or other fuel within the Recreation Area.
- 5.04 To disturb, injure, or take any vertebrate or invertebrate animal, or to disturb the habitat of such animal within the Recreation Area, except that fish may be taken in accordance with California State law at reservoirs and in areas designated by Metropolitan as open to the public for that purpose.
- 5.05 To disturb or take any rock, mineral, cultural artifact, or fossil within the Recreation Area.
- 5.06 To disturb, molest, or interfere with livestock or wildlife within the Recreation Area.
- 5.07 To pick, dig, remove, destroy, injure, mutilate, or cut any tree, plant, shrub, bloom, or flower growing within the Recreation Area or to introduce, plant, or relocate any plant onto any part of the Recreation Area without Metropolitan's prior written permission.
- 5.08 To cut, carve, deface, or destroy any object within the Recreation Area or to paint, mark, paste, or fasten upon any object within the Recreation Area, any bill, advertisement, writing, printing, or inscription.
- 5.09 To remove recyclables from any designated recycling station, or to remove water or any other commodity from the Recreation Area.
- 5.10 To allow or cause a horse, cow, bull, or other pack animal, or other livestock to enter, travel through, or occupy any portion of the Recreation Area, including a designated recreation site, except for horses being ridden on a designated trail or being transported by trailer to a designated trail staging site. Unauthorized animals may be impounded under the provision of this section and confined. Metropolitan may assess a reasonable impound fee for such confinement. This fee shall be paid before the impounded animal is returned to its owner.
- 5.11 To release, abandon, or allow the release of, or attempt to release or abandon, any animal within the Recreation Area.
- 5.12 To tamper with, disturb, vandalize, or interfere with the operation of any water supply or water quality monitoring device or equipment located within the Recreation Area.

VI. Vehicles

It shall be unlawful for any person:

- 6.01 To exceed the posted vehicle speed limit.
- 6.02 To drive a vehicle upon any road, trail, path, lawn, landscaped area, thoroughfare, parking space, or other area posted as closed to such vehicle entry.
- 6.03 To park a motor vehicle in any restricted parking zone or other area not designated for parking.
- 6.04 To park longer than the designated time period or to permit a vehicle or person to remain within the Recreation Area beyond the posted closing time.
- 6.05 To park in more than one designated parking space.
- 6.06 To park in front of, or otherwise block an entrance or fire gate in the Recreation Area, or to obstruct the flow of traffic.

- 6.07 To perform any non-emergency vehicle maintenance in the Recreation Area.
- 6.08 For a driver to knowingly permit any person to ride unrestrained within any truck bed or upon any portion of a vehicle not designed for passengers, or on any towed trailer or trailered boat while being transported on any road except that persons may ride in trailered boats while launching on a launch ramp.
- 6.09 To operate any vehicle in the Recreation Area not licensed for use on public roads or to operate any vehicle or bicycle other than on designated roads, trails, or posted parking areas.
- 6.10 To operate any bicycle, skateboard, roller skates, roller blades, or similar conveyance in a negligent, unsafe, or reckless manner, or in any way that endangers the life, safety, or property of any person, or in violation of any posted regulatory signs.

VII. Trails

It shall be unlawful for any person:

- 7.01 To enter, use or travel upon any trail within the Recreation Area in violation of any posted use restriction.
- 7.02 To enter any designated trail except from staging areas or designated entry points.
- 7.03 To enter any designated trail with any horse that threatens the health and safety of any rider or Recreation Area user.
- 7.04 To enter or to remain upon any designated trail outside of posted public access hours; or, if no hours are posted, between 1/2 hour after sunset and 1/2 hour before sunrise, without written permission from Metropolitan.
- 7.05 To fail to stay within designated trails, or to leave trail gates open.

VIII. Hunting

It shall be unlawful for any person:

- 8.01 To hunt within the Recreation Area.

IX. Fishing

It shall be unlawful for any person:

- 9.01 To fish from any location other than a boat, designated fishing dock, pier, platform, or fishing beach.
- 9.02 Over the age of 16 to fish in any location in the Recreation Area without possession of a valid California Fishing License.
- 9.03 To possess or use any live bait not specifically approved by the State Department of Fish and Game.
- 9.04 To possess or use as bait any dead aquatic species, amphibian, or reptile.

- 9.05 To fish within fifty yards of a fish planting truck while planting fish and for one half hour after said plant.
- 9.06 To discard any game fish within the Recreation Area.
- 9.07 To fish, jump, dive, or swim from floating restrooms, marina, or launching docks.

X. General Nuisance

It shall be unlawful for any person:

- 10.01 To use or operate any radio, musical instrument, phonograph, CD player, television set, public address system, generator, or other machine in such a manner as to disturb the peace, quiet, and comfort of any Recreation Area user or any reasonable person of normal sensitivity.
- 10.02 To land or take off in any aircraft in the Recreation Area without Metropolitan's prior written permission except in the case of an emergency forced landing.
- 10.03 To operate or cause to be operated, any aircraft or ultralight over the Recreation Area at an altitude of less than 1,500 feet.
- 10.04 To use a portable generator without the prior written permission of Metropolitan.
- 10.05 To bring into, or possess, any dog or other pet in the Recreation Area unless the animal is leashed and controlled at all times by its owner or custodian.
- 10.06 To disturb the peace and quiet therein by any undue loud or unusual noise, or by tooting, blowing, or sounding any automobile siren, horn, signal, or any noise-making device, or by any tumultuous conduct.

XI. Commercial Use

It shall be unlawful for any person:

- 11.01 To sell or offer to sell, or to engage in the business of soliciting, selling, or peddling any food, beverage, goods, wares, merchandise or service within the Recreation Area without Metropolitan's prior written permission.
- 11.02 To take a commercial photograph, moving picture, or video within the Recreation Area without the prior written permission of Metropolitan.

XII. Administration

- 12.01 These Rules and Regulations shall not apply to employees, officers, directors, agents, and concessionaires of Metropolitan acting within the course and scope of their authorized duties. At Metropolitan's sole discretion, some Rules and Regulations may be temporarily suspended or waived during Metropolitan sponsored or sanctioned special events.
- 12.02 Although California Health and Safety Code section 117070 provides that every violation of the Rules and Regulations included herein is a misdemeanor, it is the intention of the Board of Directors that such violations be treated as lesser included offenses and be punishable as infractions in the manner set forth in the

bail schedule attached hereto. Therefore, in accordance with the provisions of Section 12.03 below, should any challenge be brought to the prosecution of any offense as an infraction, the offense shall thereupon be treated as a misdemeanor as provided by Health and Safety Code section 117070.

- 12.03 If any provision of these Rules and Regulations, or any part thereof, is for any reason held to be ultra vires, invalid, or unconstitutional, the remaining provisions of these Rules and Regulations shall not be affected, but shall remain in full force and effect, and to this end the provisions of this ordinance are severable.
- 12.04 These Rules and Regulations shall not impair any authorized law enforcement officer from citing an individual for a violation, or violations, of the California Penal Code or any other applicable local, state or federal statute.
- 12.05 Established bail amounts shall be doubled for persons violating any adopted provision of these Rules and Regulations a second time within a twelve-month period and tripled for any third, or subsequent, violation within twelve months.

XIII. Boating

It shall be unlawful for any person:

- 13.01 To violate the Boating Rules and Regulations for Diamond Valley Lake and Lake Skinner, attached and incorporated herein by reference, as approved by Metropolitan's Board of Directors.

**DIAMOND VALLEY LAKE RECREATION AREA
RULES AND REGULATIONS
BAIL SCHEDULE**

RULE / REGULATION	BAIL AMOUNT	RULE / REGULATION	BAIL AMOUNT
2.01	\$75	5.09	\$75
2.02	\$75	5.10	\$75
2.03	\$75	5.11	\$75
2.04	\$75	5.12	\$100
2.05	\$75	6.01	\$75
3.01	\$75	6.02	\$75
3.02	\$75	6.03	\$75
3.03	\$75	6.04	\$50
3.04	\$75	6.05	\$50
3.05	\$75	6.06	\$75
3.06	\$100	6.07	\$50
3.07	\$100	6.08	\$75
3.08	\$100	6.09	\$75
3.09	\$100	6.10	\$50
3.10	\$100	7.01	\$50
3.11	\$100	7.02	\$50
3.12	\$75	7.03	\$75
3.13	\$75	7.04	\$75
3.14	\$100	7.05	\$75
4.01	\$50	8.01	\$75
4.02	\$50	9.01	\$75
4.03	\$75	9.02	\$75
4.04	\$75	9.03	\$75
4.05	\$100	9.04	\$75
4.06	\$75	9.05	\$75
4.07	\$75	9.06	\$75
4.08	\$75	9.07	\$75
5.01	\$100	10.01	\$50
5.02	\$100	10.02	\$100
5.03	\$50	10.03	\$100
5.04	\$50	10.04	\$50
5.05	\$50	10.05	\$50
5.06	\$50	10.06	\$50
5.07	\$50	11.01	\$50
5.08	\$75	11.02	\$50
13.01 Violation of any adopted Boating Rule or Regulation	\$75		