

SUBJECT: Declaration of Malibou Lake as a TNW (SPL-2004-284-KW)

Malibou Lake is located at the confluence of Triunfo Creek and Medea Creek in the Santa Monica Mountains, approximately 2 miles south of the city of Agoura, Los Angeles County, California (34-06-30.75/-118-45-21.40, elevation 718 ft msl). The lake was constructed as part of the Malibou Lake Country Club in 1922 by the construction of the dam at the confluence of Triunfo and Medea Creek<sup>1</sup>. The lake is 43 acres in size, 5 feet deep, and has an average volume of 215 acre-feet. The lake outlets into Malibu Creek which in turn flows approximately 8.5 miles and terminates at the Pacific Ocean. The lake is accessible via Mulholland Highway located approximately 800 feet north of the lake.

Malibou Lake is a privately owned lake. Fees associated with boating are included in the monthly membership dues paid by club members. However, boating is available to the public with approval and supervision. For example, Boy Scouts of America, Heal the Bay, rescue groups, film studios, and television studios have made use of boating available at the lake<sup>2</sup>.

The lake supports a number of water related activities such as boating, canoeing, sailing, paddle boating, and swimming. With respect to boating, Malibou Lake has approximately 130 boat docks and 1 boat ramp<sup>3</sup>. The lake averages approximately 6 boats per day during the summer, and 3 during the winter<sup>4</sup>. The maximum boat size allowed is 18 feet. There are no concession areas on site where boating related supplies could be purchased.

In sum, Malibou Lake is a private lake and is easily accessed by Mulholland Highway. Public use of the lake is allowed with prior authorization and supervision. Furthermore, physical parameters of the waterbody (43 acres in size and 5 feet in depth), and current infrastructure (130 boat docks and 1 boat ramp) support year-round boating. Based on above, and pursuant to 33 CFR Part

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<sup>1</sup> <http://www.maliboulake.com/contact/history.html>

<sup>2</sup> Electronic mail received from Greg McGowan on June 5, 2008.

<sup>3</sup> *Ibid*

<sup>4</sup> *Ibid*

328.3(a)(1), the Corps determines the lake to be a Traditional Navigable Water (TNW).

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